

## **Contributions for the next WGEID thematic study - Disappearances and Land Defense**

### **Context:**

**What are the key contributing factors, patterns, and trends of enforced disappearances related to the defense of land, natural resources, and the environment?**

### **Contributing Factors**

- **Economic Interests:** The defense of land and natural resources often conflicts with powerful economic interests, leading to coercion and violence against defenders.
- **Political Influence and Corruption:** High-ranking officials and influential figures, such as Traditional leaders, use their power to suppress opposition and manipulate legal systems to their advantage.
- **Weak Legal Frameworks and Enforcement:** Despite legislation like Ghana's Land Act 2020 (Act 1036) enforcement is often weak, and perpetrators act with impunity.
- **Marginalization of Indigenous Communities:** Indigenous and rural communities are particularly vulnerable due to their marginalized status and strong connection to their land.

### **Patterns**

- **Coercion and Threats:** Land defenders, face threats and coercion from powerful individuals and groups.
- **Involvement of State and Non-State Actors:** Both state actors (e.g., police, government officials) and non-state actors (e.g., traditional authorities, mercenaries "land guards" are implicated in enforced disappearances.
- **Use of Legal and Extralegal Means:** Perpetrators use both legal manipulation and extralegal violence to achieve their goals, as seen in the threats and abduction of community leaders.

### **Trends**

- **Targeting of Land Rights Defenders:** Individuals defending Indigenous and native lands are increasingly targeted for their activism.

- **Impunity for Perpetrators:** There is a lack of accountability for those responsible for enforced disappearances, often due to political influence and corruption.
- **Escalation of Violence:** The use of violence and intimidation against land defenders is escalating, with incidents of abduction, torture, and threats becoming more common.

**Who are the main actors (state and non-state actors) involved in enforced disappearances related to the defense of land, natural resources, and the environment, and how do they contribute to risk and commission of enforced disappearances?**

### **State Actors**

#### **Government Officials and Security Forces:**

- **Role:** These actors may be directly involved in enforced disappearances to suppress dissent and protect economic interests tied to land and natural resources.
- **Contribution to Risk:** Their involvement often includes intimidation, coercion, and violence against land defenders, creating a climate of fear and impunity.

#### **Judicial and Law Enforcement Agencies:**

- **Role:** These agencies can contribute to the risk by failing to investigate disappearances adequately or by being complicit in covering such incidents.
- **Contribution to Risk:** Lack of accountability and corruption within these institutions can prevent justice for victims and embolden perpetrators.

### **Non-State Actors**

#### **Traditional Authorities:**

- **Role:** Traditional leaders may use their influence to suppress opposition to land acquisitions and resource exploitation.
- **Contribution to Risk:** Their involvement can include coercion, threats, violence and collaboration with state actors to intimidate and eliminate land defenders.

### **Private Security Forces and Vigilanty (landguards & Mercenaries) Groups:**

- **Role:** These groups are sometimes hired by businesses or local elites to intimidate or eliminate opposition from communities defending their land and resources.
- **Contribution to Risk:** Their actions often include threats, harassment, and violence, contributing to a hostile environment for land defenders.

### **Large Business Corporations:**

- **Role:** Companies involved in large-scale land acquisitions, mining, and other extractive industries may be implicated in enforced disappearances, either directly or through their security contractors.
- **Contribution to Risk:** Their economic power and influence can lead to the suppression of opposition, often through coercive and violent means.

### **Contributing Factors**

- **Economic Interests:** The defense of land and natural resources often pits local communities against powerful economic interests, increasing the risk of enforced disappearances.
- **Political Influence and Corruption:** High-ranking officials and influential figures use their power to suppress opposition and manipulate legal systems to their advantage.
- **Weak Legal Frameworks and Enforcement:** Despite legislation like Land Act 1036, enforcement is often weak, and perpetrators act with impunity.
- **Marginalization of Indigenous and Rural Communities:** These communities are particularly vulnerable due to their marginalized status and strong connection to their land.

