



November 2019

WE WILL NOT BE SILENCED

CLIMATE ACTIVISM FROM
THE FRONTLINES TO THE UN

INTRODUCTION

Millions of people are taking to the streets calling for climate action but on the frontlines of the crisis brave activists continue to be deliberately silenced. People who speak out for climate justice are threatened and intimidated with violence, repressive laws, frivolous lawsuits and disinformation campaigns, all designed to smother their calls for a more ambitious and just response to the climate crisis. Meanwhile at United Nations (UN) climate talks, the voices of those most affected by the climate crisis, including young people, remain largely unheard, despite recent overtures to the youth climate movement.

Those deliberately silenced include Indigenous Mapuche leader, Alberto Curamil, winner of the prestigious Goldman Prize for grassroots environmental activists. He has been jailed by the Chilean government even as it prepared to host the annual UN climate conference, the Conference on Parties (COP 25), in December 2019. Indigenous peoples have always been the first to be silenced for protecting our planet from the climate crisis, despite their essential role. “People say the climate movement started decades ago, but I see it as Indigenous people protecting Earth thousands of years ago,” says Xiye Bastida, the 17-year old Otomi-Toltec Indigenous activist and co-organiser of the weekly youth climate strike outside UN headquarters in New York.

Other people deliberately targeted for their climate activism include students such as Arshak Makichyan in Russia, who has continued to strike weekly, even after the authorities denied his request for a mass strike on 20 September 2019 as millions worldwide joined thousands of actions. Undeterred, Makichyan returned to the streets alone. “We take risks because there is no security without a future” he says. People know that they face risks for speaking out. Speaking at the opening of the UN Climate Action Summit in September 2019, another youth climate activist, Paloma Costa of Brazil, said she defends the Amazon even despite the dangers, because she is more afraid of dying due to the climate crisis. Brazilian President Jair Bolsonaro has vowed to end all activism in Brazil.

Even at the UN, climate experts calling for greater ambition have been stifled as recently as July 2019 when a landmark scientific report was effectively erased from the record by states under pressure from Saudi Arabia, where the space for civil society – civic space – is rated as closed by the CIVICUS Monitor, an online platform that tracks the conditions for civil society in every country. Civil society representatives attending UN climate meetings have been denied visas, deported and harassed, even after receiving UN accreditation.

Instead of recognising the important warnings raised by environmental defenders, political and business elites have doubled down on attacks aimed at silencing dissent, even as the worsening climate crisis threatens the lives and livelihoods of billions of people. The thousands of weekly strikes that young activists have helped inspire are a testament not only to the growing urgency to act, but also to the resilience and hope of the environmental movement. As the UN and other world leaders shower praise on climate striker Greta Thunberg and other young activists, and as states declare climate emergencies in the wake of Extinction Rebellion actions, their words will ring hollow unless they also take real steps to honour and protect the countless other environmental activists whose lives have been deliberately harmed simply because they dared to ask for a more environmentally just world.

Conflicts over the defence of the environment and the exploitation of natural resources are nothing new. However, in combination with the growing climate crisis, the current regression of democratic values in many countries and the alarming decline in civic space worldwide, a toxic environment has been created for many environmental and land rights activists and their organisations. Conflicts over fertile soil, fresh water and clean air will only continue to grow if states fail to recognise the climate crisis as a warning that current land use and production methods are unsustainable. Recent scientific

expert reports of the Intergovernmental Panel on Climate Change – on global warming of 1.5 degrees Celsius and on land use – provide not only alarming warnings but also remarkable hope that a more sustainable path is possible. This path however will not be feasible if states and businesses continue to see nature and the people who value it as an obstacle rather than a valuable resource.

Ending the suppression of activism on the climate crisis is essential. As Extinction Rebellion protests were banned in London, UK, in September 2019, many participating in climate protests have pointed out that the inconveniences of peaceful protest pale in comparison to the consequences of further delaying climate action.

PART ONE of this position paper from CIVICUS, the global civil society alliance, draws on case studies and interviews to illustrate the power of the growing global climate justice movement, as well as the types of restrictions that are holding back climate justice activism. These include new attacks against the youth climate movement and longstanding attacks against environmental defenders, including Indigenous peoples who have often faced the most severe restrictions in expressing their environmental wisdom.

PART TWO of this paper details how UN member states have collectively failed to listen and respond to movements for climate justice, and makes recommendations to states and UN agencies on how new efforts to recognise the agency and demands of the youth climate movement in climate policies and planning could be made more meaningful.

WE WILL NOT BE SILENCED: CLIMATE ACTIVISM FROM THE FRONTLINES TO THE UN

CIVICUS: World Alliance for Citizen Participation position paper, November 2019

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Greta Thunberg joins the weekly climate strike outside the United Nations in New York.

Credit: UN Photo/Manuel Elias

Front cover: Young people at the September 2019 global climate strike in Santiago, Chile.

Credit: Getty Images / Agencia Makro / Contributor

PART I: DEATH AND DISINFORMATION

THE DEAFENING SILENCE AROUND THE SILENCING OF ENVIRONMENTAL DEFENDERS

Environmental activism is the most deadly and dangerous form of activism globally. According to Front Line Defenders' 2018 Global Analysis, environmental defenders, including climate activists, water defenders and Indigenous leaders, are more than three times as likely to be killed as defenders working in other fields. At least 164 environmental human rights defenders were killed in 2018, according to the environmental rights group Global Witness. The deadliest countries for environmental defenders in 2018 were, in order, the Philippines, Colombia, India, Brazil and Guatemala, and the main drivers behind the killings were extractive industries.

