

EMERGENCY AND NON-EMERGENCY SUPPORT FOR ENVIRONMENTAL DEFENDERS:

Pilot project in Colombia

Support Committee
Defend the Defender Coalition

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The pilot project in Colombia was developed by the Business and Human Rights Resource Centre, the Environmental Investigation Agency, and the Universal Rights Group Latin America.

This report is a summary of the discussions and interventions held during the meetings convened as part of the pilot project, and of the project itself. The information contained herein is not a literal or exhaustive transcription of said meetings, nor is it intended to capture or reflect the opinion or perspective of the authors of the report, or the project's organizers or participants.

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Acknowledgements
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1. PROJECT OBJECTIVES

The situation for defenders of the land, the environment, and the territory (LEDs) in Latin America is nothing short of dire. Multiple reports demonstrate that Latin America is one of the most dangerous places for LEDs; their rights to life, physical integrity, safety, political participation, and freedom of expression and association – among others basic civil liberties – are continually and increasingly violated.

Against this backdrop, the Defend the Defenders Coalition (DDCoalition) has decided to implement a pilot project in Colombia, with the overarching objective of identifying concrete steps that will enable this Coalition to contribute to the promotion, protection, and respect of the rights of LEDs.

To achieve this aim, the DDCoalition needs to better understand the current situation of LEDs *vis-à-vis* the support mechanismsⁱ and resources that are currently being offered to them. This would require gathering evidence-based information on whether LEDs and their intermediary and support organizationsⁱⁱ have

data on said mechanisms and resources, and whether their needs are being met. The ultimate objective would be identifying specific actions that could contribute to responding in better ways to the needs of LEDs in Colombia, and elsewhere.

Responses to the crisis currently faced by LEDs worldwide need be sensitive to corresponding socioeconomic, political, environmental and cultural contexts. Solutions cannot be generic but rather should be tailor-made depending upon needs. The project aims at identifying methodologies and actions that can be replicated in other regions and countries where the situation of LEDs is also critical.

ⁱ The term 'support mechanisms and resources' refers to capacity-building and financial assistance offered by States and civil society organizations, to DELTs, including, inter alia, national and international funds; emergency and non-emergency funding; relocation; communications; legal support; training; complaint mechanisms; psycho-social and collective measures; and technical trainings.

ⁱⁱ The term support organizationsⁱ includes organizations, networks, or alliances, that offer or provide support mechanisms and resources to DELTs, as well as CSO organizations working with DELTs or as DELTs, ombudsmen offices, and governmental organizations in charge of offering support mechanisms and resources.



2. METHODOLOGY

1. DESK RESEARCH AND SURVEY

The DDCoalition's committee on emergency and non-emergency support (the 'Committee') started the project by conducting desk research. During this phase, the Committee identified those support organizations currently working with LEDs in Colombia.

The activities developed during this phase included reaching out to the members of the Committee's networks, studying reports (published by local and global NGOs and defenders), and reviewing information available on the Internet.

Based on the data gathered, the Committee compiled a list of support organizations and designed a [survey](#), which was then distributed among the Committee's networks, as well as other relevant organizations identified during the initial research phase.

2. CONSULTATIONS

The Committee also convened two consultations: one with support organizations and a second one with LEDs, including grassroots organizations. All meetings were held under Chatham House Rules, to promote a safe space and sincere dialogue among participants.

The meeting with organizations was divided into two groups. The first group was composed of organizations that offer funding, including cooperation agencies and embassies in Colombia. The second group was made of organizations that offer technical assistance, including legal support and security training. Members of each group participated in round-table discussions of four hours each. The survey mentioned in Step 1 above was printed and handed out to the organizations attending both workshops.

The consultation with LEDs was convened 15 days after the meeting with organizations. Approximately 30 defenders attended the event; almost all regions of Colombia were represented. The participation of indigenous, women, and rural communities was prioritized.

