Enforced disappearances in the context of the defense of land, natural resources and environment
Presentation before the African Commission on Human and Peoples' Rights
Banjul 2025

Ana Lorena Delgadillo Pérez
Member of the Working Group on Enforced or Involuntary Disappearances

Honourable Commissioners, delegates and colleagues,

I would like to thank the African Commission for providing the UN Working Group on Enforced or Involuntary Disappearances (Working Group), which I represent, to present its report titled *Enforced disappearances in the context of the defense of land, natural resources, and environment*, a report which the Working Group presented to the United Nations Human Rights Council on 17 September. Let me also acknowledge that this opportunity was made possible by, and is being carried out, within the framework of the Addis Ababa Roadmap. As many of you will recall, this Roadmap is the framework that has promoted and guided enhanced cooperation between the UN special procedures mechanisms and the African Commission and other African Union human rights organs.

This report highlights a concerning global trend of enforced disappearances as a means to undermine efforts to defend land, natural resources, and the environment. Between 2012 and 2022, 1,733 land, natural resource, and environmental defenders (hereafter referred to as "defenders") were killed—an average of one every two days. In 2023 alone, 177 defenders were murdered; 43% were Indigenous Peoples and 12% were women. There are no statistics on enforced disappearances specifically targeting defenders of land, natural resources, and the environment.

Pursuant to its humanitarian mandate, and jointly with other Special Procedures, Working Group has sent communications in related cases to enforced disappearances in the context of the defese of land, natural resources and environment to Uganda and the United Republic of Tanzania.

According to the report, in Africa, defending LNRE is particularly dangerous in the Democratic Republic of Congo (DRC), Ghana, Kenya, Nigeria, Tanzania and Uganda. Alleged disappearances in these countries are often linked to protests against land and resource exploitation. The situation in the DRC is especially concerning, with reports that numerous environmental guards have been killed, and no proper investigation has been conducted to determine whether they were also victims of enforced disappearance. In Uganda, opposition to projects like the East African Crude Oil Pipeline has reportedly led to arbitrary arrests and disappearances. In Nigeria, the Ogoni people have reportedly long suffered from environmental destruction and repression due to oil exploitation.

Each country and region presents a unique risk profile shaped by a combination of factors, including weak state institutions, corruption, organized crime, armed conflict, and the presence of non-state armed groups. Significant foreign investment, abundant natural resources, and large-scale energy projects further influence the risk environment.

This report holds significant relevance for the African continent, which has long endured the profound impacts of colonialism, discrimination and the systematic appropriation of its lands and resources by foreign powers. The most marginalized groups—often Indigenous Peoples and Tribal communities—continue to bear the brunt of these historical injustices. The report underlines that most of the contexts where these enforced disappearances occur are contexts marked by systemic discrimination and marginalisation, structural violence, colonial legacies, and environmental racism. In such settings, the rule of law is weakened, and economic interests—often represented by corporations and other actors—prevail, frequently operating with the complicity or acquiescence of the State. The rights of Indigenous Peoples and other communities in these areas are neither fully protected nor recognized.

Defenders often confront powerful economic, political, and criminal interests, placing them in extremely vulnerable situations. Corporations exert a corrupting influence over institutions, making it nearly impossible for defenders to protect themselves. The imbalance of power is one of the defining characteristics surrounding these disappearances.

The most affected populations include, among others, rural communities; Tribal or Indigenous Peoples resisting land appropriation; small-scale farmers and fishers defending their livelihoods; lawyers challenging state-issued licenses and concessions for development projects and corporate misconduct; journalists investigating and exposing environmental crimes; and youth activists mobilizing for climate action.

The enforced disappearance of land, natural resource, and environmental defenders is an extreme form of repression against those seeking to protect the environment and collective rights. It poses a serious obstacle to environmental and social justice at the global level.

Victims also include environmental rangers, individuals opposing illegal logging, dam construction, oil pipelines, and petroleum extraction. However, Indigenous Peoples and Afro-descendant communities experience differentiated impacts.

