PROTECTING FOREST DEFENDERS

Photo: Kingsley Uzondu FPP
FOREST PEOPLES FACE HUGE CHALLENGES IN DEFENDING THEIR LANDS AND WAYS OF LIFE. TOO OFTEN, WHEN THEY STAND UP FOR THEIR RIGHTS THEY FACE INTIMIDATION OR WORSE.

According to Front Line Defenders, 281 human rights defenders were killed in 2016, of which 49% were working to defend land, indigenous or environmental rights.\(^1\) In the same year, Global Witness documented killings of 200 land and environmental defenders\(^2\) – an average of four murders per week. **Almost 40% of human rights defenders murdered in 2016 were indigenous.**\(^3\) Given that indigenous peoples are estimated to represent approximately 5% of the global population,\(^4\) it is clear that indigenous human rights defenders are significantly overrepresented in the statistics on killings.

Indigenous defenders rarely work in isolation. For every defender who is killed, there are many more who are left to live in fear. Many are deterred from continuing to fight for their land after such horrifying events.

But murders represent just the tip of the iceberg. Front Line Defenders estimates that, in 2016, more than 1,000 human rights defenders were harassed, detained or subjected to smear campaigns.\(^5\) These attacks have a vast impact on the lives of defenders and their communities and many victims are scared into silence.

“I am not the first person to be injured; but many are not willing to speak out. Some of the community members are not ready to advocate for justice. Most people, after being injured, go back to the forest and don’t want to talk about it. So I feel I must talk on behalf of them. That is why what happened has given me the courage to seek justice.”

Elias Kimaiyo, Sengwer, Kenya

Nearly 40% of environmental defender deaths in 2016 were of indigenous peoples. Only 5% of the world’s population are indigenous.

\(^2\) Global Witness “Defenders of the Earth” 2017, p.6
\(^3\) Global Witness “Defenders of the Earth” 2017, p.7
WHO IS AN ENVIRONMENTAL DEFENDER?

“Land and environmental defenders are people who take peaceful action, either voluntarily or professionally, to protect environmental or land rights. They are often ordinary people who may well not define themselves as defenders.”

Global Witness, “Defenders of the Earth”

Human rights defenders are often subjected to years of harassment, death threats and violent attacks before they are killed. Yet, defenders can do very little to prevent the attacks from escalating. National protection schemes are sparsely available or inadequate. Often, they are designed for individual defenders and fail to protect whole communities. Indigenous defenders, who are frequently located in remote areas, struggle to access state protection and protection measures often rely on relocation. This is unsuitable for indigenous defenders, who have a deep cultural and spiritual connection to their land.

Alternatively, defenders can contact the UN to trigger international mechanisms such as urgent action appeals. These can be used to put pressure on governments to intervene in disputes, but their influence is limited. International NGOs can help to provide protection, but with an ever increasing number of disputes, their support can only go so far.

Levels of impunity for the murders of human rights defenders are distressingly high. Global Witness documented only 10 out of 908 murders worldwide committed between 2002 and 2013 where the perpetrator was convicted. These levels of impunity mean perpetrators are emboldened and murder rates continue to rise. Perpetrators are not even deterred by international condemnation, as shown by the brutal murder of Berta Cáceres in March 2016.

Environmental defenders also face underhand attempts to discredit their work. Some defenders are imprisoned on fabricated or exaggerated charges; others are subjected to smear campaigns in the media, where they are portrayed as anti-development or corrupt. Even if defenders are not physically silenced, their position can be undermined so successfully that their fight is effectively halted.

As pressure from agribusiness to acquire land escalates, the trend for illegal grabs of indigenous community land is increasing, and the numbers of indigenous defenders is likely to increase too. It is vital that we implement effective remedy and protection measures, which address the discrimination which indigenous peoples face, to empower them in their fight to protect their forests.

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6 Global Witness “Deadly Environment” 2014, p.17
“In 2012, my brothers and I made the decision to continue to claim ownership of our farm, but when we arrived at the farm the paramilitaries threw us out, knocking down my house. After, they took us to the paramilitaries’ base. A lawyer arrived there as well. They were attempting to displace us. I believe, in order to acquire the land and then provide it to companies. We were pressured to sign the documents to give up the farm, but we refused.”

Willian and his family were forcibly displaced from their farm until 2017, when they reclaimed the land. Since then he has become involved in the community’s fight against illegal logging on their ancestral lands.

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William continues to fight, but he and his family remain in fear for their lives.

DEATH THREATS IN PERU

Robert Guitaramaes, President of the Federation of the Native Communities of Ucayali (FECONAU), and other leaders of the Shipibo community of Santa Clara de Uchunya describe a growing sense of fear as they campaign against the expansion of a palm oil company which has already destroyed more than 5,000 hectares of their traditional forest lands.

“The threat of death is very strong and smouldering. Residents of the community have literally been killed by people in the nearby town of Tiquino. Take care because we are going to kill your leaders and if we do not manage to do your leaders in, then we will kill anyone from Uchunya itself, we have a list.” Robert Guitaramaes

Robert also faces threats from other forces. Six farmers in a nearby village were recently shot dead by a criminal gang wanting a piece of the profitable palm oil business.

“It was a night-time ambush. They bound them by their hands and feet, then they killed them and threw them in a river. We have received death threats from the same land trafficking gang.”

