

ENVIRONMENTAL DEFENDERS: HOW TO SAFEGUARD AND SUPPORT THEIR WORK





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**IUCN NL CONFERENCE REPORT
21-23 MAY 2019**

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INTRODUCTION TO THIS REPORT

Around the world, four people are killed every week because they stand up for nature. Many more are facing threats, violence and intimidation. These environmental defenders are simply protecting their local ecosystems and their livelihoods from unsustainable and destructive mining for oil, gas and minerals, logging, agricultural and other large-scale developments. But the defenders constitute a threat to business-as-usual for corporate players and complicit governments and financial institutions around the world.

The world is finally starting to take notice of the need to defend those who are protecting our environment. The murder of Honduran activist Berta Cáceres in 2016 has become an emblematic case in the realm of environmental defenders. As our planet slips further into crisis, the number of people who choose to defend their communities and territories at risk to their lives is growing.

From 21-23 of May 2019, IUCN NL held a conference on Defending Environmental Defenders at Pakhuis de Zwijger in Amsterdam.

Defending Environmental Defenders is an alliance of IUCN NL, Milieudefensie/Friends of the Earth Netherlands, Friends of the Earth International and Global Witness. It was made possible by funding from the Dutch Postcode Lottery. The alliance was formed to improve the safety of environmental defenders at risk in Colombia, Peru, the Democratic Republic of Congo, Indonesia and the Philippines. Together with local partners, the partners have been working on better registration of incidents, implementing safety trainings and measures, providing legal support and bringing people to safety in case of emergency.

We are also advocating for the strengthening of environmental defender's rights at the highest policy level.

The Defending Environmental Defenders conference marked the end of a three-year project that was launched in 2016 in five countries. This report summarises the three days of meetings: the first day was a closed session where the local partners shared their contexts, experiences and lessons learned. The second and third days were for a wider group of environmental defenders, and the focus was on capacity building and charting the way into the future.

Much has been learned through the Defending Environmental Defenders programme. IUCN NL aims to mainstream the outcomes of this work into the future work of its Shared Resources Joint Solutions and Green Livelihoods Alliance programmes, and other participating organisations will move forward with new tools, strategies and determination to stop the threats, intimidation violations and murder of people protecting our planet.

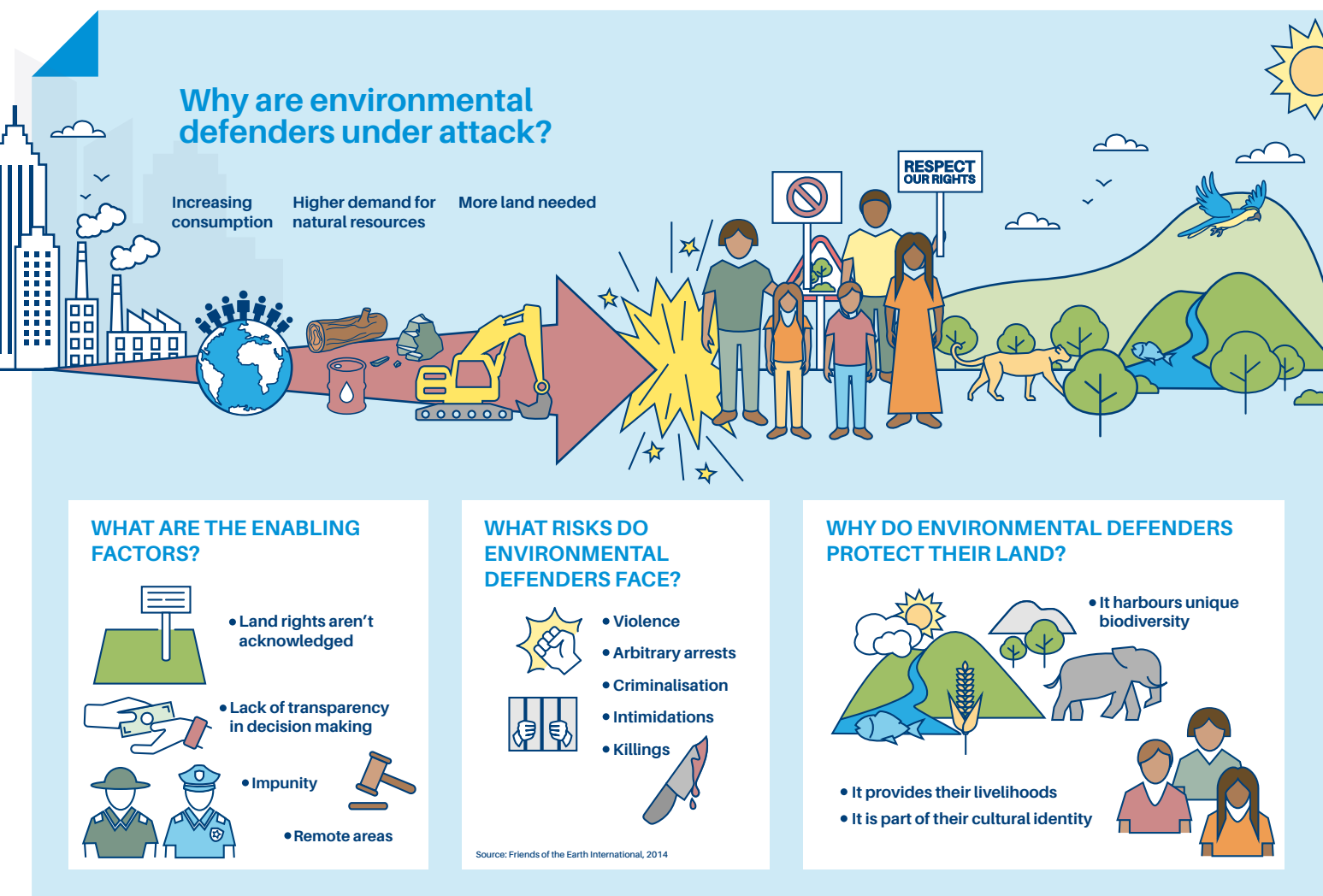


Figure 1

Much has been learned through the Defending Environmental Defenders programme

DAY 1 (21 MAY)

DEFENDING ENVIRONMENTAL DEFENDERS PROGRAMME: WHERE ARE WE NOW?

INTRODUCTION AND WELCOME

On May 21st, a closed session was held for the organisations participating in the Defending Environmental Defenders programme. These are groups at the front lines of environmental defence in Colombia, the Democratic Republic of Congo, Indonesia, Peru and the Philippines.

Liliana Jauregui, Senior Expert Environmental Justice at IUCN NL and Project Leader of the Environmental Defenders programme, welcomed the participants. "Although we are a small group, this is a large project and we're proud of what we've accomplished in three years. Today's workshop is intended for us alone, with the goal of sharing and learning from each other."

IUCN NL Director Coenraad Krijger noted that more than three years have passed since the launch of the Defending Environmental Defenders programme. "The 2018 Global Witness report gave a grim picture of the situation of environmental defenders around the world, with some 197 environmental activists and land defenders being killed in the global crackdown against them. We're very proud of what has been set in motion by all of you since then. Your work has been cross-cutting, and your special focus on monitoring has made the issue visible. Today we will revisit the significant steps that have been made over the past years."

In the Netherlands, the focus of the programme has been on raising awareness. Over the past few years, IUCN NL has shared stories, organised a media campaign and gathered 30,000 signatures on a petition delivered to Parliament. They shared stories of environmental defenders around the world with three wardens from the Dutch national land trust, who are also facing threats due to the dumping of drugs in local forests. The wardens said: "These are our colleagues; they are brave and deserve our support." It is clear that we are all connected.

Krijger concluded: "Although the programme is drawing to a close, the work we've done together will become even more relevant in the coming years. The next two days of the conference will be a chance for us to expose the Dutch government and environmental organisations to these issues. We hope that the meeting is inspiring, that it strengthens our community, and that we stay connected in order to stand with each other around the world. IUCN NL will stay committed to all of you and to your work."

GENERAL OVERVIEW OF THE SITUATION

Ben Leather, Senior Campaigner at Global Witness, provided an overview of the organisation's work around environmental defenders. The organisation maintains a database of killings of defenders of the land and environment based on information from partners around the world. They also issue annual reports on environmental and human rights abuses to be used for awareness-raising and advocacy.

The organisation's 2017 report focused on some of the worst-case countries and the underlying dynamics in those places, including corporate

projects without community consent and a lack of public participation in decision making. It also looked at the money behind megaprojects – from International Financial Institutions and the Dutch Development Bank (FMO) for example – and the role of these financiers in endangering environmental defenders.

The 2018 report focused on the role of agribusiness and was the start of a successful collaboration with the UK newspaper The Guardian. The Guardian maintained a website with news, photos and reports on attacks, provided both by Global Witness and by their own correspondents. A feature including stories



about nine environmental defenders made the front page of the Guardian magazine that year.

Since the murder of Berta Cáceres in 2016, Global Witness has been working in international coalitions to bring about change in Honduras. Although there are some gradual positive changes, there are still enormous threats including the increased criminalisation of environmental defenders. The organisation is working with the Dutch Development Bank (FMO) on a policy that would require investors to assess threats to defenders *before* an investment as well as a plan for how to react if something happens with a defender in connection with one of their projects.

Although Global Witness has traditionally focused on the worst countries, it will now shift its focus to prevention by following the money wherever land grabs are happening and defenders are threatened. This will include agribusinesses and commodity traders (e.g. sugar, palm oil, soy and beef). The group will then use its leverage both in countries at risk and in countries consuming the products, with the aim of changing the practice of business and governments at both ends of commodity chains.

As this first day of the conference was held under the Chatham House Rules, the source of any sensitive information shared is not identified.

LESSONS LEARNED FROM PROJECT COUNTRIES

Colombia (Fundación para la Conservación y el Desarrollo Sostenible/FCDS)



Colombia has seen 60 years of armed conflict. Although a peace agreement with FARC was negotiated in 2016, several groups did not agree with the negotiations and the conflict continues.

