

IUCN COMMISSION ON ENVIRONMENTAL, ECONOMIC AND SOCIAL POLICY

Policy Matters

**SPECIAL ISSUE ON ENVIRONMENTAL
DEFENDERS**

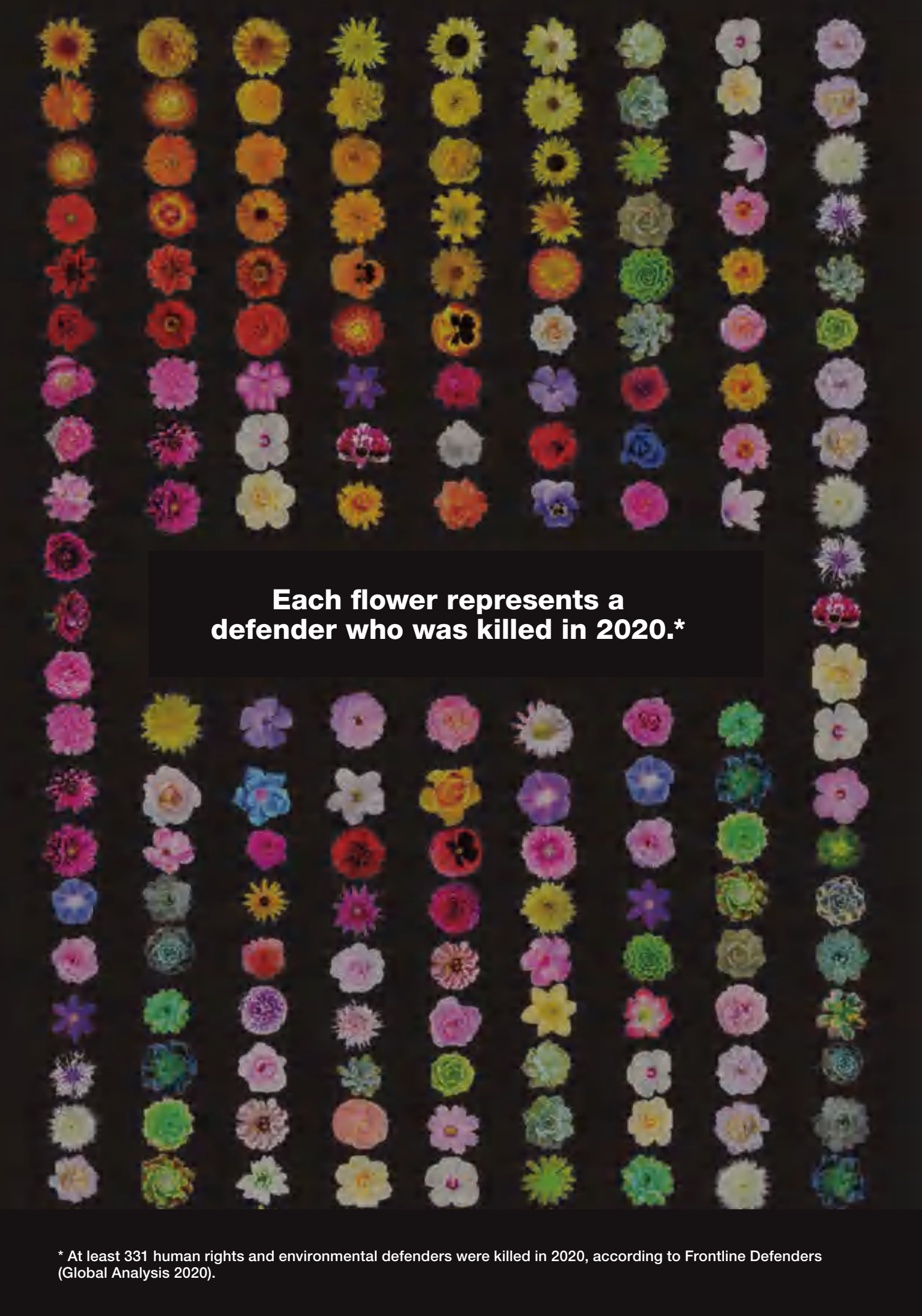
SEPTEMBER 2021

VOLUME I

**DEFENDERS AND
THE MANY FACES
OF REPRESSION**



CEESP
Commission on Environmental,
Economic and Social Policy



**Each flower represents a
defender who was killed in 2020.***

* At least 331 human rights and environmental defenders were killed in 2020, according to Frontline Defenders (Global Analysis 2020).



We would like to acknowledge their sacrifice and the ongoing work of environmental defenders everywhere, and commit to creating a world where no one is persecuted, criminalised or killed in defense of nature.



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POLICY MATTERS is published to encourage in-depth research and analysis into issues within the wide spectrum of topics included in the Commission's mandate. The mandate is agreed on by IUCN Member organisations every four years. The CEESP mandate for 2021–2024 includes work in the following areas: health and well-being, rights-based approaches, environmental human rights defenders, people and nature, effective and equitable governance, gender equality in conservation, culture, equity and heritage, environment and peace, diverse values of nature, nature and economics, people and oceans, among many others. The Commission seeks to contribute to the IUCN mission by generating and disseminating knowledge, mobilising influence, and promoting actions to harmonise the conservation of nature with critical social, cultural, environmental, and economic justice concerns of human societies. Each edition of Policy Matters addresses a specific theme, appointing an editorial board and peer reviewers based on their expertise in the subject matter. The CEESP Chair, Kristen Walker Painemilla, and the CEESP Steering Committee have overall responsibility for each edition. Editorial Team Members for this 22nd Edition are: Ameyali Ramos (IUCN CEESP); Philippe Le Billon (University of British Columbia); Caroline Seagle (IUCN CEESP); Masego Madzwamuse (IUCN CEESP); Kristen Walker Painemilla (IUCN CEESP); Iryna Petriv (Independent Consultant); and Liliana Jauregui (IUCN Netherlands).

About the Commission on Environmental, Economic and Social Policy (CEESP)

CEESP is a unique network of approximately 1,500 volunteers representing disciplines from biology and anthropology, economics and law, to culture and Indigenous peoples – among many others. Our work represents the crossroads of conservation and development. CEESP contributes to the IUCN Mission by providing insights and expertise and promoting policies and action to harmonise the conservation of nature with the crucial socio-economic and cultural concerns of human communities – such as livelihoods, human rights and responsibilities, human development, security, equity, and the fair and effective governance of natural resources. CEESP's natural and social scientists, environmental and economic policy experts, and practitioners in community-based conservation provide IUCN with critical resources to meet the challenges of 21st century nature and natural resource conservation and the goal of shaping a sustainable future.

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Photo credits: Cover photo: Berta Cáceres, co-founder of the Council of Popular and Indigenous Organizations of Honduras (COPINH) and winner of the 2015 Goldman Environmental Prize, led the Lenca movement to stop the construction of the Agua Zarca Dam on the Galcarque River. In 2016, the Indigenous leader and nature defender was assassinated in her home on orders of the dam company (Text by Manuela Picq)/© *UN Environment*. **Background photo:** Rio Cangrejal River in Pico Bonito National Park, Honduras/*Adobe Stock*.

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“...Tomo esta tierra que pertenece a mis abuelos”

por Rosa Chávez

**Tomo esta tierra que pertenece a mis abuelos,
 tomo este pedazo que pertenece al planeta
 tomo esta tierra que yace bajo mis pies
 tomo este pedazo saturado de silencio
 tomo esta tierra sin agua, sin sendero,
 tomo este pedazo y me instalo
 tomo esta tierra y le asiento cimientos
 tomo esta tierra y la defiendo con mi cuerpo
 tomo esta tierra y la curo de sus enfermedades
 tomo esta tierra y le pido a sus espíritus
 tomo esta tierra y la siembro con las uñas y los dientes
 tomo esta tierra y me alimento de ella
 y así mi espíritu y mis órganos y mis hijos y mi pueblo,
 tomo este pedazo, me instalo en esta tierra
 que nos pertenecía aún antes de nacer.**

Rosa Chávez is a Maya K'iche' Kaqchiquel woman, poet, artist and educator. For her, naming her identity is an important way of recognising her ancestors as well as her present. She has published five poetry books, including *Piedra ab'aj* (Editorial Cultura Guatemala/Editorial Casa de poesía, 2009). Rosa has ventured into theatre, performance, video and sound experimentation. Her work has been widely anthologised and translated into different languages. Rosa focuses her energy and experiences working with women, communities and movements that defend land, bodies and territories.

“...I take this land that belongs to my grandparents”

by Rosa Chávez

**I take this land that belongs to my grandparents,
I take this piece that belongs to the earth
I take this land that springs beneath my feet
I take this piece to the brim of silence
I take this land with neither water nor path,
I take this piece and I take root
I take this piece and ground its foundations
I take this land and defend it with my body
I take this land and cure it of its plagues
I take this land and ask from its spirits
I take this land and sow it with nails and teeth
I take this land that nourishes me
And so do my spirit and my organs and my children and my people,
I take this piece, I take root on this land
That belonged to us even before we were born.**

Members of the Waorani Nation travelled from their territories in Amazonia to the Constitutional Court in Quito to sue the State of Ecuador for failing rights to consultation and consent. Alicia Cawija, a leader from the Association of Waorani Women from Ecuador's Amazon (AMWAE) and Confederation of Indigenous Nationalities of Ecuador (CONAIE), stands with other Waorani women outside the court by a banner stating “without consent there is no consultation”. (Quito, Ecuador, February 2020)

PHOTO: MANUELA L. PICQ



Preface

This special issue of *Policy Matters* – an open-access, peer-reviewed journal edited by the IUCN Commission on Environmental, Economic and Social Policy (CEESP) – features the stories and voices of environmental defenders across the globe. In 2019, before the COVID epidemic shook the world, members of CEESP came together to begin developing this special issue, which evolved into a landmark, three-volume series with an interdisciplinary mix of academic articles, poetry, music, art, videos and photos.

The motivation for devoting an entire issue of *Policy Matters* to the topic of environmental defenders is clear. Global Witness (2020) reports that environmental defenders are being murdered at record numbers globally, with almost four defenders – defending their customs, territories, human rights, and environmental health – killed per week. John Knox, UN Special Rapporteur on Human Rights and the Environment, noted that “[t]here is now an overwhelming incentive to wreck the environment for economic reasons. The people most at risk are people who are already marginalized and excluded from politics and judicial redress, and are dependent on the environment [...]. Everywhere in the world, defenders are facing threats. There is an epidemic now, a culture of impunity, a sense that anyone can kill environmental defenders without repercussions”. Mining, agribusiness, illegal logging, and even conservation are among the mega-projects threatening environmental defenders and their territories. Land claims are often swept aside to pave the way for controversial ‘development’ projects that increasingly have the ‘green’ stamp of approval.

At the same time, there is growing evidence about the outsized role that Indigenous peoples and local communities – many of whom are environmental defenders – play in the governance and conservation of the world’s biodiversity and nature.¹ At the IUCN World Conservation Congress members will have the opportunity to debate, discuss and support Motion 039, on “protecting environmental human and peoples’ rights defenders and whistle-blowers”.² As such, it is crucial that the conservation community takes a stand on the dire situation of environmental defenders worldwide and recognises and upholds their rights. Our goal with this issue is to provide a broad and diverse perspective on the current reality of the struggle of environmental defenders, stressing the urgent need to change the mindset of the conservation community and spread awareness of these issues, hopefully resulting in practices that are at the same time respectful of Indigenous peoples and local communities and more effective at nature conservation itself.

Each of the three volumes within this *Special Issue* contains contributions from academic scholars, activists, community groups, and artists dealing with the complex struggles of Indigenous land rights and environmental conservation – focusing specifically on environmental defenders themselves. Contributions are mostly in English, with some multilingual (English, French, Spanish, Zulu) contributions (poems, songs). We’ve tried to give voice to the regions of the world where defenders are the most at risk.

The editors would like to extend deep thanks to Diwata Hunziker, who did the design and layout, and without whose help we would never have made it to the finish line. We also would like to thank Nnimmo Bassey for his profound insights and guidance throughout the process, and Tanya Ninganga, from Southern Africa Trust, for her incredible work in the review stages. A great thanks to Manuela Picq, for her passion for the topic, invaluable pointers on the content, contribution of photos, and help with the texts and translations included in this issue. We would also like to thank Ana V. Mandri, Sean Southey, the IUCN Commission on Education and Communication (IUCN CEC), and the team at Zamia media for their invaluable support with communications and strategy. To all the authors and artists who authored the content for this publication, we thank you for your contribution to this issue of *Policy Matters*.

We would also like to acknowledge each and every defender who day after day put their lives in peril in the defence of nature and their community. We hope that this special issue brings awareness to their plights and their struggles and serves as a catalyst for transformative action.

On behalf of the Editorial Team:



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Buttress roots of tropical tree in the jungle, 2020.

PHOTO: TOMÁŠ MALÍK



Aerial view of indigenous village in the Canaima National Park, Venezuela.

PHOTO: ADOBE STOCK/DOUGLAS

Introduction

Defending environmental defenders: an imperative for the conservation community

Philippe Le Billon^{a)} and Ameyali Ramos^{b)}

On 10 March 2018, the International Union for Conservation of Nature (IUCN) expressed its strong condemnation and grave concern at reports that UN Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz was being tagged as a ‘terrorist’ by her Government in retaliation for her support of Indigenous peoples’ rights. Calling the move “deeply disturbing”, IUCN Director General Inger Andersen expressed IUCN’s dismay “that the Philippine Government could target a globally respected voice and spokesperson for [I]ndigenous peoples’ rights with malicious, unfounded and downright dangerous accusations” (IUCN, 2018). These accusations came after Ms Tauli-Corpuz, along with the Special Rapporteur on Internally Displaced People, Cecilia Jimenez-Damary, expressed their fears that Philippine armed forces had forcibly displaced and allegedly killed Indigenous people “based on unfounded suspicions that Lumads are involved with militant groups or in view of their resistance to mining activities on their ancestral lands” (OHCHR, 2017).

The Philippines is among the most dangerous countries in the world for environmental and land defenders, defined by the UN as individuals and groups taking “peaceful action to protect environmental or land rights, whether in their own personal capacity or professionally”. Global Witness documented 43 murders in 2019, the second highest number of killings of any country in the world that year. Despite electoral promises of safeguarding rural and Indigenous communities, tackling corruption, and protecting the environment, President Duterte allowed mining, agribusiness, logging and coal plants to drive attacks against defenders (Global Witness, 2019). The violence experienced by defenders in the Philippines is shared across many other countries.

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Around 2,000 defenders have been killed in 57 countries between 2002 and 2019, the vast majority of them in Brazil, Colombia, Honduras, Mexico, Peru and the Philippines, although this number is without a doubt an underestimation. Countless more defenders have suffered from defamation, threats, criminalisation, and other forms of repression (Le Billon & Lujala, 2020).

Despite growing documentation of the positive impacts of Indigenous and local community conservation efforts (ICCA Consortium, 2021; Fa et al., 2020; Garnett et al., 2018; O’Bryan et al., 2020), the links between threats against defenders and risks to conservation objectives often go unrecognised or remain poorly documented (Bille Larsen et al., 2020). Indigenous peoples and local communities often face overlapping political, economic and conservation interests seeking to either protect or exploit nature within their lands and territories (ICCA Consortium, 2021). Public and private conservation actors have not adequately implemented existing rights-based commitments, while genuine recognition of and tangible support for Indigenous peoples’ and local communities’ rights and roles in conservation are still relatively marginal (Tauli-Corpuz et al., 2020).

Two decades ago, the IUCN World Conservation Congress in Amman passed Resolution 2.37 to express its “support for environmental defenders”. Echoing the Aarhus Convention and the UN Declaration on Human Rights Defenders passed in 1998, Resolution 2.37 recognised the importance of grassroots environmental organising and action, the threats defenders face, and the need for the Director General to “speak out publicly and forcefully” against their harassment or persecution, while requesting the IUCN Council to publish the names of communities and individuals under threat. For the 2021 World Conservation Congress in Marseille, IUCN Members, Commission members and the IUCN Council have submitted a motion to respond to the growing crisis faced by environmental human rights defenders everywhere.² The motion calls for a far more concerted action from IUCN, in terms of both policy and action, and across IUCN programs and regions. The IUCN Commission on Environment, Economic and Social Policy (CEESP) has been supporting the process and has also been working to raise awareness and encourage action within IUCN and the wider conservation community, including through the publication of this Special Issue. While there have been some positive changes in IUCN and the conservation community, much more still needs to be done.

So far, most of the mobilisation around environmental defenders has come from organisations with a human rights or environmental human rights focus, including UN Special Rapporteurs (Tauli-Corpuz, Michel Forst, John Knox, David Boyd and Mary Lawlor); campaigning organisation seeking to end environmental and human rights abuses, such as Global Witness (Alley, 2021); and movement organisations and allied civil society advocating for Indigenous peoples and local communities, like the ICCA Consortium, Forest Peoples Programme and Natural Justice, among others. If conservation organisations have not been entirely silent about environmental and land defenders, much of their focus has been on ecologists, wildlife conservationists, and park wardens killed ‘in the line of duty’.

The murders of Homero Gómez González and Raúl Hernández Romero near the Monarch Butterfly Biosphere Reserve (Mexico) in January 2020 by illegal loggers caused a major outrage among the conservation community (Böhm et al., 2020), as did the execution of elephant conservationist Wayne Lotter in Tanzania in 2017 (Global Initiative, 2020). The Thin Green Line Foundation (2020) reported the death of 1,175 rangers between 2009 and 2020, mostly in Asia (48%) and Africa (36%), many as a result of accidents, but also violent skirmishes with ‘poachers’ and ‘rebel groups’. While such focus is warranted, it risks overlooking several key issues for the conservation community to consider.

The first is that Indigenous peoples and local communities play an outsized role in the governance, conservation and sustainable use of the world’s biodiversity and nature (ICCA Consortium, 2021). They are at the frontlines of resisting ‘development’ schemes (Díaz et al., 2020), and the main industrial drivers of biodiversity loss and climate breakdown, some of which are (indirectly) supported by conservation organisations (Le Billon, 2021). This points to the need for the conservation community to embed and uphold human rights in all conservation endeavours and to better support and integrate conciliatory or co-existence solutions to the biodiversity crisis. It also suggests that conservation organisations need be more committed in their approach to reverse systemic negative global environmental change by strategically promoting more sustainable forms of ‘development’, rather than simply tactically allying themselves with major fossil fuel or agro-industrial companies for the sake of protecting particular areas or species, or simply raise funds and gain access to power holders (Menton & Gilbert, this volume; Sonter et al., 2018).

The second is that some conservation policies and practices are themselves a source of persecution of local environmental and land defenders, including rural and Indigenous communities affected by conservation-driven forced displacement and drastic rules undermining access to natural resources, culturally-significant areas, and ecosystem services (Newing & Perram, 2019; Singleton et al., 2019; Tauli-Corpuz et al., 2020; Witter & Satterfield, 2019; ICCA Consortium, 2021). This is tied to a broader discussion around power in the conservation sector and resulting tensions around conservation projects. Power-holders are often the ones who make critical decisions – for example defining who is a ‘poacher’ and who is a ‘defender’ – and develop policies, laws and enforcement measures on these decisions and distinctions.

Although there is growing attention to this tension in the conservation community, as seen with the creation of the Conservation Initiative on Human Rights and with the growing pressure for increased accountability for conservation organisations, there continue to be calls for a rapid expansion of areas under strict conservation rules; the growing militarisation of conservation practices represent major concerns to be addressed for effective rights-based conservation outcomes. As several studies have pointed out (Duffy et al., 2019), the militarisation of conservation is conducive to many human rights abuses, and its overall effectiveness is questionable, especially when it focuses on ‘petty poachers’ without tackling the upper-echelons of wildlife trafficking and mass consumption – as well as wildlife products hoarding and speculation – in China (Zhu & Zhu, 2020) and other countries such as Thailand and Vietnam (Brown, 2017).

The third key issue is that the conservation community needs to also address the industrial drivers of biodiversity loss. A major blind-spot for many conservation interventions is that they neglect or ignore the broader pressures and deeper reasons that motivate people to use natural resources in a particular way. Indigenous peoples and local communities are on the frontlines of resisting the main industrial drivers of global biodiversity loss and they often face retribution and violence for doing so. According to a recent report by the ICCA Consortium (2021), “at least 16% of the estimated extent of territories and areas conserved by [I]ndigenous peoples and local communities faces high exposure to potential future ‘development’ pressure from industrial, commodity and extractive-based sectors”. If conservation efforts fail to address the drivers of biodiversity loss, the violence and pressure that Indigenous peoples and local communities face will very likely increase.

In light of these points, the conservation community needs to consolidate its role as a ‘defender of defenders’, that is: protecting rural and Indigenous communities who sustain biodiversity rich socio-environmental systems through their traditional governance, management, practices and struggles. Several recommendations have been made in this regard (Khanna & Le Billon, this volume; Springer et al., 2011). These include promoting and respecting the rights of defenders and their communities, including respect for their Free, Prior and Informed Consent; pursuing ‘convivial’ or ‘co-existence’ approaches to conservation; supporting defenders struggles for collective tenure and secure access to natural resources, such as Indigenous communities conservation areas (ICCAs) and other forms of high-biodiversity ‘working landscapes’ that support rural communities; helping build the capacity of defenders to defend themselves and hold duty bearers and perpetrators of abuses to account; and implementing rights-based programmes and conflict-resolution mechanisms.

This volume does not claim to comprehensively address all that the conservation community needs to do to ‘defend defenders’; rather it seeks to weave together an array of contributions, ranging from poems, videos, analysis, and academic pieces that, we hope, will help raise awareness, inspire, and further motivate individuals and organisations within the conservation community to enact change and reflect on current practices.

Volume I – Defenders and the many faces of repression

The first volume of this Policy Matters special issue highlights the struggles, pains and successes of some environmental and land defenders around the world.

We open with **Rosa Chávez**, a Maya Kiche’ Kaqchiquel woman, poet, artist and educator who speaks about the deep interrelationship between Indigenous peoples and their lands and territories in the poem “I take this land”. Through her poem, she illustrates that for many Indigenous peoples and local communities defending the land is equivalent to defending their bodies, and that taking care of the land around us is a responsibility that “belonged to us even before we were born”.

Following is an ethnographic account by **Wolfram Dressler** on the ‘everyday’ struggles of environmental defenders in Palawan Island, the Philippines. With intensifying land grabbing, extractivism, illegal logging and fishing, the frontier island of Palawan has also experienced a ‘new’ surge in defender deaths, harassment and intimidation. At least five defenders have died in the last three years and many others face harassment and physical threats to their lives and livelihoods. This article offers readers a window into environmental defenders’ lived experiences and narratives of survival that emerged before and during Duterte’s era of authoritarian rule. Drawing on publicly known cases of defender harassment and deaths, Dressler describes the emergence of the rural poor on Palawan as activists, the role of NGOs in the process and how defenders negotiate activism with everyday life and livelihood on Palawan Island.

Continuing the focus on the Philippines, **Jose Leon A. Dulce et al.** provide a critical account of the ‘war of plunder’ against environmental defenders that has taken place in the Philippines in recent years. They recount how at least 19,498 environmental defenders were subjected to a wide range of human rights abuses under the Duterte administration, seeking to assess the threat this poses to the 6.2 million hectares of critical landscapes and seascapes under the protection of defenders from extractive and destructive interests. They point out that extractive projects that grab lands and resources, violently displacing affected communities, instigate the most attacks against defenders; among these, mining and agribusiness are the main drivers of human rights violations. They argue that Duterte’s authoritarian measures functioned as an ‘investment guarantee’ for these development’ projects, while Duterte’s Oplan Kapayapaan counter insurgency plan set a priority for the Armed Forces of the Philippines “to provide security to vital installations and infrastructure, critical investments, and development projects”. Dulce et al. argue that this internal security protocol coincides with government policies that promote natural resource plunder at the expense of people’s livelihood, rights, welfare, and the environment, such as the Mining Act of 1995 and the Administrative Order No. 1, among others.

A poem by **Nnimmo Bassey**, called “Return to Being” tells of the destructive actions and decisions that humans make and of Mother Earth’s concern for the “children she has spawned”. Bassey takes us on a journey of self-reflection to decide whether we are “too far gone to hear” as we watch our “trees metamorphose into carbon sinks” while our “commons are enclosed”. The poem ends with Mother Earth awakening, embracing her visible and invisible children, and “finally humans return to being”.

The following two articles cast light on environmental defenders in India. First, **Ritu Dhingra** traces some of the history of environmental defenders in India, focusing on ‘tree hugging’ movements dating back to at least 1730. Most well-known of these is the Chipko movement in the 1970s, and more recently, movements opposing ecological violence on local and Indigenous lands in India have become more popular. **R. J. Rao** and **Yogesh Singh** then provide a brief account of the violence associated with mafia-like control of sand mining and its impacts on riverine biodiversity and local communities in Madhya Pradesh, a large state in Central India. They highlight how some police forces and

other government officials are part of shadowy networks enabling years of unsustainable sand mining, while others have fallen victim when trying to stop the profitable rampage. They detail the tragic deaths of environmental defenders standing up against sand mining operations in India.

With a reminder of the interconnectedness between people and land, we turn to neighbouring Sri Lanka, where **Amal Dissanayaka et al.** seek to understand how traditional farmers in Moneragala District went from being perceived as environmental defenders to ‘wildlife destroyers’. Their study points to the role of both agro-industrial development and conservation as a double squeeze, leaving almost no room for manoeuvre for these farmers. Cornered by protected areas and large scale plantations, traditional farmers could not afford to set aside fields to feed wildlife, particularly elephants. As a result, damaging Human-Elephant Conflict (HEC) intensified and prevailed over coexistence, with higher numbers of human and elephant deaths, as well as agricultural and property damages. Dissanayaka et al. conclude that restructuring of commercial projects is necessary to protect wildlife habitats and minimise aggressiveness against environmental defenders.

As the title of this section makes clear, repression takes many faces. One of them is the instrumentalisation of the legal and juridical apparatus for the purpose of intimidating defenders and making their work more difficult through criminalisation. In **Agung Wardana’s** piece, on the use of strategic litigation against public participation (SLAPP) against defenders in Indonesia, the author argues that environmental defenders have faced threats or been subject to criminal charges and civil lawsuits for exposing environmental destruction related to extractive projects and advocating for environmental rights. By prosecuting defenders, such courts clearly seek to protect the interests of the oligarchy over those of the environment.

A fable by **Kuumba Arts Trust** called, “When the Hyenas Came” illustrates the often difficult and conflictual relationship between extractive companies and Indigenous peoples and local communities, and how communities at the frontlines of resisting mining projects are often not properly consulted or informed about the environmental and social impacts. In this case, local communities are faced with a mining megagiant: multinational miner Rio Tinto (also operating all over the world, including in Madagascar). The fable also alludes to the retribution and violence communities often face when speaking up and demanding their rights.

It is essential that “When the Hyenas Came” is accompanied by the audio piece by **John Kinnaird** (“Eiffel Flats”) which is a stark, honest oral testimony of the impacts of the mining project on the social and environmental life worlds of the area, including blasts (flying rocks and tires), cracked houses, poor compensation by Rio Tinto, among other things. As Kinnaird says, “The situation is just terrible”.

Looking at infrastructure projects, in part tied to resource extraction, **Habiba Fora** discusses the impacts of the LAPSET transport corridor project, located between

Uganda, Sudan, and the port of Lamu in northern Kenya, on pastoralists. While the project might bring potential economic benefits to marginalised communities, it also brings serious environmental challenges to pastoralist communities living in the epicentre of the project, including negative impacts on the environment, livelihoods and culture. To ensure they are not left behind, local communities have been finding some successful ways to fight off and balance economic development and environmental degradation.

Latin America is by far the most deadly region for defenders. Yet, Bolivia and Ecuador are often seen as relative exceptions, due to their nominally progressive regimes. Looking at the case of Bolivia, between 2006 and 2019, **Marco Octavio Ribera Arismendi** argues that the regime of Evo Morales was often misinterpreted. While many external commentators saw, in Evo Morales, a champion of the Indigenous peoples cause, Ribera Arismendi accuses the charismatic leader of undermining the arduous formation process of Indigenous peoples organisations in Bolivia that begun in the 1970s. Rather than reinforcing these organisations, the Morales government systematically weakened, divided and de-structured them in order to implement resource extraction development plans within Indigenous territories.

Focusing on agrarian conflicts, **Andrés León Araya** examines the complex interplay between peasant communities, agrarian reforms and agro-industrial corporate practices within the Bajo Aguán region in Honduras. A centrepiece of the Honduran agrarian reform and the nucleus of the strongest peasant movement in Central America, the region saw a dramatic escalation of agrarian conflict and violence against peasant communities after the 2009 coup. At the crux of the conflict lies the expansion of the palm oil monoculture and attempts, from different groups, to define who keeps the surpluses generated by the activity.

Following Leon Araya, **WoMin African Alliance and Rise Against Repression** present a collection of testimonials called “Chega! Tosha! Sokwanele! Enough is Enough!” to spotlight the repression that activists and communities are facing in Africa in their defence of their environment, lands, waters, and life itself. The testimonials speak of the suffering and abuse these women have faced, but also refer to the incredible power of the human spirit that gives them strength to keep saying “NO” and continue fighting despite seemingly insurmountable odds.

Moving to Mexico, **Inés Arroyo-Quiroz et al.** point to three major factors characterising the violent struggles of environmental defenders today: the sheer impunity of attacks; the continued violence, despite improvements in access to environmental information and more legal protections for defence movements; and the influence of organised crime, which often works with corporate and state interests. In 2017, an estimated 100 environmental defenders were assassinated in Mexico. The mining and the extractive industries remain the greatest threat to defenders today, and the withdrawal of the state in corporate activities creates an atmosphere of unchecked human rights violations.

Further emphasising this last point, **Elisabet Dueholm Rasch** describes the dangerous entanglement of state actors, criminal groups, the judicial system, and companies threatening environmental and land defenders in Guatemala. She states that this interconnectedness complicates the work of defenders, leading to a sentiment among them that “nobody can be trusted”. These repressive alliances directly impact defenders’ personal lives and produce an extremely unsafe context, influencing how people can and want to organise. However, this does not only produces fear; it also creates persistence and strengthens the will to keep going.

We continue with a chapter from **Danielle Diamond** and **Loka Ashwood**, who explore intimidation tactics used against local communities resisting the livestock industry in rural Illinois, in the United States, where concentrated animal feeding operations dominate the sector. Rural communities face considerable health, environmental and economic impacts as a result of these facilities, but have had limited capacity to defend themselves due to the industry’s intimidation campaigns and co-option of government. The authors show how some rural people are able to effectively defend their communities and influence policy change, despite seemingly insurmountable odds.

This spirit of resistance is captured even further in a music video featuring the song, “Inzulu” by the anarchist, activist, hip-hop/poetry collective from South Africa, **Soundz of the South**. The song links environmental destruction carried out by extractive industries with struggles of defenders, and highlights the tragic assassinations of activists, providing a deeper appreciation of the struggles defenders face and a clear image of what they stand for. In their lyrics, Soundz calls for us all to “be the change we seek to see”. An excerpt from the song follows:

“They raping and killing mother nature
 Are we in danger
 This is our home, but we treated like strangers
 We not waiting on the Angels and God to come and save us
 Its only we take a stand
 Rise and defend ourselves
 Fight for our children’s legacy
 It’s a fight to the death
 Till we break free from the chains”.

We end this first part with **Peter Bille Larsen** and **Jörg Balsiger**, by interrogating the existing and future roles of the IUCN in protecting environmental human rights defenders, looking back at Resolution 2.37 on protecting environmental defenders, as well as looking forward. They note how the resolution has enabled successive IUCN Director Generals to speak out publicly and forcefully, while stressing the urgent need for a far more comprehensive and strategic response. The new motion being tabled in Marseilles, informed by Geneva Roadmap dialogues, has the potential to be a game-changer by mobilising wider IUCN constituencies in the collective effort.

Volume II – Grassroots in action

In the second volume, authors look at initiatives taken by defenders to protect the environment and themselves, in often adverse contexts.

We start the volume with a poem called “To childhood who protects seeds”, from **Rosa Chavez**, which is a love song to our planet’s living body, inviting us to rejoice and remember the childhood delight in the sounds and sights of the Earth.