To identify the participants for the LEDs meeting, the Committee used the [Environmental Justice Atlas](#), the [Colombian Observatory of Environmental Conflicts - OCA](#), and reached out to its networks. The selection of participants aimed at including not only defenders from well-known organizations (i.e. Rios Vivos) but also defenders from isolated regions that are in the process of forming their organizations, or who belong to groups, movements, or grassroots organizations that have not yet received significant support. For example, one of the defenders who attended the meeting started this year to create a women's environmental defenders association, which has never received support from organizations other than State agencies. Another participant had only worked with a Latin-American Christian NGO that focuses on a particular region of Colombia, but has never received support from other CSOs.

3. FINDING SUPPORT

The way in which LEDs identify support organizations varies according to their location, needs, and resources, among other things.

During the consultation with the Committee, however, LEDs pointed at word-of-mouth (i.e., *viva voce*) communication as the most common and efficient way of identifying and reaching out to support organizations (See Figure 1). Usually, the starting points for LEDs are local support organizations that pass the word as to who has helped before and, more importantly, whom can be trusted.

Many local organizations working on the ground have clarity about who else has a presence in their region, especially in small towns. These local partners – when they can't provide the requested support – refer LEDs to other organizations that can be either local, national or international.

That said, despite knowing who else is working in their region, local organizations are not always fully aware of foreign or non-local (i.e., from other parts of the country) actors who could help LEDs in their territories. In many cases, they are not able to refer LEDs to another organization swiftly. Furthermore, these local and intermediary organizations reached by LEDs typically lack the technology or financial capacity to support defenders.

Word-of-mouth is also the primary way in which organizations that wish to identify LEDs to work with find allies. During the event, most capacity-building and legal assistance organizations explained that they generally work with defenders that have been referred or recommended to them.

This 'referral-based' selection process goes hand-in-hand with the trust-building proceedings that are key to partnerships between defenders and support organizations. However, at the same time, it closes the door to many isolated LEDs. Most defenders and local organizations that do not have a public presence (including in the media) or connections

with other (typically, Bogotá or capital cities-based) organizations, end up being excluded from significant sources of support because the offering parties know not of their existence. Cooperation agencies recognized that most global grants go to already established, administratively organized and/or financed organizations of LEDs, and thus tend to be concentrated in the same areas instead of reaching out to those most excluded and in need.

Consequently, LEDs and support organizations agreed that media and Internet visibility are critical. When LEDs are visible, it's naturally easier for global and regional organizations to reach them as well as to know with a certain amount of clarity, who they are, and what they are defending.

At the same time, the visibility of support organizations allows LEDs to more easily identify sources of support, and to access information as to the origin of the funds they will be receiving and the priorities of the institutions they will be reaching. Visibility, in consequence, contributes to the trust-building process.

However, having Internet and media presence is not easy for most LEDs. Digital solutions work well in urban contexts, but in rural areas, where most defenders are located, there is not Internet connection and electricity and computers are rarely used. For major donors and development cooperation agencies, the greatest challenge is reaching these isolated defenders.

Intermediaries and LEDs agreed that to bring information to these isolated defenders, support organizations must 'go local'; that is, access local newspapers, magazines, radio stations, and CSOs directly. Visits to areas that are known to be affected, or potentially affected, by an environmental conflict is also good practice. During the pilot event, one of the largest donors worldwide explained that only after conducting a mission to a troubled area they realized that most LEDs did not have access to information concerning their grants. The visit

allowed this institution to meet groups of defenders who had never accessed funding.

The process of identifying potential allies is, in consequence, a lengthy, time- and resource-consuming process for defenders. It takes months, if not years, before LEDs can identify potential allies. During this time, the risks, threats, and vulnerabilities grow. *'Sometimes, what started as a search for preventative support, turns into a call for urgent assistance,'* explained one of the participants at the pilot meeting.

CHOOSING FROM THE 'SUPPORT MENU'

Another frequent difficulty experienced by LEDs is understanding the kinds of supports being offered, and figuring out which ones apply best to their needs. Most defenders shared during the pilot meeting that the process of getting support *'is wrongly conceived... They should ask us what we need, instead of us having to make our needs fit some pre-designed types of assistance.'* The difficulties of putting this in practice, however, were well noted by many organizations and defenders. A possible solution to overcome this barrier is opening participatory spaces during the design stage of the different types of assistance, so they can be created through a bottom-up approach.