The Fundación para la Conservación y el Desarrollo Sostenible (FCDS) focuses on an area with a high density of weapons, illegal armies, criminal groups and a government that lacks the capacity to implement the law. Economic development in the area is working against the creation of peace. Their project takes place in an Indigenous territory in a national park in the central area of the Colombian Amazon. The area is increasingly threatened by massive deforestation, the illegal use of land for coca plantations, land grabbing and the environmentally destructive development of palm plantations. International investment, also from the Netherlands, is supporting these agribusiness developments. This situation creates fertile ground for human rights abuses.

FCDS documents the timelines of armed conflict and registers human rights violations, intimidation and violence. Their report has been sent to the highest authorities at the Commission of Truth and the Commission of Peace. For the first time, specific cases in the report have received media attention. This strategy of investing in information – including maps and interviews – and connecting it with all levels from community-based organisations to the Ministry of Peace is a powerful tool for making change.

For more information see: <https://fcds.org.co>

Colombia (CENSAT Agua Viva/ Friends of the Earth Colombia)



Colombia has significant potential for hydropower and is thus hugely interesting to hydroelectric companies. Dam projects tied to international companies and exporting to neighbouring countries – so-called 'hydrocracies' – are already in operation.

CENSAT's Friends of the Earth Colombia's project is focused on water defenders: communities that are already victims of dams and communities resisting new ones. They are looking at the impacts of Dams

and the risk for people living around them. There have been eight million victims of armed conflict in the last three decades. Governments have signed 1200 contracts in the last 20 years amounting to tens of millions of dollars with hydroelectric, mineral and petroleum companies to provide them with security, although this information is not published. Social movements have been criminalised. Risk to defenders is not something new: it has been going on for many years.

Furthermore, hydroelectric projects are planned in nature reserves and in areas where Indigenous Peoples live. CENSAT, together with 2,500 defenders under threat, has presented a proposal to the Colombian Congress that there should be no new projects in conflict zones.

The lessons learned from the Defending Environmental Defenders Programme include the need to look ahead at upcoming projects in order to prevent future abuses. It is important to consider that dam projects are more than the dam itself: they also include mining, agribusiness and other sectors. The collective care and well-being of entire territories – and not only individuals – is key, and protection protocols have thus been adopted.

For more information see: <https://censat.org/>

Democratic Republic of Congo
(Centre de Recherche sur
l'Environnement , la Démocratie et
les Droits de l'Homme/CREDDHO)



The Centre de Recherche sur l'Environnement, la Démocratie et les Droits de l'Homme (CREDDHO) fights for human rights and environmental defenders in collaboration with other organisations and the government in the Democratic Republic of Congo (DRC). It was set up in 1998, during a period of rebellion and rampant human rights violations. Environmental defenders in the DRC are working in very difficult conditions.

The focus under the Defending Environmental Defenders programme was the Virunga National Park. Petrol mining companies are active in the park; there are also seven armed groups in the region and absence or weakness of the rule of law and state authority. The presence of armed groups discourages environmental defenders, who may meet with death threats, arbitrary detention, intimidation, murder and various other obstacles to freedom.

CREDDHO has documented threats and attacks, including the killing of 27 Virunga Park guards, and shared this information with their collaborators and government ministers. They have also supported environmental defenders and their spouses in setting up and implementing safety plans that include focal points to sound the alert in the case of danger. They have trained 68 judicial authorities and civil society actors about environmental and economic crimes in Virunga in an attempt to tackle the problem of impunity. One challenge has been getting international NGOs to denounce illegal environmental and economic activities as they are not defined as crimes.

In addition, CREDDHO is attempting to improve the livelihoods of people in the Virunga Park (Indigenous 'pygmies' from the Bahatsa area). They have mobilised community groups and launched government petitions to reject petrol exploitation in protected areas, with the message that Virunga is a site of enormous biological diversity and must not be ruined by petrol exploitation. Gorilla ecosystems have been protected through the planting of extra bamboo for food (as people cut bamboo down for housing). They have increased safety in the area by holding meetings explaining the situation and by distributing toolkits, alarms and head lamps. They have also attempted to broaden the scope of the programme by communicating about nature conservation laws and encouraging dialogue with community and park managers. Still, the needs are far more than the means.

For more information see: <http://www.creddho-rdc.org/index.php/en/>

Indonesia (Lembaga Studi & Advokasi Masyarakat/ELSAM)



Lembaga Studi & Advokasi Masyarakat (ELSAM), founded in 1993, is a think tank focusing on mainstreaming human rights into policy; the study and production of human rights knowledge; the fair and dignified settlement of past human rights abuses; and human rights education. The organisation is working in a context of deforestation and environmental degradation connected to monocultures, specifically large-scale palm oil plantations that are a huge target for foreign investment and the source of conflict. ELSAM works in three geographical areas: Papua, particularly on gold mining, forest crimes, land burning, eviction, and violence against communities; North Kalimantan (Borneo), a major site for coal and oil companies and gangsters, and where 26 environmental rights defenders have been killed in coal pits; and plantations and mining in Central Sulawesi, where the focus is on preventing violations against defenders.

The goals of the Defending Environmental Defenders programme were to raise awareness, to enhance the capacity of defenders, and to strengthen the network of environmental human rights defenders. ELSAM carried out mapping, assessed needs with other organisations, and identified problems and challenges. Findings were documented and published in three reports on environmental human rights defenders. A capacity-building training prepared 51 participants to deal with risks. In Papua, the state apparatus is being used to criminalise environmental rights defenders, and 1696 people were arrested in 2017 and 2018. NGOs publishing investigations of palm oil companies have been threatened and local offices have been destroyed.

It is challenging that there is no specific regulation to protect environmental human rights defenders, and a lack of willingness (for example by the police) to

address corporate impunity. Increasing the capacity of environmental human rights defenders in the use of security, protection and paralegal tools is essential. ELSAM is working with other NGOs to include a specific regulation on human rights defenders into the 1999 Human Rights Act, and to encourage the Indonesian government to be aware of the importance of defenders in promoting human rights.

For more information see: <https://elsam.or.id/id/>

Philippines (Kalikasan People's Network for the Environment)



Kalikasan is the People's Network for the Environment in the Philippines. The country has seen a historical progression of killings since 2001 (with a dip in 2007-2008 due to a visit by the Special Rapporteur). Counterinsurgencies that target civilians more than insurgents are responsible for spikes in the killings, but the biggest increase has been since Duterte took office in 2016. The major driver is mining, as the country is rich in minerals. Another emerging driver is palm oil plantations. Other threats include illegal logging, wildlife trade and dams. Small farmers, indigenous peoples and fisher people are most affected by these trends.

Under the Defending Environmental Defenders programme, Kalikasan has focused on awareness raising (for example through protests, dialogues, mobilisations and educational activities) and advocacy at national public offices and embassies. They have also engaged in network and alliance building, and they organised the country's first National Environmental Defenders Conference. They engaged with the UN Human Rights Council's Special Procedures around the OceanaGold case, which resulted in the government's closure or suspension of 12 large mines (although communities have had to enforce this on the ground). They have implemented protection strategies to improve the safety and security of defenders, and these activities

in coalition with others led to a nearly 50% reduction in killings from 2017 to 2018. In turn, however, the government has responded with trumped up charges, criminalisation and mass displacement.

Philippines (Convergence of Initiatives for Environmental Justice and Alyansa Tigil Mina)



In the Philippines, official estimates count that 5,000 people have been killed in connection with the war on drugs (although the Commission on Human Rights believes that the number is more than 20,000). Wins by Duterte's allies in the recent elections in the Philippines have given the government a fresh mandate for its drug war policy. This has included the massive deployment of armed forces in the countryside; martial law in Mindanao; and state of emergency and patronage politics. The government wants to bring back the death penalty, and the country is witnessing violent misogyny, rape, vilification and red tagging (accusations of environmental defenders being communist sympathisers).

The government passes the buck when it comes to taking responsibility for corporate impunity, for example blaming the New People's Army for the December 2017 massacre of members of the TAMASCO community in South Cotabato. These defenders were resisting human rights violations on their ancestral lands, which were being encroached upon for coffee plantations and coal operations.

As far as mining is concerned, although the former Environment Secretary Gina Lopez ordered the closure and suspension of 21 mines, business-as-usual has continued. Mining projects are protected by military, police and intelligence security forces, and anti-mining activists have faced increased threats and risks.

In the Philippines, defenders on the ground are the basic unit of advocacy and protection. They are organised, aware of their rights, and can pull off mass mobilisations. Still, having a national and international presence is essential for monitoring, fact finding and documentation. International pressure, such as the International People's Tribunal, can also have positive effects. In general, legal procedures can be useful but should not be relied upon.

For more information see: <https://fpe.ph/> and <https://www.alyansatigilmina.net/>

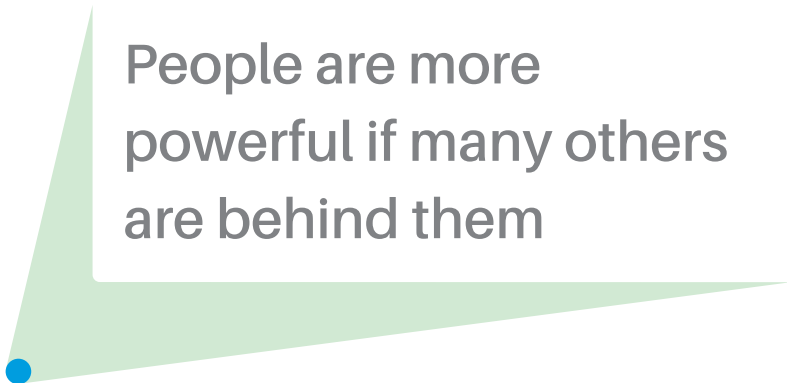


Peru (Peruvian Society for Environmental Law/SPDA)

The Peruvian Society for Environmental Law (SPDA) has three offices around the country. They are active in Madre de Dios, in the southeast region of Peru, which has the country's lowest population density and one of the highest levels of violence due to deforestation, illegal mining, illegal logging, organised crime and human trafficking.

