

## **International ethecon Blue Planet Award 2020** for Phyllis Omido (Kenya)

environmental and human rights activist



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**The Cover Picture**

The photo shows the environmental and human rights activist Phyllis Omido from Kenya awarded with the International ethecon Blue Planet Award 2020.



Yes, I dream of a better world.

Should I dream of a worse one?

Otto Piene

World famous Artist (1928 - 2014),  
who developed in cooperation with ethecon  
the Blue Planet Project from 2006 until 2009  
and who created the trophies of the  
International ethecon Blue Planet Awards



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One of the plants in Kenya, where lead batteries from Europe are dismantled and melted down with bare hands and no safety precautions - causing devastation among the workforce, local residents and the environment



## **On the Corona-Pandemic**

During the work on this dossier the volunteer team of ethecon was confronted with the Virus SARS-COV-2, commonly called corona. This pandemic, through international travel restrictions and great financial pressure, forced the ethecon activists to move the public event, honouring Phyllis Omido, online.

The extent and duration of the pandemic could not be predicted when this dossier was completed, but it was clear that the pandemic would have long and dramatic consequences for the resistance to corporate crime.

## **About this Dossier**

This dossier was published for the first time on the occasion of the ethecon public awardshow on November 21<sup>rd</sup>, 2020. ethecon named and shamed Jeffrey P. Bezos with the infamous International ethecon Dead Planet Award 2020, following his denunciation on the international Day of Peace on September 21<sup>st</sup>, 2020.



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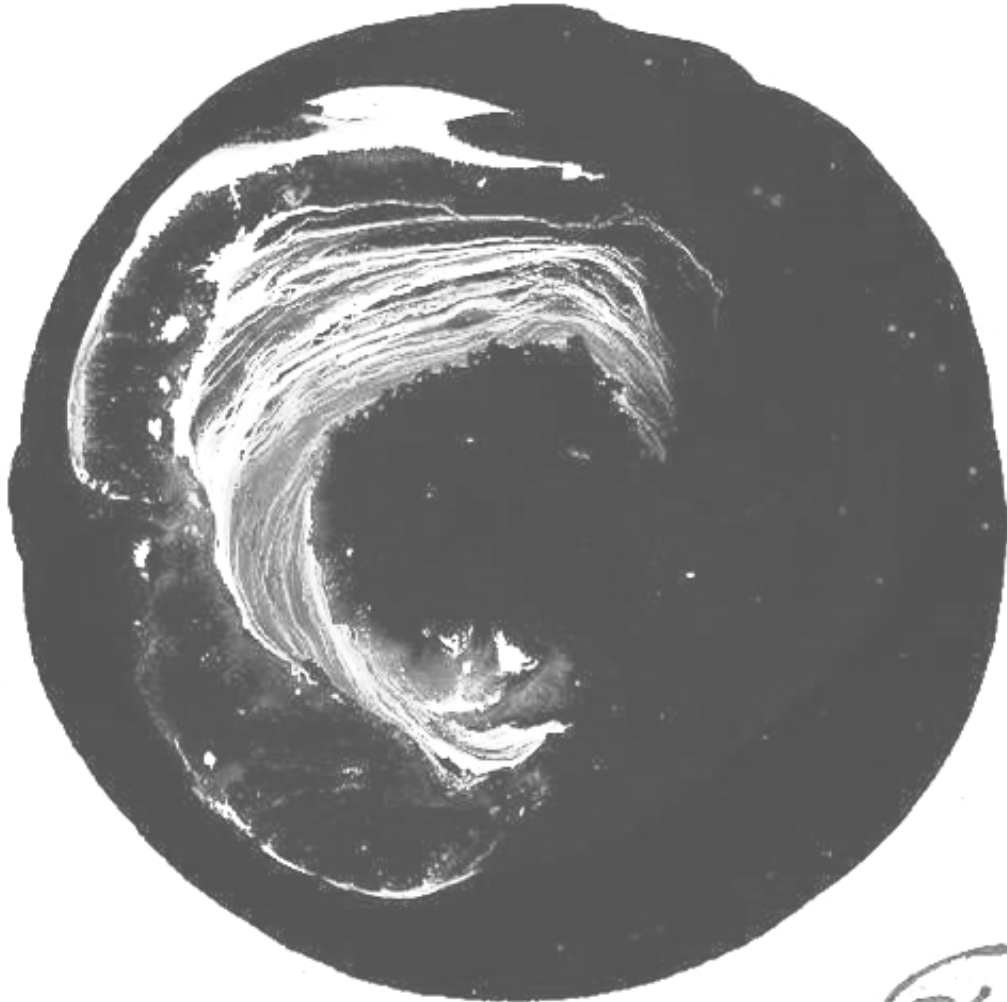


