# Rapoport Center Human Rights Working Paper Series

12/2018

Unequal and Under Threat: Economic Inequality and the Dangers to Environmental & Human Rights Defenders

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The Rapoport Center Human Rights Working Paper Series is dedicated to inter-disciplinary and critical engagement on international human rights law and discourse. We encourage submissions from scholars of all disciplines as well as from activists and advocates that contribute to our mission to build a multidisciplinary community engaged in the study and practice of human rights that promotes the economic and political enfranchisement of marginalized individuals and groups both locally and globally. In order to facilitate interdisciplinary dialogue, each accepted paper is published alongside a brief response from a member of the multidisciplinary editorial committee; this unique WPS format allows for paper topics to be examined in terms of broader currents in contemporary scholarship

ISSN 2158-3161

Published in the United States of America
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at The University of Texas School of Law
727 E. Dean Keeton St.
Austin, TX 78705
http://www.rapoportcenter.org/

http://blogs.utexas.edu/rapoportcenterwps/

#### Abstract

In many countries with large endowments of natural resource wealth, resource extraction is considered to be the primary driver of economic development and a major contributor to GDP. Often, however, natural resource extraction is environmentally degenerative and engenders backlash among indigenous communities, conservationists, outspoken members of the human rights community, and other civil society organizations. Unfortunately, environmental and human rights defenders who speak out against such development projects are often subjected to intimidation, censorship, and violence. Increasingly, these activists are murdered for their work.

But what are the root causes when an activist is murdered or silenced for speaking out against natural resource extraction and large-scale development projects? How are neoliberal development models implicated in the dangers posed to activists, and how do conditions of incountry inequality affect the likelihood activists will be murdered? Based on linear regression analysis, I contend there is a correlation between in-country economic inequality and the threat level environmental human rights defenders face. Furthermore, this paper uses case studies to demonstrate the conditions environmental activists face in Honduras and South Africa—two countries with extreme levels of inequality. Finally, this paper makes recommendations to the international community to protect threatened activists.

As states in the Global South continue to rely on natural resource extraction and large-scale development projects as drivers of economic development, these projects continue to encroach on the lands of indigenous and local people who do not necessarily reap the benefits of that development. At the same time, indigenous and local activists who speak out against such state-sponsored projects often encounter threats of physical violence, intimidation, extortion, or even death by state security actors, paramilitary forces, and private security forces.

But what are the forces behind these environmental defenders' needless deaths? These people attempt to protect their communities by campaigning and speaking publicly against development projects that affect them. What underlying factors make it more dangerous to publicly pursue an environmental human rights agenda in some countries than in others? How can the international human rights community protect these defenders in a global economy that increasingly prioritizes neoliberal development models focused on export-oriented growth, private industry deregulation, and transnational capital movement, often at the expense of human rights and a healthy environment?

This paper argues income inequality is one causal factor in the deaths of environmental activists. I contend that a higher level of in-country inequality increases the likelihood an environmental and human rights defender will be killed for advocating against environmentally destructive megaprojects.

First, this paper presents data on the rising number of attacks on environmental human rights advocates, and uses linear regression analysis to measure that data against indices of economic inequality and human development to draw conclusions about the relationship between inequality and dangers to environmental defenders. I use two case studies to illustrate the dangers posed to environmental defenders: the first case describes the case of Berta Cáceres, a Honduran activist fighting against a Chinese development company's efforts to construct a hydroelectric dam in her country; The second examines the circumstances around the killing of Sikhosiphi "Bazooka" Rhadebe, a South African advocate who was killed for speaking out against transnational mining activity on South Africa's Wild Coast.

Based on these findings, this paper outlines current available protections offered to environmental defenders and makes recommendations to the international human rights community on how to better protect environmental defenders and advocates.

#### I. Data on the Deaths of Environmental Defenders

According to the environmental defender watchdog agency Global Witness, 2015 was the deadliest year on record for environmental justice advocates. Around the world, 185

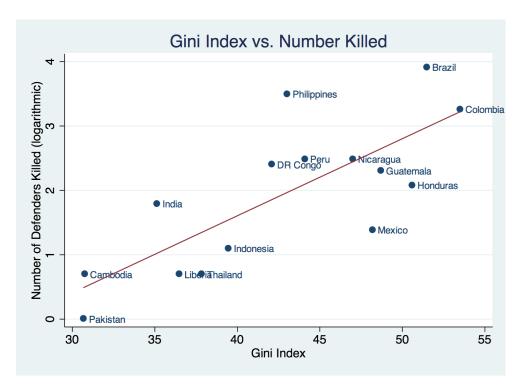
<sup>&</sup>lt;sup>1</sup> While the data presented in this paper only concerns itself with environmental human rights defenders, the conclusions drawn here can be applied toward protecting many types of activists including other types of activists, human rights lawyers, and journalists.

<sup>&</sup>lt;sup>2</sup> This section will rely on international human rights doctrine, the actions of regional human rights governing bodies, constitutional protections provided by the state, and the actions of human rights NGOs and the international human rights community to outline protections currently afforded to human rights advocates.

environmental defenders were killed in 2015 alone—a 59% increase from 2014.<sup>3</sup> This equals, on average, "more than three people . . . killed every week in 2015."<sup>4</sup>

Furthermore, killings of environmental defenders speaking out against the mining sector occurred more frequently than any other group, accounting for a total of 42 deaths in 2015. Violence and retaliation against activists who protested agribusiness, hydroelectric dams, or logging projects were also prominent. Despite these numbers, it is also likely that these statistics underrepresent the actual numbers of murders of environmental defenders, as many crimes, especially those that occurred in remote locations, are unreported. <sup>5</sup> These metrics indicate a continuing problem of violence against environmental defenders. But to what extent does incountry inequality play in the level of danger posed to these advocates?

Figure 1



In pursuit of this answer, Figure 1 maps data from the Global Witness report against the latest available Gini indices and Human Development Indicators provided by the World Bank and the UN.<sup>6</sup> The Gini index is a statistical measure of wealth distribution in a country, with zero representing perfect economic equality and one representing perfect inequality. The Human Development Index is a measure that emphasizes people and their capabilities as criteria in

<sup>&</sup>lt;sup>3</sup> "On Dangerous Ground" (London: Global Witness, June 2016), https://www.globalwitness.org/en/reports/dangerous-ground/.

<sup>&</sup>lt;sup>4</sup> Ibid.

