

Violence Against Environmental and Land Defenders in Colombia



Alejandra López Rodríguez

Carole Excell

September 2017

Alejandra López Rodríguez is a fellow of the Open Society Internship for Human Rights and Governance and intern with the Environmental Democracy Practice at the World Resources Institute.

Carole Excell is the Director of the Environmental Democracy Practice at the World Resources Institute and Project Director for The Access Initiative.

Research for this report was supported in part by the Open Society Internship for Rights and Governance, which is funded and administered by the Open Society Institute (OSI). The opinions expressed herein are the author's own and do not necessarily express the views of OSI.

Contents

- Executive Summary 3
- Introduction 4
- Chapter I: risk conditions for environmental and land defenders..... 5
 - Stigmatization 5
 - Legal frameworks: criminalization and consultations 6
- Chapter II: Prevention and protection mechanisms 8
 - Research..... 8
 - Training 9
 - Legal support..... 10
 - Accompaniment..... 10
- Chapter III: Implementation Gaps..... 11
 - State action 12
 - Civil Society actions..... 15
- Annex A. List of Interviewed Organizations..... 16

Executive Summary

There were thirty-seven killings of environmental and land defenders in Colombia in 2016. Global Witness' data has placed the country among the three deadliest in the world since at least 2013. In addition to attacks on their lives, environmental and land defenders face threats, criminalization, and kidnappings, among other dangers.

This report examines the situation of violence against environmental and land defenders in Colombia through the analysis of risk conditions, prevention and protection measures for defenders, and implementation gaps to reduce the risks that they face. The analysis is based on a literature review and interviews with civil society organizations that work with environmental and land defenders in Colombia.

Chapter I identifies stigmatization, gaps in the legal frameworks, and the presence of armed groups as the main risk conditions. Stigmatization refers to the negative discourse around the work of environmental and land defenders, which includes accusations of being environmental extremists or enemies of development. Legal frameworks can create risk factors in as much as they criminalize social protest and fail to protect and ensure fair consultation processes. The presence of armed groups normalizes violence and facilitates the association of such groups with economic interests.

Chapter II describes the prevention and protection mechanisms that the interviewed organizations implement to reduce the risks that environmental and land defenders face. These mechanisms are classified among the categories of research, training, legal support, and accompaniment.

Finally, chapter III presents the main implementation gaps that the organizations pointed out. These implementation gaps are needs or pending actions through which the State and civil society organizations can reduce risks for environmental and land defenders.

Given the State's responsibility to protect the fundamental rights to life and physical integrity, many of the implementation gaps fall within its scope of action: (i) specifically monitor the dangers that environmental and land defenders face as a specific category of human right defender; (ii) review the processes of risk assessment and allocation of State individual protection measures; (iii) design and implement collective protection measures, including political measures; (iv) close the gap in terms of access to information on mega-projects' location, impact, and profits; (v) protect consultation processes from corruption of community leadership and regulate company offers; (vi) be more active in supervising environmental licensing processes; and (vii) review legislation that criminalizes the right to social protest.

In turn, recommended actions for civil society organizations are: (i) developing a communication strategy to mitigate negative discourses against the work of environmental and land defenders; (ii) providing legal support for judicial processes and technical support to make scientific studies; (iii) facilitating more cross-community learning; and (iv) working with communities to formulate sustainable development projects as an alternative to the extractive development model.

Introduction

Environmental rights are human rights. People who work peacefully to protect them, environmental and land defenders, are facing increasing risks globally.¹ As revealed by the work of Global Witness, in 2015, there were at least 3 murders of environmental activists every week. The following year the number of deaths per week rose to 4; i.e., 200 murders throughout the world.²

Latin America is the most dangerous region in the world for environmental and land defenders, with 60% of the total number of murders in 2016. In particular, Colombia has been among the three countries with the highest number of murders since at least 2013. The country had the second largest number of deaths of environmental activists in 2016.³

The high number of murders in Colombia is the most severe expression of the danger that environmental and land defenders face, but there are many other forms of violence and intimidation. The *Defensoría del Pueblo*, the State entity responsible for promoting human rights, stated that the spectrum of attacks against human rights defenders in Colombia includes threats and "stigmatization, slander, illegal tracking and surveillance, information theft, break-ins into their homes and offices, torture, injury, arbitrary arrests and prosecution".⁴

Many factors affect the broader context of violence against environmental defenders in Colombia. Three such factors that were mentioned repeatedly during the interviews were the struggle for land in the context of the civil conflict, the retreat of the FARC-EP from areas that are rich in natural resources, and the extractive development model. The combination of these variables explains why environmental and defenders are particularly vulnerable: many of them live in rural areas that have been affected by the civil conflict; they challenge economic and political interests with a great power asymmetry; and a sizable proportion of them are part of indigenous or afro-descendant communities that face systemic discrimination.

This research seeks to identify what are the conditions that increase the risk of attacks against environmental activists in Colombia; what are the prevention and protection mechanisms available to them; and where are there implementation gaps to reduce risk. The analysis is based in a literature review and in semi structured interviews with fourteen civil society organizations working on environmental and human rights issues, as well as with three government entities. The complete list of interviewed organizations and entities is available in Annex A.

