IUCN COMMISSION ON ENVIRONMENTAL, ECONOMIC AND SOCIAL POLICY

Policy Matters

SPECIAL ISSUE ON ENVIRONMENTAL DEFENDERS
SEPTEMBER 2021

VOLUME III
CONSERVATION AND THE NEED FOR GREATER DEFENDERS PROTECTION

IUCN

Commission on Environmental, Economic and Social Policy

CEESP
POLICY MATTERS is a peer reviewed journal published electronically and in print by IUCN’s Commission on Environmental, Economic and Social Policy (CEESP). For more information, including accessing back copies of past Policy Matters editions see: https://www.iucn.org/commissions/commission-environmental-economic-and-social-policy/news-and-policy-matters

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

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

[Links to the IUCN website]

© 2021 International Union for Conservation of Nature and Natural Resources

Reproduction of this publication for educational or other non-commercial uses is authorised without prior written permission from the copyright holder(s) provided the source is fully acknowledged.

Reproduction of this publication for resale or other commercial purposes is prohibited without prior written permission of the copyright holder(s).

The views expressed in this publication do not necessarily reflect those of the International Union for Conservation of Nature (IUCN) or of the IUCN Commission on Environmental, Economic and Social Policy (CEESP).

The designation of geographical entities in this book, and the presentation of the material, do not imply the expression of any opinion whatsoever on the part of IUCN concerning the legal status of any country, territory, or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.


Citation of individual articles/sections: [Author/s of individual article/section] 2021. [Title of the article/section]. In: Ramos et al. (eds.), Policy Matters. Special Issue on Environmental Defenders 22 (Vol. III). Gland, Switzerland: IUCN.

Photo credits: Cover photo: Porlajee “Billy” Rakchongcharoen was an indigenous activist from Thailand, leading a lawsuit against the Kaengkrachan National Park due to the forcible eviction and burning of more than 100 houses belonging to Karen indigenous peoples. These evictions resulted from the designation of the forest as a protected area by the Thai government in 1979, forcing the displacement of Indigenous villages that lived there for generations. Billy disappeared in 2014, after being arrested by park authorities, and his remains were found in 2019. Phinnapha Phrueksaphan (2014). Background photo: Kaeng Kachan National Park/Kosin Sukhum, Creative Commons license.
# Table of contents

Dame permiso/Grant me permission  **Poem by Rosa Chávez**  iv

Preface vi

**Guest contributor – Manuela Picq**

Environmental defenders as first guardians of the world’s biodiversity 1

1  What do you know about conservation and human rights?
   Helen Newing and Anouska Perram 7

   **Wayne Lotter by Global Initiative Against Transnational Organized Crime** 15

2  BINGO complicity, necropolitical ecology and environmental defenders
   Mary Menton and Paul Gilbert 18

   **The murder of Zafar Lund by Ali Nobil Ahmad** 32

3  Green violence and human rights in conservation spaces
   Maano Ramutsindela 36

   Women defenders of land and territory: challenging extractive ‘development’
   **Testimonies by Laura Carlsen and Adelaide Mazwarira** 44

   Defiende tu sangre/Defend your blood  **Poem by Rosa Chávez** 48

4  Distinguishing park rangers from environmental defenders
   Judith Verweijen, Francis Massé, Anwesha Dutta and Esther Marijnen 50

   **Women Building Power: Activist Stories Testimonies by WoMin African Alliance** 63

5  The urgency of addressing gender-based violence against women environmental human rights defenders
   Melissa Luna, Laura Sabater, Itzá Castañeda and Cate Owren 72

   **Rap del Veedor/The Monitors’ Rap Video by Gasel** 89

6  Protecting and supporting defenders: A review of policies for environmental and land defenders
   Shivangi Khanna and Philippe Le Billon 90

   **Another Poverty Poem by shalan joudry** 119

Endnotes 120
Dame permiso

por Rosa Chávez

Dame permiso espíritu del camino
regálame permiso
para caminar
por este sendero de cemento
que abrieron en tu ombligo,
por esta autopista de viento
que corta el silencio
permiso también a ustedes
pájaros que rompen el tímpano del acero
permiso piedras
permiso plantas
permiso animales que resisten en la neblina.
Déjame pasar camino
deja que esta rabia que desorbita mis ojos
se me salga en palabras dulces,
palabras finas, zarandeadas, reventadas,
déjame pasar
que mi voluntad no se pierda
déjame cruzar el barranco, la hondonada,
déjame por favor regresar a mi casa
antes de que los volcanes canten
antes de que el discurso de los cerros
escupa en nuestras bocas.

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

by Rosa Chávez

Translation by
Antonia Carcelen-Estrada

Grant me permission, spirit of the path,
gift me permission
to walk
through this cement path
they opened in your navel,
through this highway of wind
that cuts through the silence
permission to you too,
birds who pierce the eardrums of steel
permission, stones
permission, plants
permission, animals resisting in the fog.
Let me through the path
let this anger in my disorbited eyes
come out as sweet words,
fine words, shaken, blown up.
let me through
so that my will won’t get lost
let me cross the ravine, the hollow
let me please come home
before the volcanoes sing
before the mountains’ speech
spits into our mouths.

Kichwa Kafiari communities traverse the Andean páramos of Kimsakocha. Páramos are home to endemic species and water factories nurturing rivers and lowlands; yet, they are prey to extractive industries seeking precious metals for global markets. Indigenous and local communities have actively defended Kimsakocha for over two decades. Yet, the government of Ecuador bypasses national and international law on consultation and consent to promote mining in fragile ecosystems, in alliance with global corporations.

PHOTO: MANUELA L. PICQ
Preface

This special issue of Policy Matters – an open-access, peer-reviewed journal edited and published by IUCN-CEEP – is dedicated to environmental defenders. It features a mix of interdisciplinary academic articles, stories, poetry, music, art, videos and photos. Environmental defenders are essential partners in the conservation and protection of nature, and yet they are being murdered, criminalised and persecuted with impunity all over the world. Volume III, the final instalment of this special issue, turns the spotlight on conservation. We explore and bring to light the role that the conservation community plays in securing or compromising the protection of environmental defenders.

The volume begins with a foreword by Manuela Picq, Professor of International Relations at Universidad San Francisco de Quito (Ecuador) and Amherst College (USA), journalist and scholar-activist who was targeted with judicial threats and harassment for defending Indigenous women’s movements in Ecuador. Manuela clearly states that there is an urgent call to re-examine and confront issues of human rights, equity, Indigenous ecological knowledge, intangible or ‘biocultural’ heritage, and environmental justice as they concern biodiversity conservation, protected areas, ‘natural capital’ valuation (and ‘nature-based solutions’), and climate change.

In recent years, conservation initiatives have come under fire for land grabbing and human rights abuses. Basic measures like FPIC (free prior and informed consent), designed to protect Indigenous and local communities from dispossession and abuses,¹ are often not respected; at the same time, conservation efforts have become increasingly militarised, creating an environment of fear and surveillance. As demonstrated by various submissions in this volume, mining continues to pose a significant threat to environmental defenders, notably women, worldwide, something the conservation community must open its eyes to.

Despite this, there is a growing evidence base that Indigenous peoples and local communities – many of whom are environmental defenders – play a critical role in the conservation, governance and sustainable use of the worlds’ biodiversity and nature.² Even in the face of immense threats, environmental defenders have had extraordinary resilience and determination to maintain their dignity and the integrity of their lands and territories.³

This volume explores these and other issues, and presents policy recommendations for how to improve and explore solutions to environmental problems that are holistic, equitable and ecologically sound. Through poetry, art, music and stories, this volume is intended to engage and push the conservation community to recognise and respect the central role that environmental defenders play in sustaining nature, and to embed and uphold their human rights. This volume is intended to help reimagine a conservation where no one is murdered, displaced, criminalised or persecuted in defence of nature.

The Editorial Team
Guest contributor

Environmental defenders as first guardians of the world’s biodiversity

by Manuela L. Picq

A call to action

Environmental defenders are the first protectors of our planet’s biosphere. It is urgent to safeguard them, their ways of life, and their territories. Here are the first steps we need to begin taking:

1. First, climate action must include human rights. In 2021, the representative of the International Indigenous Peoples Forum on Climate Change (IIPFCC) asked the United Nations to fully integrate the rights of Indigenous peoples in climate action, in preparation for the COP 26. Inclusion of human rights in climate change initiatives must be a top priority in climate negotiations and climate action, including REDD and REDD+ initiatives.

