



DEFEND-BIO LEGAL CLINIC SUBMISSION

on Human Rights Defenders working on Climate Change and a Just Transitions to the Special Rapporteur on Human Rights Defenders

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This submission, prepared by members of the *Transnational Legal Clinic Defending a Living Earth* ([DEFEND-BIO legal clinic](#)) and partners working on human rights and environmental justice. It showcases challenges, lessons learned and recommendations for advancing the rights of [human rights defenders working on climate change and just transitions](#). The Raoul Wallenberg Institute for Human Right and Humanitarian Law is an independent academic institution that combines multi-disciplinary human rights research with education, support and outreach to contribute to a wider understanding of, and respect for, human rights and international humanitarian law. Currently, we have offices in Lund, Addis Ababa, Bangkok, Harare, Jakarta, Nairobi, Phnom Penh, Stockholm and Yerevan.

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Our main recommendations to the UN Special Rapporteur on Human Rights Defenders and the global policy community are to: 1) strengthen the transnational dimensions of environmental information—an essential component of the right to a clean, healthy, and sustainable environment—and ensure its linkage with the rights to freedom of opinion and expression and to peaceful assembly and association, as these are fundamental to an enabling environment for defenders; 2) recognize and support the creative and diverse strategies human rights defenders use to expose the far-reaching impacts of fossil fuel dependence, including violations of economic, social, and cultural rights; and 3) adopt a [preventive, rights-based approach](#) to green transitions that empowers defenders as agents of change and addresses structural inequalities and intersecting sustainability challenges.

1. Risk, barriers and negative trends for Environmental Human Rights defenders in green transition. (Question 3)

In the context of fossil fuel exploitation as well as in the expansion of critical mineral extraction to support global energy transition, [risks and retaliation](#) against [biosphere defenders](#)¹ have emerged. Using case examples from Colombia, Argentina, Armenia, and Southeast Asian countries, this section highlights the risks environmental human rights defenders face during

¹ We use the term “biosphere defenders” to define individuals and collectives who catalyze pathways for just sustainability, using a more intertwined relation between people and nature.

green transitions. These risks arise from the rapid scaling of extractive activities without properly implementing human rights safeguards as well as barriers that emerge for environmental justice when accountability mechanisms are weak.

In Colombia, [transdisciplinary research](#) has revealed that the Libero Copper company mineral exploration in the Putumayo region poses intersecting layers of risks associated with the critical minerals sector.² One of the company's [mining titles](#) overlaps with the Inga de Condagua indigenous customary land and a Protective Forest Reserve that is key for biodiversity conservation for the [Andean](#) and [Amazon](#) Biomes as well as for water provision of populations located alongside the Mocoa riverbank and tributaries. Under existing national legislation, mining companies are not required to complete an Environmental Impact Assessment prior to the exploration phase ([Law 685/2001. Title VIII](#)). As a result, exploratory works commenced without providing affected communities with full and timely information regarding potential environmental and [social impacts](#). As a result, the right to access environmental information as a procedural element of the right to a healthy environment has been violated. The Prior Consultation process was initiated only in May 2024, after exploration activities were already underway, in breach of the standards for Free, Prior, and Informed Consent under [Colombian](#) and [international law](#). Furthermore, community concerns raised about [environmental risks and rights violations](#) have been publicly [questioned](#) and [delegitimized](#) by corporate representatives. Such actions contribute to the stigmatization of indigenous and local communities, exposing them to increased social and institutional risks.

In Argentina, provinces within the [Lithium Triangle](#) where [the management of natural resources is decentralized at the provincial level](#), environmental assessments have been criticized for failing to effectively integrate [socio-environmental concerns](#). This has led to the exclusion of local communities from resource governance processes and has left significant gaps in understanding the [broader socio-environmental impacts of large-scale exploitation](#). [The same fragmentation has fostered competition among provinces for direct investment](#), creating a highly favorable environment for transnational corporations that now dominate the sector. This situation is further compounded by the low royalties received by provinces ([a maximum of 3% at the pit head](#)), as well as significant tax benefits granted to mining companies.

In Southeast Asia, the risks escalate to direct criminalization and violence. A growing concern is the shrinking civic space in the region. Environmental Human Rights Defenders (EHRDs) who oppose these harms frequently face judicial harassment, intimidation, and violence. According to FORUM-ASIA's [Defending in Numbers](#), Southeast Asia has seen a rise in the criminalization of environmental defenders, often under restrictive laws. The ongoing process of [drafting an ASEAN Environmental Rights Declaration](#) presents an opportunity to address these concerns – by ensuring that the final text acknowledges the importance of and a commitment to protecting the rights of EHRDs and Indigenous peoples.

Armenia stands as another example where tensions among corporations, government authorities, and local communities have been amplified by persistent failures to implement the

² In May 1st, the Libero Company will change its name to [Copper Giant Resources Corp.](#)

[Aarhus Convention](#)'s obligations. Defenders and local populations [report](#) restricted access to information, procedural barriers to meaningful participation, and limited access to justice when contesting environmental harms. This legal and institutional environment generates significant procedural risks for those advocating for greater environmental accountability.