The case of Hidroituango and the attacks against members of the Rios Vivos (live rivers) Antioquia Movement comes up repeatedly throughout the report. We highlight this case because it exemplifies many of the systematic risk factors we identified. Additionally, the interviews and field visit with

¹ Throughout this report, the terms 'environmental and land defenders' and 'environmental activists' refer to individuals or groups working peacefully to promote the right to a safe, clean, and healthy environment, in addition to the rights to life, health, food, water and sanitation. This group includes land defenders, and often includes defenders of indigenous or afro-descendants' rights.

² Global Witness, *Defenders of the Earth*, 2017, Global Witness.

Available on: file:///C:/Users/Alejandra.Rodriguez/Downloads/Defenders_of_the_earth_report.pdf

³ See Global Witness reports from [2013](#), [2014](#), [2015](#), and [2016](#).

⁴ Defensoría del Pueblo, Risk Report N° 010-17 A.I., March 30th 2017, p.19. Accessed 8 August 2017.

<http://www.verdadabierta.com/documentos/victimas-1/defensores-de-derechos-humanos/1461--72>

members of Rios Vivos Antioquia were helpful in understanding the daily realities of environmental and land defenders.

Civil society in Colombia is as large as it is diverse. There are many organizations and groups involved in human rights, environmental justice issues, indigenous rights, and afro-descendants' rights. We interviewed only a handful of them: groups that we were able to contact with the help of other organizations and that we could interview during a period of field work in Colombia. Therefore, one of the limitations of this report is that the sample of interviewed organizations is small relative to the universe of relevant organizations.

Finally, the authors express their sincere thanks to the organizations and government entities that took time to meet with us for the interviews.

Chapter I: risk conditions for environmental and land defenders

Risk conditions are understood to be variables or factors that increase danger for environmental and land defenders. This section of the report focuses on the variables that the interviewed organizations emphasized as more salient.

Stigmatization

The attempt to delegitimize environmental defense efforts is a risk factor and an attack in itself. The majority of interviewees agreed that there is a prevalent negative discourse around the work of environmental and land defenders. Extractive companies, academia, the press and public officers have accused them of being 'radical environmentalists', 'environmental extremists', and even 'environmental jihadists'.⁵

The work of environmental activists is also stigmatized through statements that accuse them of being guerrilla members or supporters. For the Inter-faith Commission of Justice and Peace (CIJP), that has denounced the environmental damage caused by the oil palm company Poligrow in the Meta region, those statements are clear attempts to discredit complaints of environmental destruction. The Heinrich Böll Foundation has observed the same phenomenon in their support of environmental committees; they are accused of being part of guerrillas.

⁵ "No podemos dejarnos ganar por los ambientalistas radicales", Portafolio, Ana Maria Gutiérrez, September 28th, 2014. Accessed 16 August 2017. Available at <http://www.portafolio.co/economia/finanzas/dejarnos-ganar-ambientalistas-radicales-64352>

"Ambientalistas extremos", El Espectador, Ramiro Bejarano, October 25, 2014. Accessed 16 August 2017. Available at <http://www.elespectador.com/opinion/ambientalistas-extremos-columna-524195>

Environmental Committee of Tolima, Comentario en relación al informe "Democracia vale más que el oro", p.4, October 2016. Accessed 16 August 2017. Available at https://business-humanrights.org/sites/default/files/documents/DOC-20161018-WA0023_0.pdf

As the *Somos Defensores* (We Are Defenders) organization reports, there is a crisis of widespread violence against human rights defenders in Colombia.⁶ However, according to Rios Vivos Antioquia, some accusations are directed exclusively against environmental and land defenders, for example, 'enemies of development'. Given that they lead the opposition to some government infrastructure projects, such as the Hidroituango dam, due to the environmental damage they generate, defenders are accused of opposing economic development. In response to these accusations, organizations like the [CCAJAR](#) (a lawyer collective) point out that what is rejected is a development model that is imposed.

Legal frameworks: criminalization and consultations

A problem that the organizations mentioned repeatedly is the criminalization of environmental and land defenders. Several organizations such as PBI, ODHACO y Censat have called attention to the application of legislation that limits the right to peaceful social protest. This is done through the criminalization of actions such as disrupting official acts and obstructing public roads.⁷ Criminalizing social protest activities limits the work of environmental activists, and reinforces the stigmatization described above.

The gaps in regulations that apply to information and consultation processes are also sources of risk. Before the interviews, this research hypothesized that the mechanisms of public participation such as free, prior and informed consent would help to reduce conflict around environmental issues. The interviews revealed that, in practice, tensions within communities can arise or intensify in the context of consultations. This phenomenon is due to gaps in the legislation that may increase the risk for environmental and land defenders.

On the one hand, there is a need to regulate the kinds of community benefits that companies can offer 'in exchange' for allowing the projects to go forward. Some people within the communities see the arrival of extractive companies as an economic opportunity or a chance to access basic services. This poses a challenge to the concept of the State in communities where companies play a role that the State should fulfill. It is worth to question the extent to which there can be a free consent of extractive projects in the absence of economic alternatives.

