

DEFENDERS OF OUR PLANET: RESILIENCE IN THE FACE OF RESTRICTIONS



Photo by Ezra Aayan/Getty Images



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ABOUT THE CIVICUS MONITOR

The CIVICUS Monitor is a research tool that provides quantitative and qualitative data on the state of civil society and civic freedoms in 196 countries. The data is generated through a collaboration with more than 20 civil society research partners, and input from a number of independent human rights evaluations.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:



I. INTRODUCTION

“Civil society is to a great extent the only reliable motor for driving institutions to change at the pace required”¹

Around the globe, activists and communities – among them young people, women, Indigenous groups and environmental and land defenders – are mobilising, including through civil disobedience and symbolic actions, to demand climate and environmental justice. Civil society organisations (CSOs) are also ensuring that the needs of excluded and adversely affected populations are factored into decision making and partnering with governments in implementing green solutions.

People are protesting over fossil fuel industries, which include oil, gas and coal and are the biggest contributor to carbon emissions. While these industries are [headquartered](#) in the global north, their impacts are felt the most at the sites of extraction in the global south. In [South Sudan](#), in August 2020 people who live near the Palouch and Melut oil fields in the Upper Nile regions [blocked](#) the entrances of two oil companies and closed roads in the local area to bring attention to the environmental damage being caused by oil operations. Similar protests took place in [Ecuador](#) and [Tunisia](#). Protests have also been staged over construction and mining projects which disrupt natural habitats such as rivers and oceans and their eco-systems. Around the world, many young people have taken to the streets to demand that their governments commit to tackling the climate crisis.

At the national and local level, environmental activists, land defenders and Indigenous groups are on the frontlines of the struggle, demanding that their rights are protected and respected by states and corporations.

Climate activism, bringing together a diversity of groups, tactics and contexts, has achieved tremendous [impacts](#), such as through pushing for policy and legislative reform, by forcing the media and politicians to acknowledge the importance of climate change and by creating public awareness.

As the climate crisis intensifies and the effects of the COVID-19 pandemic exacerbate social and economic inequalities, the efforts of civil society are fundamental if we want to achieve tangible results and systematic change. But we face profound barriers. Not only are governments and businesses failing to take urgent steps to mitigate the climate crisis; they are also actively trying to silence activists, disrupt and prevent climate actions and repress environmental, land and Indigenous rights defenders and others pushing for a better future.



Police arrest activists during a protest against climate change in the Hague, Netherlands (Photo by Pierre Crom/Getty Images)

Civic freedoms are being systematically violated globally in the context of climate justice. The CIVICUS Monitor has documented violent attacks, criminalisation and vilification against environmental, land and Indigenous rights defenders as well as unjustified restrictions on the right to peaceful assembly that target climate-related protests.

The aim of this report is to provide a global overview of the main challenges and restrictions faced by those advocating for climate and environmental justice, and to provide examples of how civil society action is fundamental for advancing the cause. This report builds on CIVICUS’s previous [research](#) on

1 Intergovernmental Panel on Climate Change (IPCC).

the topic and aims to provide a global overview of the restrictions covering civic space freedoms through a systematic data collection from the CIVICUS Monitor.

The bulk of the information for this report is based upon civic space updates from our research partners between January 2018 and June 2021. The information in these civic space updates is triangulated, verified and tagged by the CIVICUS team. In addition, qualitative analysis based on literature review and interviews with civil society complements this information. The report also provides a series of country case studies to highlight the criminalisation of activists and social protests and to amplify the fight of those on the front line, who are often overlooked but face the greatest risks.

The data analysis of this report includes any documented incident involving individuals or groups mobilising to protect their lands, natural heritage and territories and those advocating to ensure environmental protection. It includes activists and civil society organisations who are contributing to such efforts through supporting or reporting these struggles. This includes Indigenous people, environmental defenders, social movements, journalists, land defenders, climate activists and anyone fighting against state or corporate misuse of environmental resources.²



Global Climate Strike March on October 02, 2020 in Durban, South Africa. (Photo by Darren Stewart/Gallo Images)

of COP26 when the climate emergency is heightened but governments' actions seem to be more focused on restricting the space for activists than advancing the cause.

Given the complexity of the subject matter and its global scope, this report is not intended to be comprehensive. The examples provided are illustrative of a general trend and the failure to mention a specific country does not imply an absence of violations against its activists.

We also include civil disobedience and non-violent direct action as a form of protest that is [recognised](#) by international human rights law as a legitimate form of dissent, especially in relation to these issues where there is a clear imbalance of power and institutional mechanisms continue to fail to address and respond to the demands of activists.

The objective of this report is to establish that those advocating for climate and environmental justice are particularly the target of civic space violations by governments and corporations, to affirm the importance of civil society, defenders and activists to advance the climate agenda, and to showcase the diversity of the movement and the struggle. This report is especially important in the context

2 Friends of the Earth, Asia-Pacific: Defending territories, defending our lives, <https://www.foei.org/wp-content/uploads/2019/12/Protecting-Human-rights-and-the-Environment-in-Asia-Pacific-through-System-Change-Friends-of-the-Earth.pdf>; UN environment programme, <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/who>; Global Witness, Annual Report 2019, <https://www.globalwitness.org/en/campaigns/environmental-activists/enemies-state/>; Arnim Scheidel, Daniela Del Bene, Juan Liu, Grettel Navas, Sara Mingorría, Federico Demaria, Sofía Avila, Brototi Roy, Irmak Ertör, Leah Temper, Joan Martínez-Alier, Environmental conflicts and defenders: A global overview, Global Environmental Change, <https://www.sciencedirect.com/science/article/pii/S0959378020301424?via%3DiHub>; UN General Assembly, A/76/222, Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice, <https://undocs.org/A/76/222>

II. RESTRICTIONS

PROTESTS BANS AND REPRESSION

Protests and direct action to demand climate and environmental justice and the protection of environmental, land and Indigenous rights defenders has proven to be a successful strategy to achieve results. Perhaps due to the success of such actions, many governments seek to prevent and disrupt them. Our data indicates that governments and associated authorities are responding to climate protests by detaining protesters and using excessive force against them. At times, the force has been [fatal](#) for some protesters. In his recent [report](#) on climate justice and civic space, the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Clément Voule, warned against the violent dispersal of peaceful assembly, including climate-related protests.

The detention of protesters is a common tactic used by authorities to disrupt protests. In the Democratic Republic of the Congo (DRC), Mombulu Boyama Alphonse, chief of the Mwingi community in northern DRC and a leader of [advocacy](#) against land grabs by multinational companies, was beaten and arrested by police in September 2019 after a protest was staged by members of the community against the palm oil agribusiness Feronia PHC.

In France, during October 2020, climate protesters from the ANV COP 21 Gironde and Extinction Rébellion movements [staged](#) an action by entering the tarmac at Bordeaux-Mérignac airport to stop air traffic. Seven activists were arrested and are facing charges of ‘obstructing the movement of an aircraft’. They received a [suspended](#) fine of €500 (approx. US\$580) each.

This tactic, which has been widely used over the past few years, has now become the tactic of [choice](#) by authorities around the globe under the COVID-19 pandemic, with protesters accused of breaching pandemic restrictions. For years, activists in Armenia have been [opposing](#) goldmining by the Lydian Armenia company. In August 2020 at least 14 people were [detained](#) for demonstrating against the company. The authorities cited COVID-19 restrictions on public gathering as the reason for the detentions.



Two Save Lamu activists arrested for organising fossil fuel free protests in Kenya (Photo: Private)

In Kazakhstan in February 2021, several activists were [sentenced](#) to administrative detention after being found guilty of organising and participating in several unsanctioned rallies where they raised concerns about liquified natural gas extraction and drinking water quality and protested against the construction of a ‘safari hotel’ in the Bozzyhra tract. In May 2018, two environmental activists from Save Lamu, an environmental activism group, were [arrested](#) during a protest against plans to set up a coal-fired power plant at Kwasasi near the coastal town of Lamu, Kenya (see also section III).