2. Biosphere Defenders as agents of change. (Question 2)

Biosphere defenders play a key role in preventing human rights violations and shaping pathways for just and sustainable transitions, although at great risk. Their work is rooted in alternative visions of human-nature relations based on care, solidarity, and interdependence rather than fragmentation between people and nature. Litigation has been one of the strategies used by defenders, often in combination with other approaches. However, a major global challenge remains in implementing court decisions. In Perú, [Indigenous Kukama women filed a lawsuit](#) against several Peruvian government ministries and Petroperú, the state-owned oil company, challenging [years of oil spills](#), inadequate maintenance, and insufficient cleanup efforts. Drawing from their cosmovision, which recognizes the river as a living entity, the plaintiffs sought legal recognition of the Marañón River as a rights-holder. In March 2024, they achieved a [landmark victory](#) when the Court ruled in their favor, making this the first case in Perú where a river was granted legal rights. This ruling marks an advancement for environmental and Indigenous Peoples' rights; the primary challenge ahead lies in ensuring effective implementation - specifically, enforcing the river's rights, restoring damaged ecosystems, and protecting the rights of the community as guardians of this river. This effective implementation is critical as the Kukama people depend on this river for their physical and cultural survival.

In Colombia, [Fuerza de Mujeres Wayuu](#), a women's indigenous collective, mobilized against the diversion of the Bruno Stream by the coal company Cerrejón which is owned by a multinational company. The project severely impacted local water access and ecological integrity, for a community heavily affected by drought. Through community empowerment, legal advocacy, and strategic alliances, the Wayuu women secured a landmark ruling from the Constitutional Court [Court \(SU-698/17\)](#) protecting their rights to water, health, and food. This case illustrates how defenders not only resist violations but also build community capacities and propose systemic alternatives such as agroecology, water sovereignty, and rights of nature frameworks. This provides an instructive example of climate activism and rights-based resistance.

Regarding food systems using toxic pesticides, in Mexico in 2012, the Ministry of Agriculture (SAGARPA) granted Monsanto authorization to cultivate glyphosate-resistant soybeans ([event MON-04032-6](#)) in seven Mexican states. Glyphosate is an herbicide linked to [health risks](#), and the decision was made without consulting the affected Maya communities. This triggered a landmark legal case brought by Indigenous Maya communities against Monsanto's permit to commercially plant genetically modified (GM) soybeans, involving collective rights, food sovereignty, and environmental protection. Specifically, they filed an amparo indirecto ([573/2015](#)), a constitutional protection lawsuit, alleging multiple violations: (i) the lack of free, prior, and informed consultation as required by [ILO Convention 169](#) and the [UN Declaration on the Rights of Indigenous Peoples](#); (ii) administrative illegality; (iii) breach of the [precautionary principle](#); (iv) violations of environmental, health, and food rights; (v) interference with Indigenous [self-determination](#) and land rights. A district court partially granted the amparo, suspending the

permit until proper consultation was conducted. Monsanto appealed, and in 2017, the Supreme Court of Justice of the Nation (SCJN) confirmed that the government had violated the [right to consultation](#). The Court [annulled the permit](#) in two Quintana Roo municipalities and ordered a consultation process aligned with international standards.

In Indonesia and the Philippines, community-led and rights-based environmental activism has achieved significant milestones in the region. In 2024, the Indonesian [Supreme Court decision](#) revoked the environmental permit of the Dairi Prima Mineral zinc mine—a critical mineral project located in a high-risk seismic zone in North Sumatra. Located in a remote area, the community built [cross-regional alliances](#) using a [digital platform](#) featuring real-time updates, advocacy materials, and video explainers about their campaign. This strategic use of online tools amplified media visibility and broadened public engagement. In the Philippines, the case of P2K2 v. CA led to the revocation of permits for a water project in Cavite due to violations of the constitutional right to a “[balanced and healthful ecology](#)”. The Court emphasized the need for environmental due diligence and the application of the precautionary principle.

3. *Solidarity and creativity: Environmental defenders being supported. (Question 1)*

Across regions, defenders are receiving increasing—though still insufficient—support from academic institutions, transnational networks, and creative media. In the case of resistance to oil impacts in the Peruvian Amazon, transnational open information strategies—such as [filmmaking](#) and digital storytelling—played a pivotal role in raising awareness. The collaborative process between the Kukama women’s group Huaynakana Kamatahuara Kan, artists, and filmmakers culminated in the development of a [Karuara](#) documentary and an illustrated book, among other creative outcomes highlighting the [profound relationship that the Kukama People have with the Marañón River](#) and showing the harm caused by fossil fuels. This collaborative process broadened international awareness and transformed complex realities into a more-accessible narrative to be understood by diverse audiences.

