

Response to the Global Witness's 'Defenders of the Earth' and its reporting on Nicaragua

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Global Witness has produced reports in 2015 and 2016 which are highly critical of the risks facing environmental defenders in Nicaragua. They assert that there have been 24 deaths of such defenders over two years, and their 2016 report [Defenders of the Earth](#) is particularly critical of the Nicaraguan state. Rights Action, NSCAG, ENCA and other individuals and organisations with an in-depth knowledge of Nicaragua over several decades have criticised both the reporting and the conclusions. Global Witness has responded to these criticisms. This is an analysis of and reply to their response.

Global Witness (GW), in their reply, make this key statement:

The evidence we put forward to gauge how dangerous a country is for land and environmental defenders is based on the amount of killings we document. We are not able to empirically measure other factors, such as amount of threats defenders receive or how many cases of criminalized activists exist in any given country. But we do try and complement the figures of how many killed with contextual information and analysis.

After some contextual comments about GW's 2016 report, our reply looks at this key statement, focussing on the issue of the killings of environmental defenders and how they are defined, identified and documented by GW, and described in its reports. To do so we need to explore in more detail the nature of the conflict in the Miskitu lands, which is where almost all the killings cited have occurred.

We want to emphasise that we fully recognise that the land disputes in Miskitu territories and the resulting deaths are highly regrettable and – were it not for the way they are presented by Global Witness – we would not want to appear to question the evidence. Neither do we want to detract from the campaigns to resolve these disputes and stop the killings.

We applaud the pioneering actions of the Nicaraguan government since 1987 in granting communal land rights covering 6.2 million hectares.

However, we would urge the Nicaraguan government to take more concerted action to implement the resolutions of the CIDH and others relating to the disputes in the Miskitu lands. Our motive in criticising the GW reports is not to detract from the Miskitus' cause but to raise strong concerns about the way it is being presented and used by GW.

1. Mis-characterisation of Nicaragua and the confusion of issues

GW's report is bold in its criticism of Nicaragua. Its headline description is that Nicaragua is one of the 'deadliest countries for activists' which had 'the most killings per capita' in the world in 2016. This makes it 'the world's worst country per capita for land and environmental defenders'. These descriptions, and their repetition by agencies such as Reuters and in the Guardian's extensive coverage, present an entirely misleading characterisation of Nicaragua that could have considerable consequences. For example, it could endanger funding for environmental protection in the country as reports of this kind are seen by NGOs and their donors and supporters. Even worse, it could influence those who want to launch broader attacks on Nicaragua, such as the proponents in the US House of Representatives and Senate of the 'Nica Act' which would impose potentially devastating economic sanctions on Nicaragua that would most affect the impoverished. It therefore behoves GW to have reliable data to back up its claims, to be very careful in their presentation and to listen to criticism – such as ours – from those who are sympathetic to and working in environmental causes and have detailed knowledge of the country. It is in this spirit that we would ask GW to accept our criticism and to address our concerns.

Most of our response is about what we consider to be GW's misrepresentation of the killings in land disputes in the Miskitu territories, which are the basis of GW's statistics that paint Nicaragua in such a seemingly bad light. However, an important aspect of what we allege is the mislabelling of Nicaragua relates to the linking of these killings to the completely separate issue of Nicaragua's proposed interoceanic canal.

In its 2015 report, which documented 12 killings in land disputes in indigenous territories, GW made no mention of the canal. The Nicaraguan section of its new report, however, devotes only a small part of its text to killings in the same disputes; the remainder of the text relates to opposition to the canal. The communities affected by the two issues are completely different and are more than 200 km apart. GW does not say that killings have resulted from opposition to the canal (and none have), yet GW has said its evidence is 'based on the amount of killings we document' (see quote above). The interweaving of the separate issues of land disputes in Miskitu territories and the canal strongly implies that killings relate to the canal issue. An uninformed reader will get this impression because:

- The weight of the text in the section on Nicaragua, intended to justify GW's description of it as 'the deadliest country' is about the canal; only 10% is about the land disputes where the killings have actually occurred.
- The summary at the beginning about the land dispute killings is juxtaposed with a quote from one of the canal protestors saying 'The only response we have had is the bullet'.
- The majority of the text about the canal is under a page heading 'The context for the killings' – and very little of the text on that page relates to the land disputes.
- On this page it says 'Resistance to the canal takes place against a terrifying backdrop of multiple murders in indigenous communities elsewhere in the country'. Use of the words 'terrifying backdrop' inevitably gives the impression that canal activists are at risk of being murdered. This paragraph elides the two issues and is bound to give the reader the impression that they are linked.

