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# The 'caring community': Recognizing and shielding civic environmental monitoring

## Abstract

*'Community-based monitoring', is a form of care for the land, and a manifestation of broader citizen science. The practice at times embodies resistance to the way environmental resources are governed, whereas other times is a* ***healthy complementation*** *to institutional environmental governance. However, often, the role of such 'monitoring' communities is not appropriately recognized and they are even, in some instances, criminalized. Unofficial forms of monitoring should be acknowledged by institutions, especially when these institutions fail to appropriately govern environmental issues. Two cases are discussed, which – first – demonstrate the aspect of 'care' entailed by community-based monitoring' and – second – the need for recognizing the added value that the civic sentinels bring to environmental governance. The main argument developed is that forms of community care for the environment should not remain an unofficial and informal practice but, when needed and as appropriate,* ***should be recognized beyond the engaged community****, mainly through the granting of a* ***legitimate status*** *within the system. This recognition should occur while respecting the legal context, judicial processes and the separate and unique role of authorities competent for (environmental) law enforcement.*

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*Community-based monitoring; citizen science; civic participation; environmental justice; access to information; community psychology*

## Community-based monitoring as a practice of *care*

'Community-based monitoring' – in short labelled here *civic monitoring* – can be defined as "the direct involvement of local community members in monitoring [local problems], [...] through their participation in

collaborative monitoring efforts" (Fernandez-Gimenez et al, 2008: 1). These practices can be aimed at the preservation of natural resources and ecological quality, for example through forests' monitoring projects undertaken by community-based organizations (Fernandez-Gimenez et al, 2008). Other instances around the world see the application of community-based monitoring to watch over deeply impactful mining projects (Source International, 2021). In other cases, community-based monitoring is aimed at establishing sustainable approaches to manage and share local resources as "commons" (Ostrom, 1990; 2000) for the community's livelihoods (Quilligan, 2009). Recently community-based monitoring has been applied beyond the environmental domain, for example to assess health services provision in developing contexts (J-PAL Policy Briefcase, 2015, discussing cases from Tanzania and Uganda). The described practice is said to bring the promise to stimulate a "shared [...] understanding among diverse participants", building "trust internally and credibility externally", fostering "social learning and community-building" and "adaptive management" (Fernandez-Gimenez et al, 2008: 1). In this contribution, the practice will be analysed in light of this potential, i.e. for the social capital generated, for the diversity of approaches to monitoring that it brings in, and for the overarching sense of care that it stimulates among the members of the community. However, the article also highlights the risks associated with the practice especially for local people engaged in environmental monitoring (hereinafter, *civic monitors*) in situations of deeply politicized and conflictive environmental matters.

Recent scholarship (among the others Berti Suman, Schade and Abe, 2020; Aragão, 2019; Haklay and Francis, 2018) has stressed how practices entailing participatory mapping especially in relation to environmental issues are manifestations of a right to a safe environment from "a social and environmental justice perspective" (Ahmed et al, 2019: 1). Civic monitoring can valorise communities' experiences and knowledge over their land, which is often a unique take compared to that of outside experts (Wynne, 1992; 1996). This knowledge, which includes scientific meanings, can be relevant in policy and decision-making over an environmental risk (Berti Suman, 2020). Furthermore, the consideration of such knowledge – for example through forms of *policy uptake* (Berti Suman, 2021) of the results of community-based monitoring – can offer a response to the citizens' desires of justice (Ahmed et al. 2019, 1). Haklay and Francis (2018: 1) identify in the "proliferation of accessible techniques for community-based environmental monitoring, combined with practices that emerged from the environmental justice movement" a new horizon for realizing or at least contributing to the realization of environmental justice. The two cases discussed are situated within the broader environmental justice debate and can be regarded as affirmation of environmental human rights, given the indivisibility of human rights and environmental law (Daly and May 2019). This affirmation occurs not only at

an individual level but also at a community level when forms of community-based environmental monitoring are ongoing: this becomes a collective act of care and of resistance (Barnwell, Stroud and Watson, 2020), and a demand of power and social justice (Fernandes-Jesus, Barnes and Farias Diniz, 2020).

