

Catalysing Change: Grassroots Activism for the Right to a Healthy Environment

An associated event with Stockholm+50

Jointly organized by The Raoul Wallenberg Institute of Human Rights and Humanitarian Law, China Dialogue Trust, and the Office of the High Commissioner for Human Rights

June 1, 2022

Speakers:

- **David R. Boyd**, UN Special Rapporteur on Human rights and the Environment
- **Zhang Jingjing**, Lecturer in law at University of Maryland Law School, and Director of the Center for Transnational Environmental Accountability
- **Mrinalini Rai**, Director, Women4Biodiversity
- **Kate Wilson**, Legal Officer and National Focal Point for the Escazu Agreement, Department of Sustainable Development of Saint Lucia
- **Claudia Ituarte-Lima**, Senior Researcher, The Raoul Wallenberg Institute of Human Rights and Humanitarian Law

Moderator:

Isabel Hilton, Founder and Senior Advisor, China Dialogue

Welcome and introduction

The panellists and participants were welcomed to the event “Catalyzing Change: Grassroots Activism for the Right to a Healthy Environment” by Malin Oud on behalf of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, China Dialogue Trust, and the Office of the High Commissioner for Human Rights, in conjunction with Stockholm+50. During this event, the panellists and participants were invited to discuss the role of grassroots activism for the right to a healthy environment.

To introduce the event, Isabel Hilton described that five decades have passed since the UN Conference on the Human Environment held in Stockholm in 1972 (1972 Conference) and although much progress has been made, there is still a lot of work to do.

Nonetheless, reflecting upon the work that has been done, she recalled that there has been many new instruments in the last fifty years that enhance human rights and the right to a healthy environment, and that one of the main drivers is the activity of citizens themselves, such as grassroots activism. On this note, she opened the floor to each of the panellists to share their experiences with grassroots activism and how it has developed the right to a healthy environment.



Opening statements

*The first panellist, David Boyd, made clear that there would be no recognition of the right to a healthy environment were it not for grassroots activism, thus emphasising the importance of these movements. Indeed, individuals on the ground have experienced the impacts of air pollution, water pollution, and climate change in practice, and there are multiple examples all over the world of grassroots organisations using the right to a healthy environment to hold governments accountable for these issues. While acknowledging that environmental law has not been an effective tool in the protection of the right to a healthy environment due to its lack of enforcement mechanisms, he recognised that grassroots activism has put an *immense pressure on human rights*, which encompass such effective enforcement capacities. Indeed, by approaching these issues from the perspective of human rights, stronger emphasis is placed on the enforceable duties of states to respect, protect, and fulfil these rights.*

*The second panellist, Mrinalini Rai, reiterated the major role of grassroots activism for the right to a healthy environment, and further emphasised the necessity of addressing the *empowerment of women*. While the 1972 Conference paved the way for the Rio Declaration on Environment and Development (Rio Declaration), which recognises the role of women in development, she argued that further progress in this regard is needed. There is a need for a better human rights approach for the right to a healthy environment and there is a need to work together to ensure that duty bearers guarantee the right to a healthy environment of women and girls. She argued that it is important to put a stronger gender lens on this question, and that it should be amplified already at the heart of the Stockholm+50 Conference.*

The next panellists, Zhang Jingjing and Kate Wilson, each shared their respective *experiences* of grassroots activism, in China and in Latin America and the Caribbean. Zhang Jingjing reflected initially upon the increasing role of the state of China in climate governance since the 1972 Conference, before turning to the increasing number of cases and efforts carried out by grassroots organisations and individuals to hold their own governments as well as international investors accountable for their environmental and human rights impact. In a more practical setting, Kate Wilson reflected upon the process of Saint Lucia in ratifying the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which was made possible largely thanks to grassroots activism.

The last panellist, Claudia Ituarte-Lima, reflected on how the 1972 Stockholm Conference planted the seeds for the connections between environment and human rights, and paved the way for the adoption in 1992 to the three Rio Conventions on climate change, biodiversity and desertification respectively. Yet, the triple crises of climate change, biodiversity loss and pollution, she argued, is clear evidence of a lack of compliance of these commitments States set for themselves.

To address this compliance gap, she emphasised that much inspiration can be drawn from innovations on environmental democracy emerging in the Global South, of which the Escazú Agreement is an illustrative example. This Agreement adopts an innovative form of multilateralism, and is the first treaty to recognise the rights of environmental human rights defenders. Strong public participation was key in the emergence of the treaty, specific entry points for public participation are present in the rules of procedures of Conference of the Parties, and means for monitoring implementation and compliance. Furthermore, the treaty is accompanied by a vibrant social movement.

Further discussion

Following these opening remarks, the panel further considered a few issues brought up in their opening statements and by participants and co-panellists.

One issue receiving attention was that of the *protection of human rights defenders*. It was recognised that although Colombia has a great practice of successful judgments relating to the right to a healthy environment, it is one of the most dangerous places for human rights defenders. In the light of this, the panel was asked to consider the issue of violations and attacks on human rights defenders, and what can possibly be done to remedy this issue. David Boyd recalled that this issue is one of the most disturbing issues that he comes across in his work, but one that is not receiving enough attention. He noted that it is necessary to provide support to countries that struggle with the rule of law, and noted in this regard that we must address the root causes that the society is facing rather than just the individual issues.

On this issue, Claudia Ituarte Lima recalled that one must not forget that not all environmental human rights defenders are resorting to the streets. She argued that we sometimes fail to acknowledge environmental human rights defenders for example those using the law to access information and enact change, and recognised that we must be able to support all this wide range of people. This was reiterated by Isabel Hilton as an important note of the discussion: recognising that there are different means of acting, such as networking, using the law, going to the streets, etc., and that all forms of activism are equally important and that all human rights defenders deserve protection.

Another aspect addressed by the panel was how to ensure that grassroots activism is *effective in practice*. In opening statements, Kate Wilson had recalled that an important element of grassroots activism is that individuals and organisations are not reinventing the wheel but are using what is already there – in an *effective* manner. In this regard, and considering her experiences with the Escazú Agreement, she emphasised the need of making use of one's networks and to put structures in place. Similarly, David Boyd recognised that one of the most critical elements of grassroots activism is building coalitions, noting that you need to build a movement and network to build an agenda. Furthermore, Zhang Jingjing remarked that we often consider the state's role in the right to a healthy environment as well as the role of individuals, communities, and NGOs in grassroots activism, but that we fail to touch upon the private sector's role in such activism, which may be an area in need of further

consideration. Last, the panellists also reflected upon the increasing recognition of the right to a healthy environment in *constitutions*, and its potential for strengthened preventive action. It was recognised that the Global South has potentially been more willing to include this right in their constitutions, but that important progress is taking place in the Global North, for instance in the United States, Canada, and within the Council of Europe.

Closing remarks

Overall, the panellists recalled that the environment is a problem that affects all of us and requires states, organisations, private companies, and individuals to work together. Still, while many issues remain in this regard, Claudia Ituarte-Lima emphasised the hopeful future of grassroots activism, and David Boyd concluded that the right to a healthy environment can indeed be the beginning of a global effort to change the world and to achieve a just and sustainable future.



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