In Uganda during September 2020, eight young climate activists who [staged](#) a protest as part of the global climate strike were detained and questioned for eight hours. In the UK, Extinction Rebellion [staged](#) protests during September 2020, blocking and delaying the distribution of Rupert Murdoch’s News Corp titles, in reaction to these publications failing to ‘report on the climate and ecological emergency’. Blockades took place in several locations, including Knowsley and Hertfordshire where 42 protesters were arrested by Hertfordshire police.

Disproportionate force has been used to detain protesters. In Finland, in June 2021, during a protest calling for urgent action from the government on the climate crisis, police [arrested](#) over 100 people from Elokapiina (Extinction Rebellion Finland), in some cases lifting and dragging out protesters.

In addition to detentions, our data indicates that judicial systems are playing a role in the criminalisation of protesters. In many cases, protesters are sentenced and face steep fines for the exercise of their rights. In Côte d'Ivoire, human rights defender and journalism student Konan Yao was [sentenced](#) to five years and a fine of three million CFA francs (approx. US\$4,995) on [charges](#) of 'incitement and disturbance of public order' and 'assault and battery of gendarmes on duty' in March 2020 for [organising](#) a 2019 protest for the N'dakouassikro community in opposition to the opening of a goldmine.

In April 2020, 25 Nubian human rights defenders in Egypt, including Indigenous land rights activists, were [sentenced](#) to a suspended fine of 50,000 Egyptian pounds (approx. US\$3,100) each for 'disrupting public order', 'participating in an unauthorised protest' and 'inciting protest', after staging a peaceful protest for land rights. Historically, the Egyptian government has subjected the Nubian people to land expropriation and forced displacement to pave the way for state projects.

Even when not sentenced, defenders often spend long periods of time in detention while waiting for their trials; in such instances they are already being punished without conviction. This is the case with eight water defenders from Guapinol in Honduras, who have [remained](#) in pre-trial detention for over two years on baseless charges related to their participation in a protest camp.



Hoang Duc Binh sentenced to 14 years in prison in Vietnam
(Photo: private)

In Vietnam, there were numerous protests against a [toxic spill](#) by Formosa Plastics Group, a Taiwanese steel corporation, in April 2016. The spill, Vietnam's largest environmental disaster to date, resulted in the death of an estimated 115 tons of fish, resulting in job losses for fisheries workers, as well as among tourism industry workers. In response, the authorities cracked down heavily on protests, using teargas and excessive force to prevent and punish participation. Environmental activist Hoang Duc Binh was arrested and [sentenced](#) in February 2018 to 14 years in prison after criticising the disaster, one of the harshest sentences ever delivered to a Vietnamese activist.

Excessive force is a tactic commonly used by governments to disperse and potentially prevent future protests, with lethal force used in some cases. In September 2019, several communities located near La Tigra National Park in Honduras organised roadblocks in protest against a housing project that they fear could cause deforestation and threaten their water resources. Two people were [reportedly](#) injured by bullets, with riot police also using teargas.

In India in May 2018, police [fired](#) live ammunition into a crowd of protesters in Thoothukudi, Tamil Nadu. Protesters were calling for the closure of a local copper smelting plant, which was polluting the air and water supply. At least 13 people, including a 17-year-old woman, were killed, dozens injured and at least 65 people were arrested and charged for 'engaging in violence' during the protests. No one has been held accountable for the incident.

During a police crackdown on a protest staged in north-eastern Peru in August 2020 by Kukama peoples in the Bretaña community, Loreto department, three Indigenous protesters were [killed](#) and 11 injured. The protests were staged against Canadian oil company PetroTal on International Day of the World's Indigenous Peoples to demand better compensation for the company's use of land and resources, and to denounce the lack of medicine and medical care for COVID-19 patients in hospitals in the region.

In Sierra Leone, the authorities used excessive force against communities and land rights defenders in Sahn Malen Chiefdom, Pujehun district, [killing](#) two people and detaining 15 protesters, after clashes over an ongoing land conflict between communities and the multinational palm oil and rubber plantation management

corporation SOCFIN. In South Africa, authorities have [used](#) excessive force against environment defenders from mining communities who have held anti-mining protests. In Ghana, farmers protesting against their compensation package for the buyout of their farmlands by the Newmont Mining Company were [met](#) with teargas and rubber bullets in October 2018.



People protest against the Enbridge Energy Line In Minnesota (Photo by Stephen Maturen/Getty Images)

In addition, authorities in multiple contexts have partnered with private companies to crack down on environmental protests. In the USA, Minnesota anti-pipeline protests against Enbridge Energy's Line 3 pipeline project during July and August 2021 were [repressed](#), with several protesters arrested and police using teargas and rubber bullets to disperse environmental and Indigenous rights defenders. News reports [state](#) that Enbridge is paying the salaries of police officers who are providing security during the construction of the pipeline, as part of a deal with the state. In Canada, a civil liberties group [released](#) confidential Protest Papers in July 2019 revealing that Canada's intelligence apparatus coordinated with energy companies to spy on several groups engaged in peaceful advocacy and protest, specifically those opposed to the Enbridge Northern Gateway pipeline project. In the Philippines, protest repression is often [carried](#) out by the police and private security forces as 'police and military have seemingly become part of the corporations' security forces, using repressive measures to ensure that their operations run smoothly.'

In September 2020, Peru's Constitutional Court [ruled](#) that 'extraordinary' agreements between the national police and private sector were constitutional. The case questioned 'extraordinary police service' contracts signed by Peru's police to provide security services to extractive industries. CSOs state that many of the extractive industries that have signed these contracts have projects that have led to social uprisings by local communities and argue that the contracts affect the ability of the police to respond to protests impartially.

The use of excessive force and detention of protesters was documented in many other countries, from countries rated as open by the CIVICUS Monitor, where in general authorities have a good track record when

managing protests but are showing themselves less tolerant of climate and environmental protests, perhaps because protesters are bringing to the surface government inaction and challenging entrenched economic interests, to those where civic freedoms are more frequently repressed including [Albania](#), [Austria](#), [Czech Republic](#), [Denmark](#), [Germany](#), [Honduras](#), [Indonesia](#), [Malaysia](#), [Netherlands](#), [Norway](#), [North Macedonia](#), [Poland](#) and [Taiwan](#).

In addition to arbitrarily detaining protesters and using violence against them, in some countries, anti-protest laws have been passed that directly tackle environmental protests in an attempt to prevent them taking place. In Australia in October 2019, new anti-protest laws were [pushed](#) through in Queensland that include jail sentences of up to two years for using 'lock-on' devices to disrupt transport or hinder business. Under the law, police also have the power to search anyone they reasonably suspect is in possession of a lock-on device. The law was [developed](#) in response to a series of disruptive Extinction Rebellion actions in Brisbane in mid-2019, in which more than 70 people were arrested and charged by police. In the UK, the government has put forward the Police, Crime, Sentencing and Courts bill, which seriously [threatens](#) the right to the freedom of assembly by, for example, introducing new restrictions on the right to protest - including allowing the police to set start and finish times, set noise limits, and restrict protests that are deemed to be a nuisance. The vague wording of such provisions could lead to a discretionary application and targeting of particular protests, such as climate-related protests.

CASE STUDY: CIVIL DISOBEDIENCE MET WITH DETENTION AND LEGAL INTIMIDATION: ENDE GELÄNDE

Founded in 2015, Ende Gelände is a network fighting for climate justice and system change. They strongly believe that capitalism and oppression are at the centre of the climate crisis. More recently, the group has focused on the strong links of racism and colonialism with climate injustice.