On the other hand, several interviewed organizations mentioned problems of corruption in the context of consultation processes. There have been cases in which companies seek to influence outcomes by compromising community leaders or granting of privileges to certain groups.⁸

⁶ Somos Defensores, *Contra las Cuerdas: Informe Annual 2016 del Sistema Información sobre Agresiones Contra Defensores de Derechos Humanos en Colombia*, 2017.

⁷ ODHACO, "Ley de Seguridad Ciudadana - Criminalización de la protesta y penalización de la vida de los ciudadanos", December, 2013. Accessed August 15, 2017. Available at <http://www.oidhaco.org/?art=1791 & lang = is>

Censat, "Proyecto de ley de seguridad ciudadana criminaliza la protesta social y la minería artesanal". December, 2013. Accessed August 15, 2017. Available at <http://censat.org/es/noticias/proyecto-de-ley-de-seguridad-ciudadana-criminaliza-la-protesta-social-y-la-mineria-artesanal>

PBI, "Represión de la protesta social en Colombia", 20 de marzo de 2014. Accessed August 17, 2017. Available at <https://pbicolombiablog.org/2014/03/20/represion-de-la-protesta-en-colombia/>

⁸ Ana Cecilia Betancour, *La consulta previa en los pueblos indígenas. De la participación democrática a la expropiación de territorios*, March 28, 2014. Accessed August 14, 2017. Available at

Communities that are not recognized as indigenous or afro-descendant groups have access to the public participation mechanism called popular consultation. By the end of August of 2017, popular consultations in seven different municipalities have resulted in the rejection of extractive projects, and another forty-four consultations are planned. In this context, most of the organizations perceive that the Colombian Government, after pressure from business groups,⁹ intends to limit the scope of this direct democracy mechanism. The Government has already presented proposals to change the legislation on consultation processes.¹⁰ Several environmental committees and civil society organizations have publicly expressed their opposition to any initiative that would limit the right to citizen participation.¹¹

Presence of armed actors

The presence of various armed groups and the lack of law enforcement normalizes violence in many territories. In the indigenous communities that the Comunidad de Juristas Akubadoura (lawyer collective) works with, many forms of violence such as tracking and even verbal death threats are common. Also the Rios Vivos Antioquia movement perceives the normalization of violence as a risk factor, as it is difficult to identify warning signs because certain forms of attack seem ordinary.

In areas with a greater presence of paramilitary groups, various organizations have pointed out that the association between these groups and extractive companies is common. CIJP has documented it in cases like the Poligrow company in Mapiripan or the company *Maderas del Darien* in the low Atrato.¹² It is also common for armed actors to be directly involved in illegal extractive businesses, as it is the case with illegal logging affecting the Nukak indigenous people in the area of Guaviare.¹³ Despite this, some organizations perceive resistance from the Government to accept that attacks against human rights defenders are systematically linked to paramilitary groups.

This situation has intensified after the Peace Agreement and with the subsequent retreat of the FARC from the territory. According to the United Nations High Commissioner for Human Rights, between 2015 and 2016 there was an increase in the proportion of murdered human rights defenders in rural areas.

[http://observatorioetnicocecoin.org.co/cecoin/index.php?option=com_content & view = category & layout = blog & id = 55 & Itemid = 121](http://observatorioetnicocecoin.org.co/cecoin/index.php?option=com_content&view=category&layout=blog&id=55&Itemid=121)

⁹ HSB Noticias, "ACP solicitó al Presidente Santos poner freno a consultas populares", September 4, 2017.

Accessed September 4th, 2017. Available at <http://hsbnoticias.com/noticias/nacional/acp-solicito-al-presidente-santos-buscar-freno-las-consult-342953>

¹⁰ El Tiempo, "Gobierno plantea fórmula para poner orden a las consultas populares", 21 de agosto de 2017.

Accessed on August 30, 2017. Available at <http://www.eltiempo.com/justicia/servicios/gobierno-quiere-poner-orden-a-las-consultas-populares-como-la-de-cajamarca-121906#guardarDatos>

¹¹ Radio Macondo, "Carta en rechazo a las restricciones de consultas populares", August 25th, 2017. Accessed August 30th, 2017. Available at <http://radiomacondo.fm/2017/08/25/carta-rechazo-las-restriccion-las-consultas-populares/>

¹² Comisión Intereclesial de Justicia y Paz, "Plan de atentado contra William Aljure, reclamante de tierras", August 19, 2015. Consulted September 24, 2017. Available at <http://jyp.megadatesystem.com/Plan-de-atentado-contra-William>

Comisión Intereclesial de Justicia y Paz, "Operaciones paramilitares, amenazas de muerte y daños ambientales por Maderas del Darién", October 5, 2012. Consulted the 24 of September of 2017. Available in http://justiciaypazcolombia.com/Nuevo-articulo_5837

¹³ Semana, "Las mafias de la deforestación en el Guaviare", July 4, 2017. Consulted the 23 of September of 2017. Available at <http://sostenibilidad.semana.com/medio-ambiente/articulo/guaviare-deforestacion-la-llevan-a-cabo-mafias-que-talan-los-arboles/38131>

This is due, among other factors, to the power vacuum the FARC-EP have left and the lack of State presence.¹⁴ Also related to the situation after the signing of the Peace Agreement, some organizations pointed out that the political situation has changed the profile of human rights defenders who are attacked, as there is now a strategy to target less visible activists living in smaller rural communities.