Focusing on the collective psychological dimension, the mourning of an environmental issue (natural, for example a hurricane, or human-caused, for example a sudden dam project affecting the river) at a community level can alleviate the suffering and stimulate creative responses, including through civic monitoring. The individual victim that seeks her/his own justice becomes *a collective*. This not only can make the reaction from the community to an environmental stressor more incisive, but can also have positive effects on the health and psychological wellbeing of the community members. First, it can help the community in putting the problem in perspective and in feeling ready to face it (Unanue et al, 2020). Second, this proactive engagement can instil resilience in the community, as noted by Edelstein (2003) with regards to *contaminated communities*, which would be communities affected by toxic exposure. Third, as anthropogenic disasters – that are *modern* disasters in Erikson's words (1995) – become more and more frequent, learning from such caring forms of engagement can be particularly useful for future communities and decision-makers that will have to face similar issues.

Overall, community-based monitoring can be regarded as a form of *care* for shared land and resources. Furthermore, when civic monitoring stems spontaneously from the community, that is, with no forms of governmental, non-governmental organizations' (NGOs) or academic engagement, it can overturn the traditional delegation of the power to protect the environment to appointed (governmental or non-governmental) institutions. While more traditional forms of civic monitoring and broadly citizen science have often been channelled by governmental or other institutional actors, thus reinforcing the 'delegation paradigm', being 'performative' (Michels and de Graaf, 2010) and strengthening official knowledge (Visvanathan, 2006), truly grassroots-driven engagement with environmental science can trigger a shift in paradigm. And in fact such spontaneous and uninvited forms of monitoring push to find a *legitimate stance* in environmental and climate governance (Berti Suman, Schade and Abe, 2020).

At times civic monitoring can mirror a cooperative attitude both from the community providing the environmental data and by the recipient institutions ready to listen to them (European Commission, 2018). In other instances, the community starts monitoring because they feel to have suffered an injustice due to deprivation or degradation of land or other resources, as occurs in case of anthropogenic disasters not adequately managed by the competent institutions (Ottinger, 2010). By caring and resisting the way private or public actors manage an environmental matter, local people engaged in monitoring their

territories demonstrate a willingness to have their knowledge and desires considered when decisions on the environment are taken. Such decisions will ultimately impact first of all the members of the community and the community as a whole. Therefore, it can be reasonable to consider their understanding of the environmental matter at issue as a valuable *counter-knowledge* (Irwin, 1995; Hess, 2011) or, depending on the context, *complementary knowledge* (Bäckstrand, 2003). However, often their knowledge is considered biased, non-scientific and useless to inform strategies over resources' preservation, allocation and management. At times, this knowledge 'from below' is not only dismissed, but its affirmation causes risks for the civic actors, as past studies show (Berti Suman, Schade and Abe, 2020) and as one of the cases illustrated below demonstrates.

This contribution describes two cases, one of criminalization and the other of recognition of civic monitoring to develop an argument on the importance that institutions competent for environmental protection become 'guardian' thereof, ensuring that the monitoring actors and communities do not incur in risks associated with producing and affirming their counter/complementary knowledge. On one hand such a recognition, as the second case illustrates, could promote a legitimation effect, both vis-à-vis public and private actors, and in the eyes of peer citizens. On the other hand certain communities and civic actors may disagree with the need of seeking/obtaining official recognition because they have already de-legitimized the competent institutions (so it would be a non-sense to ask their recognition, as noted in Berti Suman, Schade and Abe, 2020) or because they see recognition as control (as stressed by Berti Suman, 2021). Nonetheless, this recognition, while it should not be a void performative act or an act of masked control by institutions, could help safeguard communities' health and psychological wellbeing when the monitoring activities can expose them to physical and mental stressors. This can occur, for example, in the case of exposure to contaminants or risks of specious litigation aimed at silencing the civic monitors.