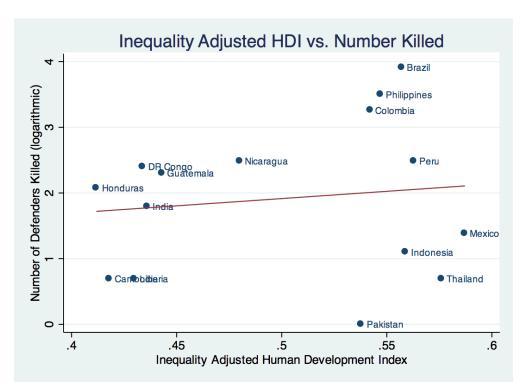
<sup>&</sup>lt;sup>5</sup> Ibid.

<sup>&</sup>lt;sup>6</sup> The Gini index data are relatively recent, and were calculated between 2011 and 2014, except Liberia, which was measured in 2007. The Human Development Index data is from 2015, and was sourced from the United Nations' website.

assessing a country's development over purely economic measures like GDP. Along with life expectancy, access to education, gross national income per capita and other metrics, the HDI also incorporates a country's level of economic inequality as a driving factor in a country's capacity for development. The Inequality-Adjusted Human Development Index removes inequality as a measure in the assessment of development, resulting in a statistic that focuses more on levels of economic development and rates of poverty.

When the Gini data are plotted against defenders' killings in Figure 1 above, the data show a significant positive trend: as in-country inequality rises, so do the number of killings of human rights defenders.<sup>7</sup>

Figure 2

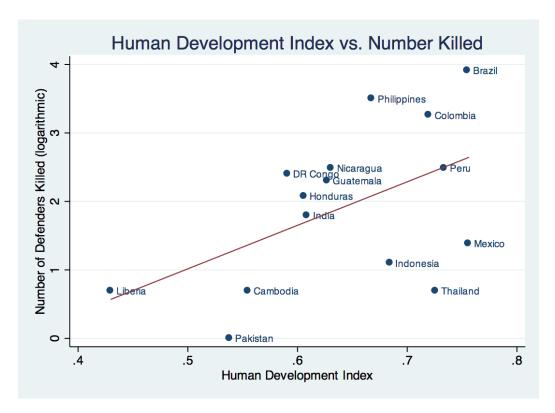


Furthermore, when adjusted for economic inequality (as seen in Figure 2) the positive trend nearly disappears. By plotting the Inequality-adjusted Human Development Index (IHDI) against the number of human rights defenders killed, the positive trend is non-existent.<sup>8</sup>

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<sup>&</sup>lt;sup>7</sup> It should be noted that the analysis uses a logarithmic function for the variable "Number Killed" in order to account for the data's right skew. This skew demonstrates a significantly higher number of killings in three countries—Brazil, the Philippines, and Colombia— all of which have high rates of economic inequality. By normalizing the distribution of the data with a logarithmic function, the analysis can more accurately measure the residuals and give a better model for analysis.

Figure 3



However, when inequality is factored back into the analysis—as in the standard Human Development Index regression in Figure 3—there is a jump in the trend's positivity and a stronger correlation. This suggests that in-country inequality, not just higher rates of poverty, have a measureable effect on the safety of environmental defenders in the countries within this sample.

Although Figures 2 and 3 do not present strong correlations, neither of these Human Development measures are wholly focused on economic inequality. However, while the HDI metric in Figure 3, which includes inequality rates, shows a stronger trend, the linear regression in Figure 1 shows the most notable relationship. The adjusted R-squared coefficient of determination for the Gini vs. Number Killed regression is 0.56, showing a strong positive correlation between economic inequality and the number of environmental defenders killed. Despite numerous other factors in the killings of these defenders, more than half of the variation in the sample's number of killings can be accounted to in-country inequality. Inequality then, does have some effect on the risks posed to human rights defenders.

It should be noted that other variables endogenous to the Gini or HDI indices, the unknown sampling method for this data, and the underreported number of killings are all other factors that play into this dynamic. Additionally, the sample size of this study is limited, as only

<sup>&</sup>lt;sup>8</sup> The adjusted r-squared value for this regression was -0.06, indicating a nearly non-existent correlation. The negative adjusted r-squared value also indicates that there are not enough data to make a firm assessment about the cause of the variance in this analysis. *See* Appendix.

<sup>&</sup>lt;sup>9</sup> This regression presented an adjusted r-squared value of 0.2. *See* Appendix.

<sup>&</sup>lt;sup>10</sup> See Appendix for complete linear regression results.

a small number of data points exist on the killings of environmental defenders. Finally, because correlation does not equal causation, levels of higher economic inequality are not the sole culprit in the murder of environmental defenders, and this analysis only suggests that economic inequality is one factor in the likelihood that an environmental defender is targeted for their work. Overall, more in-depth research is needed to discover the real nature of this relationship.

#### II. Case Studies

This section of the analysis illustrates the effects of economic inequality on the safety of environmental defenders through two specific case studies. This section offers some conclusions regarding the nature of these advocates' killings, and finally, it discusses how the international human rights community should proceed.

#### The Case of Berta Cáceres

In 2009, Honduras was wracked by a political coup that ousted the incumbent president Manuel Zelaya in favor of a more right-wing regime. After a five-month interim government, Honduras elected Porfirio Lobo Sosa. Following his election, however, critics harshly disparaged Lobo's government, claiming that his administration's ties to the Catholic Church and other powerful institutions paved the way for a flood of transnational capital. When Honduras' new president Juan Orlando Hernández came to power in 2014, the country's relationship with private corporate interests continued. Since 2010, the Honduran government granted at least 300 land concessions to private corporations for mining, eco-tourism, solar, wind and hydroelectric development projects. While this private sector investment kept Honduras' economy afloat, inequality has increased, and Honduras was ranked the most unequal country in Latin America in 2016. The country is provided to the country in Latin America in 2016.

Despite the Obama administration's claim that the situation in Honduras was "business as usual," the realities on the ground are vastly different. According to Mowfoth, "the evidence of worsening human-rights abuses, the resurgence of death squads, extrajudicial executions of opposition members and the failure to investigate virtually all the crimes that fall into these categories, directly contradict [the US Government's] statements and claims." Furthermore, the data presented by Global Witness show continued human rights abuses in Honduras, and today, violence is increasingly used as a means to achieve political ends.

Unfortunately, Berta Cáceres' murder was a direct result of the deteriorating human rights situation in Honduras. A member of the Lenca indigenous community and founder of the Council of Popular and Indigenous Organizations of Honduras (COPINH), Cáceres and her

<sup>&</sup>lt;sup>11</sup> Martin Mowforth, *The Violence of Development* (Pluto Press, 2014).

<sup>&</sup>lt;sup>12</sup> "This Is Why You Could Lose Your Life Protecting Honduras' Environment | ThinkProgress," accessed July 27, 2016, http://thinkprogress.org/climate/2016/07/12/3796410/honduran-activists-murdered/.