It is worth mentioning that there are also human rights violations associated with the presence of public security forces in charge of securing extractive projects. Companies can finance the presence of public security elements in the territory through cooperation agreements. The organization Tierra Digna points out that these cooperation agreements imply privatizing public safety, in addition to their association with human rights violations in communities such as Cesar, Tolima, and Choco.¹⁵

Chapter II: Prevention and protection mechanisms

While the fourteen civil society organizations that we interviewed in Colombia are a small sample of the universe of groups that work to reduce the risks faced by environmental and land defenders, they implement a range of different prevention and protection mechanisms. These mechanisms can be classified among four categories: research, training, legal support and accompaniment. In this section of the report we highlight some examples of the work that organizations are doing within each category.

Research

In the category of research, we identified studies on financing for projects associated with attacks against environmental and land defenders, and analysis about the criminalization of environmental activists.

The organization Asociación Ambiente y Sociedad performs research on sources, actors, and varieties of financing for infrastructure projects on a large scale. For example, Ambiente y Sociedad has analyzed the 550 million dollar financing that the Inter-American Development Bank (IDB) approved for the Hidroituango dam, whose construction has severely affected human rights due to the displacement of population, and its impacts on the environment".¹⁶ Furthermore, as Rios Vivos Antioquia points out, the communities involved in the resistance to the project have received attacks such as death threats, torture, and even the murder of two members of the movement.¹⁷

¹⁴ Informe anual del Alto Comisionado de las Naciones Unidas para los Derechos Humanos e informes de la Oficina del Alto Comisionado y del Secretario General, A/HRC/34/3/Add.3. Available at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKewjtu7yGs6DWAhWm64MKHZvzBdUQFggmMAA&url=http%3A%2F%2Fwww.ohchr.org%2FEN%2FHRCBodies%2FHRC%2FRegularSessions%2FSession34%2FDocuments%2FA-HRC-34-3-Add.3_%2520UnofficialSpanishTranslation.docx&usq=AFOjCNEuUJ8vj6p-eKJrTmIaS4ThaeH2xQ

¹⁵ Tierra Digna, *Seguridad y Derechos Humanos ¿Para quién? Voluntariedad y Militarización, estrategias de las empresas extractivas en el control de territorios*, Bogotá, Centro de Estudios para la Justicia Social Tierra Digna, 2015. Accessed on September 6th, 2017. Available at http://tierradigna.org/pdfs/INFORME-SEGURIDAD-Y-DERECHOS%20HUMANOS-TIERRA%20DIGNA_WEB.pdf

¹⁶ Ambiente y Sociedad, "El BID Financia Hidroituango, un proyecto en tela de juicio", May 22nd, 17. Accessed August 23, 2017. Available at <http://www.ambienteysociedad.org.co/es/el-bid-financia-hidroituango-un-proyecto-en-tela-de-juicio/>

¹⁷ Movimiento Rios Vivos Antioquia, "Solicitud de afectados por hidroituango al Banco Interamericano de Desarrollo para que suspenda crédito a proyecto que viola Derechos Humanos", November 27, 2016. Accessed

The collective CCAJAR participated in publications that attest to the criminalization of environmental and land defenders. Such is the case of the environmentalist and community leader Héctor Sánchez Gómez, who, after forming part of demonstrations to demand respect for environmental and labor rights by the Pacific Rubiales oil company, had to face charges for aggravated kidnapping, obstruction of public roads and concert to commit crimes, among others.¹⁸ CCAJAR has called attention to this judicial prosecution against environmental leaders. Furthermore, they have pointed out the asymmetric operation of the judicial system, which responds weakly to cases of attack or murder of activists, but works quickly with investigations for the companies' claims.

Training

In this category we identify training for political and organizational strengthening; self-protection workshops; strengthening social cohesion; and facilitating cross-community learning.

Akubadaura promotes political and organizational capabilities through their *Formación de formadores* program. The program seeks to train new leadership and provide general education on the rights of indigenous peoples by facilitating or participating in workshops, seminars and conferences.¹⁹ For Akubadaura, political and organizational training is one of the most necessary prevention efforts among indigenous communities, since it is the basis for other capabilities to demand rights.

International protection organizations such as Peace Brigades International (PBI), the Swedish movement for reconciliation (SweFOR), Thinking and Social Action (PAS) and FOR Peace Presence carry out self-protection workshops, including psychological support, and work to strengthen social cohesion. Several interviewed organizations mentioned the importance of these trainings as prevention mechanisms. For example, strengthening social cohesion helps mitigate the tensions that may arise within the communities around consultation processes.

Given that in many cases there are several members of the community who face dangers for their environmental defense work, organizations such as PAS work on protection with an emphasis on collective risks.²⁰ So far, it is mainly civil society organizations who work on collective protection measures, as governmental protection schemes are mostly directed towards individual risks.

