



LEGAL



Topic: Strengthening the legal protection for environmental activists and whistleblowers in the faces of corporate interests

Committee: GA6 - The Sixth Committee (LEGAL)

Name: Demir Beren KURT

Position: President Chair

A. Welcome Letter from the Student Officer

Dear delegates of the LEGAL Committee,

I am Demir Beren KURT, currently studying at Feyziye Mektepleri Vakfı Işık Schools Ispartakule Campus as a 10th-grade student in the science class of the school, and rather importantly, I am your president chair. I look forward to the many fruitful debates that will take place throughout the four days this conference will take place across. Do not hesitate to mail me to ask anything about this chair report or how our committee specifically will work, I would be more than happy to answer any questions you may have. You may send me an email at either one of the following mail addresses.

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B. Introduction to the Committee

LEGAL is the 6th of the United Nations General Assembly committees. GA6 is where many delegates representing different nations and different beliefs come together in order to revolutionize international law and the judicial bodies of every member state. The main objective of LEGAL in this year's edition of KMUN is the human life and the safety of individuals who specialize in many areas such as journalism. The LEGAL's objective is usually fulfilled with the creation of new international judicial bodies, or the creation of new laws. The committee mostly works with fruitful and heated debates sourced from the different judicial beliefs of member states, cooperatively written resolution papers that try to find a middle ground for all members of the house, and negotiating points of informations that question the viability of one's opinions and the trustability of the given facts. This General Assembly committee aims to conclude the matters at hand on peaceful grounds.

C. Introduction to the Agenda Item

Environmental activism is an idea that goes back hundreds, even thousands of years. The idea of the protection of the environment an individual resides in is an idea that comes from the core of a person's existence. One simply believes that their environment is what creates the idea of living. The first examples of activism were seen back in the times of ancient civilizations, even though it did not have the same level of organization nor the same level of understanding. Back then, the protection of nature and one that lives together with nature were brought from religious beliefs. This case was evidently apparent in the code of Hammurabi. While it was more aimed to protect economic and humane needs specifically, the penalties for many wrong actions were also present in the code of Hammurabi and many ancient laws.

Modern environmental activism has been apparent since the beginning of the 19th century but the prominence commenced with the publication of “Silent Spring” by Rachel Carson, which started a revolution and an age of understanding for the environment and nature we live in. In addition to this book, there were also such books as “The Population Bomb”, which specifically talked about the problems that are mainly caused by the main source, the human specimen. With new activist acts occurring across the world, so did new laws to protect the environment and the activists. Several laws such as the Ramsar Convention, Stockholm Declaration, and REACH Regulation were created with cooperative efforts.

Today, one of the biggest issues environmental activists suffer from is physical violation and the criminalization of themselves under the judicial acts of their country. On top of both these factors, there is also the strife of the people who attend activist activities losing their jobs and many social privileges due to higher-ups in their workplace or school disagreeing with the beliefs of the activists.

Another crucial part of this issue is the existence of whistleblowers. Whistleblowers are people who expose companies and incorporations they are employed in for the wrong actions taken by the corporations, also described as people who take an active part in governments and international law organizations recognising companies that are intransparent on topics such as the company's acts towards the environment. While what whistleblowers act on morally correct drives, they face numerous issues due to the penalties and drawbacks their employers consequently face. Some drawbacks include legal actions taken towards the whistleblowers, retaliations, loss of their jobs and negative labeling. The laws for whistleblowers vary significantly from country to country which creates a ground for a major issue about equality for these people.

D. Key Terms

Whistleblower: A person who informs people in authority or the public that the company they work for is doing something wrong or illegal.

Retaliation: Adverse actions taken against a whistleblower in response to their reporting of misconduct.

Environmental Activists: Individuals or groups advocating for the protection and preservation of the environment.

Freedom Of Speech: The power or right to express one's opinions without censorship, restraint, or legal penalty.

Anti-SLAPP Laws: Legal statutes designed to prevent Strategic Lawsuits Against Public Participation, which are often used to silence critics through expensive and lengthy litigation.

Environmental Advocacy: Actions and efforts aimed at promoting environmental protection and conservation.