Honduras' Gini coefficient was 53.7 in 2016, only slightly higher than Colombia, which ranked at 53.5. *See also* Jake Johnston and Stephan Lefebvre, "Honduras Since the Coup" (Washington D.C.: Center for Economic and Policy Research, November 2013), http://cepr.net/documents/publications/Honduras-2013-11-final.pdf.

<sup>&</sup>lt;sup>14</sup> Mowforth, *The Violence of Development*.

<sup>15</sup> Ibid

colleagues were consistently on the front lines of the fight for indigenous rights in their country. However, threats against Cáceres began mounting after COPINH began protesting the Agua Zarca dam, a hydroelectric development project headed by Honduran company Desarollos Energéticos S.A. (DESA) in 2011. If constructed, the dam would have flooded Lenca community land and destroyed sacred sites along the Gualcarque River. <sup>16</sup>

After demonstrations against the project became violent in 2013, Cáceres was forced into hiding, and at least three of her colleagues were killed as the state launched a bloody crackdown on protestors. Truthermore, the government brought criminal charges against Cáceres, accusing her of possessing an illegal firearm. Cáceres, however, maintained that the gun had been planted in her car and that she was framed. But as the protests and violence continued, two major funders of the project—a Chinese engineering and construction company, Sinohydro, and the Central American Bank for Economic Integration (CABEI)—pulled support for the project, citing ongoing community outrage and the deaths of the environmental defenders at the hands of the Honduran government.

With the project on hold, the international community presented Cáceres with the prestigious Goldman Environmental Prize in 2015 for her work against the Agua Zarca project.<sup>20</sup> Cáceres was also nominated as a finalist for the Front Line Defenders Prize, and was awarded the Óscar Romero Award by the Rothko Chapel, in Houston, Texas.<sup>21</sup>

However, on March 3, 2016, shortly after receiving these awards, Berta Cáceres was shot and killed in her home in La Esperanza, Honduras by unidentified men.<sup>22</sup> Immediately after the killing, another of Cáceres' colleagues, Nelson Garcia, was killed in a similar attack.<sup>23</sup> Then, in June 2016, another COPINH activist, Lesbia Janeth Urquí, was also shot and killed.<sup>24</sup>

As a response to these killings, two more financial backers to the project, Netherlands Development Finance Company (FMO) and FinnFund, also pulled funding on the Agua Zarca

<sup>&</sup>lt;sup>16</sup> Jonathan Blitzer, "The Death of Berta Cáceres," *The New Yorker*, March 11, 2016, http://www.newyorker.com/news/news-desk/the-death-of-berta-caceres.

<sup>&</sup>lt;sup>17</sup> Ibid.

<sup>&</sup>lt;sup>18</sup> "Defending Human Rights in Honduras Is a Crime," accessed November 21, 2016, https://www.amnesty.org/en/latest/news/2013/11/honduras-human-rights-defenders-under-threat/.

<sup>&</sup>lt;sup>19</sup> Blitzer, "The Death of Berta Cáceres."

<sup>&</sup>lt;sup>20</sup> "Berta Cáceres," *Goldman Environmental Foundation*, accessed November 21, 2016, http://www.goldmanprize.org/recipient/berta-caceres/.

<sup>&</sup>lt;sup>21</sup> "2014 Front Line Defenders Award," *Front Line Defenders*, March 21, 2016, https://www.frontlinedefenders.org/en/2014-front-line-defenders-award. and "The Rothko Chapel Announces Recipients of 2015 Óscar Romero Award," *The Rothko Chapel*, accessed December 11, 2016, http://rothkochapel.org/learn/in-the-news/press-release/the-rothko-chapel-announces-recipients-of-2015-oscar-romero-award.

<sup>&</sup>lt;sup>22</sup> Blitzer, "The Death of Berta Cáceres."

<sup>&</sup>lt;sup>23</sup> "Another Member of Berta Caceres' Group Assassinated in Honduras," accessed November 21, 2016, http://www.telesurtv.net/english/news/Another-Member-of-Berta-Caceres-Group-Assassinated-in-Honduras-20160315-0049.html.

<sup>&</sup>lt;sup>24</sup> "World Anger over Honduras Activist Ya Yaneth Urquia's Death," *BBC News*, July 10, 2016, sec. Latin America & Caribbean, http://www.bbc.com/news/world-latin-america-36756937.

dam, further postponing the project.<sup>25</sup> By June 2017, all financial backers of the project officially withdrew all funds or simply stopped disbursing funds, effectively postponing the Agua Zarca project indefinitely.<sup>26</sup>

#### The Case of "Bazooka" Rhadebe

Like Honduras, South Africa also has a robust natural resource extraction sector. On a continent that contains roughly 30% of the world's total mineral reserves, <sup>27</sup> South Africa is endowed with significant reserves of gold, coal, iron ore, platinum, and other metals. <sup>28</sup>

Unfortunately, conflict surrounding this mining sector is what contributed to the death of another environmental defender in 2016. Sikhosiphi "Bazooka" Rhadebe, an outspoken member of the Xolobeni Community on South Africa's Wild Coast, was killed for speaking out against the Xolobeni mining project in the indigenous Pondoland region on South Africa's Eastern Cape. As chairman of the Amadiba Crisis Committee, a group formed in 2007 by Xolobeni villagers to fight against the proposed titanium mine, Rhadebe was a champion for the region's ecological diversity and the rights of the local community.

The titanium mine proposed by Transworld, a subsidiary of the Australian mining firm Mineral Commodities (MRC), sought to extract an estimated 348.7 million tons of titanium ore contained within the mining lease, which would have made the project one of South Africa's largest. Despite MRC's claim that the mine would have minimally impacted the local environment, the Xolobeni villagers claimed that the project would have destroyed their community and would have significantly damaged the region's diverse ecology. Furthermore, according to Amnesty International, MRC failed to obtain free prior and informed consent (FPIC) from the Xolobeni villagers before proceeding with the early stages of the project. The substantial stages of the project.

<sup>&</sup>lt;sup>25</sup> In a press release, FMO publicly stated that it was "shocked by the news" of the murders and that "The right of speech for those who speak up for their rights and the livelihoods of people are of very high value to FMO." *See* "FMO Suspends All Activities in Honduras Effective Immediately - FMO," accessed November 21, 2016,

https://www.fmo.nl/k/n1771/news/view/28133/20819/fmo-suspends-all-activities-in-honduras-effective-immediately.html. *See also* Megan Alpert, "It Takes Two Dead Activists for Banks to Suspend Funding for Honduran Project," *Foreign Policy*, accessed November 21, 2016, https://foreignpolicy.com/2016/03/16/fmo-murder-caceres-finnfund-suspend-agua-zarca/.