GW's response to us says: 'We are careful to point out in our report that the two issues are separate.' We contest that statement. At the very least, the Nicaragua section of the report has been poorly edited; at worst, it is a deliberate attempt to conflate two completely separate issues.

Although less directly linked to Nicaragua, similar confusion is evident elsewhere in GW's latest report. For example, it says (p.7) that the main root cause of attacks on defenders is 'the imposition of projects on communities without their free, prior and informed consent'. The report argues that this applies to the canal. However, it does not apply to the Miskitu land disputes, which is the only place where killings have occurred. In other words, the report positions Nicaragua with countries where mega-projects are resulting in killings of environmental defenders which – on GW's own evidence – is not the case.

2. Misrepresentation of the conflict in the Miskitu lands

Since 1987, the Sandinista government has been an international pioneer in granting significant land rights to 200,000 indigenous people covering 23 indigenous territories and 6.2 million hectares (24,000 square miles). Victor Campos of the Nicaraguan environmental NGO Humboldt Centre describes this 'as a remarkable achievement'. According to Lotti Cunningham of non-profit Centre for Justice and Human Rights on the Atlantic Coast (CEJUHCAN), 'Since Daniel Ortega returned to power, indigenous governing bodies have had more power and resources and thousands of acres of their traditional land have been legally titled to them with communal titles.'¹

In 2013 the government set up an inter-institutional commission chaired by the prosecutor general who took action to arrest lawyers and public notaries involved in corruption including sales of indigenous lands. In 2011 a battalion of the Nicaraguan army was established whose key responsibility was to enforce law 445 related to the clearing of indigenous territories of people without proper land titles.

GW presents the conflict in the Caribbean region as a defence by indigenous people of their traditional forest lands. However, this fails to recognise the length and complexity of the conflicts. These are amply described in [a detailed 2015 study by Eliberto Jhon](#) of Nicaragua's Central American University (UCA). He explains that the region has experienced at least 150 years of land conflicts because of its presence on the agricultural frontier and the existence of valuable minerals and timber. The indigenous groups are themselves often employed in farming and mining work. Settlers have arrived looking for land, in many cases seeing the forest as 'empty', and either occupy land by agreement, have been given it through agrarian reform or post-war resettlement programmes, or buy or rent it from Miskitu 'owners'. Jhon was able to identify the 'going prices' for renting or buying land, indicating that there is a significant market for what are supposed to be communal lands. 'Despite a law that bans the sale of indigenous lands, it has been widely reported that indigenous leaders have granted 'permits' to settlers effectively handing out tracts of land for long term use.'²

¹ See the report of an NSC delegation to review the problems of deforestation and the Miskitu land disputes (<http://www.nicanet.org/images/report-march-2014-delegation.pdf>).

² Tristram Martin & Faye Planer, Thompson Reuters Foundation, 27/4/17 On Nicaragua's Mosquito Coast, conflict over indigenous rights turns violent <http://www.dailymail.co.uk/wires/reuters/article-4451746/On-Nicaraguas-Mosquito-Coast-conflict-indigenous-land-turns-violent.html>

However in a region long known for its lawlessness compared to the rest of Nicaragua, there is also a lengthy history of armed disputes over land rights. Jhon argues that these conflicts are essentially between poor people on both sides: on one side, impoverished indigenous communities trying to keep their land or, alternatively, resorting to selling or leasing it for economic reasons; on the other, other people who are poor/marginalised and have often been displaced from their original land, arrive in 'empty' territory and settle, hoping to re-establish their lives. Because of the desperation on both sides, augmented by insufficient police/army presence, bad administration of land titles, corruption, ready availability of weapons, the remoteness of the small communities,³ etc., conflicts are frequent and can be violent. He concludes:

The challenge we have is, without doubt, to transcend the narrative of victims and oppressors, recognising the equal importance of the rights of the different parties.