Criminalisation and disinformation are common strategies used to repress and weaken activists, organisations and communities that protect the environment. This criminalisation of the climate movement often fits within three broad categories: the authoritarian control of public space and restriction of the right to protest by states; the use of disinformation and propagation of hate speech by state and non-state groups; and the abuse of laws and regulations to criminalise activism by states.

INCREASING CONTROL OF PUBLIC SPACE AND RESTRICTIONS OF THE RIGHT TO PROTEST

The CIVICUS Monitor documents the repression of the freedoms of association, peaceful assembly and expression, reflecting worrying trends in the closing of space for civil society – civic space – in every region of the world. On the pretext of maintaining public order, state authorities in numerous countries have introduced legal changes to create tighter controls of public space. In addition, in many countries, non-violent actions, such as marches, roadblocks and occupations, which have historically been employed by a variety of protest movements, have been codified as crimes. Criminal justice systems are also used systematically to inhibit protests, and activists may end up incarcerated for organising or participating in demonstrations. In addition, there is growing hostility towards peaceful protest that leads to excessive use of force by police forces, unleashing violence and death. The 2018 Rise for Climate mobilisations called for the protection of the environment and urged states to commit to clean energies. But peaceful activists and campesinos of the Ríos Vivos Movement in Colombia who participated were unlawfully obstructed by police in the town of Ituango. Ríos Vivos is a human rights movement composed of communities affected by the impacts of Hidroituango, one of the largest hydroelectric projects in Latin America, currently under construction on the Cauca River.

Young climate strikers have also faced challenges in organising strikes. In Russia, students have been denied permits to hold strikes that involve more than one person, including permission to hold a mass strike in Moscow on 20 September 2019, the day of the Global Climate Strike. Arshak Makichyan, a music student who has organised weekly strikes in Moscow, often striking by himself or with other strikers lining up to strike one by one, says that despite the difficulties of obtaining permits, he plans to persevere. “Organising mass strikes is also very difficult,” he told CIVICUS in an interview. “Usually the government refuses to authorise them without even providing a reason or only allows you to strike in places where not so many people can see your protest. But despite the challenges, we are not going to give up. Activism may not work fast enough, but it does work.”

In many countries, young people and children not only face societal and political pressure and discouragement but also legal barriers that prevent people under the age of 18 from protesting. In the USA, youth climate strikers outside the UN in New York have faced repeated questioning from the NY Police Department and in August 2019, a 13 year old student was arrested in Seattle for using chalk to paint signs for a climate strike on the pavement.

CASE STUDY: ANTI-PIPELINE ACTIVISTS DETAINED IN CANADA

Fourteen activists protesting against a proposed pipeline running through First Nations territory in British Columbia, Canada, were arrested on 8 January 2019. The Royal Canadian Mounted Police (RCMP) said they were enforcing a court injunction against members of the Wet'suwet'en First Nation who were blocking access to a pipeline construction site. In Vancouver, hundreds of people marched against the arrests, with some carrying signs with messages such as, "no pipelines on stolen lands" and "the climate is changing, why aren't we?" Also, on 30 April 2019, the RCMP arrested a 71-year-old man for allegedly defying a court order that prohibits demonstrations within five metres of a pipeline site after he climbed a tree near the site. In a separate incident, three women were arrested by the RCMP on 10 April 2019 for allegedly failing to leave their protest camp following a court order to do so. The women were part of a large group that had been camping on the site near a natural gas project at Fort Ellis, Nova Scotia, for almost two years. The RCMP also prevented other protesters from visiting the protest camp site. "We know that we are right, this is our treaty right, this is our inherent right and it should be all Nova Scotians rights to stand and protect their water," said Dorene Bernard, a member of the Sipekne'katik First Nation, who live in the area.



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ARSHAK MAKICHYAN
RUSSIA

STIGMATISATION AND THE PROMOTION OF HATE SPEECH

Stigmatisation and smear campaigns against environmental defenders seek to create the enabling environment to allow the use of criminal law and the perpetration of violence against defenders. Smear campaigns are often supplemented by bureaucratic manoeuvres that hinder the normal functioning of organisations and social movements. Vilification often paves the way for new legal and extra-legal restrictions on activists and organisations, and smear campaigns are used as justification for restrictive laws and regulations, leaving defenders in a grave situation of vulnerability. Stigmatisation campaigns are developed through the dissemination of false information in national, local and community media, as well as through social networks.

Various types of groups and individuals are involved in stigmatisation campaigns, including companies, non-state anti-rights groups and senior state officials who make public statements against activists and position them as anti-development, destabilisers of democracy, or extremists and terrorists. Another commonly used tactic is to accuse environmental groups of being agents of foreign influence, implying that they do not genuinely represent local concerns. These smears seek to undermine the work of environmental defenders and create a negative perception about them among the public.