Environmental activists block the rail track of the 'Hambach Bahn' in Germany (Photo by Ende Gelände)

'We have been held to account by people in Germany who were saying that the climate justice movement and Ende Gelände is much too white and hasn't acknowledged enough the frontline contributions that communities in the global south have been making to the struggle and particularly Black, Indigenous and People of Color (BIPOC) have been making to the environmental justice struggle.'

The group has staged many acts of civil disobedience against coal and gas infrastructure, and more recently the car industry. It uses civil disobedience 'as a form of political action and grassroots activism'. Some recent actions include [protests against](#) the use of fossil fuels at a mine in western Germany, an action at ChemCoast Park near Brunsbüttel that involved blocking natural gas extraction infrastructure and an [occupation](#) of two construction sites on the A100 freeway to protest against its expansion.

The group has been instrumental in focusing attention on the fight against the mining of lignite coal in Germany. When it began actions in 2015, there was little discourse about coal in Germany. In a significant step, in July 2020 the German government [adopted](#) a coal exit law, committing to phase out coal by 2038 – although climate groups are clear that this deadline is too far in the future and are still pushing for more rapid action.



Police clash with activists in Brunsbüttel, Germany (Photo by Till Rimmele/Getty Images)

'The work of Ende Gelände and other groups have made this possible...we have been able to influence public discourse in a certain manner, where we contributed to coal phase out, but also mainstream media is taking up our calls for a more profound system change.'

However, during some of its actions the group has faced restrictions. Some protesters have been detained, others have been carried away by the authorities during acts of civil disobedience and others have been investigated for trespassing.



'The immediate forms of repression are the ones faced when we go to actions... Police could threaten you with detention, as a form of intimidation. People are sometimes detained and are placed in police custody for some time to ascertain their identity. Sometimes, such actions have led to criminal charges and people have to pay fines.'

The group has also faced repressions from coal companies, such as the RWE Group, which has used the legal system [to intimidate](#) individual activists. The company has intimidated activists into signing cease-and-desist declarations, in which activists agree to refrain, for example, from entering RWE premises in future. And if activists fail to do so, they face stark financial penalties.

Restrictions on activists mainly stem from the police. However, the group reports that it is under surveillance by the German government's intelligence service (Bundesamt für Verfassungsschutz or BfV) and some of the corresponding authorities at federal state level. These monitor, amongst other things, what they consider to be 'extremist' activities.

'They [The office] have monitored what we are doing at Ende Gelände at the federal level and several regions. We have been included in [public reports](#) which label us leftist and extremists. I don't think it has had very immediate practical consequences for us, but it may be seen as an effort to delegitimise our protests and make it harder for mainstream actors to collaborate with us.'

The groups adds that there are '[ongoing efforts](#) to make the legal framework for activism tougher or more stringent'. For example, in North-Rhine Westphalia where lignite coal mines are located, the police law [was amended](#) in 2018 to allow the police to detain people for up to seven days without a court order.

The group's strategy steers clear from official politics and forums like COPs; rather it prefers highlighting change through actions on the ground.

'We took a deliberate decision to not focus on or go to summits....because we don't believe that those international agreements result in societal change. We'd rather do something at the place where the destruction is going to take place (like coalmines); we believe that the grassroots level is where societal change comes from. We would rather go to the site of destruction and highlight the contradictions of a government that praises itself as leading on climate change and policy but is producing very little in results.'

CRIMINALISATION AND JUDICIAL HARASSMENT

The use of the justice system against environmental, land and Indigenous rights defenders is another tactic prevalent in our analysis. For example, in April 2021, a crude oil spill affected waterways vital to several Indigenous communities in the Ecuadoran Amazon. After the disaster, affected communities in the Kichwa Federación de Comunas Unión de Nativos de la Amazonía Ecuatoriana (FCUNAE) [filed a lawsuit](#) against companies OCP Ecuador and Petroecuador for alleged negligence in managing pipelines. They requested compensation for the losses to their land and livelihoods. However, their complaints were dismissed by local courts in Orellana province. Meanwhile, a lower-court judge filed a [complaint](#) against the plaintiffs and their legal representatives, accusing them of inciting 'social instability' for organising protests and speaking out in the media about the injustice they were facing. Kichwa defender Carlos Jipa and lawyer María Espinosa are among those facing criminal charges.

This is not just a problem in Ecuador. In many other countries, the authorities and private companies have used the judicial system to harass and intimidate environmental, land and Indigenous rights defenders and organisations working on these issues, and to criminalise their advocacy using trumped-up charges.



Even when they don't lead to incarceration, lawsuits can have a chilling effect on the ability of defenders and communities to continue their work: they consume vital time and resources and seek to pressure activists to back down from campaigns and court cases. For example, in Malaysia, contempt charges were initiated in March 2021 against human rights lawyer Charles Hector and eight defendants he represents in a case against two logging companies. The defendants are part of a community resisting logging in the Jerantut Permanent Forest Reserve. In the complaint, Hector and his clients were accused of violating an injunction by sending a letter to the Jerantut Forestry office seeking clarification of earlier communications. The complaint was subsequently [withdrawn](#) in April 2021.

The Australian company Mineral Commodities (Ltd) (MRC) and its South African subsidiary Mineral Sands Resources brought a defamation case against six environmental activists – two community activists, two lawyers of the Centre for Environmental Rights, a private lawyer and a social worker – for an amount totalling 14.25 million South African Rands (approx. U\$980,000). The lawsuits were brought after three of the activists – Davine Cloete, Christine Redell and Tracey Davies – spoke out in January 2017 against environmental damage and non-compliance with environmental and mining laws by MRC in its Tormin mine. The three other activists – Mzamo Dlamini, Cormac Cullinan and John Clarke – were vocal about MRC's conduct in the Xolobeni community. Fortunately, the South African High Court ruled on 9 February 2021 that the defamation suits were an abuse of the legal process.

Because of their opposition to megaprojects in the Chaparrí reserve, Peruvian environmental defenders have faced a smear campaign and [legal harassment](#) claiming that they are the ones who engage in environmental crimes. In 2020, the Lambayeque department's Attorney General opened investigations against six defenders for alleged environmental damage and illegal land occupation. In 2021, police in the area also threatened at least 30 members of a local community with arrest in relation to an investigation on environmental crimes.

In Indonesia, Indigenous farmers were [jailed](#) for allegedly stealing oil palm fruit from a plantation company that is itself accused of stealing their land in Central Kalimantan. Three environmental defenders with the Indonesian Forum for the Environment were [detained](#) in March 2020 while they were in the capital, Jakarta, to meet with the National Human Rights Commission to report on the land dispute.

Defenders in the Solomon Islands who [exposed](#) corruption in logging licences on Nende island were accused of burning logging machinery belonging to Malaysia-based firm Xiang Lin Si Ltd. Charges against three defenders were dismissed due to lack of evidence, but two activists were convicted based on confessions that advocates say were made under duress.



Environmental Defenders in the Solomon Islands exposed corruption in logging licences (Photo by Louise Hunt for Mongabay)

Such efforts to discredit those who dare to fight for environmental issues are not uncommon. Complaints against environmental defenders often accuse them of using violence or committing crimes, feeding into narratives that equate activism with criminal activity. In October 2020 in Uganda, eight land rights defenders from the Kiryandongo district were [detained](#) for over a month on charges of 'threatening violence' against a police officer guarding a plantation owned by Great Season Company Limited. The land defenders had mobilised their communities to resist forced evictions occurring in the area to enable implementation of international agribusiness

projects. In Paraguay, four women of the Mariscal López community in Capiibary were [accused](#) of various crimes, including 'robbery' and 'attempted homicide' for speaking out against the illegal use of agrochemicals in soy fields, which they say contaminate local water sources and impair the local population's health.