We then move on to a contribution from **Agnes Sirima** and **Elizabeth Baldwin** that examines the social mechanisms that communities of Enguserosambu village in Tanzania use to manage their forest resources while generating, accumulating and transmitting local environmental knowledge. In making use of local cultural resources, they foster greater protection of the environment and generate livelihood opportunities. The authors stress the importance of acknowledging the role played by traditional ecological knowledge in better understanding and protecting forests, pointing out that different age groups within the community play essential roles in community-based forest management.

We then move to the Democratic Republic of Congo, with a piece by **Tina Lain** and **Doris Schyns** (IUCN Netherlands) with testimonials from Congolese youth about how their lives have changed as a result of the process of becoming park rangers. The CUK program not only strengthens the individual capacities of these local youths, but also provides a way for communities to become more aware of their rights and duties, and help reduce conflicts in and around protected areas.

In the next article, **Hannah Storey** and **Nick Middeldorp** stress the importance of collective security approaches for environmental defenders. Individual protection is predominant but fails to adequately address the collective element of threats faced by land and environmental defenders. By highlighting the experience of Colombia’s Indigenous Guard, they point to the relevance of community-led initiatives for protection that are collective in nature, rapid, adaptable, culturally appropriate, and intertwined with advocacy strategies.

Ruwadzano Makumbe then explains how definitions and terminologies often affect the capacity of Indigenous peoples to defend their culture and environment. He speaks to the embedded, historical injustices of definitions and shares how the Tjwa San developed the Tsoro-o-tso Development Trust to advocate for the protection of their rights. Through their actions, the Tjwa San have collectively redefined what it means to be Tjwa San and are actively working to preserve their culture, environment and community.

Looking at approaches to the defence of land and the environment, **Dibyendu Chaudhuri et al.** explain how knowledge and motivation to defend forests are transmitted across generations in an Indigenous (*Adivasi*) village in India. Intergenerational knowledge of the integration of local ecosystems into farming practices has been partially lost over the past four decades, as farmers shifted from traditional to ‘modern’ practices focused on a few cash

crops promoted by seeds, fertiliser or pesticide companies. While farmers initially benefited from higher yields, they gradually forgot the intricate knowledge and skills required for living in their ecosystem, in effect experiencing a *de-skilling*. The Adaptive Skilling through Action Research (ASAR), initiated by an Indian non-profit organisation and an academic institution, together with Indigenous communities, mobilised elderly people to engage with younger generations to transfer knowledge, helping the younger generations take an interest in the forest and turn the village into a forest defenders community.

The next entry in Volume II is an artistic piece, a song sung and written by **Karla Lara**, entitled, “**El Legado**” (“The Legacy”). It speaks about Berta Caceres’ legacy and how it is being kept alive by new generations, serving as a compass. The song also speaks to the intergenerational dimensions of defenders’ plights. It heartbreakingly speaks of Berta Caceres’ death and how her commitment and legacy are inspiring a new generation of “brave girls” who move forward with “re-found voices” and will “shout to Patriarchy” until their territories “are freed”. This “light of hope” will continue to shine and honour Berta’s legacy.

Looking into Indigenous conservation, **Yeap Chin Aik et al.** explain how Indigenous communities in peninsular Malaysia built their capacity to become champions of forest-hornbill conservation, and why it’s important for national policies to mainstream the participation of these groups (‘hornbill guardians’) into conservation. Indigenous peoples and community members can be key allies in wildlife and biodiversity conservation success and management in Malaysia.

Volahery Andriamanantenasa and **Maggie Mapondera** then describe how local, women-led activism in Southwest Madagascar spearheaded by the collective CRAAD-OI Madagascar and FARM (Femmes en Action Rurale de Madagascar) led to the protection of both social and ecological systems from the negative impacts of a mining project. Base Toliara Sands, an Australian mining company, planned to dredge mine ilmenite, found in rare sand deposits, along the west coast of Madagascar, near the rare Mikea forests and mangroves. The women’s activism led to a temporary suspension of mining activities. The authors describe how the mining company is exerting pressure on the government to resume the project, but how the women will continue to resist and demand a permanent ban on the extractive projects because when “we protect our forest, we protect our descendants”.

Speaking in the same vein of commodities and commodity chains, **Sam Illingworth** presents a stark poem entitled, “The Supply Chain of Violence”, providing a somber yet clear glimpse of how the system exerts violence against those who dare defend the environment. The poem reminds us of that the faceless communities who fall in muted protest are only the tip of a melting iceberg.

In turn, a thought-provoking poem entitled “More”, by **Shalan Joudry**, helps us re-situate and reflect on how “there is always more that needs tending, more calls to act”. Joudry encourages us to “speak our truth [even] when it would be easier to stay silent”. The

poem anchors us in the present moment, allowing us to feel both expansive and focused, determined and concerned.

Turning to the Sahtu Dene in Canada, **Rachel Hosein Nisbet** uses a literary-historical approach to present the different facets that characterise environmental defenders in Canada's Northwest Territories. She notes the importance of Indigenous peoples' knowledge about caring for land to environmental legislation and policy recommendations, and how antagonistic understandings, using Indigenous or western worldviews, might be accommodated within heterogeneous environmental policies that recognise the value of ecosystems as framed by the wage economy and by traditional Indigenous practices. She uses John Buchan's novel *Sick Heart River* (1941) to demonstrate how the equitable sharing of resources for the common good is an ethos defended in the Sahtu's current policy and by the 1930s Sahtu community dramatised in this novel.

Hollie Grant and **Phillipe Le Billon** go on to examine how NGOs and villagers respond to threats against community forests and experience 'forest violence' in Cambodia. These responses include attempts to address the root causes of harmful practices, to improve the rule of law, and to support human rights and local political empowerment. They note that while most NGOs have focused on improving the rule of law and increasing rights awareness among local communities, many NGOs have failed to address the systemic political corruption and patronage that causes forest-related conflicts and undermine sustainable forest management, thereby leaving local community forest defenders at the mercy of violence and exploitative neo-patrimonial relations.

In turn, "The Weeping Tilapia", a beautiful poem by **Ndivuho Mugeru**, written from the point of view of a fish, describes how human activities have impacted a fish's life. The fish weeps because it is "uncertain of my tomorrow" and it has "turned brown in the mud because the waters are too shallow" so we don't recognise it. The fish implores us to save him "if anybody out there hears a thing". There is a sense of hopelessness, sadness and despair in the fish's story. Pressure on food availability exists, and there is pollution, possibly a cause of the nearby Exxaro mining project, possibly because of environmental degradation; the fish says, "Earlier I laughed at myself for mistaking a diaper for a meal / My son died choking in a can of soda". And climate change is a recurring theme: "It doesn't rain but pours over here / It just ain't enough to fill the Lake so I can breed in peace". The poet invokes the desperation of the situation, lamenting, "I'm so lonely the last nets took even my unfertilized roe" – and it is calling out for help: not just for itself but for its children, for future generations as well.

This poem is accompanied by a video created by **Prishani Satyapal**, entitled "Tshikondeni" – it describes the challenges and hidden opportunities of mine closure, using the Exxaro mine, mentioned in the Weeping Tilapia poem, as an example. We close Volume II with "Iron Eyes", a song written and performed by **Joseph Herbst** and inspired by a protest against the Dakota Access Pipeline in the United States.

Volume III – Conservation and the need for greater protection

In the third part of this special issue, we present calls for action and examples of initiatives that have been taken to support environmental defenders, but also highlight where conservation has been detrimental to environmental defenders and where it must work harder to protect them.. We start with a poem from **Rosa Chávez** called “Grant me permission”, which is a homage to the sacred reverence our ancestors held for Nature and a reminder that underneath the scars of urban development and industry, the latent spirit of Nature lies waiting to re-emerge.

A call from **Helen Newing** and **Anouska Perram** follows, who argue that it’s time for conservationists and conservation institutions to come to grips with international laws on human rights and to put lasting measures in place to ensure that conservation actions are not only effective, but also legally and morally responsible. Conservationists, they stress, also need to listen to Indigenous peoples and local communities, and where necessary, must remove familiar attitudes from the conservation play-book in favour of collaborative, rights-based, respectful approaches. Meanwhile, there is a need to work ‘on the ground’ more, both to build on common interests between conservationists and Indigenous and other peoples, and also to engage in an honest discussion about genuine conflicts of interest, while working towards negotiated settlements with full respect for rights as the bottom line. International law provides rules as to how to approach this. Finally, concrete actions should strengthen institutional memory and accountability if trust in the conservation movement is to be restored, both with Indigenous and local communities, and with the international human rights community and the broader public.

A biography about Wayne Lotter, written by the **Global Initiative Against Transnational Organized Crime**, also speaks to accountability and trust and recounts the threats faced by people like Wayne from those who have a vested interest in poaching and trade. Many believe that Wayne was murdered because of his anti-poaching activism, but in effect he gave his life to protect animals from extinction. The biography calls for improved law enforcement as well as strengthened national legislative frameworks and emphasises the need to fight corruption to protect other defenders like Wayne.

In their chapter on Big International Non-Governmental Organisations (BINGOs) and environmental defenders, **Mary Menton** and **Paul Gilbert** provide a robust exposé of environmental and conservation NGOs’ complicity in some of the violence affecting defenders. They look at the possibilities for a decolonial solidarity between conservation organisations and environmental defender communities. They point out that, among the many BINGOs who frame themselves as ‘supporters’ or ‘protectors’ of environmental and land defenders, several have been complicit in violence perpetrated by park guards and resource extraction companies. They unpack the multifaceted nature of the role BINGOs play in shaping the violent context in which environmental defenders operate, demonstrating that, while BINGOs have acted as whistle-blowers and advocates providing

legal assistance to at-risk defenders, they have also been complicit in ‘green violence’ perpetrated in the name of conservation. Within this context, more subtle relationships of ‘partnership’ with industries and specific corporations engaged in neocolonial forms of extraction and violence against defenders have been formed. The authors argue that BINGOs can, and must, work towards more radical forms of decolonial solidarity with environmental and land defenders who contend with atmospheres of violence, often shaped by conservation efforts and resource extraction activities. BINGOs must be much more on guard of being complicit directly or indirectly, through various forms of ‘partnerships’, in these processes of violence.

In “The Murder of Zafar Lund”, a story recounted by **Ali Nobil Ahmad**, we follow a narrative journey of how Lund fused tradition, poetics, activism, and aesthetics in support of environmental justice, something that eventually cost him his life. Many credit Lund with imparting his community with knowledge about their rights and well-honed techniques of organised resistance, along with the mental strength to deploy these against land grabbing and eviction. Nobil Ahmad pays tribute to the life of environmental defender, Zafar Lund, telling his story in a lyrical style.

Violations of human rights are often associated with ‘green violence’ in conservation spaces, and **Maano Ramutsindela** argues, more specifically, that the militarisation of conservation dehumanises marginalised cultural groups and normalises such abuses, thereby frequently failing to account for, condemn and redress violence. From this perspective, nonviolent conservation should guide a transformation of conservation ideas and practices.

JASS (Just Associates), presents several accounts of the different experiences of women defenders from across the globe, framing each case with their own progressive and critical stance on extractive models of development. The testimonials speak to issues of poverty, health, access to information and justice, as well as to personal struggles and defiance. They also speak to the impact that the current global health crises has had on women’s lives and how many are struggling to cope and adapt amidst many other challenges.

We then have a poem from **Rosa Chavez** called “Defend your Blood”, which is a call to action for humanity to recognize that we are an interconnected part of nature, and a reminder that defenders are not simply defending nature: they are nature defending itself.

Verweijen et al. explore, in more detail, the differences between rangers, the environment, and land defenders, including their occupational role, social embeddedness and position, and the nature of their work. Rangers and environmental defenders have different protection needs; these distinctions can help address some of the challenges faced by each group through different mechanisms and frameworks, which in turn will enhance the protection of both rangers and defenders and improve their ability to conserve nature.

WoMin African Alliance, consists of several testimonials by African women describing how their activism and struggles have become more complex and difficult as a result of the global pandemic, challenges of mineral extraction and development, climate change, and widespread social change. These are some of their stories.

Focusing on distinction among defenders, **Melissa Luna et al.** call to urgently address gender-based violence against women environmental human rights defenders. While most of the victims of killings in the past decade were men, women environmental human rights defenders are at higher risk of gender-based violence, including threats and/or acts of rape, kidnapping, torture, intimidation, criminalisation and misogyny. These forms of violence often intersect with larger, more complex socioeconomic, cultural and political circumstances unique to each local context. The chapter discusses the roles of state and non-state actors in the perpetration of violence, alongside their duty to protect defenders' rights as mandated by various international agreements and guiding principles, and details the work of civil society organisations in reporting gender-differentiated violence and in protecting defenders' rights, concluding with a set of recommendations for more gender-responsive action.

A video of a live performance by **Gasel**, a young Peruvian musician who gives words and rhythm to the feelings of many Indigenous groups, and brings an understanding that in spite of everything that has been lost, hope can flourish if we all work together, respecting different kinds of knowledge.

Based on 40 key documents from 29 organisations, **Shivangi Khanna** and **Philippe Le Billon** cover the recommendations identified throughout two decades of advocacy and policy initiatives to recognise, protect and support environmental defenders. These recommendations fall within five main areas: tackling root causes of risk; supporting and protecting defenders; ensuring accountability for abuses; adopting a rights-based approach of policies and regulations; and developing legally binding instruments on access to information, public participation and justice in environmental matters.

We close the issue with a poem entitled, "Another Poverty" by **shalan joudry**, which serves as a post-face to the third volume, making a statement on how humans have been "accomplice to [the] poverty" and destruction of nature, not just physical but spiritual as well. It is a poem about how we have been taught to think of nature as "less than us, less person, less sophisticated, less spiritual" even though we were "all children, born into creation, given breath". It calls out our inaction that has caused severe problems for all the living beings in the world, striking a chord that resonates through the three volumes of the issue, encouraging us to act, encouraging us to be compassionate, and encouraging us to listen.

Conclusion

This three volume special issue of *Policy Matters* is dedicated to the topic of environmental defenders, and seeks to cultivate tangible change within the conservation community and to inspire self-reflection on the role each one of us plays, vis a vis our own responsibilities towards protecting local and Indigenous environmental defenders worldwide, in the current conservation system and in our work. As a growing body of evidence is discovering (ICCA Consortium, 2021) that “even in the face of immense threats, Indigenous peoples and local communities have extraordinary resilience and determination to maintain their dignity and the integrity of their lands and territories. They are adapting to rapidly changing contexts and use diverse strategies to secure their rights and collective lands. Although not without setbacks, they have made key advances and continue to persist in pursuit of self-determination, self-governance, peace and sustainability”.

We must collectively reimagine and work toward a conservation approach that proactively, vocally and urgently supports Indigenous people and local communities and other defenders in their efforts to defend and protect nature, and we must take a collective stand against all forms of violence, impunity, threats, intimidation, and aggression.

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Example of illegally cut timber from an upland forest area converted into oil palm (Philippines).

PHOTO: WOLFRAM H. DRESSLER

A window into the ‘everyday’ struggles of environmental defenders in Palawan Island, the Philippines

Wolfram H. Dressler*

Abstract

Global Witness documented 30 murders in the Philippines in 2018, the highest number of killings of any country globally, with 15 deaths linked to agribusinesses. With intensifying land grabbing, extractivism, illegal logging and fishing, the frontier island of Palawan has also experienced a ‘new’ surge in defender deaths, harassments, and intimidation. At least five defenders have died in the last three years and many others face harassment and physical threats to their lives and livelihoods. This essay offers readers a window into environmental defenders’ narratives of survival that have emerged before and during Duterte’s era of authoritarian rule. Drawing on publicly known cases of defender harassment and deaths, I describe how the rural poor on Palawan have emerged as activists, the role of NGOs in the process and how defenders have negotiated activism with their everyday life and livelihood.

Key words: environmental defenders, everyday practices, death, the Philippines, Palawan Island

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“... and then the threats followed afterward. They said that if he won’t release the lumber, he’ll be sorry. They said the lumber has to be released so that nothing will happen to him... just give it back calmly”.

Felicita Labog

In this quote, Felicita, the wife of defender Librito Labog, narrates the last few days of his life before he was subject to repeated bouts of violence. It was about a week after Librito had confiscated illegal timber and chainsaws that two hit men riding tandem on motorcycle shot him and his colleague from behind late one evening, after returning home from a meeting in 2016. I had known Librito for some time. A friend and activist colleague, he noted stoically that his activism had become increasingly dangerous. Not long afterward, I had heard from friends in Palawan that the sources of Librito’s fears were violently realised through his and his colleague’s murder. He was one of 12 defenders killed on Palawan since 2001.

The Philippines is a deeply violent space for environmental defenders. Global Witness (2019), for example, has shown that with 30 defender killings in 2018, the Philippines surpassed Columbia, India and Brazil in annual number of deaths. In 2019, the same NGO noted that “over half of all reported killings last year occurred in just two countries: Colombia and the Philippines”, with the latter seeing a rise to 43 deaths. These figures, of course, exclude the thousands of extra-judicial killings (EJKs) related to President Duterte’s brutal ‘war on drugs’ (Theriault, 2020). Elected to office in 2016 by a relatively wide margin, ‘Dirty’ Duterte has reworked his initial populist mandate of returning public order to the country to unleash his own authoritarian populist agenda of violence, political control and neoliberalism that differs little from previous administrations (Bello, 2019).

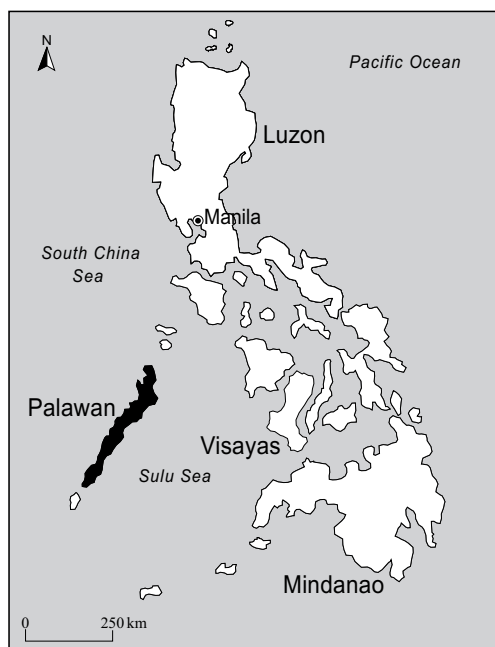
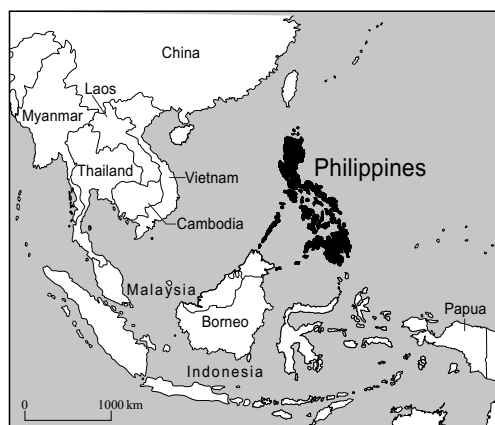
Duterte’s government has accelerated the dismantling of the judiciary and civil liberties, delegitimised civil society, and vilified political adversaries who oppose authoritarianism and the ostensive ‘will of the people’ (Scoones et al., 2017; Niemark et al., 2018; Bello, 2019). The violence he sanctions emerges from a highly performative style and rhetorical practice that instrumentalises a form of populism that is confrontational, anti-establishment and anti-rule of law (Canovan, 2004). With often fiery ‘anti-liberal’, revanchist rhetoric, Duterte’s calls to maintain order in the countryside with degrees of impunity has given violent predators (e.g., paramilitary, some military, hit men) a sense of legitimacy to intensify their brutal campaigns against activists, rangers, and others now popularly described as ‘environmental defenders’,³ who work against such exploitation that expands under authoritarian rule.

While many more political and environmental activists (and insurgents) were killed under previous administrations, particularly via Gloria Macapagal Arroyo’s (2001–2010)

extractivist deregulation and counter insurgency campaigns in the Muslim south,⁴ Duterte has emboldened the military, police, militia and hit men to intensify the ‘red-tagging’ of Leftists activists (usually without evidence) as presumed sympathisers of the New People’s Army (NPA) insurgents, the armed wing of the Communist Party of the Philippines. Against a backdrop of centuries of killing in the countryside (Vellema et al., 2011), Duterte’s rhetoric and explicit disregard for the rule of law has further facilitated surveillance and intimidation across the countryside. The rise of various extractive industries and practices, particularly oil palm plantations, mining and illegal logging, have proven to be the most dangerous sectors, with associated paramilitary and enforcement units murdering those protecting the country’s remaining forest frontiers (Global Witness, 2018; 2019).

Figure 1
Palawan Island,
The Philippines

SOURCE: CARTOGRAPHY,
SCHOOL OF GEOGRAPHY,
UNIVERSITY OF
MELBOURNE



In the Philippine countryside it is often everyday farmers and fishers who defend their lands, forests, and water out of the spotlight and at the margins of state rule. They do so as part of loose political networks, smaller formal community groups such as ‘People’s Organizations’ (POs) and, on behalf of more established non-governmental organisations (NGOs), as community organisers, mobilisers and now ‘para-enforcers’. In other cases, they may protect their lands and forests on their own. They are the common folk whom authoritarian populists espouse to protect, but ultimately give land grabbers and hit men a ‘license to kill’. They are the farmers who, like Librito Labog, have come to protect their people and environments part-time, while struggling to make a living with machete, ox and plough.

Given their ultimate sacrifices, there is an urgent need to tell their stories in a way that situates their activism and the violence they experience in the context of life, love and loss. This essay tells the story of one defender, Librito Labog, in the context of NGO stories and present-day struggles of Indigenous

defenders in Southern Palawan, Philippines (Dressler, 2009) (see Figure 1). In the context of everyday living, I describe how the rural poor and NGOs are drawn into activism and how activist practices entangle with cultural politics and the violence of land grabs, illegal logging and plantations in Palawan Island, the country’s last forest frontier.

While defender deaths on Palawan are not unique to the Philippines (and, indeed, comparatively much lower), it is the increase in deaths since extractivist expansion on this island frontier that, up until the late 1980s, had escaped the comprehensive violence of the resource plunder found elsewhere, such as Mindanao, Bohol, Negros and Luzon - islands long subjected to colonial and post-colonial haciendas and other extractive enclosures. This discussion extends to the rise of Duterte's government in 2016, where I chronicle the murder of my friend, Librito Labog, who became entangled in the accelerating patterns of violence in Palawan. I show how his everyday life intersected with activism (both NGO linked and independent) and became entangled in the shadows of illegal resource extraction and plantation expansion.

NGOs, activist stories and the rise of environmental defenders on Palawan

The motives and struggles of everyday defenders must be understood in terms of the long-standing civil society networks and social movements against extractivism on Palawan and the Philippines. Our story begins with the dictatorship of then-President Ferdinand Marcos (1965–1986), Duterte's 'strong-man' mentor. With the imposition of Martial Law in 1972, Marcos and his cronies crushed civil organisation and political unrest, causing many NGOs and POs to go underground to forge diverse, covert coalitions to resist state subordination and violence against left-leaning activists (Constantino-David, 1998; Clarke, 1998). In time, this collective resistance culminated in popular uprising, the People Power Revolution, which ousted Marcos in 1986.

Under the post-Marcos Aquino administration, new political freedom and constitutional amendments in 1987 supported diverse civil society and state partnerships that forged progressive policies in forest conservation, agrarian reform and Indigenous rights (Local Government Code, 1992; Brillantes, 1994; Clarke, 1998; Mercer, 2002). Despite the contested nature of these 'partnerships', many NGOs lobbied political elites to draft the then progressive, Indigenous Peoples Rights Act (1997), which granted 'native title' through Certificates of Ancestral Domain Title (CADTs). CADTs were meant to protect Indigenous peoples' rights to land, resources, and livelihoods from the plunder of land grabbing and extractivism. By 1999, the country hosted more than 60,000 NGOs compared to 27,100 in 1986 (Parks, 2008). NGO staff and their interventions were the first line of defence against human rights abuses and environmental offences. As I show next, they were also the main recruiters and mobilisers of environmental defenders in the countryside.

Extractivism, NGOs and defender deaths on Palawan

Declared a UNESCO MAB in 1980, numerous environmental and Indigenous rights NGOs arrived in Palawan in the mid-to-late 1980s in order to halt Marcos and his associates' attempts at industrial logging and mining of the island (Eder, 1978).

Spearheading one of the first environmental campaigns in Palawan, the local NGO chapter of Haribon Philippines, Haribon Palawan, successfully petitioned for an island (and eventually country) wide moratorium on logging with the support of activists who were part of long-standing anti-Marcos campaigns (Eder & Fernandez, 1996). As with other NGOs, Haribon Palawan's eventual success was attributed to large scale media campaigns and establishing reliable social networks and political campaigns that cut across rural areas of the island.

At first, establishing and maintaining activist social networks in remote sitios (villages) of Palawan was no easy task, requiring that NGO staff identify charismatic individuals in migrant and Indigenous communities who could be trained as outreach workers and community organisers in areas where they lived and farmed. Already living

in or embedding themselves in local communities experiencing harassment from local 'strongmen', illegal operators or militia, such local activists are responsible for garnering the trust and solidarity of marginalised communities to facilitate local resistance against extractivist agendas on Indigenous lands. Such solidarity building and networking spawned the first wave of defenders on the island.

The uplands of Palawan Island

PHOTO: WOLFRAM DRESSLER



The late 1980s drew more NGOs with similar shared history in resisting top-down governance and extractivism. Drawing on political sentiments and ideology from their days at law school and activist networks at the University of the Philippines Diliman, many lawyers-cum-activists volunteered with friends and colleagues to set up their own organisations (PO and NGO) with meagre funding and rotating volunteer labour.⁵ Groups such as the Indigenous Peoples' Apostolate (IPA), the United Tribes of Palawan (or NATRIPAL⁶ Nagkakaisang mga Tribu ng Palawan), the para-legal Indigenous rights group, PANLIPI, Tanggapan Panligal ng Katutubo Pilipino (Legal Assistance Centre for Indigenous Filipinos), the Environmental Legal Assistance Center (ELAC) and the umbrella group, Palawan NGO Network Incorporated (PNNI), soon expanded their programmes through local brokers and activists across the island. Both the NGOs and rural activists used Church, PO and village social networks and influence for the purpose of mobilising, training and sharing legal knowledge to rural residents (e.g., farmers and fishers) to counter social and environmental crimes.

After some successful environmental campaigns and establishing the very first Certificates of Ancestral Domain Claims and Title (CADT) areas in Palawan in the 1990s, the same NGOs entered the 21st century facing declining donor aid and less domestic funding for programs amidst a surge in extractivism across the island and the Philippines in general. Crucially, ELAC and PNNI, the two NGOs that worked to empower the rural poor to defend their land and resource rights through so-called 'citizen arrests' of offenders, now dealt with more and more of their rural defenders experiencing

direct harassment and violence, leading ELAC to discontinue its citizen arrest and para-enforcement campaigns. With a change in leadership at PNNI in 2010, the charismatic Attorney, Dadores Doming, who had stopped working with ELAC because it had discontinued the enforcement campaigns, took on PNNI's directorship on the proviso that the NGO could continue direct para-enforcement work. This marked the beginning of a bloody era for environmental defenders on Palawan.

Palawan's new period of extractivism, violence and defender deaths

After successive Presidents, the oligarchic state of then-president Gloria Macapagal Arroyo intensified neoliberal extractivism in the form of oil palm plantations and mining in Mindanao and Palawan (Bello et al., 2004; Singh & Camba, 2016). Under Macapagal Arroyo, the DENR fast tracked mining permits, ushering in a total of 350 mining applications for Palawan alone (Rasch, 2013), most of which overlapped with CADTs in the uplands. With the signing of the Biofuel Act in 2006, Palawan's 'idle and degraded' forest lands – Indigenous swidden fallows – were soon planted with thousands of hectares of oil palm and rubber which abutted and overlapped with the ancestral lands of Indigenous peoples in southern Palawan (Montefrio & Dressler, 2016). In time, the Palawan Palm and Vegetable Oil Mills Inc (PPVOMI) and its sister company, Agumil

Philippines Inc (AGPI), established initial oil palm development on the island.⁷ The first oil palm seedlings were planted in 2007 and then harvested in 2011; the initial 3,591 ha planted were to expand beyond 15,469 ha (Larson et al., 2014).

With rural members and activists, NGOs soon organised two social movements against mining and oil

palm unfolding in Puerto Princesa and Manila, and importantly in the south, through networked rural defenders now associated with so-called 'working groups'. The anti-mining movement involved long-standing Palawan NGOs – including the ELAC, PNNI and NATRIPAL – and those at the national level – from Friends of the Earth to the World Wildlife Fund – in inter-faith protests and major petitions to establish an island-wide moratorium on mining. Palawan-based NGOs had few problems facilitating the moratorium and other interventions because of long-standing solidarity networks established on Palawan in the early 1990s. Yet a newer, more assertive thrust behind this campaign was the ALDAW initiative (Ancestral Land/Domain Watch) which monitored the expansion of mining and oil palm (soon to include palm oil) in Indigenous ancestral domains and broader territory. ALDAW made use of a powerful online media presence (Facebook, Vimeo) to document and broadcast Indigenous concerns about mining toxicity and its impact on health and livelihood (ALDAW, 2010).

Expanding oil palm, southern Palawan.

PHOTO: JONAH VAN BEIJNEN



At roughly the same time, the former Governor Joel T. Reyes (and his brother Mario Reyes, former Mayor of Coron) allegedly ordered the gunning down of prominent anti-mining activist-journalist Doc Gerry Ortega in 2011. Former radio host of RGMA Network Inc, Ortega was vociferously antagonistic to Reyes' extractivist governance mandate and allegations of corruption concerning missing Malampaya oil field royalties (Buan, 2017). After his morning radio show, Doc Gerry decided to go to a local 'ukay ukay' (used clothing store) in barangay San Pedro just before 10:00 am, when he was shot and killed from behind by an assassin who had been hired by the brothers. Upon fleeing the country, it was only after an Interpol alert led to the brothers' arrest in Thailand that both were imprisoned after sustained political interference in the trial. Ortega's murder galvanised Palawan's NGOs and defenders.

Meanwhile, the ALDAW had transformed itself into the Coalition against Land Grabbing (CALG). CALG was a better organised and more assertive organisation that continued to educate and mobilise farmers against land grabs, oil palm, mining and other illegal activities and human rights abuses. Among the NGOs on Palawan, it was largely CALG and PNNI who were now training and organising most rural defenders, particularly as para-enforcers. It was their part-time defending that increasingly came up against major land grabs and deforestation, and, ultimately, harassment and murder.

I now open a window into the life of Librito and Felicita Labog, the defender couple with whom this story began. I describe how Librito's own advocacy intersected with life, love, and loss in the deep south of the island.

Librito and Felicita's struggles

Despite attending the same secondary school in the 1990s, Librito Labog met his wife, Felicita, in Bible school in the early 2000s. Graduating from Bible school, Librito became a Pastor and courted Felicita. After dating for a year, they eloped, married, and continued to study the scripture. Felicita soon also became a pastor. With no success in finding land in Quezon they landed in a small sitio in southern Palawan, where they secured a plot of land for a homestead, a small Catholic church and eventually a family. Devout Catholics, they believed that establishing a church in this predominantly Indigenous Pala'wan and Muslim municipality would serve God's interests well. His family of four made a living through receiving tithe, gleaned mangrove areas, fishing hook 'n line, farming swidden upland, and intermittent farm labour on migrant paddy fields.

As pastors, both Librito and Felicita found that their fellow Indigenous (IPs) Pala'wan were 'ignorant' of the law and how to deal with conflict situations. Witnessing the abuse of Pala'wan rights and environment again and again, Librito and Felicita started working for NATRIPAL to help build awareness and mobilise Pala'wan in the area to support the establishment of a CADT. Librito also began working for PNNI under Attorney Doming just as the organisation adopted the effective but inherently risky direct-action, para-enforcement program. As other Indigenous residents, PNNI soon

trained Librito as a para-enforcer, teaching him how to patrol, monitor, make ‘citizen arrests’ and confiscate illegal equipment.

Despite knowing the dangers of the work, with several PNNI defenders suffering harassment, physical injuries and death in the last decade, he and Felicita continued the defending work and set up the PO, Tinapak. After registering the PO with the state, Librito and Felicita spread the word about their PO’s agenda of educating and politically empowering Pala’wan in the area, and soon commenced a ‘General Assembly’. At their assembly, they drew on donations and began raising awareness and petitioned to stop the encroachment of a privately-owned, 19-hectare oil palm plantation into the local CADT.