2. Second, international laws must be enforced so as to require, at a minimum, the free, prior, and informed consent (FPIC) of local communities for any land project (extraction or conservation project) on Indigenous and local population’s territories, whether formal land title is held or not. Consent must be given, by Indigenous and local peoples, for mining and other mega-projects, as well as conservation projects.

3. Third, we must learn to protect local communities’ ways of life and their situated relationships with the environments in which they live, learning from their example, so that they can continue to protect biodiversity through their own environmental management, knowledge transmission, and cultural values embedded in their languages and lifeways.

Manuela Picq is a Professor of International Relations at Universidad San Francisco de Quito (Ecuador) and Loewenstein Fellow in the Departments of Sexuality and Political Science at Amherst College (USA). She is the author of scholarly books and articles, including Vernacular Sovereignties: Indigenous Women Challenging World Politics (University of Arizona Press 2018) and contributes to international media outlets. Her work falls at the intersection of academic scholarship, journalism, and activism. She was a New Generation of Public Intellectuals (2018) nominee and featured in the FemiList 100 (2021) of women working in law, policy, and peacebuilding across the Global South.
Indigenous and local defenders of life itself

While Indigenous peoples represent just 5% of the world’s population, they make up 40% of environmental defenders killed worldwide (Global Witness, 2020). Recent reports estimate that Indigenous peoples safeguard 80% of the world’s remaining biodiversity on their territories, protecting all forms of life from industries like mining, crude oil extraction, agribusiness, and palm oil (Jerez, 2021). One could say that Indigenous and local populations are thus the best guardians of biodiversity and the most important care-takers of the future, of everyone’s future. In times of an extreme, anthropogenic climate crisis and a massive loss of biodiversity – already referred to as the “Sixth Mass Extinction” – one would expect environmental defenders to be valued and safeguarded as crucial actors in the survival of our species. But not only are they unprotected; we are failing them.

Defending nature is an extremely dangerous endeavour; every week, about four environmental defenders are killed worldwide. Global Witness (2020) documented 212 killings of environmental defenders in 2019, an underestimate since many murders go unaccounted for. Many more defenders suffer death threats, torture, and arbitrary detentions. Women endure gendered forms of violence and are at risk of sexual violence, rape, and attacks on their families. Mining is responsible for most documented killings; half of all crimes against environmental defenders in Latin America are connected to mining. Agribusiness is the next greatest threat in Latin America, and in Asia 85% of defenders’ deaths are attributed to the agribusiness sector.

Over half of the killings of environmental defenders in 2019 occurred in Colombia and in the Philippines, with 64 and 43 killings in those countries respectively, although Honduras had the most killings per capita, with 14 killings there (Global Witness, 2020). As for 2020, Front Line Defenders (FLD) notes that at least 331 human rights and environmental defenders were murdered. Global Witness is set to release the latest numbers of victims of abuses, killings, and threats against environmental defenders worldwide in mid-September 2021.

Communities are putting their lives on the line because they have no choice. For them, defending nature is not just about taking an ecological stand; it is a matter of survival. If local communities lose the ecosystems upon which they depend, they not only lose their land but also their entire way of life. When nature faces extinction, so do their livelihoods. They know, all too well, that there is a continuum from ecocide to genocide, as when ecosystems disappear, the societies which inhabit them disappear along with them. Indigenous and local lives are at stake, and so are their cultures, languages, and knowledge systems.
Water is Life, water is community, water is knowledge

*Mni wičhóni*, the Lakota phrase that translates into English as “water is life”, became a rallying cry of resistance beyond the protests against a natural gas pipeline at Standing Rock, North Dakota in the United States. The phrase holds philosophical meaning which is shared amongst most indigenous peoples; it means that to destroy water is to destroy oneself, one’s home, one’s family, and one’s territory. Water is life. Water is community. Water is knowledge. Environmental defenders are, essentially, water protectors.

When Indigenous and local people say that water is life, they mean it. They mean: we are water, and we are all intrinsically connected. We are made of the same water that nourishes rivers and forests, the same life that breathes through nature. The Māori people of the Whanganui say, *ko au te awa, ko te awa ko au*, which translates into English as: “I am the river, and the river is me”. They consider the Whanganui River as an ancestor, and for 160 years they fought to protect it, until the river was given legal personhood in 2017. Generation after generation, they’ve taught that the Earth is taonga, a “treasure”, and that humans are one with nature. Sherri Mitchell insists on that oneness (Mitchell, 2018). The Penobscot lawyer, teacher and activist reminds us that we all come from stardust and that all matter that was once connected cannot be disconnected – something scientists call quantum entanglement.

Environmental defenders understand that humans are but a thread in nature's fabric, and that the Cartesian binary separating people from the environment presents a fragmented, dangerous world-view. So-called ‘Western’ approaches to exploiting or conserving nature tend to uphold these dualisms, wherein human life is seen as dominant over other forms of life. Perceiving the environment as ‘separate’ allows humans to turn nature into a resource to be exploited, or ‘capital’ to be accrued. But these hierarchies of life are becoming untenable.

Today’s environmental emergency is embedded in a crisis of our civilisation that has been in the making for five centuries. Its roots can be traced to the 16th century, in Potosí, Bolivia, when Spanish colonisers extracted silver through slave labour, exporting it back to Europe. European development in this period was potentiated by the extraction of silver in Potosí, though it came at the cost of entire local ecosystems and an estimated of eight million human lives. Potosí made the world go round, just like the Atlantic slave trade. Gradually, these economies of dispossession brought a certain world into being, from the gold mines of Johannesburg and California in the 18th century, to agribusiness in Amazonia and the Philippines today.

Environmental defenders are at risk because they challenge powerful structures, a combination of state and corporate interests that treat their territories (and their bodies) as a resource, ‘cheap’ nature up for grabs. They stand against extractive states, who self-arrogate the right to appropriate land, as in colonial times, as well as global elites who live from exporting nature on global markets. That which nature defenders contest is not
simply a lucrative political economy of extraction; they challenge the authority of states to treat nature, and therefore life itself, as property, unmasking an illegitimate world system. That is why both state and capital target them with such brutal violence.

**Conservation for whom, and at what scale?**

At the same time, nature defenders are also confronted with large environmental organisations who force communities out of their ancestral territories in the name of conservation. Against all evidence, Indigenous lands are being stolen in the name of conservation (Fairhead, Leach and Scoones, 2012). Since its early colonial origins, what we call ‘fortress conservation’ has relied on the enclosure of nature through the forced displacement of local communities (Brockington, 2002). Conservation programmes seeking to protect untouched ‘wilderness’ by separating nature from humans are often complicit in regimes of dispossession and the brutal silencing of environmental defenders. This conservation conflict has been ongoing for more than one hundred years, to the point of creating a worldwide phenomenon of ‘conservation refugees’ (Dowie, 2009). India is perhaps the most extreme case of conservation-based displacement and dispossession, with millions of forest-dwellers, the Adivasi, and other tribal peoples facing eviction under a law called the Forest Rights Act (FRA). Among the Van Gujjar pastoralists of Uttar Pradesh and Uttarakhand, for example, direct threats, economic pressures, violence, and legal maneuvers are all part of a larger process of dispossession stemming from the FRA in India, leading to what Paquet (2018) has called “jungle government”.

In nature reserves across Asia and Africa, park rangers funded by international conservation NGOs, including the WWF, use intimidation tactics and violence against local and Indigenous peoples defending their territories (Zembla, 2019). Cases of rape, torture and even murder linked to the implementation of conservation have been reported across the globe. Indigenous peoples have resisted dispossession by empires claiming civilisation; by modern nation-states promising development; and by western NGOs seeking to protect biodiversity (Spence, 1999; Jacoby, 2014; Grove, 2010). We urgently need to decolonise conservation and move away from colonial methods of protecting nature, which are too often based on racism, violence, and intimidation, and instead support community-based conservation that includes, as a baseline, local consent and ownership.
Challenges ahead for the conservation world

Two problems lie at the heart of the conservation world’s lack of an adequate response to the violence against defenders.