Women, in particular, face additional threats due to systemic discrimination. When they lead efforts to search for the disappeared, they challenge gender norms, patriarchy, and colonialism, and encounter cultural and legal barriers. In Indigenous communities, the disappearance of leaders fractures community cohesion and

undermines leadership. For many Indigenous communities, land is sacred and inseparable from cultural identity—not merely a resource to be exploited. In these communities, the harm is intergenerational, as enforced disappearances lead to cultural disconnection and loss of territorial ties, disrupting the transmission of ancestral knowledge.

Enforced disappearances are often the result of collusion between the State, private companies, and criminal groups seeking to protect or increase their profits—particularly in sectors such as mining, agribusiness, energy, and large-scale development projects.

One of the key issues highlighted in the report is the criminalization of defenders, who are frequently stigmatized as "anti-development," "terrorists," or "eco-terrorists." This labeling is used to justify their persecution, surveillance, and arbitrary detention. The so-called "enemy criminal law" is applied against them, with criminal charges based on weak evidentiary standards, uncorroborated witness testimonies, and no clear links between the charges and the alleged acts.

Other risk factors include the weakness of land rights. There is a lack of legal recognition, demarcation, and titling of land for Indigenous Peoples and local communities. When extractive projects threaten their territories, they lack effective and accessible legal tools to defend themselves. Community consultations are either absent or manipulated, and affected individuals are often ignored—allowing extractive or land occupation projects to be imposed without free, prior, and informed consent.

Risk is further heightened by the militarization of their territories and the lack of security, as municipal or state police forces sometimes serve corporate interests rather than those of the communities. Additionally, the rise of renewable energy projects and carbon markets has increased conflicts and risks for defenders.

The enforced disappearance of these defenders not only violates their rights and those of their families, but also weakens social and community movements, discourages public participation, and obstructs efforts to combat climate change and environmental degradation. Defenders play a crucial role as early warning agents of environmental harm and propose sustainable alternatives grounded in local and Indigenous knowledge.

Ultimately, the absence of the State often means that enforced disappearances go unreported and uninvestigated. In such contexts, State inaction may be interpreted as acquiescence to acts committed by other actors.

Perpetrators include State agents, transnational corporations, organized criminal groups, private security companies, financial institutions, landowners, and settlers—often acting in collusion with or with the acquiescence of the State.

In certain regions, organized crime—enabled by State complicity or acquiescence—has taken direct control over the exploitation of natural resources, dispossessing communities of their territories and resources and committing enforced disappearances.

Business enterprises and financial institutions play a central role in the enforced disappearance of defenders of land, territory, natural resources, and the environment, particularly in countries of the Global South where legal frameworks are weak and impunity is widespread. Many of these companies are headquartered in the Global North and other economically powerful countries, and they exploit the lack of regulation and institutional fragility in the countries where they operate—primarily in the Global South—acting without accountability for the violations they commit.

These business enterprises exert influence to shape laws and public policies in their favour, ensuring conditions that allow them to operate without accountability.

It is important to acknowledge progress such as the European Union's Directive 2024/1760 on Corporate Sustainability Due Diligence, which requires companies to identify, prevent, and mitigate human rights impacts throughout their entire chain of activities. However, most countries where enforced disappearances occur lack similar or effective legal frameworks. Corporate obligations in the area of human rights must be established. Positive examples include the legal frameworks of France and Germany, which have adopted extraterritorial due diligence laws.

This is particularly relevant for the African continent, as—like other regions—it lacks comprehensive and obligatory domestic legislation, national frameworks, or regional directives that firmly compel companies to comply with the obligations outlined in the UN Guiding Principles on Business and Human Rights. It is also important for monitoring how countries such as France and Germany will respond in cases of alleged human rights violations committed by their companies operating on the African continent.

Holding commercial companies legally accountable for enforced disappearances faces significant challenges, including the separate legal personality of corporations, the transnational nature of their operations, resource imbalances in litigation, and their close ties to the State—often marked by corruption or abuse of power. Additionally, the lack of transparency and refusal to disclose information hinder accountability.