Not only do the threats of murder hang over the lives of Robert and other leaders every day, they now face growing resentment from people in their own and nearby communities. Although they continue to defend their land, it becomes more and more difficult each day.

SMEAR CAMPAIGNS IN COLOMBIA

William Aljure of the municipality of Mapiripán, Department of Meta in Eastern Plains of Colombia has endured years of harassment and terrifying threats after fighting the planting of oil palm on lands which Sikuani and Jaw indigenous peoples have inhabited since ancestral times.

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COMMUNITY DIVISION IN INDONESIA

Neighbouring communities, Naha Aruq and Long Isun, in East Kalimantan in the Heart of Borneo have been torn apart following conflict caused by logging on their ancestral land.

“Before the company came Naha Aruq and Long Isun were one. Now we cannot speak to some of brothers and sisters in Naha Aruq because they are in bed with the company,” said Inui Yaq “It has split our community, it has split our family.”

Since Naha Aruq accepted financial rewards for converting to logging on Long Isun’s ancestral land, there has been economic disparity and bitter resentment between the neighbouring communities. This division, fostered by the logging company, has been a destructive distraction for Long Isun in their battle against the company. With energy focused on the beneficiaries rather than the perpetrators of the tensions, progress of the community’s protests has slowed significantly.

VIOLENCE IN KENYA

Elias Kimayo was taking photographs to document the burning of homes in his community, the Sengwer of Embobut Forest, when he was spotted by a guard, chased down and shot at with live bullets. Eventually catching Elias, who had fallen and seriously injured himself, the guard proceeded to break his arm and dislocate his shoulder by hitting him with the butt of his rifle. The guards escaped from the scene with the keys to Elias’ home, his cameras, a phone which contained the evidence of human rights abuses Elias had captured that day and his laptop and ipad which held nearly all prior evidence of property destruction that Elias had captured to date. Elias is now recovering from the violent attack.

“Before I used to (do everything), like building my house. I would use my time to cultivate and till my land, look after my animals and do community duties. Right now, I can’t even wash my own clothes. If I can’t wash clothes, then I am not able to carry on with my daily livelihood activities to provide for my family. So now I rely on other people. My brother will do my laundry or cook at the moment, as my wife is away from home.”

Even after his ordeal Elias is determined to continue broadcasting the human rights abuses which are happening in his community.

“After the abuses have been dealt with, (they) can continue injuring and harming innocent people in the future - even myself. If I survived then I should talk.”

CRIMINALISATION IN INDONESIA

Theodorus Tekwan, a member of the Dayak Bahu indigenous community of Long Isun in East Kalimantan, faced intimidation and imprisonment on false charges in 2014 after being part of a concerted effort to resist logging on Long Isun’s customary land.

“I don’t remember the date I was arrested, I was locked up for so long it messed up my memory, what I do remember was the boats full of police coming and surrounding me and my wife whilst we were in our garden... I heard a lot of boats coming, then I saw them, a whole SWAT team fully kitted out. I stood up and they had already surrounded me and my wife. It was like they were arresting a terrorist.”

On his eventual release Tekwan was intimidated into signing a document stating he had only spent one evening in jail when in fact he had endured over 3 months without charge.

Although the community of Long Isun continues to fight illegal logging on their land, the criminalization of Tekwan deterred them from putting up any formal resistance for over 2 years.

IN THEIR WORDS
ACCESS TO EFFECTIVE REMEDY

Both state and non-state actors have a responsibility under the United Nation’s Guiding Principles on Business and Human Rights to provide remedy for human rights abuses. Non-judicial systems, such as company grievance mechanisms, are just as important as state driven legal processes. Effective non-judicial grievance mechanisms should be:

- **Trustworthy.** Grievance mechanisms should handle complaints fairly and be transparent and timely.
- **Accessible.** Barriers to accessing resources, such as language, literacy, gender, cost or location should be considered and addressed.
- **Adequately resourced.** Sufficient funding and staff time should be provided.
- **Developed in consultation with stakeholders.** All groups, including indigenous communities, who will be impacted by the company should be properly consulted.
- **Protective.** Where human rights defenders fear for their lives, suitable protection measures should be provided. Anonymity, when requested, should be respected.

PROTECTION MEASURES

Immediate protection measures are essential to quickly and significantly reduce murders of indigenous human rights defenders. Successful protection schemes should be:

- **Created by state and non-state actors.** To ensure defenders are not left exposed in corrupt states, businesses should also provide protection.
- **Adaptable.** Protection schemes should be tailored to the individual and acknowledge the diversity of risks and challenges faced by defenders.
- **Funded and accessible.** Adequate funds and resources should be provided.

TACKLE THE ROOT CAUSE

The most effective way to eliminate risks to human rights defenders long term is to tackle the root causes of the human rights abuses against which they are fighting.

FIND OUT MORE

- “Defenders of the Earth” Global Witness
- “Defenders at Risk” Front Line Defenders
- “Environmental Human rights defenders: a global crisis” John Knox
- “They Protect the Forests. Who Protects Them?” International Human Rights Clinic
- www.environmental-rights.org
- www.theguardian.com/environment/series/the-defenders
- For updated information on the human rights defenders interviewed here visit www.forestpeoples.org/resources

WHAT CAN YOU DO?