There are some initiatives to facilitate cross-community learning, but this is an area in which several organizations noted that more needs to be done. CCAJAR is developing a project of holistic schools

August 15, 2017. Available at <http://debatehidroituango.blogspot.com.co/2017/01/canon-del-rio-cauca-antioquia-colombia.html>

¹⁸ Vilma Nuñez, Mauro Ampie, Jomary Ortigón, et. al., *Criminalización de defensores de derechos humanos en el contexto de proyectos industriales: un fenómeno regional en América Latina*, Federación Internacional de Derechos Humanos (FIDH), February 2016. Accessed August 29, 2017. Available at <https://www.fidh.org/IMG/pdf/criminalisationobsangocto2015bassdef.pdf>

CCAJAR, "Se lanzará informe sobre costo humano del petróleo", July 11th, 2016. Accessed August 29, 2017. Available at <https://www.colectivodeabogados.org/?Se-lanzara-informe-costo-humano-del-petroleo>

¹⁹ Akubadaura, "Formación de formadores", March 15, 2016. Accessed August 31, 2017. Available at <https://akubadaura.org/index.php/lineas-de-trabajo/formacion-de-formadores>

²⁰ Pensamiento Acción Social y Protección Internacional, *La protección colectiva de los defensores del derecho a la tierra y al territorio*, March 2017. Accessed August 30, 2017. Available at <https://www.pas.org.co/la-proteccion-colectiva-de-los-defe>

which seeks to facilitate exchanges between communities. PAS also promotes the construction of protection networks amongst various communities to ensure control of their territory.

Legal support

Among the legal actions we identified as mechanisms of prevention and protection, there are legal cases against megaprojects; legal support in cases of criminalization of defenders; and strategic litigation.

An example of working to stop mega infrastructure projects is CCAJAR and Rios Vivos Antioquia's petition to revoke the environmental license for the Hidroituango dam. These two groups filed a claim before the Council of State (an administrative court) to request that it revokes the project's license based on the social and environmental damages from the construction, such as unrestricted logging and the diversion of the Cauca river, in addition to the re-victimization of populations affected by Colombia's armed conflict.²¹

Corporación Jurídica Libertad (a lawyer collective) works with the Rios Vivos Antioquia movement providing legal support in cases of criminalization of environmental and land defenders. The movement developed a prevention and protection plan with support from SweFOR and the Ministry of the Interior. That document indicated that since 2013 there has been judicial harassment against members of Ríos Vivos in contexts of social protest, which is why legal assistance for the defense of environmental activists is crucial.

In terms of strategic litigation, research center Dejusticia has been involved in the legal defense of the popular consultation mechanism. The first popular consultation was held in the Piedras municipality of the Tolima region in July 2013. The consultation resulted in a rejection of mining by 99% of voters. After that, national authorities such as the Attorney General questioned the reach of popular consultations. Dejusticia has publicly argued that popular consultations are fully within the competence of the municipalities and their results are binding as per the law.²²

Accompaniment

While each organization has its own approach, in general accompaniment is described as the presence of 'bodyguards without weapons' on the territory. This presence sends the message that acts of violence will not go unnoticed, and that they would give rise to international responses.²³ In this classification we identified physical and political accompaniment, as well as accompaniment for prior or popular consultations, incidence tours, and campaigns to pressure extractive companies.

²¹ CCAJAR, "Por graves impactos solicitan anular la licencia ambiental de Hidroituango", March 29, 2017. Accessed September 1, 2017. Available at <https://www.colectivodeabogados.org/Se-solicita-anular-la-licencia-ambiental-de-Hidroituango>

²² Helena Durán, "10 años de lucha: la historia detrás de la consulta minera en Cajamarca", Dejusticia, March 31, 2017. Accessed August 31, 2017. Available at <https://www.dejusticia.org/10-anos-de-lucha-la-historia-detras-de-la-consulta-minera-en-cajamarca/>

Dejusticia, "Precisiones sobre el alcance de la consulta popular y su impacto sobre los proyectos mineros en curso", March 23, 2017. Accessed August 31, 2017. Available at https://www.dejusticia.org/wp-content/uploads/2017/04/fi_name_recurso_932.pdf

²³ FOR Peace Presence, "International Acompañamiento". Accessed September 1st, 2017. Available at <https://peacepresence.org/learn-more/accompaniment/>

Organizations like PBI, SweFOR and FOR provide individual and collective physical accompaniment. Individual accompaniment consists of the presence of protection staff throughout a defenders' daily activities. The collective variant of physical accompaniment can consist of establishing houses where protection staff live permanently in the community. This has been the case with the presence of FOR accompanying the *Comunidad de Paz San José de Apartadó* (a farmers' community organization) as a way of protection against the attacks of armed groups.²⁴ PBI has also provided permanent accompaniment in areas such as Cacarica in the Chocó region.²⁵

Political accompaniment includes the presence of protection staff in meetings between environmental and land defenders and State authorities, the army or the police. For example, SweFOR staff accompanied the movement Rios Vivos Antioquia in meetings with Mayors of various municipalities in the Antioquia region. They discussed the socio-environmental impacts of the Hidroituango dam and the risks that Rios Vivos members' face as environmental and land defenders.