Peru is ranked as the eighth most dangerous country for environmental and land defenders. Risk situations arise in relation to access to natural resources, and the state does not acknowledge its role in these cases.

SPDA has set up a training program for defenders together with Protection International. They have identified self-protection measures; and implemented safer digital and telephone communications for their legal clinic so that they can prepare useful information for legal cases and send images of illegal mining practices. Together with Rainforest Connection, they use sound recordings and microphones to identify and prove the existence of environmental crimes and strengthen their legal defence. Furthermore, the organisation has implemented a First Emergency Fund for Environmental Defenders; a simple, non-bureaucratic



People are more powerful if many others are behind them

tool used to implement self-protection measures such as housing, fencing and telephones.

The organisation's strategy to make defenders visible and to generate protection from the state includes creating public awareness about the role of environmental defenders in fighting illegal mining and logging, particularly with the government, commissions, ministries and other national actors. This process has resulted in the recognition by the Peruvian Congress of the role of environmental defenders as key -- and vulnerable -- actors. In turn, this requires the Ministry of Justice to make the situation of defenders visible and to protect them.

The organisation has had positive experiences with UN mechanisms, such as its 2017 regional consultation with the Special Rapporteur on Human Rights and Environment for Colombia and engaging effectively with the Office of the UN High Commissioner on Human Rights in 2018.

Protection International has provided technical support in security management and protection to defenders from the Tambopata National Reserve and SPDA. This work has been based on local practices and realities: building the agenda together, power awareness, a gender/intersectional approach and complex interaction. Some examples of this joint work include identifying which people can help each other; building high profiles for people at risk; and

building fences to demonstrate that a specific person is supported.

The project resulted in self-protection measures for the defenders, many of which could be implemented through the emergency fund designed and implemented by SPDA in 2018-2019. Protection International was satisfied that the agenda was managed jointly, that local knowledge was fully incorporated, that protection plans worked for each of the actors, and most importantly that SPDA was in charge at the end of the day.

It is important to understand that there is risk that we can control and risk that we have no control over, and that the most valuable approach is to identify measures that work in people's daily lives.

For more information see: <https://spda.org.pe/>



INSIGHTS FROM THE DAY

Context is critical. All of the countries involved in the project are working in challenging situations, and these contexts must be understood before action is taken. In the words of one participant, "first dive deep before you start to swim." An important and repeated learning was that synergy among actors makes them stronger: people are more powerful if many others are behind them.

Participants recognised many similarities while listening to the stories of other defenders across the world. They remarked that this inspires them to build bridges in order to see what can be applied in both contexts. Nothing is cut and paste, although it was pointed out that in the case of Colombia and the Democratic Republic of Congo the only difference was language and skin colour!

Regardless of context, advocacy from the local grassroots level to those holding global power is crucial. Corporations are clearly more powerful than states, and this is a huge challenge for environmental defenders. Illegal activities benefit many people, and those who fight them may be considered the

bad guys. The tracing of commodities from the production stage is a big challenge, as many illegal activities become legal somewhere in the chain.

Environmental defenders are faced with the dilemma that they must be safe, but at the same time they also must deliver the outputs of a campaign. As one participant put it: "The Defending Environmental Defenders programme has made a big difference and has made us stronger. We must make it permanent and include organisations that were not part of this project. The next two days, when we will engage with a bigger group, are a starting point and will be the measure of the success of our work."



Credit: Ruth Canlas

DAY 2 (22 MAY)

ENVIRONMENTAL DEFENDERS: HOW TO SAFEGUARD AND SUPPORT THEIR WORK

WELCOME AND INTRODUCTION

The discussions during the closed sessions on the first day showed that environmental defenders are under attack due to dynamics that include increasing consumption, the plundering of natural resources, and the need for more community land to satisfy these demands. The enabling factors include a lack of acknowledgment of land rights, a lack of transparency, impunity and operations in remote areas. Risks to environmental defenders who are protecting their lands, livelihoods, cultural identities and unique biodiversity include violence, arbitrary arrest, criminalisation, intimidation and killings. The goal is to understand the system and what can be changed.

The second day of the conference was opened up to participants from the Shared Resources Joint Solutions (SRJS) and Green Livelihoods Alliance (GLA) programmes with the aim of integrating the protection of environmental human rights defenders in their work. Following an overview of the previous day's inspiring session, the agenda moved to capacity building as a concrete way to defend environmental defenders. There were presentations on digital security, strategies for a better legal environment for CSOs, and a panel on community and territorial protection.

CRASH COURSE ON DIGITAL SECURITY

A security expert presented various tools that can be used to protect your digital self (and that of others).

Digital security is a new subject for many, and being safe involves identifying and mitigating risks. The digital security community involves a large number of organisations that work collaboratively and have found solutions to protecting people's online safety.

Digital *security* involves safeguarding information, so that it does not get lost, deleted, altered or hacked. Google services can provide this; Google Drive for

example is very secure. Digital *privacy* on the other hand ensures that only *authorised* people can access your information. With Google, for example, your information may be secure but not private (as Google is a US company and may be obliged to provide information to the government).

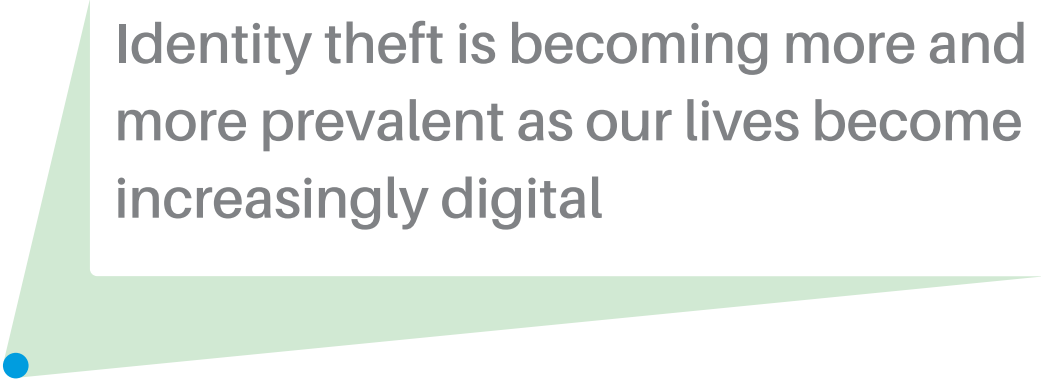
Participants were asked to brainstorm around their digital day. This might include use of a mobile phone, laptop or other electronic device, as well as activity on social media, skype and email. Some of the risks involved might include sharing photos that track your location; having your phone or laptop stolen with your fingerprint, password, contacts and address; hacking; spam; and destruction by fire. These risks could be mitigated by using hard copies, making backups, and two-factor verification (two passwords, one of which is something that only the owner knows).

Digital protection risks

In general, there are various risks that we should be aware of in connection with digital protection. Most commonly, communications may be intercepted and censored. This happens constantly, especially in repressive regimes where the relation between the government and the telecoms industry is very tight.

Furthermore, surveillance happens through your phone and computer. An IP address gives your local geographical position, and many of the applications we use daily gather metadata about where we are and what we have been doing (including photos, emails, Word documents and other data). Companies make money by sharing this information.





Identity theft is becoming more and more prevalent as our lives become increasingly digital

Another risk is malware (malicious software, such as viruses, adware and spyware). This is any software intentionally designed to cause damage to a computer, server or network. Damage to computers is another risk: experts say that hard drives are designed to break and last only about five years. Stolen equipment can pose a risk to your information, as passwords can be reset and devices can be deleted remotely. In these cases, backups are an important solution.

Identity theft is becoming more and more prevalent as our lives become increasingly digital. Websites can be replicated and falsified; people can pretend to be us; our Facebook accounts can be hacked; ownership of our homes can be falsified; and so forth.

Intruders in our local network via insecure Wi-Fi can see what we're doing on our computers. As making Wi-Fi secure is very difficult, cables are recommended as an alternative.

And there are also physical risks, such as offices being raided and computers stolen. A tip: Frontline Defenders and Hivos provide grants to replace stolen computers.

Solutions to these various risks are partly technological, but most important of all they are behavioural and cultural changes. Changing your practice takes willingness and dedication!

First of all, be careful not to mix your use of technology in the personal and work realms; for example, letting your mother know your location on WhatsApp may be risky. Secondly, be sure to clean and reset any 'new' computers and phones and reinstall all software. If the equipment comes from another human rights organisation it may already be compromised. When taking your device for repairs, make sure that the data is encrypted. Finally, if someone hacks your email/Gmail, Access Now can help to regain access to your account (unless everything has been deleted by hackers, in which case it's more challenging).

The following tips will help to mitigate risks for computers and phones:

- Upgrade! Make sure to regularly and properly update your Microsoft Office Suite, Adobe, Java and phone apps whenever you see a new version.
- You cannot update pirated software, so budget for and buy Windows. Or check out Microsoft's programme to provide free software to NGOs in some countries via local organisations.
- Install anti-malware on your computer and clean it regularly.
- Use less vulnerable software, such as Firefox, Linux and Open Source. Don't use Chrome, Microsoft Edge or Opera.
- Make periodic backups.
- Encrypt your media and disks. When you do this, a password or key converts and de-converts your information into gibberish. There is software that does this: setting/security/encrypt phone and setting/security/filevault
- Use two-factor authorisation (two passwords, one of which is something that only the owner knows) for secure communications.
- Install a physical firewall (if you're using Office you can turn on OS Firewall).
- Consider privacy and security when using phones.
- Do not trust The Cloud or social networks; don't store passwords in The Cloud.
- Ensure secure access to your physical office and equipment.

