

FRONTLINES OF CLIMATE JUSTICE:

DEFENDING COMMUNITY RESISTANCE TO CLIMATE DESTRUCTION

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The world is running out of time to prevent the worst impacts of climate change. The sixth assessment report of the Intergovernmental Panel on Climate Change (IPCC) shows that our climate is reaching a tipping point. If climate catastrophe is to be averted, countries must dramatically accelerate their transition away from dependence on fossil fuels, take aggressive action to curb runaway deforestation, and prepare for the impacts that are already too late to avoid.

As national governments and the private sector fail to take action proportional to the crisis, frontline communities have stepped up. Indigenous and local communities, human rights defenders, local government leaders, women, and youth have built a global climate movement resisting climate-damaging industries and denouncing the inaction of world leaders.

Governments and corporations have responded by trying to silence these voices. Those who speak up to demand climate justice are increasingly targeted with attacks and criminalization. Governments, many of which are captured by corporate interests, are failing to protect those who are directly impacted by the extraction, transport, and consumption of fossil fuels and by deforestation -- people who are often Black, Indigenous, and from communities of color.

At the international climate negotiations, where governments decide on climate policies that impact these groups the most, the participation of communities and climate defenders has been restricted. Civil society organizations have denounced visa denials, lack of funding and support to attend the meetings, and even deportation and harassment¹. At the same time, the fossil fuel and other climate-damaging industries have prominent seats at the negotiation table that they have used to delay climate action².

At the national level, corporate interests and government officials use a range of tactics to push their projects forward, conceal the true costs to the public, exaggerate their economic benefits, and exclude communities from decision-making processes. The UN Special Rapporteur on Freedom of Assembly documented such tactics in a report presented this year to the UN General Assembly³.



These tactics include:

- **Harassing communities and activists to silence opposition to projects.**
- **Lobbying for subsidies and other hidden policies that disguise the true cost of fossil fuels.**
- **Pushing the costs of the projects onto local communities -- often in the form of pollution or land-grabbing.**
- **Engaging in corrupt practices to convince government officials to approve bad deals.**
- **Enacting legislation to restrict the right to freedom of assembly and prevent communities from protesting fossil fuel projects.**
- **Failing to develop or blatantly manipulating participation processes to prevent communities from taking part in decisions that affect their lands and rights.**
- **Misusing the criminal code to harass and prosecute communities denouncing climate-damaging projects.**

Using these tactics, proponents continue to push forward projects that cancel out the progress made towards reducing global greenhouse gas emissions. We have run out of time for further delays. An effective response to the climate crisis requires that governments and companies respect the rights of frontline communities to participate, organize, protest, and ultimately resist climate destruction and propose more sustainable alternatives.

The *Frontlines of Climate Justice* campaign builds on the work of local communities and defenders around the world working on demanding profound change. The campaign will amplify their voices and expose the tactics used by extractive and agribusiness companies to violate communities' rights. Our goal is to ensure that policymakers recognize the central role that frontline communities must play in the global response to the climate crisis and to defend the rights of frontline communities to speak up without fear of reprisals.



Photo by: Kornkanok Wathanabhoom



Frontline communities face the worst impacts of the climate crisis and lead the resistance against it

Photo by: Chalefun Ditphudee

As a result of decades of disinformation by the fossil fuel industry and others, we have failed to take action in time to prevent climate impacts from happening. Communities across the world are already experiencing these impacts. Enough greenhouse gas emissions are trapped in the Earth's atmosphere to ensure that we are already on track to experience increasingly severe climate impacts for decades to come. Yet, scientists believe that there is still a narrow window of time to avoid the most catastrophic impacts and that human actions still have the potential to determine the future course of the climate⁴. Achieving this target will require rapid, unprecedented changes in the global economy, particularly transitioning away from fossil fuels and preserving forests and other critical ecosystems.

For frontline communities, climate change has led to increased risks to their livelihoods, human health, infrastructure, and food systems. In the Peruvian Amazon, for example, the Wampis Indigenous people are already experiencing increases in average temperatures that cause floods in the river basins that cross their territories, changes in the local flora and fauna that threaten their nutrition patterns, as well as impacts on the health of community members. The Wampis people fear that the impacts of the changing climate on their communities will only get worse. For the Mascho Piro people, an Indigenous group in isolation who

also live in the Madre de Dios region of the Peruvian Amazon, the impacts of the growing deforestation in these ecosystems are deeper and threaten their existence. The rainforest they have inhabited for centuries, and upon which their subsistence relies, is threatened by extractive companies.