When international attention turned to the fires in the Amazon in August 2019, Brazilian President Jair Bolsonaro, who as a candidate vowed to put an end to all activism in his country, accused environmental groups of deliberately lighting fires in the Amazon to gain international sympathy and funding. Adriana Ramos, an advisor at Instituto Socioambiental, a Brazilian civil society organisation (CSO) told CIVICUS in an interview that “accusations such as these drain all [civil society’s] energies by forcing us to focus on responding to such atrocious accusations. When the president makes such statements and the press reports them, and we end up having to defend ourselves. We are put in a position where we need to respond to completely baseless statements made by the President. This is clearly a demobilisation strategy, as it paralyses our main activities and hinders [our work].”

While online space has helped new climate movements organise, recruit support and share solidarity, it has also become a place where they experience trolling and harassment. Even as Greta Thunberg was sailing across the Atlantic, with only a satellite phone for communication, she and other youth climate activists were targeted by climate deniers. Prominent adults, including conservative media commentators and journalists, as well as anonymous trolls and bots, have directed persistent and targeted harassment towards the student strikers. Online harassment of climate activists and climate scientists also often specifically targets women. In Australia, Andrew Bolt, a prominent conservative columnist from a Murdoch News Corp newspaper, dedicated an entire op-ed to criticising Greta, while Australian Prime Minister Scott Morrison expressed his discontent with the school climate strikes, saying, “What we want is more learning in schools and less activism.”

CASE STUDY: KILLINGS OF INDIGENOUS DEFENDERS INCREASE AFTER DECLARATIONS BY GUATEMALAN PRESIDENT JIMMY MORALES

In 2018 Guatemala became the most dangerous country in the world for environmental defenders according to the number of murders per capita. According to Global Witness, murders of environmental defenders increased by 500 per cent in 2018. Most of the defenders killed were members of Indigenous communities. On 2 May 2018, President Jimmy Morales publicly described the members of Comité de Desarrollo Campesino (CODECA), an Indigenous organisation, as criminals. During the month following this statement, four Indigenous leaders of CODECA and three leaders of another organisation, Campesinos del Altiplano Committee, were killed.

Civil society in Guatemala has denounced these accusations, along with the ongoing disinformation campaign, which has resulted in CODECA and other organisations being viewed as an ‘internal enemy’ of the state, and has therefore created an atmosphere to enable the murder of defenders.

CASE STUDY: FOREIGN INTERFERENCE: AUSTRALIA/INDIA AND THE ADANI COAL MINE AND PORT

Both the Australian and Indian governments have maintained sustained attacks against environmental groups that oppose the construction of a new mine in Australia that will ship coal to India through a port on the edge of the Great Barrier Reef.

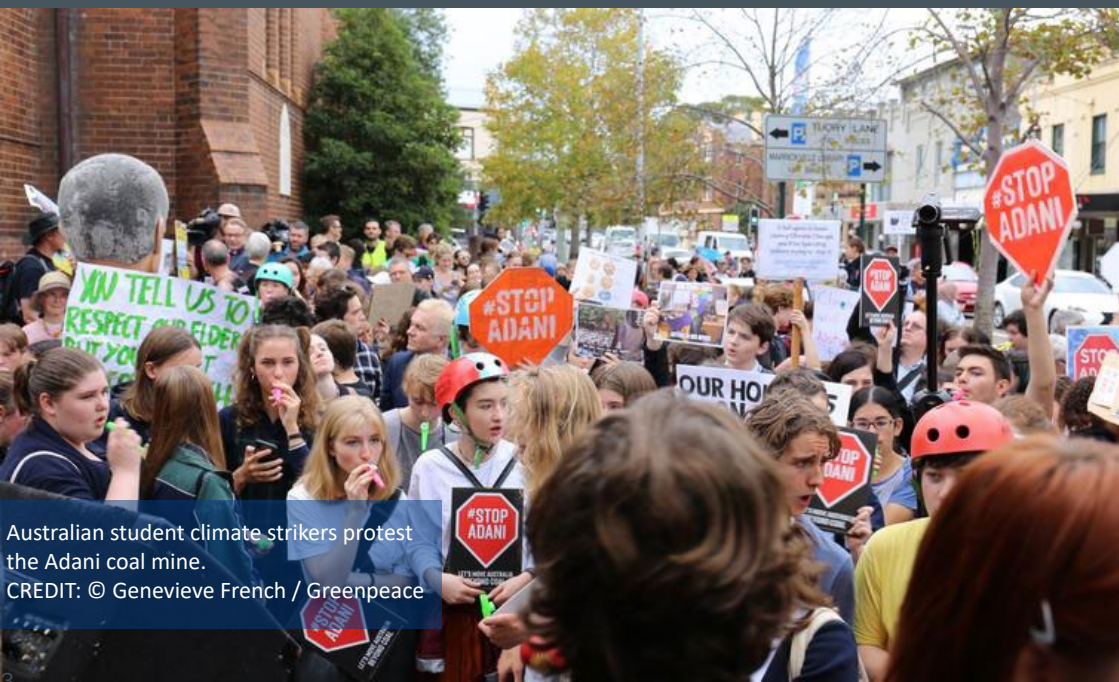
Foreign business interests have arguably influenced the Australian government to approve the mine despite widespread concerns about its environmental impact and limited economic benefits. However, both governments have accused CSOs of being agents of foreign influence. These accusations have been levelled in the face of opposition to the mine from local Indigenous groups, and in spite of the global impact of carbon emissions from the coal that will be produced from the mine.