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*Pieno*

*¡El planeta azul debe mantenerse verde!  
Keep the Blue Planet green!  
Der Blaue Planet soll grün bleiben!*

**Otto Piene (regarding the image on the previous side)**

The picture shows the „Blue Planet“ by Otto Piene who died in 2014. Together with Heinz Mack and Günther Uecker, Piene founded the epochal Zero-Art. The motto of this artwork was the base of the cooperation between the world-famous artist and the ethecon foundation since 2005 in the framework of the International ethecon Blue Planet Project. This project is still active and includes for example the annual presentation of two international awards since 2006: The International ethecon Blue Planet Award honours persons, who are protecting and rescuing the Blue Planet, while the International ethecon Dead Planet Award (up until 2018 “Black Planet Award”) names and shames persons, who are ruining and destroying the Blue Planet to a dead, uninhabitable Planet. From 2006 to 2009 Otto Piene painted the artwork on glass as an annual unique copy for the annual trophies for the Blue Planet Awards. More about the work of Otto Piene is available in our orderable and free brochure “The International ethecon Blue Planet Projekt” (Donation welcome).



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## **In Advance**

### **The International ethecon Blue Planet Project<sup>1</sup> and the two International ethecon Awards (by Axel Köhler-Schnura/Founder<sup>2</sup>)**

The two international ethecon prizes Blue Planet Award and Dead Planet Award (former “Black Planet Award”) have been conferred by ethecon – Foundation Ethics & Economy since 2006. Today they belong to the most well-known anti-globalisation prizes worldwide.

What are these prizes all about? What is the presentation of these two ethecon Awards all about?

My foundation members, supporting members of the ethecon foundation, the donors and of course also I, together with my co-founder Ms. Rehmann, are involved in ethecon because we do not want to stand by and watch how fundamental principles of ethics are being trampled underfoot, just so that the rich and powerful of this world can become even richer and more powerful. And this while there has been already done vast damage by humans and ecology with the danger of a full social and ecological ruin of humanity. We are convinced that the reason for our social and ecological downfall of our Blue Planet is the profit principle and the associated destruction of fundamentally ethical principles caused by our economy. We are in favour of establishing ethical principles in economy and of a reorientation of a profit-based system to a solidarity-based system. Saving the planet will be only possible if we crash the profit principle.

The idea to promote efforts to preserve and rescue fundamental ethical principles with a foundation prize already came up during the foundation year in 2004. There were and are many prizes that award achievements in various sectors of society. However, there are not many prizes that honour resistance against abuse and ruin of ethics and moral that has the consequence of destruction of the environment, war and exploitation.

Our idea corresponded to the cycle of works “Blue Planet” of the artist Otto Piene (born 1928/deceased 2014)<sup>3</sup>. He belonged to the big artists of the 20th century. Together with Mack and Uecker he

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<sup>1</sup> Detailed information about the International ethecon Blue Planet Project in the form of a brochure may be ordered free of charge from ethecon.

<sup>2</sup> Axel Köhler-Schnura, Dipl.Kfm., Düsseldorf/Germany, born in 1949, married, four children (one deceased); studied business administration, sociology, computer science, various languages: Until 1976 economic sociology research within the Deutsche Forschungsgemeinschaft/DFG (German Research Institute). After that various positions in private industry, the last position in the executive management of a polygraphical company. Since 1988 owner of companies in the field of ecology. Substantially involved in the founding of organizations as Dachverband der Kritischen AktionärInnen (Association of the Critical Shareholders), Pestizid Aktionsnetzwerk (Pesticide Action Network Germany/PAN) and the Coordination gegen BAYER-Gefahren (Coalition against BAYER-Dangers/CBG). Active as a volunteer on the board the international network of the Coalition against BAYER-Dangers. Founding donor and chairperson of the board of directors of the International ethecon Foundation Ethics & Economics; formerly in the German Coordinating Circle of the European Social Forum. Frequent publications. Awarded with the Business Crime Award 1998, the Prize for Civil Courage 2000 and the Henry Mathews Award in 2011; in 2008 nominated for the Alternative Nobel Prize. (Quoted from inter alia Who's Who/Edition for Germany an Wikipedia/Germany)