Environment: The surroundings or conditions in which a person, animal, or plant lives or operates.

Greenwashing: A deceptive practice where a company presents itself as environmentally friendly for marketing purposes while its actual practices are harmful.

Judicial Oversight: The process by which courts supervise the actions of the executive and legislative branches, especially regarding the enforcement of environmental laws.

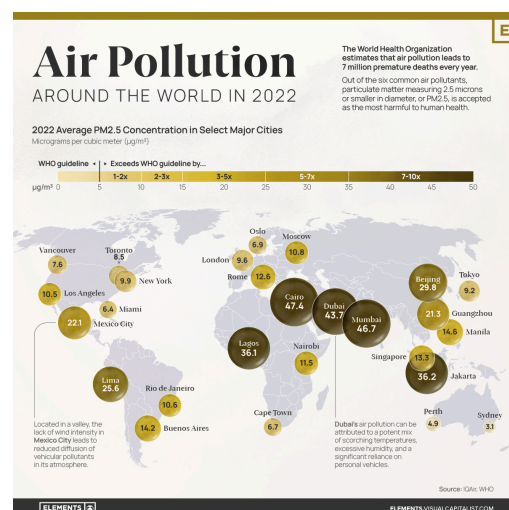
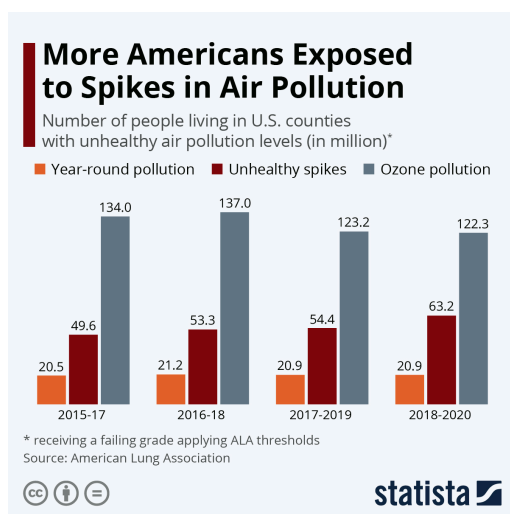
The Paris Agreement: A 2015 global treaty aiming to limit warming to 1.5°C by reducing emissions. It emphasizes transparency and supports the efforts of environmental activists and whistleblowers.

Environmental Impact Assessment (EIA): A procedure to evaluate the environmental effects of a proposed project, ensuring responsible development.

E. General Overview

1. Introduction

Acts against environmental activists can be specified under different Major roofs while still having the same root for the issue. The issue is mainly caused by the fact that corporations do not consent to keeping the nature of the world safe in the 21st century. This is because sourcing materials to be used in different areas and procedural works from nature is easier than working with a supplier. This reasoning is apparent in many different sectors, ranging from the clothing sector to the electronics sector. Many corporations have had attempts to make a difference regarding the sourcing and recycling of their already-used products. While this seems like a great way to solve the issue of harm against the environment we live in, many corporations also use the idea of greenwashing to present their company as a greater and more viable choice for people concerned about the acts of many companies. An example of this act is the usage of glass bottles that are labeled as recyclable on the bottle when marketed, while they are not actually recyclable. Another huge factor that leads to activists taking place in protests is the augmentation in air pollution each day. Climate change comes across as a vital issue due to its wide-range effects and lethality for humankind and the living.