Indigenous communities have the knowledge to manage and conserve their territories, critical to ensure the balance of the global climate system. *"For more than 7,000 years, we have lived without contamination in our lands,"* said Teofilo Kukush Pati, the Pamuk (Indigenous leader) of the Wampis people in Peru *"we want to continue conserving our territories."*

As the primary guardians of the forests, Indigenous communities also play a crucial role in the global response to the climate crisis. The loss of forest cover is contributing to a worsening of the climate crisis. Every year, the world loses around 5 million hectares of forest, equivalent to the size of Costa Rica⁵. The loss of forest cover impacts the ability of forests to act as carbon sinks and also contributes to growing GHG emissions. The IPCC has calculated that approximately 23 percent of greenhouse gas emissions derive from agriculture and forestry⁶. Such emissions are produced mainly by the deforestation of forests to open land for agribusinesses.

Revealing tactics used by agribusiness and extractive companies to silence community opposition

The *Frontlines of Climate Justice* campaign will share case studies that further reveal the tactics that the extractive and agribusiness industries are using to push through climate-damaging projects.

These tactics fall into a basic typology:

At the most basic level, their strategy is to **block public participation** in environmental decisions. This allows decisions to be made behind closed doors where corruption and other influence tactics can be used.

In the Omkoi district of Thailand, 99 Thuwanon Co. Ltd., a coal mining company, applied for a concession in 2000. In 2011 the company hired a consultant to produce an Environmental Impact Assessment (EIA) that was presented to local authorities. The company never consulted with the villagers who belong to the Kabeudin

community, a Karen Indigenous community. The community continued to farm on their lands without knowing about the threat of the coal mine. In 2019, the company announced that they were starting their coal operations and told the villagers to leave their land.

This was the first time the community heard about the project. When community members reviewed the EIA from 2011, they learned the company had gotten approval without sharing the EIA with the community or developing a consultation process with the villagers, in violation of the law. The flawed EIA is now a decade old, contains misleading or incorrect information, and was completed without community input. The community is now calling for a new EIA to address these problems. Many of those who have spoken up have faced harassment and criminalization.

Photo by: Chalefun Ditphudee





Photo by: Audrey Schreiber

Where companies meet resistance from communities, they sometimes coordinate with public security forces to use **brute force** against communities -- where they can get away with it.

In Minnesota, USA, Indigenous water protectors have been leading the opposition to Line 3, a pipeline expansion that would bring 700,000 barrels of tar sands crude oil per day from Alberta, Canada, to Superior, Wisconsin. Activists calculate that Line 3 will have an impact equivalent to building 50 new coal-fired power plants and pose an existential threat to waterways like the Mississippi River. Most of the pipeline route runs through northern Minnesota, including through the treaty territory of Anishinaabe peoples and traditional hunting and fishing lands of several other tribes. Enbridge, a Canadian pipeline company, is behind the project.

Water protectors have been leading the opposition to the pipeline through legal advocacy, organizing, and direct action. They have used a wide range of civil disobedience tactics, including sit-ins and locking themselves to excavators and drills and overturning cars

and barrels of cement. The company and authorities have responded with inappropriate use of force.

Line 3 water protectors have alleged⁷ that the Minnesota state police are acting in close coordination with Enbridge and regularly share intelligence, including the names of people attending anti-Line 3 meetings and coordinating actions. Enbridge provides financial support to the police via an escrow account.

In August 2021, water protectors publicly denounced⁸ escalating violence as the police shot protestors with non-lethal weapons and used “pain compliance” tactics⁹. Activists have also faced harassment and surveillance as the company engages in corporate counterinsurgency strategies against the resistance movement¹⁰. Water protectors continue resisting in camps along the construction route of the pipeline and calling on the Biden administration to stop the project and protect the rights of the Indigenous communities.

Where companies would face accountability for using brute force, they deploy **subtler tactics to silence communities**. This includes lobbying for statutes that criminalize peaceful protest; targeting activists with SLAPP suits and other forms of judicial harassment; and engaging in disinformation campaigns, infiltration of communities and social movements, illegal surveillance, and smear campaigns.

In Madre de Dios, in the Peruvian Amazon, the Native Federation of the Madre de Dios River and Tributaries (FENAMAD) has been sued by Maderera Canales Tahuamanu S.A.C, a timber company which was issued a concession that conflicts with the territory of the Mascho Piro people. In the context of the COVID 19 pandemic, FENAMAD denounced that, despite being in the middle of a national quarantine, the Peruvian State allowed the reactivation of extractive activities in the territory of the Mashco Piro people and authorized the

operation of the timber company threatening the rights to life and health of Mascho Piro. Outsiders started to enter their territories with the potential to bring the Covid 19 virus to the area.