International presence in these meetings helps to raise the profile of cases of attacks on activists and to urge authorities to provide the necessary protection. The interviewed organizations noted that international support is helpful because it reduces the likelihood that local authorities fail to recognize environmental activists as human rights defenders or question the credibility of their testimonies about situations of violence. Organizations also accompany meetings with other State entities such as the police, the Attorney General, the Ministry of the Interior and Congress.

Incidence tours consist of facilitating opportunities for environmental and land defenders to spread the word about the dangers they face in their own voice. To that end, protection organizations facilitate meetings between activists and embassies, international organizations, and members of Congress or members of parliaments from various countries. They also organize visits from those international officials to the territory. These efforts help environmental advocacy groups increase their visibility and extend their international support networks.

Together, the different prevention and protection mechanisms described under the categories of research, training, legal support and accompaniment help increase the visibility of environmental and land defenders' situation in Colombia. The need to make more visible the risks that environmental and land defenders face is one of the issues that most interviewed organizations emphasized. There is consensus on the idea that visibility at the national and international levels reduces risk factors in the majority of cases.

Chapter III: Implementation Gaps

In this final chapter we summarize the main prevention and protection needs and pending tasks that organizations noted during the interviews. We first discuss a conceptual challenge and then describe the implementation gaps for the Colombian State, as well as opportunities of action for civil society

²⁴ Thomas Power, "Neoparamilitares – ¿qué más de nuevo sobre ellos?", FOR Peace Presence, January 31, 2017. Accessed September 1, 2017. Available at <https://peacepresence.org/2017/01/31/neoparamilitares-que-mas-de-nuevo-sobre-ellos/>

²⁵ PBI, "The Cacarica River Basin is again in the midst of conflict and violence", March 3rd, 2017. Accessed September 26th, 2017. Available at <https://pbicolombia.org/2017/03/03/the-cacarica-river-basin-is-again-in-the-midst-of-conflict-and-violence/>

organizations. The objective of this chapter is to serve as a guide for donors and organizations seeking to contribute to efforts to reduce risks for environmental and land defenders face.

The first challenge relates to the concept of environmental and land defenders. Some Colombian interviewed organizations insisted that there are organizations whose work helps to protect natural resources, but which do not identify with the category of environmental and land defenders. For example, some indigenous organizations may prefer to refer to their work as a defense of Mother Earth. There are also farmers organizations which define their work as a struggle for their territory.

There are several arguments for not excluding farmers or indigenous organizations from the analysis of violence against environmental and land defenders. These categories of defenders frequently have in common their opposition to the extractive development model and they oppose the same economic, political and criminal interests.²⁶ In addition, it is common for advocates of indigenous and farmer communities' rights to defend environmental human rights. Finally, a discursive strategy that unites these organizations may be more effective to make raise the profile of the risks to natural resources' defenders.

State action

The first recommended State prevention measure is to **specifically monitor the dangers that environmental and land defenders face**. Currently there is no State entity or local civil society organization that monitors the various forms of violence against environmental and land defenders in Colombia. The National Unity of Protection (UNP) identifies environmental defenders only as one of several sub-categories that comprise the generic category of "social leader". The risk assessment by the *Defensoría del pueblo* does not present data for attacks and homicides by categories of defenders.

Taking as reference data from the *Defensoría del Pueblo, Somos Defensores* and Global Witness, the proportion of environmental and land defenders murdered out of the total of killings of human rights defenders in Colombia is between 28% and 46%.²⁷ Given the high proportion of human rights defenders killed who are environmental and land defenders, the need for specific monitoring of the violence against these activists is clear.

A second recommendation is to **review the processes of risk assessment and allocation of State individual protection measures**. Colombia has one of the oldest and broadest State protection systems in the world.²⁸ However, several interviewed organizations pointed out that there are flaws in the risk

²⁶ Global Witness, *Defenders of the Earth*, 2017, p. 10.

²⁷ In 2016, the risk report by Defensoría de Pueblo indicates 134 people called social leaders murdered. The same year, Somos Defensores reported 80 murders of human rights defenders. Global Witness reported 37 environmental and land defenders killed in Colombia in 2016.

Defensoría del Pueblo, Informe de Riesgo N° 010-17 A.I., March 30th, 2017, p.22. Accessed August 8th, 2017. <http://www.verdadabierta.com/documentos/victimas-1/defensores-de-derechos-humanos/1461--72>

Programa Somos Defensores, *Contra las cuerdas: Informe anual 2016. Sistema de información sobre agresiones a defensores de derechos humanos en Colombia*, 2017, p.27. Available at <https://www.somosdefensores.org/attachments/article/144/Contra%20las%20cuerdas.%20Informe%20Anual%20Español%2020220217227p.pdf>