The following are some suggested tools for computers:

Malware: Avira, Malwarebytes, GlassWire, TinyWall

Cleaning: Ccleaner, BleachBit

Passwords: KeePassXC (the free version is fine)

Documents: VeraCrypt (this can encrypt entire computer and USBs)

Browsing: Firefox (with certain add-ons), Tor Browser (hides your identity)

Chats, calls: Wire, Signal, Jitsi Meet

Email: Thunderbird with GnuPG, Enigmail, riseup.net, Mailvelope

Phones

Phones can never be trusted. Fake cellphone towers are widely used for surveillance. It is also very easy to clone a phone. It is not safe to call and SMS using the cellular network: use Signal for security.

In addition, phones with or without GPS are used as localisers so that your location is known. WiFi also localises you; all networks are in the wgle.net

database. It is easy to simulate an open network (e.g. Starbucks) and trick your phone. It's wise to delete old WiFi connections and only turn on WiFi when you need it.

Malware can also infect phones via physical access, hacking or phishing, Bluetooth, Near-field communication (NFC) and SIM cards. This allows information to be copied or deleted, your location to be sent, flight mode to be simulated and your phone to be used as a listening device.

Solutions for Android protection

- Encrypt your phone by going to setting/security/encrypt phone. This takes a few hours, so make sure to be plugged in. Consider encrypting your SD memory.
- Do not use your actual Gmail account on your phone; create a new one and do not sync. If you must, use open source K-9 Mail and configure your Gmail there. (Frontline staff are prohibited from using work mail on their phones.)
- Use Signal for secure messaging and calls (there is a desktop option). WhatsApp is not recommended; although it is encrypted the encryption key is in the server and they can access all your messages. The Signal encryption key is on your phone.
- Use OsmAnd open street maps. These maps are made by communities and can be downloaded so you don't need data. They don't gather metadata and don't store data in your Google account.
- SMS messages are not secure (there is a copy in your phone, in the receiving phone and with the telecommunications company). You can use Silence to encrypt your SMS messages, but both parties must install it.
- You can control and wipe your phone remotely with Prey (this also works with computers).
- Use AppLocker to limit access to some apps.
- Use Virtual Private Networks (VPN), which enable users to send and receive data across shared or public networks as if their computing devices are directly connected to the private network.
- Install Tor Browser for your phone so you can use it anonymously.
- The securityinabox.org site has many digital security tools and tactics, ranging from protecting your device from malware, phishing and physical threats; creating strong passwords; protecting and destroying sensitive information; keeping your digital communications private; bypassing censorship; and using your smartphone securely.

Need for awareness by both sender and recipient

Digital security is a two-way challenge, as both the sender and recipient need to be aware and work together. The security expert uses this protocol: when a group or individual emails or phones him, he responds via WhatsApp. He then asks the caller if they want to change to a more secure channel, for example Signal or an alternative email system. Gentle steps are suggested to improve digital safety when it comes to human rights defenders at risk.



Other tips

- A solution to the social media taxes being imposed in some countries and intended for censorship and control is to use a Virtual Private Network such as Psiphon.
- There are various ways to bypass censorship and publish anonymously, including Tor Browser, PrivateTunnel, Cloud Ark, Whale, Betternet, X-VPN and Free VPN Proxy Master (for iOS). For Android, the options include Psipone, Orbot, Tor Browser, VPN Gate, OpenVPN, SurfEasy and Shadowsocks.
- Secure browsing can be done using Firefox extensions (uBlock Origin, HTTPS Everywhere, Decentraleyes, Cookie AutoDelete, NoScript, uMatrix and Privacy Badger). You can also search using DuckDuckGo or Ixquick, which don't save passwords and erase your fingerprint (cookies, history and content) upon closing. You can check how well your browser protects you from tracking at <https://panopticklick.eff.org>.
- To make an anonymous blog, you must make an anonymous email account (use Tor, not Google as it asks for a phone number). Be mindful as there is software that can identify your style and be careful of your metadata.
- Keep in mind that security and convenience will always be a trade-off.
- Frontline has experts who can help to assess physical risks (at the office for example) and external risks. This organisation can also help you to assess the context, such as the level of motivation of cyber surveillance police to track your organisation.

STRATEGIES FOR A BETTER LEGAL ENVIRONMENT FOR CSOS

Eszter Hartay from the European Center for Not-for-Profit Law (ECNL), part of the alliance of the Washington-based International Center for Not-for-Profit Law (ICNL), gave a presentation on strategies for a better legal environment for Civil Society Organisations (CSOs).

ECNL's goal is to create a better legal environment for civil society and to protect and promote civic space. To date, the organisation has directly and positively influenced more than 60 policies and laws. ICNL works alongside partners in over 100 countries on all issues that broadly affect civil society: advancing local reforms, pushing back against restrictions, and overcoming challenges.

A quick mapping of the legal restrictions faced by the NGOs present in the room included limits on or termination of their registration, restricted public participation, appearance on terrorist lists, staff arrests, prohibition of entry or activities in communities, limits on economic activities, questioning of their legitimacy, and vilification (labelling as spies, terrorists, etc.)

Strategies for a better environment

ECNL and ICNL make use of several strategies in their work to create better legal environments for NGOs.

Engaging in local reforms: Reforms in local legislation can lead to improved conditions for NGOs. An example was given of work in Kosovo to reform the law regulating the operations of NGOs. After several years of work by a cross-sectoral working group, a new, progressive law that is in line with the best international standards and practices was adopted in April 2019. ECNL's role was to assess the old law and to give expert advice on what needed to

change, as well as to facilitate a dialogue between CSOs and state officials. For example, existing limitations on founders were removed, a new legal form was introduced and the registration period was shortened. Of course implementation is always an issue, so ECNL will continue supporting the local partners during this phase, too.

Shaping international policies: There is no 'General Comment' to help with the interpretation of the implementation of the Right to Freedom of Assembly and Association (Article 21 of the International Covenant on Civil and Political Rights, ICCPR). This has led to decreased cohesion in the implementation of the law. The UN Human Rights Council is now drafting a document to this end, however, following an advocacy campaign led by ECNL with a coalition of 15 CSOs. ECNL coordinated submissions to the Committee.

ECNL also coordinated advocacy on the anti-money laundering and counter-terrorism financing (AML/CTF) policies that lead to overregulation and inappropriate restriction on civic space, including limitations to access to funding, burdensome governance and reporting requirements and others. In Kosovo for example, the NGOs are considered "reporting entities" under the AML/CTF law and are subject to burdensome operational requirements, such as employing a compliance officer; organizing training programs for their employees on their responsibilities under the law and others.

ECNL was instrumental in bringing about reforms in the Financial Action Task Force (FATF). Over 190 countries are committed to implementing FATF standards for anti-money laundering and counter-terrorism funding, and low compliance leads to international political pressure, higher risk ratings and sanctions for countries. Recommendation 8 of the FATF previously stated that NGOs are particularly vulnerable for terrorism financing, which led to

over-regulation and inappropriate restrictions. A multi-year advocacy campaign led to the revision of this recommendation, which now requests that governments apply focused and proportionate measures only to those NGOs identified as being at risk (instead of considering all NGOs as “particularly vulnerable” to terrorist abuse).

Connecting global and local: In Sri Lanka, ICNL partners convinced the government to withdraw amendments to the Voluntary Social Service Organizations Act that would require mandatory registration, limitations on funding sources, extensive banking supervision and so forth. The government’s main justification for the bill was that it would bring the country in line with FATF standards. ICNL carried out a detailed analysis of the draft law, and the recent changes in FATF standards helped partners to constructively engage with the government. Ultimately the government withdrew the bill and agreed to set up a CSO committee to prepare alternative draft amendments.

Similar work was done in Kosovo on AML/CTF standards. ECNL developed a written analysis of the country’s draft AML/CTF law, and empowered CSOs to engage effectively in the sectoral risk assessment and mutual evaluation processes.

Building coalitions: The global NGO coalition on FATF mobilises support from over 130 organisations in at least 46 countries. It was set up to ensure that civil society is effectively engaged in the debate on anti-money-laundering and combatting terrorism financing policies. Their vision is to have a free and fully enabled operating space for civil society.

For more information see: <http://fatfplatform.org/>

Systematic monitoring: ECNL and local partners have created a CSO Meter to support regular and consistent monitoring of the environment for civil

society in the Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). Developed through a highly consultative and collaborative process, this is a set of standards and indicators in 10 different areas to measure both law and practice. It is used to promote evidence-based legal reforms in the Eastern Partnership countries, such as financial reporting regulations in Armenia.

For more information see: <http://ecn.org/cso-meter/>

CIVICUS, a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society throughout the world, has another useful tool called CIVICUS Monitor

<https://monitor.civicus.org/>

The annual CSO Sustainability Index, funded by USAID, assesses the strength and viability of the CSO sector.

For more information see:

<https://www.usaid.gov/europe-eurasia-civil-society>

Navigating the restrictive environment: The Handbook on CSO Registration has comparative information on incorporation and operation in 10 selected countries in the European and Middle East and North Africa (MENA) regions. It addresses questions about registration, governance and finances, and helps CSOs to navigate restrictions. The next phase will be compiling this information in Costa Rica, Colombia, Panama and Mexico.

In Azerbaijan, ICNL’s partner supported the voluntary audit of 110 NGOs in order to identify instances of non-compliance with legislation and to help to eliminate them. As a result, NGOs were able to avoid sanctions such as penalties or termination. In Uganda, ICNL supported a local partner in the production of a comprehensive toolkit to train legal aid providers on issues affecting civic space for CSOs.

This helped to strengthen available legal protections for CSOs facing attacks by the state, particularly in more remote and rural areas.

For more information see: <http://ecnI.org/publications/handbook-on-registering-a-civil-society-organization/>

Expanding education on civil society law: ICNL supports civil society law courses at universities and academic institutions in the Dominican Republic, India, Tanzania and Uganda. The University of Dodoma in Tanzania and Makerere University in Uganda have developed courses or modules on civil society law to be integrated into the school.