In the Philippines, members of the Cordillera Peoples Alliance (CPA) have faced criminal charges for their resistance to large-scale mining, mega-dams and other projects that pose a threat to the environment. Windel Bolinget, the CPA's Chairperson, is one of five who faced murder charges [filed](#) by the Office of the Provincial Prosecutor of Taguma City, Davao del Norte. In July 2021, the five activists were [cleared](#) of the charges but while proceedings against him stood, Bolinget was subjected to police surveillance and harassment. Local police even issued a 'shoot-to-kill' order against him should he resist arrest. Similarly, Indigenous defender Beatrice 'Betty' Belen, who in 2012 led a people's action opposing a geothermal power project by Chevron Energy in the Kalinga province of Cordillera, was red-tagged – slurred as a communist and terrorist – by the Philippines military and [arrested](#) in October 2020 for 'illegal possession of firearms and explosives'. She was [released](#) in February 2021 after the charges were dismissed.

Across Latin America, a wide range of criminal charges have been used to retaliate against leaders of communities and movements that resist environmentally damaging projects. These proceedings criminalise legitimate protests, blockades and campaigns and aim to disrupt community mobilisation. For instance, charges such as 'land invasion', 'trespassing' and 'property damage' were brought against environmental defenders in [Bolivia](#), [Ecuador](#), [Guatemala](#) and [Honduras](#) after they had organised such actions. In Peru, Gregorio Rojas of the Fuerabamba community and two of the community's lawyers were [accused](#) of 'attempted extortion' for organising a blockade of Chinese-owned copper mine Las Bambas. In Guatemala, Maya Q'eqchi' Indigenous leader Bernardo Caal Xol was [convicted](#) without evidence and sentenced to seven years in jail for the 'unlawful detention' of employees of NETZONE, a contractor for the OXEC hydropower plant. For several years, Caal Xol had campaigned and filed injunctions against the hydropower project on the Cahabón river.

In Asia, public order or security-related charges are frequently used against those who speak out about environmental matters and organise against businesses that damage their communities. India's authorities [used](#) 'conspiracy' charges in 2019 to arrest Lingaraj Azad, an Indigenous rights activist who has been struggling against bauxite mining in Odisha, and [accused](#) another anti-mining activist, Piyush Manush in Tamil Nadu, of 'promoting enmity between groups'. Heri Budiawan (also known as Budi Pego) an Indonesian anti-mining activist was [convicted](#) in 2018 of 'spreading Communist ideology'.

In Myanmar, an arrest warrant was [issued](#) against ethnic Karen environmental defender Saw Tha Phoe in 2020 for 'disturbing public tranquillity'. The complaint against him had been [filed](#) by local authorities following the defender's participation in a traditional ceremony in which participants prayed to avoid risks associated with water pollution affecting villages near a coal-powered cement factory. In Cambodia, where criminalisation of activists has been widespread, authorities have brought charges such as '[incitement](#)', '[plotting](#)' and 'conspiracy' against environmental and land defenders.

Criminal charges and civil lawsuits are also used to silence defenders who collect, publish and disseminate information on environmental issues. In Vietnam, bloggers and activists who publicly criticised businesses for their environmental damage have been jailed on security-related charges. Nguyen Van Hoa, a citizen journalist and human rights defender, was [sentenced](#) to seven years in prison for 'abusing democratic freedoms to infringe upon the interests of the State' after he reported on the Formosa disaster. Blogger and activist Le Dinh Luong was [sentenced](#) to 20 years' imprisonment for 'aiming to overthrow the people's administration and cause social disorder' based on social media posts where he called for compensation for people affected by Formosa.

In Oman, environmental rights defender and specialist in water desalination, Dr Ahmed Issa Qatan, was sentenced to six months in prison for 'a misdemeanour to use the Internet to publish information that would harm the public order'. He had [campaigned](#) for the preservation of the traditional way of life and ecosystem of the Dhofar Plain.

Defamation charges are among those [most commonly used](#) to retaliate against defenders and journalists who expose business malpractice and government mismanagement and negligence. In Laos, Houayheuang Xayabouly, also known as Muay, was [arrested](#) and convicted on defamation charges after condemning on



Dr Ahmed Issa Qatan sentenced to six months in prison in Oman. (Photo by OMCT)

Facebook the authorities' slow response to floods. In Senegal, activist Oudy Diallo was [arrested](#) for defamation after the territorial administration filed a complaint over a Facebook post in which he commented on land quotas. Cameroonian defender Musa Usman Ndamba, vice-president of the Mbororo Social and Cultural Development Association, was [sentenced](#) to six months in prison for 'defamation of character' of a landowner. Before his sentencing, he had [faced](#) dozens of court proceedings for exposing corruption in land acquisition deals and infringement of Indigenous people's land rights in north-western Cameroon.

In Europe and North America, private companies have also used civil defamation and libel lawsuits against rights defenders and environmental organisations, a practice that is increasingly [recognised](#) as an abuse of the legal system. In Portugal, activist Arlindo Marquês was [sued](#) by the paper production company Celtejo for 'offences to its credibility and good name' after he accused it of polluting the Tagus river. The company eventually [dropped](#) the complaint in March 2019. In the USA, SG Interests, a Texas energy firm filed a libel suit against activist Pete Kolbenschlag which was [dismissed](#) after courts found his comments about the company were 'substantially true'.

Most cases of judicial harassment related to environmental protection documented by the CIVICUS Monitor between 2018 and 2021 have taken place in countries where civic space is rated as obstructed or repressed. However, companies whose projects lead to resistance from defenders and their communities, and to their criminalisation, are often ultimately [owned](#) by parent companies or [bankrolled](#) by investor organisations based in countries where civic space is rated as narrowed or open. This raises questions of whether states, which have the [primary duty](#) to protect against human rights abuses, are taking enough steps to ensure that businesses headquartered in their territory do not engage in abuses abroad, including tactics that reduce civic space, as they have been recommended to do by international experts.

CASE STUDY: CRIMINALISATION OF RAINFOREST DEFENDERS IN BRAZIL

'We were scapegoats in a narrative that sought to criminalise civil society organisations', said Daniel Govino, one of four firefighters with the [Brigada de Incêndio Florestal de Alter do Chão](#) (Forest Fire Brigade of Alter do Chão) facing judicial harassment for their work as rainforest defenders in the Brazilian Amazon. In November 2019, the defenders were arrested on accusations of intentionally causing massive forest fires – fires which they had helped to combat.

In Brazil, which has the world's largest tropical forest area, containing deforestation has been a [decades-long](#) struggle. The major driver of forest loss is agricultural expansion, in particular clearing for pasture. In these cases, deforestation follows a [clear pattern](#): trees are cut down and cleared, then fires are lit before grass and cattle are introduced. Adding to this are pressures such as resource extraction and urban growth. Thus, those who seek to protect Brazil's forests and ecosystems – Indigenous peoples, traditional communities and environmental groups – often go head to head with [powerful landowners and businesses](#) as well as criminal networks engaged in illicit activities such as land grabbing, illegal logging and mining.

This puts Brazil among the [most deadly countries](#) for environmental and land rights defenders. It is in this context that the Brigade has operated since 2017 in the state of Pará, bringing together and training volunteers to combat deforestation by fires in Alter do Chão. They also work to prevent these fires by changing behaviour and promoting socio-political coordination with local communities.



A Brazilian indigenous woman displays a sign during a protest on the day of Brazil's Supreme Court trial of a landmark case on indigenous land rights in Brasilia. The sign reads: "No time frame". (Photo by: REUTERS/Adriano Machado)

'Our work was criminalised because it proposes solutions and a transformation of the local political context', said Govino. In addition, the defender said, their criminalisation was enabled by the increasing hostility toward civil society nationwide.

The hostile environment has been [actively fostered](#) by Brazil's far-right president Jair Bolsonaro, who promised to 'end all activism' in the country before even taking office in January 2019. In power, Bolsonaro and his government quickly [took steps](#) to shut civil society out of policymaking. He also began to [dismantle](#) the country's environmental governance systems, slashed funding for environmental agencies and dismissed their data, and frequently [disparaged](#) Indigenous peoples and environmental activists. Brazen attacks on Indigenous lands and increasing deforestation rates soon followed.