The first stems from so-called ‘Western’ notions of pristine wilderness that treat zones under Indigenous management as ‘wild’ areas to be protected from anthropogenic threats. For example, the ‘30x30’ and ‘Half-Earth’ proposals emerging at the 2014 IUCN World Parks Congress (WPC) and expanding since then, seeking to mitigate biodiversity loss by protecting, for example, 30% of the world’s lands and waters by 2030, or half of the world’s ecosystems by 2050, uphold the idea that ‘Nature Needs Half’ and can be split into natural and social zones – forgetting that such areas are fundamentally blurred in most parts of the world, and that areas of high cultural and ecological diversity tend to overlap. These proposals, led by leading scientists, conservation practitioners, and global leaders, fail to recognise that over a third of these biodiverse lands are also Indigenous territories (Survival International, 2021; Lurie, 2021). Unless safeguards exist to protect Indigenous territories, many of which are not under formal tenure, these conservation schemes could dispossess up to 1.8 billion people, becoming the biggest land grab in history (see Brockington, 2021).

The second problem, which is interrelated, is that Indigenous peoples are often not valued as equal, autonomous, political actors within the conservation world at the level of policy making, think tanks, research, conservation practice, project implementation, and decision-making. This heavily influences how conservation decision-making at the state and international levels plays out, notably in international arenas, such as at the COP climate accords, for example. This has measurable consequences for the protection of both biodiversity and local and Indigenous people. Conservation will not protect the planet if we further dispossess and criminalise Indigenous and non-Indigenous nature defenders.

The call to decolonise conservation is not a metaphor; it is the only way forward. Let us remember that all humans are not equally responsible for the anthropocene; structural inequalities have transformed nature into cheap natural resources for the over-consumption of a few to the detriment of many. Any climate action must be careful not to perpetuate racist and colonial value systems that denigrate, minimise and give lip service to local and Indigenous peoples, their relationships to land, and their claims for self-determination.

Humanity is on the edge; our collective future depends on restoring nature in all its diverse, yet indivisible, forms. All the broken relations between humans and nature must be restored if we are to stop depleting our homes and ourselves: our bodies, our spirits, and our energies. Efforts to stop the Sixth Mass Extinction must be guided by our collective ability to mobilise against racial injustice, ongoing forms of dispossession, and various forms of domination, including gender inequalities. If we continue to fail environmental defenders, we fail ourselves.
References


Abstract

When conservation practices may affect local communities and peoples, their adoption is not only a matter of ethics, but also a matter of law. The international human rights law framework has well-established rules regarding the rights of local and Indigenous peoples in the context of conservation and the obligations of state and non-state conservation actors, as well as principles for resolving differences between human rights and conservation. Although conservation organisations have made formal commitments to respect human rights – in some cases more than two decades ago – there is still a lack of widespread understanding within conservation circles of what these rules entail and how they affect conservation decision-making. For this reason, respect for human rights in conservation practice is still lacking in many cases. This article seeks to set out the basic principles applicable to conservation and their basis in international human rights law, and to propose how conservation actors can better incorporate and implement respect for human rights in their work.

Keywords: Human rights, conservation practice, Indigenous peoples’ rights, free, prior and informed consent
Under what circumstances do you think it is morally acceptable to stop local communities from hunting for food inside a protected area? Or from gathering honey and wild herbs? Or practising traditional shifting agriculture? Is it acceptable to create a protected area on community lands without consultation or consent? To ban access to traditional sacred sites? What about forced displacement of local communities? Shoot-to-kill policies? All of these actions are reported to have been carried out in the name of conservation in recent years (Mogomotzi & Kefilwe, 2017; Tauli-Corpuz, 2016). But how much is this simply a matter of moral discretion and how much is it governed by international human rights obligations?

To address these questions we must first understand what international law has to say on human rights. Firstly, it says there are universal rights held by all human beings that are inalienable (they cannot be given or taken away), unconditional (they do not depend on behaviour), indivisible and interdependent (they are all equally important and they cannot be separated), and non-discriminatory. Rights listed in the Universal Declaration of Human Rights include the much-cited right to life, liberty and security of person (Article 3); the right of freedom from torture and “arbitrary arrest, detention or exile” (Articles 4 & 9); the right not to be subjected to “arbitrary interference with his [sic] privacy, family, or home” (article 12) or to be “arbitrarily deprived” of property (Article 17.2).

These are important considerations in relation to conservation, not only with respect to shoot-to-kill and involuntary resettlement, but also for restrictions on people’s ownership of, access to, and use of land and natural resources. All individuals and communities who may be affected by conservation activities are entitled to the respect of these individual human rights.

Secondly, it says that in addition to individual rights there are also collective rights. Collective rights are most commonly invoked in relation to Indigenous peoples. However, some collective rights (such as the right to customary territories and related rights) are also held by other distinct traditional peoples, ethnic groups or communities with a collective tradition. These include tribal peoples (ILO Convention No. 169), Afro-descendant peoples in Central and South America (Moiwana v Suriname, 2005; Saramaka v Suriname, 2007), traditional communities in Africa with collective customary tenure (Endorois Welfare Council v Kenya, 2010), and others (Mackay, 2013).

Binding international instruments that protect both individual and collective rights include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention against All Forms of Racial Discrimination, the American Convention on Human Rights, the African Charter on Human and Peoples’ Rights, and the International Labour Organization’s Convention No. 169 on the rights of Indigenous and tribal peoples. Collective rights include the right of self-determination (which is the right of all peoples to determine their own future, including their own socio-economic development), the right to own, possess, manage and use their ancestral lands and natural resources; the right to enjoy, practise and maintain their culture; the right to participate in the management and conservation of resources on their lands; and, more broadly, the right
to participate effectively in decision-making in all matters that would affect their rights. The United Nations Declaration on the Rights of Indigenous Peoples further clarifies the collective rights of Indigenous peoples and, although it’s a non-binding instrument, it is widely regarded as a restatement of existing binding principles. Obviously, these rights and international obligations are of direct relevance to conservation, including in relation to the creation and governance of protected areas.

Thirdly, rights are just that – rights – and as such, international law requires that they should be respected, protected and fulfilled by governments, who are the “primary duty-bearers”. Respect means abstaining from doing anything that violates rights; protect means preventing violation of rights by others and guaranteeing access to remedy where violations do occur; and fulfil means taking necessary measures to enable people to claim or enjoy their rights. Other institutions, including conservation organisations, are secondary duty-bearers and also have a responsibility to respect rights (“do no harm”), which means avoiding activities that cause violations, avoiding contributing to human rights violations by others and mitigating other human rights impacts linked to their activities. The United Nations Guiding Principles on Business and Human Rights (UN, 2011) – which apply also to multinational conservation actors, as has recently been reaffirmed (Pillay et al., 2020; see also Boyd, 2020; OECD National Contact Point Switzerland, 2016) – sets out the responsibilities of businesses in this respect.

In fact, all actors have an obligation to strenuously seek to avoid any encroachment upon rights. Rights-holders also have an obligation to respect the rights of others, and thus the rights of one person or group need to be balanced against the rights of others. One aspect of this is that fulfilment of (most) human rights may be restricted where to do so is necessary and proportionate to a legitimate objective in a democratic society. But that does not mean Indigenous peoples’ rights can simply be overridden for a greater (conservation) good: a limitation “may not erode a right such that the right itself becomes illusory” (Constitutional Rights Project v Nigeria, cited with approval in Endorois Welfare Council v Kenya, 2010). For example, an action that has the effect of denying an Indigenous or tribal people “their survival as a tribal people” will not meet these requirements (IACHR, 2007). For restrictions to be compatible with international legal obligations it must be demonstrated (1) that the objective is legitimate, (2) that the peoples concerned are a substantial cause of the problem, (3) that no less restrictive measures would adequately achieve the objective, and (4) that the impacts that would be caused are proportionate to the predicted benefits (Mackay, 2017).