COMMUNITY AND TERRITORIAL PROTECTION

A representative of Protection International provided a bird's eye view of concepts, models and tools related to community and territorial protection. Afterwards, participants broke out into working groups to assess their own situations and how to strengthen them.

The logic of protection is $R = T \times V / C$, where Risks = Threats times Vulnerability divided by Capacity. Tackling threats is important but difficult as it requires a political struggle.

First of all, some important concepts were highlighted. For instance, although we often we talk about **community** in an idealised way, as a group of people with a common vision, this is a rare phenomenon.

Territory is defined as a bounded space with a clear meaning for someone; this could be symbolic, cultural, historical or political.

Protection is about **power** (the power to achieve something, not the power over something).

In building a protection **network** or **system** there must be connections and engagements between stakeholders, duty holders (state actors) and perpetrators. The aim is to achieve a stable system of interactions: citizens exert power to make actors act, and the state receives enough pressure to act. The result is that human rights and freedoms are respected and everyone enjoys the freedom to defend their rights without fear of threats or attacks. In some scenarios this is possible and in others not; it is key to have the full picture and to build the network to gain agency.

Furthermore, protection is situational; there may be challenges of power, western bias and gender. An intersectional and situated approach is thus needed. Protection should be centred around people and their practices in order to ensure a results-oriented analysis.

The **Star Model** framework for organizational design (developed by Jay R. Galbraith in the 1960s) was presented as a way to map influence and control over

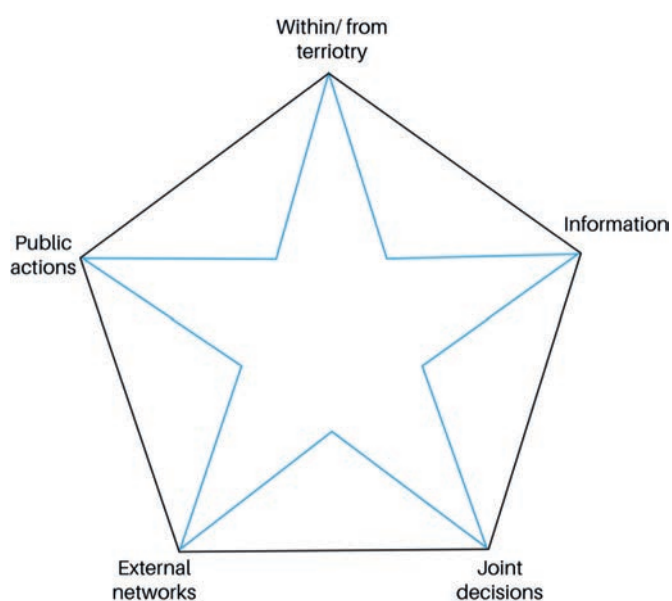


Figure 2 The Star Model- The ideal situation

territories (see diagram). This tool allows networks to be visualised, with the organisation at the centre and various rings of actors including NGOs and CSOs, governments, and international actors such as embassies or actors abroad. This is not a network of friends, but an analysis of power with the goal of forcing actors to take action

The star model includes the following main factors:

- Dwelling or an active **presence** in the territory
- Existing or developing **networks** referring to the territory
- The capacity to get **information** about decisions and plans concerning the territory
- The capacity to obtain fair and positive **legal responses** according to rights
- The organisational capacity to undertake shared context analysis and make **joint decisions** about how to proceed
- The capacity to undertake **non-violent action** in or around the territory

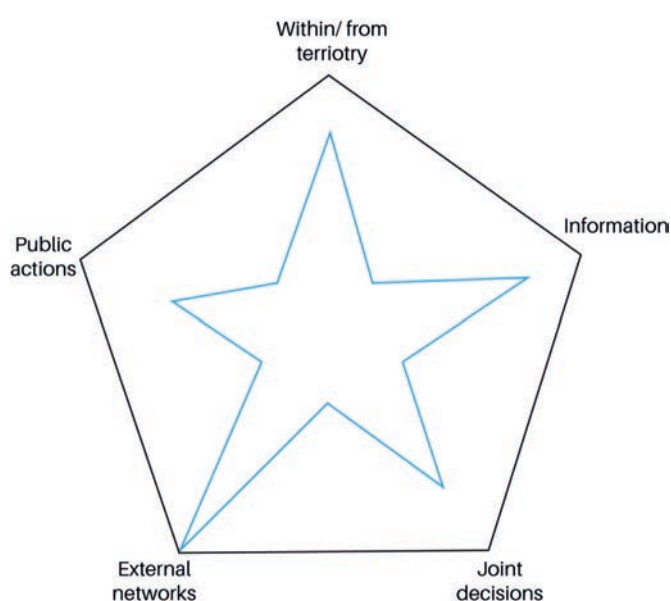


Figure 3 The Star Model- A realistic situation

Participants divided into groups and used the tools to discuss a case. It was noted that the star tool is a good way to think about contexts, assess needs and systematise work. It's about 'power to', focusing on the actors that can help us in our struggles. Where the point of the star is short or non-existent it helps us to see where the needs are and to make strategic decisions. Still, even with a perfect star we can't always achieve what we want if we don't have political power.

The key is to reach as many actors as possible. Does there need to be engagement with government? Although groups do not have to interact directly, there must be engagement on the basis of the struggle. The government ultimately has the duty to respond and act. What about actors that oppose our ideas? They can be placed farther away, but they should be included if they are within your reach. Different colours can be used for different types of actors. It's possible to add other axes, like media and campaigning. Economic actors, such as companies, can also be mapped. If you can pass a message from one actor to another, you can draw a line. The tool can be used to 'knit' the actors; the more density in the connections the tighter the network and the more collective power. This is the link between agency, network and 'power to'.

The VennMaker software is free to download and can be used to map networks.

One group noted that the Star Model helped them to revisit their approach to stopping a dam by shifting the focus to reinforcing local communities. It helped them to think about their security as part of the process itself.



INSIGHTS FROM THE DAY

Participants highlighted that the key is political will and context: governments will stop the funding of CSOs that contribute to political change. Civil society

is on the frontline when there are no checks and balances, and when NGOs are seen as influencers. This is why it's important to have international standards that provide NGOs with the right to foreign funding and resources to carry out their activities in all cases.

There was a discussion about the use of non-violent action as a strategy in different contexts. An African participant pointed out that in democratic countries like Europe, it may be possible to undertake non-violent action but in other contexts like Africa such action will be misinterpreted even if you have state permission to gather. The African context includes weapons such as AK-47s. Others pointed to the history of the Philippines where small non-violent

struggles may have seemed impossible at first (in the face of M16 rifles), but that this gradually led to big change.

In Colombia, the challenge of environmental defenders is to create new strategies. Something different is needed because of the civil wars. When they are not killing the defenders themselves, they are killing the processes the defenders are part of such as the protection of water. We need inclusive solutions, involving all parts of society, on the local and global levels.

Finally, given the sensitivity of these discussions, it was valuable to be reminded that we need to ensure that we are using secure communications.



Credit: Ruth Canlas

DAY 3 (23 MAY)

ENVIRONMENTAL DEFENDERS: HOW TO SAFEGUARD AND SUPPORT THEIR WORK

INTRODUCTION TO USING UN HUMAN RIGHTS MECHANISMS

The session, given by the International Service for Human Rights (ISHR), provided an overview of relevant UN mechanisms as new tools for making voices heard and pushing agendas forward. ISHR is an international NGO (not a UN agency) that supports human rights defenders, strengthens human rights systems, and leads and participates in coalitions for human rights change. It has several focus areas, including one on environmental human rights defenders working on business and human rights.

The UN has different tools and they all work differently. So like a Swiss Army Knife, you choose your tool according to your situation, need and context. Using the UN can be complicated and intimidating. It is sometimes corrupt and non-transparent. Nonetheless, UN mechanisms can be valuable to your work as environmental human rights defenders. UN mechanisms are never the silver bullet; they can be used to *complement* existing work.

The session highlighted the main features of these tools, looked at experiences, and reflected on how they could be used to complement the work of the participants in their contexts. The heart of the matter is knowing when and how to use a UN mechanism to bring about actual change without spending too much time on doing so when this is not possible.

A short video introduced different UN bodies and mechanisms in the realm of human rights. (See the ISHR Academy, <https://academy.ishr.ch> an online learning hub with modules and videos on how to use the Human Rights Council, Special Procedures and so forth. The videos are in English but automatic subtitling can be used on YouTube.)

The experience of the Centro de Documentación e Información Bolivia (CEDIB) was discussed. The Morales government in Bolivia has become increasingly repressive. In 2013, Indigenous Peoples and urban supporters opposed a road through Indigenous territory and protected areas. In 2015, groups denounced gas and oil activity in this region. The government responded both times with a

How linking local, national and global advocacy levels can strengthen the position of environmental defenders

Your family has lived in Tambopata Forest Reserve in Peru for generations. Your forest is being raided by illegal logging and goldmining. You decide to speak up against these criminals to defend your forest.

You receive a text message. "Back off. If you cross us one more time, we will hurt your family."

You're scared, but you know you have the right to protect your forest. You decide to voice your rights and use different levels of influence to advocating for safety of environmental defenders like yourself.

RESPECT OUR RIGHTS

START

First you focus on your community.

LOCAL

BUILD STRONG NETWORK You strengthen communication between the different actors in Tambopata. Community members keep an eye on each other and alert each other in case of risk.

UNDERSTAND RIGHTS You raise awareness with community members about their rights. It is against the law to cut trees in their territories without their permission. Knowing this, they feel empowered to stand up.

FORMULATE OBJECTIVES Together, you identify your advocacy objectives. You want (1) stricter law enforcement to stop the illegal logging and mining, and (2) receive protection to be able to safely defend your forest.

Next, you bring your message to the national government.

ENGAGE IN DIALOGUE

INCREASE UNDERSTANDING You explain the situation that you and your community are facing in Tambopata to your national government representatives. It increases their understanding and motivation to ensure your rights are respected.

GIVE ADVICE You give advice on what actions are needed to guarantee the protection of the forest and people of Tambopata.

