

In Defence of Protest

Article by Ben Snelson

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When all other forms of political participation fail, protest can succeed in influencing climate policy. But civic disobedience is increasingly demonised and violently repressed. Here's how to collectively resist and fight back.

The vote. The weekend. Paid holidays. Paid sick leave. Publicly funded healthcare and schooling. The right to free assembly and to go on strike.

Such rights might sometimes be considered permanent and inalienable. But it's worth remembering they've neither always existed, nor are they guaranteed in perpetuity.

Most of them have been won through the determination and solidarity of people united in protest.

In healthy democracies, peaceful protest is a fundamental cog in the wheel of politics. A means of expressing and empowering the voices of people and civil society, it is a vehicle through which to drive change on issues – be they social, economic, or environmental – that affect us all. When those in power choose to bypass and act against the interests of the very people they are supposed to represent, protest is drawn upon as a vital instrument of popular leverage to vent dissatisfaction with, correct the errors of, or demand action from, policy-makers.

As anyone who has taken part in a public demonstration will know, protest is often characterised by noise, creativity, humour, music, physical occupation of space, and a sense of collective wellbeing. Indeed, large and small-scale protests can all serve as invaluable reminders of the immense power of cohesive society and of our close connection with total strangers assembled around a common rejection of the status quo and a shared desire to change things for the better.

Climate action needed

In line with the ever-growing scale of the climate and biodiversity crises, people are increasingly alive to the consequences of this existential threat – and of the urgent need for real action to mitigate it. Evidence of climate catastrophe surrounds us. Indeed, for hundreds of millions of people, particularly in the Global South, but increasingly also in Europe, violent climate-related disasters such as extreme wildfires, droughts, floods and hurricanes are becoming punishingly frequent. By 2050, more than one billion people may be forced to leave their homes due to climate change.

In 2015, a sense of hope on climate action was awakened by historic commitments made at the Paris Climate Conference, a landmark summit at which the world's governments pledged major reductions in emissions to limit global heating to 1.5 degrees in an effort to prevent irreversible climate and biodiversity collapse.

Yet, despite the fanfare and self-congratulation that marked that momentous occasion, eight years on action still falls woefully short of the promises made. With the dawning realisation that the Paris Agreement was a masterclass in hot air, and that governments were not implementing the necessary

policies to honour environmental commitments, people turned to Plan B.

Plan B was centred on the grassroots organisation and mobilisation of local communities, which led to a series of movements across the world no longer requesting, but rather insisting on, government action commensurate with the scale of the crisis.

This sea-change was vividly embodied by Fridays for Future (FFF) and Extinction Rebellion (XR), two organisations identifiable for their innovative, inclusive, peaceful, direct, no-nonsense approach to sounding the alarm and demanding action on climate breakdown. Buoyed by mass popular support, their activities snowballed across Europe and the world, with city centres and country towns alike becoming public theatres for major demonstrations.

The FFF movement, powered by children skipping school every Friday, emphasises the irrelevance of education if those in power disregard scientific evidence and ignore expert counsel on the urgent need for action. Founded in 2018 by then-solo activist Greta Thunberg, the movement – backed by teachers, academics, parents and grandparents – has established national chapters across the world. This growth has spawned new youth leadership, such as Vanessa Nakate in Uganda and Disha Ravi in India. In 2019, FFF led a ‘Global Climate Strike’ – the first ever truly worldwide protest. This coordinated action involved four million people joining demonstrations in 163 countries. One of the greatest achievements of the millions of children fuelling the FFF movement has been their ability to inspire older generations to rally to their cause.

Following its success in raising awareness and mainstreaming the discussion on climate change in the UK (by forcing the media to address something it could no longer ignore), Extinction Rebellion has amassed 1,265 local chapters across 79 countries. In the same way that FFF has produced new young leaders, XR has also provided a platform for talents, such as South African Othembele Dyantyi who at age 11 was already an inspiration for pan-African youth activism.

Far from being driven by fringe self-interest, FFF and XR have demonstrated the importance and power of protest in opening fora for public participation on environmental issues and holding governments to account on their own climate promises.

Fox in the henhouse

The annual Conference of the Parties (COP) reunions dedicated to discussions on climate change should inspire not only hope, but real action. Attended by virtually all of the world’s governments, the most influential companies on the planet, and an army of grassroots and civil society organisations, COP’s potential to deliver meaningful and lasting solutions is unmatched. But this unique potential faces endemic obstruction.