## The Wyoming case of criminalization of the civic sentinels

The case of Wyoming, a Western state in the United States (U.S.) – thus situated in the 'Global North' – has a twofold role. First, it illustrates the actual risks that the civic monitors and the community as a whole can face when starting to monitor independently their environment. Second, it reflects on the recognition of the right to monitor that the Wyoming court operated in this specific case as especially useful when civic monitors are criminalized. In the case discussed, the local inhabitants decided to engage with civic monitoring, supported by local organizations, for the preservation of their water resources and of the wildlife (for example fishes and beavers) inhabiting them. Their primary aim was therefore to collect data on the status of local streams and watersheds – which are very important assets for the community's identity and wellbeing – to share such information with governmental actors and NGOs, competent for protecting water quality and wildlife.

In Wyoming, the collection of environmental data by citizens could lead to a criminal conviction due to specific legal provisions contained in the state legal system.[1] In a lawsuit initiated by the environmental group Western Watersheds Project, the U.S. District Judge Skavdahl ruled that these legal provisions, and in particular two laws of the Wyoming state prohibiting trespassing to collect environmental data, infringed the right to free-speech as protected by the U.S. Constitution.[2] The ruling found the Wyoming laws *capricious* in their prohibition of trespassing on private land to collect data on public land. This prohibition according to the judge *curtailed the freedom of speech* of citizens willing to collect data on public land, for example within a citizen science initiative. This can be considered a remarkable recognition of the legitimacy of civic monitoring and of "the right [of lay people] to participate in expert dominated discussions of technical issues" over environmental issues (Ottinger, 2010: 251).

With this decision, the judge supported the claims of two environmental groups, the Natural Resources Defense Council and the Western Watersheds Project, and of a news photographer association, the National Press Photographers Association, who lamented that the laws were undermining the *legitimate* environmental data collection of volunteers. The judge wrote in his ruling: "There is simply *no plausible reason for the specific curtailment of speech in the statutes beyond a clear attempt to punish individuals* for engaging in protected speech [...]"[emphasis added].[3] The court ordered the state of Wyoming not to enforce the statutes with regard to trespassing on private land to collect data on public land. In a press release, it is noted that the laws at issue "have been enacted to shield the agriculture industry from monitoring by environmentalists and animal-welfare activists."[4] The judge in balancing the interests of the monitoring community and those of the owners of private lands favoured the first side. However, in future instances, courts may not be as favourable to civic monitoring, and favor (also legitimate) private property interests.

The case can be read as an example of institutional attempts (here prevented by the court) to curtail the potential of alternative, grassroots-driven forms of monitoring that could complement institutional monitoring. This is more often witnessed in the Global South but is also occurring in the Global North.[5] Civic monitoring has been defended in

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1 As stated in a press release from the non-profit environmental conservation group Western Watersheds Project. See https://www.publicjustice.net/wp-content/uploads/2018/10/Wyoming-Ag-Gag-Victory-Press-Release.pdf Information about the Western Watersheds Project available at https://www.westernwatersheds.org/about/ Date accessed: 6 April 2022.

2 U.S. Court of Appeals for the Tenth Circuit, Western Watersheds Project v Michael [2018] 15-CV-169- SWS.

3 Ibidem [23] Part V. Strict Scrutiny.

4 See also https://www.publicjustice.net/wp-content/uploads/2018/10/Wyoming-Ag-Gag-Victory-Press-Release.pdf Date accessed: 6 April 2022.

5 See https://data-activism.net/2018/12/civic-resistance-to-environmental-failures-from-the-south-of-the-north-the-analyzebasilicata-initiative/ Date accessed: 6 April 2022.

the case on the basis of the right to free speech. In the discussion section that follows, a different but complementary argument is developed, namely that such monitoring forms can be protected by resorting to human environmental rights, in particular the right to live in a healthy environment and to access environmental information.