YES

Well done! You can now help in actually realizing your objectives.

ARE THEY LISTENING?

NO

Time for a different approach

VOICE DEMANDS

DEMAND TO BE HEARD You mobilize your community, organize marches and petitions to ensure your demands are heard.

YES

ARE THEY LISTENING?

NO

You bring your message to the international arena.

HOLD ACCOUNTABLE Finally, you get the opportunity to voice your concerns and be heard. You confront your government with the international obligations they agreed to and point out their lack of progress.

You go back to your national government. With international support behind you, doors are opening for you.

SUPPORT IMPLEMENTATION

Using both your local knowledge and your knowledge of international agreements and conventions, you help implement actions that keep Tambopata and its communities safe.

INTERNATIONAL

EMBED IN INTERNATIONAL LAWS & SYSTEMS - Strengthen your message. You learn about international safeguards and laws that are designed to protect people like you. You learn for example that Peru has internationally agreed to fulfil human rights obligations. This makes your advocacy message stronger.

EXERT INTERNATIONAL INFLUENCE - Ally with a powerful messenger. You explain your advocacy objectives to high level diplomats and representatives from the global arena. Using their influence and mechanisms helps you to open doors at your national government.

READY TO TAKE ACTION?

You are not alone! A range of international organizations, bodies and mechanisms, and non-governmental organizations, exist to protect the rights and support the work of environmental and human rights defenders. IUCN NL can help you navigate. Contact us at www.iucn.nl



Figure 4

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In response to these attacks, the groups adopted an approach of international communications and

campaigning. They reached out to global human rights organisations for solidarity and emergency support, as well as to other governments in the EU and beyond. They contacted the UN Rapporteurs who are in communication with the Bolivian government. They organised against the NGO law, but realised that legal action in Bolivia was not very effective so they petitioned the Inter-American Commission on Human Rights (IACHR). Together with other NGOs in the region, they had an audience with IACHR in 2018 on the situation of human rights defenders in the Andean region. They also gave input to the Universal Periodic Review, a mechanism of the UNHRC that periodically examines the human rights performances of UN member states.

In sum, these strategies have been effective in relieving some of the pressure on Bolivian defenders. CEDIB is now using UN mechanisms for prevention, and not just reactively. They are following up with the IACHR in Bolivia on environmental and human rights defenders, meeting with the UN High Commissioner, and strengthening relations with international NGOs. Fifty organisations are currently participating in the Bolivian Universal Periodic Review.

HUMAN RIGHTS COUNCIL

It is clear that human rights defenders can bring about pressure to improve the situation at both the country level and globally. The Human Rights Council (HRC) has the power to create intense scrutiny via resolutions. Human rights defenders can also attend Council sessions and shape the agenda. Whether or not the HRC can compel states depends on whether the state feels compelled, for example through being concerned about its international image. The HRC is not a judicial body and its decisions are not legally enforceable.

It is important to remember that the HRC is a political space and that a neutral, fact-based assessment on human rights cannot be expected. Although the HRC

is independent from the UN General Assembly, it is influenced by the political interests of its members. In addition, it is not known for rapid response: it is very bureaucratic, and you need to know how to navigate it. Although it is closed to the general public there is a webcast. It is possible to put your issue on the agenda through a process that involves obtaining ECOSOC consultative status.

Some positive examples of using this mechanism were put forward. For example, the ISHR and other CSOs put the situation of women in Saudi Arabia on the HRC agenda by conducting advocacy toward its members. They convinced Iceland to read out a joint statement on the individual women, who were imprisoned for driving, and asked for their release. As a result, the charges were reduced from terrorism to a normal crime and some of the women were released. The ISHR also conducted a similar campaign for a resolution on the Philippines.

On the other hand, UN staff investigating human rights violations in the Democratic Republic of Congo were killed, and there is evidence that the government was part of the murders. Leaked documents showed that the UN system tried to avoid revealing this case. The point is that campaigning is what works, and not simply making use of the UN system.

For more information about the UN Human Rights Council, see the ISHR Academy video 'Understanding the Human Rights Council', <https://www.youtube.com/watch?v=8Ymr81rLLPI>

Universal Periodic Review

The Universal Periodic Review process can compel states to remedy human rights violations, but the state must still implement the recommendations. It is universal in the sense that all states are participants and auditors. The recommendations are conducted every four to five years, and can be useful for communications, campaigning and media

work. The decisions are not binding but provide a useful opportunity for advocacy. They are political, not independent, and are not useful for individual environment human rights defender complaints. Civil society reports must be submitted six months in advance, so good planning is required.

For more information regarding the UPR process, see: <https://www.upr-info.org/en>

Special Procedures of the Human Rights Council

The Special Procedures of the Human Rights Council are the most powerful channel between CSOs and the United Nations. Special Rapporteurs (SR), working groups and independent experts all have mandates to report and advise on human rights from a thematic or country-specific perspective. They can make country visits and issue reports, statements and press releases. There are Special Procedures around environmental defenders, women's human rights defenders, LGBTI and so forth. Special Rapporteurs are fast, flexible, open and accessible.

Special Procedures can take place in a country even without a government invitation, although informal visits will not result in formal reports. However, an informal visit often leads to an invitation when the government does not want to be shamed and seeks a formal opportunity to respond to the report.

Special Rapporteurs are a channel of communication between organisations and the government. They can develop human rights guidelines, which can be important and useful tools although they are not legal standards. They can carry out early warning and preventative work; for example the Special Rapporteur on Human Rights Defenders in Peru is trying to stop the Peruvian Congress from overturning its law on that subject. Although they cannot use legal means to ensure respect for human rights, they can issue an amicus brief on cases. Human rights defenders should consider the Special Procedures as useful actors in their networks.

In relation to business and human rights issues, there are several mechanisms, including:

- 1) The process of developing a binding treaty via a working group;
- 2) The Special Procedures Working Group on Business and Human Rights;
- 3) The UN Forum on Business and Human Rights, which companies also attend.

The Special Rapporteur on Human Rights and the Environment has made country visits and issued reports and thematic studies. These are useful tools for communications and advocacy. They are now working on the consequences of a mining law on Haiti on the right to water and to food, as well as the human rights of the communities that would be evicted.

It is important to note that the Special Rapporteurs cannot guarantee the safety of the people on whose behalf they intervene. There is a mechanism dealing with reprisals against people cooperating with UN human rights mechanisms; in this case, the Assistant Secretary General in New York should be contacted.

There are also Office of the High Commissioner on Human Rights (OHCHR) national offices in many countries. These offices can be a good contact; they can monitor document evictions, violent response to actions, and so forth. Although OHCHR staff can't stop violations and their resources are limited, scrutiny can be powerful.

For more information about the Special procedures of the Human Rights Council, see the ISHR Academy video 'The Special Procedures: The Basics', <https://www.youtube.com/watch?v=d7gD4mTRt8M>



INSIGHTS FROM THE DAY

Important lessons from this session were that our partners in the EU are key partners; they are not just there for support but they are actors with voices in useful spaces. Also, there are important networks and

instruments for dissuasive action, and mechanisms for emergency support at the international level. It is thus essential to integrate local, national and international efforts for the defence of human rights defenders.

In Bolivia, UN engagement has added value to international campaigning due to the Bolivian context of impunity. The only thing Bolivia cares about is international image. Due to the involvement of the UN, there was first scrutiny by academics, then by the international press, activists, parliaments, UN rapporteurs and so forth. The power was in the combination of strategies. The UN alone won't fix anything; the most effective campaigns are those that use multiple points of leverage, an entire suite of activities and pressure.

In the case of the Democratic Republic of Congo, passing along information from cases to UN mechanisms has not removed further threats but it has acted as a preventive strategy, and stopped the government from proceeding with legal cases.

How did the campaign around the Bolivian Universal Periodic Review grow to include 50 NGOs and CSOs? When one is working in a broken context without rule of law, how does one navigate the dangers and stay safe? ISHR responded that at first the other groups were afraid, although they believed in the work. Networking, communications and community building were all crucial in making them realise that they also had to stand up. Using multiple points of leverage is a necessary ingredient for success, and it is also important that those directly affected lead the effort.

How do you measure what has been achieved? In the case of Bolivia, the success was that the pressure was reduced when the government retreated. The government also evolves in strategies; it targets the organisation at the front as an example to all NGO. So what we all do is not just useful for us but for other organisations.

How do you stay safe? We must all assess and manage our own risks. We are always at risk, and we are always managing. At ISHR we try to think ahead and not be so reactive. In the context of impunity, we depend a lot on public communication and networking, and not so much on advocacy.

The networks around environmental defenders are growing stronger. Global Witness, other international organisations and defenders from many regions are launching a coalition called Environmental Defenders Coalition to support EDs at risk. They will carry out joint advocacy in the case of emergency. Friends of the Earth International does the same as a federation; in Southeast Asia the Asia Pacific Network

of Environmental Defenders (APNED) does rapid response solidary support for cases on the local and national level.

There are courageous people at the local level. The challenge is at the global level; international organisations need to be taking action to protect environmental defenders on the ground. Winning the Goldman Prize didn't help Berta Cáceres. We need to focus on the underlying causes for why we are being persecuted and threatened. We need to concentrate not on the person but the process, building collective leadership and strategies. In Europe we need to be particularly aware of collective leadership.



Credit: Liliana Jauregui

PUBLIC EVENT: PANEL DISCUSSION ON ENVIRONMENTAL HUMAN RIGHTS DEFENDERS: STRATEGIES TO POSITION LOCAL CONFLICTS IN THE GLOBAL ARENA

Women, natural resources extraction and human rights by CONTIOCAP, Bolivia

Ruth Alipaz from CONTIOCAP gave the keynote speech for this panel. She described what territories mean to indigenous women in Bolivia: a clean river for drinking and washing clothes and a forest as a source of food and materials. This is the normal environment, and how life used to be. Women had freedom of movement, access to resources, and ancestral knowledge. They were part of community projects, and they could improve local knowledge, empower people and share knowledge. Whereas others talk about conservation, for Indigenous Peoples the territory means life and ancestral knowledge.