In August 2019, Adrian Burragubba, a Wangan and Jagalingou man and a traditional owner of the land where the mine will be built, was bankrupted with almost AUD 600,000 (approx. US\$410,500) in legal costs associated with his fight to end construction of the mine.

Legislation proposed by the Australian government on the pretext of limiting foreign influence in Australian politics specifically targeted CSOs, including Get Up!, one of the most vocal opponents of the mine. Despite the focus of the proposed legislation being on foreign influence in Australian politics, no restrictions were placed on companies such as Adani, the Indian mining corporation responsible for the mine, to stop them making donations to Australian political candidates.

The Australian government has also sought to limit international attention focusing on the mine, including by arresting a documentary film crew from French national broadcaster France 24 filming near the construction site, and subsequently banning them from going within 20 kilometres of the site.

In India, CSOs have been targeted with strict foreign funding laws, preventing them from receiving donations from international sources. Greenpeace India has come under particularly sustained attacks from the Indian government following its campaigns against unsustainable coalmining in both Australia and India.



Australian student climate strikers protest the Adani coal mine.
CREDIT: © Genevieve French / Greenpeace

JUDICIALISATION AS A TOOL TO REPRESS ENVIRONMENTAL ACTIVISM

The final link in the criminalisation chain is the deliberate use of the justice system against environmental activists and their organisations to undermine their work and discourage others from joining them. These attacks not only limit the work of the defender in question, but also prevent communities from continuing to defend their rights. Criminalisation also causes serious consequences, which often include significant financial burdens and psychosocial effects for both a defender and their family and community. Climate action demands an engaged and active civil society. However, when defenders are criminalised, they have to spend time and resources defending themselves, instead of working for the causes they represent.

CASE STUDY: US LITIGATION AND LEGISLATION TO DETER CLIMATE ACTIVISM

The Standing Rock Indigenous reservation has become a symbol for Indigenous peoples' struggles globally. Since 2016 the community has engaged in a succession of protests that have seen hundreds arrested. The protests were organised in opposition to the Dakota Access Pipeline, a threat to the community's water supply, and highlighted the environmental consequences of fossil fuel extraction. The pipeline finally began operations in June 2017.

The Standing Rock movement caused concern among extractive companies, which moved quickly to repress it. First, due to the protests in Standing Rock, Greenpeace and other protesters were subjected to SLAPPs (strategic lawsuits against public participation) by the company behind the project. SLAPPs are used globally to prevent dissent and discourage climate activists. According to the Protect the Protest coalition, a group of CSOs that have experienced SLAPPs, corporations, law firms and individuals are using litigation to intimidate and repress activism. The coalition argues that while SLAPPs try to pose as legitimate civil lawsuits, those behind them know there are no real legal grounds to pursue action but use them in the hope of silencing those speaking up for the environment. The tactic is similar to known criminalisation techniques that use criminal law to intimidate activists and force them to spend their time and resources defending themselves rather than advocating for their causes.

Concern about the use of SLAPPs is growing. In Canada, Greenpeace is the object of a lawsuit by the forest company Resolute Forest Products. The same company also initiated a lawsuit against Greenpeace USA in 2016. In France, companies of the Bolloré Group sued journalists and CSOs who reported on protests against land grabbing and exploitation in the companies' palm oil plantations in Cameroon. In South Africa Human Rights Watch has denounced how some mining companies have tried to intimidate activists through the court system by asking for cost penalties, using court interdicts to prevent protests, and in at least one case, filing a SLAPP suit against CSOs

As has been reported by CIVICUS's State of Civil Society Report, Indigenous peoples and environmental and land rights defenders often find themselves under attack when they try to protect themselves and their communities against the transnational power of infrastructure and extractive industries, and states closely connected to those industries. In the case of Standing Rock, the community is still fighting the power of extractive industry, seeking to protect their water against the constant risk of oil spills. According to the Pipeline Safety Trust, the pipeline that goes from North Dakota to Illinois has had at least 10 spills since it began operations. Energy Transfer and its subsidiary Dakota Access LLC made a request in June 2019 to double the amounts of crude oil the pipeline ships, increasing the risk for Indigenous communities. Currently the community is involved in a new legal challenge to protect their territory,

but some of the protesters are still facing individual lawsuits. Although the US\$900 million SLAPP against Greenpeace and others was dismissed by a federal court in March 2019, the company decided to refile the suit before a state court.

After the social movement that united behind the Standing Rock community showed the power of people to defend their rights, some US state governments and the federal government have moved to enact new legislation to curtail the right to protest. Since February 2017 the CIVICUS Monitor has been reporting how states such as Georgia and South Dakota have sought to limit protest tactics, increase penalties or broaden the definition of domestic terrorism. Recent information indicates that in 18 US states lawmakers have introduced legislation to criminalise protests against pipelines, and in nine states they have succeeded and classified such demonstrations as felonies. It has been reported that these pieces of legislation were heavily lobbied for by a group of chemical, electric, gas and oil utilities companies as a response to the Standing Rock protests.