In the midst of his petitioning and work as a PNNI para-enforcer, Librito soon found out from two locals that upper level politicians were using funds to purchase this land from the Pala’wan at PHP 1,500 per hectare, a low sum considering the profits the oil palm plantation would eventually yield. Librito noted that:

Right now, in our place there are already 19 ha with palm trees... so I visited the area and asked the owner not to plant trees on the remaining land. But I was told it was too late as the land had been sold already. I also found out that local authorities gave the Barangay (hamlet) certification for the release of the land and other IP leaders allow them to buy land and then clear it [for oil palm]. Because they cut the big trees, the old growth, they violated PD 705 [Presidential Decree 705, the Revised Forestry Code].

Without an office, Librito continued his advocacy work for some time longer while trying to care for his family. He noted “...there are sacrifices to be made, first in the family and to our children that go to school, it is very hard because we don’t have a fixed source of income aside from kaingin (swidden) and fishing”. Amidst this balancing act, Librito’s advocacy ran deeper and uncovered details of shadowy land grabbing and illegal logging connected with politicians and another Muslim Indigenous community. Upon ending our discussion, he noted: “In my opinion, yes, it is dangerous work, based on our experiences, but if we do not take any action right now, who will do it for us?”

Felicita and PNNI’s Director, Dadores Doming, suggest this was when Librito’s situation turned for the worse. Both she and Doming noted how after a few years of confiscating illegal equipment and sustained harassment, a series of dangerous events unfolded in rapid sequence. Felicita explained:

I was just at home doing my pastor work and teaching among the katutubo (Indigenous peoples) when I heard my husband getting into intense discussions with people over a fight about the felling of mangrove trees.... The trees were cut for the wood and the bark... they were able to confiscate the timber and chainsaws.

In potential reference to the 19 ha of illegal clearing, she also notes that Librito and another para-enforcer confiscated a major haul of Narra (*Pterocarpus indicus*) and Ipil (*Intsia bijuga*) lumber which lead to the arrest of someone who had apparently worked for the army. She described: “and then the threats followed after, they said that if he won’t release the lumber, he’ll be sorry. They said the lumber has to be released so that nothing will happen to him... just give it back calmly”.

Shortly thereafter, Librito got entangled in ethno-religious politics. Sheltering a young Pala’wan man in his Church because he apparently refused the ways of Islam and wanted to leave his Muslim wife, during the day’s Church Service, a local Imam burst in demanding the Pala’wan man be turned over for justice. Librito refused. Rumours emerged that day that deep in the mountains Muslim leaders and militia who had supposedly been engaged in the illegal activities were meeting to discuss what to do about the Pastor (and the confiscated chainsaws and timber). One-week later, Librito and his colleague were murdered. Late one evening, two unknown assailants followed him and his colleague on motorbike and gunned them down after a Tinapak meeting. Shot at 10 in the evening, Librito’s and his colleague’s bloodied bodies were located roadside at 6 am.

Moving forward?

Felicita’s pain continues to this day and, after three years, Librito’s execution remains unsolved. Both PNNI and CALG have given Felicita financial assistance and protection in different ways. But the damage is done. Librito is one of three defenders working for NGOs (and now even the state DENR) whose lives have been brutally cut short in the last three years by the increasingly brazen violence of illegal harvesters and their political bosses in Palawan. As Duterte’s authoritarianism manifests in the countryside, those who harass and kill defenders do so more frequently, brazenly and violently with a growing sense of impunity.

As authoritarian populism stokes cultures of impunity and violence in the countryside it further emboldens the surveillance, harassment and violent backlash against defenders who uphold the rule of law in Palawan. At the margins of state rule, frontier areas such as Palawan reflect spaces where the central state has lost the ability to enforce its own laws and policies with consistency or, in some cases, at all. Yet paradoxically it is central political figures who work through local brokers and henchmen in order to exercise power and control over people and resources in their interest and in ways that undermine the very institutions they are meant to uphold (McCoy, 1993). In such contexts, it is often poor farmers and fishers who turn to everyday activism (through NGOs or otherwise) to defend the rights of their people and environments at the margins of the law. They occupy states of exception where defenders are both within the law (indeed enacting it) but also well beyond it (with few, if any, sovereign rights) in violent political spaces (Agamben, 2005). Defenders such as Librito occupy liminal spaces where the tyranny of violence and authority intersects with fraying institutions and social practices across state and non-state spaces.

The intensifying harassment and deaths of defenders has massive implications for maintaining the rule of law, civil liberties, Indigenous rights and environmental safeguards in the Philippines and elsewhere in Southeast Asia. If we cannot protect those who aim to protect us from self-harm through social and environmental destruction, there is indeed little hope for a socially just and sustainable future. If the rising violence against defenders is the result of an authoritarian and agrarian crisis, then, by the same token, a reinvigorated civil society with strong counter-movements is urgently needed to ensure the rural poor can live life with dignity and without fear.

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Indigenous protesters from the Northern Luzon regions (Philippines) march in the streets of Makati's business districts where mining and dam company offices are located.

PHOTO: KALIKASAN PNE

A war of plunder against environmental defenders in the Philippines

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Abstract

The Philippines was declared the deadliest country in the world for environmental defenders in 2019. At least 19,498 environmental defenders were subjected to a wide range of human rights abuses under the Duterte administration. This crackdown threatens to open up 6.2 million hectares of critical landscapes and seascapes under the protection of defenders from extractive and destructive interests. Extractive projects that grab lands and resources, violently displacing affected communities, instigate the most attacks against defenders. Mining, agribusiness, land grabs, and deforestation have been the main drivers of human rights violations against defenders. Authoritarian measures under the administration of President Rodrigo Duterte have functioned as an 'investment guarantee' for these big business projects. This is in fact reflected in Duterte's major security policy, the Oplan Kapayapaan counter insurgency plan of the Armed Forces of the Philippines, where it is stated that the AFP's primary task in its role in economic development "is to provide security to vital installations and infrastructure, critical investments and development projects". This internal security policy coincides with government policies that promote natural resource plunder at the expense of the people's livelihood, rights, welfare and the environment, such as the Mining Act of 1995 and the Administrative Order No. 1, Series of 2019 on Land Use Conversion, among others.

Key words: Environmental Defenders, Human Rights, Philippines, Duterte

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The Philippines was declared the world's deadliest country for land and environmental defenders in the 2019 annual report of international watchdog Global Witness (2019) entitled "Enemies of the State?", with at least 30 murder cases of environmental defenders on record, compared to Colombia (24) and India (23). Kalikasan PNE monitored extrajudicial killings and other human rights violations directed at environmental defenders at the onset of the administration of President Rodrigo Duterte from 1 July 2016 to the end of 2019. The majority of these violations comprised a trend of red-tagging, vilification, and other forms of threats and harassment of defenders, including the inclusion of a number of prominent defenders in a 'terror list' released by the Department of Justice (DOJ), and a significant number of illegal arrests and detentions, mostly based on trumped-up criminal charges that prevent defenders from posting bail.

The largest scale of violations to date is related to the physical and socio-economic dislocation of environmental defenders and their communities, mainly because of the militarisation of their lands and territories. Small farmers and agricultural workers are increasingly becoming targets, comprising 62.4% of the murders under Duterte, which is more than 14% above the 2001–2019 average. Indigenous people represent 26.8% of all monitored victims. In a similar fashion, plantation-related killings are markedly on the rise, making 39.5% of the monitored victims (Kalikasan PNE, 2020). Across all environmental concerns that drive human rights abuses, the biggest contributors to documented violations were large-scale mining, agribusiness and other land grabs, and deforestation. Compostela Valley, a mineral resource-rich province, remains the most dangerous province under President Duterte. This is followed by agribusiness corridors in Bukidnon, Negros Oriental and Negros Occidental.

The monitoring and documentation of these rights violations are most likely conservative estimates, and also represent only the more extreme section of the entire spectrum of rights violations experienced by environmental defenders.

How it became the deadliest under Duterte

Kalikasan PNE found that spikes of killings over the years correspond to major environmental, or so-called 'internal security', policy shifts. The biggest escalation of killings has been in the era of President Rodrigo Duterte. Annual killings reached unprecedented levels, starting in 2016. There were at least 157 killings perpetrated between Day 1 of Duterte's presidency and the end of 2019. In terms of annual rate of killings, environment-related murders under Duterte were 3.2 times the rate under the administration of Aquino from mid-2010 to mid-2016, and 8.2 times the rate under Arroyo from 2001 to mid-2010.

Trends across economic sectors

Economic policies on mining, agribusiness, forestry and other industries under Duterte have provided guarantees, incentives and rights to big businesses, overriding rights and

rules over ancestral lands, protected areas and agrarian reform areas. These policies and the ensuing conflicts have resulted in various violations of fundamental rights of individuals, organisations, and communities opposed to the entry of these economic interests.

Mining

The Philippine Mining Act of 1995 (Republic Act 7942) grants mining companies auxiliary rights, such as timber rights, water rights and easement rights, that allow them to have effective control over forests, water bodies and even titled lands – and legally displace communities and property owners – located within their mining concessions (Ayroso, 2015). Duterte’s initial policy moves, which included appointing the late Regina Lopez, a staunch environmentalist, as environment secretary during the first year of his

presidency, did little to reform or repeal the Mining Act.

Lopez conducted an industry-wide audit that resulted in the closure of 23 and suspension of 5 large-scale mines in 2017.

Duterte, however, allowed the removal of Lopez from the position through the Commission on Appointments (CA), and the subsequent review and reversal of the closure and suspension orders (CEC, 2018).

Open pit mine in Nueva Vizcaya, Philippines.

© TARIPNONG CAGAYAN VALLEY (2019)



Agribusiness

The Department of Agrarian Reform (DAR) Administrative Order No. 2 series of 1999 created the Agricultural Venture Arrangement (AVA), a policy instrument that allows agribusiness corporations to control lands that are supposedly exclusive to agrarian reform beneficiaries and other land tenure owners through joint ventures, lease contracts and other agreements (Correa-Capistrano, 2017). As in the case of mining, farmer leader and former legislator Rafael Mariano was appointed as DAR secretary to signify the agrarian reform office’s opening of its doors to peasants (Tubije, 2016). Mariano instituted a two-year moratorium on land use conversion in 2017 to facilitate a review of the policy, effectively freezing all applications for AVAs (Perez, 2016). Like Lopez, Mariano was removed from his position by the CA and the moratorium was lifted by his successor.

Logging

The Revised Forestry Code of the Philippines upholds the contracting out of forest plantations through instruments such as the Integrated Forest Management Agreement (IFMA). A present total of 727,982 hectares of IFMAs (Simeon, 2018) constitute privatised timber plantations that effectively deny access and other land rights of Indigenous people and other grassroots communities to these forest areas (CEC, 2015). On the other hand, there is not much publicly available data on illegal logging operations. An independent

estimate using satellite mapping technology estimates the country lost 184,764 hectares of forest cover in 2018 (Cervantes, 2019), to which both legal and illegal logging likely contributes. The remoteness and wideness of the forested areas that need to be monitored, the lack of resources and equipment, along with the threat of armed reprisal by loggers, makes it difficult even for environmental defenders on the field to do their job.

Land reclamation

Land reclamation projects are able to acquire coastal and offshore areas through leases from local governments and national line agencies. Executive Order No. 74 series of 2019 systematically enables this, particularly through the formulation of a Reclamation Development Plan (Office of the President, 2019). At least 39,394 hectares of coastal and foreshore areas across the country are currently covered by reclamation projects of varying levels of approval, potentially affecting some 11.24 million people in coastal and adjacent flood-risk areas (Ruiz, 2019). Duterte’s centrepiece infrastructure program Build, Build, Build, amounting to at least PHP 586 billion, has also fed into the expansion of reclamation projects such as the New Bohol International Airport and the Leyte Tide Embankment, among others (Rivas, 2019). Priority ‘big ticket’ projects are fast-tracked at all costs, at the expense of community consent, environmental impact assessment, and human rights due diligence. For instance, a human rights analysis of land reclamation projects in Manila Bay conducted in 2019 revealed that the most resounding violation across all areas was the lack of genuine public consultation among the communities to be affected by reclamation. Various tactics to railroad compliance in securing public consent were employed through the different development stages of the project (Kalikasan PNE, 2019).

Militarisation as investment guarantee

State security forces such as soldiers, police, and their auxiliary ‘force multipliers’, such as paramilitary groups and the Civilian Auxiliary Force Geographical Unit (CAFGU) elements, are either suspected or confirmed to be behind 65% – or 144 – of the total number of environmental defenders killed since 2001. Under Duterte, this has risen to 69%.

Internal security measures have been observed to function as an ‘investment guarantee’ for various big business projects; this is in fact reflected in the Duterte administration’s major security policies. The Armed Forces of the Philippines’ Development Support and Security Plan Kapayapaan (peace) 2017-2022 document states that “the primary task of the AFP” with regard to its role in economic development “is to provide security to vital installations and infrastructure, critical investments, and development projects”. The counter insurgency strategy in practice has increasingly affected environmental and land defenders, despite its trappings of “insuring the preservation of the environment and respect for people’s human and cultural rights” (AFP, 2017).

Even during the height of the ceasefire between the Philippine government and the communist rebels in 2016, a time when militarisation was expected to be minimal, military operations did not cease, especially in areas with mining and other economic interests. In July 27, 2016, the Philippine Army 10th Infantry Division's spokesperson, Capt. Rhyan Batchar, said "there are vital installations and projects that are being implemented in the inner areas, and part of our mandate is to secure those vital projects; that is why there is still presence of the military in the areas" (Borromeo, 2016).

Proclamation No. 216 series of 2017 declared Martial Law over the Mindanao Island Group, one of the richest natural resource corridors in the country and also a hotspot for conflict and human rights violations. Martial Law has been used over the past years to restrict Indigenous Lumad communities and peasant farmers engaged in land struggles, including opposition to large-scale mines and other environmentally destructive projects (Global Witness, 2019).

An emblematic case is the Lake Sebu Massacre, where military troops killed seven Lumad farmers who occupied and re-cultivated lands grabbed by the timber and coffee plantations associated with the DM Consunji Inc. company from their ancestral domain

(Sarmiento, 2017). Personnel from the 33rd and 27th Infantry Battalions of the Philippine Army involved in the incident claimed this was a legitimate combat operation against insurgents hinged on the Mindanao Martial Law protocols. The Commission on Human Rights Region 12 Office found otherwise and considers the massacre as the first Martial Law case under its investigation (Sarmiento, 2018).

A young Indigenous Lumad child in an evacuees' camp illustrates the devastating massacre of Lumad leaders under State militarisation.

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On 4 December 2018, President Duterte initiated Executive Order No. 70 s. 2018 to institutionalise the so-called Whole of Nation Approach in counter-insurgency. This order created the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), which to date has established 17 regional task force counterparts mobilising huge swathes of the civilian bureaucracy, all for counter-insurgency (Gita-Carlos, 2019).

The NTF-ELCAC is seen to be responsible for a series of attempted and initiated office raids and arrest operations (Ocampo, 2019) from September to November 2019, largely targeting land and environmental defenders. An attempt to raid the office of Kalikasan PNE and the Center for Environmental Concerns – Philippines (CEC Phils) on 4 October 2019 sparked a series of raids of activist headquarters in Negros Island and in Manila City (Aspinwall, 2019).

Ecological consequences

Environmental defenders have given up their lives for vastly important environments and natural resources. The environmental defenders affected by human rights violations under the Duterte administration stood for landscapes and seascapes, roughly covering 6.2 million hectares of mountains, forests, watersheds, agricultural lands, coasts, and seas (Kalikasan PNE, 2020).

Mountainous rainforest areas amount to 3.3 million hectares. This is equivalent to the sequestration of 22.1 million tons of carbon dioxide per year, which offsets more than a fifth of the country's recorded annual carbon emission production in 2012.

Every ton of carbon sequestered is estimated to have a social benefit, reducing the long-term economic damage it would incur from global warming and climate change. Using the median global social cost of carbon, the amount of sequestration these forests represent is equivalent to PHP 469.2 billion per annum.

This is also equivalent to 13,381.2 million litres per year, or PHP 158.1 billion per year worth of water supplies, enough to provide for the daily water needs of 137 million Filipinos, based on current average individual water consumption levels. The total area also represents a potential loss of 461.7 million tons of valuable topsoil valued at PHP 8.6 billion per year, and in terms of non-timber forest products value reaches an average productivity of PHP 56.7 billion annually.

Meanwhile, defended agricultural lands amount to 1.1 million hectares. Should these farmlands be successfully transformed into agro-ecological practices, this would potentially result in PHP 42.4 billion revenue in terms of increased productivity, including revenues saved through disaster resilience.

For the 1.8 million hectares of coastal, small-island, and marine ecosystems under defence, it is estimated that, using the average ecosystem value of five different coastal ecosystem types, we stand to lose PHP 303.6 billion annually if these ecosystems were lost. Coastal and marine ecosystems include fisheries and other provisioning services, ecological regulation, shoreline protection, pollution control, and tourism and recreation.

As such, a rough estimate of the total damages we would be experiencing, should these landscapes and seascapes be degraded or destroyed, would amount to a total of PHP 1.04 trillion annually, or equivalent to 28% of the country's national budget in 2019. This demonstrates how the work of environmental defenders is crucial to achieving the Philippines' targets for climate resiliency through protecting carbon sinks, climate risk mitigating factors, and even poverty-vulnerability alleviation.

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Return to Being

Poem by Nnimmo Bassey



The battle rages
 Who must gobble up the carbon budget,
 Wrap Mother Earth in endless bales of smog?
 Whose task is to pile the climate debt
 And whose lot to be the carbon slave?
 Colonize the biosphere
 Obliterate the ethnosphere
 Hopes mapped in colonial geographies of death
 Scarified for sport, booby-trapped and floating on blood

Burst the funeral drums,
 Tighten the tourniquets on hard hearts ensconced in hard hats
 Drain the pipelines of caked memories and know
 Fancy names for deadly scourges never made them friendly
 Not Ebola. Not novelty in novel coronavirus
 What children have I spawned, Mother Earth groans
 The commons enclosed, entrapped for delicate, bloodied trophy hunters
 Civilized kids hooked on zoos incarcerate relatives for a touch of the wild
 All game snatching bread from astonished mouths of orphans
 Now all masked, suited and 7 billion jabs against zoonotic embraces.

Hear the footsteps from the receding market squares
 Are you too far gone to hear?
 Hear the rumblings of resistance to naked market forces
 That roasted habitats and habitations
 Lands, seas and skies grabbed yet dreams cannot be corralled 'cause
 Daughters of the soil are ever alert, awake, hoisting the sky
 And its watery dusts
 Knowledge demonized by demons of market environmentalism and brazen extractivism
 As the hunter's bag becomes a weapon of mass destruction
 Bulging pockets hack horns and tusks and an array of idiotic aphrodisiacs for limp brains
 Slithering across the Savannah, stomping on our ancestral hearths
 Shall we look, exiled, silent, sullen, sunk and annihilated as our trees metamorphose into
 carbon sinks?

The dream is gone, the cock has crowed,
 The betrayer seeks a branch to ape a pendulum swing
 And one or two shed a tear for the press
 As the hawk glides softly on the winds of the dirge seeking a hapless prey
 Funeral drums burst by pulsating biceps of pain
 Flutes whisper a dirge long forgotten suddenly emerging from the depths of years of
 erased histories
 As daughters and sons of the soil pick up pieces of sacred hills, rivers, forests
 Mother Earth awakes, embraces her visible and invisible children
 And finally humans return to being.

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Women protesting the construction of a dam in India.

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Environmental defenders in India

Ritu Dhingra*

Abstract

Environmental defenders in India have a long history, dating back to at least 1730, when 363 Bishnoi people – a community known for nature conservation in India – from 83 villages sacrificed their lives to protect the Khejri trees of their area. Maharaj Abhay Singh of Jodhpur ordered that the Khejri trees be logged down. While these environmental defenders lost their lives, the trees were saved. This was followed by many such instances where people risked their lives for the conservation of trees and nature, exemplified by the Chipko movement in the 1970s, wherein women embraced trees to protect them from being logged. India currently has the highest number of murders of environmental defenders in South Asia. These include the death of Ajit Maneshwar, a 57-year-old environmental activist who was killed in July 2018 in Karnataka as he fought against the construction of dam on the Kali river. Various environmental justice movements have also been observed in India, such as Narmada Bachao Andolan, Appiko, the Silent Valley protests, and many more. In an industrial area in Chennai, fisherfolk, citizens and environmentalists have complained about ecological violence in their native land by industrial encroachments, which has resulted in the destruction of mangroves and aquatic life due to pollution. The number of cases and movements continues to increase as environmental defenders' rights are violated. At the same time, resistance to environmental destruction speaks of the local level of care for the environment in India.

Key words: Environmental defenders, environmental justice movements, ecological violence

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Introduction

Anyone who is defending their environmental rights – including constitutional rights to a clean and healthy environment – and while exercising these rights is threatened, is considered to be an ‘environmental defender’ by the United Nations Environment Programme (UNEP, 2020). Killings of environmental defenders have been on the rise over the past two decades, with 212 people murdered around the world in 2019 (Global Witness, 2020; Le Billon & Lujala, 2020). The reason why violations of environmental defenders’ rights are on the rise stems from several root causes: corruption, competition for natural resources, burgeoning population growth, and irresponsible overexploitation of natural resources – including minerals and other goods (UNEP, 2020). India has a long history of environmental defenders and environmental justice movements (Gadgil and Guha, 1994; Nayak 2015; Roy & Martinez-Alier, 2019). Several such environmental justice movements depicting the concern of common people for nature are discussed below.

1. Environmental justice movements in India

The Indian subcontinent has a long history of environmental justice movements. This environmental activism was first observed in the year 1730, when 363 Bishnoi villagers gave their lives to protect trees from being logged by the *Maharaj* (king) of that province. There have been other environmental movements in India as well, such as the Narmada Bachao Andolan, the Chipko movement, the Apikko movement, among others, many of them following Gandhi’s traditions of non-violence and tolerance (Guha, 1995).

1.1 The Bishnoi Faith

The Bishnoi faith is a religious off-shoot of Hinduism, founded on 29 principles, most of which promote environmental conservation, as it forbids any type of harm to animals and plants. The Bishnoi faith has many followers and is relatively recent compared to other religions in India, founded in 1485 by Guru Maharaj Jambaji in the deserted regions of Marwar (Jodhpur), in western Rajasthan. Jambaji observed the constant cutting of trees during droughts and saw how deforestation perpetuated drought conditions, in which trees struggle to survive. He then banned the cutting of green trees and killing of animals and birds in his village. Linking the ban to the Bishnoi faith, the spiritual reverence of Jambaji for nature led to a tradition in which conservation became instrumental in cultivating green trees and maintaining harmony with the local ecology in the arid desert region of Rajasthan.

The Bishnoi community is known for cultivating green vegetation, collecting clean potable water, and caring for animals. People of the Bishnoi faith are vegetarian and do not kill animals, instead treating cattle as sacred – as their own offspring. Three hundred years after Guru Jambaji’s death, in 1730, 29 principles of Bishnoism were officially recorded. It was at this time when the Maharaj of Jodhpur, in order to build a palace, sent his soldiers to gather wood from a forest near Khejarli village, where Khejri

(acacia) trees were nurtured by the Bishnoi community. When the soldiers started cutting the trees, Amrita Devi of the Bishnoi faith hugged a tree, saying that “a chopped head is better than a dead tree”. She then sacrificed her own head to save the trees, and her daughters followed suit. Due to their Bishnoi faith, many villagers followed in her footsteps and hugged the trees; in total, 363 Bishnois were martyred by the soldiers in their fight to save the trees of the sacred Khejarli forest. When the Maharaj learned about the massacre, he immediately visited the forest and stopped all the logging operations, declaring the forest a protected forest. This unwritten legislation still exists in the region. The sacrifice of Bishnois in 1730 became an inspiration for the great Chipko movement in the sub-Himalayan region of India in 1973 (GNVADB, n.d.).

1.2 The Chipko movement

The Chipko movement, also known as the ‘Embrace the Tree’ Movement, is connected with local preservation and protection of trees. *Chipko* means to hug or to stick to a thing. In 1973, women from the Chamoli district of Garhwal, a sub-Himalayan region, hugged trees to protect them from being logged. Tree-hugging led to a wider social movement in India aimed at the protection of trees and forests. The importance of trees in the hilly terrains of the sub-Himalayan region is well understood by Indigenous people, as they have been dependent on forests from time immemorial, and trees not only give them food and fodder but also maintain and regulate water cycles in the area. Without trees, the region would be converted to a desert, and this was known by these protestors. This environmental and local livelihood movement, initiated by women, became a political movement, with women demanding that their rights in the decision-making processes be included, not just those of men (Jain, 1984).

The non-violence and Satya Graha movement launched by Gandhi Ji (Mahatma Gandhi), prior to India’s independence, set the foundation for the Chipko movement, which aimed to protect the forest from commercial tree felling, as well as maintain sustainable ecological stability in the region. The pivotal point of this movement was in female leadership, and it would become a great example of eco-feminism. Today, the Satya Graha movement is seen as the paradigm of socially just nature conservation. It represents the importance of balancing the safe-guarding of trees and ecology with the livelihoods and rights of local and Indigenous people (Shiva & Bandyopadhyay, 1986).

1.3 The Appiko movement

The Appiko movement was inspired by the famous Chipko movement of the sub-Himalayan region of North India. It was created by the villagers of the Uttra Kannada district of Karnataka State in southern India, as a means of protecting forests. In September 1983, the men, women and children of Salkani hugged the trees of the Kalase Forest to protect them from logging. The local meaning of Chipko is literally *Appiko* (tree hugging) in the Kannada language, hence the Appiko movement was forged. This movement triggered new awareness in southern India regarding the protection of trees and forests.

Painting depicting the Bishnoi martyrs in Jodhpur, Rajasthan, India.

PHOTO: © NICK VIOLI AND CLAUDIA FABIANO



It is relevant to note that in 1950 almost 81 per cent of the geographical area of the Uttar Kannada district was covered in forests. At this time, forested area was declared as being backwards and undeveloped, which legitimised the government's initiative to promote large-scale development. As such, three major industries emerged in the Uttar Kannada district, primarily in forested, biodiversity-rich areas, for the manufacturing of pulp, paper and plywood. A chain of hydroelectric dams was also constructed in order to tap the water of the rivers for the production of electricity needed to supply the burgeoning industries. The result was nothing less than unsustainable development, environmental degradation, and an increase in poverty due to the overexploitation of forest resources. Moreover, due to dam construction, huge areas of agricultural and forested land were submerged into water. The forest cover, which earlier covered 81 per cent of the area, has now shrunk to 25 per cent, all in the name of development (Klassen, 2013).

Local populations, especially the poor living in forested areas, were displaced due to the construction of dams, and became even poorer with no proper shelter and few livelihood options. In turn, the natural forest was replaced by monoculture plantations of eucalyptus and teak for the production of paper, pulp and wood, leading to a major loss of biodiversity and directly affecting the forest dwellers. So these three Ps (paper, pulp and power) led to a fourth P, namely poverty, in the name of development and turning a 'backward' environment into an 'advanced' area.

These development projects sprouted up all over the southern tip of India, including the biodiversity-rich Western Ghats – a very fragile ecosystem which should have required special care and attention by the developers. Massive deforestation was observed in this area, especially in Kerala, which is home to 42 per cent of the entire Western Ghats, with forests collapsing from 44 per cent in 1905 to just nine per cent in 1984. This deforestation in the Western Ghats led to major environmental menaces like drought, watershed degradation and biodiversity loss. The generation of power from the dam

and the overall water supply were adversely affected due to the drought, which was triggered by deforestation from these purportedly progressive development projects. The fragile ecosystem of the Sahyadri hills was adversely affected by deforestation. Policies of natural resource exploitation of forests and minerals have led to the poor becoming poorer and the elite richer. Even the self-supporting, subsistence system of forest dwellers was destroyed by deforestation and the construction of hydro-electric dams on rivers (Pandurang, 1989).

The Appiko movement is now trying to save the Western Ghats by creating awareness in the South of India. The movement has three major objectives. Firstly, it wants to save the remaining natural tropical forests of the Western Ghats. Secondly, it's trying to restore the greenery of the degraded areas. Thirdly, it's promoting the idea of sustainable use of the natural resources in order to reduce pressure on the forest ecosystem. The slogan of this movement, in Kannada language, is to save (*ubsu*), to grow (*belesu*), and to use rationally (*balasu*). Movement activists have engaged in activities such as foot marches in the interior regions of forests, folk dances, slide shows, as well as street plays so as to create a sense of environmental conservation. Appiko activists have also manufactured energy efficient stoves in order to conserve the wood, and made cow dung (*gobar*) gas plants for fuel efficiency. They have been growing saplings in order to grow more forests on degraded land. This movement has brought about a major change in Southern India, with people promoting the sustainable use of natural resources on their own and helping to create a more harmonious relationship between humans and nature, thereby encouraging sustainable development (Pandurang, 1989).

2. Unsustainable development: The Narmada Bachao Andolan (NBA) social movement and the case of India's hydroelectric dams

On 12 December 1979, after 10 years of investigation by Narmada Water Disputes Tribunal that was formed in October 1969 to adjudicate over the disputes regarding the construction on the river Narmada and consequent sharing of its water, the Tribunal confirmed the Indian government's decision to build 30 major, 135 medium, and 3,000 small dams on the Narmada river. The decision also called for an increase in the height of the Sardar Sarovar dam.

This decision led environmentalist Medha Patekar and her colleagues to visit the Sardar Sarovar dam project site in 1985. They observed that no appropriate Environmental Impact Assessment (EIA) had been carried out. People who were bound to be affected by the construction of the dam had no knowledge about it and were not even consulted. No land records were checked, and the World Bank sanctioned the use of funds for the dam project without the approval from the Indian Ministry of Environment and Forests. Major problems related to the post-project repercussions were overlooked by the officers who approved the dam expansion.

Medha Patekar organised a 36-day solidarity march covering the neighbouring states of the Narmada valley, from Madhya Pradesh to the Sardar Sarovar dam site in Gujarat. She went on a 22-day fast and was close to dying when the World Bank established the Morse Commission for an independent review of the project, which led the organisation to cancel its participation in the project in 1993. At Madhya Pradesh, Medha Patekar fasted again in 1994 and resisted the eviction of the people from the dam site in Dhar. In 1994, the Narmada Bachao Andolan office was attacked and demolished, likely by opposition parties. Medha Patekar and other activists were assaulted and fed intravenously to break the fast (Parasuraman et al., 2010). A case was filed for stopping the dam height increase and questioning the necessity of the project in the court, but the Supreme Court of India validated the project, issuing successive orders to raise the height, from 90 meters in 2000 to 163 meters in 2017. Estimated to displace 250,000 people, the dam was inaugurated in 2017 by Prime Minister Narendra Damodardas Modi (PTI, 2018). This project is a major example in which pro-development activities were supported by the Supreme Court of India, constituting a challenge to the sustainable development of the country and environmental rights of local communities.

2.1 The ‘Silent Valley’ protests

The Silent Valley is one of the only remaining ‘untouched’ rainforests left in India. It occupies the Malabar region of the State of Kerala, which is situated at the southern end of the Western Ghats. It is far away from the main urban areas and highways. There is relatively less timber cutting there, and this area embodies a great variety of biodiversity, with rare species of plants and ferns and endangered fauna.

In the 1960s, a hydroelectric dam project on the Kuntipuzha River was proposed by the Indian government, though local educated people, like rural school teachers, formed a group called the Kerala People’s Science Movement (*Kerala Sastra Sabitya Parishad*, or KSSP) and assessed the outcomes of the project on their own, coming to the conclusion that the production of electricity from the dam will only favour the industries, and local people would receive no benefit from the project. In turn, they determined that the ecology and the ecosystem of the river and forest would be damaged. Biodiverse plant and animal species, which have evolved over millions of years, would be lost forever due to the project, according to the organisation. Although State government favoured the project, KSSP activists took the matter to the Central government, and a committee was formed to assess the environmental and socioeconomic effects of the project. The committee subsequently recommended the abandonment of the project in 1979, and the State government accepted this recommendation in 1983. This is one excellent example of how environmental defenders acted successfully in conserving the environment (Karan, 1994).