## The Ecuadorean Amazon case of recognition of civic monitoring

A case that can instead be considered a good example of *recognition* by institutional actors is the community-based monitoring of oil extraction in the Ecuadorian Amazon, Latin America, therefore situated in the 'Global South'. The civic monitoring initiative (described by Mena et al, 2019) is an ongoing venture that aims at supporting and stimulating the capabilities of local communities in detecting, monitoring, and reporting oil-associated environmental and health issues in the Northern Ecuadorian Amazon. The communities living on the side of oil extraction hubs often struggle to know what is happening on the land where they live, as communication and oversight channels are mostly established by the company and addressed to the competent authority. In order to support the local dwellers' oversight on the extraction operations, the initiative – co-created with the local community – makes hardware and digital tools, as well as experts' guidance, available to affected communities to enable them to spot, gather and record socio-environmental evidence.

Local people started familiarizing with the use of mobile phones, apps, drones, cloud services and a geo-portal to report environmental liabilities. The community learned to map existing and new oil spills, illicit disposal of oil by-products, such as water and drilling muds, among others, which were a pressing source of concerns for the local people (Mena et al, 2019). In addition to the monitoring, the initiative – beyond data collection and analysis – also engages in distribution of the information, creating links with social organizations, academics, media actors and environmental justice advocates.

The initiative combats the *inequality of access to environmental information.* This inequality is evident if one considers the information that is in general accessible to communities, and the informational asset that instead (public or private) companies can count on (Arsel, Pellegrini and Mena, 2019). The overarching idea is that a wider dissemination of information about environmental injustices – that possibly reaches regulators, media and social organizations – is the first step to fight such injustices. Indeed, some of the reported wrongdoings were amplified by the media, other were communicated to the Ministry of Environment of Ecuador and to the Public Ombudsman, with various impacts ranging from being considered to being ignored (Arsel, Pellegrini and Mena 2019). Ultimately, this may result – on one side – in a support from these actors to the affected communities and – on the other side – in a greater control on their territories, when confronting extractive industries. Lastly, this

may also have an *epistemological justice* effect, by "systematizing local knowledge and new observations into 'data' that is 'readable' and useable by external agencies, as opposed to anecdotal and sporadic evidence" (Balazs and Morello- Frosch, 2013, as cited by Arsel, Pellegrini and Mena, 2019: 4).

A feature of the case here evident is the rather risky context in which the initiative operates. Past own research experience in the Ecuadorean Amazon (from September 2015 to August 2016) made it possible to understand how civic environmental action can be dangerous for the engaged citizens. Mena et al (2019) report in their study that the local sentinels in Ecuador at times were *prevented by oil companies to access* operational sites and *suffered private or public surveillance*, which included verbal accuses of espionage and threats. This reminds the case of Wyoming discussed earlier. In similar contexts, the civic sentinels need adequate administrative and legal support to ensure that their claims can reach and be heard by the competent governmental and judicial authorities. However, socio-political barriers, scarcity of resources and a system that struggles to innovate can make this very challenging (Arsel, Pellegrini and Mena, 2019).

Interestingly, as a good example of recognition, in 2018 the Ecuadorian National Assembly approved a law *recognizing and integrating in the institutional system the civic monitoring* as a legitimate practice. This legal recognition shows that even the state acknowledged the role and potential of civic monitoring, especially in circumstances where the environmental impacts are situated in remote areas. In such contexts, having watchful citizens that know how to control the company's operations can detect wrongdoings and support official enforcement actions. The law at issue is the Organic Law of the Amazonian Special Territorial Circumscription ('*Ley Organica de la Circunscripcion Territorial Especial Amazonica'*) that at Article 58 states: "community environmental monitoring mechanisms will be implemented in the Amazonian Circumscription, following the guidelines and requirements determined for this purpose by the national environmental authority".[6] The Ministry of Environment committed itself to provide a regulatory framework for this form of monitoring. This can be considered a true turning point, boosting civic monitoring and giving to communities a sense of legitimization of their monitoring activities.