The main global, publicly funded institution devoted to climate action has become an unabashed forum for pontification, standing ovations, ribbon-cutting and handshakes. A growing body of evidence also indicates that it’s being used by private sector entities to advance extensive greenwashing. Due to the high number of fossil fuel lobbyists present at COP events, some are giving a new meaning to the acronym: Conference of Polluters.

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For illustration, the vast majority of the COP27 (Egypt, 2022) sponsors had direct ties to fossil fuels – the greatest greenhouse gas-emitting industry. Coca-Cola, the world’s top plastic polluter, was a key sponsor for the event. Emboldened by this low bar, in a perverse and almost surreal turn, the United Arab Emirates has nominated its main state oil company to lead the COP28 summit this year.

Greenwashing has become ingrained across the private sector, now constituting a cornerstone of business and marketing strategies that capitalise on people’s environmental concerns. This is shown by ubiquitous misleading – and often simply untrue – claims plastered across food and consumer goods. In the absence of effective regulation, baseless green claims are running rampant.

While greenwashing is the prevailing modus operandi of the private sector, in the public realm too, many policymakers keen to appear serious on climate subscribe to a similar strategy: “citizenwashing”. When we hear our leaders or public officials declaring that “citizens have been consulted, and...”, “the citizens have spoken”, and “what citizens want is...”, we should be careful. While of course not always the case, these sweeping assertions may sometimes ignore the inconvenient reality that engagement with these “citizens” has been late in the process, superficial at best, or purely symbolic.

Without the corresponding action to match leaders’ words, and with major polluters usurping institutions specifically created to address climate change, it should come as no surprise that many people’s faith in existing architecture for climate diplomacy is fading, and patience is wearing thin.

Right to protest threatened

People can influence political and policymaking processes in various ways. When it comes to the environment, this might be through signing petitions, writing letters to policy-makers, supporting social media campaigns, engaging in open debates, giving press and media interviews, or contributing to public consultations. These are fundamental tools that can facilitate citizens’ involvement in making decisions on serious issues that affect us all. Signed by 46 parties including all EU member states and the EU itself, the international Aarhus Convention stipulates the right of all individuals to access information regarding the environment, promotes public participation in environmental decision-making and offers public recourse to accessing justice when governments fail to ensure it.

But what happens when civil engagement initiatives amount to nothing, or are ignored by those in power? In these scenarios, with all conventional avenues of informing policy exhausted, people are left with a “last resort”: protest.

Citizens’ rights to safe assembly, association, and freedom of expression are protected in international charters and European jurisprudence, including the Universal Declaration of Human Rights (Article 20), the European Convention of Human Rights (Article 11) and the EU Charter of Fundamental Rights (Article 12). Indeed, there are many instances where, when these rights have been infringed upon by European governments, the European Court of Human Rights has upheld them, often leading to stronger protections within national legislation.

XR, Just Stop Oil, Last Generation and similar organisations have had far-reaching effects in igniting widespread public conversation on the climate emergency and the action it demands. However, given their embrace of disruptive action, they have also contributed to a hardening of political attitudes which, in turn, has led to repressive legislation and rendered much public protest unlawful.

But law is not to be equated with justice. Emmeline Pankhurst, Sophie Scholl, Rosa Parks, Mahatma Gandhi, Nelson Mandela and Martin Luther King Jr. sit among many who engaged in civil disobedience,

but who are rightly honoured in the canon of history for resisting systemic injustice. While campaigns based around civil disobedience often differ, they are inherently bound by one connecting thread: the pursuit of justice.

The hard-won and long-held right to protest is under attack the world over. In the United Kingdom, a country with a well-worn history of popular demonstration, the government has passed the Police, Crime and Sentencing Bill. The bill outlaws public protest considered a “nuisance”, while extending unprecedented powers to law enforcement officers. Civil injunctions sought by private enterprises, including across the fossil fuel sector, are also rising in the face of increasingly effective disruption triggered by environmental protest.

