

Historic Importance of the Right to Protest and How it has Advanced Environmental Protection Worldwide

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Greenpeace Side Event – International Seabed Authority Meeting

Transcript: recorded intervention

Dear colleagues and friends,

My name is Marcos Orellana, and I am the UN Special Rapporteur on Toxics and Human Rights. I would like to thank Greenpeace International for the invitation and opportunity to speak about the right to protest and how it has advanced environmental protection worldwide.

Dangerous human interference with the climate system is threatening humanity as a whole and the enjoyment of fundamental human rights. In the face of this global threat, States and businesses are rallying to build new technologies in their efforts to decarbonize their national economies and the energy matrix.¹ Many of these technologies depend on critical transition minerals, such as copper, lithium, manganese, and cobalt. It is estimated that more than three billion tonnes of energy transition minerals are needed in wind, solar and energy storage solutions.²

The mining of these minerals can have toxic impacts and cause irreversible harm to the environment and culturally significant ancestral sites, in addition to biodiversity loss, water shortages, soil degradation, and limited crop production.³ Moreover, exposure to heavy metals from mining has serious detrimental impacts on the health of communities. These toxic burdens are resulting in a massive, widespread, and systematic denial of human rights for countless individuals.

Humanity cannot afford to further aggravate the toxification of the planet. Decarbonization and detoxification strategies must be integrated and guided by human rights principles centred on non-discrimination, transparency, participation, and accountability.⁴ Furthermore, environmental and human rights safeguards should be strengthened and enforced, instead of waived under the guise of the energy transition and in favor of business interests.

Against this backdrop, and as negotiations on environmental safeguards amongst Member States at the International Seabed Authority remain unsettled, I am alarmed by the push of some businesses for commercial-scale mining of the deep seabed. I am concerned about reports on the disregard of science in the current state of the debates and the absence of effective science-policy interface mechanisms. Such actions undermine the right to science, and they breach the obligation of governments to align their policies with the best scientific evidence.

¹ A/HRC/54/25

² [Critical minerals | UNEP - UN Environment Programme](#)

³ A/HRC/54/25

⁴ Ibid

Moreover, in the face of serious impacts on ecosystem services, the precautionary principle requires States to be cautious and diligent.⁵ In this regard, I take note that a number of States have called for a moratorium on deep seabed mining.

Adequate consideration of scientific evidence to enable conservation and sustainable use of resources naturally takes time. Interrogation of policy options is key to sustainable development. This highlights the indispensable role of civil society and environmental defenders in raising awareness of the vital importance of marine ecosystems for humanity, including food security, climate regulation and cultural heritage. After all, we cannot lose sight of the prescient words in the United Nations Convention on the Law of the Sea that the deep seabed Area and its resources are the common heritage of humankind.

At times civil society will express its views and concerns in the form of protests. The right to peaceful protest is recognized and enshrined in several international human rights standards and instruments, including under article 20 of the Universal Declaration of Human Rights and in articles 21 and 22 of the International Covenant on Civil and Political Rights.

The right to protest has also been regarded as a lawful use of the sea related to the freedom of navigation by an arbitral tribunal established under Annex VII of the UN Convention on the Law of the Sea. It is also recognized in resolutions of international bodies, such as the International Maritime Organization.⁶

While there are permissible limitations to this right embedded in the provisions of human rights instruments, they should be strictly and narrowly defined. Therefore, blanket prohibitions of protests outside business premises or operations as well as broad definitions of “vital installations” or “national interests” that effectively aim to muzzle opposition to projects are inconsistent with human rights standards. Businesses, too, have a responsibility to respect internationally recognized human rights under the Guiding Principles on Business and Human Rights.⁷

Against this setting, I am alarmed by the manner in which the Secretary General of the International Seabed Authority has responded to peaceful protest at sea: acting beyond his sphere of authority; imposing restrictions lacking a legal basis; arguing that protest activities posed a threat of serious harm to the marine environment; and encroaching on the competence and authority of the flag states of vessels. These actions question the impartiality expected from the Secretary General, as much as they suggest bias towards industry interests, in disregard of the environmental protection mandate of the International Seabed Authority.

In this regard, some years ago the International Maritime Organization faced strong criticism from certain of its Member States and civil society for its opacity and outsized influence of commercial interests in its work. However, the Organization has shifted direction towards greater transparency and has enacted a number of good practices. For example, the IMO

⁵ [ohchr-seabed-mining-10-july.pdf](#)

⁶ A/HRC/29/25

⁷ Ibid and A/78/246

increased the amount of information and data on its website; journalists are welcome to its meetings and can quote delegate statements; and NGOs with consultative status may speak and submit documents at IMO meetings. While the IMO still has space to improve its practices, its change in direction and the progress it has made serves as an important example.⁸

As States continue to discuss the prospect of deep-sea mineral extraction, they must guarantee civil society the rights to access information, public participation, and access to justice. The fundamental rights to freedom of peaceful assembly and association are an essential component to guaranteeing full participation in environmental matters and decision making.

Peaceful protests play a crucial role in raising awareness about the threats facing the marine environment, mobilizing public support for conservation efforts, and holding governments and industries accountable for actions that harm marine ecosystems. Furthermore, peaceful protests provide a platform for diverse stakeholders, including Indigenous peoples, environmental organizations, scientists, fisherfolk, and concerned citizens, to come together and collaborate for the protection of the deep sea-bed.

In defending the right to peaceful protest for the protection of the deep sea-bed, we are not only safeguarding the health and biodiversity of marine ecosystems, but also upholding the rights of present and future generations to a clean, healthy and sustainable environment.

I invite us all to remember that the protection of the deep sea-bed is not just a matter of environmental conservation, which it is; it is also a question of social justice, human rights, and intergenerational equity. As stewards of the oceans, we all have a responsibility to speak out, take action, and peacefully protest for the preservation of the ecosystems that sustain life on Earth.

I thank all environmental and human rights defenders for their commitment and dedication to the protection of our Earth and our common future, despite threats and harassments. Together, we can make a difference and ensure healthy and thriving ecosystems for generations to come.

Thank you very much for your attention.

⁸ A/HRC/54/25/Add.2