The timber company demanded that FENAMAD issue a retraction of their denunciations. FENAMAD refused, and the company filed a legal action against the organization alleging the violation of the company's constitutional rights. On June 14, 2021, a judge ruled against FENAMAD. In his decision, the judge urged FENAMAD to stop their resistance to the timber company activities.

FENAMAD is now appealing the case before the Superior Court of Justice of Madre de Dios. The survival of the Mascho Piro people is still in danger.

Photo and map courtesy: FENAMAD





Policymakers must prioritize the protection of community rights in climate policies

Photo by: Chalefun Ditphudee

In a recent statement, UN High Commissioner for Human Rights Michelle Bachelet identified climate change and threats to the environment as “the single greatest challenge to human rights in our era.”¹¹ The Preamble to the Paris Agreement on Climate Change calls on States, when taking action to address climate change, to “respect, promote and consider their respective obligations on human rights.” Indeed, climate change will affect nearly every human right enshrined in international human rights law.

Despite the growing recognition of the impacts of climate change on human rights, policymakers are failing to adopt policies to respond to the climate crisis with a human rights approach that recognizes and protects communities’ rights. The preamble of the Paris Agreement notes “the importance for some of the concept of “climate justice” when taking action to address climate change.” This concept is flawed as climate justice is important for *all* and necessary for an effective response to the climate crisis. At the national level, frontline communities are experiencing

violations of their rights to consultation and free, prior and informed consent, and their right to access information and participate in environmental decision-making processes. These human rights violations are at the root of the climate crisis.

The rights of communities to access information, to participate and access justice in environmental matters, known as access rights, are recognized by several countries in their constitutions or environmental laws. At the regional level, such rights have been protected by regional treaties such as the Aarhus Convention in Europe and the Escazu Agreement in Latin America. States are failing, however, to protect these rights. There is a direct link between violations of access rights and climate change.

Climate-damaging projects tend to move forward when these rights are not respected. Communities are also more likely to suffer the impacts of climate-damaging projects when their rights to access information about proposed projects and participate in decisions are not respected. The violations of

access rights can contribute to conflict and violence against communities and defenders.

More focused attention and action are needed to protect communities that oppose climate destruction and support sustainable alternatives. Governments should recognize the important role of frontline communities in using civil disobedience tactics to defend their territories from climate-damaging projects. Movements to defend community rights must be allowed to grow and intensify to ensure the survival of these communities and to generate the pressure needed to bring an end to unchecked fossil fuel use and deforestation.

At the global level, international climate negotiations continue to be inaccessible

for frontline communities and defenders. Civil society organizations have denounced restrictions on participation through visa denials, deportations, and limited opportunities for UN-accredited organizations to register representatives¹². Additionally, when civil society observers manage to get to the conference, they experience new restrictions to make their voices heard. In COP 24 in Poland, a new law was adopted just before the conference to prevent spontaneous peaceful assemblies. In COP 25 in Madrid, activists were barred from the conference after protesting the slow pace of the negotiations¹³. Climate action should be inclusive and participatory, and that means making sure that communities and civil society observers can effectively participate at international negotiations.



AN AGENDA FOR ACTION

Protecting the rights of communities on the frontlines of climate justice is essential for avoiding the worst impacts of climate change. Governments, corporations, and financial institutions should take immediate actions to respect the rights of communities, including the right to protect their territories and oppose climate destruction.

We propose urgent action be taken in five broad areas:



Photo by: Kate Fried

Decriminalize Opposition to Fossil Fuels and Deforestation:

1

Governments should rescind laws or policies that outlaw opposition to fossil fuel projects, including laws penalizing opposition to pipelines, laws criminalizing protests at or near business worksites, and blanket bans on particular forms of protest.

Governments should adopt anti-SLAPP legislation that would prevent the bringing of retaliatory lawsuits against protestors.

Governments should respect the rights to freedom of assembly and association. This includes refraining from bringing spurious charges against community members

who oppose fossil fuels or other development projects. Vague and oppressive defamation laws, national security legislation, and other similar laws that are being used to repress communities should be repealed or significantly amended.

Fossil fuel and agribusiness companies should adopt and implement zero-tolerance policies for reprisals against opponents of their activities.

Governments should investigate and prosecute individuals directly and intellectually responsible for threats and violence against climate defenders and community leaders.

Fight Corruption and State Capture that Drives Illegal Resource Extraction and Deforestation:

2

Governments should increase efforts to investigate and prosecute officials and corporations implicated in illegal natural resource extraction and exports.

Governments should place economic and travel sanctions on individuals implicated in illegal resource extraction and deforestation and violations of the rights of environmental and land defenders.