Also of relevance to this is the concept of free, prior and informed consent, which is concerned principally with requirements for effective participation of Indigenous peoples and other collective rightsholders in relation to measures or proposals that may affect them, and which is additional to the requirements of legitimacy, proportionality and necessity. A free, prior and informed consent process exists to protect underlying collective rights, most frequently customary land and resource rights. It’s a process aimed at ensuring those rightsholders can, with full information, accept or refuse any project that is proposed; the aim is not to convince rightsholders to agree to a proposal, nor to “facilitate consensus
among all stakeholders” about how a proposal should go ahead (Pillay et al., 2020). Consultation is in fact most effective when it is undertaken with a conservation objective, rather than a specific proposal on how the objective will be addressed, in mind. In this situation, consultation is a way to develop, in a participatory manner, mutually acceptable solutions that adequately satisfy a legitimate conservation objective, but also limit, avoid and/or compensate for encroachment on Indigenous peoples’ substantive rights, such as the right to lands and natural resources. In many circumstances relevant to conservation – including cases involving relocation (which includes economic relocation necessitated by restrictions on access to livelihood resources) for large-scale projects with significant impacts on use and enjoyment of territories, or cases which “substantially compromise or interfere with the culturally significant economic activities of a minority or Indigenous community” – a proposal may not proceed at all without the affected peoples’ consent (IACHR, 2007; Poma Poma v Peru, 2009).

So how have these obligations played out in relation to conservation? How enforceable are they? Some recent Court rulings provide some illustrations (MacKay, 2017):

Endorois Welfare Council (2010). The African Commission on Human and Peoples’ Rights ruled that the denial of the Endorois’ property rights over their ancestral land was “disproportionate to any public need served by the Game Reserve” and ordered that lands be returned to the Endorois.

Ogiek case (2017). The African Court on Human and Peoples’ Rights ruled that Kenya had “not provided any evidence” to support its claim that occupation by the Ogiek was detrimental to the environment. The test of necessity was therefore not satisfied and the Court ordered the return of lands to the Ogiek.

Kaliña and Lokono (2015). The Inter-American Court of Human Rights ordered Suriname to delimit the lands of the Kaliña and Lokono Peoples, as part of which it was required to consider restitution of lands classified as a nature reserve. It also ruled that the absence of explicit mechanisms guaranteeing their access, use and effective participation in the nature reserve was a violation of human rights.

The above summarises what international law has to say on human rights and illustrates how it applies to conservation. Here’s another question: do you know what formal commitments the major conservation organisations have already made in relation to human rights? They are very impressive on paper, and date back over at least four decades. IUCN first recognised the right of traditional societies to self-determination nearly 40 years ago at the 1982 World Parks Congress, and has continued to pass resolutions to this effect at its Congresses ever since (Macinnes et al., 2017). Several of the major non-governmental conservation organisations have made equally strong commitments, and in 2009 Conservation International, Fauna & Flora International, Wetlands International, IUCN, The Nature Conservancy and WWF signed the Conservation and Human Rights Framework (CI et al., 2009), which reaffirms commitments to respect internationally proclaimed human rights, including those in the United Nations Declaration on the Rights of Indigenous Peoples and in International Labour Organization Convention No. 169. Yet these commitments are rarely invoked in current debates about conservation and, in our experience, many conservationists are completely unaware of...
them. Also there has often been an enormous gap between the intent of these policy commitments and their implementation, as has recently been demonstrated in detail (Pillay et al., 2020).

How should conservation actors approach their responsibilities to respect human rights under the Guiding Principles? The starting point is that conservation actors need to understand and consider fully the current and potential human rights impacts – both direct and indirect, intended and unintended – of the projects, programmes and activities with which they are involved. Having identified these impacts, conservation organisations must take adequate and effective steps to address them. Importantly, the responsibility on conservation actors is an obligation of result – to respect human rights – and not merely an obligation of process – to take steps to assess and mitigate human rights – so if the problem remains unresolved, more must be done.

Good human rights policies are a start, but they are not enough. It is critical to have appropriate internal expertise on human rights within (and throughout) the organisation, to integrate human rights into conservation strategy and programming, to train staff, to have safeguards in place (which can include both standards and complaints mechanisms), to adequately resource implementation, and to have mechanisms for accountability – which also requires transparency about human rights issues that arise (or are raised by others) connected with conservation work.

Often, human rights impacts of conservation will result from an organisation’s partnership with other actors such as governments of the countries where they work. For example, cases have recently hit the headlines where a conservation organisation has provided ongoing support for ‘ecoguards’ who have committed systematic or repeated human rights violations against local populations (Pillay et al., 2020). This means that an important task of implementing human rights policies is assessing honestly the likely and possible outcomes for human rights of a conservation project; having clear rules and red lines for engagement with governments and other partners; taking account of laws and practices that may affect human rights in the project, including limits in practice on the central government’s influence on the behaviour of other actors (or even its own employees), especially in remote areas; and appraising realistically how far government assurances or commitments will go in preventing human rights violations. In some circumstances, the inevitable conclusion will be that a conservation organisation should not participate in, or should withdraw from, some projects or activities, regardless of their conservation value, or not collaborate with some governments. There is a strong case, for example, for
very careful (re)consideration for support to state-managed protected areas on Indigenous peoples’ customary lands where Indigenous peoples’ tenure rights are not respected in law or practice.

In practical terms, with respect to new proposed state protected areas that would involve restricting local peoples’ access and resource use, before a decision is made, there needs to be an assessment of legal and customary rights and tenure systems in the area; a full and participatory analysis of what the conservation problem is and how severe it is; what the drivers are and what role local people play (if any); what exactly needs to change to address any part of the problem related to local people and what the alternative paths are to accomplish this; and whether the social impacts that would be involved are proportionate. Mitigation hierarchies, which are used widely in conservation (Bull et al., 2018), could easily be adapted to incorporate rights obligations along these lines.

There are also many other important human rights questions in conservation that merit sustained attention and action. For example: how can projects develop conservation-compatible ‘alternative livelihoods’ for Indigenous peoples while respecting the right to self-determination and the right to culture? What are the alternatives to increasingly militarised approaches to wildlife protection? How can organisations ensure that anti-poaching strategies and approaches are appropriate and proportionate, and are applied in a non-discriminatory manner? What exceptions or adaptations are reasonable in wildlife laws in relation to customary sustainable use? How should conservationists address ongoing human rights violations stemming from long-past acts (such as eviction from territories)?

Perhaps the most important question of all is this: what other ways are there of achieving conservation outcomes that could better respect human rights? One way is through support for protected areas governed by Indigenous peoples and local communities themselves: Indigenous and Community Conserved Areas (ICCAs). ICCAs have been recognised in international conservation policy as an alternative to state protected areas since 2003 (Borrini-Feyerabend et al., 2013; IUCN, 2004). Expanding support for ICCAs and fully exploring the potential for their creation in place of new state protected areas wherever customary lands are involved would be a powerful way of harmonising conservation and human rights concerns.

More widely, given that the lands of Indigenous peoples and local communities contain a high proportion of the world’s remaining biodiversity (Garnett et al., 2018) and that in many cases the rightsholders are engaged in struggles to defend their lands against environmental destruction, it’s in the interests of conservationists to support them in these struggles. Conservation organisations need to recognise and protect human rights defenders – not only those who are defending human rights against existing conservation projects, such as repressive state protected areas, but also those who are defending their lands and territories against environmental destruction by others. While sometimes these may be individual community leaders or NGOs, they also include whole communities who, through claiming their customary lands and continuing to exercise
of customary rights of access and use, are resisting the violation of their rights. These defenders should not face violence, harassment, criminalisation or other human rights consequences.

It is sometimes argued that talking about rights closes down discussion, but when reports of serious abuses are so widespread, it seems to us that it’s the unwillingness to talk about rights – and the real and continuing adverse impacts of some conservation activities on human rights – that is closing down discussion. There are many existing examples of good practices that benefit both people and nature, and much scope for these to be replicated and further improved together with the many opportunities for developing new forms of conservation that build on common interests between Indigenous peoples (and other local rightsholders) and conservationists. But in order to build new collaborations there also needs to be acknowledgement of and strong action to discontinue those practices that have caused, and are causing, significant human suffering and rights abuses.