Importantly, it was shared with the judges to help them understand the vital connection of the Kukama People with the Marañón River and how the oil spillages threatened the physical and cultural survival of this Amazonian indigenous people. This documentary led to a collaborative workshop hosted by the [Defend-Bio Project](#), which created a space for cross-disciplinary dialogue among students, researchers, and practitioners. The workshop highlighted defenders’ roles as agents of change while exploring connections between ecological sustainability, human rights, and diverse forms of knowledge. The screening of [Karuara](#) film with students, researchers and the public in Lund, Sweden, contributed to bridging academic, artistic, and grassroots communities’ perspectives while also advancing intergenerational dialogue.

In Colombia’s Putumayo region, the Uma Kiwe Corporation is a group of women who through exercising their freedom of expression and opinion have contributed to make advance a broad range of rights. Using [manifestos](#), cultural narratives, reports, and other creative media they have disseminated independent information to highlight socio-environmental conflicts and human rights violations.

Similarly, in the Monsanto case involving Indigenous Maya communities mentioned above, [What Happened to the Bees](#) is a documentary that exposes the local corporate-driven crisis with regional repercussions for the Maya communities. Raising awareness underscores how seemingly localized problems can escalate into regional or even global challenges—empowering communities worldwide to act against similar socio-environmental conflicts.

In Indonesia and the Philippines, defenders are using innovative tools in advancing environmental related rights such as campaigns and [social platforms](#), as previously mentioned. To support legal practitioners, NRIs and justice sector actors, RWI and partners have developed a [Case Repository](#) featuring landmark Southeast Asian cases.

Collaborations involving legal and environmental analysis, public dialogue, and networking between academia and civil society organizations across different countries is also part of advancing environmental democracy. An example is the project “[Effective Public Participation in Environmental Decision-Making in the EU and Eastern Partnership](#)” which seeks to develop guidance to implement effective public participation in environmental decision-making in the context of the mining sector in Europe.

4. Lessons Learned and Recommendations (Question 4)

Lessons drawn from experiences across Latin America, Southeast Asia, and Eastern Europe highlight that environmental defenders are critical agents of societal transformation, not obstacles to development. As shown in the examples above, coordinated actions grounded in human rights law and environmental democracy principles are vital for advancing just energy transitions and food transitions. Below we make recommendations based on the analysis above and broader experience of our international and interdisciplinary team.

Recommendations to States:

-Develop legally binding provisions that mandate comprehensive environmental, social, and climate change impact assessments as well as human rights impact assessments prior to any mineral exploitation and exploration activities. Particular attention should be placed in impact assessments of the exploration phase which is often overlooked.

-Seek and uphold the right to free, prior, and informed consent before approving projects affecting their lands or cultures. This principle, enshrined in instruments like ILO Convention 169, not only respects Indigenous peoples’ rights but also strengthens legal avenues to challenge injustices.

-From the earliest stages of project planning, create an enabling environment that upholds freedom of expression, access to information, and the right to participate in environmental decision-making. The standards of international human rights treaties such as the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) should prevail unless the national standards are higher.

-Deliberate measures should be in place to overcome procedural barriers for marginalized groups, particularly Indigenous Peoples and local communities, who should not bear the burden of scientifically proving environmental harm to secure redress and reparation.

-Proactively shift public narratives, promoting awareness campaigns in which biosphere defenders are framed as contributors to sustainable development for all rather than as obstacles to economic growth.

To local governments:

As the closest tier of governance to citizens, we highlight certain recommendations for local governments. Yet, the recommendation on this subsection also apply to national governments.

-Uphold human rights from the ground-up through institutionalizing rights-based environmental policies, integrating frameworks such as agroecology, water sovereignty, and biodiversity protection to prevent disputes before they escalate.

-As key brokers of information and participation, ensure transparency by providing accessible environmental data and guide environmental human rights defenders to the appropriate legal and institutional channels.

-Protect the right to protest and dissent, ensuring that defenders and affected communities can voice concerns without fear of retaliation.

-Mediate conflicts with mineral companies by facilitating spaces for dialogue, promoting accountability, and fostering solutions that uphold environmental and human rights.

To Civil Society Organizations:

-Integrate creative advocacy methods, such as filmmaking, digital storytelling, and participatory art, with legal mobilization strategies, emphasizing the intrinsic value of ecosystems and the interconnectedness between human and non-human life.

-Facilitate stronger links between grassroots defenders and international human rights organizations, so the former can be supported to use treaty bodies and regional mechanisms to bolster their local advocacy.

-Document and disseminate successful case studies, such as river rights recognition in Peru or strategic litigation victories in Southeast Asia, as this is essential for amplifying defenders' successes and informing broader movements advocating for climate and environmental justice.

To UN Special Procedures and International Human Rights Mechanisms:

-Expand the channels through which defenders can contribute to thematic reports, allowing participatory formats including video and audio to enhance public participation by Indigenous youth, remote communities, and grassroots organizations to this process.

To Donors and philanthropic actors:

-Prioritize funding for environmental legal clinics, which provide essential legal empowerment tools to environmental human rights defenders. Despite relying on volunteer law students and professors, these clinics face defunding due to shifting political landscapes and urgently need resources to reach remote communities where legal support is often inaccessible.

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