Although some types of support (i.e., emergency response and short-term financial aid) are obvious to most defenders, the existence of others (i.e., *amicus curiae*, funding for small-scale productive projects, security and self-protection training) is not known by many LEDs, especially those in remote places. Consequently, LEDs rarely seek those types of support, even if needing them. Local organizations are not fully aware of all the different types of support that exist either.

When all the varieties of support are listed, it is hard for LEDs and local organizations to understand where their needs fit, due to the use of very technical or vague language, as opposed to commonly used terms.

Another difficulty highlighted by LEDs during the pilot meeting was understanding what support organizations call 'emergency.' *'They use time-frames or words, such as imminent. I don't know whether the*

threat I received will become an attack within hours, days or months ... more flexible or realistic criteria is necessary for us,' explained a defender during the meetings.

THE APPLICATION PROCESSES

The ways in which support, mainly financial, is offered (i.e. through the Internet, in English, requiring long and complex forms) are complicated for defenders and incompatible with rural contexts, where technology is almost absent.

Organizations offering financial aid usually make requirements that are impossible to fulfill by LEDs, in particular those coming from indigenous and rural communities. For example, in order to apply for financial assistance, defenders mentioned having to submit financial statements or accounts as a legal entity as opposed to as an individual, and also demonstrating having utilized funds before. In the arena of technical assistance or capacity building, defenders mentioned training courses that do not include the trainers' transport to the territories of the communities in need, and thus, demand huge investments that LEDs are not able to make.

STEPS TO CONTRIBUTE OVERCOMING THE 'REACHING-OUT' AND ACCESS OBSTACLES

The first idea to address and overcome the 'reaching-out obstacles' shared by LEDs and support organizations shared during the meetings, was the creation of a tool that would decrease the time investment for support-seeking.

An initial suggestion by support and intermediary organizations was creating an online map showing the different organizations that work in the country; where they work; what they do; who do they work with; and the areas of possible environmental conflicts. In the words of a participant, *'this would help 'supply to meet demand' more efficiently,'* as well as enhance coordination within support organizations, and speed-up the 'referral' process, explained at the beginning of this section.

This map could further help local organizations to better respond to requests by rural defenders, and guide defenders and local organizations in

their quest to identify donors and other support organizations more efficiently and transparently.

A second suggestion for a tool to decrease the time investment for support-seeking was a directory of support organizations, including their priority areas (i.e., rural communities, women organizations) and nature (i.e., CSO, business organization, State-entity). This type of tool would further increase transparency and contribute to the trust building processes.

During the pilot meetings, participants agreed that – although rural defenders themselves might not use this online directory – it would be useful for intermediary NGOs, especially, those which are typically approached by rural LEDs. Indeed, defenders themselves agreed with this idea.

LEDs further suggested that the phonebook include organizations that provide support in cases of natural disasters and other environment-related emergencies.

All that said, for LEDs, this directory should also be in print, so they can easily access and share it with their peers and communities (echoing the *viva voce* dynamics that were mentioned earlier in this section). Sample prototypes of this phonebook are included as Annexes 1 (print) and 2 (online) of this report.

A second call, concerning the access to support obstacles, was for application forms and processes that answer to the needs and realities of rural populations.

A third suggestion, was the creation of exchange spaces where defenders can share their experiences, including how they have sought and accessed support, and other best practices. Recognizing the relevance of horizontal cooperation in the process of finding and obtaining support, some LEDs offered to help newly formed organizations of defenders identify and access legal and financial aid. *‘Our struggles would not have been in vain if we could help others avoid all the trouble and difficulties we faced knocking in the wrong doors for years,’* explained an indigenous leader.

Many LEDs explained that support came only after they gained international recognition for taking their case to regional or international human rights mechanisms. *‘National and even some global NGOs would not help, until after the case gains sufficient visibility.’* These defenders, therefore, recommended international CSOs and coalitions help raise the visibility of their movements – bearing in mind the do-no-harm principle – to facilitate access to support.