Governments should ban the importation of wood and other agricultural commodities produced on illegally deforested land, including land used without the consent of Indigenous peoples.

Governments should adopt laws banning and establishing penalties for companies' involvement in human rights violations anywhere in their supply chains.

Governments should end subsidies for fossil fuels in all forms.

End the Use of Public Security Forces to Protect Fossil Fuel and Agribusiness Projects:

3

Governments should ban the paid employment of public security forces by private companies to protect their operations.

Governments must ban the provision of any other financial support by private companies in exchange for policing activities.

Governments should ban the use of "pain compliance," and other coercive tactics against peaceful protestors engaged in opposition to fossil fuels and agribusiness projects. Police forces should refrain from establishing financial and cooperation agreements with private companies to offer security services to extractive projects.

Recognize and respect frontline communities' land rights, and the right to participate in the decisions that impact their territories and environment:

4

Governments and corporations should respect Indigenous peoples' right to free, prior, and informed consent. No projects should go forward on Indigenous lands without consent.

Governments should recognize and protect the land rights of Indigenous communities, including Indigenous peoples in isolation.

Governments should formalize the land rights of communities through Indigenous reserves and other legal agreements that protect their territories and prevent any climate-damaging projects from taking place.

Governments should protect the rights of local communities to access information and participate in decision-making processes that affect their rights and territories.

In Latin America, governments should continue ratifying the Escazu Agreement and accelerate its implementation. Governments in other regions can learn from the experiences of Europe with the Aarhus Convention and Latin America with the Escazu Agreement to develop similar legal instruments that protect communities' and defenders' access rights.

Allow Access of Frontline Communities to Global Climate Negotiations:

5

Governments should allow frontline communities to have meaningful participation in global climate negotiations. Explicit provisions must be made for the protection of their rights in global climate agreements.

Governments should make support for civil society's participation in global climate decision-making a foreign policy priority, including by increasing political and diplomatic efforts to protect environmental human rights defenders and frontline communities.

Governments and multilateral institutions should ensure the participation of representatives from frontline communities in climate summits and negotiations by eliminating existing barriers and providing official opportunities for participation. Governments hosting these events should respect the rights of environmental activists and frontline communities and provide the necessary support for their participation.

- 1 See CIVICUS, “We will not be silenced: climate activism from the frontlines to the UN” (2019)
- 2 Id.
- 3 UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, “Exercise of the Rights to Freedom of Peaceful Assembly and of Association as Essential to Advancing Climate Justice,” 23 July 2021, A/76/222. At: <https://www.undocs.org/en/A/76/222>
- 4 IPCC, 2021: Summary for Policymakers. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [MassonDelmotte, V., P. Zhai, A. Pirani, S. L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M. I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J. B. R. Matthews, T. K. Maycock, T. Waterfield, O. Yelekçi, R. Yu and B. Zhou(eds.)].
- 5 Ritchie, hannah. Cutting down forests: what are the drivers of deforestation?. At: <https://ourworldindata.org/what-are-drivers-deforestation>
- 6 IPCC, 2021: Summary for Policymakers. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [MassonDelmotte, V., P. Zhai, A. Pirani, S. L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M. I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J. B. R. Matthews, T. K. Maycock, T. Waterfield, O. Yelekçi, R. Yu and B. Zhou(eds.)].
- 7 See “Line 3 and a week of climate catastrophe”, The Intercept, 4 september 2021. At <https://theintercept.com/2021/09/04/deconstructed-line-3-pipeline-climate-crisis/>
- 8 See Tara Houska, founder giniwcollective at <https://twitter.com/zhaabowekwe/status/1426229847349764100?s=20>
- 9 See Kelly Hayes, “Line 3 Resisters Light the way in a battle for life on earth”, Truthout, at <https://truthout.org/articles/line-3-resisters-light-the-way-in-a-battle-for-life-on-earth/>
- 10 See Allen Brown “Corporate Counterinsurgency Against Line 3 Pipeline Resistance”, The intercept, July 7, 2021, at <https://theintercept.com/2021/07/07/intercepted-line-3-pipeline-minnesota/>
- 11 “Environmental Crises: High Commissioner Call for Leadership by Human Rights Council Members States”, Statement by Michelle Bachelet, UN High Commissioner for Human Rights. 13 September 2021.
- 12 See CIVICUS, “We will not be silenced: climate activism from the frontlines to the UN” (2019)
- 13 See DEVEX, “Civil society groups removed from COP25 for protesting ‘sleep-walking’ negotiations” <https://www.devex.com/news/civil-society-groups-removed-from-cop25-for-protesting-sleepwalking-negotiations-96213>