2.2 The case of the Kali Bachao Andolan

The Kali River is one of many rivers that flow into the richly forested area of the Western Ghats. The river is 184 kilometres long and flows into the Arabian Sea. There are already six major dams on the river that generate 1200 megawatts (MW) of electricity

and submerge 13,000 hectares (ha) of forest in Uttara Kannada. People displaced by the project were not adequately supported or compensated by the Indian government. Instead of the rich fertile land that these people previously owned, degraded land was allotted to them for farming as compensation for displacement. Many people lost their primary source of income and migrated to Goa in search of employment. This is just one story which tells of the formation of urban slums in the country due to the displacement of the rural populations (ESG, 2007).

Now a new dam is being proposed to be constructed by Murdeshwar Power Corporation Limited (MPCL) at Mavalangi, near Dandeli, in the western Indian state of Karnataka. If approved, it will only generate an additional 18 MW of power but submerge an additional 86 ha of land, including 81 ha of forested areas. The Dandeli Wildlife Sanctuary will be adversely affected by this development, leading to a major loss of biodiversity. There are concrete legal grounds which should, in principle, prevent this level of environmental disturbance, such as a notification by the Indian Government which states that development projects cannot take place on the Kali river and its tributaries (so as to protect the forests). There are reports of fraudulent Environmental Impact Assessments (EIAs) by consultants (first by Ernst & Young and then by the Tata Energy Research Institute), which present a solid case for the rejection of the dam. On financial grounds, there have been reports that power for the dam would cost over fifteen times the cost of power produced by Karnataka Power Corporation Limited (KPCL). On several social, environmental, economic, legal, and developmental policy grounds, the new dam does not make sense and needs to be scrapped (Sharma, 2003).

3. Violence against environmental defenders: The murder of Mr Ajit Maneshwar Naik and the case of the Dandeli Paper Mill factory

Major river pollution resulting from the Dandeli Paper Mills at Dandeli, on the banks of the Kali River, is an ongoing problem in Karnataka. Large volumes of untreated effluents are being released directly into the river. Local people are suffering from many skin diseases, and the water is not fit for irrigation. People in this area are dependent on the river for their survival. Not much is done by the Karnataka Pollution Control Board in this regard. Due to the inaction by the government, local communities formed a group to save the Kali River, called the *Kali Bachao Andolan* (ESG, 2007).

On 27 July 2018, a lawyer turned activist, Mr. Ajit Maneshwar Naik, was reportedly murdered by assailants in Dandeli, as he sought to protect the fragile ecosystem of the river from pollution emitted by the Dandeli Paper Mill and from the construction of dams (Chirumamilla, 2018). He was 57 years old and only wanted to protect the fragile riverine ecosystem, which provides subsistence living for many of North Karnataka's poorest and most vulnerable communities.

This is just one example: there are many other unreported stories where environmental defenders are thrashed to death for their benign cause to protect nature. As a result, many of these environmental defenders face various forms of violence. The environmental movements in India are primarily non-violent, but the cost is extremely heavy for activists, whom many times lose their lives despite their benevolent cause of environmental protection (Roy & Martinez-Alier, 2019).

3.1 Pollution and the Ennore Special Economic Zone (SEZ)

In another incident, in a fishing village by the Kosasthalaiyar River in Ennore, North Chennai, massive water pollution in the river in Kattukuppam was observed following a major oil spill in 2017 and the phenomenon of coal ash pollution. The colour of the river water is black due to diesel, sewage and ash pollutants. The villagers hardly catch any fish in their nets. R.L. Srinivasan, a former *kabbadi*⁸ coach, filed a case in the National Green Tribunal in 2017.

As a result, the Environment Ministry stopped the construction of the road which was to be built to supply the 'conveyor coal belt'. He has been struggling for the last four years for his right to live in a clean environment. There are major polluters in this area which also include the thermal power plant serving the Ennore Special Economic Zone (SEZ), which is being built on a fly ash pond, also known as a coal ash basin (Chandrasekhar, 2018). Now, due to improved access to Green Tribunals, environmental defenders can more easily fight legal battles with developers who evade environmental regulations and pollute local environments.

Conclusion

The environmental movements reviewed here have followed the principle of non-violence, developed in the philosophies of Mahatma Gandhi during the independence movement in India. The tradition of tolerance and non-violence in the many Indian communities following Gandhi have left a great mark in the history of environmental defenders worldwide.

This article described Indigenous environmental conservation movements throughout India's history. The Bishnoi movement in Rajasthan in 1730; the Chipko movement in the Uttarakhand in 1973; the Appiko movement in Karnataka in 1983; the Narmada Bacho Andolan in central India in 1985; the Silent Valley protests in Kerala in the 1960s; and the very recent Kali Bacho Andolan in 2018, as well as the case of the protection of the Kosasthalaiyar River in Ennore, in North Chennai; what they all have in common is the tendency of non-violent protest, even if activists have lost their lives defending their forests and land.

Now, with the advent of the Green Tribunals in India, any person can go to the courts to seek justice for harm done to Mother Nature, in the name of environmental defence.

These environmental movements cross all the boundaries of cast, creed and religion in India, making conservation of nature a common ‘religion’ and mantra. People have joined hands in the abating of commercial exploitation of natural resources through these environmental movements.

Since India’s independence in 1947, there have been many developmental activities in the country involving the construction of dams, roads, steel plants and other massive infrastructure projects. These development projects have taken a toll on the natural resources and Indigenous populations where they take place. Many are adversely affected and and/or displaced from their native lands. Due to industrialisation, while poor people sometimes get employment, elites benefit the most, and pollution from the projects threatens communities, livelihoods, and human and environmental health, as seen in the case of the Bhopal gas tragedy in 1984 and the Oleum gas leak in 1985.

In summary, rapid industrialisation has not brought about desired economic growth for all, but led to major environmental destruction, catalysing various environmental conservation movements in India. Sustainable development and environmental conservation must be an integral part of any developmental project. There is a need to further involve local populations in decision-making and environmental impact assessments before the start of any project, ensuring *Free, Prior and Informed Consent* (FPIC) and keeping conservation of nature as a central, common focus point. Environmental defenders must be protected from any violence by the government and/or corporations, and compensation must be provided to families of environmental defenders who have lost their lives while protecting nature. As development projects continue to threaten environmental defenders in India today, concrete legislation is needed.

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Sand mining in Indian river.

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Human dimensions of wildlife conservation

R.J. Rao^{a)} and Yogesh Singh^{b)}

Abstract

Sand mining in Madhya Pradesh, one of the biggest states in Central India, is rampant. Over the years, unsustainable sand mining has caused great damage to the Narmada River and its tributaries. The Ken, Betwa, Sindh, Chambal and Son rivers which join Yamuna and Ganga Rivers have also been facing severe threats from ongoing illegal sand extraction. Sand is used as an abrasive or in concrete, extracted mainly through an open pit, but sometimes mined from beaches and inland dunes or dredged from ocean and river beds. Sand mining is a direct cause of erosion, and impacts the local aquatic wildlife. Various animals depend on sandy beaches for nesting, and mining has led to a decrease in their population. The government is taking steps to control mining activities in this region, particularly in protected areas like the National Chambal Sanctuary. Yet, intervention by concerned local authorities, including police and forest officials, and environmental defenders have resulted in retaliatory actions by the mining mafias.

Key words: sand mining, National Chambal Sanctuary, environment

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In India, many rivers, lakes and marshes offer a variety of habitats that are inhabited by three species of crocodiles. Early records reveal that these crocodiles were at one time very abundant throughout their distribution range.

However, due to commercial exploitation and habitat destruction, their populations were reduced to near extinction. A timely action was taken in 1975 when the government of India initiated the 'Crocodiles Project' to save all three species of crocodiles by giving them protection, including through rehabilitation programs and declaring sanctuaries through the Indian Wildlife Protection Act, 1972. One of these protected areas is the National Chambal Sanctuary, specifically created to protect and conserve the Indian gharial (*Gavialis gangeticus*), one of the most critically endangered species. As a policy of Indian Wildlife Protection Act, all human activities in the sanctuary have been completely banned.

Indian Gharial

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The Chambal River gharial population is the largest contiguous and most viable population of this species, and has been the focus of both conservation and restocking programmes. In recent times it has suffered from increasing disturbances from extractive activities, and is under severe threat from land-use changes, reduction in water flow, changes in river morphology and loss of nesting sites, both as a result of hydrological modifications due to dams and reservoirs, and the diversion of river water for irrigation and sand mining along the river (Taigor & Rao, 2010).

The protection of rivers and biodiversity extends well beyond the conservation of crocodiles. Most local people depend on nearby rivers for many of their basic needs, but water bodies in India have come under tremendous human pressure in recent years – due to the overexploitation of available water, diversion of water due to multi-purpose projects, and pollution – leading notably to a reduction in important aquatic species (Rao et al., 1995). Conservation management agencies have identified human activities as a significant issue for planning, reporting and decision-making related to protected areas. Proper protected area management requires cooperation of local people, without whom it is impossible to preserve wildlife and their habitats.

Sand mining

The prime habitat characteristics of the Chambal River are the long stretch sandbanks. These sandbanks are very useful for the aquatic animals as nesting and basking sites. The reptiles need to maintain their temperature, as they are cold-blooded, hence they come out of the water body for basking; however, human activities, like sand mining, can disturb their natural behaviour. The reptiles in the river – such as gharial, mugger crocodile (*Crocodylus palustris*) and freshwater turtles – come out on the sandbank for basking and laying eggs in nests specially constructed by an individual female. Sand mining is one of the major human activities in the Chambal River. Sand is continuously extracted by local people in the important nesting and basking sites near the river, resulting in the reduction of the space for nesting and basking area, drastically changing aquatic biodiversity trends.

There have been multiple attacks on government officials, journalists, and local environmental defenders by sand mining mafias in the State of Madhya Pradesh (SANDRP, 2019). In some cases the violent attacks have led to death. All six Assembly Constituencies in Morena were affected by illegal sand mining for the past decade. Illegal sand mining was not an issue in the 2003 election, but became one by 2006, when the Supreme Court imposed a ban on sand mining in the Chambal River to protect flora and fauna in the region. In response to the ban, many local entrepreneurs turned to mafia-like practices, including the use of violence and bribery.

In March 2012, a young Indian Police Service (IPS) officer, Narendra Kumar, was crushed to death when he tried to stop a tractor loaded with illegally-mined stones. Despite the uproar resulting from his death, attacks on government officials continued in the district. Six months after Kumar's alleged murder, Abhishek Singh, a trainee Indian Administrative Service (IAS) officer posted at Morena, was attacked when he tried to stop a sand-mining operation near the Chambal Gharial Sanctuary. In April 2015, Constable Dharmendra Chouhan was crushed to death in Noorabad area of Morena when he tried to stop a dumper carrying illegally quarried sand. On 7 September 2018, deputy forest ranger Subedar Singh Kushwaha was crushed to death when he tried to stop a tractor laden with illegally-mined sand in Morena District. The sand mafia ferrying illegally mined stones in Gwalior shot two forest guards, Hari Vallabh Chaturvedi and Harish Chandra Chouhan, in the evening of 12 September 2018, leaving them in critical condition. Illegal sand mining continued unabated, with more than 200 people booked during 2018 in different cases related to illegal sand mining according to police sources.

Journalists have also been targeted by sand mafias, with the state of Madhya Pradesh seeing most of the attacks against them in 2015 and 2016, with 19 and 24 cases, respectively. On the morning of 27 March 2018, Sandeep Sharma, a 35-year-old journalist investigating illegal sand mining in Madhya Pradesh, was run over and killed by a dumper truck in Bhind, only a week after filing a story and complaint about the alleged involvement of a police officer in the sand mafia (Asian News International, 2018). Beyond officials and journalists, local people defending the environment have also been

the target of retaliatory actions by the sand mafia. In Anoopur District, a village youth who objected to illegal sand mining in the Son River was threatened and beaten by people involved in mining, while the local police, instead of helping, threatened him for raising his voice.

Rampant illegal sand mining continues to affect development works in hundreds of villages along Chambal River in Morena. A total of 42,152 cases of illegal mining for major and minor minerals were registered in the state during 2009–2015, with Sudhir Sapra, a Gwalior-based environmentalist, estimating that illegal mining from the Chambal and Sindh rivers generates about US\$ 40,000 per day; enough to support a corrupt and violent illegal economic sector that threatens other livelihoods, jeopardises long-term conservation goals and costs many lives, both human and wildlife.

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Storm clouds roll in above Badulla. The central area of Sri Lanka receives a lot of rainfall and is perfect for agriculture.

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The changing role of traditional farmers from environmental defenders to wildlife offenders in the context of agro-industrial development and conservation activities in the Moneragala District, Sri Lanka

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Abstract

Many practices and policies, whether traditional or modern, have allowed the coexistence of humans and wildlife. In Sri Lanka, farmers have long grown crops for wildlife, in order to reduce damaging Human-Elephant Conflicts (HEC) that are part of the culture of agrarian communities. HEC, however, have intensified and currently prevail over coexistence, with higher numbers of human and elephant deaths, as well as agricultural and property damages. The Moneragala District is one of the most severely affected areas by HEC and is seeing an increase in protection measures, such as electric fences, translocations and thunder flares. Most remedies have failed, however, as controversial mega-projects implemented in the area, such as export-oriented commercial cultivation of sugarcane, mango and banana, have converted residual forest areas, while the use of stronger protection measures around plantations has led to the demise of habitats and food sources for elephants, pulling them away from forests and towards the comparatively poorly protected cultivations and properties of local farmers. As a result, traditional ideologies of environmental conservation have declined among many agrarian communities, with antagonism growing against environmental defenders pursuing a coexistence perspective with elephants. A restructuring of commercial projects is necessary to protect wildlife habitats and minimise aggressiveness against environmental defenders.

Key words: Human-Elephant Conflict (HEC), environmental defenders, environmental offenders, conservation policy, mega-development projects

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Introduction

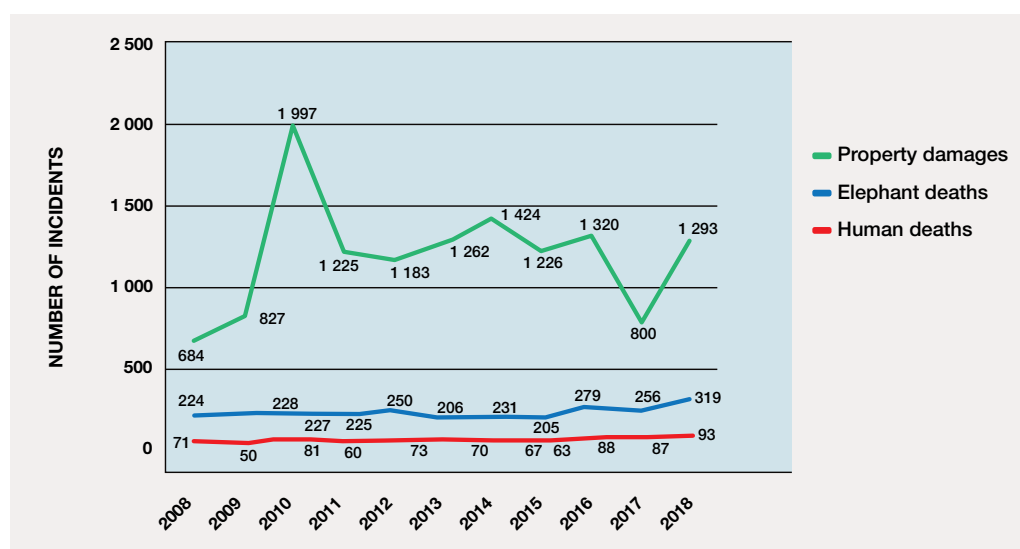
With the official end of the civil war in 2009, Sri Lanka has seen growing commercial development in areas previously under conflict. Among these, Moneragala, an administrative district in south-eastern Uva Province, has become a site for new development strategies. In 2018, agrarian researchers observed that historically collaborative human and elephant groups became hostile, mostly due to agro-industrial development. Sri Lanka is rich in biodiversity, particularly in forest ecosystems and different species of wild animals. Historically, the entire economy was based on agrarian activities, such as subsistence farming, fishing and animal husbandry. Almost all of them were carried out while preserving the ecological balance, especially between people, wild animals and forests. The kurulupaluwa⁹ is one of the best examples, which is an area not only dedicated for birds, but also other wildlife, including elephants. In Sri Lanka, elephant population increased from 1,600–2,200 in 1969 (McKay, 1973) to 5,879 in 2011 (DWC, 2011).

Presently, the government plans to increase national forest cover from 29.7% to 32% by 2030 in order to mitigate climate change, with additional benefits to wildlife. However, the inception of mega agro and non-agro development projects in residual forest areas during the post-war period has reduced habitat for wildlife, including elephants. Therefore, elephants are naturally trying to invade farming lands. This scenario has tipped the balance of HEC from coexistence towards greater conflict. Over the 2008 to 2018 period, HEC have increased across the island resulting in annual deaths of between 50 and 93 people and between 205 and 319 elephants, while between 684 and 1,997 properties were damaged (SLWCS, 2017). Those affected by HEC are primarily the agrarian communities living in rural remote areas of the country, with 83% of deaths being elder male family members, who are the families' breadwinners.

Following initial informal interviews with the farmers suggesting that post-war developments contributed to these negative outcomes, data was more systematically collected through questionnaires (n=167), focus group discussions (n=28), key person interviews, and direct and participatory observations.

Major consequences of HEC in Sri Lanka per year, detailing the number of incidents by type per year

SOURCE: DEPARTMENT OF WILDLIFE CONSERVATION, 2008–2018



Results and discussion

The majority of respondents within farming communities is unsatisfied with the role of officials from Forestry, Wildlife and Agriculture government departments, by 87%, 83% and 64%, respectively. HEC managing programmes (electric fencing, thunder flares, translocation) have failed due to the scale of commercial projects implemented in the area, like export-oriented cultivation of sugarcane, mango and banana. As revealed by respondents, historical human-elephant relations, rooted in cultivation practices which maintained coexistence, have been abandoned. In the past, chena cultivation was the main agricultural method. It includes slash and burn practices in virgin forests, single-season (*Maha* season) cropping, intensive protection and maintaining a separate land for animals. In addition, farmers vacated chena fields after harvesting, allowing elephants to feed on harvest remnants. Such traditional practice gave farmers a role of ‘environmental defenders’ by privileging a co-existence approach with elephants that reduced conflicts. After the civil war, the existing system was jeopardised by new conservation practices and top-down development. Conservation initiatives such as banning chena cultivation, re-demarcation of boundaries, and establishing barriers, like electric fences, led to decreasing arable areas and livelihoods of local communities, as well as changes in the feeding practices of animals. Local farmers lost their chena cultivation areas as a result of ensuring protected areas for wildlife habitats, while elephants lost access to harvest remnants.

Adult and young elephants eating from a field in Sri Lanka.

SOURCE: [CC0] SOURCE: HIPPOPX.COM.



Human-elephant conflict has reached a critical level due to post-war development practices, such as agro-industrial projects. In Moneragala District, 4,102 acres were converted to export-oriented agricultural products (sugarcane, mango and banana). In addition, another 66,500 acres have been allocated for industrial zones in Wellawaya and Sewanagala. Accordingly, a significant relationship can be observed between the start or increase of elephant threats and the time of inception of such projects. In addition, 10 mega-projects started in Hambanthota – the closest District to Moneragala – across 16,500 acres, causing wildlife to move to Moneragala, which has contributed to more conflict.

Conclusion

In conclusion, conservation policies and top-down based development in post-war Sri Lanka contributed to jeopardising the prevailing co-existence between humans and wild elephants, and consequently subsistence farmers that were ‘environmental defenders’ seeking to co-exist with elephants have now mostly become ‘environmental offenders’. This case points to the need to acknowledge the importance of traditional farming practices and the limits of ‘technical fixes’ to human-wildlife conflicts in the pursuit of economic development, even if paired with mainstream protected areas. Policies thus need to be more inclusive of the voices and traditional knowledge of local agrarian communities, ahead of development and conservation projects. This should be done before these communities themselves turn from defenders to offenders out of sheer necessity, given their lack of options within landscapes transformed by large-scale development and ‘conservation’ activities.

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Local community
conducting rituals
as a cultural form of
resistance.

SOURCE: AGUNG
WARDANA

The risk of protecting the environment: Strategic Litigation against Public Participation (SLAPP) in post-authoritarian Indonesia

Agung Wardana*

Abstract

Environmental law is a relatively new but rapidly developing field of law in Indonesia. This development is in large part the result of environmental defenders employing legal institutions, especially the court, for advancing progressive legal rules and procedures for protecting the environment. Ironically, in post-authoritarian Indonesia, those defenders have faced threats or been subject to criminal charges and civil lawsuits for exposing environmental destruction and advocating environmental rights. Several cases that may be considered as Strategic Lawsuit against Public Participation (SLAPP) have been heard before the court and resulted in prison terms. This paper examines the current phenomenon of SLAPP in Indonesia, pointing at the political-economic contexts leading to SLAPP being used. I argue that the encounter between environmental defenders and the law in post-authoritarian Indonesia remains contentious. Instead of exercising judicial activism to enhance the principle of *in dubio pro natura*, the court appears as a fortress protecting the oligarchy's interests by prosecuting defenders of the environment.

Key words: SLAPP, environmental defenders, law, socio-legal studies, Indonesia

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Introduction

The development of modern environmental law worldwide cannot be separated from the agency of environmental activists or environmental defenders. Lazarus (2004) notes that the massive emergence of the environmental movement in the 1960s–1970s era led to the establishment of environmental law and regulations both at national and international levels. Indonesia is not an exception, in this regard. Environmental defenders have pushed the normative boundaries of existing environmental legal frameworks to become responsive to demands for environmental justice. The notable example for this was the recognition of legal standing for environmental non-governmental organisations (NGOs) in 1988 after the Indonesian Forum for the Environment (WALHI) put forward a lawsuit on behalf of the environment against the Indorayon Utama, a pulp and paper company in North Sumatera (see Nicholson, 2009).¹⁰ Subsequently, as the product of environmental activism, there have been many legal developments in the field of environmental law in Indonesia, including the recognition of ‘class actions’ or representative actions.¹¹

The high profile of environmental defenders in environmental law and advocacy has caused them to be targeted by parties whose interests are implicated. Defenders are vulnerable to criminalisation or being sued through what is known as Strategic Lawsuit Against Public Participation (SLAPP), aside from other forms of intimidation and even murder. The UN Special Rapporteur on the Situation of Human Rights Defenders states that, globally, during 2015–2016 alone there were 450 attacks on human rights defenders working for environmental and land rights issues (UN General Assembly, 2017). In 2015, for instance, Berta Caceres and Nelson Garcia from the *Civic Council of Popular and Indigenous Organizations of Honduras* were killed for protesting against dam development in Gaulcarque River that is regarded as sacred by Indigenous communities (UN General Assembly, 2016). In Indonesia, in the same year, there was the murder of Salim Kancil, a farmer who was fighting against sand mining in his village (Global Witness, 2016). This demonstrates that environmental defenders are among the most vulnerable groups of human right defenders as their work very often conflicts with the interests of the state and business enterprises (UN General Assembly, 2016).

The vulnerability of environmental defenders was also a critical issue in the process of drafting the Environmental Protection and Management (EPM) Law No. 32/2009. As a result, an Anti-SLAPP provision was finally adopted in Article 66 of the EPM Law which states that: “every person who is defending the rights of a good and healthy environment cannot be either convicted by criminal procedure or sued through the civil procedure”. This stipulation provides for the protection of environmental defenders for the first time within the Indonesian legal system. A similar set of protections was then provided in the Prevention and Eradication of Forest Degradation Law No. 13/2013 for witnesses and informants in the case of forest crimes.¹² Through this legal protection, it was expected that there would be fewer constraints on environmental defenders to pursue environmental causes.

Despite these Anti-SLAPP provisions, the attacks on environmental defenders have been a persistent feature of environmental advocacy in the country. The Indonesian Forum for the Environment (WALHI), for instance, reportedly notes that during 2016–2017 there were 302 land and environmental conflicts across the archipelago in which 163 persons were criminalised (Syahni, 2018). According to the Consortium for Agrarian Reform (2018) it is recorded that there were 940 land and environmental activists intimidated and criminalised during 2014–2018. In 2018, alone there were 32 SLAPP cases registered (WALHI, 2019).

In the political context described above, this paper aims at examining the current phenomena of SLAPP in Indonesia. In so doing, it discusses three SLAPP cases: the Budi Pego case in East Java, the Sawin, Nanto, and Sukma case in West Java, and the Joniantara and Dharmawijaya case in Bali. Here I use a socio-legal study in which theoretical and conceptual frameworks from social sciences will be used to examine the legal phenomenon of SLAPP in Indonesia, namely an analytical framework developed by Turk (1976) which suggests that law should be seen as a ‘weapon’ in social conflicts. It will demonstrate how the nature of SLAPP in Indonesia involves an active role of the state in prosecuting environmental defenders.

This paper contributes to the global literature that deals with impediments to public participation in environmental protection and the expansion of democratic processes generally. The concept of Strategic Lawsuit against Public Participation (SLAPP) was used by George W. Pring and Penelope Canan (1996) for the first time in the context of the US legal system. In terms of scope, Pring and Canan (1996) define their understanding of SLAPP within the limit of civil procedure, while the use of criminal procedure against environmental activists is not part of their analytic framework. Hence, this paper contributes to the literature on SLAPP by widening its scope to incorporate criminalisation of environmental activists. In doing so, it moves beyond the understanding of SLAPP as merely a strategic civil *lawsuit* against public participation but rather as a form of strategic *litigation* against public participation which includes the use of civil, criminal, and administrative procedures. Here, I retain to use the acronym ‘SLAPP’ to refer to strategic *litigation* in order to broaden its scope.

1. SLAPP and Anti-SLAPP provisions

The term, *Strategic Lawsuit against Public Participation* (SLAPP), was popularised by George W. Pring and Penelope Canan (1996) in their book entitled *SLAPPs: Getting Sued for Speaking Out* as a response to several lawsuits targeting activists in the US. In the book, they do not provide a clear definition of the term but instead elaborate on the principle through which a SLAPP can be identified by asking “whether defendants were engaged in activity covered by the Petition Clause”, a clause in the US Constitution to protect and respect freedom of expression (Pring & Canan, 1996). That said, an elaborated definition of SLAPP can be seen in the case of *Gordon v. Marrone* (1992) where Judge J. Nicholas Colabella states that SLAPP constitutes:

[...] suits without substantial merit that are brought [...] to ‘stop citizens from exercising their political rights or to punish them for having done so’ [...] SLAPP suits function by forcing the target into the judicial arena where the SLAPP filler foists upon the target the expenses of a defence. The longer the litigation can be stretched out, the more litigation that can be churned, the greater the expense that is inflicted and the closer the SLAPP filer moves to success. The purpose of such gamesmanship ranges from simple retribution for past activism to discouraging future activism [...]. Those who lack the financial resources and emotional stamina to play out the ‘game’ face the difficult choice of defaulting despite meritorious defences or being brought to their knees to settle. The ripple effect of such suits in our society is enormous. Persons who have been outspoken on issues of public importance targeted in such suits or who have witnessed such suits will often choose in the future to stay silent.

From the definition, there are two important aspects in a SLAPP affecting democratic principles. The primary aspect concerns its impact on the capacity of citizen participation to influence government policies concerning public interests or socially significant issues. Participation in this regard should be understood in a broad sense, which includes submitting petitions, protesting, campaigning, attending public hearings, and so forth. The secondary aspect is related to the use of law to threaten or even punish the individual(s) involved in lawful dissident actions. Hence, it works as a threat to the person targeted to end her/his activism and as a strong signal for the general public that they may face a similar case if they dare to challenge particular issues or interests. Consequently, in the future it will become a barrier to prevent citizens from expressing their views against development projects that may affect their livelihoods or well-being.

The use of SLAPP to attack activists is not an exclusive phenomenon in the US. In Australia, for instance, SLAPP has also been used since the 1990s to challenge public participation as a matter of principle. This can be seen in the case of *Australian Wool Innovation Ltd v. Newkirk* (1995) and *Gunns Ltd v. Marr & Ors* (2005). In responding to the impacts of SLAPP on public participation in general, Anthony (2009) argues for a uniform application of Anti-SLAPP regulation at the Commonwealth level as the states have a different sensibility toward SLAPP which may provide a loophole for business actors to use SLAPP in silencing opposition groups. Similarly, considering the increased use and the impacts of SLAPP in Ontario, Canada, Ecojustice and the Canadian Environmental Law Association demand the adoption of Anti-SLAPP legislation. They argue that the existing regulations are inadequate to protect citizen participation in government processes (Ecojustice & Canadian Environmental Law Association, 2010).

At the international level, environmental activists have been recognised under the broad umbrella of human rights defenders. In 1999, the UN General Assembly adopted a UN Resolution A/RES/53/144 concerning the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, also known as the Declaration of Human

Rights Defenders. Although it is only a soft law in nature, it demands member states give protection to human rights defenders in their work. Article 1 of the Declaration states that “[e]veryone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”.

Moreover, Article 8 stipulates:

Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Regarding state obligations, Article 2 of the Declaration asserts:

Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Domestically, Indonesia in the post-authoritarian era has recognised human rights as universal values in its Constitution. The government has also enacted Human Rights Law No. 39/1999 that provides protection to citizens in general. Specific protection for environmental defenders is stipulated in Environmental Protection and Management Law (EPM) No. 32/2009. During the law-making process of the 2009 EPM, responding to the democratic demands in the post-authoritarian era, environmental NGOs were invited to get involved. There were two reasons for the inclusion of Anti-SLAPP provisions: (1) intimidation by government officials, corporations, and their affiliated parties of people who struggle for the defense of their land and environment; (2) reconventional demand in civil lawsuits and criminal charges to environmental defenders on the ground of committing defamation (Sembiring, 2019). Finally, an article has managed to be inserted concerning such protection after a long debate in the process.

In terms of scope, this Anti-SLAPP provision in the 2009 EPM Law is relatively progressive in expanding its application beyond the original concept (Wardana, 2018). This can be seen in Article 66 of the law in which it states that “[e]very person who is

defending the rights of good and healthy environment cannot be either convicted by criminal procedure or sued through the civil procedure”. Meanwhile, the use of SLAPP in industrialised countries has tended to be within the scope of civil cases. Defamation is a common legal ground to bring a lawsuit in order to have the targeted individuals tried before the court. This is why this attack on participation is referred to as a strategic ‘lawsuit’ to indicate the use of a civil procedure in intimidating activists.

As clarified by Pring and Canan, the concept of SLAPP is framed as involving: (1) the use of lawsuit; (2) anything related to a Petition Clause; (3) a civil case; (4) substantial issues; and (5) public concerns (Pring & Canan 1996). Accordingly, the original concept of SLAPP is relatively narrow in its scope insofar as it only deals with the use of the civil procedure. Meanwhile, the use of law to attack activists in developing countries, including Indonesia, is not only through the civil procedure but also through criminal as well as administrative procedures.¹³ Hence, the original concept of SLAPP is not adequate to the complex nature of SLAPP in developing countries.

However, in Indonesia, the implementation of such provisions appears to be weak. This is demonstrated by many SLAPP cases in the country. The weaknesses in the context of implementation are very often attributed to the *legal substance*, namely inadequate formulation of Anti-SLAPP provisions in the legislation (Sembiring, 2019), as well as to the *legal structure*, especially the lack of knowledge of law enforcement officials, such as police officers, public persecutors, and even judges of environmental laws in general (Wardana, 2018). Accordingly, SLAPP cases are heard just like ordinary criminal or civil cases, without any reference to their strategic motivations. In fact, the assumption that sees these incidences of SLAPP – caused by the lack of knowledge of the legal enforcement officials – seems to be very simplistic and atomistic in that it blames the individual officer. The assumption also overlooks the underlying political-economic nature of the SLAPP cases in Indonesia. Hence, the study cases below aim at discussing the political-economic nature of SLAPP the country.

2. The use of law for SLAPP in Indonesia

In this section, I will discuss the most current SLAPP cases in Indonesia. I choose three cases, which are: the case of Budi Pego in East Java, the case of Sawin, Sukma and Narto in West Java, and the Case of ForBali in Bali. To summarise, I will demonstrate the nature of SLAPP in these different contexts.