As to the question of how can support organizations more easily identify defenders, LEDs explained that secure and private communication channels through which they could share their cases and needs might work; but supporters must treat that information with extreme caution, bearing in mind that exposure might increase their risks.

Finally, empowering local organizations on how to help channel the support offered by international organizations was considered essential. For participants, there is little support and funding for local organizations that wish to act as coordinators or intermediaries; global organizations could start funding and training local allies on how to route LEDs’ requests.



Minería Artesanal, Juan Camilo Trujillo

4. RESPONDING TO THE NEEDS OF DEFENDERS

LIVELIHOOD AND DEFENSE STRATEGIES SUPPORT

Supporting LEDs in their defense and livelihood activities is as important as implementing protection and emergency-response strategies.

Currently, there is a widespread focus on disseminating and sharing risk-related supports; but very few capacity-building, funding strategies or programs for livelihood activities actually reach defenders. Sharing these initiatives is essential for LEDs. Specific skills developed at this stage are useful for lowering the vulnerabilities that affect their exposure to risks. To this end, during the pilot project, LEDs highlighted the need for further accessing:

- Legal and financial training on how to develop their activities and manage funding. Most LEDs expressed their concern for never having received, and not knowing where to seek, training on the legal consequences of receiving funds (paying taxes, filing tax returns, etc.), as well as on how to comply with the applicable regulations and the costs associated with those financial resources (i.e., reporting, paying an accountant.)
- Training on relevant applicable laws and regulation, including, environmental, tax, corporate government, etc.
- Administrative support (i.e., how to prepare reports, funding applications, etc.)
- Training and assistance on understanding the projects that are likely to impact the environment and their communities, land, and territories, including such items as environmental licenses and exploration and mining concessions. This

is crucial to allow defenders to design effective defense strategies in each stage of the extraction process. This also helps to prevent attacks, as would enable LEDs to anticipate the possible risks they will face.

Similarly, LEDs suggested that the international NGO community could:

- Further promote access rights. The right to easily access understandable information is always the first to be violated. But the focus is almost never here. Helping defenders obtain and understand relevant documents would contribute to realizing this right; this is also a key element in free, prior, and informed consent processes with the State and companies.
- Promote and create alliances with mass media channels to help legitimize LEDs' causes and give visibility to their activities and situations before the onset of the violence against them. Visibility at this stage shall be given to the environmental condition, without mentioning individuals or organizations to prevent creating risks.
- Enhance the visibility of the networks of defenders or organizations they can reach.
- Create a fund to support technical environmental and engineering studies, which are usually required by local and regional mechanisms to grant cautionary measures or inform their rulings.
- Empower communities and foster alliances among LEDs.

PREVENTION

Consistent with previous requests, during the pilot project LEDs called for shifting the focus on reaction to prevention. They explained that, despite growing interest and awareness on the relevance of prevention, a huge implementation gap persists.

Early-warning systems in Colombia, for example, are yet to be effectively implemented by national authorities. In the light of the evident lack of political will on the government to prevent attacks against defenders, the CSOs could contribute by:

- Promoting and undertaking a better and earlier analysis of risks (i.e., broaden the types of threats considered early-warnings.)
- Calling the government to make the early-warning recommendations issued by the Ombudsman office legally binding to all State agencies.
- Implementing a coordinated strategy to fight stigmatization.
- Building capacities in community councils and local actions board committees, so they know how to interact with the companies and States related institutions.
- Promoting transparency and battling misinformation. An increasingly common technique of stigmatization used by companies and other actors is outright lying about or not providing the necessary information on the impacts of the projects and the interests of the leaders defending the environment. This severely weakens LEDs and creates an atmosphere of social rejection and isolation that increases their vulnerability.
- Monitoring the work of the 'Comisión del Plan de Acción Oportuno' created after a tremendous pressure of local, national, and international NGOs denouncing the lack of response of leaders and human rights defenders in Colombia.
- Addressing root-causes and promoting a greater understanding of these, including fighting against corruption and impunity.