In conclusion, it’s time for conservationists and conservation institutions to get to grips with international law on rights and put lasting measures in place to ensure that conservation actions are not only effective, but also legally and morally responsible. Conservationists also need to listen to Indigenous peoples and local communities, and when necessary, abandon familiar approaches from the conservation playbook in favour of collaborative, rights-respecting approaches. Meanwhile, we all need to work on the ground, both to build on common interests between conservationists, and local Indigenous or non-Indigenous peoples, and also to engage in an honest discussion about genuine conflicts of interest and work towards negotiated settlements, with full respect for rights as the bottom line. International law provides rules as to how to approach this. Finally, we need to take action to strengthen institutional memory and accountability if we are to restore trust in the conservation movement, both with Indigenous and local communities and also with the international human rights community and the broader public.

References


Thousands of elephants are killed in Africa each year by poachers. The thin red line between these animals and extinction is the scores of brave men and women who risk their lives to protect them.

Whether it involves monitoring national parks or exposing and combating wrongdoing, working in the area of wildlife conservation is risky for all involved. Testament to this is the murder of 51-year-old conservationist Wayne Lotter in Dar es Salaam, Tanzania, in 2017. He was shot by gunmen while travelling in a taxi to the airport.

In February 2018, eight were charged with murder or conspiracy to murder, and although the case is still before the courts in Tanzania, Lotter’s comrades in the field of wildlife protection believe he was assassinated because of his anti-poaching activism. Lotter was one of the founders of the PAMS Foundation, a not-for-profit conservation organisation established in 2009. PAMS operates on all levels empowering people to protect wildlife in Tanzania, from working with and investing in community members, to educating and training rangers, and working with local authorities. Over the past decade, PAMS has helped to protect some 42,000 elephants and 7,000 giraffes, confiscated 1,153 firearms, and educated 4,200 children on environmental issues, according to its website. In its early days, PAMS relied on donated equipment to support village game scouts to undertake foot patrols to report any illegal activity.

Lotter was especially passionate about community involvement in wildlife protection. His friends and associates said he was well loved by those he worked with, and adored for his passion, sense of justice and quirky humour. He was also serious and determined, and would always stand up for what he believed in. A dedication to Lotter on the PAMS website describes him as “a conservation warrior, a strategist, a trailblazer with resolute determination and courage”.

News of Lotter’s conservation efforts had reached none other than famed primatologist Jane Goodall, who lauded his “courageous fight against poaching of wildlife’. In a posthumous tribute to him, Goodall described Lotter as “a hero of mine, a hero to many, someone who devoted his
life to protecting Africa’s wildlife”. His work, Goodall added, had made a huge difference in the fight to save Tanzania’s elephants from the illegal ivory trade. And his dedication to his work, even in the face of plenty of opposition, inspired many.

Echoing Goodall’s sentiments, Sean Willmore, president of the International Ranger Federation and managing director of the Thin Green Line Foundation, both of which Lotter was highly involved in, called Lotter “a true champion of this planet”. In a statement issued soon after Lotter’s death, Willmore wrote: “His devotion to the cause, in the face of huge obstacles and dangers, has enabled the education and training of hundreds of village game scouts, which has provided them a livelihood and most likely saved many of their lives. Countless elephants and animals also still roam this earth because of him”.

According to a statement issued by the Elephant Crisis Fund in August 2017, Lotter’s work had helped to achieve “real success” against organised-crime networks, with PAMS having aided the “first significant win” against the wave of poaching that had slashed Tanzania’s elephant population by 60% between 2007 and 2016. However, with each such success came an increase in the danger to Lotter’s life. Many of those who work in the conservation sector have linked his murder to organised-crime networks operating in Africa, driven by the demand for ivory in Asia.

As Prince William, who has himself campaigned to end the illegal wildlife trade, said at the time, Lotter’s “violent and apparently targeted murder shows just how dangerous the situation has become in relation to the big money that is associated with the illegal ivory and rhino horn trades”. He credited Lotter and the rangers and conservationists like him across the globe for their selfless dedication to stopping those who wish to destroy Africa’s natural resources.

Those in the field have frequently spoken about the threats faced by anti-poaching workers from those who have a vested interest in the trade. In a 2016 article from The New York Times about anti-poaching efforts in Tanzania, Lotter highlighted some of the dangers of the work, referring in particular to the murder of British helicopter pilot Roger Gower early that year. Gower had been killed by poachers while flying over a wildlife reserve near the Serengeti National Park in Tanzania looking for signs of poaching. As Lotter reflected: “The more you go after them, the more situations where confrontation between poachers and rangers will take place. There are going to be risks”.

A report released in 2013 found that the growth of the illegal trade in ivory had placed African elephants under severe threat. The report, produced by the UN Environment Programme, the Convention on International Trade in Endangered Species, the International Union for Conservation of Nature, and Wildlife Trade Monitoring Network (TRAFFIC) concluded that the systematic monitoring of large-scale seizures of ivory destined for Asia indicated the involvement of criminal
networks, which were increasingly active and entrenched in the trafficking of ivory between Africa and Asia. The report called for improved law enforcement across the entire illegal ivory supply chain, as well as strengthened national legislative frameworks and emphasised the need to fight collusive corruption, identify syndicates and reduce demand. Tom Milliken, TRAFFIC's ivory-trade expert, said: “Organised criminal networks are cashing in on the elephant poaching crisis, trafficking ivory in unprecedented volumes and operating with relative impunity and with little fear of prosecution.”

In 2016, The Guardian uncovered the ring leaders of one major wildlife-crime network, linking key traffickers to corrupt officials at the highest levels in Asia. While a poacher in Africa could sell ivory for up to US$150 a kilogram, in China it sells for much higher – sometimes as much as US$ 2,025 a kilogram. As The Guardian report states, “this is a profit-hungry global crime conducted by some of the same ruthless and violent groups that traffic drugs and guns”.

In recent years, however, Tanzania has seen some hopeful progress. In early 2019, notorious Chinese businesswoman Yang Fenglan – nicknamed the Ivory Queen – was sentenced to 15 years in prison after being convicted of smuggling about 800 pieces of ivory from Tanzania to the Far East between 2000 and 2014. She is also accused of operating one of Africa’s biggest ivory-smuggling rings, responsible for the smuggling of US$2.5 million worth of tusks from some 400 elephants. Experts in the field have said that this sentence should be a good deterrent against this devastating form of transnational crime. In an article in The Telegraph, Milliken referred to Yang's conviction as “hugely significant”. “As her jail sentence pulses through the Chinese community”, he said, “the prospect of spending that long in an African jail is certainly going to be a deterrent for certain individuals”.
BINGO complicity, necropolitical ecology and environmental defenders

Mary Menton\textsuperscript{a,b) and Paul Gilbert\textsuperscript{c)}

Abstract

Several big international non-governmental organisations (BINGOs) have been instrumental in increasing the attention brought to the lived experiences of environmental and land defenders and the atmospheres of violence they face. Among the many BINGOs who frame themselves as ‘supporters’ or ‘protectors’ of environmental and land defenders, several have been complicit in violence perpetrated by park guards and resource extraction companies. In this paper, we unpack the multifaceted nature of the role BINGOs play in shaping the atmospheres of violence with which environmental defenders contend. While BINGOs have acted as whistle-blowers and advocates providing legal assistance to at-risk defenders, they have also been complicit in ‘green violence’ perpetrated in the name of conservation, and more subtle relationships of ‘partnership’ with industries and specific corporations engaged in neo-colonial forms of extraction and violence against defenders. BINGO complicity with the violence against defenders replays the historical entanglement of some organisations with displacement and violence enacted in the name of colonial era conservation. We argue that BINGOs can, and must, work towards more radical forms of decolonial solidarity with environmental and land defenders who contend with atmospheres of violence shaped, in many cases, by conservation efforts and resource extraction activities with which BINGOs may be complicit, either directly, or through various forms of ‘partnership’.