2. Acts against activists

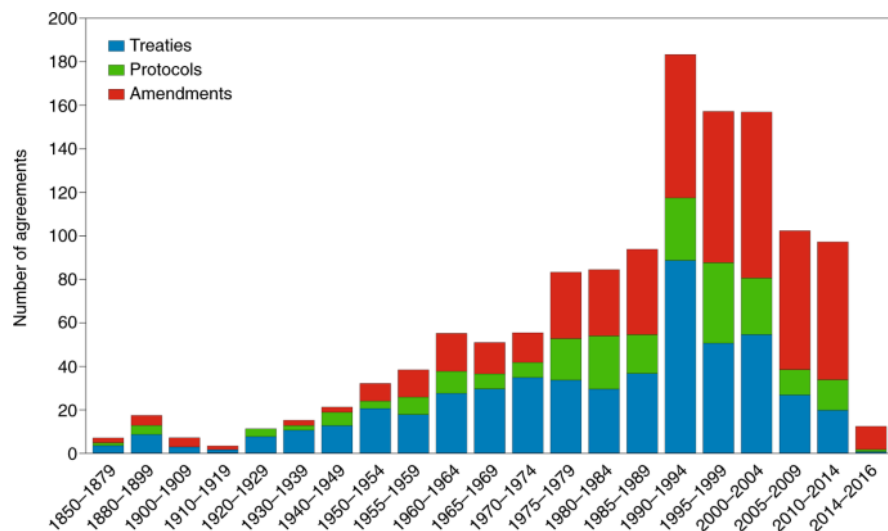
The times are changing, and so is the way of protesting against wrongdoings. In the 21st century, the world has evolved into a more democratic structure, and with democracy comes freedom of speech. Nowadays, activists are more vocal than they ever were, by virtue of their increased amount of opportunities for protesting. Nevertheless, this still hasn't changed the reactions against the activists. Activists' outputs with the goal of protecting the day-by-day dissipating environment are confronted with acts such as physical assault and arrest. Many legislations are implemented in order to safeguard the activists from going under the aforementioned acts that are taken against them. On the other hand, the vast majority of activists still face transgressive acts as a response. An example of this

occurred on August 9, 2019, in the Brazilian state of Pará, where an environmental activism leader Paulo Paulino Guajajara was shot in an ambush by illegal loggers while he was patrolling the Arariboia Indigenous Reserve to protect it from deforestation and illegal logging activities. The pre-existing “Brazil’s Law on Protection of Human Rights Defenders” seemed insufficient for the case.

3. Environmental Acts In The 21st Century

There have been many movements for the safety of nature in the 21st century, one of the many being The Flint Water Crisis because of the water source in Michigan being switched for a source from the Flint River. The initial plan was to change the water source in 2014 in order to save money for the government. However, this resulted in health issues for the residents of the area as the water seemed to have high levels of lead. On top of this, another reason for the protests was that using the Flint River water for human needs was also hurting the environment where the Flint River was located.

Another notable environmental act in the 21st century was the protest against the idea of the Keystone XL pipeline between Canada and the US. The greatest reason was the Keystone XL pipeline potentially boosting climate change by enabling the



extraction and transportation of high-carbon fossil fuels between the aforementioned countries.

Another reason was the pipeline’s route crossing sensitive ecosystems, water bodies, and indigenous lands, which raised concerns about the risk of water contamination, and disruption of wildlife habitats. These protests have usually led to new treaties, protocols and amendments being put to work both inside the UN and in the own governments of member states.