2.1 The case of Budi Pego

Gold mining has victimised many people in the country. In highly publicised cases it has affected local communities at the Newmount Minahasa mine in North Sulawesi as well as the Freeport mine in Papua. A recent case occurred in the District of Banyuwangi, East Java. The mine is operated by the Bhumi Suksesindo (BSI) Company, which since 2012

Call for Action to Free Budi Pego

SOURCE: WALHI JATIM



has been granted a mining permit within the Gunung Tumpang Pitu protected forest. In order to justify the location, in October 2012, the District Head of Banyuwangi proposed the Ministry of Forestry to convert the area's protected forest status into a permanent production forest. A month later, the Ministry of Forestry approved the conversion of 1,942 hectares, which became part of the BSI's concession, out of the total of 4,988 hectares granted by the permit (Hakim & Zuhro, 2018). The mining project is funded by a consortium of three international banks, namely the Société Générale Asia Limited (SGAL) Hong Kong, BNP Paribas Singapore, and HSBC, with a loan of US\$ 50 million (Hakim & Zuhro, 2018).

The BSI itself is a subsidiary to the Merdeka Copper Gold, Tbk., owned by Sandiaga Uno, the running mate of Prabowo Subianto in the 2019 Presidential Election (Detik Finance, 2015). His company also has operated another subsidiary, the Damai Suksesindo, to mine with a concession of 6,623 hectares in Gunung Salakan, the neighbouring area of Gunung Tumpang Pitu (Hakim & Zuhro, 2018). In its structure, several national figures have been named to its board of commissioners, including Hendropriyono, the former Chair of National Intelligence Body and a close ally of Jokowi, and Garibaldi Thohir (Hakim & Zuhro, 2018), the brother of Erick Thohir, the chair of the Jokowi-Ma'ruf campaign team in the 2019 Presidential Election and the future Ministry of State-Owned Enterprises. It shows how both camps running in the 2019 presidential election in fact shared a similar interest toward the mining activities in the region (Syahni, 2019). More recently, both camps have come together to support Jokowi's administration indicated by the appointment of Prabowo and Sandiaga Uno as the Ministry of Defence and the Ministry of Tourism and Creative Economy.

In fact, the mining location is a disaster prone area. In 1994, there was a large earthquake followed by a tsunami in Banyuwangi District. Villagers in the Tumpang Pitu area moved to the high hills to escape the tsunami. Today, those high hills are being mined by the Merdeka Copper. Fitri, a villager who opposed the mining in Tumpang Pitu, recalling her experience in evacuation during the disaster when she was very young, comments on the implications for the future security of the village:

[I]f there is a tsunami, we cannot imagine what will be the effects. There is a grandiose mining company standing [on the hills]. The hills are also gone. Where will we go to save ourselves? The tsunami waves will destroy everything, and carrying water contaminated with cyanide. We cannot go anywhere (Hakim & Zuhro, 2016).

A similar concern is shared among villagers nearby the mining site. On 4 April 2017, a demonstration was led by Budi Pego, a local organiser, to protest the mining project in Tumpang Pitu. The protesters put up banners around the village to express their opposition. One of the banners was found to display the communist symbol of a hammer and sickle. As the organiser, Budi Pego was detained by the police, and on 23 January 2018 he was sentenced by the Civil Court of Banyuwangi to 10 months in prison with a conviction for spreading Marxist-Leninist teachings, as stipulated in Article 107a Law on Amendment of the Criminal Code No. 27/1999.¹⁴ In the Court of Appeal of Surabaya, the verdict has been upheld. In the cessation, the Supreme Court increased the sentence from 10 months to four years in prison without providing any clear legal reasoning for the increase.¹⁵

2.2 The Case of Sawin, Sukma, Nanto

Sawin, Sukma, and Nanto are farm labourers from Mekarsari Village, Indramayu. Electricity in that area there has been served by a coal power plant (PLTU) Indramayu 1. In order to increase the generation capacity national government expanded the plant by constructing another plant, PLTU Indramayu 2, nearby. It is funded by the national budget with foreign loans from Japan International Cooperation Agency (JICA) as part of the national strategic project for the acceleration of priority infrastructure delivery with a total budget of IDR 29 trillion (US\$ 1.8 billion) (Syahni, 2018). In May 2015, the new project was granted an environmental permit by the District Head of Indramayu, Anna Sophanah.

The coal power plant in Indramayu.

SOURCE: KOMPAS



In terms of location, the PLTU Indramayu 2 was constructed less than 150 meters from Sukma's house. Sukma and other villagers were concerned with the impacts on their health and the environment, since it was too close to the village (Syahni, 2018). Besides that, to make a living, Sukma and the villagers also work as a fisherman. However, since the

coal power plant (PLTU) Indramayu 1 began operations, they found they had to catch fish at a far greater distance than before, which increases the cost for fuel (Syahni, 2018). Concerning the impacts of the expansion of the coal power plant in the area, in July 2017, several villagers including, Sukma and Sawin, submitted a lawsuit against the permit before the Administrative Court Bandung on grounds that the environmental permit was violating the spatial planning regulation. On 6 December 2017, agreed with the plaintiffs, the court ruled that the district had to revoke the environmental permit for PLTU Indramayu 2.

Flotilla against reclamation

SOURCE: TEMPO/
JOHANNES P. CHRISTO



On 14 December 2017, to celebrate the victory, Sawin, Sukma and other villagers raised a number of state flags nearby the project location. The following day, the flags were found turned upside down. On 17 December 2017 at 01.00 am they were brought into police custody in Indramayu. They were later convicted under Article 24a of the State Flag, Language, Symbols and the National Anthem Law No. 24/2009

for desecrating the state flag. As a result, opponent groups had to mobilise their limited resources to assist Sawin, Sukma, and Nanto in defending their case while advocacy against the project appears to be weakened. Finally, Sukma and Sawin were sentenced by the court for five months and Nanto for six months in prison.¹⁶

2.3 The case of Joniantara and Dharmawijaya

Joniantara and Dharmawijaya are activists from Forum Rakyat Bali Tolak Reklamasi (ForBali). Beginning in 2013, the Governor of Bali issued a permit for a company named the Tirta Wahana Bali International (TWBI), owned by Tomy Winata, a national powerful tycoon, to construct a 700-hectare luxury resort complex within the bay through reclamation (Wardana, 2019). Ever since, the ForBali campaign established by NGO activists, students, as well as artists and musicians has been working to reject the project (Kerr & Wardana, 2019). The strategy employed is predominantly through mass demonstrations around the Governor's office and the Provincial House of Representatives to demand the provincial government take a position to reject the project. As a national strategic project, it has been endorsed by the national government by revising the spatial planning dealing with Benoa Bay in order to legally justify reclamation (Wardana, 2018; Warren & Wardana, 2018).

On 25 August 2016, a demonstration was organised by ForBali targeting the Provincial House of Representative and protesting that it has not yet issued a clear rejection statement toward the project. During the demonstration, Joniantara, Dharmawijaya, and other protesters lowered the state flag and then raised it up again with ForBali's flag below it. The incident triggered public commentaries both at the local and the national level. A narrative was circulated in the media in order to create an impression that ForBali was not respectful of the national flag and was unpatriotic and deserved to be apprehended and prosecuted (Edison, 2016). After several days of being sought by the police, Joniantara and Dharmawijaya surrendered at the local police department, accompanied by hundreds of ForBali activists and their lawyers. They then were put into custody, provoking a demonstration led by their village elders. Finally, after several days in custody, they were released in order to be with their families for Galungan religious ceremonies. However, they remain suspects since the case has not yet been closed. There appears to be a strategy to hang the case in the air in order to be resumed again at any time, if needed, so as to put pressure on the protest movement.

Discussion

From those three cases, several observations can be made. First, the ways in which environmental defenders opposed the projects were primarily through non-litigation, that is, through demonstrations rather than court actions. The use of non-litigation strategies have opened up opportunities for the state apparatus to put aside the application of Article 66 concerning the Anti-SLAPP provision of the EMP Law. This is because the elucidatory note to the article states that “the provision is aimed at protecting witnesses, victims, and/or complainants who use *cara hukum* (legal means) to respond to/from environmental pollution and/or degradation”, which can be interpreted as not including activities outside formal legal institutions. Hence, the defenders using demonstration are not considered under the protection of Article 66 of the EPM Law.

Secondly, these cases demonstrate the use of criminal law to intimidate environmental defenders in their actions to pursue the right to a good and healthy environment. In these contexts, according to Amnesty International Indonesia, there are two approaches by which the government or state apparatus criminalised environmental defenders or activists: the use of state symbols and ideology to treat protest cases as subversive crimes, and the use of petty crimes, such as trespassing, damaging plants or property to charge activists (Syahni, 2018).

This leads to the third observation that, in those cases, it is demonstrated that the intent of treating these as crimes related to state security and national ideology predominantly has been aimed at silencing opposition toward the state-backed projects. The cases clearly show the partiality of the state and its claim to a monopoly of interpretation on what is considered to be a threat to state security and national ideology. As shown by the case of Budi Pego, an increase in the sentence from 10 months to four years is presumably considering the popular opinion on communism in Indonesia. Indeed, communism remains a serious matter as the state has continuously maintained, in its official history, that communism is the enemy of the state ideology and Indonesian society. This is despite the fact that, in Indonesia’s history, anti-communism propaganda was used as a ‘pretext’ to conduct mass killings for those who were associated with members and supporters of the Indonesian Communist Party and other left wing politics (Roosa, 2006).

In the aftermath, General Suharto took the power and installed his authoritarian regime, lasting for 32 years, due to consolidation of military forces, political parties, state bureaucracy, as well as the capitalist class. To support the agenda of *developmentalism*, the regime promoted a militaristic and paternalistic interpretation of Pancasila, the state ideology, and suppressed freedom of expression to maintain social stability. Those who refused the state’s development projects were characterised as anti-development and might have ended up prosecuted, kidnapped or killed without due process of law (Aspinall, 2005).

In the post-authoritarian era, similar coercive strategies could no longer be used by the state to handle public protests and oppositions against state’s development agendas. As in the case of Budi Pego, the state utilises the collective fear of communism to show the

general public that neo-communists had infiltrated the land rights and environmental movement. In the case of Sawin, Sukma and Nanto, as well as in the case of Joniantara and Dharmawijaya a political motive is clearly shown to be behind it, as in an ordinary circumstance, flying the flag upside down or lowering it would not be regarded as a crime. These conducts became a crime only because the actors belonging to opponent groups were refusing state-backed projects, and needed to be silenced. Using the contempt of the state flag might also have been meant to bring about a perception that environmental defenders are un-patriotic citizens. Thus, taking together all the three cases, there is a systematic attempt, built on the authoritarian's legacy, to create a suspicious and dangerous image of environmental defenders and, expectedly, to set them apart from the wider public.

Finally, this confirms the literature on Indonesian politics that argues the state has been captured by the oligarchy whose businesses depend on natural resource extraction and exploitation (Robison & Hadiz, 2004; Winters, 2013; Warren & Wardana, 2018). Consequently, the state legal apparatus has become a tool to pursue their interests at the expense of public social and environmental interests. This illustrates that environmental defenders must attempt to navigate a legal system captured by the very interests they oppose in their struggles to protect the environment and their livelihoods. As Scott (1990) observed, as hegemonic power or total control only exists in the ideological sphere, not in reality, oppositions and struggles will never be absent albeit disorganised and fragmented. In the context of contemporary Indonesian politics, where meaningful institutionalised political opposition has appeared to be absent due to the accommodation of leaders of major political parties into Jokowi's administration, a close scrutiny of the administration to the larger extent is exercised by civil societies groups, including environmental defenders.

Accordingly, environmental defenders may be seen as a source of optimism. At very least, they have managed to disrupt and challenge the exercise of power in pursuing vested interests in the country, albeit temporarily. However, their work in protecting the environment will be more challenging in the future, after the enactment of the Omnibus Law concerning Job Creation. The Omnibus Law, a piece of legislation enacted in October 2020, aims to boost economic growth following the economic slowdown caused by the COVID-19 pandemic. This is carried out by relaxing environmental safeguards to attract investments, including the reducing of space for environmental organisations to participate in the Environmental Impact Assessment (EIA) process. Moreover, the law upholds criminal charges for those who are considered as a disturbance to economic development and investments. Environmental defenders are clearly targeted by such charges, and it remains to be seen how they would navigate these structural constraints in their advocacy.

Conclusion

Historically, Indonesian environmental law has been heavily shaped by the existence of environmental activism. However, in post-authoritarian Indonesia, environmental defenders have faced threats, criminal charges and civil lawsuits for exposing environmental destruction and advocating environmental rights. In this paper, three cases of SLAPP have been discussed where the activists were sent to prison for their activism in opposing state-back projects. Although under the current environmental legal regime, an Anti-SLAPP provision has been adopted, it appears to be impotent due to its conceptual flaw in which it is interpreted as only protecting activists and defenders who use a legal institutional course in fighting for their rights to a good and healthy environment.

More important to this normative analysis, the SLAPP cases in Indonesia are symptomatic of fundamental problems in the country, namely the state's alignment with powerful private interests. Rather than being a neutral agent in settling environmental conflicts or balancing the power of local communities in the face of powerful corporations, the state plays an active role in intimidating activists through the use of criminal codes related to state security and ideology, a domain where the state has a monopoly of interpretation. As a result, the encounter between the environmental movement and the law in post-authoritarian Indonesia remains contentious. Instead of exercising judicial activism to enhance the principle of *in dubio pro natura*, the court appears to have become a fortress for protecting oligarchy's interests. Environmental defenders regarded as a constraint to such interests are prosecuted though it.

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When the Hyenas came



Audio

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Once upon a time, there was a small sleepy animal town called *Muzi*. In *Muzi*, the trees grew tall, flowers blossomed and vines twisted, competing with snakes and creepy creatures. The birds sang orchestras and symphonies, and life was good for the local residents of *Muzi*.



The animals of *Muzi* loved their quiet, slow and lazy life. It was a friendly place, and almost everybody knew everyone else. Life was good for the residents of *Muzi*.

Besides the farmers – Elephant, Zebra, Giraffe, Warthog, Baboon and Buffalo – there was ‘Monkey the Journalist’, ‘Owl the School Principal’, ‘Crocodile the Chef’, ‘Lion the Policeman’ and ‘Fox the Handyman’. A few kilometres from this town was the highway to the city. Although the animals from *Muzi* went to the city once in a while, they loved being in their special, peaceful and beautiful town.



One day, three Hyenas representing a mining company from the city drove three huge 4x4s into Muzi town, raising clouds of dust. The Hyenas wore new yellow helmets, grey coats and large boots. They all looked serious, and two of them were carrying folded papers, cameras and gadgets. They marched straight into the town square and demanded a meeting with all the animals. In the meeting they announced:



“We have been given permission to take over the old mine in this town”.

The animals were shocked and stared at the Hyenas in horror. Monkey jumped up and said:



“What! The local mine? It is right next to our homes, fields, school and hospital. What will happen to us?”

The Hyenas grinned and one of them who was wearing dark glasses said:

“Don’t you worry. We promise to be good neighbors. We will build good roads in your town, upgrade your school and hospital and we promise to buy the houses of anyone who wants to move. We will pay good money”.

In the first few months, the Hyenas made good on their promise. They built a very

wide road leading to the mine right through town. They built two bridges and bought a few houses that were too close to the mine site. The animals whose homes were bought by the Hyenas were very happy because they were paid lots of money.

However, very soon the Hyenas started bringing in trucks, excavators, generators and special mining equipment. More Hyenas poured into the small town. Suddenly, not everybody knew everyone else.

The Hyenas started mining - digging, loading and moving lots and lots of soil. The trucks and earth-movers roared, groaned and growled day and night. They rolled, skidded and crawled right through the centre of town. The town folk knew no more peace or space, and even the sounds of birds and nightly crickets were silenced. Since the noise was from the digging and transporting of topsoil, the town animals thought that this would soon come to an end. They were **SO** wrong....



Two years later, the mining site had become a very huge pit – trees had been uprooted, the fauna and flora destroyed. The entire community looked desolate.

Then, the real work began and the town animals were in for their biggest shock yet.

The Hyenas started drilling and blasting. At the beginning, they blasted at very specific times per day, but then they soon started blasting whenever they wanted.

KaBOOM! KaBOOM!! KaBOOM!!!

It was BLAST after BLAST after BLAST. Each blast shook the earth and made the faint-hearted gazelles sick. Sleeping babies were rudely waken and they would start to cry. The blasting caused many houses to crack from roof to ground.

Even worse, the blasting caused rocks to fly from the pit and land on roofs of houses. Some flying rocks made holes and even fell inside the houses. The Hyenas repaired the roofs and suspiciously (hmmm...) left with the rocks.



With the flying rocks, it was no longer safe to walk around town. One day, a blasted piece of a car tyre flew from the mine and struck a pregnant Mrs. Giraffe. Fortunately she and the baby were unharmed, but the Hyenas accused Mrs. Giraffe and the Muzi residents of being careless.

Making things worse, the town animals were inhaling the dust and fumes from the daily blasting. At the beginning, the Hyenas watered the roads to keep the dust down, but soon they no longer bothered. Whenever they blasted, a huge cloud of dust went up and covered the sky. Dust on tree leaves, dust on blades of grass, on houses and animals. Even Mrs. Zebra and her family's dazzling skin lost its glow.



Even more troubling, the blasting and dust made it difficult for the children to learn at school. The flying rocks and noise made it impossible for the teachers to teach. Teachers had to shout in order to be heard by the young learners. Even the School Principal Mr. Owl got hit by a flying rock while addressing the children at assembly. The school had to be shut down – it could not operate in such a dangerous environment. The same thing happened to the local hospital. It too had to shut down.

Mr. Owl from the school, Mrs. Zebra, Elephant, Rhino and other concerned animals challenged the Hyenas to give them their compensation as promised so that they could relocate, but the Hyenas bared their teeth at them, and carried on with their work. The tall trees, the vines, snakes, creepy creatures and the bird symphonies all lost their joy.



It now seemed as if the Hyenas had taken over the entire town as the animals watched. They blocked the existing roads and started making new ones. They redirected water, leaving the community with none. The community drilled boreholes but without electricity the borehole water had to be pumped with generators, which needed fuel, which was also in short supply. There was a real crisis in the town.

Muzi town was about to be no more but the Hyenas continued to ignore the problems raised by *Muzi* town residents. There were now more Hyenas in town than any other animal and fears were that the Hyenas would one day use the teeth that they so loved to bare.

Finally, enough was enough! Led by Mr. Owl, the community animals engaged lawyers and took the Hyenas to court in the city.

Rhino the lawyer for the animals brought a wheelbarrow full of splinter rocks as evidence. The animals won a judgment against the Hyenas, but in defiance of the court they kept on mining.



The animals wrote complaint letters to the Ministry of Mines and the Environmental Management Agency demanding to see

the special grant that the Hyenas claimed they had been given, but with no result. The government agencies remained silent on the issue of the Hyenas.

Meanwhile back in town the Hyenas started making terror visits to some of the animals in the middle of the night. Standing outside they knocked, howled and scratched doors. Never going in...never attacking anyone...but making it very clear that they were now bearing their teeth.

Mad with rage, Rhino called for a residents meeting and said, “We **MUST** fight these Hyenas. We can’t just sit and watch them destroy our town”.

The other animals cheered in agreement.

“Let us march to their offices and confront them!” Elephant said as he started walking.

There was dead silence. Not even one animal moved or said a thing this time.

Elephant said, “Come on Buffalo, you are tough. We are talking about the future of our children here...”

Dead Silence.

Mr. Zebra coughed, and all the animals looked at him. He looked down and said nothing. He was sweating and shaky.

Hare the plumber said, “Elephant, you know that very few of us can read and write. The animals are afraid of politicians, summons and victimisation. You saw what happened to us after we won the court judgment”.

Cheetah stood up and said, “Yes, Hare is correct. We’re afraid. There’s no way Hyenas can blast 100 metres away from our homes if they are not politically connected. We are all afraid. Our children are scared of playing outside. Even our Member of Parliament has abandoned us”.

Monkey stamped the ground and said:

“None of us is as good as all of us standing together. We need to unite and claim our town back. We know that when the hyena drinks, the dog can only look on, but we should remember that the dog is also thirsty and perhaps even more entitled to drink. Our case is a pressing one. The birds sing not because they have answers but because they have songs. We have an important song to sing. We **MUST** sing it before we become homeless, and our land utterly destroyed”.



The animals nodded in quiet reflection.

Rhino, Elephant and Monkey were right.

Something had to be done. Muzi had to be restored for the good of themselves, the environment and future generations.



Kuumba Arts Trust is an arts organisation based in Harare, Zimbabwe that seeks to build and transform communities through the power of the creative sector utilising the visual arts to address crucial social, economic and environmental issues.

This folklore is constructed from the experience of the Eiffel Flats Community in Kadoma, Zimbabwe. The operations of the Cam and Motor Gold Mine operated by Rio Zim have caused detrimental environmental, social and economic destruction in this community.



Pastoralist standing in front of her herd.

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David versus Goliath: Pastoralist communities and mega-infrastructure projects in Kenya

Habiba Fora*

Abstract

The Lam Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor Program is Eastern Africa's largest and most ambitious infrastructure project, bringing together Kenya, Ethiopia and South Sudan. This mega project consists of seven key infrastructure projects: a new port at Lamu, interregional highways, a crude oil pipeline, a product pipeline, interregional standard gauge railway lines, three international airports, and the multipurpose High Grand Falls dam along the Tana River.

Key words: LAPSSET, pastoral lifestyle, degradation, environment

The LAPSSET project is a flagship project of the Kenya Vision 2030 programme, which “aims to transform Kenya into a newly industrialised middle-income country, providing a high quality of life to all its citizens in a clean and secure environment” (NESC, 2007). The corridor's road, railway and pipelines will pass through Garissa County (Ibid.). This large-scale project crossing several counties overlaps with the traditional grazing routes of the shepherds from Northern Kenya. The government classified this land as ‘uninhabited’, making the appropriation of the land for the project easier.

While the project promises development to an area that has been subject to socio-economic marginalisation, the communities are not very enthused about the project. They worry about the negative impact on their pastoral lifestyle and their herds. Changing herding routes might create conflicts between communities, and huge swathes

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of land will need to be cleared of vegetation to pave the way for the project, further exacerbating environmental degradation in the area. In addition to changes in pastoral lifestyles, the project has already changed the habitat for the Hirola antelope, which has been pushed into the Boni forest, when they have usually been found in short-grassed, seasonally arid plains, between dry acacia bush and coastal forest.

Community members in northern Kenya are concerned about losing their land. Their fears are based on a history of exclusion and neglect in Kenya. The Sessional Paper No. 10 of 1965, which was Kenya's economic blue-print prior to the Vision 2030, expressly designated the region as an area of "low economic potential" and hence not worth investing national resources in (Kenya National Assembly, 1965). The recent steps taken by the government in this project, such as marking most of the North as 'uninhabited land', have only exacerbated fears of the community about the loss of their land without compensation.

Shepherd providing water for his goats.

PHOTO: © GARRY WALSH/TROCAIRE



These poor community members are stuck between a rock and a hard place, as they are also at the frontline of the adverse effects of climate change. The droughts are longer and more frequent, with new hazards, such as billions of locusts appearing in the area for the first time.

"We used to have seasonal rainfall that was predictable, now we are forced to move constantly and still do not find enough for our animals to survive on. What will be our fate when this project stops this movement?", says Mohamed Lohos, a shepherd in Garissa (M. Lohos, personal communication, June 2019).

The communities have also expressed grave concerns about the manner in which the government has been conducting public engagement on the project. As Ahmed, an

Elder in Jarirot, warned: "You cannot hold a single public participation meeting in Garissa town with a select audience to deprive us of our land; we will not allow it" (M. Ahmed, personal communication, June 2019).

In addition to the pastoral communities in Northern Kenya, residents of Lamu County have also been bearing the negative impact of the project. But Lamu community has been fighting back. The community in Lamu, whose main source of livelihood is fishing, filed a complaint at the High Court against the LAPSET Project. The Court ruled that the government violated several Petitioners' rights, including the right of access to

information, the right to a clean and healthy environment, the right to practice traditional fishing, and the right to earn a living. The Court reasoned that the government, by failing to disclose information leading to the inception of the project and preliminary studies, failed to consult the community and, therefore, violated their right of access to information (Republic of Kenya, n.d.) The Court further ordered for the Environmental and Social Impact Assessment (ESIA) Report of the Lamu port to be sent back to the National Environment Management Authority (NEMA) to ensure compliance with the Environmental (Impact Assessment and Audit) Regulations 2003, which calls for creation of a public participation that is effective, inclusive and appropriate for the scale of the issue involved (Revised EIA Regulations, n.d.).

Finally, the Court ordered the government to pay within a year a total of 1.7 billion Kenyan Shillings to the five thousand fisher-folks as compensation (Republic of Kenya, n.d.). However, the Court of Appeal has suspended the order for compensation, after the Kenya Ports Authority filed an urgent appeal claiming that the judges of the High Court gave orders which had not been pleaded (Munguti, 2018; Natural Justice, 2019). The community in Lamu is not waiting for courts to address their needs. They have been engaging the national government on discussions on sharing of resources and allocation of jobs, particularly from all direct and indirect revenue collected from the LAPSET facility. The community wants the government to design a clear formula that would financially benefit the county, just like it was done recently in Turkana County (NESC, 2007).

The local communities have taken a stand to ensure that the government properly addresses their concerns over land rights, population displacement and alteration of the traditional pastoral migration routes. Settling these concerns and upholding the rights of marginalised communities will ensure the communities have a sense of ownership regarding the project, therefore supporting its development and not conflicting with the government.

Pastoralist community huts covered with plastics, due to the lack of proper building materials due to the drought.

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Resistance against the oil plans of Evo Morales in Tariquia protected area.

Photo: CONTIOCAP

Violations of human rights of Indigenous peoples in Bolivia (2006–2019)

Marco Octavio Ribera Arismendi*

Abstract

Since the 1970s, an arduous process of formation of the organisations of the Indigenous peoples of Bolivia began as an instrument of recovery and vindication of their territories and their rights. For more than three decades, they fought around their territories by exercising resistance to various situations of subsidence. As of 2007, under the government of Evo Morales, a systematic process began to weaken, divide and de-structure Indigenous organisations in order to implement extractive development plans within the Indigenous territories. In less than five years, government policies destroyed what Indigenous peoples had achieved over decades. This represented a succession of flagrant violations of the human rights of the Indigenous peoples of Bolivia. This painful process has been documented in detail, notably in a map of the location of 80 major violation events, as well as an information data used by Indigenous and non-Indigenous leaders to document and denounce at international events.

Key words: Bolivia, Indigenous rights, FPIC, Evo Morales

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The Indigenous peoples of Bolivia, especially those of the lowlands, have suffered since 2007 the onslaught of a government that declared itself as Indigenous and defender of Mother Earth. The government of Evo Morales that came to rule Bolivia between 2006 and 2019, promoted developmental policies and visions, which facilitated the intensification of plundering processes in land use through various forms of extractivism and megaprojects, causing severe environmental and social impacts, specially to the Indigenous peoples of the country (Hindery, 2013).

That also meant that in order to satisfy the investment offers of large companies and transnational corporations, the Morales government repeatedly breached the Constitution, various laws and other regulations, as well as international Conventions that protect the human rights of Indigenous peoples, such as ILO Convention 169 or the United Nations Declaration of Human Rights; these conventions having the rank of Law in Bolivia.

Failure to comply with the Constitution and international conventions represented a flagrant and constant violation of the human rights of the Indigenous peoples of Bolivia. This has been systematically denounced since 2007 through various international organisations and platforms.

In order to gain the acceptance of Indigenous organisations and communities, and thus be able to promote development projects in Indigenous lands and national parks (e.g. construction of roads, oil operations, mining, hydroelectric megaprojects, or promoting the agribusiness and occupation advance of lands), the government of Evo Morales had no qualms about dividing numerous Indigenous organisations, and creating parallel organisations favourable to government plans and businesses. This also meant co-opting and corrupting Indigenous leaders, with gifts and bribes, while communities were co-opted with project offerings, causing numerous conflicts within organisations and among peoples, which persist until now.

Rights violations also meant the criminalisation of environmental and social protest, and Indigenous leaders were prosecuted. In order to stop the protests of Indigenous peoples, the government also resorted to police violence and repression, such as the case of the *Eighth March of the TIPNIS* (Chaparina case), the repression in the Guaraní Takovo Mora territory in the Bolivian Chaco, or the Tariquia Natural Reserve lately in 2019. In 2016, the government of Evo Morales, not following the required procedures, violated the natural space of an Indigenous group in voluntary isolation in the northern Amazon of Bolivia, promoting an aggressive oil exploration project granted to the subsidiary of a Chinese oil company, China National Petroleum Corporation (Hill, 2016; Sierra Praeli, 2018). Many of the recorded violation cases are typified as a crime in Bolivian and international legislation.

The consultation is one of the Fundamental Rights of Indigenous peoples, which must be prior to any work or project, free, informed and binding, as well as the *Prior, Free and Informed Consent* (FPIC) established by the Declaration of Indigenous Rights of the United Nations. The Political Constitution of Bolivia establishes the right of Indigenous peoples to be consulted in good faith through appropriate procedures and through their institutions; that is to say through their maximum representative organisations,

whenever legislative or administrative measures could affect them. On the contrary, one of the most frequent violations was precisely the complete ignorance of the right to prior and informed consultation and free consent, or conducting bad faith consultations, adapted to the interests of governments and companies (Fontana & Grugel, 2016; Middeldorp & Le Billon, 2021).

Over the past 13 years in the history of Bolivia, the government of Evo Morales, had to respect and guarantee the right to mandatory prior consultation of Indigenous people, in good faith and concerted, regarding the exploitation of natural resources in the territories they inhabit; this condition was not fulfilled (Schilling-Vacaflor & Eichler, 2017). As a result, there were painful situations of landslides in Indigenous territories by hydroelectric, oil and mining extractive projects, with a high socio-environmental impact. As part of the framework of violations of Indigenous rights, Evo Morales publicly mentioned that public consultation was an obstacle to the development of projects and a waste of time.

Some of the actions of the Evo Morales government hindered the possibilities for the Indigenous people to participate in public offices and institutions, recognised and established in the Constitution.

Additionally, the government harassed and persecuted civil society organisations and institutions committed to the defence of Indigenous rights, which resulted in a further weakening of complaints and advocacy actions. This also extended to media outlets that denounced the violations of Indigenous rights.

The rights and demands of Indigenous peoples and their organisations, in terms of reaching scenarios consistent with the postulates of the Constitution (about the rights of Mother Earth and principles of Living Well), were threatened by the advancement of government plans which presented itself as ‘defender of Mother Earth’. To all this was added the co-option and complicity of the Ombudsman’s Office, which acted in favour of the government’s pro-extractivist plans and policies, which despite the initial promises of Morales, meant for some a tremendous setback from previous years (de Carvalho, 2020).

In January 2019, the commission of the International Court of the Rights of Nature, identified violations regarding the right to life and to exist; the right to water as a source of life; the right to the regeneration of Mother Earth, of her bio capacity and continuation of her cycles and vital processes free of human alterations; and the rights of Indigenous peoples and defenders and those of defenders of nature and peoples. In addition, it was identified lack of compliance to the legal and institutional framework of the country.

Despite the marginalisation, harassment and outrage during 13 years by a regime openly anti-environmental and Indigenous rights, the remnants of Indigenous resistance from the lowlands of Bolivia currently face the challenge of continuing to strengthen their existing capacities; recovering and restoring their weakened, co-opted and divided organisations and leaderships; and achieving greater sensitivity and support from Bolivian and international civil society.

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Francisco Ramirez, farmer shot during an attempted takeover of a Dinant Corporation plantation.

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Agrarian conflict in the Bajo Aguán, Honduras

Andrés León Araya*

Abstract

During the 1960s and 1970s, the Bajo Aguán region was the centrepiece of the Honduran agrarian reform and the nucleus of the strongest peasant movement in Central America. In the 1990s it became the country's 'capital of agrarian counter-reform'. Since the 2009 coup, the region has seen a dramatic escalation of agrarian conflict and violence against peasant communities, including the murder of several peasant leaders. Impunity has also run rampant, as virtually no one has gone to jail for these crimes. At the crux of the conflict lays the expansion of the palm oil monoculture and the attempts of the different groups involved to define who keeps the surpluses generated by this activity.