Key words: BINGOs, environmental defenders, necropolitical ecology, partnership

\textsuperscript{a) Research Fellow in Environmental Justice, Sussex Sustainability Research Programme, University of Sussex.}
\textsuperscript{b) Research Lead, Not1More. E-mail: mary@not1more.org}
\textsuperscript{c) Senior Lecturer in International Development, School of Global Studies, University of Sussex.}
Introduction

Over the past decade, attention has been drawn to at-risk ‘environmental defenders’ by a host of multilateral organisations, BINGOs (Big International Non-Governmental Organisations) and solidarity networks. Notably, Global Witness has been documenting murders of environmental defenders since 2012. Environmental and land defenders face a myriad of forms of violence: unfolding ‘slow violence’ (Nixon, 2011), threats of violence, forced displacement, criminalisation and even direct physical violence (Menton et al., 2021). In all these forms, international actors have been complicit in violence against defenders. While extractive industries have frequently been highlighted as complicit in shaping the atmospheres of violence with which defenders must contend (Scheidel et al., 2020; Le Billon, 2021), these same industries have also been key strategic partners of numerous environmental BINGOs who profess solidarity with defenders. In this paper, we show how environmental BINGOs (CI, TNC and WWF) – through efforts to scale up conservation and partnerships with extractive industry firms who help fund conservation through offsetting, are complicit in a ‘necropolitical ecology’ whereby defenders are systematically exposed to increased risk of harm, violence and death. Such partnerships between BINGOs and extractive industry firms can facilitate the ‘greenwashing of violence’ that is perpetrated by those same companies. At the same time, BINGO efforts to establish a ‘Thin Green Line’ and militarise conservation create a precarious double-standard by valuing some lives while cultivating silence about the complicity of park guards in the deaths of others. We don’t intend to ‘throw stones from the side-lines’ and occupy the ‘comfortably radical’ role of a priori critiquing partnerships between extractive industry corporations and environmental BINGOs. Instead, we highlight the urgent need for action within the conservation community (Bille Larsen et al., 2020) and for BINGOs to acknowledge their roles in this violence and realign their practices and priorities in order to stand in solidarity with environmental defenders.

Necropolitical ecology and the thin green line

‘Necropolitics’, as defined by Mbembe (2003), refers to how authorities exercise the right to expose people to death, or the risk of death. Recently, political ecologists have taken up Mbembe’s work on necropolitics, noting its resonance with colonial ‘shoot on sight’ responses to poaching (Cavanagh and Himmelfarb, 2014). Notably, one of the organisations discussed here (WWF – like the IUCN) had among their founders members of the Society for the Protection of Wild Fauna of Empire, an organisation explicitly concerned with criminalising poaching along racialised lines, while maintaining license for colonists to hunt for sport. Here, as with more contemporary shoot on sight responses to poaching, sovereign authority is exercised to expose certain people – often subsistence hunters criminalised as ‘poachers’ – to the risk of death.

In this paper, we examine the necropolitical ecology of the spaces in which environmental BINGOs conduct conservation activities, as well as the extractive zones
in which their corporate partners operate. In both cases, we identify a reproduction of “deathly spaces, where certain people are more systematically assured of exposure to greater risk of bodily harm and death” (Margulies, 2019). We do not make claims about the intent of either environmental BINGOs or their corporate partners, but instead highlight their complicity in creating atmospheres of violence: zones where certain deaths are more likely, and only certain deaths are mourned; where rangers are granted the “formal and tacit authority and even responsibility to secure space, and punish transgressors in the name of protecting the spaces and lives of the nonhuman” (Massé, 2020). In particular, we stress the significance of the notion of the Thin Green Line in policing the deathly spaces of conservation and the role that corporate partnerships play in greenwashing violence by providing kudos to corporations who are linked to atmospheres of violence.

This paper builds on an analysis of the way the ‘Big Three’ conservation organisations – WWF, TNC and CI – position themselves in relation to environmental defenders. We focus equally on the complicity of environmental BINGOs in green violence associated with militarised conservation, and on BINGO partnerships with extractive industry corporations, some of which are implicated in violence against defenders. The focus is on extractive industry corporations in particular, for several reasons. Firstly, extractive industries positioned themselves as ‘first movers’ in the turn to Corporate Social Responsibility and partnerships with NGOs in the 2000s, and have developed sustained and longstanding partnerships with environmental BINGOs (Adams, 2017; Rajak, 2011; Rainey et al., 2015). Secondly, several of the extractive industry corporations with whom environmental BINGOs maintain significant partnerships were identified by the Climate Accountability Institute (2019; Licker et al., 2019) as among the top twenty fossil fuel emitters collectively responsible for 35% of emissions (1965–2017) and 51% of ocean acidification (1965–2015). Finally, we focus on partnerships with extractive industries because extractives are among the industries from which environmental defenders are at the most risk (Global Witness, 2018), and the sector about which complaints of human rights abuses are the most prolific (BHRRC, 2015; Bernal Bermudez et al., 2016).

The organisations studied in this article have entered into partnerships with extractive industry firms while also explicitly engaging with discourse on environmental defenders. The Nature Conservancy (2016) has framed its partnerships with Indigenous people in terms of relations with ‘nature’s first defenders’ based on a (perhaps belated) recognition that upholding forest community’s rights is associated with lower deforestation rates. Defenders here, however, are figured as protectors of nature for humanity as a whole, rather than those subjected to atmospheres of violence for defending their land, livelihoods and environment. This framing of defenders as protectors of a global nature forms part of the ‘Thin Green Line’ discourse which we examine in more detail below.

WWF has engaged more broadly with environmental defenders discourse than the other BINGOs. Representatives of their Governance Practice and Sustainable Development Goals (SDG) Hub, Ganapin and Osieyo (2019), draw attention to Frontline Defenders’
figures in order to argue for the significance of SDG 16 (on promoting peaceful and inclusive societies, providing access to justice, and building accountable institutions) for building the good governance needed for protecting and restoring nature. While this use of the defenders’ discourse most clearly echoes the now-dominant human rights-based framing of environmental defenders, at other times WWF representatives frame former illegal loggers turned anti-poaching game scouts as ‘forest defenders’ (Skinner et al., 2018). Yet, as we show in the next section on green violence, WWF in particular has demonstrated a rather different response when it comes to the deaths of eco-guards and park rangers, as compared to those who die or are assaulted at the hands of allegedly WWF-supported park guards.

We argue that this reflects a form of necropolitical ecology, whereby the lives of those who died in the service of ‘protecting nature for all humanity’ are valued more than those who die at the hands of militarised conservation forces. By upholding a Thin Green Line between park guards and those who die at the hands of park guards, render certain forms of slow violence invisible, and reproduce colonial forms of nature conservation that undermine prospects for decolonial solidarity with defenders. As we discuss in the subsequent section, prospects for decolonial solidarity are further undermined by violent partnerships with extractive industry corporations.

Green violence

As Fletcher (2018) finds, many states distinguish between green violence they deem legitimate (e.g. violence linked to anti-poaching) and illegitimate green violence (e.g. environmentally oriented political violence in the form of sabotage by organisations like Earth First). Much of the literature around green violence focuses on the militarisation of conservation – the use of armed park guards to patrol national parks and combat poaching. It’s important to note, however, that green violence also comes in the form of forced displacement of local people from protected areas (Ybarra, 2017; Lunstrum & Ybarra, 2018), restrictions on access to natural resources upon which local communities depend, criminalisation of traditional hunting and harvesting practices, and symbolic and discursive violence. The militarisation of conservation has also led into a ‘war by conservation’ through the alignment of conservation NGOs with global security projects that promote a poachers-as-terrorists narrative (Duffy, 2016). Many environmental NGOs and BINGOs frame conservation and anti-poaching efforts as a war, with Conservation International’s film Hotspots calling it “the mother of all wars” (Buscher & Fletcher, 2018).

In 2019, BuzzFeed and the Kathmandu Post published a series exposing the apparent involvement of WWF-trained and funded park guards in the torture and killing of local residents and Indigenous people in Nepal, Cameroon and CAR (Warren and Baker, 2019a). Specifically, WWF was said to have celebrated the acquittal of guards connected to the death and torture of a Nepalese man, Shikharam Chaudhari, by Chitwan National Park guards, making unsubstantiated allegations that the victim
was a ‘crime convicted individual’, and either hired or handed awards to park guards and soldiers accused of this and other offenses. In Cameroon, WWF was accused of suppressing findings that villagers in a proposed park site feared abuse by forest rangers. In other places, WWF-supported eco-guards were accused of numerous human rights abuses – of which WWF appears to have been aware for at least one year prior to the *BuzzFeed* exposé (Baker and Warren, 2019a; 2019b; 2019c). Indeed, public reports of links between the WWF and park rangers accused of human rights abuses pre-date the *BuzzFeed* report by some years (Corry, 2015), as do allegations that WWF had been non-responsive when presented with evidence of abuses carried out by rangers and eco-guards (Survival International, n.d.). When WWF announced a review to be carried out by former UN Commissioner for Human Rights Navi Pillay, Indigenous rights organisations expressed concern about the limitation of the review to the *BuzzFeed/Kathmandu Post* allegations when “these issues are endemic rather than isolated”, and many such abuses had been “reported to WWF previously” (Counsell, 2019; WWF, 2020a).