In June 2019 it was announced that the US federal government was introducing legislation that would punish people with sentences of up to 20 years in prison for the action of ‘inhibiting’ the operation of an oil or gas pipeline. Civil society continues to resist the new restrictions. Lawyers in the USA are suing against the new laws, seeking to protect people’s freedom to express dissent, and activists around the country continue to demand the end of the USA’s reliance on fossil fuels.

Image: Water Protectors Dakota Access Pipeline Protests
Credit: Richard Bluecloud Castaneda / Greenpeace



PART II: INTERNATIONAL TALKS SHUT OUT PUBLIC PARTICIPATION

RESTRICTED CIVIL SOCIETY VOICES IN INTERNATIONAL PROCESSES

Frontline civil society activists and organisations have the knowledge and expertise needed for ambitious action for climate justice, in part due to their experiences of helping communities to adapt to climate-induced disasters in inclusive and intersectional ways. However United Nations (UN) climate negotiations remain inaccessible. Despite having the knowledge and expertise needed to influence negotiations, civil society experiences numerous factors beyond our control that stymie our influence.

Civil society participation in recent UN climate talks has been restricted through visa denials, deportations and limited opportunities for UN-accredited organisations to register representatives. Even when civil society representatives are given the opportunity to take part, their perspectives and wisdoms as the first responders to the climate crisis are often overlooked. Even more worryingly, by failing to condemn member states that violate the rights of people to participate in environmental activism, the UN has continued to enable these states to derail UN climate talks and unravel the Paris Agreement, without any accountability to their own public.

In contrast, while civil society engagement in UN climate talks has been restricted, the private sector has been welcomed and even courted by the UN, to the extent that an executive from fossil fuel company Shell reportedly boasted that he had helped write one section of the Paris Agreement. CEOs of major fossil fuel companies held their own summit close to the September 2019 UN Climate Action Summit, extending invitations to state delegations. Meanwhile, private sector interests continue to invest significantly in efforts to deny climate change and delay action over advocacy for climate justice. Analysis published in the journal Climatic Change found that fossil fuel interests outspent environmental advocates in the USA by a factor of 10 to one between 2000 to 2016. In October 2019, it was revealed that tech giant Google has made large political donations to think tanks and lobbyists that engage in climate change denial.

RESTRICTIONS ON CIVIC SPACE BEFORE AND DURING COP

COP 24, Poland

At the annual Conference of the Parties (COP) to the UN Framework Convention on Climate Change, thousands of representatives of states, civil society, academia and the private sector gather to negotiate and review the international response to climate change. COP 24, held in Katowice, Poland in 2018, saw a worrying series of heavy-handed restrictions that prevented civil society representatives from properly engaging with the meeting. At least 15 climate activists were denied entry, deported or arrested and heavily interrogated. While many from civil society were kept out, the Polish government entered into partnerships with fossil fuel and coal power companies to sponsor the conference.

In January 2018, the Polish government introduced a new law giving the police and secret services greater surveillance powers to collect and process personal data about all COP 24 participants, including by obtaining information from other states, on the basis of allegations that some individuals would pose a threat to public safety. The law also included a provision that prohibited spontaneous peaceful assemblies in Katowice between 26 November and 16 December 2018, during COP 24. International civil society groups expressed their concern about these measures, as did UN human rights experts.

These restrictions limited the capacity of civil society to respond to troubling developments at the COP 24 negotiations, which included several states taking steps to undermine the findings of the landmark International Panel on Climate Change (IPCC) report on 1.5 degrees Celsius global warming and to

unravel crucial aspects of the Paris Agreement such as carbon credits. The Climate Action Network, a civil society network comprising more than 1,300 organisations working in over 120 countries, [concluded](#) that states had failed to respond urgently to the climate crisis at COP 24.

Credit: © Konrad Konstantynowicz / Greenpeace



COP 25, Chile/Spain

In the lead up to COP 25 hosted by Chile in December 2019, Chilean and international civil society urged the Chilean government to live up to its public commitment to ensure an open and participatory conference. Chile, a longstanding leader on civil society participation in environmental agreements, was the lead negotiator of the [Escazú Agreement](#), the first international treaty that includes specific provisions for the protection of environmental defenders. However, despite its early support, the Chilean government has so far failed to sign and ratify the agreement, placing its commitment to people's participation and climate action in doubt.

The recent repression of citizen protests in Chile in October 2019 has further aggravated the panorama of citizen participation in the country. While, Chilean civil society was asking the government to take the army out of the streets before COP, the Piñera administration responded by cancelling the meeting in the country, which will instead be held in Madrid, with Chile maintaining the Presidency. Although the protests initially started after a metro card fare increase in the capital Santiago, they rapidly escalated into a national movement demanding equity, social justice and citizen participation. According to the [Chilean Institute of Human Rights](#) as of October 29 the crisis has left more than 3,500, detainees, more than 1100 injured and at least 5 deaths that involve the National police. The [Civil Society for Climate Action Platform](#), a coalition of more than 150 Chilean organisations, working around COP 25 has publicly called for the government to respect human rights and to include solutions for various environmental crises in the COP agenda, including Chile's water crisis and carbon emissions.