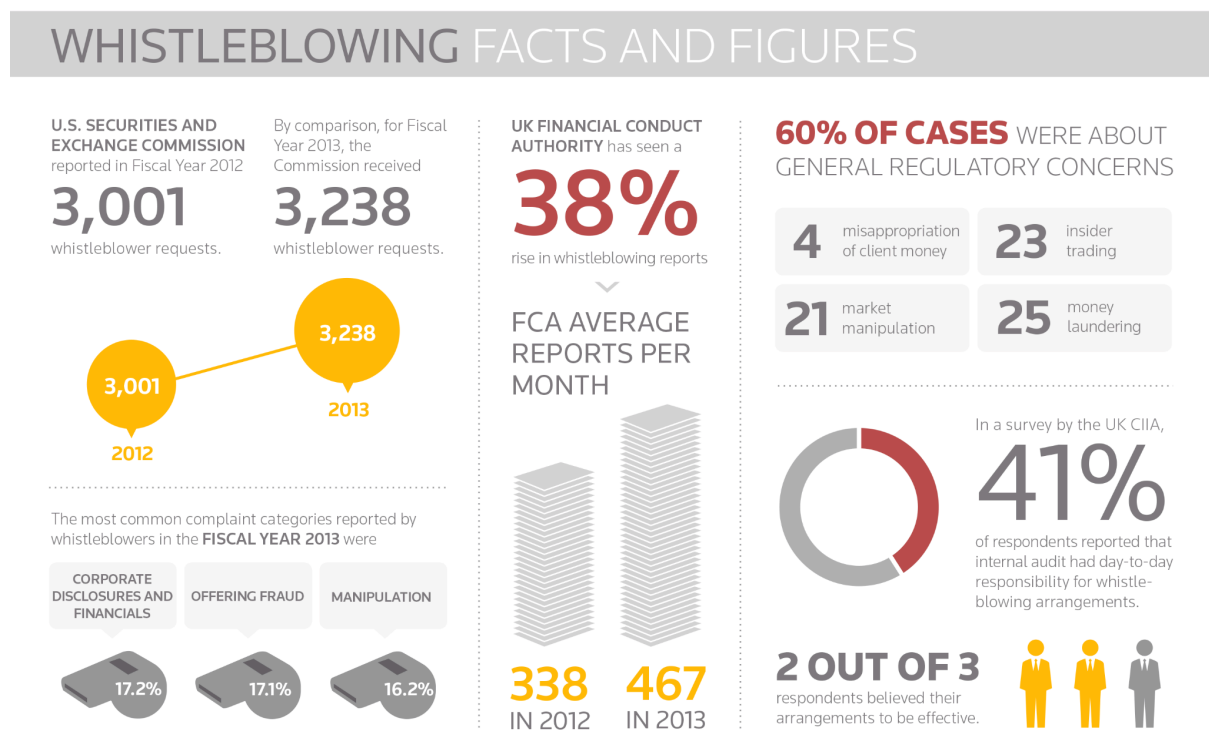
4. Examples Of Whistleblowers Being Put Under Pressure:

Whistleblowing has been around for a century and a half now, with the first law about whistleblowing being the “False Claims Act”. An example of whistleblowing going wrong in the last decade would be the case of Jeffrey Wigand, who exposed the whole tobacco industry due to his knowledge of the addictive sides of nicotine. This was huge, mainly because of the fact that Wigand was a pioneer in this field. After the events, Wigand was faced with many lawsuits and legal battles

against him. On top of this, he was getting death threats and threats to his economic stability. There are numerous other cases of whistleblowers being put under severe pressure.

5. UN Whistleblower Protection Policy:

This policy has been implemented and strengthened inside the UN since the start of the new millennium. The Policy is under the protection against the retaliation policy of the UN, and is only for UN workers, meaning people who are occupied with a job that is directly connected to the UN. The policy has been greatly revised in 2017 with the help of the new UNSG. But what does this policy aim to do? The policy's main goal is to protect any civilian who is living under the roof of a member-state, who sees their workplace in a continuous act of wrongdoings and decides to report this to an authority no matter where they reside. This project has gotten a lot of backlash ever since its first installment, which is both because it creates a more hostile environment and also because of the fact that the scope of this project is only limited to the UN and it does not affect any special corporations.



F. Timeline of Key Events

September 27, 1962	The publication of "Silent Spring"
April 22, 1970	First Earth Day took place in the United States of America for environmental activism reasons.
June 5-16, 1972	The United Nations Conference on the Human Environment (Stockholm Conference) took place. This was the first conference ever on the topics of this agenda, and it led to many other conferences that would follow.
June 5, 1972	The Creation of UNEP (United Nations Environment Programme)
1982	The 1982 Save the Whales Campaign was led by many environmentalist foundations like Greenpeace.
May 16, 1985	Discovery of the Ozone Hole
April 26, 1986	The Chernobyl Disaster occurred. This event led to many acts and protests against the Soviet Union in outside countries
September 16, 1987	Montreal Protocol
June 3-14, 1992	Earth Summit (Rio de Janeiro): The United Nations Conference on Environment and Development was convened. This conference led to key agreements on climate change, biodiversity, and sustainable development.
May 24, 2006	Release of "An Inconvenient Truth", an Al Gore documentary
September 21, 2014	People's Climate March
April 1, 2016	Standing Rock Protests
August 20, 2018	Greta Thunberg's School Strike for Climate
March 2020	COVID-19 Pandemic
October 31 - November 12, 2021	COP26 (Glasgow)
August 16, 2022	The Inflation Reduction Act (USA)
March 30, 2023	"The First International Day of Zero Waste" ran by UNEP