The independent review, released in November 2020, found that WWF failed to follow-up on credible allegations of human rights abuses, and its human rights commitments were particularly weak in Congo Basin countries (WWF, 2020a). In response to the independent review, WWF management stated: “we recognise that allegations of human rights abuses have been made against rangers and other third parties not under WWF’s direct control. These allegations were raised in some of the most conflict-affected and insecure places where we work. The reported atrocities go against all the values for which we stand. Human rights abuses are never acceptable, and we feel great sorrow and sympathy for the people who have suffered” (WWF, 2020b). The response outlines actions WWF plans to take to better safeguard human rights in its work, yet the language used shifts the blame away from their own organisation. Greenpeace (2020) responded: “WWF needs to fully own their responsibility for abuses that are committed by rangers or ‘ecoguards’ working in the protected areas WWF manages or co-manages”.

The *BuzzFeed* articles and the independent review reveal that WWF had prior knowledge of alleged human rights abuses and violations attributed to park rangers and eco-guards that they have funded and/or trained. The absence of prior action on these allegations sits at odds with WWF’s concern over park rangers and eco-guards who have lost their lives in the course of their work. In partnership with the Australian Thin Green Line Foundation, WWF have compiled a database of the number of park rangers who have lost their lives in the line of duty since 2009, totalling 871 by 2018. Reporting on the 2018 survey, WWF (2018) report that “forty-eight rangers of the 107 lost this year were murdered at their place of work whilst protecting wildlife that we all care about”. Narratives from friends and colleagues of murdered rangers are included along with the figures, memorialising their service in the protection of wildlife for all. Yet, read alongside the studied silence that has surrounded persistent and endemic allegations of human rights abuses on the part of rangers, their celebration by WWF and the Thin Green Line shares much with the discourse surrounding the reactionary ‘Thin Blue Line’ rhetoric that has proliferated in the USA as part of a violent backlash to Black Lives Matter.
As Wall (2019) notes, the notion of the Thin Blue Line acts as a fiction of legitimate violence designed to “render state violence as always defensive in nature while marking unruly populations as not merely transgressors of positive law, but as hostis humani generis: ‘enemies of all mankind’”. Here we see the Thin Green Line – both the organisation and the concept as reflected in the memorialisation of rangers over those killed by rangers – operating as a fiction of legitimate violence that renders green violence as always defensive, and frames ‘unruly’ populations as enemies of wildlife ‘that we all care about’. This necropolitical approach to conservation dovetails with a studied silence regarding the atmospheres of violence produced by the actions of extractive industry corporations who maintain partnerships with environmental BINGOs.

The violence of partnership

Over the last twenty years, environmental BINGOs have steered themselves away from what WWF ambassador and management guru John Elkington (1999) termed the polariser role of fighting against businesses, towards engaging with business as integrators. Critical NGOs are now hardly welcome at Corporate Social Responsibility and Ethical Business events, where a clear delineation is made between “partners of choice” for business actors, and “reckless NGOs who destroy brand and reputation with unfounded accusations” (Rajak, 2011; Gilbert, 2015; Cousin, 2014). Representatives of the ‘Big Three’ environmental BINGOs have spoken out to defend partnerships with large corporations representing extractive industries that critics depict as predicated on environmental and social harm (Benson & Kirsch, 2010).

Peter Seligmann, founding CEO of CI, epitomises this antipathy towards polarisers and embrace of partnership with large transnational corporations. He declared that it’s “simply not sufficient to throw stones from the side-lines […]. We believe that often the biggest improvements to environmental conservation and human well-being can come from effecting change amongst those who have the biggest impact” (Seligmann, 2011; Foster, 2014). A similar inducement towards working with the largest (and perhaps the most harmful) corporations came from Peter Kareiva, Chief Scientist at TNC, following criticism about TNC’s partnership with BP in the wake of the Deepwater Horizon oil spill (Ottaway & Stephens, 2003). Kareiva declares: “Look, I know that energy extraction is sometimes environmentally damaging, just as roads, ports, biofuels and even desert solar panels can be. In fact, Conservancy scientists engage with the energy industry precisely because that industry often does harm the environment” (Kareiva, 2010). Jason Clay and Rob Soutter of WWF likewise insist that working with the largest and most impactful
corporations ensures that “when they improve, everyone else in the sector will follow suit”, and that “power lies with the corporations. We can only achieve something by working with them” (Huismann, 2014). Reflecting the widespread legitimation of partnership with harmful industry players and hostility to critical or oppositional modes of engagement among environmental BINGOs, IUCN Patron of Nature Jon Stryker (2018) has written of the need for “teaming up with ‘nature’s enemies’[…]and the] need to become more pragmatic about choosing collaborators”.

This embrace of collaboration over critique on the part of environmental BINGOs also involves a highly particular approach to corporate personhood. BINGO representatives appear unwilling to attribute specific harms to corporate bodies as a whole, or comment on how operations in one jurisdiction might be more harmful than operations carried out as part of ongoing conservation partnerships (e.g. Huismann, 2014). In 1997, WWF Canada nominated Shell for a British Columbia Minister’s Environmental Award. This nomination took place two years after the killing of Ken Saro-Wiwa and the Ogoni 9, following their campaigning against Shell in the Niger Delta. Pegi Dover, Director of Communications for WWF Canada wrote in response to criticism that the nomination “is not an overall endorsement of their environmental practices… WWF has not commented on the overall environmental record of any of the [nominees] and does not anticipate doing so”. While environmental BINGOs might be reluctant to cast their partnerships in terms of relations with (or endorsements of) entire corporations, many of the corporations they partner with are happy to present their collaborations in this way – and the ability to identify an accountable corporate person is a vital part of seeking redress for corporate human rights abuses (Grear & Weston, 2015).

Critical political ecologists have framed this relation between environmental BINGOs and corporations with questionable human rights and environmental records as a form of ‘Faustian Bargain’ whereby BINGOs accept market-based approaches to conservation and the notion that capitalism can be fundamentally sustainable (Adams, 2017). The result is a shared interest in scaling up conservation and offsetting extractive operations, enabled through the framing of nature as ‘natural capital’ that is fundamentally substitutable – both for other units of natural capital and for other forms of (economic, social) capital (Adams, 2017; Chapin, 2004; Kirsch, 2010).

Nonetheless, there is little definitive evidence that corporations who partner with environmental BINGOs reduce their environmental impact or enhance biodiversity conservation and the maintenance of ecosystem services (Robinson, 2011). While mining companies are ‘leaders’ in the setting of ‘no net loss’ or ‘net positive impact’ biodiversity conservation goals, most of these goals “have advanced little beyond definition” (Rainey et al., 2015). Against this absence of clear evidence that corporate-BINGO partnerships produce conservation gains, serious questions need to be asked about the consequences of partnership with industries that are often complicit in producing the atmospheres of violence to which defenders are subjected, and the degree to which such partnerships are themselves a feature of ‘necropolitical ecologies’ whereby some environmental defenders are systematically exposed to more risk of harm, violence and death.
BHP: The Nature Conservancy and Conservation International

BHP, a multinational mining company listed in London and headquartered in Melbourne, has embarked on a number of partnerships with BINGOs. BHP provides funding to TNC-led conservation activities in Australia, and in 2011, CI launched a global alliance to preserve high conservation value areas in regions where the multinational mining company BHP is active. BHP’s partnership with CI extends to an initiative to develop ‘Forest Bonds’, as well as projects that focus on ‘compensatory actions’ and the ‘mitigation hierarchy’, a clear example perhaps of Adams’ (2017) Faustian bargain through which environmental BINGOs have embraced the language of market-based solutions and the logic of offsetting to enable the pursuit of growth and scalable conservation in tandem (Chapin, 2004; Kirsch, 2010). CI’s Marielle Weikel, speaking to Mining Technology magazine in 2019, praised the $50m that BHP has invested in conservation over the course of their partnership, protecting “16 species and enhancing 2,500 livelihoods” (Evans, 2019). For Weikel, CI’s partnership with BHP can be understood from the standpoint that “we simply will not reach the goals of the Paris Agreement without harnessing nature as a climate solution […] CI believes that there is both a need and an opportunity for the private sector to invest in and support natural climate solutions to help nature realise its full potential as a climate solution” (Ibid.).