²⁸ María Martín Quintana y Enrique Eguren Fernández, *Protection of human rights defenders: best practices and lessons learnt*, Protection International, 2012, pp. 14-15. Available at <http://protectioninternational.org/wp-content/uploads/2013/04/Best-Practices-and-Lessons-Learnt.pdf>

evaluations and the type of protective measures assigned. Inter-institutional committees coordinated by the National Protection Unit (UNP) carry out the evaluation and allocation processes. Regarding risk assessments, it is important to bear in mind the cases such as that of the Afro-Colombian defender Bernardo Cuero, who was shot in front of his family in June 2017. The Inter-American Human Rights Commission had made a statement about his dangerous situation since 2013, but the evaluation committee coordinated by UNP assessed the level of risk he faced as ordinary and suspended the protection measures assigned to him.²⁹

Even in cases in which the UNP does assign protection measures, the organizations noted that they are not always adequate: for example, assigning cell phones for defenders who live and work in places with no coverage, or bullet-proof vests for people living in areas of extremely warm temperatures. Furthermore, other organizations indicate that there are delays or lack of response to some requests for protection, and assigned measures are not always delivered in a timely manner.³⁰

Another recommendation is to **design and implement collective protection measures, including political measures**. Most of the interviewed organizations noted the lack of collective measures or the inadequacy of the ones extant. While the UNP has made efforts to introduce some collective protection measures³¹, it is necessary to expand the catalogue of available measures in order to meet communities' and defenders' needs. As Akubadoura stressed, it is important that the design of collective protection measures is the result of talks and agreements with the communities.

Protection must go beyond material measures, it should include political measures. For example, Ríos Vivos proposes a communication strategy by the Government which includes statements from various State entities to condemn the attacks on environmental and land activists. It is important for entities such as the Ministry of Interior, Ministry of Defense, Ministry of the Environment, and the Ministry of Mines and Energy to make statements condemning the violence. A governmental communication strategy would help reduce stigmatization of the work of environmental and land defenders, as well as express the State's willingness to reduce the dangers faced.

It is necessary to **close the gap in terms of access to information on the location, impacts and profits from mega-projects**. Several organizations noted that often the communities only learn about a megaproject in their territory when outsiders arrive to conduct studies or to begin the construction works. They also mentioned the lack of transparency regarding the environmental and social impacts of projects. To ensure complete transparency and impartiality of environmental studies, environmental authorities could subcontract the assessments, while continuing the practice of funding the studies with the companies' resources. It is also important to increase transparency regarding extractive companies' profits and the compensation or benefits that they bring to communities.

²⁹ Comisión Interamericana de Derechos Humanos, "CIDH condena asesinato de Bernardo Cuero en Colombia", June 16th 2017. Accessed 5 September 2017. Available at <http://www.oas.org/es/cidh/prensa/comunicados/2017/077.asp>

³⁰ Movimiento Ríos Vivos Antioquia, *Documento resumen Plan de prevención y protección del Movimiento Ríos Vivos Antioquia. Escenarios de Riesgo, acciones y medidas de prevención, protección, reparación y garantías de no repetición*, July 25th, 2017.

³¹ Ministry of the Interior, Decreto Número 1066 de 2015, Artículo 2.4.1.3.6. Medidas de protección.

The Colombian government has already made some commitments to improve access to information on environmental issues and extractive industries.³² It is recommended to broaden those commitments in order to increase transparency regarding the location, impacts and profits from extractive projects, as well as aiming to a proactive disclosure model.

Another recommendation is to **protect prior consultation and popular consultation processes from leadership corruption and regulate company offers to communities**. In resource-rich areas where the population lives under poverty, it is crucial that the State fulfills its role of providing basic services so that people do not have to choose between fundamental needs such as water and clean air, and their access to education or health.

It is important for environmental authorities to **be more active in supervising environmental licensing processes**. While the National Environmental Licensing Authority (ANLA) implements elaborated licensing processes³³, companies themselves report on the implementation and results from information and consultation processes. Tierra Digna has argued that the current competencies of the ANLA are limited to evaluating procedures.³⁴ For interviewed organizations, this leads to environmental authorities only becoming aware of failures in the processes of information and consultation at a very late stage. It would be useful to strengthen the environmental authorities so that they can supervise the information and consultation processes more proactively.

After granting environmental licenses, it is important that authorities **make verification visits to the territory independently from the companies and follow up with community complaints in a timely manner**. Both CIJP and Ríos Vivos Antioquia have pointed out that the authorities' visits in the cases of the Poligrow company and the Hidroituango dam were carried out under the guidance of companies and without the presence of affected populations.³⁵ It is also necessary for the environmental authority to effectively serve as second instance to address complaints, since several organizations noted the difficulty in getting authorities to intervene in cases of environmental or social damage.