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democratic standards and environmental justice.*

But the UK’s case is symptomatic of a global trend in democratic backsliding, seen in the vilification of environmental activism across Europe. In Germany, climate activists have been put in preventive detention using an anti-terrorism law. In France, discourse used against environmental protest has also become ever-more extreme, with the term “eco-terrorists” regularly parroted in media debate on climate.

But the criminalisation of environmental activists has given rise to ever more sophisticated legal arguments, where those in the dock use litigation, or “movement lawyering”, to resist executive overreach and exercise freedom of speech. This involves the exploration of legal justification for acts of civil disobedience, where the accused claim the legal defence of climate necessity. So while law and justice should not be conflated, the need for justice through the questioning of the law and its application is growing in frequency – and often bearing fruit. Solidarity with environmental activists and the wider climate cause is demonstrated by legal practitioners as well. In the UK, 120 leading barristers have breached bar rules by vowing not to prosecute peaceful protesters and to withhold their services from new fossil fuel projects. Current application of the law, they claimed, overwhelmingly favours the fossil fuel industry while disregarding threats posed by that industry to people’s lives, livelihoods and property.

An independent judiciary, now under real threat across the world, has also proven its importance in acting as a check on executive power, and upholding government accountability. In the UK, France, the Netherlands, Belgium and Germany, people have taken governments to court for climate inaction – and won.

The bigger picture

Though the current scale and importance of environmental protest might appear relatively new to many of us in the “industrialised Global North”, for millions – particularly in the Global South – the need to defend nature has long been indivisibly tied to the struggle for existence.

In this age of “Great Acceleration”, current levels of natural resource consumption far outstrip Earth’s capacity to satisfy it. But there are alternative models not driven by insatiable extractivism that would allow us to meet the needs of the growing global population while remaining within the inherent physical limits of a planet with finite resources. This model is neatly captured by “Doughnut economics”, which emphasises the need to abandon our incessant and unsustainable focus on GDP growth, and instead

embrace new “postgrowth” metrics that consider human and social wellbeing, as well as the biophysical boundaries of the Earth.

The rate of natural resource consumption by the EU is so vast that 2.8 Earths would be required to extend it to all the people in the world. As deforestation and polluting extractivism continue apace, those bearing the brunt are marginalised, often Indigenous communities. It is these increasingly frequent face-downs that demonstrate how intimately connected environmental and human rights are. With many living in natural spaces targeted by unscrupulous and bullish industry (whose destructive activities routinely violate international environmental and human rights law), Indigenous people and rural landworkers are the first, and often final, line of defence. In the last decade, over 1,700 people have been killed³⁴ defending their land and the environment from violent extractivism.

Taking a stance on climate action

As a body founded on democracy and the rule of law – and keen to be perceived as a champion of such principles – the EU must reverse the decline in public participation³⁶ to avoid warranted accusations of hypocrisy on democratic standards and environmental justice³⁷. This can be done most effectively by following the clear provisions laid out in the Aarhus Convention and by developing environmental democracy.

Environmental goals can only be achieved by working together. That means involving people through inclusive and accessible participatory processes in line with the UN’s Sustainable Development Goals.

If governments and policymakers are serious about climate, and if they’d appreciate fewer disruptive protests, the solution is simple: commit resources to the policies necessary to facilitate equitable and inclusive participation. The movements mentioned above have been clear on their calls: open the door sincerely to, and implement the rational demands of, NGOs, civil society and grassroots groups that represent the interests of ordinary people and the environment.

Collective resistance is power. Time and again, against all the odds, environmental campaigners have won: the halting of plans for the Conga copper mine following unrelenting resistance by locals (Peru, 2016); the “Brave Women of Kruščica” who, following a 500-day long protest, blocked the construction of new hydropower dams along the Kruščica river (Bosnia & Herzegovina, 2017); Nemonte Nenquimo’s historic legal victory to protect 500,000 acres of Amazonian rainforest from oil extraction (Ecuador, 2019); the cancellation of the XL Keystone oil pipeline following immense resistance from Indigenous communities (Canada, 2021); a community-led campaign to close a major fishmeal plant polluting coastal waters (The Gambia, 2021); class action brought by citizens of Jakarta leading to a District Court ordering the President and government to take action on air quality (Indonesia, 2021), and the weeks-long mass protest by environmental groups that forced the cancellation of a \$2.4 billion lithium mine project (Serbia, 2022). And that’s just the tip of the iceberg.



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