The election of the country's first Indigenous president, Evo Morales, was celebrated and a new constitution was adopted in 2006. Bolivia became a 'pluralist national' state, and Indigenous Peoples were included and had access to schools. However, the government has changed the concept of territory without asking Indigenous Peoples: it now plans to build two mega dams that may displace people. The women in the area of the planned dams manage the resources and lead the resistance to mining. Overall, 85% of defenders in Bolivia are women and they cannot be bought. The government has responded to their resistance with military violence, defamation, discrimination and violence.

Participants discussed the importance of working on empowerment and the inclusion of women, and in making the leadership of women more visible.

Attacks include the denial of Indigenous identity and accusations of being 'businesswomen'. The threats are not aimed only at women, but also at their families.

The threats to Indigenous life also include the discourse around appropriate development and identity. It is important to take an intersectional, gendered approach. Women have two fights: at home (for example with patriarchy in the family and community) and in the external world (for example the struggle against the government). Men in the community have been told that they have to silence women environmental defenders. Organisations are co-opted by the government and claim they are the legitimate voice. Strategies to deal with this include the use of Indigenous language, information for women, education and global support. It is important that the younger generation feels proud of being Indigenous.

The importance of linking environmental justice and the women's rights movements was highlighted, as was the need for small, flexible, accessible, long-term resources for women defenders -- not just to pay for taxis and travel, but also to help them to buy their daily bread.

Human rights and the environment by the UN Office of the High Commissioner for Human Rights

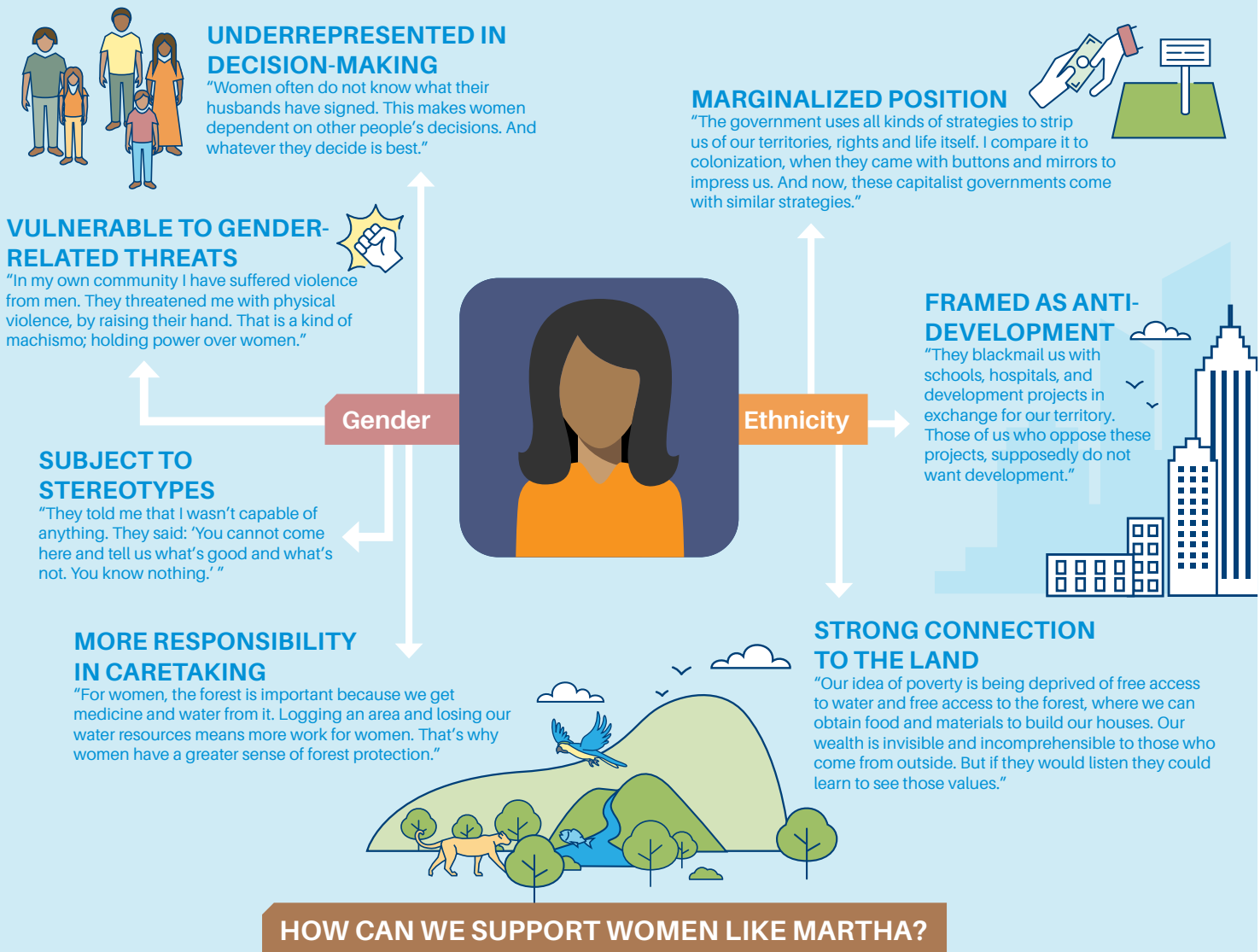
Steps are being taken at the UN level to try to close the gap between environmental degradation and human rights by integrating human rights

Twice as hard, twice as fierce

How being a woman, and being part of an indigenous community, makes it twice as hard for Martha* to pursue her environmental activism.



Martha is an indigenous female leader from the Bolivian Amazon. As an environmental defender, she protects her forest and its main river against destructive mining and large scale dams. But her gender and ethnicity make it twice as hard to make her voice heard. Why is that? And how can we help empower women like Martha?



GOVERNMENTS

- Review policies and practices to see if they are, directly or indirectly, discriminatory towards indigenous women.
- Offer multiple preventive, redressive and deterrent remedies to discrimination and violence.
- Enhance the capacity of indigenous women to participate in policy formulation.
- Ensure indigenous women have rights to land & other natural resources.

COMPANIES

- Use gender-disaggregated data to track the impacts on women that may be vulnerable or marginalized.
- Make sure women are represented in decision-making processes. Pay attention to women's groups' vulnerabilities.
- Integrate a gender perspective into human rights due diligence and impact assessments.
- Ensure that the company and its partners have binding policies that comply to the gender framework.

NGOs

- Financially support women's networks & WHRDs*
- Support women leaders- and groups in decision-making (e.g. linking, coaching, language, exchange etc.)
- Sensitize communities to ensure women can raise their voice and gain their position as leaders to challenge traditional barriers.
- Create informal dialogue spaces in which women can contribute their ideas.

*For security reasons Martha's real name has been changed.

*Women Human Rights Defenders

Figure 5

into environmental matters. The new UN High Commissioner for Human Rights is trying to step up this work by showing that environmental matters are fundamental to human rights, for example in the area of climate-induced displacement.

Relevant resolutions include:

- Resolutions on human rights and the environment
- The 2012 specific mandate on human rights and environment
- Resolutions on climate change
- Resolution on environmental and human rights defenders (led by Norway at the 40th session of the Human Rights Council in 2019)

The Special Rapporteurs have a new mandate on human rights obligations relating to environment. John Knox was the first Special Rapporteur on human rights and the environment; the current rapporteur is David Boyd. Special Rapporteurs are not paid by the UN; they work pro bono, and this guarantees their independence. It is important to communicate with the Special Rapporteur and to give him input.

There are two thematic studies per year. The priorities are:

- Climate change and human rights: a safe climate (to be presented to UN General Assembly in October 2019)
- Biodiversity and human rights (presented in 2017)
- Air pollution and human rights (presented to the Human Rights Council in March 2019)
- Good practices on the right to a healthy environment (to be presented to the Human Rights Council in March 2020)

The Special Rapporteur also published Framework Principles on Human Rights and the Environment in 2018. This is not a new law or set of guidelines but is based on pre-existing instruments and law. It advances the concept of the right to live in a safe, healthy environment as a right in itself, and includes language on environmental defenders. Referring to

these Framework Principles can be useful in your work.

The Special Rapporteur also invites communications that allege violations of human rights related to environmental damage, degradation, hazards, or the fundamental rights of environmental activists. This information is confidential and can be included in joint communication reports, to which states are invited to provide responses. (Note that it is important to specify when environmental defenders don't want to be labelled as such due to risks.) The Special Rapporteur also maintains a communications database and publishes joint communications reports, press releases and amicus curiae to feed into legal processes. He works together with other relevant mechanisms, for example the Special Rapporteurs on health, food and water, human rights defenders and toxic waste. He also conducts country visits and fact-finding missions; CSOs are encouraged to make contributions before these opportunities.

The committees monitoring human rights treaties are increasingly recognising the importance of the environment, particularly in relation to climate change. In 2018, the concluding observations of a record number of treaty bodies addressed climate change, including the Committee on the Elimination of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). The way forward is the global recognition of the right to a healthy environment; a right in and of itself.

The point of these two presentations is that linking and networking are critical. The UN relies on work on the ground, and partner organisations are crucial. One participant mentioned that the Special Rapporteur's communication on a mining case in the Philippines has already made a helpful difference. The government is not responsive, but the private company's reputation is at stake and it has requested meetings. The Special Rapporteur's office is channelling its messages through the company.

The group is also increasingly communicating with financial actors, addressing corporations via the Special Procedures and the specific mandate on business and human rights.

Environmental defenders by Global Witness

Environmental defenders include a wide range of people: activists, academics and community members protecting their territories, usually against economic interests. The global database of Global Witness shows that since 2010, 1300 environmental defenders have been murdered. Although the total number of killings decreased in 2018, other tactics are being used to silence environmental defenders, from criminalisation to vilification (such as accusation of terrorism) and arbitrary detention.