As the eyes of the world turned to Brazil when fires raged in the Amazon in August 2019, Bolsonaro [suggested](#) without evidence that CSOs could be setting the fires to damage the country's image at the international level. Three months later, on 26 November 2021, state police [arbitrarily arrested](#) four members of the Brigade, accusing them of setting fires in a protected area in order to receive funding from international donors. They were detained for three days and then released with conditional measures. As part of this operation, state police also raided the offices of a partner CSO without a specific accusation, seizing computers, documents and materials.

While state police claimed to have proof incriminating the brigadiers, a parallel federal police investigation found no indication of their involvement in the fires. This led the Federal Public Prosecutor's Office [to request](#) the dismissal of the investigation without charges, challenging the State Prosecutor's Office for jurisdiction over the case. While higher courts stall in analysing this legal challenge, the baseless criminal proceedings filed by state-level authorities continue. On social media, smear videos [continue](#) to circulate. Part of the Brigade's equipment is still confiscated, Daniel Govino told us, which hinders their work. 'I have no more hope for justice', he said.



Brazilians in defense of the Amazon and protest against deforestation and forest fires. (Photo: Bruna Prado)

'We were lucky and our privilege kept us alive, but the activist in the Amazon is always threatened with violence and death. It is not a safe region for those who fight for freedom and justice.'

Building support networks in advance of attacks is key to protecting defenders in the region, Govino reflected. This requires the development of connections between activists and organisations at local and international level, including those who provide pro-bono legal assistance. Despite the disheartening pace of the justice system in their case, Govino said he believes civil society in Brazil has been effective in fighting back against closing civic space: 'They attack us, and these attacks make us stronger.'

VIOLENCE AND VILIFICATION

Those who defend ancestral and community land, fight to protect environmental resources and denounce the impact of business activity often do so at high costs to their safety. Environmental, land and Indigenous rights defenders are among those most vulnerable to violence and harassment. They make up about seven in ten of all human rights defenders killed [worldwide](#). In 2020 alone, Global Witness [recorded](#) 227 murders of these activists, a number the organisation says is most likely to be an underestimate considering the challenges in monitoring cases where journalism and human rights advocacy are severely restricted.

CIVICUS Monitor data has [consistently shown](#) that Latin America is by far the most deadly region for human rights defenders, and this holds true for defenders engaged in the protection of the environment, land and Indigenous rights. Between 2018 and 2021 in Latin America, the CIVICUS Monitor documented these killings most frequently in Brazil, Colombia, Guatemala, Honduras, Mexico, Nicaragua and Peru.

In Asia and the Pacific, another region where environmental, land and Indigenous rights defenders are at particularly steep risk, India, Indonesia and the Philippines feature as the countries where the highest

number of killings were registered. Among these, the Philippines stands out as the most dangerous country, where since 2018 the CIVICUS Monitor has recorded murders of [environmental and land rights defenders](#), [Indigenous leaders](#), [anti-mining activists](#) and [lawyers](#) advocating for rural workers.

Killings permanently silence crucial and diverse voices defending the world's ecosystems and climate, and the Indigenous, traditional and rural populations that preserve them. The defenders targeted are people like Ariel Evangelista and Anna Mariz Lemita-Evangelista, both engaged in [coastal protection](#) work in the Philippines, shot dead by the police during a raid on their house; Lenca leaders Berta Cáceres and Juan Carlos Cerros Escalante, who were killed by gunmen in Honduras for [defending waterways](#) impacted upon by megaprojects; Congolese activist Joël Imbangola Luneza, working to [protect community land](#) rights, allegedly killed by private security of an oil palm plantation; Homero Gómez González, who spent decades [safeguarding](#) the habitat of the monarch butterfly in the El Rosario sanctuary in Mexico, found dead after two weeks missing; forest defenders Thol Kna, Tern Soknai and Seng Vattana, killed while [confronting illegal loggers](#) in Cambodia; and Andrés Durazno, killed near his home in the Azuay province where he [resisted mining](#) in the National Cajas Park of Ecuador.

Impunity for these crimes is widespread. This is the case in Costa Rica, for instance, where attacks against Indigenous peoples have [increased](#) unabated, while perpetrators in the killings of Bribri leader [Sergio Rojas](#) and Brörán defender [Jerhy Rivera](#) remain at large. In 2020, the country's Public Prosecutor's Office [attempted to archive](#) investigations into Rojas' murder despite reports by the police identifying suspects.



MCEJO outside Pietermaritzburg Supreme Court (Photo by Rob Symons on Global Environmental Trust)

CASE STUDY SOUTH AFRICA

SILENCING ENVIRONMENTAL ACTIVISTS IN SOUTH AFRICA: KILLINGS, THREATS, JUDICIAL HARASSMENT

'The situation of these community environmental activists is not a new thing. It's something that has been gradually growing and not being paid attention to because there was lack of publicity or lack of understanding of their role.'

INTERVIEW WITH CORLETT LETLOJANE, HUMAN RIGHTS INSTITUTE OF SOUTH AFRICA

On 22 October 2020, activist Mama Fikile Ntshangase was [gunned down](#) in her home in Ophondweni, KwaZulu-Natal province. Ntshangase was the Vice-Chairperson of a sub-committee of the Mfolozi Community Environmental Justice Organisation (MCEJO), an organisation advocating against the expansion of a coalmine in Somkhele operated by Tendele Coal Mining (Pty), including by filing legal challenges to the expansion, which would see 21 families, some MCEJO members, evicted from their traditional lands. According to the Centre for Environmental Rights, Ntshangase refused to sign an agreement which Tendele was reportedly pushing with the MCEJO in order to have it withdraw legal challenges to the mine expansion, and which some other sub-committee members had reportedly signed.

The murder of Ntshangase followed the [killing](#), on 22 March 2016, of Sikhosiphi 'Bazooka' Rhadebe, chairperson of the Amadiba Crisis Committee (ACC), a community-based organisation resisting titanium mining activities in the Xolobeni community in the Eastern Cape province. The ACC and community members had since 2007 been opposing an open-cast titanium mine, operated by Australian company Mineral Commodities Ltd (MRC), on their traditional lands on the grounds that it would impact negatively on their environment and destroy their livelihoods. Prior to his killing, Rhadebe had warned other ACC members that his name, along with those of other members, was on a hit list. In 2018, the Pretoria High Court [ruled](#) that the Department of Mineral Resources needs the consent of the community before issuing a mining licence, even if the community does not hold formal land titles. Despite the ruling, threats and harassment continued against vocal activists.



Community members at Fuleni village that culminated in a protest, South Africa. (Photo by Phila Ndimande on oxpeckers.org)



The killings highlighted the dangerous context in which community activists, who oppose mining activities and its adverse effects on the environment, work. A [report](#) in 2019 highlighted the threats, harassment and attacks that activists in mining-affected communities in the Eastern Cape, KwaZulu-Natal, Limpopo and Northwest provinces are subjected to as a result of their activism, which often go unreported or fail to receive public attention. Perpetrators are often unknown, but according to the report activists themselves believe attacks might be facilitated by police officers, government officials, private security firms and others working on behalf of the mining companies. Threats can also emanate from community members themselves, who believe there are economic benefits or opportunities from the mines, with government officials and companies in some cases creating or exploiting community divisions.