Key words: Honduras, agrarian conflict, peasants, palm oil, plantations

During the 1960s and 1970s the Bajo Aguán region was the centrepiece of the Honduran agrarian reform and the nucleus of the strongest peasant movement in Central America.¹⁷ In the 1990s it became the country's 'capital of agrarian counter-reform' (Macías, 2001). Since the 2009 coup that toppled the elected government of José Manuel ('Mel') Zelaya, the Bajo Aguán has seen a dramatic escalation of agrarian conflict and violence against peasant communities. According to the Human Rights Observatory of the Bajo Aguán (OPDHA, 2014) between 2009 and 2013, 129 people were murdered in relation to the agrarian conflict. Impunity has also run rampant, as virtually no one has gone to jail for these crimes (HRW, 2014). The struggle pits a set of peasant organisations and communities, heirs to the powerful peasant movements of the 1960s and 1970s, against a small group of large landowners, who enriched themselves as industrialists in the 1970s and 1980s (Posas, 1981a; Ruhl, 1984; Meza et al., 2014).

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At first glance the conflict seems to be a clash between subsistence-oriented peasants and transnationally oriented landowners interested in expanding the production of palm oil, one of the quintessential ‘flex crops’, with end uses that include edible oil, agro fuel and cosmetics, as well as additional benefits, in some cases, in the form of tradable carbon emission reduction credits under the Kyoto Protocol’s Clean Development Mechanism (Borras et al., 2012; Keressen, 2013; Wong, 2013). This framing of the ongoing conflict in the Aguán Valley has every appearance of a land grab. However, because of the relatively small size of the land ‘grabbed’ at the beginning of the 1990s – some 21,000 hectares – and the fact that it predates the 2008 spike in land grabbing, most recent literature on land deals ignores the conflict in the Aguán Valley. Also, since most of the investment in land in the region is ‘domestic’, it falls outside the FAO’s definition of ‘land grab’, which might be one reason why Honduras was left outside of the FAO’s 17-country study of Latin America.

For the historical roots of the current conflict in the Aguán we must look back at the first half of the previous century. The Truxillo Railroad Company – one of United Fruit’s two Honduran subsidiaries – began to move into the region in the early 1920s, felling vast quantities of valuable hardwoods and planting thousands of hectares of bananas. In its early years in the Aguán, the company purchased most of the bananas it exported from small producers. But by the early 1940s the spread of the Panama disease (a plant fungus)¹⁸ was leading to the abandonment of dozens of farms. By the end of World War II, the companies had all but abandoned these lands and ex-banana and railway workers, Garifuna¹⁹ communities, and landless Salvadoran immigrants began to settle on them, remaining largely beyond the influence of the state (Casolo, 2009). After 1945, the Standard Fruit Company acquired large properties in the region, but had only limited success in bringing the Panama-disease-infested soils back into cultivation (Soluri, 2009).

In May 1954, a general strike broke out involving 35,000 workers in the nearby North Coast banana plantations (Argueta, 1995; MacCameron, 1983; Posas, 1981b; Robleda Castro, 1995). In August and September strong rains and flooding destroyed many of the banana farms there and the companies again abandoned large amounts of land and introduced technological changes that led to the dismissal of around 13,000 workers (almost half the total work-force). This combination of idle land and massive landlessness fuelled the growth of combative peasant movements that not only sought access to land, but also protection for their tenure against landowners’ attempts to evict them. From this moment on, the North Coast, where most of the banana plantations were based, became the centre of the national peasant movement and land invasions became the main way of obtaining land and improving peasants’ living conditions (Posas, 1981b; Ruhl, 1984).

In 1962, following the US-sponsored Punta del Este meeting that established the Alliance for Progress, Honduras passed its first modern agrarian reform law, based primarily on the distribution of state and communal or municipal lands, including those that had been illegally occupied by large or small producers (Ruben & Fúnez, 1993; Thiesenhusen, 1995). Even though the measure guaranteed private property and did not set a ceiling on land ownership, it generated intense opposition from landowning groups and from the United Fruit Company, which succeeded in pressing President Ramón Villeda Morales to amend

the law so that private property could not be expropriated (Schulz & Schulz, 1994). For over a decade the law's results were meagre, with only 35,961 hectares distributed to 6,271 peasant families in the entire country (Ruhl, 1984).

In 1972 a 'progressive' military regime (influenced by similar regimes in Peru, Panama and other countries in the region) took control of Honduras, and in 1974–75 – faced with ever increasing pressure from landless peasants, tenant farmers and former banana workers – it decreed a sweeping agrarian reform. The new law created and strengthened both state agencies and the framework for creating peasant enterprises. It established a ceiling on the size of land holdings and provisions for expropriating 'idle' or underutilised private and 'national' lands for resettling the landless peasantry. The pace of land distribution accelerated in the 1970s. By 1980, 8% of the total farmland – some 207,433 hectares – had been distributed to 46,890 rural families, or 12% of the total; 22% of the country's landless people had become beneficiaries, making the Honduran reform the most radical in Central America up to that time (Ruhl, 1984). Nonetheless, only 3.8% of the beneficiaries were women, one of the lowest levels of any Latin American agrarian reform (Deere & León, 2004).

Like most agrarian reforms in Latin America in this period, the Honduran reform affected few large landowners and focused instead on colonisation programmes on state lands in 'empty areas', even though many were hardly empty and at times entire communities were evicted to open space for peasant enterprises. The Aguán Valley became the centrepiece of the colonisation programme; indeed, 31% of the total land distributed was in the Bajo Aguán alone (Ruhl, 1984; Macías, 2001). The state offered land expropriated from local inhabitants or from the banana companies to thousands of landless and land-poor families from all over the country for planned and supported colonisation on the plains, the most fertile lands, and spontaneous settlement on the hills, which even then were quite vulnerable to environmental hazards (Brockett, 1988; Casolo, 2009).

The government's National Agrarian Institute (*Instituto Nacional Agrario*, INA) created a large number of 'peasant enterprises' (*empresas asociativas campesinas*) and cooperatives. With a US\$ 200 million loan from the Inter-American Development Bank (IADB), it then implemented a massive export-oriented development project, which ended up turning most of the cooperative members mainly into producers of African palm and secondarily of citrus fruits and bananas (Castro Rubio, 1994; Ruben & Fúnez, 1993). The project was fundamental in creating conditions for the expansion of African palm cultivation over the next four decades. This impressive transformation of the Valley's landscape, resulting from inflows of both capital and labour, rarely translated into significant improvements in the peasants' lives, either in the plains or the hills. Owners in name only and in debt for the land they had received, the peasants saw most palm oil profits drained from the peasant enterprises and used to pay debts or simply lost in labyrinthine webs of embezzlement and fraudulent accounting that proved lucrative for a few corrupt male 'leaders'.

The relationship between the peasant sector and the state was never simple. By the late 1970s, as revolution convulsed Nicaragua, and violence and repression escalated in El

Salvador and Guatemala, the Honduran government increasingly subscribed to the logic of Washington's *National Security Doctrine*, which held that the West was locked in an inexorable struggle with domestic and international 'subversion' and that left-wing movements had to be controlled through surveillance and 'low-intensity conflict' (Landau, 1988; Schulz & Schulz, 1994). In the Aguán, the government kept a close eye on the peasant enterprises, repressing anything that smacked of the 'red threat' and severely curtailing the cooperatives' autonomy. In 1977, for example, the military occupied the Isletas Peasant Enterprise (*Empresa Asociativa Campesina Isletas, EACI*), a major banana producer, and incarcerated some of its leaders after a group of associates began to promote cultivation of staple food crops and animal husbandry (maize, rice and pig production) as ways of gaining some economic autonomy in their relation with the Standard Fruit Company.²⁰

Following a regional trend, by the 1980s the agrarian reform sector was stagnating, mainly as a result of corruption and inadequate government support. By the early 1990s, the dominant government discourse was that the agrarian reform had failed and that the market ought to take over (Suazo, 2001). President Rafael Leonardo Callejas (1990–1994), referring to agrarian reform beneficiaries, asked:

Why are they not going to sell if it has been their lifetime work and effort? ... I do not agree with those who believe that it is a step back for the Agrarian Reform. On the contrary, it is the culmination of a process. Now, a peasant can receive 500 000 Lempiras for his hard work. (Suazo, 2012, p. 73)²¹

In this context, two important laws were passed. First, in 1983 a massive land titling programme, bankrolled by the US Agency for International Development (USAID), was put in place as a precondition for a competitive land market. Second, in 1992 the Congress passed the Law for the Development and Modernisation of the Agricultural Sector (*Ley para la Modernización y Desarrollo del Sector Agrícola, LMDSA*). Popularly known as the 'Ley Norton' after US economist Roger Norton, who helped write the law, the LMDSA must be understood within the larger context of neoliberal structural adjustment in Central America. Neoliberals argued that the state should roll back its support of the 'inefficient' peasant sector and promote the region's 'competitive advantages', particularly cheap labour and natural resources, including land. In terms of agrarian structure, this meant emphasising exports over production for the domestic market, devaluing national currencies to make exports more competitive and lifting agricultural tariffs. These policies glutted local markets with artificially cheap subsidised staples, such as rice and maize, from the USA.²² At the same time the liberalisation of agricultural trade within Central America hit Honduran basic grains producers harder than those in any other country (Rueda-Junquera, 1998).

The LMDSA reversed the 1974 agrarian reform law, removing the ceiling on large properties and making it possible for agrarian reform land to be put on the market, thus opening the floodgates for a massive process of agrarian counter-reform. Between 1990 and 1994 more than half of the land distributed during the agrarian reform was sold.

This number rises to over 70% in the Aguán, where over 20,930 of the 28,365 hectares initially distributed – 73.8% of the total – were alienated in this same period (COCOCH, 2010). The LMDSA allowed for joint husband-and-wife titles (and for couples in officially recognised consensual unions), but in practice this had little effect, since the state had largely ceased distributing land and instead concentrated on titling existing holdings (Deere & León, 1998).

The process of agrarian counter-reform in the Aguán was sometimes voluntary, sometimes violent, as the already impoverished peasant enterprises, abandoned by the state, were ‘invited’ to sell their lands either ‘by hook or by crook’ (Ruben & Fúnez, 1993; Macías, 2001). Most of this land came to be concentrated in the hands of a few wealthy landowners, of whom Miguel Facussé and his Dinant Corporation was the most notorious.²³ Taking advantage of public investments in infrastructure in the region built over the preceding two decades, as well as of the existence of a pool of cheap labour already experienced in palm production consisting of ‘freed’ cooperative members and impoverished landless and land-poor peasants from the nearby hills, Facussé expanded the area devoted to palm and invested in oil-processing factories (just as other landowners and the surviving cooperatives were also doing).

By the late 1990s, the Aguán Valley landscape was a massive monoculture, with palm plantations stretching as far as the eye could see. It consisted of three main sectors: 1) what was left of the agrarian reform enterprises – ‘those who did not sell’ – dedicated mainly to the production of palm oil for the domestic market; 2) the wealthy landowners and their corporations, producing palm oil for the domestic market and for export, mainly to Mexico; and 3) a large landless peasantry, barely surviving as either wage labourers in the palm plantations or as tenants clinging to the hills of the Valley.

In October–November 1998, Hurricane Mitch slammed into Central America’s Caribbean coast. In Honduras, already one of the poorest countries in the continent, Mitch caused enormous destruction and significant loss of life. This exacerbated the already harsh living conditions of the Honduran peasantry, particularly the landless. With little support from the state, added to corruption and embezzlement of aid funds by government officials, peasant communities had to turn to their own organisations for relief and solidarity (Jeffrey, 2002). In the Bajo Aguán, with support from the *Pastoral Social*, a Church agency, the communities organised into Local Emergency Committees as a way of channelling relief funds from organisations such as Catholic Relief Services. These forms of community organisation would become crucial in the aftermath of the hurricane, as they allowed peasants to come into contact with each other and gain organising and collective action experience. By then all the pieces seemed to be in place for a new cycle of resistance against elite land encroachment.

The destruction from Mitch had three main effects. First, it eroded the social contract between peasants and the state, showing the former that for the situation to change they needed to go on the offensive. Second, then President Carlos Roberto Flores Facussé (nephew of landowner Miguel Facussé) claimed in a donors’ conference in Stockholm

that the government would relaunch the agrarian reform as a way of helping in the reconstruction of the country, thus opening space for sectors in INA and the Catholic Church to act in favour of the landless. Finally, bringing together this landless peasantry triggered memories of resistance, connecting new struggles with those of the great 1954 banana plantation strike and the ‘golden age’ of the peasant movement during the 1970s.

The post-Mitch crisis also prompted ‘memories of dispossession’ in the form of narratives that challenged the legality of the early 1990s sales of agrarian reform lands and calls to revive the 1970s peasant movement ‘spirit’ and for the recovery of what was legally theirs (Hart, 2006). Furthermore, as Jennifer Casolo shows, the idea that women would not have sold also resonated, reminding both women and men that female labour had also gone into the construction of the Aguán landscape, and that men had orchestrated many of the changes without women’s consent (Casolo, 2009). The result was a massive wave of land recuperations that signalled the resurgence of the national peasant movement and the increasing prominence of women activists within it.²⁴

One of the most significant of these land recuperations targeted the former Regional Center for Military Training (CREM), a US base created in 1983 to train Central American militaries and the Nicaraguan contras (CEDOH, 1983; Jeffrey, 2002). In the 1990s, having served its purpose, the CREM’s more than 5,000 hectares were returned to the Honduran State for agrarian reform purposes. Before the land could be distributed, however, the municipality of Trujillo illegally sold it to local ranchers and politicians. In 1999, in the post-Mitch period, the Pastoral Social in the nearby city of Trujillo began organising the landless into peasant enterprises in different parts of the Valley and the surrounding hills. They were joined by the INA and the three largest national peasant federations (ANACH, CNTC, and ACAN).²⁵ These, in turn, came together to form the Peasant Movement of the Aguán (*Movimiento Campesino del Aguán*, MCA). On 14 May 2000, some 700 families from the MCA entered and peacefully occupied the CREM, creating the community of Guadalupe Carney.²⁶

Memories of the last cycle of dispossession clearly informed the actions of the occupants, who required not only that those joining new peasant enterprises meet the agrarian law’s criteria for reform beneficiaries, but also that they must not have sold their land during the counter-reform. These memories had an important gender dimension, as six months after the occupation, Guadalupe Carney’s leadership and representative assembly, at that time 95% male, cast a historic vote. They approved land rights and assembly membership for single women heads of households, joint title and assembly membership for both adults in the case of couples and political education and skill-training workshops for families (Casolo, 2009).

During this period other peasant groups also began to organise and staged peaceful occupations to pressure the government into negotiating with the large landowners and ‘returning’ erstwhile agrarian reform lands to organised landless peasants. This was far from a simple or bloodless process, but a gleam of light appeared in 2008, when the soon-to-be-deposed President ‘Mel’ Zelaya signed Decree Law 18-2008, which would have given

the MCA, as well as other peasant organisations (e.g. the Peasant Movement of Rigores), legal title over lands they occupied.

Further, just before Zelaya was ousted in the June 2009 coup, he reached an agreement with a new organisation, the Unified Peasant Movement of the Aguán (*Movimiento Unificado Campesino del Aguán*, MUCA), to buy back their land from Facussé.²⁷ This momentum for resolving the agrarian crisis collapsed, however, when the military kidnapped Zelaya and flew him to Costa Rica on 28 June 2009. As if to illustrate the deep connection between political power and agrarian structure in Central America, that same day the army surrounded the community of Guadalupe Carney to prevent any sort of uprising and to give a clear sign of what was to come.

Led initially by Roberto Micheletti and then by Porfirio Lobo, the post-coup regime's answer to agrarian conflict in the Aguán was to militarise the Valley and give a free hand to the landowners to protect their property however they saw fit. The result has been a rising body count, with dozens assassinated and peasant activists suffering most of the casualties (OPDHA, 2014; Bird, 2013). The peasant organisations have faced a campaign of criminalisation. More than 200 activists face different types of criminal charges (Ávila et al., 2016; Irías, 2017). However, the violence and repression unleashed by the coup and enacted by the combined forces of the landowner's private security forces, the military and the police, has also strengthened the resolve of the peasant organisations to right the wrongs of the past. Phrases such as “the coup opened our eyes”, “thanks to the coup we, peasants, have lost our fear of the army”, or “how can we stop now when we have lost so many friends and partners” can often be heard when speaking to people of the communities. Further, although the bloody repression of the peasant movement has slowed the pace and extent of land ‘recuperations’, these have not stopped and movements such as MUCA have been supporting land occupations in places outside the Aguán.

Increasingly, international human rights organisations have investigated and condemned the violence in the region (Bird, 2013; Salva la Selva, 2011a). Internationally, in 2011, human rights advocacy by organisations such as FIAN International and *Salva la Selva* led the German Development Corporation (*Deutsche Investitions und Entwicklungsgesellschaft*, DEG, part of the KfW Bankengruppe) to cancel a US\$ 20 million loan to Facussé's Dinant Corporation (Salva la Selva, 2011b).

Palm oil in the Bajo Aguán

With these historical elements in place we can turn our attention to the production of palm oil in the region. Nationally, according to the National Federation of Palm Producers of Honduras (Federación Nacional de Productores de Palma Africana de Honduras), the area dedicated to this crop jumped from around 40,000 hectares in 1990 to almost 90,000 in 2006 and around 160,000 in 2016 (FAO, 2020; Productores de granos, 2013). Palm oil is now the country's third most important export after coffee and bananas, generating around US\$ 260 million in 2018 (OEC, 2018). Producers aspire to make Honduras the most

important producer in Latin America by increasing palm area to 650,000 hectares, which would surpass Colombia, currently the largest producer.

In the late 1920s, the Standard Fruit Company started experimental production of oil palms in Honduras, but the crop only took off in the 1970s with investments thanks to state and IADB loans. In the 1990s, in the context of the agrarian counter-reform, production started to shift to private firms with significant backing from international financial institutions. For example, in 2009, around the time of the biofuel boom, IFC invested US\$ 30 million in Dinant's oil palm enterprise, which also enjoyed support from the IADB, the World Bank and BCIE (although some of these credits were subsequently cancelled, as occurred with the DEG loan mentioned above). The corporation also

received carbon credits under the Clean Development Mechanism of the Kyoto Protocol on global climate change (Salva la Selva, 2011a; Kerksen, 2013; Wong, 2013).

Moreover, while most of the killings in the region appeared to be directly related to oil palm cultivation, there is no opposition to the crop itself, but rather to who is producing it and how. Many peasant organisations in the

region either grow or plan to grow oil palm, to the detriment of staples such as rice or maize (Productores de granos, 2013). Further, in the aftermath of Hurricane Mitch, the spectacular expansion of the crop has been accompanied by the creation of an important sector of independent small producers, which went from non-existent, to representing roughly 90% of all the raw material producers (16,522 of a total of 18,295 producers) in 2013. However, only a third of the total land was dedicated to the crop. At the same time, the five largest companies control over 26% (40,000 hectares) of that same area (Iscoa Mejía, 2013).

Honduran activists are critical, since this contract farming approach would reproduce the dependency of the Isletas enterprise in the 1970s and 1980s, which forced peasants to assume all production risks, while allowing private investors to accrue the value added in processing (Ríos, 2010; Posas, 1992). Further, as in other contexts, the monopsony power of processing plants allows them to set prices, permitting a small number of intermediaries and exporters to control the entire production chain (Striffler, 1997; Little & Watts, 1994). In this way a 'control grab' – the control of huge amounts of productive land for monoculture – has in effect occurred, but without actually buying or leasing the land (Borras et al., 2012; León Araya, 2019). This, again, points to blind spots in most of the land grab literature.

Member of Bajo Aguan community facing approaching military.

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It needs to be emphasised that peasants are producing and expanding the area of African palm for both cultural and economic reasons. Most peasant organisations are still paying for the land they occupy and oil palms is one of the few viable cash crops in the region (in terms of market access, production knowledge, and financial and technical support). Oil palm production has become prestigious in the Aguán, evoking images of a better life related to the effects of the land reform of the 1970s and 1980s, as well as to the image of success attached to those cooperatives (and the communities linked to them) that were not dismantled in the early 1990s, such as the Salama Cooperative.

Signs of the cultural esteem and prestige accorded to African palm can be seen all over the Valley. Tocoa, the main city in the Valley, is traditionally called ‘the city of palms’. Its soccer team’s insignia has big palm trees in it and every July it hosts the National Palm Festival, where ‘palm culture’ is celebrated with a parade and floats. At a more profound level, palm tree has become a sign of development in the region, to the point where two or three of them can be found in the backyard of many homes. As Derek Hall, Philip Hirsch and Tania Li suggest for Southeast Asia, “the legitimation supplied by visions of development, modernity, [and] civilization [...] has a pervasive effect on land use and exclusion” (Hall et al., 2011).

Conversely, the lack of palm trees signals underdevelopment. When children in rural communities were asked about what their community had that no other one did, they responded negatively that they lacked electricity, running water and palm trees. When peasant farmers were queried as to why they prefer oil palms to other crops such as plantains or rice, besides the most direct economically oriented responses (“because it has a better market price”), they pointed out that palm trees are a safer investment, since floods and strong winds could not topple them. The meaning and value of planting oil palms thus transcends simple economic rationality and has to do also with local environmental understandings, which are shaped by memories of the devastation wrought by Hurricanes Katrina (2005), Mitch (1998) and Fifi (1974), as well as by fears – well-founded or not – about other hazards, particularly floods and droughts.

These considerations suggest that crops and land are never simply ‘things’, but are deeply embedded in and are manifestations of social relations of power, historically instituted in particular social settings (Li, 2014; Hetherington, 2020; Hall, 2013). Crops and agricultural technologies may also be symbols that speak to rural people of their history and aspirations, and that promise delivery from poverty and domination, even at the cost of new dependencies (Bebbington, 1996). Understanding and reconstructing these social relations is essential for grasping why particular crops expand or disappear, the range of productive forms that they entail and the impacts they have on local populations (Li, 2010; Gidwani, 2008). Land deals *per se*, and certain types of crops, do not create totally new situations from scratch, with totally new forms of production and exploitation.

Conclusions

Land grabbing is a cyclical phenomenon and a product of global accumulation processes, of rising demand for particular commodities and of on-the-ground processes that create both space for capital and new social groups (e.g. entrepreneurial sectors, labourers, displaced people and contract farmers). When land grabs generate conflict, the outcomes depend importantly on historically specific repertoires of resistance and repression. These, in turn, shape possibilities for future land grabs. Claims about ‘empty’ or ‘undeveloped’ lands are usually discursive constructions which refer to spaces that capital has not yet been able (or wanted) to control, not spaces devoid of people. A greater historical approach of the land grab discussion is necessary not just to acknowledge its background or to understand its impacts, but also to conceive the present as an outcome of past processes of contention.

Central America has experienced several cycles of land grabbing in the post-independence period. Late 19th century liberal regimes sought to overcome the economically stifling legacy of three centuries of Spanish rule, to modernise infrastructure and banking, and to turn what had been colonial provinces into consolidated nation-states. Rising international demand for coffee had a number of impacts. Governments sought to build railways from the interior to the coasts to create land and labour markets, and to discipline and subordinate the popular classes. The private appropriation of previously non-private land was a central piece of this political-economic project, although the ‘frustrated’ liberalism of Honduras left large swathes of municipal and state land intact.

Liberalism called into being new social groups: coffee and merchant elites of domestic and foreign origin, proletarianised and semi-proletarianised rural workers, and *comprador* (buyers) groups that allied with foreign capital. The fragile fiscal foundation of the liberal states led them to view concessions to foreign investors as both an essential source of revenue and a quick route to modernisation. The first cycle of land grabbing (for coffee) was thus a precondition for the second (banana plantation) cycle. The transition from the first to the second cycles also involved a shift between foreign hegemony. While British banks were the primary source of loans for the liberal states’ early railway and other modernisation projects, US financial capital became increasingly important as US-based banana giants gained a foothold in the region.

In Honduras, the second cycle of land grabbing by foreign banana companies (and associated railways) reconfigured rural spaces, gave rise to new social groups and ideologies, and shifted the country’s economic centre of gravity from the interior to the North Coast. Foreign enclaves fuelled nationalistic sensibilities that became a central ideological pillar of labour and agrarian movements, along with heightened class consciousness from both a working-class and peasant sort. In the Bajo Aguán, for example, peasants today continue to emphasise the ‘foreignness’ of Facussé and other large investors who usurped agrarian reform lands.

The continued existence of municipal and national lands, even in the early 21st century – a product of Honduras’s ‘failed’ 19th century liberalism and the combativeness and tenacity of the 20th century peasant movement – has had two effects that are important for our argument. First, Honduran peasants have a living memory of having had land, if not in the present generation, then in the generations of their parents or grandparents. Second, in contrast to other Central American countries, in Honduras the peasant movements have always focused on the recovery of erstwhile agrarian reform lands or national lands rather than on private property.

In the Aguán, older people frequently recall how their situation was better in the 1980s, when they were still in the cooperatives. Young and old see the surviving cooperatives and the higher living standards of their associates as reminders of the world they lost and as an aspiration animating current struggles. Tales circulate in the communities about how the leaders of the old cooperatives were given the choice of selling or getting shot. In some of the organisations (for example, the *Movimiento Auténtico Reivindicador Campesino del Aguán*) people insist that they never sold the land, that it was illegally taken from them, and express pride in being the daughters and sons of members of the original cooperatives. These memories have found their way into the institutional organisation of the peasant enterprises, as one of the requirements for taking part in land recovery was not having participated in the sales of the 1990s. Vivid histories of dispossession and memories of land grabbing cycles have become a material force that affects contemporary agrarian outcomes and shapes the possibilities of future land grabs.

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Chega! Tosha! Sokwanele! Enough is Enough!*

by WoMin African Alliance & Rise Against Repression

Every single week, three environmental defenders are killed for defending their lands, forests, waters and lives (Global Witness). In November 2020, 23 African organisations, including WoMin African Alliance, Urgent Action Fund-Africa, GRAIN.org and many others, came together under the banner ‘Rise Against Repression’ with the aim of shining a light on repression against land and environmental defenders in Africa.

On International Human Rights Day, these allies launched a living tribute wall and online gallery at www.riseagainstrepression.org with 20 cases from across the African continent. This powerful platform aims to remember, make visible, and honour the environmental and land rights activists and communities, with a focus on women, who have died or faced repression because they say NO to the large-scale extraction of natural resources. This platform is just the start of an ongoing Pan African monitoring, action and solidarity network focused specifically on land and environmental activists and communities facing repression, with an explicit focus on women.

These testimonies were collected by WoMin and the Rise Against Repression allies to spotlight the repression that activists and communities are facing across the continent in their defense of their environment, lands, waters, and life itself. The full version of the testimonies can be accessed on the Rise Against Repression website.

“I didn’t know that as a woman I have a right to take part in decision-making or what my rights to land, social protection, and a healthy environment are. But I know now that I have a right to defend what belongs to me. [With my community,] I have the power to fight for my land”.

ESTHER TURYAHEBWA, Kyigyayo Camp – Muziranduuru Parish, Kikuube Sub County in Uganda

“I Refused To Sign. I Cannot Sell Out My People. And If Need Be, I Will Die For My People”.

ZIKILE NTSANGASE, Somkhele, KwaZulu-Natal, South Africa

“I was defending the rights of my community. The Jindal company arrived and found us there. And now we are living badly. A lot of dust, noise and houses are getting cracked. We want the company to leave our community”.

BEATRIZ ZACARIAS, Tete Province, Mozambique

“We have faced the hardest times and tasted the worst bitterness of our lives because of this struggle but that is the price to pay if we want to defend our lands and our rights. Despite all of that and whatever will happen, we will keep on saying No to this project”.

ZAFIHITA, Madagascar

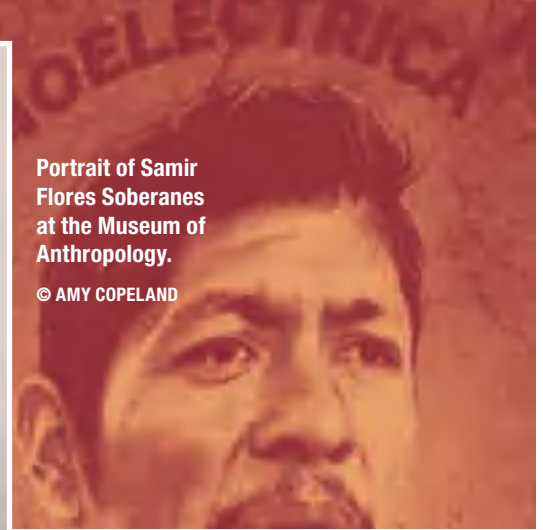
“As they brutalise and shoot her the soldiers shout: ‘She’s a whore’ and then ‘Done. We have killed one of the al-Shabab’. One of them, in the foreground, makes the ‘V’ of ‘victory’ with his fingers after she has been shot. What victory has been won here?”

MAMA NTHUWA (FLOWER), Cabo Delgado, Mozambique

“As of now we cannot eat palm oil or its nuts from the place we call home. We want our land back. The bush is our office. I will keep fighting as long as I have breath in me”.

HANNAH DEEN, Sahn Malen, Pujehun District, Sierra Leone

* The article is adapted from the Rise Against Repression launch materials: www.riseagainstrepression.org.



Portrait of Samir Flores Soberanes at the Museum of Anthropology.

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Environmental defenders in Mexico

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Abstract

Latin America, one of the regions with the greatest abundance of natural resources, is one of the main destinations for privatisation and commercialisation. In Mexico's process of development, private interests and the survival of diverse Indigenous cultures that live settled in areas close to places of interest for extractive activities are faced. The cases of defence of environmental rights are linked to disputes over territory, mining, forestry, hydraulic, tourism, real estate, road infrastructure and energy projects. The main aggressors are national and transnational companies and groups; State agents; inhabitants who support the projects; those who suppose will obtain a benefit; and organised crime that intimidates the population. The construction of a social protest movement is a complex process that is not only related to environmental harm, but also to historical situations of poverty, marginalisation and social inequality. Environmental movements synthesise some of these concerns, and although they do not resolve long-standing conflicts, they can generate new organisations or discourses that help find new ways to cope with them. However, they face criminalisation, an effective strategy that weakens demonstrations favouring the environment; gives an illegitimate treatment to the defence of rights; manipulates the punitive power of the State and its organs of justice; and it focuses, selectively, towards the most active and visible people in social movements. In the last decade, in Mexico, at least 125 environmental defenders have been assassinated, the majority of Indigenous peoples, but also from mestizo, peasant and Afro-descendant communities. In 2017 alone, it is estimated that more than 100 defenders were killed. Extractivism has been revealed as a human rights problem due to the withdrawal of the state from its social responsibilities and, above all, because it leaves the affected population defenceless.

Key words: Environmental defenders, environmental harm, criminalisation, human rights, impunity, Mexico

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[The President] told us... that we are 'conservative'. The truth is, we are conservative because here, in this town, we like to conserve our lands, we like to conserve water, we like to conserve our spaces. So yes, we are 'conservative'," Samir laughed with Liliana, his wife, after a meeting with [President] López Obrador".

Samir Flores (Brito, 2020), (Morelos, Mexico)

Placing violence against environmental defenders in Mexico

Historically, Latin America has been susceptible to the indiscriminate extraction of its natural resources by national and multinational companies that often, with the help of governments, seize the land and displace local people (Cifuentes-Villaroel, 2007; Valladares de la Cruz, 2017). This, in turn, has generated great social unrest and sparked the rise of social movements seeking to defend the territory, natural resources and local communities (OCMAL, 2014).

Violent conflicts over resources have made Latin America home to widespread assassinations of environmental defenders (Global Witness, 2019; Guzmán, 2019). Environmental defenders primarily oppose illegal logging, mining, water extraction, hydroelectric dams, wind power projects, and illegal fishing and hunting (Velázquez-Hernández, 2018; Global Witness, 2019). In the mining sector, for example, communities are forced to leave their territories, pressed by large corporations with global connections (Valladares de la Cruz, 2017). State security forces, criminal gangs, private landowners, among other actors, corner, taint the reputation of, and cut funding to activists in costly legal battles that prevent them from organising their social movements. Activists are also forced to quit their cause, as they are often arrested, imprisoned or killed (Valladares de la Cruz, 2017). In Latin America, environmental defenders are highly vulnerable to these threats, and mechanisms designed to protect them have structural flaws and insufficient resources, preventing them from fully meeting their objectives (García, 2020).

Specifically in Mexico, although environmental activism has existed for decades, it was only in the late 1970s and throughout the 1980s that contending rural groups began to emerge, proposing alternative development paths from those promoted by the State. This opposition conflicted with government and business interests, leading to the criminalisation of rural people over time (Gutiérrez-Chong, 2010). In recent decades, the defence of natural resources and disputes over territory have intensified, as have government and private sector aggressions against defenders (Toledo, 2015; Arroyo-Quiroz & Wyatt, 2018). In addition, the development of organised crime, with criminal group seeing their interests at stake, has created an additionally dangerous atmosphere for environmental activism in Mexico.