The focus of Global Witness is on defenders; when a defender is killed it is not only the family that is affected. These are leaders who carry out advocacy on the environmental issues that affect us all. Killing is just the tip of the iceberg when it comes to attacks and repressions on environmental defenders, so the organisation is trying to bring wider attention to the issue. In some countries (like China) it is hard to get information. Environmental defenders and their families are also subject to various other violations, such as gender-specific threats, and indigenous defenders are affected disproportionately. Murder is the 'sharpest end' of the problem.

Impunity is a huge problem, and it is hard to know who is behind attacks on environmental defenders. When there are alleged perpetrators, it is often governmental or criminal gangs behind the murder. Mining is at the top of the list for violence against defenders, while violations in the area of agribusiness are growing. Other drivers of attacks on defenders are in the areas of hydroelectric dams, poaching (Africa and India) and logging.

What needs to change? And what can we do together? Global Witness includes a diagram in its report showing how companies, governments, investors, bilateral aid and trade partners all need to act. If business is driving the problem, then all corporate actors are responsible for stopping it. Although protecting people is the duty of states, all actors have a role to play. For example, it is positive that the Dutch government is providing funding to defenders and has played a positive role in the UN resolution on environmental defenders. At the same time however, it is also giving inconsistent support (via its embassies) to promoting guidelines on defenders. Accountability is critical -- not just in respect to prosecutions and ending impunity -- but in holding businesses to account. The Dutch government should thus be holding their businesses to account. Resources are needed to fight long-term battles to deal with these threats.

We have highlighted the importance of tackling the root causes -- widespread, irresponsible business practices -- over the past days. A huge number of companies are imposing projects on communities without their consent, and yet investment persists. Some companies are actively colluding, whilst others are passive. Companies need to be accountable for what happens in their supply chains, for example following mandatory supply chain due diligence legislation at both the national and EU levels.

Development banks should also take responsibility and act. Their shareholders are states and thus they have the duty of a state. An encouraging example is the Dutch development bank FMO's policy on human rights defenders, which was a necessary response in relation to its Agua Zarca dam investment following the death of Berta Cáceres. These policies must be adopted and resourced, capacity must be built for people to implement them, and outreach must be made to defenders so that they are aware of them.

Global developments in law, messages of hope

Jan van de Venis from JustLaw and Worldconnectors gave the last presentation of the conference. He noted the beacons of hope that were brought to the floor over the past days: examples of Indigenous principles and the connection to nature penetrating western society. When we pay more attention to our ancestors, humanity grows bigger. People are stepping up and launching lawsuits. The Netherlands doesn't have the right to healthy and clean environment, but the Urgenda case around climate change was won based on human rights. This has inspired other cases. There is more momentum for binding legal rules, and more European Court rulings building jurisprudence about the right to a healthy and clean environment. Greenpeace has issued a publication on how to sue your government. People-powered cases are winning.

Some climate cases – such as Urgenda, the Swiss grannies and the Swedish youth – are about fairness to future generations. There is more focus on the well-being of future generations, earth-centred law and the rights of nature. Article 1 of UN Declaration on Human Rights has important text on reason, conscience and acting towards one another in a spirit of brotherhood.

A 2018 UNEP analysis shows the number of climate change cases increasing, such as the example of the Peruvian farmer suing energy company RWE for its contribution to climate change. Although this started with climate cases against governments, there are now more and more cases against businesses. Milieudefensie/Friends of the Earth Netherlands has launched another case against Shell. The Crowd versus is a website that crowdfunds for legal cases against climate change.

There is also more hope at the UN level, for example a binding treaty for multinationals and the Special Rapporteur's Framework Principles on Human Rights and the Environment. The Dutch Universal Periodic Review contains recommendations on human rights and extractive industries in overseas operations as well as reference to national gas exploitation and human rights violations in Groningen. Argentina's Universal Periodic Review includes text on human rights and the environment. This shows that UN human rights reporting can work.

In the following discussion, an Indigenous participant asked the great creator to make the participants brothers and sisters again. He noted that Indigenous People have unwritten rules, while western people have lots of written rules and they are often in words that don't exist in Indigenous languages (for example there is no word for sustainability). The risk is that accepting western law may lead to losing Indigenous identity. But perhaps there is a way to meet in the middle between western law and indigenous principles and way of life.

Today there is more awareness about prevention and the impact on communities, but we shouldn't forget the repercussions on communities in the past. There is a need to focus on reparations for historical death due to mega projects: for example, let's dismantle the dam that was created 50 years ago. It is important to propose a different energy system, and not just focus on reparations from North to South.

CLOSING DISCUSSION

The presentations over the past days raised many important issues, and participants engaged in reflections about these ideas within their own realities.

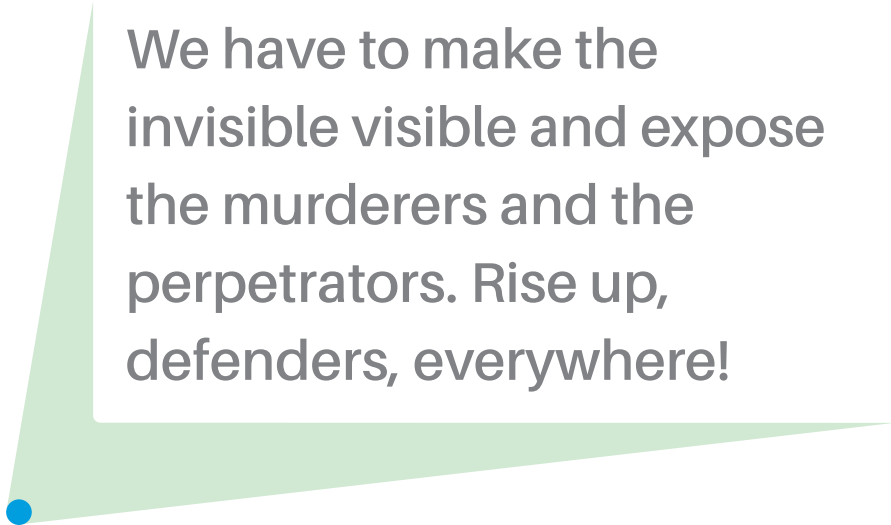
1. Context is key: we need to understand not just environmental context but the actors and organisations working in the same area. We need to know who we can network with, who to avoid, and how to make change. Even when we don't have access to power, we can look for ways to reach these actors. In addition, we have to understand the legal context and make sure that we are safe.
2. We are more powerful as a network working together, bringing international attention to local issues. We need to strengthen our capacities by identifying allies in different areas (including NGOs and states) that can help us tackle the power that is negatively affecting our work.
3. The situation around digital security is scary. We are vulnerable, but we can minimise the risks by making our digital lives more secure and sustainable. This is a process that we need to internalise. We received good recommendations and should not trust our cell phones!
4. The channel between the grassroots and the global is essential, since a commodity with an illegal origin will eventually become legal.
5. In many countries, the gap between law and implementation means that a domestic legal strategy will not work. This is why it's important to use many strategies; if there is a western company involved, bring a court case against it in its home country. It is important to identify the best points of leverage. Legal cases can also be strategic even if they can't be won. A case against a palm oil company might scare off investors and get press attention for example. Allies can also help to analyse pressure points.
6. It all boils down to good governance. Although Bolivia has had a beautiful constitution since 2009, the president and his government are just looking out for their own interests to stay in power. In China, companies are involved in the illegal trade of jaguar teeth, illegal logging and so forth. Not being able to respond due to the lack of fundamental rights in the country means that we need to think strategically about how we can help communities. Capacity building and knowledge sharing are both important.
7. We have a great deal of tools at hand that we can make use of: scrutiny, better information flows, litigation, capacity building and knowledge sharing, connecting the urban and rural, and keeping pressure on private companies. The thematic continuity of our work is important; we need to focus on the longer term and on root causes. Local people need access to resources as well as flexible micro funding.

8. Our movement is growing: it is a positive sign that the urban middle class is joining rural movements in their campaigns for clean and healthy environments, food and rivers.

9. We can't lose more environmental defenders. We need to create access to resources and change political behaviour. We have to make the invisible visible and expose the murderers and the perpetrators. Rise up, defenders, everywhere!

In their own words, the meeting left participants inspired, connected, hopeful, challenged, empowered and determined. Although the project has ended, IUCN NL is committed to continuing this work and putting all of the various instruments and tools discussed to use.

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With special thanks to our facilitators: Ben Leather and Liliana Jauregui (day 1) and Lynn Zebeda (days 2 and 3).*



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ANNEX: PARTICIPATING ORGANISATIONS

21st May	
ORGANISATION	COUNTRY
Foundation for the conservation and sustainable development	Colombia
Somos Defensores	Colombia
Censat	Colombia
CREDDHO	DRC
Kingo Wetu Protection DDH	DRC
Virunga National Park	DRC
ELSAM/ Peace Brigades	Indonesia
Sociedad Peruana de Derecho Ambiental (SPDA)	Peru
ATM	Philippines
Kalikasan People completo Network of the Environment	Philippines
Pamalakaya	Philippines

22nd and 23rd May	
ORGANISATION	COUNTRY
CEDIB	Bolivia
CONTIOCAP	Bolivia
WAHLI	Indonesia
Yadupa	Indonesia
Sawit Watch	Indonesia
NTFP EP	Indonesia
Fanamby	Madagascar
Durrell Wildlife Conservation Trust	Madagascar
Associacao de Apoio Assistencia Juridica as Comunidades (AAAJC)	Mozambique
Southern Youth	Myanmar
DDA	Myanmar
LRC	Philippines
NAPE	Uganda
Africa Institute for Energy Governance (AFIEGO)	Uganda



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Credit: Ruth Canlas

COLOPHON

Author: Ann Doherty & Paige Shipman

Graphic design: Margo Vlamings

IUCN NL (IUCN National Committee of The Netherlands)

Plantage Middenlaan 2K

1018 DD Amsterdam

T + 31 (0) 20 626 17 32

mail@iucn.nl

www.iucn.nl