In the months preceding COP 25, Chilean environmental activists and organisations have reported increasing levels of harassment, particularly from companies responsible for energy and extractive projects in remote parts of the country. Civil society groups and activists are concerned that the Chilean government has not provided updated information on the increased levels of criminalisation, violence and threats they have been facing. In 2019, the prestigious Goldman Prize – widely regarded as the Nobel Prize of the environmental community – was awarded to Alberto Curamil, an Indigenous Mapuche leader, who at the time of writing remains imprisoned after leading his community to stop two hydropower projects that threatened the sacred Cautin River valley in Chile. For the first time Chile was listed in the 2018 Global Witness report on killings of environmental defenders, with two reported killings. There is an open case for the murder of Indigenous defender Camilo Catrillanca in November 2018. Camilo was opposing forest projects that affected his community. The case of Alejandro Castro, a leader who worked on the pollution of the towns of Quintero and Puchancavi, is currently under investigation, with claims of suicide, although there is information that he had been subjected to threats because of his environmental role. In October 2019, two well-known environmental activists, Katta Alonso from Mujeres en Zona de Sacrificio en Resistencia and Rodrigo Mundaca, a leader of Movimiento por la Defensa del Agua, la Tierra y la Protección del Medioambiente, received new threats that were condemned by the Civil Society Network for Climate Action in Chile.

Chilean civil society views COP 25 as an opportunity for their state to show leadership not only on the climate change agenda but also in terms of protection for climate activists, including Indigenous leaders. Gabriela Burdiles, Project Director of Chilean organisation Fiscalía del Medio Ambiente, expressed this hope, telling CIVICUS in an interview: “COP meetings need the participation of civil society, and a participatory COP would have to include parallel events held by civil society, academics, governments and other actors, within the framework of the official conference and in the green space. It would also have to facilitate mobilisations in public spaces and activities in other citizens’ forums... In this context, we hope that Chile will soon sign and ratify the Escazú Agreement, and that this will be the beginning of a path that will take us to a different way of making decisions, in which agendas seeking to encourage investment will not undermine the fundamental rights of people and communities.”



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GABRIELA BURDILES,
CHILE

IMPEDIMENTS TO ACCESS

The outcomes of the UN Climate Action Summit, held in September 2019 at the headquarters of the United Nations in New York, were partly predetermined at a pre-meeting held in Abu Dhabi in the United Arab Emirates (UAE) in July 2019. At that meeting nine tracks of action were further developed, including a track on Youth Engagement and Public Mobilisation. However civic space in the UAE is rated as closed by the [CIVICUS Monitor](#), meaning that civil society there was unlikely to be able to exercise its rights to public mobilisation or be free to influence the outcomes of the meeting. While global climate justice advocates were invited to participate in the discussions, local organisations and activists are forced to operate in challenging circumstances every day.

Civil society and youth delegates to the Youth Climate Summit and the UN Climate Action Summit were given very short notice to attend. Fathi Bashi from Somalia was one of 100 young people to receive a special Green Ticket to attend the Youth Climate Summit but was unable to obtain a visa. He told CIVICUS that he had hoped to participate and share his perspectives on how the climate crisis is affecting Somalia: “Somalia is one of the most vulnerable places to climate change, We have seen the impact of climate change in my community, such as frequent droughts and scarcity of water. I believe we can’t achieve the Sustainable Development Goals if we don’t tackle the climate crisis. I want the world leaders to take the climate crisis seriously, seriously, seriously.”

Meanwhile, civil society organisations (CSOs) in consultative status with the UN were only notified that their registration had been approved less than one week before the Climate Action Summit, making it extremely difficult for representatives not already in New York to attend. Visa delays and denials particularly limit the participation of civil society from countries without US visa processing centres, where there are lengthy visa processing times or where applicants face additional screening known as ‘extreme vetting’.

The United Nations Host Country Agreement [stipulates](#) that the USA will provide visas for “representatives of non-governmental organizations” participating in UN meetings. However, numerous civil society attendees have reported that lengthy processing periods, vetting and denials have prevented them from participating.

INCLUSIVE CLIMATE NEGOTIATIONS

More than seven million people took strike action for climate justice during the same week as the UN Youth Climate Summit and the UN Climate Action Summit; both meetings ultimately failed to live up to the ambitious demands from the young people leading the strikes. Some small achievements were made at the Climate Action Summit, such as 41 states committing to consult young people in their national climate plans. Yet there is little indication that the UN will hold states accountable for these voluntary commitments.

The Youth Engagement and Public Mobilisation track, which is co-led by the governments of Ireland and the Marshall Islands, [describes](#) its objectives as, “To mobilize people worldwide to take action on climate change and ensure that young people are integrated and represented across all aspects of the [Climate Action] Summit. ” People have been mobilising from the ground up for climate justice and action for decades, and it is important that international institutions acknowledge this and make efforts to support and enable mobilisations. However, many UN member states have done little to uphold the responsibilities of states to protect the fundamental freedoms of association, peaceful assembly and expression that are essential to protect people who participate. Even some states that position themselves as climate action leaders are simultaneously restricting civic space domestically.

Even when civil society activists and organisations gain access to UN climate negotiations, their wisdom and knowledge as frontline witnesses and responders to the climate crisis are often overlooked by

what has become an extremely technical and opaque process. There are difficulties in translating the calls of climate activists in the streets into the inaccessible language used by climate negotiators.