The case discussed may be of limited relevance to other contexts due to a number of changing features. First, the level of technology advancement and availability may differ from country to country and from a local instance to another, although several times affected communities will experience a similar sense of exclusion, feeling powerless and at risk. Furthermore, the potential or actual legal utilisation of citizen-

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[6] Registro Oficial de 2018 Suplemento n. 245, Ley Organica Para la Planificacion Integral de la Circunscripcion Territorial Especial Amazonica, Gobierno Del Ecuador.

collected evidence in the Global North and in the Global South also varies substantially, although in both scenarios this opportunity is still largely unexplored (see, however, Berti Suman and Schade, 2021 for a case from Texas of successful judicial uptake of civic-gathered evidence). Cooperation and mutual exchange between environmental defenders and civic monitors from one side of the world to another can enrich the array and diversity of approaches (or 'ecologies of knowledge', citing De Sousa Santos 2007). This is pivotal to manage environmental issues and supports the recognition of civic monitoring around the globe, going beyond a – rather colonial (De Sousa Santos, 2007) – tendency to seek for legal rights recognition from the North to the South and instead being open to South-to-North suggestions.

## Discussion: caring communities need recognition

The article explored how communities can collectively react to an environmental stressor becoming *caring communities*, that is, people that together take care of watching over an environmental issue, collecting data to demand interventions. If this on one side can be beneficial for communities in terms of their feeling of agency, sense of control and resilience, it can also entails risks especially – but not only – legal risks (Cho, 2014; Rak et al, 2012). Therefore, in order to avoid cases like what occurred in Wyoming, civic monitoring should be recognized beyond the engaged community, mainly through the granting of a legitimate legal status like occurred with the *Ley Amazonica*. It is important to stress, however, that this sought recognition should occur while respecting the legal context, judicial processes and the separate and unique role of authorities competent for (environmental) law enforcement.

The recognition of civic monitoring by institutions through regulating a practice that is by nature grassroots-driven can be beneficial for the monitoring communities but can also end up in *appropriation*, and risk depriving it of its spirit (Berti Suman, 2020). Here, it is argued that in cases of particularly entangled environmental issues and risky contexts, institutional actors should become *guardians* of the local monitors. The normative argument is that governmental actors, under certain conditions, *should* take the responsibility of enabling a safe environment for civic monitoring, in particular through legal recognition. This could be a way to acknowledge that the work of the monitoring communities is valuable, for example as it contributes to foster a collective right to a healthy environment and to access environmental information. This can also protect the local monitors from capricious claims by private actors (e.g. the polluting industry). However, the situation becomes more difficult when the *same* state that should recognize the work of the monitoring communities is the one that hinders and tries to silence them. In these cases, the role of non-governmental actors like associations and NGOs and of the international community (for example, the U.S.,

Australian and European Citizen Science Associations) become fundamental to protect the monitors.

If considered a 'means' to achieve individual and collective rights, community-based monitoring could more easily find a recognized legal status. Environmental rights already exist (for example within the framework of the Aarhus Convention for Europe and of the Escazú Agreement for Latin America and the Caribbean) and impose clear obligations on governmental actors. The right to a healthy environment compels states to ensure that the environment in which their citizens live is of a quality that allows a healthy life, also at a community level. Moreover, individuals and communities have the entitlement to obtain access to environmental information on the quality of the environment held by competent institutions. These rights, already embedded (explicitly or, more frequently, implicitly) in the legal systems of those countries that are parties, for example, to the Aarhus Convention and to the Escazú Agreement, oblige governments to constantly monitor the environment, promote the maintenance or restoration of the best environmental conditions, and keep the public informed about environmental quality. These obligations obviously exist before and independently from the rise of practices of civic monitoring. However, they can support the latter practices in the sense that, in the absence of proper or sufficient environmental monitoring performed by the competent authorities, the (concerned) citizens are legitimated to gather such data themselves and demand that this information is taken into account by the responsible institutional actors. It is true that the obligations deriving from the two rights discussed here are addressed to states. Nevertheless, in view of governmental inertia, citizens may proactively intervene and gather data to know the conditions of their environment, in order to push policy-makers to act (Smith, 2014). Civic monitors can reasonably *expect* that governments use such data to fill informational gaps, provided that the data are accurate and reliable and target an actual problem. Furthermore, giving citizen sensing a 'legitimate status' within current frameworks for environmental risk governance implies a more fundamental question on *input legitimacy*: who should be entitled to provide evidence for the governance of environmental risk affecting our health? This is a question that communities affected by an environmental issue often ask.