While the threats are mostly targeted to specific individuals, support organizations must keep in mind that it is the whole movement or cause that motivates these; therefore, the entire group or community is at risk. Preventative measures likewise need to be collective.

PROTECTION

GOOD PRACTICES

On protection strategies and mechanisms, LEDs and support organizations shared their experiences, concluding that self-protection and horizontal cooperation strategies were the most efficient

approaches for them. In contrast, State-led measures were widely criticized for not answering to their needs, especially in rural areas.

Some of the strategies that LEDs shared as best practices are:

- Strengthening their communities (i.e., building capacities and making social fabric more robust) and empowering traditional authorities, in the cases of indigenous peoples;
- Creating and strengthening local trust networks;
- Carrying out peaceful demonstrations and protests to raise the visibility of their cases, although acknowledging that this only works in urban contexts;
- Starting legal proceedings, before national and international mechanisms;
- Increasing the profile of the causes and situations through social networks;
- Defining protection areas and keeping strangers outside these.

Regarding protection strategies offered by CSOs, LEDs highlighted as the most necessary and useful types of support – financial, legal, and communications (specifically, to raise the visibility of their situations).

WHAT COULD BE STRENGTHENED?

As has been argued multiple times, there is an urgent need to go beyond the traditional State-provided individual and material support measures (such as mobile phones, and armoured vests and cars) and prioritize collective and 'holistic' measures. Particularly, LEDs suggested the following concrete steps:

- Adopting collective strategies that are mindful of the impact of the risks and protection measures on defenders' family members.
- Addressing the psychosocial impact of the attacks, risks, and protection measures when implementing support strategies. *'The way in which a car and a bodyguard affect the way others in your community see you, is even more disruptive than the death-threats themselves,'* said an indigenous leader explaining the problem.
- Implementing tailor-made strategies, as opposed to one-size-fits-all interventions, and participatory spaces in the design of protection measures to guarantee tailored-made solutions.

LEDs acknowledge that, although material and policy measures should not be the focus, these are necessary when there is a risk of a violent attack. However, these measures need to be carefully designed with the defenders, and according to their cultural and social context. Currently, the States and some CSOs take material measures as a one-size-fits-all, but the implementation of these protection measures form a 'western or urban perspective' are increasing the risk of defenders. *'A human rights defender with a smartphone and an armored car is seen by the members of his or her community as a corrupt person, possibly even a thief... After suffering discrimination, we learned, and when the State recommended a bodyguard, we managed to convince the authorities to train a person from our community, rather than assigning an outsider, who would have not been well-received... This worked well for us, speaking the same language and being supported by our community is far more efficient than being rejected while having State-protection measures'.* - Indigenous human rights defender, during the pilot meeting.

- Further promoting support strategies and mechanisms that are sensitive to the particular needs of women, LGTBQ, young leaders, indigenous peoples, and rural communities, and including children and gender-based approaches in all protection measures.
- Training LEDs and support organizations on how to protect sensitive information and files and providing the necessary tools to improve communications.

- Further recognizing and promoting horizontal cooperation, which is for LEDs the most valuable type of support because it comes from people who know firsthand their difficulties and needs. Some defenders even suggested creating a 'community exchange program' that would allow LEDs to travel to other communities to teach, develop capacities, and learn best practices that could then be replicated in their home communities.
- Further advocating the recognition of the category of LEDs in protection measures granted by the State and the criminal proceedings by the attorney general office.
- Advocating the special recognition and protection measures for mestizo, farmers/campesinos, and rural communities, whose lives and livelihoods depend on a clean and healthy environment, but who do not have any special legal recognition or protection yet (as Afro-descendants and indigenous peoples do).
- Encouraging support organizations to design long-term strategies and programs. Short-term actions are not adequate for creating sustainable change. LEDs highlighted as good practice the way in which certain legal assistance associations in Colombia have assumed the responsibility to support defenders from the start until the conclusion of trials.
- Promoting the creation of networks and alliances to confront the resource constraints that prevent local organizations from being able to accompany defenders.