<sup>&</sup>lt;sup>26</sup> Nina Lakhani, "Backers of Honduran dam opposed by murdered activist withdraw funding," *The Guardian*, June 4, 2017, https://www.theguardian.com/world/2017/jun/04/honduras-dam-activist-berta-caceres

<sup>&</sup>lt;sup>27</sup> "Mining Industry Prospects in Africa - African Development Bank," accessed December 13, 2016, http://www.afdb.org/en/blogs/afdb-championing-inclusive-growth-across-africa/post/mining-industry-prospects-in-africa-10177/.

<sup>&</sup>lt;sup>28</sup> Statistics South Africa, "Mining: Winners and Losers of 2015 | Statistics South Africa," accessed December 13, 2016, http://www.statssa.gov.za/?p=6247.

<sup>&</sup>lt;sup>29</sup> "Amadiba Crisis Committee | Alternative Information & Development Centre," *AIDC* | *Alternative Information & Development Centre*, accessed December 12, 2016, http://aidc.org.za/partners/amadiba-crisis-comittee/.

<sup>&</sup>lt;sup>30</sup> "Urgent Action: Human Rights Defenders Under Threat" (Amnesty International, May 25, 2016), https://www.amnestyusa.org/sites/default/files/uaa11916.pdf.

As protests by the Xolobeni villagers became more frequent in December 2015, so too did instances of violence and intimidation against local activists. Reports surfaced of men going door to door at two a.m. firing guns in the air and calling local people out by name. One group of local villagers was attacked with knives and clubs—all three were seriously injured.<sup>31</sup> Then, on March 22, 2016, men claiming to be police officers forced Bazooka Rhadebe out of his home and shot him eight times in the head in front of his seventeen--year-old son. Only hours before the murder, Mr. Rhadebe had informed another activist, Nonhle Mbuthuma, of the existence of a 'hit-list' that included both his and Mbuthuma's names.<sup>32</sup>

After Rhadebe's murder, local and international press picked up the story, bringing greater international attention to the Xolobeni mine issue.<sup>33</sup> Dozens of Australian environmental and human rights NGOs, as well as several South African NGOs, also released joint statements calling on MRC to halt its operations in South Africa and demanded that the Australian government hold its transnational corporations accountable for alleged human rights violations.<sup>34</sup>

Although Mr. Rhadebe was never awarded any international accolades for his work, his posthumous coverage gave voice to the Xolobeni villagers, who continued to protest fervently against the mine. In September 2016, their voices were heard. Not only did MRC begin to divestment in the Xolobeni Mining project, the South African government placed an eighteenmonth moratorium on mining in the Xolobeni area. According to the South African Minister of Mineral Resources, the decision for the moratorium was spurred by "significant social disintegration and the highly volatile nature of the current situation."

<sup>31</sup> "amaBhungane - We Will Die for Our Land, Say Angry Xolobeni Villagers as Dune Mining Looms," accessed December 12, 2016, http://amabhungane.co.za/article/2016-02-12-we-will-die-for-our-land-say-angry-xolobeni-villagers-as-dune-mining-looms.

<sup>&</sup>lt;sup>32</sup> It should also be noted that Mbuthuma was also an outspoken and well-known advocate against the Xolobeni mining project. Mbuthuma was the subject of the 2014 Documentary *The Shore Break*, which brought significant international attention the mining struggles on South Africa's Wild Coast. Although Mbuthuma was arguably more well known that Rhadebe, and was second in line on the notorious 'hit-list,' this analysis does not focus on Mbuthuma because she survived the attack, with Rhadebe's help. Therefore it is difficult to determine downstream effects from her involvement in the incident.

Joshua Robertson, "Australian Mining Company Denies Role in Murder of South African Activist," *The Guardian*, March 24, 2016, sec. Environment,

https://www.theguardian.com/environment/2016/mar/25/australian-mining-company-denies-role-in-of-south-african-activist.

<sup>&</sup>lt;sup>33</sup> Krista Mahr On 9/13/16 at 11:50 AM, "Did Bazooka Rhadebe's Anti-Mining Campaign Get Him into Deep Trouble?," *Newsweek*, September 13, 2016,

http://www.newsweek.com/2016/09/16/south-africa-mining-bazooka-rhadebe-targeted-his-antimining-activism-497897.html.

<sup>&</sup>lt;sup>34</sup> "Joint Statement on the Assassination of South African Activist," *Joint Statement on the Assassination of South African Activist*, May 17, 2016,

https://standwithamadiba.wordpress.com/2016/05/18/joint-statement/.

<sup>&</sup>lt;sup>35</sup> "Minister Freezes Mining in Xolobeni," accessed November 28, 2016, http://www.groundup.news/article/minister-freezes-mining-xolobeni/.

### Learning from these cases: similarities and differences

The circumstances surrounding these cases are remarkably similar. Occurring only weeks apart, each case involved indigenous or local communities trying to protect their territories against ecologically harmful projects. In both cases, the activists faced intimidation before being murdered by hit men, and in both instances, the development projects were state-sponsored but carried out by private, transnational actors. <sup>36</sup>

More importantly, however, both Honduras and South Africa suffer from extreme rates of economic inequality, which may have been a direct result of the government's proclivity toward extractive-driven development. As previously discussed, Honduras was considered the most unequal country in Latin America in 2009. With a 2016 GINI index of 53.7, Honduras is still one of the most economically disparate countries in the region. South Africa also suffers from extreme inequality. According to the World Bank, South Africa had a staggeringly high 2009 GINI index of 63.38, making it the most unequal country in the world.<sup>37</sup> Today, South Africa is more unequal than it was prior to the end of Apartheid, and the two richest people in South Africa own as much wealth as the bottom 50%.<sup>38</sup>

Countries endowed with natural resource wealth can suffer from greater rates of incountry inequality.<sup>39</sup> Such inequality is a symptom of the resource curse, a phenomenon in which countries with large endowments of natural resources tend to do *worse* in terms of equitable economic development and good governance. According to Macartan Humphreys, Jeffrey Sachs, and Joseph Stiglitz, "even when resource-rich countries have done fairly well, they have often been plagued by rising inequality—they become rich countries with poor people."<sup>40</sup>

In states suffering from the resource curse, governments often reap the benefits of natural resource extraction, but the communities around the project see little—if any—of that generated wealth, which tends to accumulate in the state or within the upper echelons of the transnational corporate structure, rarely trickling down to the working class. Despite the counterargument that large-scale development and extractive projects create jobs and generate localized wealth, those jobs are often short-lived, and the projects are often harmful to the environment and the health of the community. Despite the counterargument and the health of the community.