Finally, to address the criminalization of environmental and land defenders' work, the State should **review legislation that criminalizes the right to social protest**. There should be no prosecution of peaceful demonstrations, nor should intimidation of environmental activists through unfounded legal complaints by the companies be allowed. Activist Héctor Sánchez Gómez's case is a clear example of this

³² Commitment 7 (Ministry of Environment) and Commitment 8 (Ministry of Mining and Energy) in *Segundo Plan de Acción 2015-2017 de la Alianza para el Gobierno Abierto (AGA)*. Available at <http://agacolombia.org/ii-plan-accion>

³³ ANLA, "Paso a Paso para la presentación de DAA, Solicitud de Licencia Ambiental o modificación de Instrumento de Manejo Ambiental según decreto 1076 del 2015". Available at <http://www.anla.gov.co/paso-paso>

³⁴ Torres, A., Rocha, J., Melo, D., Peña, R., *El Carbón de Colombia: ¿Quién Gana? ¿Quién Pierde? Minería, Comercio global y Cambio climático*, Tierra Digna, 2015, p. 56. Available at <http://tierradigna.net/pdfs/informe-carbon.pdf>

³⁵ CIJP, *Daños ambientales, seguimientos y amenazas a campesinos e indígenas del municipio de Mapiripán*, May 10th, 2016. Accessed 6 September 2017. Available at <http://justiciaypazcolombia.com/Danos-ambientales-seguimientos-y-amenazas-a-pobladores-del-municipio-de>

Ríos Vivos, *Suspenden obras de Hidroituango por graves daños al Río Cauca e incumplimiento a las obligaciones de la Licencia Ambiental*, February 5, 2016. Accessed 6 September 2017. Available at <https://defensaterritorios.wordpress.com/2016/02/05/suspenden-obras-de-hidroituango-por-graves-danos-al-rio-cauca-e-incumplimiento-a-las-obligaciones-de-la-licencia-ambiental/>

criminal harassment.³⁶ To address this problem, the State could consider implementing a reverse charge proving system in contexts of popular or prior consultations. With such system, companies would have to prove their accusations before defenders have to bare the economic and psychological burden of the judicial process.

Civil Society actions

The first measure that civil society organizations can implement is to **develop a communication strategy to mitigate negative discourses against the work of environmental and land defenders**. Many organizations already influence public discourse in different ways, but there could be more joint efforts. For example, organizations that work with environmental and land defenders could coordinate to spread the word about cases of threats, judicial harassment and physical attacks. A coordinated communication strategy would help challenge the narratives of an extractive economic development model and the stigmatization of human rights defenders. Also as part of the communication strategy, it is recommended to facilitate more meeting and coordination spaces for organizations that work with environmental and land defenders.

The interviewed organizations noted the **need for legal support for judicial processes and technical support to make scientific studies**. The lawyer collectives working with environmental and land defenders are often overloaded with the number of processes and cases. Some of their reported needs are: case documentation, analysis of environmental licenses records, management of activists' criminalization cases, and support to follow-up with the environmental authority sanctioning processes. Many of the organizations pointed out the difficulty in obtaining independent technical studies on cases of environmental damages. Given that only a few laboratories have governmental accreditation, environmental impact studies are very expensive. There is no organization in Colombia that brings together specialists who can do those technical studies free of charge.

Another gap in implementation that several organizations emphasized was **facilitating cross-community learning**. This is particularly important in relation to consultation processes. Since these processes are very susceptible to local communities' level of political and organizational capacity, it is useful to create spaces where community organizations can share their experience. This horizontal learning is also valuable to address collective protection. For example, some indigenous communities have substantial experience with a self-protection system called *guardia indígena* (indigenous guard), which other indigenous communities can benefit from. Several organizations already implement this horizontal approach, but they expressed interest in extending it to more communities.

Finally, there is a crucial role for civil society organizations to **help formulate sustainable development projects as an alternative to the extractive development model**. Environmental, human rights, and indigenous and Afro-descendant rights organizations have the local knowledge and closeness to support communities in the design of development projects that benefit people and protect natural resources. Many communities across Colombia have been demanding and exercising their right to participate in decisions regarding natural resource management. Civil society organizations can be their allies in the conversation about what kind of development they want to have.

³⁶ Vilma Nuñez, Mauro Ampie, Jomary Ortigón, et. al., *Criminalización de defensores de derechos humanos en el contexto de proyectos industriales: un fenómeno regional en América Latina*, Federación Internacional de Derechos Humanos (FIDH), February 2016. Accessed August 29, 2017. Available at <https://www.fidh.org/IMG/pdf/criminalisationobsangocto2015bassdef.pdf>

Annex A. List of Interviewed Organizations

[Asociación Ambiente y Sociedad](#)

National Environmental Licensing Authority (ANLA) – Monitoring and Evaluation Subdirection

[Centro de Estudios para la Justicia Social Tierra Digna](#)

[Colectivo de Abogados José Alvear Restrepo](#)

[Comisión Intereclesial de Justicia y Paz](#)

[Comité Permanente por la Defensa de los Derechos Humanos](#)

[Comunidad de Juristas Akubadaura](#)

[Dejusticia](#)

[FOR Peace Presence](#)

[Fundación Heinrich Böll](#)

[Instituto Popular de Capacitación](#)

[Movimiento Ríos Vivos Antioquia](#)

[Swedish Fellowship for Reconciliation \(SweFOR\)](#)

[Peace Bridges International Colombia](#)

[Pensamiento y Acción Social \(PAS\)](#)

[Red de Hermandad y Solidaridad con Colombia](#)

Unidad Coordinadora para el Gobierno Abierto – Ministerio de Ambiente y Desarrollo Sostenible

Unidad de Protección Nacional