These actors and factors collectively contribute to the risk and commission of enforced disappearances, creating a hostile environment for those defending land, natural resources, and the environment.

### **Impacts:**

**How have enforced disappearances affected the ability of individuals, communities, Indigenous Peoples, human rights defenders and societies to defend land, natural resources, and the environment, and what have been the broader social, economic, and environmental consequences?**

Enforced disappearances have profound impacts on individuals, communities, Indigenous Peoples, human rights defenders, and societies., here are the key effects and broader consequences:

### **Impact on Individuals and Communities**

#### **Fear and Intimidation:**

- **Individuals:** The disappearance of land rights defenders creates a climate of fear among other activists and community members. They may feel threatened and less willing to speak out or take action to defend their rights.
- **Communities:** The fear of reprisals can lead to a breakdown in community cohesion and solidarity. People may become reluctant to support each other in defending land and resources.

#### **Loss of Leadership:**

- **Individuals:** The disappearance of key leaders, like the land rights defender in the provided data, deprives communities of experienced and knowledgeable advocates who can effectively navigate legal and political systems.
- **Communities:** The absence of strong leadership can weaken community efforts to resist land grabs and resource exploitation, making them more vulnerable to external pressures.

#### **Psychological Trauma:**

- **Individuals:** Family members and close associates of the disappeared suffer from psychological trauma, including anxiety, depression, and a sense of helplessness.
- **Communities:** The collective trauma experienced by communities can lead to long-term social and psychological issues, affecting overall well-being and resilience.

### **Impact on Indigenous Peoples**

#### **Cultural Erosion:**

- **Indigenous Peoples:** The enforced disappearance of land defenders who are often key cultural figures can lead to the erosion of cultural practices and traditions tied to the land.

- Communities: The loss of cultural leaders and the disruption of traditional land use can weaken cultural identity and heritage.

### **Displacement:**

- Indigenous Peoples: Enforced disappearances can lead to the forced displacement of Indigenous communities from their ancestral lands, disrupting their way of life and connection to the land.
- Communities: Displacement can result in loss of livelihoods, increased poverty, and social disintegration.

### **Impact on Human Rights Defenders**

#### **Silencing of Activism:**

- Human Rights Defenders: The threat of enforced disappearances can silence activists and deter others from taking up the cause of defending land and environmental rights.
- Communities: The reduction in active advocacy can lead to a lack of accountability for abuses and a weakening of human rights protections.

#### **Legal and Financial Burdens:**

- Human Rights Defenders: Families of the disappeared often face legal and financial burdens in their search for justice, including legal fees and loss of income.
- Communities: The financial strain on affected families can have ripple effects on the broader community, reducing overall economic stability.

### **Broader Social, Economic, and Environmental Consequences**

#### **Social Consequences:**

- Erosion of Trust: Enforced disappearances erode trust in government institutions and the rule of law, leading to social instability and unrest.
- Community Fragmentation: The fear and trauma associated with disappearances can fragment communities, weakening social bonds and collective action.

#### **Economic Consequences:**

- **Loss of Livelihoods:** Displacement and the disruption of traditional land use can lead to loss of livelihoods, increased poverty, and economic hardship for affected communities.
- **Resource Exploitation:** The suppression of land defenders can facilitate unchecked resource exploitation, leading to environmental degradation and loss of sustainable economic opportunities.

### **Environmental Consequences:**

- **Environmental Degradation:** The absence of active land defenders can lead to increased environmental degradation, including deforestation, pollution, and loss of biodiversity.
- **Climate Impact:** The exploitation of natural resources without regard for environmental sustainability can contribute to climate change and its associated impact on local and global ecosystems.