<sup>&</sup>lt;sup>36</sup> "South Africa: Justice for the Murder of Bazooka Rhadebe, from the Amadiba Community Fighting a Mining Project - Europe Solidaire Sans Frontières," accessed November 27, 2016, http://www.europe-solidaire.org/spip.php?article37549.

<sup>&</sup>lt;sup>37</sup> Unfortunately, Global Witness did not present the number of environmental defenders killed in South Africa in 2015, and therefore it could not be included in the linear regression analyses in this study. *See* "Gini Index (World Bank Estimate) | Data," *The World Bank*, accessed December 12, 2016, http://data.worldbank.org/indicator/SI.POV.GINI.

<sup>&</sup>lt;sup>38</sup> "Even It Up: Time to End Extreme Inequality" (Oxfam, October 29, 2014).

<sup>&</sup>lt;sup>39</sup> Macartan Humphreys, Jeffrey Sachs, and Joseph E. Stiglitz, "Escaping the Resource Curse," 2007, http://public.eblib.com/choice/publicfullrecord.aspx?p=908453.

<sup>&</sup>lt;sup>40</sup> This has also been demonstrated in countries like Venezuela—one of the most resource-rich in Latin America— where approximately half of the county's population lives in poverty. Ibid.
<sup>41</sup> Ibid.

<sup>&</sup>lt;sup>42</sup> As an example, see the conditions surrounding the La Oroya Metallurgical Complex—a multimetal smelter in La Oroya Peru that has contributed to widespread contamination and public health crises in one of the most polluted places on Earth.

Environmental defenders who speak out against such projects are often seen as threats to progress and are more likely to be labeled enemies of the state or roadblocks to the public good. 43 According to Karen Bennett, "statements by public officials purportedly based on intelligence data [can] misrepresent defenders and NGOs as impediments to economic growth and threats to national economic security."<sup>44</sup> Vilified by their governments, these environmental defenders may be more likely to suffer harassment, intimidation, extortion, or even outright murder, often with impunity.

Moreover, as transnational corporations are increasingly contracted to oversee capitalintensive resource extraction or large-scale development projects, governments may have limited control over the actions of private security actors sub-contracted by these companies. This problem, which arises when local security forces, paramilitary groups, and other violent actors are hired to protect mining and extraction projects, has been documented in cases worldwide.<sup>45</sup> Such collusion "between state and corporate interests shield many of those responsible for the killings. Internationally in 2015, Global Witness "found 16 killings were related to paramilitary groups, 13 to the army, 11 to the police and 11 to private security – strongly implying state or company links to the killings."46

Cáceres' and Rhadebe's efforts were exemplary of this unfortunate dynamic, and their deaths were emblematic of similar repressive governments' response. As shown in the data presented above, Honduras and South Africa are two of the world's most unequal countries, with Gini indices of 53.7 and 63.4 respectively. <sup>47</sup> Further, both countries are endowed with enormous reserves of natural resource wealth, and rely on resource extraction to drive the economy. Because their governments pursued exploitative development projects without adequate consent of the affected communities, corrupt lawmakers likely saw Cáceres and Rhadebe as impediments to economic progress, putting them at much greater risk of harm.

Another important consideration is the fact that Cáceres and Rhadebe were both members of indigenous groups with limited access to traditional judicial remedies within their respective country's institutional frameworks. Daniel Brinks and Sandra Botero discuss this dynamic, and explore the relationship between inequality, rights violations, and access to rule of law for socially marginalized groups in Latin America. Brinks and Botero argue that despite robust human rights regimes across the region, countries with higher income inequality have more socially marginalized groups, as well as higher instances of human rights violations. The reason for this is twofold. First, marginalized groups lack access to the institutions designed to guarantee those rights. Limited access to remedies, either from a lack of educational resources,

<sup>&</sup>lt;sup>43</sup> Karen Bennett et al., "Critical Perspectives on the Security and Protection of Human Rights Defenders," The International Journal of Human Rights 19, no. 7 (October 2015): 883–95.

<sup>&</sup>lt;sup>45</sup> See the Barrick Gold's actions in Papua New Guinea: Columbia Law School Human Rights Clinic and Harvard Law School International Human Rights Clinic, "Righting Wrongs? Barrick Gold's Remedy Mechanism for Sexual Violence in Papua New Guinea" (Columbia Law School, November 2015). See also Choc vs. Hudbay Minerals, No. CV-10-411159 (Superior Court of Justice - Ontario July 22, 2013).

<sup>46 &</sup>quot;On Dangerous Ground."

<sup>&</sup>lt;sup>47</sup> In fact, according to the latest data, South Africa is the most unequal country in the world. This GINI data was sourced from 2011 World Bank number. See http://data.worldbank.org/indicator/SI.POV.GINI?locations=ZA

higher rates of poverty, physical constraints, or other means of social marginalization limit these groups' ability to access justice within a country's institutional human rights framework. Second, those groups also lack access to meaningful political power and therefore cannot attempt to seize or reform those institutions to achieve justice.<sup>48</sup>

Both Cáceres and Rhadebe came from marginalized indigenous communities with little access to political power or recourse to remedy. As such, both turned to advocacy and organized their communities after failing to affect change through the traditional channels of state-sanctioned institutions. This likely informed the states' decisions to treat the activists as problematic outsiders and could have informed the states' decisions to have them killed.

In sum, this analysis may partially explain the above-stated correlation between inequality and killings of environmental defenders. The killings of Cáceres and Rhadebe can at least in part be attributed to staggering rates of inequality, arising from their country's adherence to the neoliberal development model, in which free market capitalism and increased foreign investment drive economic development in a country. Furthermore, these cases are illustrative of the underlying problem faced by environmental advocates in the Global South: activists whose communities are directly affected by resource extraction are unlikely to participate in their country's economic development policy. They also are unlikely to have access to the institutions of power to seek meaningful change through the state-sanctioned channels. As these activists begin to speak out, they are labeled as impediments to the future of the country and hindrances to modernization. As such, advocates are often vilified, intimidated, arrested, silenced, or even murdered by security actors on behalf of the state or private corporations.

#### III. Protections for Human Rights Defenders

Despite the grim statistics, there *are* legal mechanisms and normative frameworks in place designed to afford protections to outspoken environmental defenders. This section will outline a number of different international- and state-level protection mechanisms, as well as efforts by NGOs and civil society organizations that attempt to provide measures of protection for activists.