International financial institutions, development banks, and investors also contribute to the risk when they finance projects that fail to respect human rights, creating conditions conducive to repression and the disappearance of defenders. For instance, the report includes the case of a project in Tanzania: the Resilient Natural Resource Management for Tourism and Growth (REGROW) funded with a USD $150 million World

Bank credit, which allegedly led to grave human rights violations, including forced evictions, killings, and enforced disappearances near Ruaha National Park. Despite the existence of safeguarding policies, authorities failed to prevent abuses. Although the World Bank suspended funding in 2024 following documented violations, measures to provide meaningful remedies for victims remain limited. Following suspension from the World Bank, the REGROW Project was subsequently cancelled.

It is clear that the primary responsibility to prevent, investigate, punish, and remedy the harm caused by enforced disappearances lies with States. The prohibition of enforced disappearance has attained the status of *jus cogens*—a peremptory norm of international law from which no derogation is permitted. This elevates the legal obligation of all actors, including bussines enterprises and international financial institutions, to avoid participating in, facilitating, or benefiting from enforced disappearances. When such violations occur, the *jus cogens* status of this norm reinforces the duty of all actors—including companies and financial institutions—to take effective measures to prevent, investigate, and remedy the harm, regardless of their legal obligations under domestic law.

The report underscores the urgent need for stronger prevention measures and accountability mechanisms in response to these enforced disappearances. These defenders are ultimately protecting all forms of life on this planet, and therefore, must themselves be protected from enforced disappearance.

In Africa continent, as well as in other regions where enforced disappearances of LNRE defenders often occur in contexts marked by violence, repression, systemic marginalization and climate emergency, and particularly where Indigenous Peoples defend ancestral lands, both State authorities and business enterprises are required to exercise heightened vigilance. This includes conducting heightened human rights due diligence. These obligations stem from treaties such as the International Convention and are reinforced by evolving standards related to environmental and climate-related harm. Heightened human rights due diligence requires identifying and responding to the specific risks associated with operating in conflict-affected or high-risk areas. Business

The report also addresses the obstacles to search, justice, and reparation, emphasizing that most defenders live in remote areas, far from institutional access and without the resources to seek help. In several regions, cases go unreported due to fear of further reprisals or because of the known influence of large corporations over judicial institutions. Search efforts often fail to consider that the locations where individuals have disappeared require distinct methodologies and techniques, and that some of these areas are under the control of companies potentially involved in the disappearances.

The report presents a comprehensive list of recommendations for various stakeholders. For States, it calls for the immediate search for disappeared persons; the prevention of defender criminalization; the guarantee of secure land tenure through robust legal frameworks; and the implementation of free, prior, and informed consultation. It also urges stronger regulation of corporate conduct, aligned with the UN Guiding Principles on Business and Human Rights, making such regulation mandatory and enforceable with sanctions in cases of involvement in enforced disappearances. The report recommends a range of measures for prevention, search, investigation, and punishment, with support from international experts when needed. It is essential to include clauses prohibiting enforced disappearances in trade and commercial agreements and to carry out holistic reparations that address harm to families and communities. All measures must be agreed upon with the affected communities.

For commercial enterprises and financial institutions, the report recommends conducting risk assessments for potential enforced disappearances before launching projects, ensuring all necessary preventive measures are taken, acting with due diligence, and carrying out free, prior, and informed consultations. It advises suspending operations where there is a risk of disappearances, cooperating with prevention, search, and investigation efforts, establishing effective grievance and reparation mechanisms, and refraining from initiating Strategic Lawsuits Against Public Participation (SLAPPs) against defenders.

Public human rights institutions are encouraged to monitor and document cases of enforced disappearance of land, natural resource, and environmental defenders, conduct mapping of legislation that places defenders at risk, and promote binding frameworks for corporate accountability.

Conclusion:
Land, natural resource, and environmental (LNRE) defenders protect not only their territories but also the ecological balance of the planet. Their disappearance poses a threat to human rights, environmental justice, and global sustainability. The report calls for an urgent, coordinated response grounded in a human rights-based approach.