### **Cases:**

- **Are there specific case studies or examples of enforced disappearances in the context of the defense of land, natural resources, and the environment that illustrate broader trends or highlight good practices?**

### **Case Study: Enforced Disappearance of a Land Rights Defender in the Ashanti Region of Ghana (Redacted)**

#### **Background**

- **Victim:** A public servant and land rights defender, working to enforce the Ghana Land Act 2020 (ACT 1036) in the Ashanti Region.
- **Role:** The individual represented the Regional Lands Officer of the Ashanti Regional Lands Commission and released an official report concerning the title of ownership for a large tract of undeveloped land belonging to a local community.
- **Threats and Coercion:** On August 30, 2021, a community leader received threats from the legal representative of a powerful traditional authority. These threats were made during a closed-door meeting and included proverbial statements implying severe consequences for non-compliance.
- **Disappearance:** On the same day that the community leader received threats, the land rights defender was reported missing. The individual disappeared after leaving

their residence and has not been seen since. The disappearance was reported by their spouse to the regional police command.

### **Criminalization and Persecution**

- **Criminal Charges:** The aforementioned community leader faced criminal charges aimed at silencing their efforts to defend their community's land rights.
- **Abduction and Torture:** Another community leader was abducted by the police force, humiliated, and tortured within the walls of a prominent traditional authority's seat, without any legal justification.

### **Lack of Effective Remedy**

- **Human Rights Court Judgment:** Despite a judgment passed by the human rights court, no effective remedy was provided. The perpetrators were not brought to justice, which emboldened these actors to further act with impunity.

### **Forced to Flee**

- **Political Asylum:** Due to the unrelenting persecution and torture, and the instilled climate of fear as a result of these incidents, the first mentioned community leader was forced to flee Ghana to seek political asylum in another country.
- **Fear of Retaliation:** Family members of the disappeared individual are also afraid to pursue the case due to the lack of political will and the fear of retaliation.

### **Possible Perpetrators**

- **Involvement:** High-ranking officials and traditional authorities with significant influence in the region are believed to be involved. These individuals are thought to have connections with state authorities and may have acted with their support or approval.

### **Impact on Community**

- **Persecution:** The community faced persecution, torture, and criminalization for defending their land rights. The traditional authority reportedly used police forces to perpetrate these actions, further exacerbating the situation.

### **Broader Trends Illustrated by the Case Study**

- **Coercion and Threats:** Land defenders frequently face threats and coercion from powerful individuals and groups, creating a climate of fear and intimidation.

- **Involvement of State and Non-State Actors:** Both state actors (e.g., police, government officials) and non-state actors (e.g., traditional authorities) are implicated in enforced disappearances.
- **Use of Legal and Extralegal Means:** Perpetrators use both legal manipulation (e.g., false charges, arbitrary arrests) and extralegal violence (e.g., abduction, torture) to achieve their goals.
- **Impunity for Perpetrators:** There is a lack of accountability for those responsible for enforced disappearances, often due to political influence and corruption.
- **Escalation of Violence:** The intensity of violence against land defenders is escalating, with incidents of abduction, torture, and disappearance becoming more common.

#### **Good Practices Highlighted by the Case Study**

- **Documentation and Reporting:** Documenting and reporting incidents of enforced disappearances is crucial for seeking justice and raising awareness.
- **Legal Action and Advocacy:** Filing petitions and legal actions can help bring attention to enforced disappearances and pressure authorities to take action.
- **International Support:** Seeking international support and protection can provide additional pressure on local authorities to address enforced disappearances.

#### **Conclusion;**

This case study exemplifies the broader issues faced by land and environmental defenders globally. It highlights the patterns of coercion, involvement of state and non-state actors, use of legal and extralegal means, impunity for perpetrators, and escalation of violence. Additionally, it underscores the importance of good practices such as documentation, legal action, and international support in addressing enforced disappearances.

#### **Submitted By**

**Nana Kwesi Osei Bonsu**

**Lawful representative of the Huahi Achama Tutuwaa Royal Family  
(Indigenous People of Benimasi-Boadi-Goaso)**