While safeguards at different levels of governance exist, it is important to note that protections for environmental and human rights defenders are interwoven at all levels of decision making—policies, mechanisms, legislation, and organizations at the international, regional, state, and local levels all have varying degrees of influence within this multi-level legal regime. Furthermore, protection practices as one level of governance can affect all other levels. <sup>49</sup> If human rights defenders are indeed "key interlocutors in the diffusion of human rights norms from global spaces to local realities," these protections, therefore, must be simultaneously

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<sup>&</sup>lt;sup>48</sup> However, those rights, especially indigenous and land rights, can be reclaimed when political power is taken by socially marginalized. This occurred in Bolivia with the populist *Movimiento a Socialismo* (MAS) led by Evo Morales in 2005. *See* Daniel M. Brinks and Sandra Botero, "Inequality and the Rule of Law: Ineffective Rights in Latin American Democracies," n.d.

<sup>&</sup>lt;sup>49</sup> Michael Forst, "Report of the Special Rapporteur on the Situation of Human Rights Defenders" (United Nations, February 1, 2016).

enacted at all levels of governance in order to reinforce and complement each other.<sup>50</sup>

#### International and Regional Mechanisms

Although "the duty to protect human rights defenders lies first and foremost with the state," there are international legal mechanisms that can provide protections to defenders working in dangerous environments. At the international level, the Special Rapporteur on the Situation of Human Rights Defenders fields a large number of cases in which defenders are at risk. "When possible [the Special Rapporteur] prompts a discussion with State authorities, which results in their more effective protection." Regional regimes have also adopted this technique. For instance, in April 2011, the Inter-American Commission on Human Rights (IACHR) established an Office of the Rapporteur on the Situation of Human Rights Defenders. Like the UN Special Rapporteur, the IACHR Rapporteur also "provides support in the analysis of petitions presented to the [court] regarding alleged violations of the rights of human rights defenders. In response to [these] petitions, the IACHR may issue 'precautionary measures', asking states to adopt urgent measures to prevent irreparable harm to HRDs." \*\*

International human rights resolutions adopted by the UN Human Rights Council have also provided normative language for the protection of human rights defenders, serving to establish a framework of protection within the international sphere. Most notable is the 1998 Declaration on Human Rights Defenders, which "marked a milestone in the development of a multi-level, multi-actor international protection regime for the rights of human rights defenders." Today, this landmark resolution broadly defines human rights defenders as lawyers, journalists, activists, volunteers, or anyone taking part in human rights work, and is the standard for international protections for human rights defenders worldwide. Other regional mechanisms like the EU Guidelines on Human Rights Defenders and the African Commission on Human and Peoples' Rights also help further normative international frameworks that protect activists.

Other international protection techniques, such as diplomatic protections and emergency visa measures by foreign diplomats in countries where defenders are at risk have also proven useful. These mechanisms have even, "saved the lives of [human rights defenders] when

<sup>&</sup>lt;sup>50</sup> Luis Enrique Eguren Fernández and Champa Patel, "Toward Developing a Critical and Ethical Approach for Better Recognising and Protecting Human Rights Defenders," *The International Journal of Human Rights* 19, no. 7 (October 2015): 896–907.

<sup>&</sup>lt;sup>51</sup> Forst, "Report of the Special Rapporteur on the Situation of Human Rights Defenders." <sup>52</sup> Ibid.

<sup>&</sup>lt;sup>53</sup> Alice M. Nah et al., "A Research Agenda for the Protection of Human Rights Defenders," *Journal of Human Rights Practice* 5, no. 3 (November 1, 2013): 401–20, doi:10.1093/jhuman/hut026.

<sup>&</sup>lt;sup>54</sup> Forst, "Report of the Special Rapporteur on the Situation of Human Rights Defenders."

<sup>&</sup>lt;sup>55</sup> Bennett et al., "Critical Perspectives on the Security and Protection of Human Rights Defenders."

<sup>&</sup>lt;sup>56</sup> "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" (New York: United Nations, March 8, 1999).

threatened or at serious risk of harm."<sup>57</sup> Finally, a novel technique—incorporating protections for human rights defenders into the international refugee legal regime—has garnered some attention. Due to significant situational overlap between refugees and human rights defenders, especially persecution on the basis of political opinion, the international community may be able to use refugee law to provide asylum to human rights defenders under threat.<sup>58</sup>

#### Protections Provided by the State

State-level protections for environmental and human rights defenders are paramount, and a number of states are beginning to adopt legal frameworks and policy mechanisms that protect human rights defenders. Through legal tools, constitutional protections for freedom of speech, and the adoption of international human rights doctrine, states can encourage protections for human rights defenders by formulating concrete policies intended to meet specific targets. For instance, many states have opted to establish regular human rights review processes and appoint human rights ministers or ombudsmen to monitor implementation, receive complaints, and encourage protections for human rights activists. <sup>59</sup> Judicial reforms and attempts to eliminate impunity for human rights abuses are also vital in providing protections for human rights defenders. Monitoring corruption and adequately training police forces to combat violence and protect freedom of speech should also be incorporated. <sup>60</sup>

#### Protections by Civil Society

Finally, a number of protections by civil society organizations, donors, human rights institutions, and individual defenders have incorporated a number of measures designed to provide protections for activists at risk. For instance, emergency protection grants, temporary relocation initiatives, security and risk training, "advocacy, accompaniment, trial monitoring, networking and capacity building" all afford human rights defenders the skills and resources to stay safe in dangerous working conditions. <sup>61</sup> Indeed, many human rights-protection NGOs such as Front Line Defenders offer protection grants, rest and respite fellowships, and support for activists in the field. Organizations like Peace Brigades International attempt to provide in-the-flesh protections by using the physical presence of volunteers to provide visibility and a buffer against attack. <sup>62</sup> Finally, defenders themselves should take initiative and communicate their protection needs to NGOs, UN Offices, or anyone else that they know are trustworthy and can help. In fact, defenders have "often voiced that [NGOs] are important facilitators for their support and protections," because of their connections and engagement with actors at the state

<sup>&</sup>lt;sup>57</sup> Karen Bennett, "European Union Guidelines on Human Rights Defenders: A Review of Policy and Practice toward Effective Implementation," *The International Journal of Human Rights* 19, no. 7 (October 2015): 908–34.

<sup>&</sup>lt;sup>58</sup> Martin Jones, "Protecting Human Rights Defenders at Risk: Asylum and Temporary International Relocation," *The International Journal of Human Rights* 19, no. 7 (October 2015): 961–78.

Forst, "Report of the Special Rapporteur on the Situation of Human Rights Defenders."
 Ibid.

<sup>&</sup>lt;sup>61</sup> Bennett et al., "Critical Perspectives on the Security and Protection of Human Rights Defenders."