WIDER TRENDS IN VIOLENCE AND VILIFICATION

The restrictions and violations described in this report take place amid a wider climate of violence which enables attacks, threats and harassment against defenders to span months, years and even decades. Civil society in [Thailand](#) documented ten years of abuses against a mining-affected community in Wang Sa Phung District, Loei Province. Abuses include judicial harassment, arbitrary detention, death threats and violations of the rights to the freedoms of expression and peaceful assembly. Death threats against Xinca leaders resisting mining in [Guatemala](#) both preceded and followed a failed murder attempt against Xinca defender Julio David Gonzalez Arango. In [Cameroon](#), members of the group Organic Farming for Gorillas working against land grabs in Mbengwi were briefly detained and faced judicial harassment, threats and exile. In [Malaysia](#), Indigenous activist Bill Kayong was gunned down in broad daylight amid stigmatisation, intimidation and physical attacks faced by defenders protecting rainforests and ancestral lands in Sarawak.

Smear campaigns and public vilification feed into this environment, seeking to discredit activism and the defence of rights. Smear campaigns are used to spread disinformation, erode public support for defenders' work and foster conflict with communities, and these are often used to justify police abuses, judicial harassment and repressive laws and policies. In Canada, for example, the province of Alberta [claimed](#) environmental groups had spread 'misleading or false information' about the oil and gas industry to justify launching a public inquiry into their funding and to review their charitable status. Concerningly, in several countries high-ranking officials and government leaders have made [disparaging](#) remarks labelling environmental, land and Indigenous rights defenders and protesters as 'criminals', 'radicals' and 'anti-development', among other stigmatising terms.

In his first year in power in Brazil, in addition to [accusing](#) CSOs of setting forest fires, Bolsonaro disavowed official data produced by his own government while his environment minister called climate activists 'eco-terrorists' and implied without evidence that they could be responsible for an oil spill. In the Philippines, Indigenous defenders have also been [labelled](#) terrorists. In 2019, Australia's Prime Minister Scott Morrison [slammed](#) environmental groups for staging what he called 'selfish' secondary boycotts against businesses, branding these activists as radical. In 2020, the UK's Home Secretary Priti Patel [called](#) climate protesters 'extremists' while Conservative Party politicians and news outlets have used a variety of terms to imply environmental groups are fanatical. In [Slovenia](#), the government has on numerous occasions publicly vilified environmental organisations and run smear campaigns against them.

CASE STUDY: PROJECT SEPIK CAMPAIGNS AGAINST MINE IN PAPUA NEW GUINEA

Environmental and community activists have been [campaigning](#) against a massive mine along Papua New Guinea's (PNG) Sepik river, a large freshwater wetland system. Campaigners argue the mine will [destroy the ecosystem](#) and the culture of the 400,000 people who live along its banks.

PanAust, an Australian-registered miner ultimately owned by the Chinese state-owned Guangdong Rising Assets Management, has proposed building a gold, silver and copper mine on the Frieda river,



Save the Sepik campaign, Papua New Guinea. (Photo by Save The Sepik)

a tributary of the Sepik. The mine would be the largest in PNG's history, and one of the largest in the world, covering 16,000 hectares, and is forecast to yield gold, silver and copper worth an estimated US\$1.5 billion a year for more than 30 years.

In 2016, [Project Sepik](#), a grassroots environmental organisation, was created to stop the project and advocate on behalf of the people living along the Sepik river. Project Sepik advocates for the vision of a local environment with a sustained balance of life via the promotion of environmentally sustainable practices and works to hold to account those who are exploiting the environment.

Emmanuel 'Manu' Peni, the Coordinator of Project Sepik, has [said](#) that PanAust had not been 'honest or transparent' in its consultations with those who live in the Sepik river valley. He believes the mine could result in tailings – mine waste – entering the river system, also damaging the tropical rainforest. Manu claims that 'exploration work for the mine has already caused unprecedented sedimentation, damaging the livelihoods, food and water sources of local communities'.

Manu told Amnesty International that 'he faces media censorship in trying to spread awareness about environmental issues' and 'the national media declines to broadcast stories of peaceful protests and impact of the exploration licence on the community, which in turn makes it more difficult for him to advocate for accountability'. Manu has also faced threats and violence because of his work, including being harassed by government and mining company officials.



Activists campaigning to save the Frieda River in Papua New Guinea (Photo by Save the Sepik)

In October 2020, ten UN special rapporteurs [highlighted](#) that civil society activists and human rights defenders who have raised concerns about the project have faced death threats and intimidation and have reported that gunshots have been fired at them by unidentified individuals. According to the UN rapporteurs, 'the project and its implementation so far appears to disregard the human rights of those affected'.

CASE STUDY: JUDICIAL HARASSMENT OF MOTHER NATURE CAMBODIA

Laws are routinely misused in Cambodia by the regime of Prime Minister Hun Sen to [restrict civic freedoms](#), undermine and weaken civil society, and criminalise people's exercise of their right to the freedom of expression. Human rights defenders, civil society activists and journalists are often subject to judicial harassment and legal action. Environmental activists have been targeted for their work exposing corruption and environmental abuse.

One environmental organisation that has been a [frequent target](#) of the authorities is Mother Nature Cambodia (MNC). Founded in 2013 by young activists, it advocates and campaigns locally and internationally for the preservation, promotion and protection of Cambodia's natural environment. As part of its work, the group monitors and challenges gross environmental violations and also raises awareness and educates and seeks to empower people. MNC is known for going to locations where environmental crimes were being committed and [producing short web videos](#) to challenge the government and private interests over projects that threaten the natural environment.

Alejandro Gonzalez-Davidson, a Spanish national and co-founder of MNC, told CIVICUS: 'Our tactics have changed over time. From 2013 to 2015 you could still hold peaceful protests but from 2015 they started jailing and harassing activists.'

Due to their work, there have been systematic attempts by the authorities to intimidate and criminalise them. In 2015, three MNC activists – Try Sovikea, Sun Mala and Sim Samnang – were charged and subsequently [convicted](#) for their activities in a direct-action campaign against companies mining sand in Cambodia's Koh Kong province. Campaigners say the mining damages river and coastal ecosystems, threatening fish stocks and endangered species. The three were sentenced to 18 months' jail and fined. Cambodia also expelled Gonzalez-Davidson.

In September 2017, two MNC activists – Dem Kundy and Hun Vannak – were [arrested](#) for filming vessels they suspected were illegally exporting dredged sand carried out by a firm linked to the ruling Cambodian People's Party. Days after the arrest the MNC formally disbanded, citing harassment and pressure on staff from Cambodian authorities as well as the restrictive Law on Associations and Non-Governmental Organizations. In January 2018, the two activists were [sentenced](#) to a year in jail and fined.

'From 2019 we lost the ability of our activists to appear in the videos and had to blur their faces and distort their voices. However now we can't even do that because of the risks' said Gonzalez-Davidson.



Sun Ratha, and Seth Chhiv Lymeng, and Ly Chandaravuth (from left), environmental activists who are arrested in Cambodia. (Photo from Facebook/Mother Nature)

In September 2020, three activists affiliated with the MNC were arbitrarily detained while planning a peaceful march as part of a campaign opposing the planned privatisation and reclamation of Boeung Tamok lake in Cambodia's capital city, Phnom Penh. In May 2021, the three – Phoun Keoraksmeay, Long Kunthea and Chea Kunthin – were [sentenced](#) to 18 months in prison for 'incitement', while Thun Ratha and Alejandro Gonzalez-Davidson each received 20 months. Gonzales-Davidson and Chea Kunthin were sentenced in absentia.

Gonzalez-Davidson said: ‘The impact of the court cases has been strong. At first, we could put up with it as we would diversify our tactics but now over the last two years with six people in jail, it’s even more difficult. But it will not defeat us.’

He added: ‘They have also tried to vilify us and called us traitors and terrorists and there has also been repression by local authorities. They follow you, threaten you and even try to bribe you. There is also trolling on social media. This has created a climate of fear, especially among young people.’