Balestrini (2018: 1) argued the following: "We assume that information only goes one way: from the Administration to the citizen. This assumption is not valid anymore. Citizens produce [...] data that could [...] leverage change. We should acknowledge *the right of citizens to produce data*, not only to receive data" [emphasis added]. The author notes that citizen-generated data could improve existing knowledge on environmental issues, contribute to check the validity of public data, and generate new data filling eventual gaps. These data are therefore functional to identify an issue that people

care about and frame it concretely, but can also help its *solving* (Berti Suman and Van Geenhuizen, 2019). In addition, these data – by providing an (alternative) source of information – can stimulate *individual and collective empowerment* in orienting decisions based on a diverse information source, that of people's understanding of the local problem (Wynne, 2004). Taking into due account this knowledge can fill informational gaps or complementing the existing knowledge pool available to decision-makers. Furthermore, the feeling of 'being listened' can strengthen or restore the sense of autonomy, empowerment, and self-determination of the community, reaffirm its social bonds and its ability to give (or not dive) consent. All this (auto-) empowerment process can in the end generate *social power for systemic change* and drive improvements in community health and well-being (Christens, 2019). This recalls key principles of community psychology (Levine et al, 2005) including personal wellness and access to resources; social justice and freedom from oppression; and a sense of community and connectedness. All these dimensions can be enhanced by the participation to a community-based monitoring initiative.

Despite the positive effect that community-based monitoring of environmental issues can have on the local community and on society at large, this article does not contest the role of democratically elected and officially appointed institutions in charge of providing environmental data and managing the environment. As stressed above, the obligations that derive from the right to a healthy environment and to access environmental information are first and foremost directed to the governments. They have the primary duty to inquire into and govern environmental issues, and are the first actors entitled and responsible to provide environmental information to the public. Yet, when people take environmental monitoring in their own hands as a complementation to institutional sources or as a response to governmental failures and to a (possibly consequential) distrust in institutions, the citizens have a *legitimate* stand in doing so, and should be enabled to monitor freely and safely. Institutions *should take into account* civic-gathered data when this serves to better promote the citizens' right to live in a healthy environment and to access environmental information, eventually filling institutional informational gaps. Clearly, the capacity of an initiative to fill institutional gaps and the existence itself of these gaps is very *relative.* Individual citizens and communities may have very different opinions on this aspect than policy-makers. As an overarching approach, this article defends that individually or collectively *perceived* governmental failures and the consequent need to set-up a civic monitoring initiative are already signals of the need for an intervention by the competent authorities.

Lastly, it is worth reflecting on another argument reinforcing the need for an institutional recognition of civic monitoring. When citizens start reporting risks, they

become competing sources of environmental information for their fellow citizens. This is advisable to the extent that it is a good *complementation to already existing institutional information*, or a response to *the lack of appropriate data* or to other governmental failures in managing an environmental issue. The civic monitors – as environmental defenders – are often those that first detect and experience potential or actual threats for the environment, playing an important role in enacting the precautionary principle and shedding light on matters that are not always considered in environmental impact assessments. The analysis provided shows how an institutional recognition of civic monitoring can be a way to protect the civic monitors and communities from possible adverse consequences of their actions. In the Global South but also in the North, as the Wyoming case and a case analysed through fieldwork by the author on oil pollution in Basilicata, South of Italy, demonstrates, there are realities where civic monitoring, especially when in opposition to the institutional establishment, may prove to be dangerous. Affirming that grassroots-driven monitoring practices are lawful and legitimate may be of key importance to shield the participants of such initiatives from repression, threats andcriminalization.[7] Furthermore, governments, first, and society at large should recognize the uneven starting point between institutional scientists – which often are protected by their institutions – and community-based monitors/citizen scientists, that are instead 'alone' in facing and recounting an environmental issue.