<sup>&</sup>lt;sup>62</sup> Nah et al., "A Research Agenda for the Protection of Human Rights Defenders."

and international levels.63

It is important to note that none of these protection mechanisms are a panacea for risks encountered by activists in the field. Indeed, these systems must be continually reworked, reformulated, and re-evaluated under the changing dangers faced by defenders. Therefore, these methods should be applied in an *ad hoc* manner and on a case-by-case basis. Further research should also be done to formulate new protection mechanisms. There is, according to Bennett, "a risk that orthodox ways of thinking will result in rigidity and exclusivity in policies and practices. As such, they may fail to keep pace with emerging threats to defenders, the changing nature of civic action, and actors and actions that promote and protect human rights."

#### **IV. Recommendations**

A number of root problems need to be addressed to make activists safer in the field. The primary onus should fall on states to pursue judicial and police reforms that adequately combat impunity for violence, and they must demand greater accountability and transparency from their government officials. It is also paramount that states work with transnational corporations to demand free, prior, and informed consent from affected communities before pursuing development projects, and that the wishes of these indigenous and local populations be respected. Governments should also continue to incorporate and uphold guaranteed rights for freedom of expression, should provide for free and open avenues of communication, and should allow or even encourage healthy political dissent through constitutional protections for freedom of speech and assembly, and laws and policies that protect the right to peaceful protest.

Furthermore, if states or transnational corporations wish to push forward with internationally funded extractive projects, they should take note that it may be counterproductive to murder protestors and advocates, who only become martyrs for their cause. Although corporations are driven by a profit motive, companies engaging in natural resource extraction or large-scale development projects *do* have a social responsibility to protect human rights, as outlined by the OHCHR. This responsibility includes the obligation to protect and respect human rights, as well as to remedy any human rights harms or violations. Engaging in violence against environmental defenders does not align with these obligations, and may in fact even work against the aims of the extractive project. If corporations actively commit human rights violations, public opinion is subsequently swayed against natural resource extraction or large-scale development projects. This was the case in the examples of Cáceres and Rhadebe presented above, and a deeper inquiry into this question may bring other similar cases to light.

Finally, because a correlation exists between economic inequality and risk to environmental defenders, states should seek to address economic development measures that benefit all strata of society, not only corporate executives and wealthy entrepreneurs at the top. Ideally, countries plagued with economic inequality would pursue alternatives to the neoliberal

<sup>63</sup> Bennett, "European Union Guidelines on Human Rights Defenders: A Review of Policy and Practice toward Effective Implementation."

<sup>&</sup>lt;sup>64</sup> Bennett et al., "Critical Perspectives on the Security and Protection of Human Rights Defenders."

<sup>&</sup>lt;sup>65</sup> John Ruggie, "The Corporate Responsibility to Respect Human Rights" (New York and Geneva: United Nations Office of the High Commissioner for Human Rights, 2012), http://www.ohchr.org/Documents/Publications/HR.PUB.12.2\_En.pdf.

model of extraction-driven development, which prioritizes unregulated markets and allows for largely uninhibited investment in projects that unscrupulously exploit natural resources to drive economic growth. Funded by international corporations and operating with the blessing of the state, projects adhering to the neoliberal model of extractive-driven development disproportionately concentrate the economic benefits of resource extraction in the highest levels of the corporate structure and governments. Such projects often fail to allow adequate input from the affected communities, and local populations rarely reap the economic benefits of those projects. Eschewing these development models in favor of human rights-based approaches that encourage greater participation from local groups will ensure that economic benefits are allocated equitably across all societal classes, and that communities are the architects of their own development initiatives.

Although human rights scholars often suggests that greater international attention in the form of awards and grants can protect activists under threat, international attention can be both beneficial and problematic. While such attention can publicize an activist's cause, it may actually do little to protect activists from harm, and may even place some activists in greater danger.<sup>66</sup> This was the case with Berta Cáceres—murdered even after receiving a great deal of international recognition for her work. Although Cáceres' high-profile as a well-known and respected human rights defender did not protect her, awarding the courageous and necessary work of these activists with international recognition and grants can still fund activists' projects or private security detail for advocates in danger of violence.<sup>67</sup>

Because international attention can both help and harm the activists it recognizes, when possible, the international human rights community should not rely solely on awards mechanisms to protect defenders. Greater international attention should come with other tangible protection benefits, e.g., the aforementioned private security details, risk analysis and training, rest and respite fellowships, and diplomatic protections from the international community or the UN. Also, these awards and attention-based mechanisms can only affect a small number of

See Johannes Thoolen, "Human Rights Awards for the Protection of Human Rights Defenders," Journal of Human Rights Practice 5, no. 3 (November 2013): 548–55, doi:10.1093/jhuman/hut024.

<sup>&</sup>lt;sup>66</sup> According to Krebs, international celebrity may spare some advocates while simultaneously harming local activists, who bear the brunt of the violence at the hands of the State. This may have been the case in the attacks on Cáceres' colleagues Nelson Garcia and Lesbia Yaneth Uruqia, who were killed shortly after Cáceres. According to Krebs' analysis which looked at the downstream effects on Nobel Prize Laureates after they won the prize for aspirational goals, of the nine cases analyzed since 1971, six had negative outcomes as a result of the prize, three had little to no effect, and in no instance did the prize actually bring about the change envisioned by the Nobel Committee. 66 See Ronald R. Krebs, "The False Promise of the Nobel Peace Prize," Political Science Quarterly (Academy of Political Science) 124, no. 4 (October 2009): 593-625. <sup>67</sup> Despite this finding. Thoolen is skeptical of the ability to measure the effects of international

awards because of the difficulty establishing a causal link between particular interventions by the international community and their outcomes. This is especially difficult in human rights work, as anecdotal evidence is often the only way to assess the effects of an intervention. Difficulties in determining causality are further complicated by the fact that many quantitative and qualitative methods used to assess the outcomes of human rights work have been transplanted from studies relating to economic or human development.<sup>67</sup>

advocates. There are not enough awards in the world to protect the thousands of activists fighting against environmentally degenerative projects, and giving everyone an award would negate any positive effects of the attention.

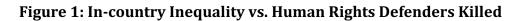
Instead, the international human rights community should participate in solidarity campaigns after the killing of fellow activists. If local and transnational NGOs, international governing bodies, states, and independent activists all simultaneously focused their efforts on blocking a project following the murder of an activist, the mounting international pressure would likely have some positive effect on the activist's community. Furthermore, if this response was consistent and predictable, the international human rights community could effectively remove the incentive for states and private corporations to harm activists.