Four environmental activists affiliated with the MNC were [charged](#) in June 2021 for investigating river pollution in the Tonle Sap river in Phnom Penh. Sun Ratha and Yim Leanghy were charged with ‘plotting’ and ‘insulting the King’, which each carry maximum prison sentences of 10 years and five years, while Ly Chandaravuth was charged with ‘plotting’. Gonzalez-Davidson was charged with both ‘plotting’ and ‘insulting the King’ in absentia. [Amnesty International](#) reports that it has received credible information that the evidence being used against the activists includes recordings of private Zoom meetings held by MNC activists, which it considers to be ‘unlawful surveillance’.

‘Since 2015, Hun Sen has been dismantling democratic institutions to hold on to power and there is very little space left. Every few months activists are being targeted. The international community must do more and ensure trade deals include conditions for fundamental freedoms to be respected. Countries in the region should also speak up more’, said Gonzalez-Davidson.



Activists from environmental NGO Mother Nature protest on Phnom Penh’s Riverside (Photo by Siv Channa -The Cambodia Daily)

III. UNBEATEN BY RESTRICTIONS, DEFENDERS PUSH BACK

In the face of restrictions, around the world, activists and civil society groups have still mobilised to act against environmental and climate-related issues. Many of these actions have achieved tremendous results, including commitments and action from key decision-makers at national, regional and international levels.

SUCCESSFUL PROTESTS AND CAMPAIGNS

In many countries, climate activists and civil society groups have organised protests to denounce activities that contribute to climate and environmental degradation and called on governments and the international community to take steps to mitigate negative impacts and commit to protect the environment.



Action by activists from Greenpeace Africa carrying a model of a coal plant, symbolizing toxic air pollution, enroute to the Chinese Embassy. Photo by Paul Basweti / Greenpeace

practices more in line with the Paris Agreement. More push by shareholders to take the climate crisis seriously has been exemplified in a few recent cases. One example is how Chevron shareholders [voted](#) in favour of a proposal to cut emissions generated by the use of the company's products.

A campaign by Green Tunisia Network [prevented](#) the construction of a road in the middle of a forest. The funding agency that was providing financing cancelled the funding after campaigners made clear the project was causing harm to the environment and was rejected by the local community. The Green Tunisia Network campaign included advocacy sessions with the municipality, posters and online messaging and strategic communication with the funding agency.

Sustained action and protests also succeeded in preventing mining operations and plant construction. In the Solomon Islands, a bauxite mining company [saw](#) its exploitation licence rescinded in May 2018 after sustained protests in Lata, Temotu province. In February 2019, Albania's Minister of Energy and Infrastructure [announced](#) the halting of the construction of a new hydropower plant and launched a comprehensive investigation and analysis following months of protests.

LITIGATION

Climate litigation is on the [rise](#). A study in July 2019 by the Grantham Institute and the London School of Economics [revealed](#) that more than 1,300 climate lawsuits had been filed in 28 countries against governments and corporations since 1990. Lawsuits by environmental CSOs and campaigners against national and

Climate-related protests and actions seem to have had some impact on public opinion. In a September 2019 [survey](#) conducted in eight countries – Brazil, Canada, France, Germany, Italy, Poland, the UK and USA – most people recognised that there is a climate emergency and that governments are failing to tackle it. In all countries but the USA, climate breakdown was [seen](#) as the most important issue facing the world. As a result of increasing mobilisation, many countries have [declared](#) a climate emergency.

In June 2020, [Japan's](#) Mizuko Funding Group – one of the world's biggest lenders to coal plant developers – announced it will stop all financing of new coal power projects and end financing for coal by 2050. This followed a #ChangeMizuhoChangeWorld protest, in March 2020, by environmental groups in front of the group's offices in Tokyo. A shareholder resolution, sponsored by the activist group Kiko Network at the same time, called on the bank's management to set targets to bring business



multinational corporations and national authorities focus, for example, on the adverse effect of coal-powered plants and mines and air pollution.

In Kosovo in July 2019, four CSOs became [embroiled](#) in a legal battle with the Ministry of Economic Development over its refusal to release documents relating to the planned construction of a thermal power station named 'New Kosovo', whose environmental impact had raised concern. In a victory for civil society, the court ruled in favour of the CSOs. Although the information is yet to be released as the state filed an appeal against the court decision, the positive ruling by the initial court underscored efforts by CSOs to mobilise and push back against activities that would lead to environmental degradation.

In September 2021, a court in Indonesia found president Joko Widodo and senior officials guilty of environmental negligence in a landmark civil suit over the air pollution in the capital, Jakarta. The case was filed in July 2019 by 32 plaintiffs.

In June 2019, a court in Kenya [revoked](#) the environmental licence for the construction of the Lamu coal-fired power station after environmental campaigners [took](#) Amu Power and the Kenyan National Environment Management Authority to court. The court argued that the power plant, financially supported by a Chinese-backed consortium, had failed to carry out an adequate environmental assessment and inform local communities – including fishers and farmers – of the likely negative effects the plant would have.

In a landmark case in South Africa, Environmental groups groundWork and Vukani Environmental Justice Movement in Action [filed](#) a suit in 2019 against the government over the toxic air quality on the Mpumalanga highveld, arguing that the government's failure to improve air quality, a problem known for years, violated the constitutional right to an environment not harmful to health or well-being. The province of Mpumalanga accounts for around 83 per cent of South Africa's coal production. The 'Deadly Air' case was first heard by the Pretoria High Court in May 2021.

In February 2019, an Administrative Court in Slovenia [invalidated](#) the environmental permit for the construction of a hydropower plant – HPP Mokrice – following a legal complaint by the Society for the Study of Fish of Slovenia.

In Colombia in July 2021, local communities of the peninsula of Guajira – Colectivo de Abogados 'José Alvear Restrepo' and Corporación Geoambiental TERRAE – [filed](#) a tutela action – a constitutional mechanism which allows any person to claim immediate judicial protection of their fundamental rights before a judge – against national authorities and the institutions involved in a 2020 study on the impact of mining on ecosystems in Colombia, ordered by the Constitutional Court in 2016. The plaintiffs allege that the fundamental rights to participation and access to truthful and impartial information of the affected communities of Guajira were violated in the development of the study and the subsequent policy.

Young people are bringing lawsuits pertaining to the protection of their future rights. In April, young climate activists achieved a breakthrough, winning a court [ruling](#) that the government must revise its net-zero law to make clearer how and when carbon emissions are to be reduced. The verdict was reached on the grounds that the existing law violated the rights of younger people. In month later, the Federal Court of Australia [ruled](#) that the environment minister has an obligation to consider the harm caused by climate change to children as part of the decision-making process on whether to expand a coalmine in New South Wales. The action was brought by eight young people who argued that the project endangered their futures.

ACHIEVING STRUCTURAL CHANGES

After increasing demands by civil society, in a recent positive development and major boost to environmental justice internationally, the [UN Human Rights Council](#) voted in early October 2021 to recognise the right to a safe, clean, healthy and sustainable environment as a human right, and to appoint an expert to monitor human rights in the context of the climate emergency.



Women hold up a sign during a protest for the signing of the Escazú Agreement (Photo by Camilo Freedman/APHOTOGRAFIA/Getty)

The Escazú Agreement, the first regional treaty to explicitly link human rights protections and environmental governance in Latin America and the Caribbean, was [signed](#) in March 2018 after several years of negotiations and [came into force](#) in April 2021. The agreement [guarantees](#) the right of access to justice for environmental defenders through redress mechanisms. In November 2020, Mexico [became](#) the 11th country to ratify the Agreement. The agreement was the result of intense dialogue between the governments of participating countries and civil society groups in the region.

At national levels, CSOs have taken advocacy actions to urge governments to act and make commitments

on climate and environmental justice. In some countries, these have translated into the adoption of more environmentally friendly policies, such as in the UK when the government committed to halt fracking, while other countries have adopted laws or established bodies to oversee better environmental protection.