We therefore argue that the conflicts are in no way comparable to those cited by GW in other countries where there are clear victims and oppressors.

3. Distinguishing between different types of killing

Regrettable though any unlawful deaths are, we also argue that in all its research GW should distinguish between killings by different types of agency. For example, typical agents/motives might be:

1. government (local or central)
2. government security forces (army and police)
3. other proxies acting on behalf of government interests
4. corporations, national or transnational
5. private security forces acting on behalf of corporations
6. other proxies acting on behalf of corporations
7. overtly party political causes
8. families or communities in conflict such as indigenous and settlers - especially near the agricultural frontier
9. other causes of killings not included in the above.

We submit that while killings of all these types occur in (say) Honduras or Brazil, the vast majority of killings in Nicaragua are in categories 8 or 9 and are quantitatively different from those in categories 1-7. We do not deny that there have been occasional killings in the other categories, not necessarily recorded by GW.⁴ However, even if *some* of the Miskitu killings fall into those categories (and we believe that few if any do), we assert that **the majority do not.**

As can be seen from our review of the evidence about the recent deaths listed by GW in its reports (see below), **all** appear to be in categories 8 or 9. Indeed, by venturing into these last two categories, GW sets itself an impossible worldwide task since many such killings are undocumented or it is

³ On one occasion in which a whole family were killed, a police patrol [spent two days on foot](#) to reach the site of the murder.

⁴ For example the case of the murder in 2002 of the husband of María Luisa Acosta Castellón, a well-known lawyer and human rights defender on behalf of indigenous groups; she was taking legal action against commercial sales of indigenous territories (Caribbean islands) by foreign businessmen. She was believed to be the intended victim of a hired assassin who came to their house and shot her husband by mistake.

unclear whether the victim has simply disappeared, the precise causes cannot easily be identified, and GW's (presumed) aim of compiling statistics that are comparable across different countries and parts of the world is inevitably compromised.

This distinction is important for other reasons. As GW is well aware and has pointed out on various occasions, Honduras is a prime example of heavy-handed, militarised policing and officialdom that permits killings of the types listed in 1-7 to happen with depressing regularity (and we are talking here not only about environmental defenders, but defenders of LGBT rights, opposition politicians, lawyers, student activists, journalists .). Whilst the Nicaraguan authorities and security forces can at times display all the characteristics and behaviour traits of over-zealous defenders of the state that we see in so many countries, it is also true that shootings by the army or police are very rare even when tackling criminals, and that in many cases they display a consideration and willingness to listen and mediate that is far too rare in most countries. Those differences and many others form a part of the experience and evidence that illustrate the sharp contrast between the two countries of Honduras and Nicaragua, very evident to anyone who knows both. The threat levels from government and business sectors are simply not the same, and GW should be well aware of this and would readily be advised of it by most of the organisations acting in solidarity with or working on environmental issues in Central American countries.

4. Evidence that both sides are armed and both sides suffer violence

While it is unclear from press reports whether those named by GW as being killed in the land disputes were armed or participated in armed patrols, there is ample evidence that – in general – the conflicts between Miskitu and settlers are armed conflicts. For example:

- [Interviews in September 2015](#) showed that participants on both sides are armed, have weapons left over from the Contra war or supplied by the narco-traffickers, and in many cases are ex-combatants and know how to use weapons.
- An armed Miskitu patrol leaving by boat to confront settlers in September 2015 promised [a blood bath](#). In the same month, Miskitu groups allegedly [burnt down 18 houses](#) belonging to settlers.
- [Another report](#) in September 2015 cited 70 Miskitu forming an armed patrol to remove settlers, armed with weapons of types used by narco-traffickers.
- On January 5 this year, armed Miskitu said (about the settlers) [if they don't go, there will be war](#). In an armed confrontation that same day, they claimed to have killed two settlers.
- In March this year, settlers who were separately [interviewed by Aljazeera](#) and [by the Guardian](#) alleged that there had been enforced evacuations and killings by Miskitu.