Nowadays Mexico's population, with 126 million inhabitants, is still segregated by public policies that increase inequality in different ways. The majority of the country's wealth is held by a select few, leaving the rest of the population in poverty or extreme poverty. The consequences are reflected, for example, in the lack of formal jobs and promotion of an economy based on the excessive exploitation of natural resources (Fracchia, 2019). Extractivism has triggered various human rights problems in Mexico due to the State's withdrawal from its social responsibilities, essentially leaving affected populations in a defenceless situation. Civil complaints and journalist investigations have exposed the magnitude of the problem surrounding the violence endured by Mexican environmental defenders. At the same time, such exposés only further reveal the great let-down of the Mexican judicial system, which has failed to protect those who, for many, are true heroes: who fight, unprotected by the authorities that abandoned them, to guard the environment, their families and communities, despite the risks they face (CEMDA, 2019; Hierro, 2018).

Mexico is among the top 10 most unsafe countries for environmental defenders (ONU, 2017; Fracchia, 2019; México Ambiental, 2019; Pradilla, 2019). According to the Mexican Centre for Environmental Law (CEMDA) and Amnesty International, between 1995 and 2015, at least 503 violent incidents were registered (Leyva-Hernández et al., 2017).

One recent case was the murder of environmentalist Isaac Herrera Avilés on 23 March 2020 in Jiutepec, Morelos. He was a defender of the Los Venados Natural Reserve and a legal representative of the 13 towns associated with the defence of the Chihuahuita spring. The United Nations-Human Rights Office in Mexico (ONU-DH) and the National Human Rights Commission (CNDH) condemned the murder and demanded that there shouldn't be impunity in the case. Jesús Peña, Deputy Representative of ONU-DH in Mexico, condemned the defender's murder and expressed that:

... those who defend the environment are defending humanity. The possibility of a dignified life, both for present and future generations, is protected every day by those who care for natural spaces in their communities, by those who demand a halt to predatory actions and are committed truly to sustainable development. For this reason, those who defend the environment must receive full support from the whole society and attacks against them, such as the murder of Mr. Herrera Avilés, must be investigated promptly and effectively (ONU-DH, 2020).

In the last decade, 125 environmental defenders (mostly from marginalised and excluded Indigenous communities, but also mestizos, farmers and Afro-descendants) have been assassinated in Mexico (Velázquez-Hernández, 2018; Sierra, 2019). Between 2016 and 2017, there were 88 attacks against environmental defenders, of which 29 were homicides. In 2018 alone, 49 assaults were reported, and 21 defenders were killed. In the first months of 2019, the murders of at least 12 environmental defenders were reported (González, 2020; ONU, 2020). The Mexican states with the highest impunity index against environmental defenders are Oaxaca, Puebla, Chihuahua, Michoacán, Nayarit, Estado de México, Guerrero and Morelos (Velázquez-Hernández, 2018; México Ambiental, 2019; Simón, 2019).

Outlining the causes of violence

Environmental leaders seeking a common good, a just territorial policy, and the sustainable management of natural resources face several factors that enflame the violence against them. These factors can be characterised by the following: (1) impunity of crimes against defenders, (2) violence despite improvements to information sharing, and (3) presence of organised crime.

1. Impunity of crimes against defenders

The sheer impunity with which crimes are committed in Mexico leaves an ample opportunity for violence against defenders to continue (ONU, 2017; Ballesteros, 2018). A lack of access to real, timely and affordable justice for defenders and their movements is found, for example, in the murder of J.L. Álvarez, founder of the Wildlife Management Unit of Saraguatos (UMA Saraguatos). J.L. Álvarez was assassinated in mid-2019 for denouncing the illegal extraction of sand and stone material from the banks of the Usumacinta River (Expansión Política, 2019; Aridjis, 2020).

Perhaps most telling is the murder of journalist/activist Samir Flores, who was shot and killed outside his home in Amilcingo, Morelos, central Mexico, in early 2019. An Indigenous farmer and member of the *Frente de Pueblos en Defensa de la Tierra y el Agua* (FPDTA), Samir was one of the most vocal figures against the Morelos Integral Project (PIM). PIM is a development project promoted by the federal government to build a thermoelectric power station and gas pipeline in the region. Just a day before his murder, Flores and other activists questioned the federal government during a public forum ordered by Mexico's President López Obrador (BBC, 2019).

In an interview, Samir stated that, when considering the construction of the gas pipeline, authorities had avoided dialogue with local inhabitants, failed to acquire construction permits, and ignored the risk of building in an area of volcanic activity. In the words of Samir: “We do not want the gas pipeline because it represents a risk to life... [Authorities] say we don't want development'. They always talk about 'development', but they never specify 'development' for whom” (BBC, 2019). Samir lived a last moment of tension on February 19, 2019, on the eve of his murder, in an exchange he had with the delegate of the federal government in Morelos (Brito, 2020). Samir felt that the President had betrayed his commitment to cancel the thermoelectric plant and Morelos gas pipeline by confirming that the project would go through despite the resistance of dozens of communities in Morelos, Puebla and Tlaxcala (Brito, 2020).

The FDPTA assured in a statement that Samir had been threatened on several occasions since 2012, that it was a political crime, and that he would be remembered as a “brave, tireless, supportive, committed and 'clear of ideas' man” (BBC, 2019). More than a year has passed, and justice has not come. Morelos Attorney's Office, in charge of the case, has not offered any information. Samir was assassinated within the context of an ongoing 'consultation' with all communities that would be affected by the PIM (Brito, 2020).

The prevailing scene of impunity regarding crimes against environmental defenders in Mexico becomes even darker when it comes to attacks against women. There are several untold cases of women defenders whose lives were taken. Deprived of justice, these women do not even appear in official numbers (Ballesteros, 2018; Ervin, 2018; Velázquez-Hernández, 2018). As we finish writing this piece, Paulina López, guardian of the sacred territory of Wirikuta and friend of the Wixárika people in San Luis Potosí, was murdered in Zacatecas. Paulina was found on 22 March 2020 on the highway near the Clavelinas community, with a gunshot wound to the face (CNDH, 2020). Wirikuta is an area targeted for mining concessions, and Paulina was part of a group of Indigenous people vocally opposing mining in the area. The CNDH strongly deplores any act of violence against human rights defenders and is urging the corresponding authorities to carry out an immediate and comprehensive investigation of the acts committed against her, considering, at all times, that her resistance work and defence of the territory were linked to the violent attack against her. The CNDH underlines its concern about the lack of appropriate mechanisms and strategies by the authorities in Mexico to prevent homicides and attacks against defenders (CNDH, 2020). A string of deadly attacks against environmental defenders in Mexico followed Paulina's murder in 2020 (Justice in Mexico, 2020). Undoubtedly, being an environmental defender in Mexico is an emblem of high risk; this increases even more if you belong to a rural or Indigenous community.

2. Violence despite improvements to information sharing

Given the fact that the Mexican State has historically limited the rights of the society to have full access to information regarding environmental defenders under its power, control or custody (Zamora, 2019), a proposed solution – advocated in Latin America and the Caribbean – was the ratification of an unprecedented multilateral access-to-information agreement, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, also known as the “Escazú Agreement”, which was finally adopted in Costa Rica on 4 March 2018.

The objective of the Escazú Agreement is to guarantee the full and effective implementation in Latin America and the Caribbean of the rights of access to environmental information, public participation in the environmental decision-making process and access to justice in environmental matters, and the creation and strengthening of capacities and cooperation, contributing to the protection of the right of every person of present and future generations to live in a healthy environment and to sustainable development (UN, 2021). It's the only binding agreement stemming from the United Nations Conference on Sustainable Development (Rio+20), the first regional environmental agreement of Latin America and the Caribbean, and the first in the world containing specific provisions on environmental human rights defenders (Ibid.).

A novel aspect of the Escazú Agreement is the possibility of accessing information on environmental defence movements. It also enables Indigenous communities to have their demands translated into their original language.

Picture 1
Samir Flores in the
Communitarian radio of
Amiltzinko, Morelos.



In terms of increased public participation, it is worth mentioning the efforts of environmental defender Samir Flores in founding Amiltzinko Community Radio in Morelos, where he worked as host and producer. He considered the radio to be a fundamental tool to “give voice to those who do not have it.” (Picture 1). The community radio began as an individual effort, but took shape in the community due to Samir’s enthusiasm. Through his microphone, the community was kept informed about the intentions of the private sector and authorities of the region to operate a pipeline that would

Picture 2
Headquarters of
the Amiltzinko
communitarian radio,
Morelos.



transport natural gas around a sensitive region of the Popocatepetl volcano, the main active volcano in central Mexico.

Although Samir is no longer here, the broadcast continues. “The community radio has changed after his assassination, because he was one of the broadcasters with more audience. He was practically the engine. And his departure was indeed a very strong setback”, says Liliana, his wife. The team persists in their efforts: “We are still standing, so that the dream he had comes true”. On the radio station’s facade, there are two murals commemorating environmental defenders who were assassinated because of their unwavering effort to expose the truth and fight for justice: to the left, the figures of Emiliano Zapata, Rubén Jaramillo, Comandanta Ramona and Subcomandante Galeano, formerly Marcos (Picture 2).

Murals at the Amiltzinko
communitarian radio,
Morelos.

Picture 3 (left)
Lucio Cabañas, the local
hero Vinh Flores and
Genaro Vázquez.



Picture 4 (right)
Samir Flores was
recently added.



3. Presence of organised crime

Drug trafficking and the protection by both large transnational corporations and political figures in positions of power are intimately linked, their relationship having a long and deep history in Mexico. Organised crime impacts Mexican society at various levels and dimensions. In particular, drug trafficking cartels, often working hand in hand with transnational corporations or government elites, have become more powerful and global in their scope (Bunker & Sullivan, 2010; Medel & Thoumi, 2014; Toledo, 2015; Hernández, 2019), enabling the suppression of environmental defenders through intimidation tactics, retaliation, and death. In the State of Guerrero, drug cartels control access and exploitation of gold mines, forcing the population to work under unhealthy conditions on the already infertile soil in the area (Linthicum, 2019).

The murder of Isidro Baldenegro, defender of the Sierra Tarahumara and recipient of the 2005 Goldman Prize for his struggle against illegal loggers and drug traffickers (Aridjis, 2020) is testament to the role of organised crime in violent attacks. Further, the assassination in early 2020 of the leader Homero Gómez, defender of the Mariposa Monarca Biosphere Reserve in Michoacán, for denouncing the connection between illegal logging, organised crime and the avocado business, is a key example of the danger of exposing links between criminal networks and extractive industries. The murder of Homero Gómez, in particular, exposed the intertwined interests of the drug war and the avocado business, which conflicted with the mission of safeguarding the forests of Michoacán and the Monarch butterfly native to the Biosphere (Linthicum, 2019; Aridjis, 2020).

Conclusion and steps forward

Highlighting the plight of environmental defenders in Mexico is more urgent than ever. Addressing and mitigating this complex problem will depend in part on the approach taken to support environmental justice with defenders in mind. The answer must be interdisciplinary by nature, combining fields of jurisprudence and law, activism, global justice systems and others. Green Criminology is making significant progress in this regard, as it expands the field of criminology to consider crimes often overlooked or excluded from its more traditional interests (White, 2017; Brisman & South, 2018). Green Criminology is interested both in singular cases of environmental harm and those that occur more frequently, while considering local, national and global perspectives. It also relates to other academic fields in the search for evidence and data, as well as in the search for actions and recommendations aimed at increasing our understanding of the environmental challenges, achieving socio-environmental justice, and improving environmental legislation and policy (White, 2017).

Three factors characterise the struggle environmental defenders face in Mexico: first, the sheer impunity of attacks; second, the continued violence despite improvements in access to information about defence movements; and third, the role and presence of organised crime. Respect for autonomy, a healthy territory and the environment, as well as the

right to timely, free, informed, and culturally pertinent public debates, should be a basic right for all people, and are necessary in order to halt environmental harm and crimes (Toledo, 2015; Arroyo-Quiroz & Wyatt, 2018; Pradilla, 2019; Simón, 2019).

Green Criminology incorporates a critique of the prevailing anthropocentric perspective and integrates biocentric and ecocentric standpoints into the definitions of crime, justice and harm (Hall et al., 2017; Mol et al., 2017). It also considers the destructive effects of extractive activities on local and global ecosystems, and how these practices affect socio-political factors, such as poverty, health, Indigenous rights, implementation of laws, and the use and access to natural environments.

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Poster denouncing extractive projects and violence in Guatemala.

PHOTO BY ELISABETH DUEHOLM RASCH

“This will never be a reason to stop, only to engage more” | Territory defenders, criminalisation and violence in Guatemala

Elisabet Dueholm Rasch*

Abstract

Since the beginning of the 2000s, Guatemala has witnessed a continuing wave of social protest against large-scale extractive projects. The Guatemalan state has responded in a repressive manner to these social mobilisations. Notwithstanding the dangers of being involved in the defence of territory, numerous communities in Guatemala continue to be involved in processes of demanding a clean environment, participation and justice. In so doing, territory defenders not only face foreign companies, but are also caught in the middle of armed and non-armed actors that contest the same territory and its natural resources. In this paper I explore how the work of territory defenders, but also their room for maneuver in everyday life, is impacted by the violence and criminalisation that they face because of organising against megaprojects such as open pit mining, oil extraction, hydropower dams and large plantations.

Key words: violence, territory defenders, Guatemala, Indigenous peoples

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Introduction

In this article, I explore how experiences of violence and criminalisation shape the work of ‘territory defenders’ in Guatemala. Since the beginning of the 2000s, Guatemala has witnessed a continuing wave of social protests against large-scale extractive projects (Copeland, 2019; Pedersen, 2014; Rasch, 2012; 2017). The Guatemalan state has responded to these social mobilisations by way of the criminalisation of and violence towards social movements and grassroots leaders. In addition, territory defenders (as environmental and land defenders identify themselves in Guatemala) face violence and the violation of their human rights, operating in ‘hybrid spaces’ (Rasch, 2017) inhabited by a variety of violent, armed and non-armed, state and non-state actors that are all connected in repressive alliances and function on local, regional and national levels.

Criminalisation and violence take on dramatic tendencies and come in many different forms: direct attacks, death threats, rapes, killings, smear campaigns, defamation and imprisonment are part of a long list of examples that interviewees²⁸ would mention when asked about their experiences with criminalisation and violence. They pointed to extractive companies, local authorities, the judicial system, police, *narcos* and other criminal groups as the main actors responsible for these acts.

Land defenders march in the municipality of Mataquescuintla celebrating years of resistance, 10 February 2021.

PHOTO: XINKA PARLIAMENT OF GUATEMALA (PARLAMENTO DEL PUEBLO XINKA DE GUATEMALA, PAPXIGUA)



Relevant historical developments

Repressive alliances in Guatemala have their roots in a long history of violence, notably in the armed conflict that took place between 1960 and 1996. Most of the victims were Indigenous people, and part of the conflict has been described as genocide (Carmack, 1988). During this time, the army and criminals maintained close ties. The army used criminal groups to target leftist subversives. Criminal organisations, in turn, needed good networks in order to proceed with smuggling activities and the army could disguise their own involvement in illicit activities by working through groups of criminals. Counter-insurgency and anti-narcotics operations provided a perfect cover for criminal networks. After the armed conflict, army officers would often remain part of these networks (Keen, 2003).

The return to civilian rule in 1986 paved the way for peace negotiations between the state and the guerrilla organisation *Unidad Revolucionaria Nacional Guatemalteca* (URNG, National Guatemalan Revolutionary Unity). The 1996 Peace Accords gave way to several developments that shaped contemporary relations of the state with the Indigenous population. The Peace Accords spurred democratisation processes on the national and local levels and created a political climate favourable to the recognition of the rights of Indigenous populations (Rasch, 2012). Parallel to the peace and democratisation processes in the 1980s and 1990s, because of the disappearance of the Caribbean route, Guatemala became part of the main route for cocaine (Briscoe & Pellecer, 2010). Consequently, Colombian and Mexican drug cartels began to work in Guatemala. Simultaneously, the State granted mining concessions for extractive companies and hydropower dams (Rasch, 2012). These concessions often overlapped with the territories where drug traffickers and cartels were gaining power, close to the Mexican (Huehuetenango, Petén) and Honduran (Chiquimula) borders. In many but not all cases, these same regions had also suffered from military repression during the armed conflict.

Repressive coalitions

After the conflict, several ‘violent entrepreneurs’ (Cruz, 2011) continued to be armed, themselves involved in criminal violence. At the same time, new armed actors entered the scene. As the state could not re-establish authority over its territory, these criminal networks began gaining presence in several parts of the country’s territory (Molenaar, 2017; Rasch, 2017). At the same time, the military apparatus continued to play an important political role behind the scenes; military structures transformed into a parallel political structure, controlled by so-called ‘hidden powers’ to protect their own interests (CICIG, 2015; 2019). Colombian and Mexican drug cartels are closely connected to these hidden powers (Keen, 2003).

At the local level, criminal groups involved in drug trafficking, local authorities, and companies constitute a web of actors that are all involved in the violence towards and criminalisation of territory defenders (CICIG, 2015; 2019). First, illicit groups have infiltrated local politics as a way of controlling the territory in which they operate. This is, for example, the case in municipal elections. Many mayoral candidates buy their way into the election list, financed by organised criminal groups (CICIG, 2015); in this way, these groups co-opt local politics. Criminal groups also penetrate the judicial system through bribing and other activities. Legal institutions at local and departmental levels are especially known to be corrupted and in the hands of narcos and/or companies. Individuals responsible for attacking and killing territory defenders are often not prosecuted (fieldnotes, 2018; 2020; van der Borgh & Terwindt, 2012).

Criminal groups frequently have intimate relationships with extractive companies in the regions where they operate. Company owners might be targeted and captured by such groups because they have concessions that overlap with *narco* territory. At the same time, mining companies might use criminal, armed actors as private security guards or hire them to frighten or hurt people organising against extraction in the territory (fieldnotes,

2018; 2020; Molenaar, 2017). In some cases, where the state is completely absent, drug cartels have taken over the most important functions in the community, providing for health and basic security (CICIG, 2019). There are even cases known of communities protesting the capture of drug cartel ‘hot shots’.

This is the context within which many territory defenders operate. Territory defenders that engage in resisting large scale extraction in their communities are thus not only facing extractive companies and the depletion of their natural resources, but also a complex web of state actors, a corrupt judicial system prone to bribery, violent agents that survived the armed conflict and illicit groups. This impedes organising among territory defenders in several ways.

Restricted room for manoeuvre

Being criminalised and facing violence on a regular basis means, among many other things, restricted room for manoeuvre for territory defenders. First of all, territory defenders are restricted in their movements in several ways, for example, by being imprisoned as a consequence of criminalisation, or being unable to leave their community as they will be captured the moment they do so. This is shared by a female territory defender from north-western Guatemala:

When I had my court warrant, it was also hard. It was so hard [...] I couldn't leave town, not even to visit my mother when she was so sick [...] she was so sick that she was hospitalised and they thought she would die and I couldn't go and see her, because if I did, they would capture me and I would end up in prison and who would take care of my little one? After all that we've been through?

Not being able to leave their community has had, as is voiced above, enormous effects on the personal lives and emotional wellbeing of territory defenders, as well as on their capacity to continue engaged in social mobilisation. These are territory defenders who cannot leave their communities, cannot attend meetings and cannot go to workshops; they are prevented from engaging in any activity in the departmental capital.

In other cases, territory defenders are restricted in their movement because they find it too dangerous to live in their community of origin, as is the case for Rodrigo:

But my personal life [...] it doesn't exist. You ask if I have children, and yes, I have children, but almost nobody knows. They don't live with me, and neither does my compañera (partner). It was too hard on them. The children couldn't walk alone to school, or to a shop – although it would only be a three-minute walk. She couldn't bear waiting for that phone call that I wouldn't come home, ever. The thing is, you know, when you're into this, it's impossible to have a relation. It's so all-encompassing, being a defender is your life [brief silence]. They're safe now, they live in a safe place. But I can never put pictures on Facebook of my children when we celebrate their birthday, I can never expose them to something public.

Among territory defenders I spoke with, disruption of family ties was a key reason to stop engaging in social movements altogether. Another consequence of violence and criminalisation is that, simply stated, it eats up a lot of time. Time that would have otherwise been dedicated to the defence of territory is lost to being summoned to court or visiting imprisoned relatives on a weekly basis. Consequently, little time is left to be active in social organising and the actual defence of the territory.

Economic and mental health impediments to resistance

Being criminalised not only restricts territory defenders' room for manoeuvre in terms of time and movement; it also puts severe economic restrictions on defenders and their families. Visiting a family member in prison involves travel costs, but also preparing and bringing meals. When a defender's case comes up in court, the family needs to look for people who can testify and pay their expenses (their salary for a lost day of work), pay for their meals and cover their travel expenses. In addition, if it's the breadwinner of a family that is imprisoned (or killed), an enormous amount of pressure is put on the family, posing serious economic hardships. Aurelia, for example, lost her main source of income when her husband was killed for being involved in the defence of the territory.

Sometimes defenders suffer stress-related health problems, also restricting their room for manoeuvre. All the defenders whom I talked to suffered health problems, from constant stomach aches to exhaustion and depression, which they directly linked to living under the stressful circumstances of being a territory defender:

Defending the territory is physical, you know, you march. You occupy, you travel to many places. I threw myself into the struggle with my whole body [...] you get exhausted, and, for example, during the state of emergency, many, many peaceful women, in defence of the territory, were violated by the military. It's damaging for your body. To be able to defend our territory, we've had to heal our bodies many times. [...] There was a time I felt this sadness inside of me, all the time. I felt so sad, and I felt lonely. I would be angry with my children, for nothing, and I would cry, for nothing.

“There is no state for us”

Being criminalised restricts the personal room for manoeuvre that territory defenders have; on its own, it impacts their ability to be part of the defence of the territory. At the same time, defenders' experiences with violence and criminalisation shape how they see their relationship with the state and the way they can organise on a broader level (Grant & Le Billon, 2019).

Criminalisation and violence, combined with the explosive webs of ‘violence specialists’ and extractive companies, have produced distrust in the State and its judicial apparatus. Whereas the defence of the territory in the 2000s and early 2010s was directed towards citizenship and participation in decision-making processes regarding the use of natural resources (Costanza, 2015; Fulmer, 2008; Rasch, 2012; Urkidi, 2011), claims are now formulated more in terms of the defence of territory. “There is no state for us,” territory defenders would often say, and “we defend what is ours”. Defenders do not wish to become part of the Guatemalan nation-state, but seek to be recognised as Indigenous communities with claims to land, in order to have more decision-making power on developments within their territory, at least on paper.

This distance between the defenders and the state is also reflected in how defenders frame contemporary violence as a continuation of the armed conflict, during which the State also turned against its population in collaboration with the army and other armed groups. As one of my research participants noted:

We actually live in a state of war. We use the same tactics as during the armed conflict, we hide people, we create safe places, maintain our means of communication. Actually it helps us that we were active in the guerrilla during the armed conflict as well. We know how to do this. But they also use the same tactics, they have ‘ears’ everywhere, they stigmatise, militarise, use methods of defamation [...]

Many territory defenders report being called ‘subversives’ and ‘*guerrilleros*’ by proponents of large scale extraction projects, though many of them were not involved in guerrilla activities during the armed conflict. Whereas some territory defenders continue to be militant without hesitation, violence and criminalisation often result in perpetuating the fear to organise among community members. When a territory defender is imprisoned, the rest of the community also experiences fear; they are afraid of going to prison, of getting a court warrant, or worse. Just like during the armed conflict, repressive alliances produce societies of fear (Koonings & Kruijt, 1999).

Another way in which distrust in the State becomes manifest is by not accepting the protection offered to frontline defenders:

Sometimes, it is offered to me police protection, but how could I accept being protected by the police, sitting here talking with you about human rights violations, and having a body guard sitting at our table as well? How could I accept that, whereas the ones that are really at the frontlines are still out there, in the communities, without any protection at all?

Most territory defenders do not consider protection measures that are offered by the government as helpful or contributing to their safety. Often, they are not aligned at all with the daily lives of the territory defenders. For example, after several threats in a community near a proposed hydropower dam, the National Police would guard the entrance of the community between 9am and 5pm during the day. Not only was the entrance at least a ten-minute drive from the defenders’ homes, but also this measure did

not provide protection at night, a time of greater danger.

Experiences with repressive alliances and indirect or direct violence, along with experiences of not being ‘part of’ and not being listened to, sometimes result in acts of extreme frustration, such as taking mining employees hostage and cutting power cables. However, there are also peaceful roadblocks, manifestations and other forms of legal activism. The organisation of community consultations, also in the most violent narco-environments, was often transformative in character, even if consultations did not bring about the social change they aspired to (Middeldorp & Le Billon, 2021). For many Indigenous women, being brought together to talk with each other about their shared experiences of exclusion has made them more conscious of their position (Rasch, 2012).

Marginalised communities, more generally, went through a participatory process and learned about their rights. Repressive alliances between the Guatemalan state and extractive industries have sparked various forms of resistance to large-scale extraction; despite facing criminalisation and violence for their activism, defenders’ opposition to these extractive projects seems to be growing even stronger, as is expressed by the statements of two territory defenders from Olopa that I spoke to in February 2018: “This will never be a reason to stop, only to engage more” and “I feel fulfilled as a person (*como persona, me siento realizada*)” (field notes, 2018).

Final reflection

In Guatemala, Indigenous communities defending their territory are entangled in an explosive mix of state and non-state actors, criminal groups and companies that together form ‘hybrid spaces’ of effective, repressive alliance-making. It is this interconnectedness between criminal groups, companies, the judicial system, and state actors that complicates the work of territory defenders. Among defenders, there is a shared sentiment that “nobody can be trusted.” The ways in which repressive alliances target individual defenders directly impact defenders’ personal lives in terms of safety, health, mobility and household economics. This produces an extremely unsafe living environment that feeds into how people can and want to organise. Yet, it does not only produce fear, but also creates persistence and the will to keep going.

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Aerial view of concentrated animal feeding operations in the United States, with its reddish waste-storage lagoon.

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SOUND RIVERS

Defenders of Rural Illinois' Communities and Environment

Danielle Diamond^{a)} and Loka Ashwood^{b)}

Abstract

Today, concentrated animal feeding operations (CAFOs) dominate the US livestock sector, some with numbers of animals that outsize US cities. Rural communities face considerable health, environmental and economic impacts as a result of these facilities. Neighbouring residents shoulder the greatest impacts, with limited capacity to defend themselves due to intimidation and industry's co-option of government. We explore, through applied research, how some rural people are able to effectively defend their communities and influence policy change, despite seemingly insurmountable odds.

Key words: agribusiness, industrial production, livestock, pollution

The stark reality of industrial animal production confronts the story-book like imagery of farming in the United States, where a farmer tends their flock and fields. Today, concentrated animal feeding operations (CAFOs), sometimes referred to as 'factory farms', dominate the landscape. Rural communities suffer significant social and economic decline as ownership, management and labour forces disconnect (Donhan et al., 2007). Human and environmental health deteriorate due to water and air contamination (Pew Commission, 2008).

Despite these harms, government subsidies and a powerful agribusiness lobby enable their proliferation, providing little space for rural people who want to promote a different form of agriculture. The hog industry emblematises this confluence, as the industry

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has grown in tandem with foreign ownership. The industry utilises complex matrixes of corporate and limited liability business structures to dodge risk and identification (Ashwood, 2014). Special interest groups, most notably the American Farm Bureau Federation, advance corporate interests by manipulating moral norms around hard work and farming to dominate elections and policymaking (Graddy-Lovelace, 2019). To achieve control, interest groups have promoted legislation known as right-to-farm laws. Such laws reduce the ability of citizens to protect their land, homes, livelihoods and rural way of life from pollution through nuisance suits (Ashwood et al., 2019).

Industrial livestock industry pressure has impacted state implementation of federal environmental protections. Attorney Danielle Diamond learned through research with anthropologist Dr. Kendall Thu that Illinois' main environmental regulatory body, the Illinois Environmental Protection Agency (IEPA), failed to properly regulate CAFOs in accordance with the federal Clean Water Act (CWA) (Diamond, 2006).

Rural communities felt the brunt of this lack of oversight, experiencing surface water contamination and numerous fish-kills caused by illegal discharges (Diamond, 2006). No due process for addressing illegal or harmful CAFO siting and construction permits under a different state law further exacerbates the problem (Helping Others Maintain

Environmental Standards v. Bos, 2010). In response to these findings, Diamond and Thu began working with community organiser and farmer Karen Hudson to create the Illinois Coalition for Clean Air and Water (ICCAW), a state-wide coalition of impacted communities.

ICCAW utilised citizen-science and community outreach to document the extent of the problem. Diamond worked with communities to identify legal strategies to assert their rights under the CWA. With the help of Goldman Prize winner Lynn Henning, they worked with community members to monitor, document and report illegal water pollution events from CAFOs. They filed a formal petition affording the citizens the right to hold regulatory agencies accountable for failing to execute their responsibilities under the CWA.

Working with partner organisations, such as the Socially Responsible Agricultural Project and Prairie Rivers Network, ICCAW became a go-to resource for those seeking help in their communities.

Industry used intimidation tactics in wake of growing evidence of wrongdoing. After one neighbour filed a pollution complaint with the IEPA, he found a hog's head on his front porch. A farmer opposing the construction of a nearby hog CAFO had twenty hay bales burned. Others had their homes vandalised. An award-winning organic farmer contacted the IEPA about pollution from a nearby CAFO, but instead of prosecuting the CAFO, an

Waste discharged from a CAFO into a stream.

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agency official inappropriately threatened to issue her a citation. Hudson was wrongfully accused and arrested of a crime without due process when attempting to observe a nuisance trial against a CAFO (Kirby, 2019). While the ultimate outcome was positive, as she appealed to a higher court and won, her story exemplifies how even the courts can become beholden to agribusiness interests.

Despite these pressures and an ongoing scarcity of meaningful legal protections, citizens made headway. The EPA responded to the coalition's CWA petition by conducting a nearly two-year investigation, finding the IEPA's regulation of CAFOs did not meet "minimum thresholds for an adequate program" (US EPA, 2010). This led to a series of negotiations between the state and the federal government to ensure adequate CWA program implementation, which are still ongoing. The group Rural Residents for Responsible Agriculture used a combination of organising, early legal guidance, and media to stop the construction of an over 18,000 head hog facility. Their victory marked the first time since the inception of ICCAW that a facility was stopped in Illinois through public pressure before construction.

Fish kill in estuary as a result of waste from a concentrated animal feeding operations.

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A few years later, a well-respected 4th generation farmer from a neighbouring county resigned from his local Farm Bureau chapter when he learned they would not help him stop a CAFO proposed next to his family's farmhouse. The local press reported his story, which was then distributed nationally by the Associated Press. ICCAW responded by organising a press conference at the Illinois State

Capitol. The 4th generation farmer and a number of other impacted farmers from across the state spoke about the impacts of Illinois' flawed regulatory scheme and the Farm Bureau's failure to support their interests. That day, four proposed legislative measures were publicly backed by Illinois State senators with the clout to champion them, a huge breakthrough for organisers (Jackson & Marx, 2017).

These advancements have been achieved through a combination of research, understanding of state and federal policy, grassroots organising, empowerment through pollution monitoring tools, the use of media and coordinated state-wide collective action. With coalition efforts still growing momentum, coinciding with a new Governor-elect having appointed new regulatory agency leaders, more meaningful change is on the horizon.