Maria Nailevu, a Fijian Feminist and Climate Activist, says that while people from excluded groups have been invited to participate in climate negotiations, their wisdom has often remained overlooked, in part due to the technical nature of negotiations: “There seems to be a prevailing narrative that when you are from the global south or from a marginalised community, you are nothing but a victim. This shifts the attention away from the creation of spaces for grassroots women and marginalised groups to have a direct voice, sharing their realities and their strategies in a way that decision-makers can hear and learn from... There are feminist and women-led initiatives and indigenous and traditional knowledge that should be prioritised and integrated within our key climate responses.” However, there have been exceptions, she says, such as the Talanoa Dialogue – based on Fijian traditions of inclusive, participatory and transparent dialogue – that was part of COP 23 hosted by Fiji in 2017. As Maria goes on to say: “As a grassroots feminist, climate activist and a woman holding diverse identities, I personally felt that it was a wonderfully designed platform because of the opportunity it provided for diverse voices to have a direct say in the process. I think decision-makers should create and support more inclusive and safe spaces that encourage the expression of diverse perspectives and shift away from tokenism and the focus on technical capacities.”

Nisreen Al Sayeem, Chair of the Sudan Youth Organization on Climate Change and a junior negotiator at UN Climate Negotiations, spoke to CIVICUS about how young people in Sudan like her who engage in UN advocacy are grounding their participation in community-based responses to the climate crisis. “Young people in Sudan are taking three different paths to engage with climate change: policy, activism – including advocacy, campaigning and work in civil society organisations – and community-based work. Community-based work is what the majority of youth in Sudan are doing, because they realise that policy-makers are not quick enough and civil society work is not inclusive enough.”



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NISREEN AL SAYEEM
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MARIA NAILEVU
FIJI

DERAILING INTERNATIONAL COOPERATION

UN climate talks are based on consensus, which means that states that are not accountable to their people can often wield considerable power. Because all member states must agree in order for talks to progress, repressive states can insist on lowest common denominator agreements in the knowledge that domestic public pressure will be muted. States that have undermined UN climate negotiations over the past year include Iran, Kuwait and Saudi Arabia—states where civic space is rated as repressed or closed by the CIVICUS Monitor, meaning that it is almost impossible for independent CSOs to exist and function and public participation and dissent is severely restricted. Without the pressure of public accountability, states are able to take decisions that privilege elite interests rather than the public good. Past editions of the [State of Civil Society Report](#) have demonstrated how states that restrict civil society at home bring those same strategies of repression with them into their role in the governance of international institutions. The impact of failures to protect public mobilisation at the national and local levels is also evident at the level of global and regional climate cooperation where states that routinely act to prevent domestic environmental activism have also fought to derail UN climate talks and undo the fragile progress of the Paris Agreement.

Even when civic space is not closed, it is rarely fully open, and in many countries it is currently deteriorating. This is the case in other states that have acted to dismantle global and regional climate cooperation over the past year, including Australia, Brazil, Russia and the USA. Each of these states have taken specific actions that target environmental activism. Many states have also targeted Indigenous rights and Indigenous guardianship of natural resources. After refusing to endorse the landmark 1.5 degrees Celsius IPCC report at COP 24, several fossil fuel-dependent states, including Iran and Saudi Arabia, ensured that the report would be [excluded](#) from formal negotiations in Bonn, Germany in July 2019. Other states, including Brazil, have taken decisive actions to undermine the carbon credits that underpin the Paris Agreement.

In August 2019, despite consensus from all other Pacific Islands states, Australian Prime Minister Scott Morrison [pressured](#) Pacific leaders to remove all references to coal, limiting warming to 1.5 degrees Celsius and plans to reach net zero emissions by 2050 from the outcome documents of the 2019 Pacific Islands Forum. The meeting took place in Tuvalu, a nation where warming of 1.5 degrees Celsius will constitute an existential threat. Australia took this hardline position despite the fact that Australian farmers were struggling through the hottest [drought](#) in recorded history and wildfires were raging. After drawing intense criticism over Australia's role in the summit, Prime Minister Morrison quickly [revived](#) his attacks on advocacy organisation Get Up!, one of the most prominent critics of the Australian government's climate policies.

CASE STUDY: BRAZIL: LOCAL AND GLOBAL CONSEQUENCES

Under President Jair Bolsonaro, Brazil has taken numerous extreme measures with worrying consequences for climate action and human rights at the national, regional and international levels.

At the international level, soon after assuming his presidency, Bolsonaro announced that Brazil would no longer host COP 25 in 2019. Bolsonaro has said that the Paris Agreement is part of a UN conspiracy to “steal sovereignty of the Amazon.” In his first days in office, he restructured the Foreign Ministry to extinguish departments responsible for coordinating international policy on environment and climate change. Although Brazil has not left the Paris Agreement, its lack of compliance with it is already being felt. Brazil is leading the charge to introduce a carbon trading loophole, which some diplomats believe would effectively kill the Paris Agreement. It has also refused to ratify the Escazú Agreement, which would have provided internationally enforceable protections for the Indigenous peoples and other activists who protect the Amazon.