## VII. Appendix

Table 1: Deaths of Environmental Defenders and Inequality Measures.

	Number		Year	HDI (2015	IHDI (2015
Country	Killed <sup>68</sup>	Gini <sup>69</sup>	(Gini)	Data) <sup>70</sup>	Data) <sup>71</sup>
Brazil	50	51.5	2014	0.755	0.557
Philippines	33	43.04	2012	0.668	0.547
Colombia	26	53.5	2014	0.720	0.542
Peru	12	44.1	2014	0.734	0.563
Nicaragua	12	47.0	2014	0.631	0.480
DR Congo	11	42.1	2012	0.591	0.434
Guatemala	10	48.7	2014	0.627	0.443
Honduras	8	50.6	2014	0.606	0.412
India	6	35.15	2011	0.609	0.436
Mexico	4	48.2	2014	0.756	0.587
Indonesia	3	39.47	2013	0.684	0.559
Liberia	2	36.48	2007	0.430	0.430
Cambodia	2	30.76	2012	0.555	0.418
Thailand	2	37.85	2013	0.726	0.576
Pakistan	1	30.69	2014	0.538	0.538

<sup>68 &</sup>quot;On Dangerous Ground."
69 "GINI Index (World Bank Estimate) | Data."
70 "| Human Development Reports," accessed December 12, 2016, http://hdr.undp.org/en/2015report.
<sup>71</sup> Ibid.



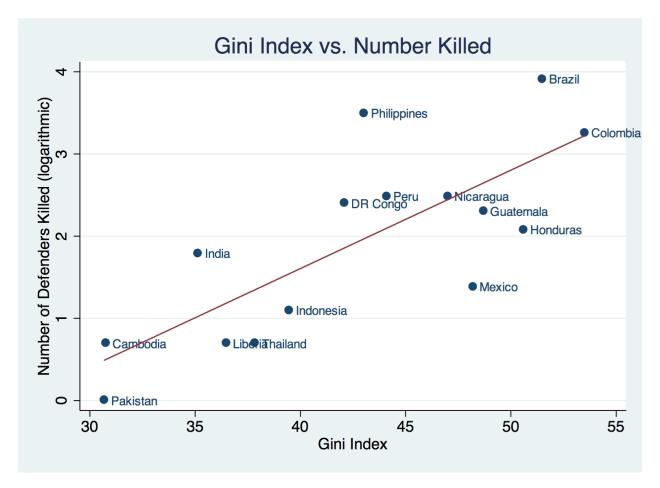


Figure 1: Gini vs. Lognumberkilld

Source	SS	df	MS	_	Number of obs	
Model   Residual	448.36905 311.623206	1 448.3 13 23.971		R-s	1, 13) = bb > F = squared = j R-squared =	18.70 0.0008 0.5900 <b>0.5584</b>
Total	759.992256	14 54.285	1612	_	ot MSE =	4.896
Gini	Coef.	Std. Err.	t	P> t	[95% Conf.	Interval]
lognumberkilld _cons		1.139526 2.525031	4.32 13.13	0.001 0.000	2.466523 27.70101	7.390115 38.611



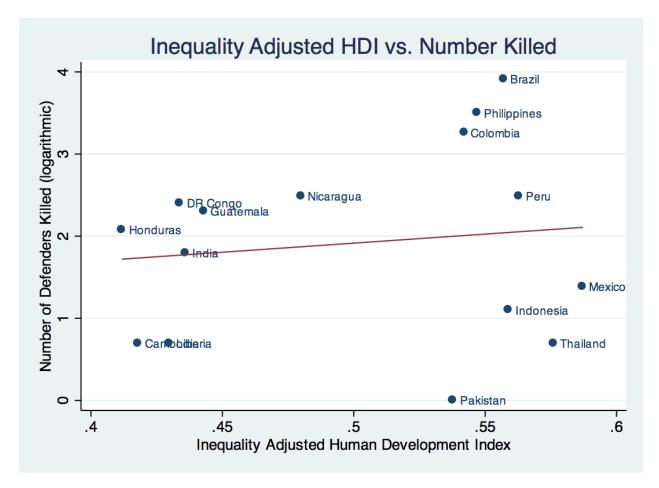
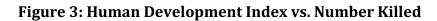


Figure 3: Inequality-adjusted Human Development vs Number Killed (Log'd)

Source	ss	df		MS		Number of obs = $15$ F( 1, $13$ ) = $0.21$
Model   Residual   	.296561359 18.1637071  18.4602685	1 13 1	1.39	561359 720824  859061		Prob > F = 0.6526 R-squared = 0.0161 Adj R-squared = -0.0596 Root MSE = 1.182
lognumberk~d	Coef.	Std.	Err.	t	P> t	[95% Conf. Interval]
ihdi   _cons	2.206768 .811544	4.789 2.421		0.46 0.34	0.653 0.743	-8.141266 12.5548 -4.419371 6.042459



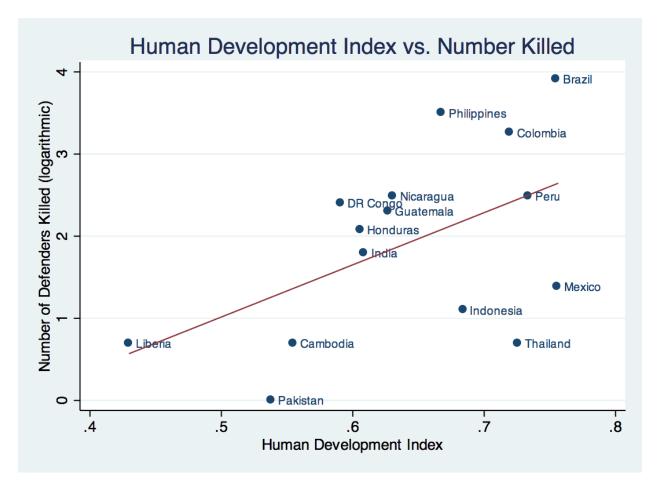


Figure 2: Human Development Index & Gini vs. Number Killed (Log'd)

. regress lognumberkilld hdi Gini

Source	SS	df	MS		Number of obs = $F(2, 12) =$	
Model   Residual   	10.9979566 7.46231185 	12 .621	9897831 1859321 		Prob > F = R-squared = Adj R-squared = Root MSE =	0.0044 0.5958 0.5284
lognumberk~d	Coef.	Std. Err.	t	P> t	[95% Conf. I	nterval]
hdi   Gini   _cons	1.168943 .1112145 -3.571072	2.817528 .0351777 1.550456	0.41 3.16 -2.30	0.686 0.008 0.040	.0345688	7.307809 .1878602 .1929178

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