There are many more reports of this kind and indeed the armed nature of the conflicts is described in the academic study by Jhon cited above. This should have been quite clear to GW.

5. Non-compliance with definition of 'environmental defender'

GW says: 'In 2016, in the case of Nicaragua we found 11 killings of people that fitted our definition of land and environmental defenders.' Global Witness [defines](#) 'environmental defenders' as including those who take 'peaceful action... to protect the environment or land rights'. This includes 'peasant

leaders... living in remote mountains or isolated forests, protecting their ancestral lands' (we assume these are the parts of the definition that apply to the Nicaraguan land disputes). We have examined press and other reports on the killings reported by GW in 2016 and (to a limited extent – given there appear to be fewer press reports) those in 2015 documented in GW's previous report. We recognise that organisations like CEJUDHCAN have detailed, frontline knowledge which we fully respect and we do not possess, but we have examined press reports as these are one of the main sources cited by GW and referred to in its detailed list of sources.

From both the general evidence on the land disputes and what we have seen from reports on the deaths listed by GW, we question whether the land disputes involve deaths of environmental defenders. We do this on the following grounds:

- In general, based on the plentiful evidence cited above, we do not accept that Miskitu people defending their territories are engaged in 'peaceful action'. While we do not know the precise circumstances of all the deaths cited by GW, it is clear that the disputes take place in a context of armed conflict, whether or not those listed were armed themselves.
- We also believe that (as argued in the paper by Jhon and in some of the press reports) the disputes are essentially between 'peasant leaders' or peasant communities, i.e. both 'sides' consist of people who would be recognised in Nicaragua as 'campesinos'.
- Furthermore, while the Miskitu have communal land rights, it is clear that some of the settlers also have land rights; it is also clear that some Miskitu have themselves compromised their land rights by illegally selling or renting land to the settlers.
- Finally, below we question the details of some of the deaths listed and argue that, at least in some cases, the individuals or the causes of their deaths do not qualify them as killings of environmental defenders. This calls into question the accuracy of GW's listing of killings in Nicaragua and suggests that its evidence should have been more carefully reviewed before it was published.

Not only do we urge GW to consider these points, we ask whether similarly wide interpretations of the term 'environmental defender' have been applied to the killings listed in other countries? Or is Nicaragua unique in being singled out in this respect?

6. Failure to accurately identify reasons for deaths

We accept that most of the killings listed by GW involve Miskitu people defending their land. However, it is apparent from the press reports on some of the killings either that in those cases the motive is unclear (i.e. were they killed because of land disputes or for other reasons) or that the killing was unrelated to the disputes. These are specific cases listed by GW that we wish to call into question:

- Rudy Manuel Centeno Solís, reportedly died in 2016 for uncertain reasons, possibly in a personal feud, in a different part of Nicaragua. The reference is from a report by an organisation which supports wardens of national parks, and it says that they do not know the reasons for the killing or if it was related to his work. He was a warden in a park around a volcano in north-west Nicaragua, an area with no history of land disputes and where there is no reason to ascribe his murder to motives related to the environment. In other words, he

was certainly an ‘environmental defender,’ but there appears to be no evidence that this is why he was killed.

- Mario Leman Muller was killed in 2015 in the area of the Miskitu land disputes. However, he was reportedly a Sandinista [murdered for political reasons](#). He was part of a group of nine people kidnapped by members of a rival political party, he suffered a heart attack or similar, was taken to hospital and died en route. He was not (according to these reports) an ‘environmental defender’ and his death was unrelated to environmental issues.
- Camilo Frank López, is listed as dying earlier this year. He was a Miskitu community leader. However, press reports quote another community leader as saying his death (he was shot in a bar) was unrelated to the land disputes. Carlos Sanders, his colleague, is [quoted](#) as saying ‘emphatically’ that it wasn’t related to the disputes because the victim ‘was never involved in these activities’.

If three cases out of 24 do not meet GW’s definition of killings of environmental defenders, **can we be sure** that the evidence is robust in the other 21 cases cited? After a few hours’ research we have been able to find evidence contradicting GW’s categorisations. We accept that GW may have other supplementary evidence which contradicts the press reports, but if so we would like a specific reply to our criticisms as this aspect was not addressed in GW’s initial response.