At the national level, Bolsonaro’s actions have clearly demonstrated the connection between



attacks on environmental defenders and the degradation of the environment. Local civil society has warned that loggers, miners and ranchers are encouraged by the government’s narrative, which contends that environmental conservation hinders the country’s development. As international outrage grew over the worst fires in years in the Amazon 2019, Bolsonaro baselessly blamed environmen-

tal groups, claiming they had started fires. With those who practise illegal logging, mining and ranching empowered by the certainty of impunity, threats to environmental and indigenous defenders have escalated, as reported by the CIVICUS Monitor.

An announcement of changes to Brazil’s Amazon Fund, including moves to exclude civil society, engendered a controversy with donor countries Germany and Norway that has effectively paralysed the Fund’s ongoing projects to prevent, monitor and reduce deforestation in this vital ecosystem. According to Mongabay’s Amazon Monitoring project, deforestation in the Brazilian Amazon is on track to be the highest in over a decade.

Meanwhile, while some states promised at the Climate Action Summit to increase consultation of civil society and young people in their climate policies, Brazil has closed dozens of participatory councils on social and environmental policy, including its commissions on forests and biodiversity, and has disrupted a council on children’s rights. Even when councils have not been closed, the government has reduced the quantity and quality of civil society representation in them, leaving civil society systematically shut out of participation.

CASE STUDY: THE ESCAZÚ AGREEMENT: EFFECTIVE CLIMATE ACTION SHOULD GUARANTEE A SAFE ENVIRONMENT FOR CLIMATE ACTIVISTS

On 4 March 2018, 24 states in Latin America and the Caribbean adopted the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters for Latin America and the Caribbean, known as the Escazú Agreement. The agreement was born as an acknowledgement of the need for environmental democracy in the region, and to counter the spiral of violence against environmental defenders.

The Escazú Agreement was inspired by the Aarhus Convention adopted in Europe in 1998. It adopts the Aarhus Convention's model of three substantial pillars of environmental democracy: 1) the right to access information 2) the right of participation 3) the right to access justice in environmental matters.

It also adds a significant new pillar on the rights of environmental human rights defenders, which makes the Escazú Agreement the first binding instrument that includes specific commitments for the protection of environmental defenders.

Article 9 creates a protection regime for environmental defenders articulated at three levels. Parties to the Agreement must: ensure a safe environment for defenders to act; take appropriate and effective measures to recognise and protect their rights; and take measures to prevent, investigate and prosecute attacks against environmental defenders.

The Escazú Agreement negotiations were also significant because civil society participated directly at the negotiating table with states, presenting proposals that directly influenced the outcome of the process. The Agreement opened for signature on 27 September 2018, during the UN General Assembly. As of October 2019 it has been signed by 21 states and ratified by six: Bolivia, Guyana, Jamaica, Saint Kitts and Nevis, Saint Vincent and the Grenadines and Uruguay.

The Escazú Agreement is also an important tool to promote and guarantee climate action. For countries in Latin America, home to the Amazon rainforest, ensuring access to environmental information, participation and justice and a safe environment for defenders should be key steps in meeting their climate commitments.



September 2019 climate strike in Santiago, Chile
Credit: Getty Images / Agencia Makro / Contributor

RECOMMENDATIONS

RECOMMENDATIONS FOR STATES

States should recognise and respect the role of environmental human rights defenders in their climate commitments and ensure a safe and enabling environment in which all human rights defenders, particularly those facing multiple and intersecting forms of discrimination and inequality, are effectively protected.

States must guarantee a safe space for defenders and activists to act and defend rights without fear of violence, stigmatisation, criminalisation, obstruction, or legal and administrative harassment. States should protect the freedoms of association, peaceful assembly and expression in line with international human rights commitments and constitutional law.

States should conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against climate and environmental defenders and bring the perpetrators of such offences to justice.

All UN member states should sign up to the Youth Engagement and Public Mobilisation track's commitment, and regularly report on their progress "to consult youth when formulating and designing climate action policies, plans and laws."

States should recognise, link with and support mechanisms that already exist for ensuring accountability, including the Escazú Agreement for Latin America and the Caribbean.

State parties to the Paris Agreement should comply with their commitment to respect, promote and consider human rights and the rights of Indigenous peoples when taking action to address climate change through reporting and feedback mechanisms.

RECOMMENDATIONS FOR STATES HOSTING UN MEETINGS

The UN should ensure that all states hosting climate negotiations commit to ensuring the freedoms of association, peaceful assembly and expression of civil society participants and observers and fulfil guidelines to guarantee people's participation.

States wishing to host a COP meeting should demonstrate their commitment to human rights and people's participation and show leadership at the global and regional level on climate issues.

States hosting COP meetings should show their leadership on climate action by committing to and effectively protecting environmental and climate activists at the national level.

To ensure equitable access to UN meetings, particularly for delegates from countries where people have additional difficulties in accessing visas, registration for UN meetings should be open and approved on a rolling basis for eligible applicants starting at least three months before the meeting takes place.

RECOMMENDATIONS FOR CIVIL SOCIETY

Within global movements civil society should ensure that grassroots and frontline movements are at the centre of strategic decisions and climate action. Useful resources for this include [The Jemez principles for Democratic Organising](#) and [CIVICUS: Shifting the Power to Grassroots Movements](#).



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