FIGURE 1. THREATS FACED BY ENVIRONMENTAL AND LAND DEFENDERS



Fuente: Global Witness. 2017.

- Continue to create, support and enhance self-protection measures (like the 'indigenous guards') and advocate for the official (i.e., State) recognition of these measures.
- Offering funds and training local support and intermediary organizations and LEDs on access and use of digital tools, including, secure communication apps (e.g. Signal, Jitsi) and social networks.
- Including the youth in the protection strategies.
- Continue to fight stigmatization and SLAPP. Widely disseminated videos and images sharing the work of LEDs and debunking misconceptions about them, their causes, and activities would be a best practice. Notably, during the meetings LEDs suggested a 'cartoon-like' series of short videos exposing cases (with the prior authorization of the communities at risk) and tackling fake news and accusations. LEDs further suggested creating alliances with mass media to ensure wide dissemination of these campaigns.
- Implementing periodic reviews of the protection strategies that have been put in place, and, if necessary, re-designing them to guarantee their effectiveness. LEDs expressed their concern that many protection strategies are not reviewed after the relevant support organization has started to implement these, *'you lose more if you do not rethink your strategy, than if you put in place the [unreviewed] plan agreed months ago.'*
- Promoting human rights education. Most defenders don't know that they are fighting for rights that are part of international and national binding instruments. Funding and offering more courses are something LEDs need.
- Continue to report and raise visibility on the attacks, but not limiting reporting to killings (See Figure 1). Criminalization, use of gender-based and sexual violence, attacks on the physical integrity of LEDs and their property, should also be reported.
- Supporting efforts to bring LEDs cases to international human rights courts using international mechanisms. International rulings or precautionary measures are, for LEDs among the most significant achievements. Although the State often does not implement these, international rulings and decisions help raise the visibility of the causes and thus, open the door for more and different kinds of support, *'without recognition there is not support; without visibility nobody, even well-known NGOs, pays attention'*, explained an indigenous defender during the meeting.

EMERGENCY AND CRISIS RESPONSE

In cases of emergency, the most efficient way to request urgent support is via secure phone calls or instant messaging (WhatsApp is currently the largest App for messaging in the country).

During the pilot meeting, LEDs and support organizations reflected on the following concrete steps that could help them secure more effective responses to imminent crises:

- Enhanced coordination amongst support organizations, so all members of the same community benefit equally from measures and projects.
- Greater coordination between support organizations to ensure comprehensive, holistic responses. Regularly, the support offered by organizations in case of emergency covers only one aspect of the crisis (i.e., funds to travel outside the region just for a defender and not for their family or colleagues; relocation without a plan to guarantee a livelihood and monitor the situation in the new relocation place.) LEDs acknowledge that a single organization cannot provide a comprehensive response due to resource constraints, among others, but if support organizations could coordinate their actions, they could offer more robust and holistic assistance.
- It is hard for LEDs to contact multiple organizations at the same time, channeling their needs through a single - perhaps local - intermediary organization, could help them save resources and time.
- Simplified application processes to request support in cases of emergency. CSOs set too many requirements to hear LEDs' cases.

Annex 1 – Directory of resources

Print version

The Committee expects to launch during 2019 the directory suggested by the LEDs that participated in the pilot meetings. The images below are draft sections of the printed version of the directory, based on the discussions held during the meetings. These are initial proposals for discussion. The design and content is subject to change.

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Each support organization would have a brief profile. The following images are examples of these profiles.

NAME OF ORGANIZATION

Civil society organization

TYPE OF SUPPORT OFFERED:
-Financial aid: 1 line description.
-Legal assistance: 1 line description.

Priorities:
-Indigenous peoples
-Grass-roots

PHONE:
MOBILE:
EMAIL:
ADDRESS:

HOW TO APPLY:
-webpage. Short description.

LOCAL PARTNER:
-Name of organization
-Phone
-Address



Organization's offices
Address

Geographical presence:
Amazon, Choco, Cauca, Guajira

Local partners / allies:
Name of local organization, address, city

NAME OF ORGANIZATION

Non-profit organization established by a private company (name of company).

