Annex 1 - mapping cases

1. FOREST. The loss in biodiversity resulting from deforestation and forest degradation particularly affects the rights of local communities and indigenous peoples (LCIPs) causing food insecurity, affects their right to water and their cultural rights. LCIPs often depend on forest non-timber forest products stocks that is an important source of food and medicine for them. Deforestation and forest degradation deprive LCIPs of these source of resources but also affects wildlife habitats. Such interference leads to an increase in human-wildlife conflict and translates into crop destruction. In rural areas in West and Central Africa, where bushmeat is the main source of protein, deforestation and forest degradation (accompanied with an increased demand for bushmeat in urban centres) contributes to food insecurity. LCIPs access to water is closely linked with forest ecosystems that play a central role to limit erosion and filter rainwater. As such, they secure LCIPs access to water, particularly in regions where sanitation infrastructures are lacking. Deforestation and forest degradation contributes to soil erosion limiting rainwater filtration and leads to water pollution when driven by activities producing waste or emissions. And finally, because of the LCIPs strong ties with forest, almost intimate connection to forest ecosystems, its degradation and deforestation may directly affect their livelihood culture in addition to causing to the destruction of their sacred sites and sites of cultural importance.
2. OCEAN. There is a direct (although still poorly understood) link between overfishing and violations of the rights of workers (notably the right to be free from slavery, servitude, and forced labour). This has been best explored by the Environmental Justice Foundation in a 2019 report, “Blood and Water”.[[1]](#footnote-1) The relationships are complex, but one is clear: as we continue to overfish, and as climate change forces fish into different parts of the oceans, people working on fishing boats will find themselves more and more isolated. Our own work extensively documents the failures in the European Union to police overfishing (see, e.g., [recent reports on Denmark, France, and Spain and their failure to enforce the EU’s ban on dumping dead fish back in the sea](https://www.clientearth.org/france-denmark-and-spain-fail-to-enforce-ban-on-fish-discards-new-reports/)); the failure not only drives potential abuse of workers but also decreases the likelihood that it will be spotted and dealt with. Much overfishing is a result of illegal, unregulated, and unreported (“IUU fishing”). But fishing that is lawful, regulated, and report can also drive overfishing and impact people’s human rights. In addition to posing threats to the rights of workers in the industry, overfishing also threatens the rights of communities whose waters are overfished by vessels coming from far away. For example, EU (and other foreign) fishing vessels regularly fish in West African waters. Much of that fishing is IUU fishing (an estimated 40% of the Western African coast), yet some of it is entirely lawful (under agreement concluded between the EU and coastal nations). Yet as [a recent exposé in the Financial Times](https://www.ft.com/content/0eb523ca-5d41-11ea-8033-fa40a0d65a98) showed, both forms of fishing appear to be impacting the rights of people in some West African countries to a sustainable environment
3. WILDLIFE. In Europe, degradation of wildlife and habitats contribute to violation of various human rights of local population and among them right to private and family life, right to water, right to property, right to association and freedom of expression. Various big construction projects or industry farming are changing not only the landscape but also the life of local population threatening their way of life and work security. In Bulgaria, construction of the Struma Motorway, passing through wildlife heaven Kresna Gorge, has taken toll on inhabitants of the town of Kresna who are losing their most fertile agriculture lands and ecotourism businesses in the region.[[2]](#footnote-2) In Poland, EU’s largest poultry meat producer, many hatcheries are located (or planned) in the vicinity of protected areas (e.g. the village Kruszyniany which borders with Natura 2000 site[[3]](#footnote-3)) or just in natural areas that are fairly well-preserved (including the village Kawęczyn in the Great Poland voivodship).[[4]](#footnote-4) That causes contamination of water what contributes to water insecurity in Poland and violates the right to property of the local population as the farming industry changes the designated use of land. In Greece, the Canadian gold mining company that invested in gold extraction in Greece, Halkidiki (the case of Eldorado Gold) provoked wide protest as the local community aimed at saving the environment, health as well as their source of income because they depend on the land for tourism, farming, beekeeping and fishery. The company’s operations concern environmental destruction, ranging from clearing of large parts of the original primeval forest lands to water and air pollution. Protests led to police repression and state criminalisation of the anti-mining movement.[[5]](#footnote-5) In Western Balkans there are nearly 1,500 dams proposed or built in protected areas.[[6]](#footnote-6) The small hydropower dams deteriorate river ecosystems, threatening not only the wildlife but also rights of local population relying on them, mainly the right to water.
4. CHEMICALS & PLASTIC. Chemical and plastic pollution have obvious impacts on the right to health and to a sustainable environment. We have seen this for example in the European Union, where [we have signalled the need for better regulation on food contact materials](https://www.clientearth.org/european-rules-on-chemicals-used-in-the-food-chain-do-not-protect-public-health/) to ensure that chemicals classified as carcinogenic, mutagenic and toxic for reproduction and endocrine disruptors do not leach into people’s food. In terms of plastic pollution, a [2018 study](https://peerj.com/preprints/27036/) found that 63 chemicals associated with plastic packaging are hazardous to human health. [Another 2018 study](https://www.sciencedirect.com/science/article/abs/pii/S2468584417300119?via%3Dihub) found that the presence of plastic microfibres in the atmosphere increases the risk of lung disease. Plastic is also [a major factor in climate change](https://www.clientearth.org/2018-turning-plastic-tide/), accounting for up to a third of the world’s “carbon budget” and producing powerful greenhouse gases. One problem in the EU, for example, is that [there are restrictions on sending waste to landfill](https://ec.europa.eu/environment/waste/landfill_index.htm) but no restrictions on incineration, which creates incentives for incinerating plastic (and other waste), with dire health and environmental consequences.
5. CLIMATE. Climate crisis and coming from it destruction or degradation of various ecosystems is an underlying cause for various human rights violations. The case of eight Australian indigenous Torres Strait Islanders filed with the United Nations Human Rights Committee (HRC), against Australia on 13 May 2019[[7]](#footnote-7) shows in a magnified glass how climate crisis leads to human rights violations. Numerous destabilisation and degradation of natural ecosystem, like: saltwater intrusion, land erosion, sea level rise, weather and seasonal changes, sea temperature rises cased multiple degradation of ecosystem like: decreasing freshwater species and loss of vegetation, reduced access to fresh water, decline in marine life, flooding. It had enormous adverse impact on life of local population and violation of their right to life, right to private and family life and right to culture. These population often do not have voice thus we decided to give them voice and allow them to describe what they fear and experience:

• "I am worried about the effects of coral bleaching and harm from global warming to the seagrass that the turtle and dugong eat. The turtle and dugong are important ceremonial foods and for social wellbeing. If we lose that, we lose everything. The young men will lose direction in life", "The loss of access to traditional food from the sea would mean that the ceremony would be different. We would lose our ability to express our culture and to access our marine resources"

• "The well is not useable anymore because the water is brackish, contaminated by saltwater. We cannot drink from it anymore"

• "There is a risk that we will not be able to live on the island in the future. If we were asked to leave Poruma it would be shocking. I do not know what would happen to the younger ones or how they would face the world", "If we had to move it would disconnect us from our culture and lifestyle in the Torres Strait. Our kids would love their culture if we were forced to move…God placed me on this island and I do not want to see this place just disappear from the island. God placed us on this island to look after it for the next generations…I am connected to this place"

• "The sea level is rising. The island's sand gets washed out into the ocean and it has covered the reef. There are places we do not get to go fishing anymore, including my favorite fishing spot", "I am worried about our safety and our kids. What is going to happen to them in 10 or 20 years if the water keeps rising. I get worried just looking at the waves", "I have also noticed rising sea temperature. I can feel the salt and heat on my body. It was not like this before. This worries me. If someone goes out in the ocean and gets coral cuts, it gets infected straight away".

ClientEarth is a charity that uses the power of the law to protect people and the planet. We are international lawyers who believe the law is a tool for positive change. We work on laws throughout their lifetime, from the earliest stages to implementation.

.

1. <https://ejfoundation.org/resources/downloads/Blood-water-06-2019-final.pdf> [↑](#footnote-ref-1)
2. <https://bankwatch.org/project/kresna-gorge-struma-motorway-bulgaria-2> [↑](#footnote-ref-2)
3. Office of the Commissioner for Human Rights in Poland, Sprawa ferm w Górkach i Kruszynianach. RPO przystępuje do sprawy przed NSA, 2020; <https://www.rpo.gov.pl/pl/content/sprawa-ferm-w-gorkach-i-kruszynianach-rpo-przystepuje-do-sprawy-przed-nsa> [↑](#footnote-ref-3)
4. Nowicka P., Kawęczyn. Nie chcą kurzej fermy pod oknami, 2016; <https://poznan.wyborcza.pl/poznan/1,36001,19533713,kaweczyn-nie-chca-kurzej-fermy-pod-oknami.html?disableRedirects=true> [↑](#footnote-ref-4)
5. SOMO (Stichting Onderzoek Multinationale Ondernemingen), Fool’s Gold. How Canadian firm Eldorado Gold destroys the Greek environment and dodges tax through Dutch mailbox companies, Amsterdam, 2015. Retrieved from: https://www.somo.nl/fools-gold-eldorado-gold/; Business & Human Rights Resource Centre, Greece: Locals continue to protest over environmental & social impacts of Eldorado Gold's mine in Halkidiki – company response provided, 2013. Retrieved from: <https://www.business-humanrights.org/en/documents/greece-locals-continue-to-protest-over-environmental-social-impacts-of-eldorado-golds-mine-in-halkidiki-–-company-response-provided> [↑](#footnote-ref-5)
6. <https://www.balkanrivers.net/en> [↑](#footnote-ref-6)
7. <https://www.clientearth.org/human-rights-and-climate-change-world-first-case-to-protect-indigenous-australians/> [↑](#footnote-ref-7)