BHP has simultaneously been criticised for its membership of a lobbying group advocating for the expansion of coal. Even following CEO Andrew Mackenzie’s celebrated speech in 2019 committing BHP on a course towards net zero emissions, shareholders voted to remain in the Minerals Council of Australia, a lobbying group accused of working against the Paris targets and with ‘pro-coal’ advertising campaigns (Hume, 2019). As noted above, serious questions have been raised about the contribution that firms such as BHP – and the other extractive industry corporations partnering with the BINGOs at the centre of this article’s analysis – have, while maintaining their global carbon emissions and increasing ocean acidification in the process (Licker et al., 2019). But the ‘harmony ideology’ (Foster, 2014) underpinning partnerships between extractive industry corporations and environmental BINGOs does more than paper over the biophysical impossibility of sustainable ‘growth’ premised on continued resource extraction (Ward et al., 2016). It also detracts attention away from the continued allegations of human rights abuses made towards BINGOs’ corporate partners, and undermines efforts to build solidarity with defenders who are attempting to hold corporations like BHP to account.

Leaving aside various historical scandals (Kirsch, 2014), BHP remains embroiled in allegations of human rights abuses. A £3.9 billion class action suit was put before the UK’s courts in April 2019, attempting to hold BHP to account for its part in the Samarco tailings dam collapse which resulted in the death of 19 people and the toxification of the Doce River and surrounding land (Miller, 2019). Environmental and other human rights defenders from Latin America have travelled to the UK to address BHP at shareholder meetings, expressing concern about delayed reparations
at Samarco and the lack of housing built since 2015 – as well as raising concerns about
displacement of Indigenous communities at the Cerrejon mine (part-BHP owned) and the
impact of the mine on vital water sources (James, 2019b). Representatives of the
Tabaco Relocation Committee have expressed concern that after 18 years, Cerrejon has
not met its obligations to provide relocation, reparations or productive land (James,
2019a), allegations which Cerrejon (2019) displaced back on to the community, stating
it was impeding its progress.

Without wishing to be reductive about the complex organisation of both environmental
BINGOs and their corporate partners, neither of which can be attributed unitary
motives or intentions, it’s perhaps unsurprising that defenders might not perceive
BINGOs to be their allies when they partner with corporations whose shareholders vote
to continue undercutting the Paris goals, rather than the defenders who attempt to
secure land, livelihoods and environment in the fact of extractive harm.

Royal Dutch Shell: The Nature Conservancy and
(formerly) WWF

BHP is but one among many mining and oil ‘supermajors’ who partner with leading
environmental BINGOs. Shell’s long history of ‘partnership’ with WWF has been well
documented (Huismann, 2014), and they have been in partnership with TNC since
2009 and IUCN since 2003. As with CI’s relationship with BHP, there is a focus on the
‘mitigation hierarchy’, and the reduction of net carbon footprint through offsetting:
Adams’ (2017) Faustian bargain once more in action. Meanwhile, concerns have been
raised by UNEP over Shell’s failure to clean up oil spill sites, and its use of discredited
and misleading information to attribute oil spills in the Niger Delta to sabotage or
are haunting parallels between internal memos that appear to show Shell requesting
support from the Nigerian military, paying honoraria as a “show of gratitude” for
the “sustained favourable disposition” shown by military commanders implicated in
killings of Ogoniland civilians (Dummett, 2019; Zalik, 2004), and the WWF’s displays of
gratitude towards park guards accused of abuses and murder in Nepal. If environmental
BINGOs continue to uphold the ‘Thin Green Line’ through their own practices, and
partner with extractive industry corporations who attempt to evade accountability for
their own complicity in creating atmospheres of violence, it becomes difficult to see how
meaningful or decolonial solidarity with defenders can be cultivated.
Conclusion: Decolonising solidarity

I will not waste my time working with [environmental BINGOs]. They are in bed with the very people we are fighting against, with the same people who are killing us and destroying our waters. [Environmental defender from Ecuador, August 2018]

As we argue above, environmental BINGOs are frequently complicit in shaping ‘necropolitical ecologies’ and atmospheres of violence around sites of conservation and/or extraction. Unsurprisingly, many environmental defenders don’t see BINGOs as allies when they side with extractive corporations and ‘enemies of nature’, rather than the defenders who attempt to secure land, livelihoods and environment in the face of extractive harm. The greenwashing of violence resulting from BINGO partnerships with extractive companies and their complicity in green violence carried out in the name of conservation, reflect a holdover from the colonial past (and present) of conservation. While growing efforts to support environmental defenders are commendable, BINGOs and other actors need to consider the implications of their wider remit of activities and partnerships, many of which contribute to creating the very spaces and atmospheres of violence that threaten environmental defenders. Silence in the face of necropolitics, in the face of human rights violations, and complicity in greenwashing companies responsible for slow violence and other violences, is inexcusable.

Given the increasing number of accusations and reports that point towards their complicity, BINGOs cannot claim ignorance and need to take concrete actions to counteract the human rights violations and violence with which they have been complicit. Recent signs are not promising in this regard. As Domínguez and Luoma (2020) note in their alternative executive summary of WWF’s Report of the Independent Panel of Experts published in November 2020, WWF’s claim that the Independent Review found no evidence that WWF staff “directed, participated in or encouraged” human rights abuses is not upheld by the Report’s findings. In fact, the Independent Review found that WWF had knowledge of alleged human rights abuses and provided support to eco-guards despite knowledge of alleged human rights abuses in protected areas in Cameroon, DRC, ROC, Nepal and India. Resurgent enthusiasm among BINGOs and business leaders for expanding protected areas under the rubric of a ‘New Deal for Nature’ is equally concerning, in the face of failures to address recent human rights abuses. While defenders attempt to hold transnational corporate executives accountable through legal mechanisms, we must ask whether BINGOs are still content to distance themselves from extractive corporations’ activities beyond the narrow confines of their partnerships.

We argue for a decolonial approach to conservation, for a “vision of human life that is not dependent upon or structured by the forced imposition of one ideal of society over those that differ” (Mignolo, 2007). In essence, a transition towards convivial conservation which Buscher and Fletcher (2019) describe as a “post-capitalist approach to conservation that promotes radical equity, structural transformation and environmental justice, and so contributes to an overarching movement to create a more equal and sustainable world.” A transition away from the creation of ‘deathly spaces’ (Margulies, 2019) and the ‘atmospheres of violence’ that put environmental defenders at risk (Menton et al., 2021).
Many INGOs have begun to engage in discourses around decolonial approaches and shifting the power away from INGOs based in the North towards NGOs and grassroots movements in the South. Such a shift would allow for more effective change, but also would lead to a drastic change in the structure of these organisations and has been slow to materialise.

As Doane (2019) noted recently, for “all the lofty words about ‘shifting the power’, many INGO staff and board members still seem unable to let go of a model that values technocrats over movement builders, and which places a higher value on their own northern white role”. Environmental BINGOs are no exception. It’s time to move away from a focus on Centers for Environmental Leadership (CI) and One Planet Leader Academies (WWF) that further amplify the voices and perspectives of personnel from BINGOs’ corporate partners. Instead, we need to foreground the voices of defenders, listen to the narratives of those who live in atmospheres of violence, and take care before entering into partnerships with the “bewildeners” who turn the slow progression of environmental violence into doubt and inaction (Nixon, 2011). Decolonising BINGO solidarity with environmental defenders requires structural change, but perhaps more critically, bravery on the part of BINGOs to recognise their complicity and begin to build decolonial, respectful and equitable relationships with grassroots movements and communities that fight to protect lands, forests and waters from invasion by extractive industries and thereby protect the wildlife and ecosystems that BINGOs aim to conserve.

References