7. Reliance on anti-government sources of reports on killings

We are aware that many of the reported killings rely for evidence on the national newspaper La Prensa, and indeed we have also used its reports. However, we are fully aware – and GW should be too – that La Prensa is vociferously anti-government, despite [claiming to be](#) ‘free’ and ‘independent’. This runs through its reporting as well as its opinion pieces, and certainly affects its reports on the land disputes where it is likely to favour the arguments of the Miskitu communities and give more prominence to any deaths on that side than to deaths among settlers. La Prensa and the non-Sandinista political parties are strongly opposed to the canal. In general, while opinion polls show high levels of support for both the government and the canal project, the media and groups in opposition to both have a strong and consistent interest in anti-government arguments and frequently present very unbalanced reports.

As we pointed out previously, your report states that ‘legislation has been passed to restrict freedom of speech’. Again, this assertion is based on ‘evidence’ gleaned from limited anti-government sources and we are completely unaware of the passing of any such legislation. Anti-government newspapers such as La Prensa and Confidencial continue to operate freely and can be easily accessed online, and several TV channels and radio stations opposed to the government are in operation. There have also been 87 demonstrations against the canal.

8. Corroborating sources do not support evidence of environmental defender deaths

GW’s response refers at length to decisions by the Comisión Interamericana de Derechos Humanos (CIDH). We accept that these decisions relate to deaths of people defending their lands. We also accept that the Inter-American Commission on Human Rights (IACHR) has issued a precautionary measure in favour of CEJUDHCAN because of threats against its members. Amnesty International is also referenced in support of GW’s report. Of course, Amnesty has issued numerous reports on Nicaragua but they do not cite recent deaths apart from those in the Miskitu land disputes. Like the

CIDH, Amnesty is calling for action to stop the deaths in these disputes but, as far as we are aware, is not claiming that the Miskitu's defence of their land is exclusively via 'peaceful actions'.

As we have previously pointed out, the government has taken significant action both to establish a legal framework that recognises indigenous land rights and also in ensuring those rights are implemented. However, we fully accept that the government should do more to protect the Miskitu people and those defending them, and indeed that it should do more to resolve the disputes and reduce or stop the deaths on both sides. However, it is incorrect to say there has been no response from the Nicaraguan government at all, since it issued one to the CIDH [on February 26 this year](#). Indeed, the government has [recently made public presentations](#) of community land titles by the President himself.

Our substantive point is that the CIDH, IACHR and Amnesty International judgements do not in themselves show that the particular deaths that GW list from 2015 to date conform to GW's definition of environmental defenders as engaged in 'peaceful action', nor do they support GW's assertion that as many as 24 environmental defenders have been killed in two years. While these reports cite particular deaths, in total they amount to a far smaller number than the one that leads GW to its conclusion that Nicaragua has 'the most killings per capita' in the world.

9. Conclusion

While we are grateful to GW for responding quickly to our initial criticisms, we call on it now to address the detailed points made in our original complaint and spelt out in greater detail here. We ask Global Witness to accept that it has:

- Mischaracterised Nicaragua in its 2016 report.
- Confused the separate issues of the land disputes and the canal in the text of the report.
- Failed to understand and represent fully the nature of the land disputes and the fact that there are 'victims' on both sides.
- Failed to distinguish between different types of killings of those involved in environmental defence.
- Ignored evidence that in the land disputes both sides are frequently armed.
- Incorrectly applied key aspects of its own definition of an 'environmental defender'.
- Included some deaths in its list of 24 cases where there is no evidence, or at best contradictory evidence, that they conform to its definitions.

It is highly regrettable that Global Witness's report, based in our opinion on flawed research and sweeping generalisations, has led to the widespread adoption by Thomson Reuters and others of the strapline that *'Nicaragua has overtaken Honduras as the world's most dangerous place for activists per capita'*.

We ask Global Witness to review our arguments and, if they accept some or all of them, to make a public statement to that effect. We also ask Global Witness to exercise far more care in the compilation, writing and publicising of its future reports in relation to Nicaragua

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