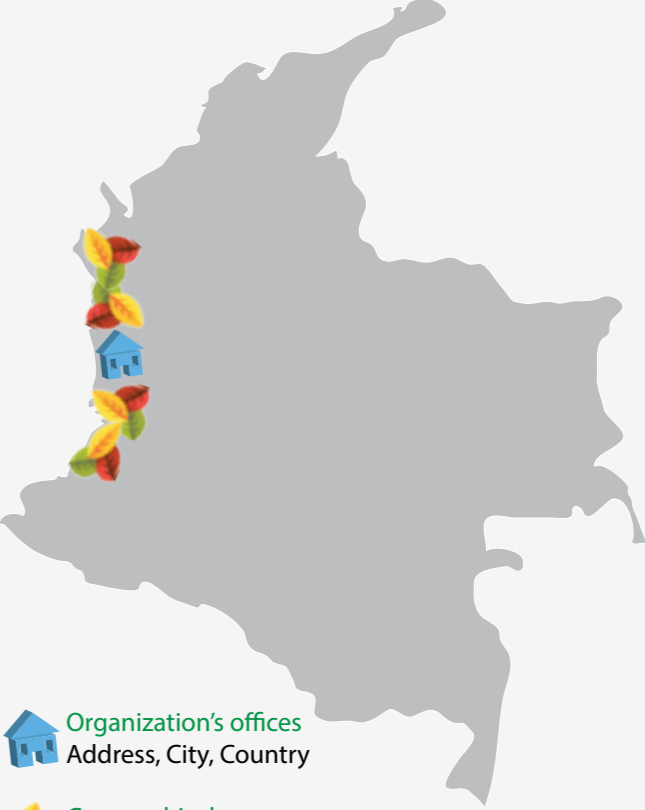
TYPE OF SUPPORT OFFERED:
-Financial aid: 1 line description.
-Relocation: 1 line description.

Priorities:
-Only environmental defenders
-Only women organizations

PHONE:
MOBILE:
EMAIL:
ADDRESS:

HOW TO APPLY:
-webpage
-mail
Short description.

LOCAL PARTNER:
-N.A.



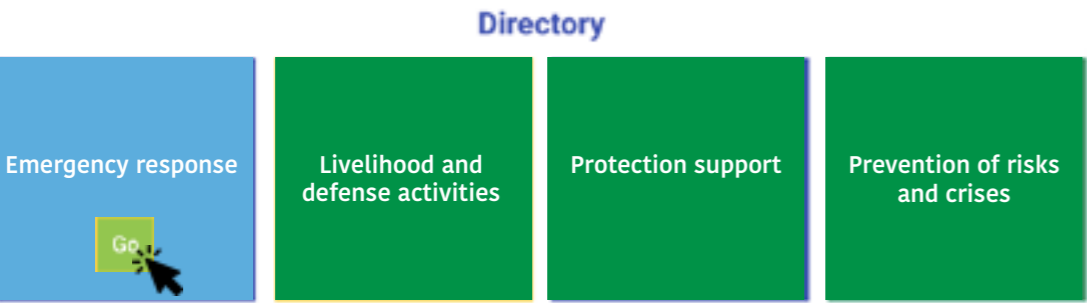
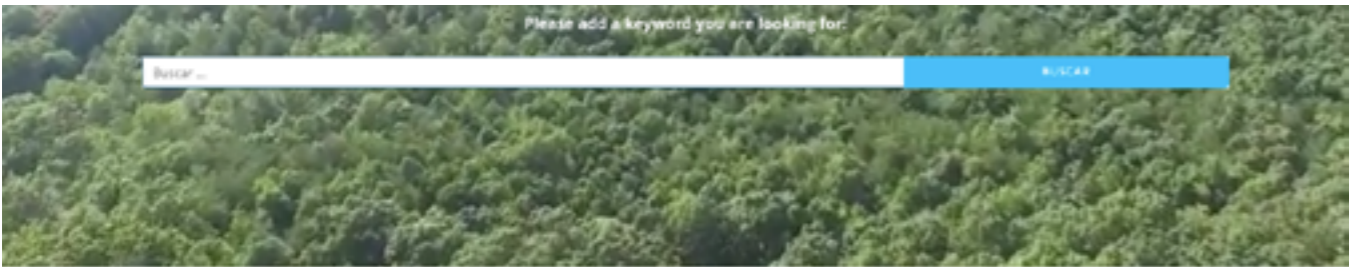
Organization's offices
Address, City, Country