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INZULU

(Soundz of the South)



video



MUSIC RECORDED AT Mkhululi Freedom Station
ENGINEERED BY Chris and Daniel at La Plage Sound
LYRICS BY Soundz of the South Collective
INSTRUMENTAL BY DJ VeX (Gin & Juice collective)
VIDEO SHOT AT Community House
SHOT, EDITED AND DIRECTED BY Hlalanathi Radebe



PHOTO: WANDIE M

Verse One – **Karl Myx**

guns blazing
 tears running
 down these brown faces
 this my home but can't shake off
 the strangeness the plague is
 spreading with quickness
 days are restless nights are sleepless
 they killed the seamstress
 all for political interests
 ethno-linguistic. divisions
 she was a young lady from the Eastern Cape/
 came to Durban looking for
 a job and a place to stay
 back in the days of Apartheid
 moved in the hostel 1992
 same year they gunned down
 Dome wellington
 over ethnocides and factionalised
 party politics
 fast forward 1994 we have a black president
 but nothing really changed for the
 residents of Glebeland

imanyukunuezi
 Inyekenyeke
 imeko nesimo
 siyantengantenga
 zinto azibone ngamehlo
 zidlwengulu umxhelo
 yontlungu enwanwa okomlilo wedobo
 kuthi azifihla amehlo wakuphefumla lamzobo
 akukho ukuzifihla ngetyholo
 uvele ngaphandl wonk' umqolo
 konqali ntloko abakuphi'mphefumlo
 ngobuchule nobunono oh no

Translation:

it's a scary
 inconceivable
 situation
 with imbalances
 things she has seen
 with her eyes
 break her down
 a pain that spreads
 like a raging fire in dry field of canes
 she wish to cover her eyes
 when the imagery comes to life
 there's nowhere to hide
 with her back exposed
 sophisticated killers
 who take souls
 oh no oh no why is it like
 the spear is striking at home now

Hook:

Nzulu yesimanga
 Nzulu lenkohlakalo
 Latshon'emini ilanga
 Soqhawul' amatyathanga
 Kudede Ubumnyama kuve ukukhanya

Deep is the wound
 Deep is the cruelty
 Turmoil falls upon us
 We will break the chains
 Chase away the darkness
 And birth a new world

Verse Two – **Anela**

To Hell with the RDP, BEE, RET
 All I want to see is my people
 Be the change we seek to see
 Now days it isn't safe to sleep
 Police Arming the streets
 Turning our homes into prison institutes
 Preventing us from fighting against land
 thieves and savages
 Using fear to silence we
 Keeping us trapped in the belly of the beast
 They raping and killing mother nature
 Are we in danger
 This is our home, but we treated like strangers
 We not waiting on the Angels and God to come
 and save us
 Its only we take a stand
 Rise and defend ourselves
 Fight for our children's legacy
 It's a fight to the death
 Till we break free from the chains

Verse Three – **Tsidi**

One, beza begilana bezithembile
 beyimbumbuthela,
 Bezosiphithikeza
 Two, basijula ngamaxwebhu amaphepha
 nosiba
 bathi masityikityele bazosiza.
 Three, basixelela sibavotela bazolungisa
 ukuhlala nomphakathi bayasiza
 Four, baphuma emehlweni azange baphinde
 babuye bezophuhlisa
 Ah!! Its a struggle akukho ndlela yokuphila
 ngucimi-danya sihleli ebumnyameni
 We go thirsty for days sisebugxwayibeni sisela
 emgxobhozweni emgxobhozweni
 Oonqalento babuya basindlandlathekisa
 basingcungcuthekisa basikhomba ngeminwe
 haibo senzeni
 The community rise fighting for equality this is
 reality
 Inxeba lendawo, bathumela umkhosi
 basixhokonxa basikhomba ngemikhono ekati
 Ewe kaloku lento ilibala yinkathazo yingcidi
 yekhala sikwanti

One, they come rushing in numbers sure of
 themselves
 Only to confuse us
 Two, they give us ballot papers to mark and promise
 to help us
 Three, they tell us to vote
 they will help change the situation in our
 communities
 Four, they disappear into thin air never fulfilling their
 promises
 Ah!! It's a struggle, livelihoods are destroyed
 We go thirsty for days, life in the slums we forced to
 drink dirty water
 Exploiters and their collaborators are pushing us
 around
 making our lives a living hell
 They're pointing fingers at us, what have we done?
 Communities rise fighting for equality, this is our
 reality
 the politics of a place
 they send the army and police
 to terrorise us with guns
 Yes, it's evident the colour of our skin is an issue,
 a bitter pill to swallow, we are stranded
 The journey is long, our feet can attest to this fact
 We have fought for liberation, till today we have
 seen no change
 We are not shocked!!
 We will raise our voices, armed with truth
 We will rise, till the wall fall off
 Enough is enough

Verse Four – **Skillo**

isingqala somhlali ibangathi basimamele
 iBangathi benz'amalinge osonyula
 kwinkxwaleko,
 bastyeshelamalungelo, Basthembis'inkululeko
 basthembisa nangengqesho ogqiba
 baduk'unomphelo
 Phephandaba liyaxoka libhal'iztory ezi diluted
 Benzingqondo ikholelwe singabon'uba
 scinezelwe
 Ezinkosi ziyanyotywa zi puppet ze politicians
 Thin'ezantsi siyaqotywa simane
 sinqunqel'egoqweni sivallelw'eseleni ubuyi
 target ubulawe kowenu
 Gugu likhulu umbomb'uyaqhosha
 kyaxokw'andnovota ndiphilubukhoboka
 basthatheli'sonka
 Bazenz'amagorha sidikwe'yokosa
 Mzimb'uvukuvuku zizigxala nenxeba
 longonjwa
 Xasiqal'uphakama sibhukuq'ubumnyama
 thina siya gotywa
 Lusizi kubaninzi abaqin'isbindi nenqindi
 amaqabane community anqolotyelwa
 kwisaqhwithi

They pretend to hear the pain of people
 They pretend to have solutions to take us out of
 poverty
 They deny us our right,
 they promised us freedom,
 they promised us employment
 Then they disappeared forever.
 Even journalist are lying and writing diluted stories
 making us believe lies and not the truth about our
 oppression
 These Village Chiefs are bribed and made Puppets
 for business and politicians
 As the people we are exploited, locked in jails cells
 or get killed in our own homes
 We praise our so called "Leaders", who have failed
 us in delivering change
 It's a lie I won't Vote, while I'm still living as slave
 Without bread to feed my family
 They claim to be heroes, we are tired
 Our bodies brutalised and we are criminalised for
 challenging this injustice
 We pledge solidarity to all fallen comrades
 Who got assassinated,
 for Fighting to keep what belongs to them

Soundz of the South Collective is a political Hip hop collective working to build an international working-class counterculture that is anti-authoritarian, anti-capitalist, anti-racist, and anti-sexist.

Soundz of the South is the sound of revolution. Forged in the fire of the struggles of the African people, SOS is a mouthpiece for the disenfranchised, the impoverished, and the repressed. SOS is liberation through music. Their unique fusion of Hip hop, Afro and Soul is more than just music; it is the sound of shackles breaking, it is the sound of triumph over oppression, it is the sound of the people, it is the Sound of South.

The SOS collective convenes learning spaces in which class consciousness, unity, and solidarity amongst activists are built. We also facilitate the development of cultural activist tools and the social practices that go with them. To this end, we regularly host shows, promote public space interventions, and facilitate direct counter-cultural actions.

The work is rooted in urban communities in six African cities through the African Hip hop Caravan. In our experience of organising on the continent, Hip hop culture is the most influential youth culture and holds the greatest counter-cultural potential for fighting oppression.

Soundz of the South is in a south-to-south solidarity alliance called uQhagamishelwano with Haga Que Pase from Colombia.

Hip hop is thus our initial frame for engaging young cultural activists, people and for agitating for social justice.

Since 2008, Soundz of the South has produced four musical projects; has travelled and performed in many African countries and abroad. Collaborating with international artists of different genres and persuasion.

About “Inzulu”

The song is a metaphorical interpretation of the link between the ecological destruction, the destruction of sustainable livelihoods, and political assassinations of environmental defenders and activists.

Inzulu is Zulu/Xhosa for Deep, here used in meaning the deepening wound and perpetual pain as result of neocolonialism, neo-apartheid environmentally destructive policies of the DA and the ANC.

The song is inspired by the defensive socio-economic and ecological struggles of ordinary people and black working class communities of Southern Africa. In this song and video, “Inzulu”, we connect past struggles for liberation, that are captured in the walls of Community House with contemporary struggles against exploitation of farm workers in the Winelands of Western Cape, the devastating living conditions and political violence in the Hostels of Glebaland, in KwaZulu Natal outside Durban.

In the first verse, the song makes a connection between forced removals and destruction of livelihoods, past and current, with ongoing violence and politically motivated killings in the Hostels of Glebelands in Umlazi, outside Durban.

Verse two and three talk about the experience of environmental Defenders of a rural village of eMakhasaneni, who fought bravely against Mining and land theft. A project that was backed by politicians, the state, local elite and a big multinational corporation.

We remember Bazooka, an anti-mining activist who was murdered in the Eastern Cape, We celebrate the resistance of the rural activists of eMakhasaneni against forced removals and destruction of livelihoods, more importantly to acknowledge the tides and efforts of many other unsung (s)heroes of the struggle and the resilience of the people of Southern Africa.



Protest against wetland devastation to build a hotel in Anse La Mouche on Mahe, Seychelles

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SEYCHELLES NEWS AGENCY

Environmental defenders, human rights and the growing role of IUCN policy: retired, red-tagged or red-listed?

Peter Bille Larsen^{a)} and Jörg Balsiger^{b)}

Abstract

As environmental defender issues receive unprecedented international attention, questions arise about the role and response from promoters of conservation activity and cooperation in general (Bille Larsen et al., 2020) and the current and potential role of the International Union for the Conservation of Nature (IUCN) in particular, as demonstrated by a recent virtual dialogue co-organised by the IUCN Commission on Environmental, Economic and Social Policy (CEESP) and the University of Geneva entitled “Environmental human rights defenders in the pandemic: the Geneva Roadmap & strengthening IUCN action” (IUCN, 2021a). Although IUCN has long addressed environmental defenders in policy frameworks and activities, we suggest that approaches have mainly been reactive rather than preventive and strategic. A new motion in the making potentially signals change, yet much will depend on resolving outstanding issues and mitigating the risks of existing environmental defender and human rights resolutions being ‘retired’ prematurely.

Key words: environmental defenders, WCC, COVID-19, IUCN motions, human rights resolutions

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Introduction

As environmental defender issues receive unprecedented international attention, questions arise about the role and response from promoters of conservation activity and cooperation in general (Bille Larsen et al., 2020) and the current and potential role of the International Union for the Conservation of Nature (IUCN) in particular, as demonstrated by a recent virtual dialogue co-organised by the IUCN Commission on Environmental, Economic and Social Policy (CEESP) and the University of Geneva entitled “Environmental human rights defenders in the pandemic: the Geneva Roadmap & strengthening IUCN action” (see Figure 1). Although IUCN has long addressed environmental defenders in policy frameworks and activities, we suggest that approaches have mainly been reactive rather than preventive.

This article argues that, as the human rights community is being mobilised, there are multiple obstacles to a full-blown environmental human rights and conservation alliance. Many conservation actors do not necessarily associate themselves with human rights, and some, indeed, may directly oppose being associated with human rights in public, let alone being classified as an environmental human rights defender.²⁹ This is, for example, the case in countries where raising environmental concerns is considered acceptable, but invoking human rights discourse and claims is not. IUCN is not only in a privileged position to reach such actors, but a critical space and network that conservation actors can access.

1. Lessons learned

Twenty years ago, the World Conservation Congress (WCC) in Amman was the first of its kind to adopt a resolution on environmental defenders (Resolution 2.37, “Support for environmental defenders”). It emphasised harassment and persecution of “environmental advocates”, calling on the Director General (DG) of IUCN to “speak out publicly and forcefully” and encouraging members to inform the DG about individual cases of persecution against defenders (IUCN, 2001). It also requested the IUCN Council to publish the names of communities and individuals under threat. Two decades later, four key lessons from IUCN’s engagement with the protection of defenders stand out.

1.1 Environmental defenders as a key issue of relevance to IUCN

The first lesson is one of relevance. Resolution 2.37 reminds us that threats against environmental defenders are neither new nor uncommon in the IUCN network, even if media attention has only recently begun to increase. The murder of the rubber tapper Francisco (Chico) Mendes Filho in Acre, Brazil, in 1988, is an emblematic case that made global headlines and also contributed to IUCN’s recognition of extractive reserves. In fact, the history of defenders under attack is both long and intricately tied to multiple fields of

conservation activity found across the IUCN network. As noted in a letter from the IUCN Director General to the President of Honduras, following the killing of Berta Cáceres in 2016:

Mrs. Cáceres was not unknown to us; much to the contrary, our vision of a just world that values and conserves nature was enriched by her efforts on behalf of natural resource conservation and the well-being of the most vulnerable communities [...] IUCN joins those people and organizations urging that this assassination not go unpunished and that the necessary investigations be made. (emphasis added) (IUCN, 2016).

Berta Cáceres,
murdered Honduran
activist.

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Not only is IUCN aware of such phenomena; persecution of environmental defenders within the Union (members and partners) appears to continue to be experienced by IUCN members and partner organisations.

1.2 Policy action and leadership within IUCN

The second lesson concerns the importance of a policy basis for leadership action. IUCN Director Generals (DGs) have, on a number of occasions, expressed concern, both publicly and by means of informal outreach to relevant parties. In some cases, direct engagement has been sought in a given “situation”; in other cases, public letters were sent to political leaders after irrevocable damage was done. In 2013, for example, IUCN called for a “peaceful, just and fair resolution of the issues surrounding the arrest of Greenpeace activists onboard the Arctic Sunrise” (IUCN, 2013). In the case of the 2018 jailing of Iranian conservationists, the DG met national authorities to ask “for transparency and justice” (IUCN, 2018a).

IUCN DGs have also sent strongly worded letters to decision-makers in the Philippines, Honduras and Mexico, where crimes against environmental defenders continue to raise concerns in the global media. When IUCN expressed shock and sadness about the 2017 killing of Isidro Baldenegro, an Indigenous Mexican environmental activist, the organisation called on “world governments to do everything in their power to prosecute

those targeting environmental activists across Latin America and beyond” (IUCN, 2017). IUCN’s 2000 Resolution on environmental defenders is generally listed in such calls to the Director General to “speak out publicly and forcefully” (IUCN, 2020b).

Such cases demonstrate how the 2000 Resolution has allowed IUCN leadership to shed some more international light on the dark side of conservation. The Resolution involves a theory of change that builds on the power and hope of increased public recognition and exposure of crimes against defenders. This sense of power is derived from publicly participating in a network, being part of the Union, as well as the power of protection through the public listing, naming and shaming of crimes, which provides some leverage. Yet, in the absence of systematic reporting on the Resolution’s implementation processes, we know little about the impact of such letters despite their help to mediate and internationalise concern (Keck & Sikkink, 1998).

For an organisation which at times is wary to ruffle the feathers of its government members, the Resolution has enabled – indeed required – IUCN leadership to approach governments directly. Such expressions of condemnation, solidarity and dismay are meaningful and important markers within a political field that far too often leaves the perpetrators off the hook, while defenders face high levels of impunity. Global Witness reported that only nine led to a verdict (Global Witness, 2018).

1.3 Escalation of violence despite growing public concern

The third lesson concerns how public exposure and protection are rarely sufficient to prevent violence from escalating. When Berta Cáceres was assassinated, she was not only a well-known colleague and partner of the IUCN community, she was also a strong public figure, both nationally and internationally. She had recently won the 2015 Goldman Environmental Prize, yet would nonetheless encourage her daughter to flee the country the day before her own assassination in order to escape violence to her family (Berry, 2016). During the months prior to her death, Cáceres received several threats concerning her opposition to a hydroelectric project and was publicly stigmatised as a violent anarchist in her own country (Cuevas & Orsi, 2016). Her death took place despite the Inter-American Commission on Human Rights (IACHR) having already granted Berta Cáceres “precautionary measures” in June of 2009 to protect her against intimidation from military forces (IACHR, 2009).

Such contextual elements tell us that crimes against defenders are not exceptions but often reflect a general pattern of violence that has been building up over time. International recognition and public protection, in light of such violent structural conditions, did not prevent the assassination of Cáceres, which prompts questions about what other measures can be envisioned when lives are under threat.

1.4 Need for better community-building, cooperation and response within IUCN

The fourth lesson concerns the growing body of experiences within the IUCN family that suggest a broader need for, and potentially new forms of, stronger responses, cooperation and collective action. To make a difference, future collaborative efforts need to move beyond the “public recognition, naming and shaming” tactic which was encapsulated in the 2000 Resolution. Too many cases drag on, involving multiple layers of intertwined political-economic problems; defender needs expand well beyond what raising public attention alone can achieve.

Individual IUCN members, from the Coordinator of the Indigenous Organisations of the Amazon Basin (*Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica*, COICA) to whistleblower efforts in the United States, have set up tailored, strategic activities to protect membership and partners at risk. Efforts by IUCN Netherlands and others also demonstrate the relevance of international cooperation and reaching out to IUCN membership when cases of environmental defender needs arise.

There is huge untapped potential to systematically work with and build the capacities of IUCN national committees, just as the IUCN Secretariat and membership hold the power to offer concrete possibilities for better engaging with defender issues. This will require that some IUCN offices shift priorities slightly beyond a narrow, technical, and conservation-only focus. If the ultimate goal of several IUCN bodies is the effective protection of environmental defenders and the reversal of the current tide of violence against them, more must be done to achieve better outcomes, and more must be done differently. In summary, the time is ripe for strengthening IUCN action, policy implementation, and cooperation.

2. IUCN response: reactionary or preventative?

2.1 Premature retirement: collapsing *Resolution 2.37* and defender issues into a policy limbo

While Resolution 2.37, passed in 2000, has been frequently referenced in public statements, it is today – strangely enough – listed as “archived”, with a note that it “no longer require(s) implementation” (IUCN, 2021b). Based on a 2016 resolution to “identify and archive obsolete Resolutions and Recommendations”, the 2000 Defender Resolution was on track to be ‘retired’ as of the time this article was in preparation (December 2020). A 2019 progress report from the IUCN Council Task Force on Resolutions Retirement (IUCN, 2019) spoke of “a list of 534 Resolutions and Recommendations to be moved to the archive” with official retirement to be voted *en masse* in Marseille 2021, at the WCC. While the effort to clean up the huge body of resolutions is a worthy initiative, was it time to retire the existing 2000 Resolution on environmental defenders?

The very first motion to be voted for at the Congress in Marseille 2021 may do just that. If a new and more comprehensive resolution will hopefully be adopted in 2021, the worst-case scenario is that of retiring the 2000 Resolution without adopting a new one with up-to-date language and more adequate measures. There are good reasons for a more robust resolution on defender issues. However, early retirement of the existing 2000 Resolution, prior to the adoption of new instruments, seems premature and unjustified – hazardous to say the least. The push for early retirement also concerns other matters.

Glancing rapidly through the resolutions to be “retired” reveals, for example, the important 2012 IUCN Resolution adopting the IUCN Policy on Conservation and Human Rights for Sustainable Development. This landmark resolution put human rights at the heart of IUCN policy, yet now also risks being considered obsolete. If a progress report from 2015 noted some integration of rights concerns in the IUCN Secretariat procedures (framed around the introduction of social safeguards) upon becoming an “implementing partner” of the Global Environment Facility, such integration of rights concerns hardly justifies archiving a major decision to adopt a human rights policy for the Union, whose implementation, it is safe to say, remains “work in progress” (IUCN, 2012). Furthermore, respect for and implementation of wider human rights are at the heart of preventing further violence against defenders in the first place. The 2012 and 2000 Resolutions must work in tandem.

Official criteria for rendering resolutions obsolete include justifications such as that the problem no longer exists, that the problem has been resolved or is no longer relevant, that it has been refuted by science or that it is no longer in line with IUCN statutes (IUCN, 2020a). Although there appears to be no implementation report attached to the 2000 Environmental Defenders Resolution, neither defender protection nor human rights policy would seem to fit the bill of a problem solved, invalidated or having become obsolete. Quite on the contrary.

The number of killings, harassment and threats remains massive and is on the increase in some parts of the world (Le Billon & Lujala, 2020; Bille Larsen et al., 2020). In February 2020, IUCN’s DG once again issued a statement directly referring to the (now up for retirement) 2000 Environmental Defenders Resolution when responding to the killing of two defenders in the Monarch Biosphere Reserve in Mexico and four Indigenous people in Nicaragua (IUCN, 2020b).

While the strength of resolutions may at times appear lost once the heat and momentum of the World Conservation Congress evaporate, the environmental defender issue shows us how resolutions can be remobilised in specific situations for specific people. There is therefore no reason to retire resolutions that still hold promise, unless stronger instruments are adopted. The other side of the coin, however, points to daunting challenges, which cannot be resolved through case-by-case public letters, naming and shaming tactics. Again, more must be done within the Union to confront the problem of environmental defender persecution.

Rather than relegation to early retirement, interviews with higher echelons of IUCN as well as field staff reveal that some resolutions are in need of a policy boost. Indeed, the Union harbours considerable potential to take organisational responses to another level of action, yet a stable policy basis is absolutely essential to do this.

2.2 Red-tagging or red-listing?

In the recent report, *Enemies of the State? How governments and businesses silence land and environment defenders*, Global Witness (2019) denounces the rapidly expanding practice of red-tagging, which refers to the framing, labelling, stigmatisation, and persecution of environmental rights activists as being supporters of armed, left-wing insurgents, terrorists or otherwise considered as ‘enemies of the state’. On at least one such occasion, IUCN expressed “condemnation and grave concern” at the tagging of the now former UN Special Rapporteur Vicky Tauli-Corpuz as a terrorist (IUCN, 2018b).

In contrast with ‘green’ calls for synergies, Sustainable Development Goal (SDG) integration, and the linking of conservation and development, environmental defenders report that such red-tagging and comparable practices are wide-spread. In fact, the red-tagging of conservationists now appears far more widespread than the ‘red-listing’ of violence against them.

The analogy is meant to be more than a punt. If the Red List of Threatened Species is considered a “comprehensive information source on the global conservation status of animal, fungi and plant species”, a more systematic information list should exist for environmental defenders and the dangers for both defenders and conservation efforts. The IUCN Red List is today one of the flagship efforts to determine the “health of the world’s biodiversity”, yet the conservation community remains fragmented in terms of determining the health of its environmental defenders and their working spaces. If IUCN has proven its capacity over the years to set up an impressive system for recognising species under threat of extinction (IUCN, 2021c), the topic of environmental defenders under threat and harassment in the network is only starting to get documented, leaving most defenders invisible, and thus highly vulnerable.

Our forthcoming research, conducted together with the IUCN Secretariat, demonstrates shared concerns across the network, though the Union currently lacks a system for documenting such concerns and responding collectively. The argument here is not to propose, *per se*, that a Red List of threatened environmental defenders³⁰ be created, thus classifying defenders and their countries in terms of murders, threats of violence (or threat of extinction as the Red List is centred upon), but rather, it is a call for more systematic documentation, prevention and collective responses. Also, what is needed beyond naming and shaming is a systematic and concerted effort to understand the specific drivers and contexts leading to violent environments as well as mobilising Union responses.

3. Looking forward: how can IUCN respond in the years to come?

As COVID-19 presses on, WCC arrangements are in the (re)making, and the dedicated resolutions on environmental defenders prompted by the IUCN Council, Members and Commissions reveal the high hopes that IUCN will shift gears from a fire-fighting, naming and shaming approach to a more comprehensive stance. Such an approach would engage not only the IUCN Secretariat, but also its members, Commissions and National Committees in efforts to protect environmental defenders. As an IUCN Guidance Note on National Committees mentions:

The ability of IUCN to fulfill its Mission depends directly on the capacity of all its constituencies – the Members, the Commissions, the National/Regional Committees, the Secretariat, the Council as well its external partners and stakeholders such as donor agencies, project collaborators and the public – to work together with confidence, respect and mutual support (IUCN, 2020c).

Responding to defender concerns need not only be a question of high-level support, but may in the future involve a wide range of grassroots, national and international responses that build on the growing body of experience by defenders themselves and their supporters.

Resolutions are not magic bullets, nor is their content set in stone. Moving forward with IUCN action, in support of environmental defenders requires cool pragmatism about the potential and limitations of resolutions and Union action. The current draft motion suggests strengthening knowledge, but also reviewing the existing programme in order to develop an “IUCN policy and action plan on environmental human rights defenders and whistleblowers”, among other things, and to allow for dialogue and independent fact-finding with state members.

As a recent meeting of researchers, defenders and civil society organisations in Geneva demonstrated (Figure 1) (Larsen & Lador, 2021), there is no reason to reinvent the wheel, but rather to benefit from the multiple initiatives in the making promoted by both environmentalists and the human rights community, including defenders themselves (Environment-rights.org, 2020) As the human rights community is being mobilised, notably through a recently adopted resolution, Human Rights Council (HRC) 40/11 (RightDocs, 2019), there are also multiple obstacles to a full-blown environmental human rights and conservation alliance. Many conservation actors do not necessarily associate themselves with human rights, and some, indeed, may directly oppose being associated with human rights in public, let alone being classified as an environmental human rights defender.³¹

This is, for example, the case in countries where raising environmental concerns is considered acceptable, but invoking human rights discourse and claims is not. Self-identification as an activist, defender, conservationist, or professional varies over time, space and even individual careers. This does not make human rights irrelevant to the

Figure 1
IUCN-CEESP international workshop, "Environmental human rights defenders in the pandemic: the Geneva Roadmap & strengthening IUCN action". (IUCN, 2021a)

GRAPHIC BY ANA VALERIE MANDRI ROHEN, CEESP.



conservation world. On the contrary, it must prompt careful thinking about how best to reach a potentially large group of environmental defenders far from the radars of mainstream human rights monitoring. IUCN is not only in a privileged position to reach such actors, but a critical space and network that conservation actors can access. UNEP and other international organisations are stepping up action in support of defenders. Responding to the needs and rights of environmental defenders is today an urgent testing ground for IUCN to mobilise its convening power of government and NGO membership for those most in need.

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Endnotes

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- 2 Motion 039 – Protecting environmental human and peoples' rights defenders and whistleblowers.
- 3 My definition of 'environmental defenders' is deliberately broad, and partly based on the varied definitions of international human rights groups. I do so in order to include the range of actors and activism involved in defending land, resources and vulnerable peoples. For example, Global Witness (2014) uses the term 'environmental and land defender' as "people who take peaceful action to protect environmental or land rights, whether in their own personal capacity or professionally". The UN uses the broader term 'environmental human rights defenders' (EHRD) to refer to "individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna" (UNEP, 2018a). I therefore use the term 'environmental defender' in an open, multi-faceted sense to encompass a range of activists who work in different capacities to protect the land, forests and oceans in the Philippines.
- 4 Under President Arroyo, Karapatan (2018) notes 194 and 235 extra-judicial killings in 2005 and 2006, respectively. These deaths include activists (land, environment and human rights defenders) and insurgents, whose politics and actions are sometimes blurred in practice or deliberately by the rhetoric and criminalising of the Philippine National Policy, Armed Forces of the Philippines, and other right-wing militia.
- 5 Capistrano, L. 2002, personal communication, 21 June, Puerto Princesa City.
- 6 NATRIPAL, Nagkakaisang mga Tribu ng Palawan, is a 'People's Organization', but functions as an NGO. NATRIPAL represents a province-wide federation of 57 or more local associations in 13 or more of the 24 municipalities of Palawan (Pinto, 1999).
- 7 PPVOMI is 60% Singaporean and 40% Filipino-owned and AGPI is 75% Filipino and 25% Malaysian owned (Larson et al, 2014). The Malaysian parent company is Agusan Plantations Inc.
- 8 Kabbadi is a popular team sport in South Asia.
- 9 The word 'kurulupalwa' refers to a special area cultivated for the feeding of birds and wild animals.
- 10 The case inspired by Stone's (1972) work was concerning severe industrial pollution and environmental damages to the environment and local communities from the company's activities. See Decision of Civil Court of Central Jakarta Number 820/Pdt.G/1988/PN.JKT.PST.
- 11 See Eksponen 66 and others v. APHI and others (Decision No. 425/Pdt.G/1997/PN.Mdn), and Dedi and others v. Perum Pehutani and others (Decision of Civil Court Bandung Number 49/Pdt.G/2003/PN.BDG).
- 12 Article 77 stipulates that "[p]rotection of security to witnesses, complainants, and informants include: (a) protection of personal, family, and property security, as well as to be free from intimidation with regard to a report and information that will be, is being, or has been, provided; (b) to be given information on the court decision; and/or (c) to be informed in the case of the perpetrator being released". Article 78 stipulates that (1) "the complainants and informants cannot be convicted by criminal law or sued by civil law for their reports and witness that will be, are being, or have been, given."
- 13 See for instance the Philippines Supreme Court's Rules of Procedures for Environmental Cases in which it defines SLAPP to include civil, criminal and administrative actions.
- 14 See Decision of the Civil Court of Banyuwangi No: 559/Pid.B/2017/PN.Byw.
- 15 See Decision of the Supreme Court No. 1567K/Pid. Sus/2018.
- 16 Decision of the Civil Court of Indramayu No. 397/PID.B/2018/PN.IDM.

- ¹⁷ With a total extension of over 6,000 km², the Valley takes its name from the Aguán River, 395 km long, and contains some of the most fertile lands in the country. It is typically divided into three sub-regions: the lower, mid and upper Aguán. In administrative terms the Aguán Valley extends through the Departments of Colón and Yoro.
- ¹⁸ This disease is caused by the fungus *Fusarium*, a soil pathogen which infects the soil system and colonises the plant through the vascular system. Soil that has been contaminated once becomes unfit for future banana production, unless resistant varieties are grown. This forced the banana companies to abandon large extensions of land and to move into unaffected lands (Soluri, 2009; Striffler, 1997; Grossman, 1998).
- ¹⁹ The Garifuna is a local ethnic group of mixed African and Arahuaco Indigenous people.
- ²⁰ In 1974, after Hurricane Fifi crashed into the North Coast and destroyed the banana plantations, the INA and the Corporación Hondureña del Banano created the EACI on lands that had belonged to the Standard Fruit Company (Macías, 2001). With little support from the state, the EACI rehabilitated the banana fields and signed contracts with Standard in which, in exchange for technical and financial support, it agreed to grow bananas and sell all of its production to the banana company (Flores Valeriano, 1987; Posas, 1992; Slutzky & Alonso, 1982).
- ²¹ In 1992, 1 US Dollar was worth 5.83 Lempiras.
- ²² This was part of a broader shift towards a more flexible global ‘food regime’ (Winders, 2009).
- ²³ According to Macías (2001:94), largest buyers of agrarian reform lands were Facussé (DINANT Corporation; 34%), Morales (Grupo Jaremar; 23 per cent) and the Standard Fruit Company (8 per cent). This data is probably an underestimate, as in many cases the larger purchasers would also use surrogate buyers (see Rubén & Funez, 1993 for a discussion on this topic).
- ²⁴ Because liberal reform in Honduras was never as ‘successful’ as in El Salvador and Guatemala, large amounts of communal and public land survived until well into the 20th century; indeed, the Honduran State continued to create new ejidos in the late 19th and early 20th centuries, even as El Salvador and Guatemala abolished them (Samper, 1993).
- ²⁵ ACAN is the Asociación Campesina Nacional, ANACH is the Asociación Nacional de Campesinos Hondureños, and CNTC is the Central Nacional de Trabajadores del Campo.
- ²⁶ Carney was a US-born Jesuit priest who spent two decades in Honduras ministering to the poor and organising cooperatives in the Aguán. He was expelled in 1979 and killed four years later when he joined an ill-fated guerrilla incursion in Olancho Department (Carney, 1985). For a vivid description of the occupation, see Falla, 2000.
- ²⁷ The conflict in the Aguán Valley involves more than 13 different peasant movements with quite different roots. For example, the MCA is the result of the struggle to recuperate the CREM lands and was originally made up mainly of peasants who did not have anything to do with the cooperatives of the 1970s and 1980s. MUCA, in contrast, originates in the early 2000s; its members identify themselves as the sons and daughters of those who sold and lost their lands during the 1990s (MUCA, 2010).
- ²⁸ This article builds on my work in Guatemala since 1998 and specifically on fieldwork that took place in Guatemala in February 2018 and January 2020, during which I interviewed environmental/territory defenders from San Marcos, Huehuetenango and Chiquimula. I also interviewed policy makers, lawyers and territory defenders that reside in the capital. During my 2020 fieldwork, I visited several communities in Camotán and Jocotán (Chiquimula) that face extraction projects, which gave me the opportunity to engage informally with defenders and attend community meetings.
- ²⁹ For more on the political dimensions of environmental defender issues, see Middeldorp & Le Billon (2019).
- ³⁰ Mongabay, the on-line website for primarily environmental justice news, runs a series entitled, “Endangered Environmentalists” (Mongabay, 2021).
- ³¹ On some of the more political dimensions of environmental defender issues, see Middeldorp & Le Billon (2019).



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