An example of the possible risks to which the civic monitors could be exposed are the "Strategic Lawsuits Against Public Participation" (SLAPPs).[8] The term SLAPP refers to lawsuits aimed at punishing civil society advocates, community leaders, whistle-blowers, journalists, and ordinary people that speak out against the establishment. On the Protect the Protest website,[9] a platform aimed at combating SLAPP lawsuits, it is stated:

> *"In a democracy, people who speak out in the public interest should not face retribution. We all* ***have the right to speak freely*** *on issues of public interest, protest peacefully, and petition the government, even when that means criticizing those in power.* […] *SLAPPs target* ***civil society*** […] ***who exercise*****[s]** ***their Constitutional rights****. SLAPPs masquerade as ordinary civil lawsuits, but their true purpose is to silence criticism"* [emphasis added].

7 Other possible adverse effects of the sharing of citizen-gathered data cannot be addressed in the current study for a matter of focus. Among the others, there is the risk that civic data sharing may affect privacy and data protection of the participants, although enhancing their right to live in a healthy environment and to access environmental information, is not object of this research (however, for this aspect and specifically with regards to citizen science and health data, see Berti Suman and Pierce, 2018).

8 For more information on SLAPP litigations, visit https://www.protecttheprotest.org/category/resource-categories/what-is-slapp/ Accessed: 6 April 2022.

9 Ibidem.

Although courts often dismiss a SLAPP lawsuit based on its frivolousness, the action may still be successful inasmuch as it can last for years, depleting a defendant's resources through costly and time-consuming litigation. In addition, such a lawsuit can seriously harm the defendant's reputation. This way, regardless of their outcome in courts, they can undermine the right to free speech of the involved individuals. Often, a SLAPP is masked behind a traditional personal injury lawsuit, such as an action for alleged defamation. Thus, the Protect the Protest initiative created a guide to recognize SLAPPs.[10] It is said that a SLAPP, first, targets activity that is clearly a constitutionally protected form of free speech, peaceful protest, or petitioning of the government. In addition, it exploits a power imbalance; it is particularly aggressive in the sense that the remedies sought are disproportionate to the conduct targeted; it has behind a clear time- consuming strategy; and, lastly, the lawsuit targets individuals as well as the organizations for or with which they work. Considering these outlined characteristics and the fact that SLAPPs have frequently been used for threatening environmental defenders,[11] it is pertinent to conclude that SLAPPs can be a potential threat both for communities performing civic monitoring and for those organizations supporting them.

With concrete examples of criminalization of civic monitoring but also of recognition, this piece advances a call to action, especially directed to institutions appointed to address environmental issues and decide upon environmental evidence. Policy-makers may consider this work particularly useful. Furthermore, community members and leaders deploying a monitoring initiative may find this resource valuable. Psychologists, sociologists and anthropologists, among others, may want to engage with the analysis and arguments contained in this piece, to explore communities' desires to recognition and conceivable and actual effects of such a recognition on people and communities' attitudes to monitor.

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[10] Ibidem.

[11] For example, U.S. District Court, Northern District of California, Resolute Forest Products, Inc. et al v Greenpeace International et al [2018] No. 3:2017cv02824, as reported by Human Rights Watch: "In May 2016, Resolute Forest Products, a Canada-based logging company, filed a CAD$300 million lawsuit against Greenpeace and Stand.earth, as well as five staff members, under a US racketeering law enacted in 1970 and used to prosecute the mafia. This legal strategy has lead nongovernmental organizations and others to accuse Resolute of trying to silence environmental activists." Article available at https://www.hrw.org/news/2018/05/31/lawsuit-against-greenpeace-raises-freedom-speech-concerns. Accessed November 6, 2018.

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