In November 2019, the UK government [announced](#) it would halt fracking on the only active site in the country, Preston New Road, and stop supporting future fracking projects. This came after strong campaigning by anti-fracking movements supported by environmental activists and organisations and scientific reports which proved the dangers that the industry poses. Anti-fracking activists achieved an earlier [victory](#) in March and April 2018, after the National Police Chiefs Council agreed to a public consultation on the policing of anti-fracking protests, which were previously met with a confrontational approach with police officers shoving protesters and knocking others unconscious in some instances.

Strategic Lawsuits Against Public Participation (SLAPPs) have often been used to silence and harass activists by forcing them to invest resources to defend themselves from baseless legal actions. As their use increased towards climate activists and environmental defenders, Australia, Canada, the Philippines, Thailand and some states in the USA have [adopted](#) anti-SLAPP legislation. Civil society in various parts of the world has fought back against abusive SLAPPs, including through the use of the legal process, the formation of civil society coalitions, campaigns and research to highlight the extent of the use of SLAPPs to intimidate and silence environmental defenders.

CASE STUDY

LEADING FROM THE FRONT: COMMUNITY GROUPS TAKING ON CLIMATE AND ENVIRONMENTAL JUSTICE IN LEBANON

Operating from Lebanon, the Environment Academy is a community-born movement using science, media and deep collaboration to make transformation happen. So far 22 communities and a body of actors such as environmental experts and local authorities have joined the movement to take on urgent environmental threats using levers that make up for ineffective governance and counteract top-down foreign development aid.

Through open calls for participation issued through media, social media and television, the Academy trains community groups and supports them to deal with their most pressing issues in a horizontal and grassroots way. From the call, at least 10 groups are selected, with a condition that 50 per cent of their members be from villages, and at least one third be women. Environmental experts help in rating the proposals and those selected are then matched to mentors, who work with them over one year to collaboratively gather evidence on the issues, the social and political contexts, power dynamics in the



A boy scavenges through trash near mannequins displaying clothes for sale in a market inside the Palestinian Sabra refugee camp in Lebanon (Photo by Alia Haju-Reuters)

community and people's perception of the issues, budding solutions and local knowledge. All these feed into a systemic solution that is born from the community and sustained by them.

The community groups mobilise around resource degradation, air pollution, water issues such as water quality and supply, solid waste management (open dumping and open burning), wildfires, ecosystem deterioration and logging. According to the Environment Academy, there's reason to believe a lot of the fuel entering the country is very low grade with a high sulphur content and other impurities and this results in sulphur dioxide and other toxins bellowing out of generators and power plants which are all burning diesel to run the electricity grid.

'Every other building in this country is a power plant, we have generators in almost every other building. As opposed to having a power plant and having communities around it... we have distributed power systems across the country. Most of these (generators) do not have filters, and they just pump pollution at street levels everywhere in communities across the country.' Said Sammy Kayed, Co-founder and Managing Director of the Environment Academy.

Lebanon's current economic and political crisis is exacerbating these environmental threats. People are turning to scarce wood for fuel, and forest fires, from suspected increases in arson, are on the rise. The government is largely absent and so polluting actors have no one to check them. The 2020 Beirut explosion left a sense of helplessness which has affected collective action, and this in turn affects climate action and mobilisations. The only real check against these environmental and climate vices are citizens and communities that care. Although some communities have held protests in the past on these issues, protest alone is no longer so effective unless positioned within a wider mix of actions. There has been protest fatigue as a lot of protesters feel even more hopeless than before the wave of protests that began in October 2019, as people are facing worsening socio-political collapse and



Environment Academy Working with municipal waste services (Photo by Environment Academy)

economic crisis without any grounded plan to get the country out of it.

Another way of protesting has been to bring people into the media space to talk about their views about the issues and place the issues on the public agenda, so those responsible can feel a sense of both recognition and concern over social sanctions, which can be major drivers of action. Environment Academy is using levers such as these to shift destructive power imbalances, change value systems and ultimately place concerned community members in the driving seat of making transformative change.

The groups sometimes experience restrictions while undertaking their work, mostly from municipal leaders and political groups. For example, actions to develop a green community space can sometimes face resistance from municipal leaders seeking re-election who feel intimidated by locally demanded projects championed by the Environment Academy local community teams (LCTs). There have been instances where they frustrate the groups' actions and close sites, even after they had signed papers to allow the project. In other instances, they continue to dump even more waste onto the site and destroy the trees planted by the groups. This works to delegitimise the work of LCTs and undermine the public's perception of their efficacy.

In other cases, such as those involving solid waste management, the work of LCTs is undermined because high-ranking municipal officials and their families benefit from the issue. In one municipality, a close contact of the mayor was reportedly collecting 10,000 Lebanese pounds (then approx. US\$7) from each household per month, generating between US\$40,000 and US\$50,000 a month to pick up trash and take it to an open dump. Trying to shut down this open dump by empowering homes to deal with their waste through making compost, for instance, would reduce the municipality's trash collection business, and would hit the livelihood of the most influential people in the area.

In other instances, factions within society undermine the work of LCTs. There have been cases observed where communities do not care to solve an issue and refuse to believe scientific evidence, simply because the majority of community members are from a particular sect, religious or political group and the science doesn't align with the agenda of that group's local leader.

To overcome these challenges, the Environment Academy has adapted to taking a softer approach, working with municipal leaders and maintaining positive relationships with them to avoid pushback, build local ownership and get solutions going. This can involve long-term programming, or in some municipalities it can mean giving a shoutout for a mayor on national television and giving them a framed recognition certificate because they knew that was something they valued.



IV. RECOMMENDATIONS

TO STATES:

- Recognise the role of environmental, land and Indigenous rights defenders in protecting ecosystems and addressing the climate emergency. Ensure a safe and enabling environment in which all defenders are effectively protected and in which the communities and defenders most affected by the climate crisis have meaningful participation in making decisions about solutions to address the crisis.
- Adopt all necessary measures to protect individuals and groups working for climate and environmental justice from violence, attacks, harassment and intimidation.
- Ensure prompt, effective and impartial investigations into all threats, attacks and killings against defenders and bring the perpetrators of such offences to justice.
- Recognise and support mechanisms that already exist for ensuring accountability and access to justice, including the Escazú Agreement for Latin America and the Caribbean.
- Ensure that any legislation restricting the exercise of the right to peaceful assembly, including laws criminalising or preventing protests at or near business worksites, are reformed or repealed.
- Ensure that any rights restrictions comply with legality, necessity and proportionality requirements, especially to allow forms of protests such as civil disobedience and non-violent direct action in accordance with international human rights law.
- Repeal criminal defamation or any other legislation used to criminalise the work of defenders to prevent legal harassment.
- Adopt frameworks to prevent retaliation against defenders for their work, including mandatory due diligence policies and legislation to discourage lawsuits against public participation. Include defenders and vulnerable communities in the formulation of these frameworks.
- Refrain from using language that stigmatises, abuses, disparages or discriminates against human rights defenders, including characterising them as: 'instigators', 'anti-development', or 'criminals'.
- Ensure that environmental, land and Indigenous defenders suffer no reprisals for legitimate activities to defend the rights of their communities.
- Ensure that environmental organisations and indigenous groups can operate without unreasonable restrictions, by enabling their legal registration and fundraising activities without barriers.
- Ensure that environmental, land and Indigenous defenders are not subjected to arbitrary detention or imprisonment for peacefully voicing their opinions, participating in peaceful demonstrations, or for simply disseminating information to the public.



TO COMPANIES:

- Ensure due diligence, as set out in the UN Guiding Principles on Business and Human Rights, so that the human rights of individuals and communities are respected in the context of activities and projects related to the exploitation of natural resources.
- Collaborate with the state authorities in the investigation of the attacks against human rights defenders because of their work in the context of projects for the exploitation of natural resources.
- Establish strong and accountable grievance mechanisms to reduce and remedy harm to people and the environment. This mechanism should be developed in consultation with the affected communities.
- Disclose information related to natural resource projects, and support constructive dialogue with activists.

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