G. Major Parties Involved

a. United Nations (UN):

The UN has taken an active part in the protection of environmental activists and whistleblowers. Not only that, but the UN has held many conferences on topics about the environment, nature and the ozone layer in the previous 50 years. The greatest proof of the UN being an active speaker in this issue is the creation of the United Nations Environment Programme (UNEP). There are also other UN institutions such as the OHCHR which advocates for activists all around the world.

b. European Union (EU):

The European Union has displayed their support for activists with the creation of many promotional tools that specify the need for the protection of nature and the environment we reside in. But more importantly than that, the EU has enacted many directives on the issues of protection of water, waste management, and air protection. The EU also enacted the Whistleblower Protection Directive in 2019 which made it a must for EU states to publish legal frameworks and release transparency statistics about the organizations and companies that are in the country.

c. National Bar Organizations:

Bars such as the Canadian Bar Association (CBA) have always advocated for the environmental acts that take place in their own country, with sections that specialize on the issue. Other Bar Associations such as the American Bar Association and the Law Society of England and Wales have also shown their further support for the civilians of their country standing up for the truth.

d. National Whistleblower Center (NWC):

Based in the United States, the NWC advocates for stronger whistleblower protections across various sectors, including environmental issues.

e. Environmental Law Alliance Worldwide (ELAW):

ELAW brings together environmental lawyers and activists from across the globe. They work together to protect the environment through legal advocacy, collaborating to address environmental challenges and promote conservation efforts.

f. ClientEarth:

A non-profit organization dedicated to environmental law, especially within Europe. Their focus is on greater legal advocacy to safeguard the environment and promote human health. They employ a strategic approach to legal interventions aimed at addressing environmental challenges and advancing sustainable practices within the legal framework.

H. Previous Attempts to Resolve the Issue

a. Keystone XL Pipeline Protests:

Even though there were many protests and opposition to the project, it was still delayed and eventually approved by the Trump administration. The failure of the protests highlighted the influence that corporations and corporations have on the governments of member states.

b. Copenhagen Climate Conference (COP15):

The 2009 Copenhagen Climate Conference failed to produce a binding agreement to address climate change due to disagreements among participating countries over emission reduction targets, financial assistance to developing nations, and accountability mechanisms. The lack of consensus highlighted the challenges of international cooperation and the influence of vested interests in obstructing meaningful action on environmental issues.

c. Corporate Social Responsibility (CSR) Programs:

While many corporations have adopted CSR programs to enhance their public image and address environmental concerns, these initiatives often lack meaningful accountability mechanisms and may serve as mere greenwashing tactics. The failure of CSR programs to address systemic environmental issues reflects the need for stronger regulatory oversight and enforcement to hold corporations accountable for their actions.

I. Relevant UN Treaties, Resolutions and Events

1. United Nations Environment Programme (UNEP): June 5 1972
2. UNEA Resolution 5/14: 10 May 2022
3. UNEP/EA.4/Res.22: 28 March 2019
4. UNEP/EA.2/Res.1: 3 August 2016
5. International Day Of Zero Waste: 30 March 2023-2024
6. Earth Summit on UNCED: 3 June 1992
7. Aarhus Convention (Previously Known As UNECE):1992
8. Paris Agreement: 12 December 2015
9. United Nations Sustainable Development Goals: 1 January 2016
10. UNEP/EA.2/Res.5: 3 August 2016
11. UNEP/EA.6/RES.3:

J. Possible Solutions

1. You may write clauses in order to create new governmental programmes which will protect the rights of environmentalist activists
2. You can further enhance already existing UN bodies such as UNEP by adding new sub-programmes to the organization which can further help with the advocating of whistleblowers
3. You can create a new international body which will protect whistleblowers and their rights to speak up for the truth

K. Further Reading

- ▶ **Listen to the Children - Severn Cullis-Suzuki's famous speech on the environment (1992)**
- ▶ **Greta Thunberg forcibly removed by police at climate protest — again**
- ▶ **Land is life. We must protect it.**
- ▶ **UN whistleblower protection policy: 'We have a right to expect the best from each othe...**

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