Geographical presence:
Pacific

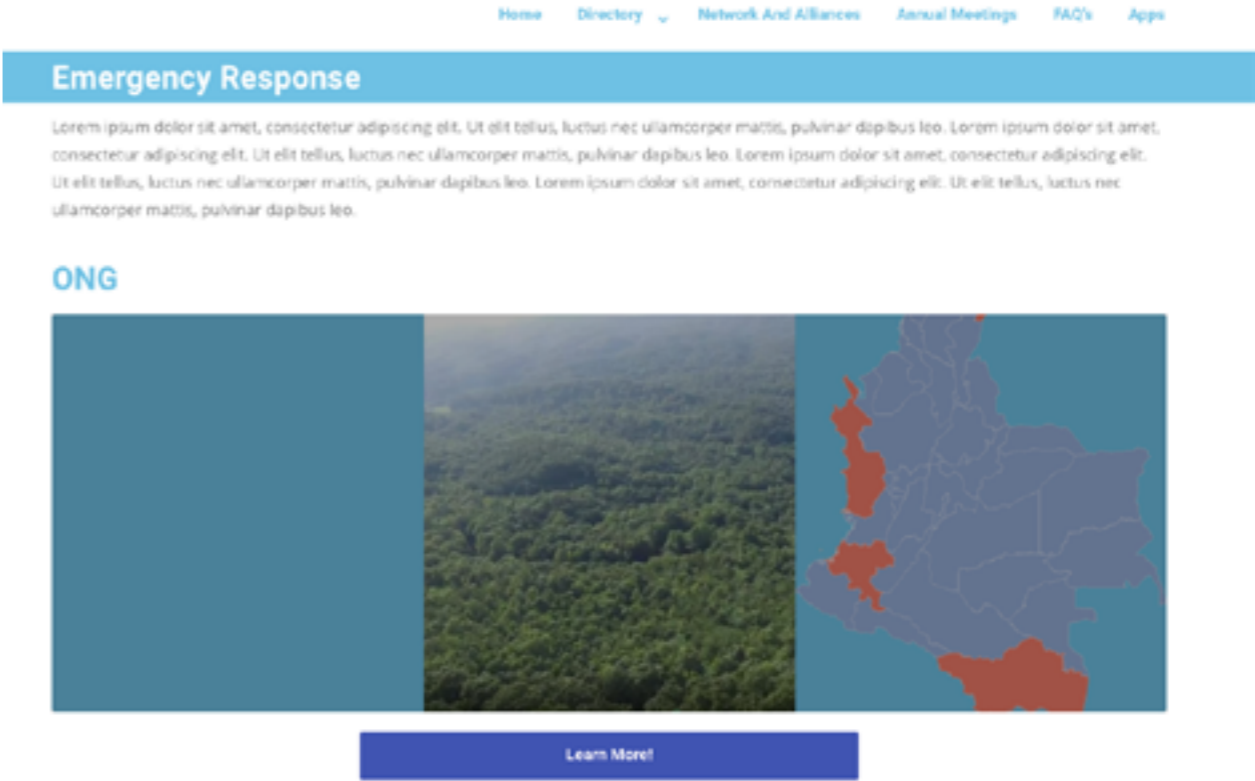
Annex 2 – Directory of resources

Online version

The Committee expects to launch during the first half of 2019 the directory suggested by the LEDs that participated in the pilot meetings. The images below are draft sections of the online version of the directory, based on the discussions held during the meetings. These are initial proposals for discussion. The design and context is subject to change.



Each support category will have a page with the full list of organizations offering that type of support.



Each support organization would have a brief profile. The following images are examples of these.



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