<sup>3</sup> More information about Prof. Otto Piene and his work can be found in the ethecon brochure entitled “Blue Planet Project” (available on request free of charge).

created the epochal ZERO art and is responsible, amongst other, for SkyArt. With the mentioned work Piene demanded: "Keep the Blue Planet green!" Piene's credo was simple as well as astonishing: "Yes, I dream of a better world. Should I dream of a worse one?"

Piene launched together with ethecon the International ethecon Blue Planet Project in 2005 and it was based on the idea to have an international prize. However, the discussion process about this prize quickly showed that it is not enough to just honour actions that fight for ethics and moral. It showed that it is equally important to denounce misdeeds against ethics and moral. Finally, the idea emerged to have two linked together ethecon prizes: The positive ethecon prize Blue Planet Award and the negative ethecon prize Dead Planet Award.

Both ethecon prizes are one unit, two sides of the same medal. Together they reflect the state of the ethical principles that shape our world. At the same time, they illustrate the vision of ethics and moral that enables a world without exploitation and oppression. The two ethecon prizes outlaw ruthlessness, greed, war and destruction of the environment. And they follow the ideals of solidarity, peace, environmental protection and justice. They demand resistance, change and commitment in the interest of the ideals; stand for a liveable future for this, our world.

The first prize, the International ethecon Blue Planet Award, awards commitment to preserve and rescue the Blue Planet and calls attention to the pressing scope of actions and opportunities. The second prize, the International Dead Planet Award, denounces the desecration of our world or the danger of a dead, uninhabitable Planet and it condemns indifference and ignorance.

The two international ethecon prizes together show: There is hope. The force is in us, in every single of us.

The two international ethecon prizes fundamentally only award people and no institutions. Like that growing and targeted anonymization of decisions are supposed to be opposed. Especially in the events of negative developments the responsible people like to hide themselves behind the facades of any institution. They like to refer to alleged constraints and blame decisions that were sort of taken automatically. However, whether it is positive or negative, it is always the same: They are always people who take decisions and bear responsibility.

The presentation of the two international ethecon prizes usually takes place once a year. At the beginning of every year an internationally widespread call is initiated in which about 10 thousand recipients are asked to make proposals for award winners – for the International ethecon Blue Planet Award as well as for the International ethecon Dead Planet Award. After a thorough advisory and decision-making process the award winners are announced on the occasion of the international anti-war day, on September 21st. The international public is informed in detail in two extensive dossiers in at least three languages about the reasons why certain winners were chosen – one for the Dead Planet Award and



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one for the Blue Planet Award. The two ethecon prizes are awarded every third weekend of November of each year at a public, big ceremony in Berlin.

Many actors from all over the world are involved in the activities to present the awards. However, we deliberately do not involve actors from the prevailing circles and institutions but actors from resistant movements who fight for peace, ecology and justice. Like that the inseparable connection of the two awards and the meaning of these prizes to support our aim are supposed to be stressed and become visible.

The recipients of the International ethecon Blue Planet Award are invited to a ceremony in Berlin. After a detailed presentation of reasons (laudation) the prize will be handed over in person. We offer the recipient the possibility then to cooperate with ethecon and the network of the foundation.

This is different for the ethecon Dead Planet Award though. The awarding of this negative prize will only be justified with a diatribe at the ceremony. The prize winners are only informed of this awarded infamous prize by an "Open Letter" that is published in three languages. However, the presentation of the award in person does not take place during this public ceremony. But also for this awarding people and organisations of international, social movements are involved.

When the two International ethecon Awards were born in 2005, a process to find prize trophies was created. Otto Piene spontaneously offered to create the trophy for the International ethecon Blue Planet Award and since 2006 he designed the annual prize trophy for the International ethecon Blue Planet Award as a unique, valuable sculpture that is made out of glass and wood. Until 2009. He asked then – now 82 years old – for reasons of age to be released from this responsible task.

With Katharina Mayer<sup>4</sup>, the great photo artist and Becher student (Born in 1958), we found someone who worthily continued the Blue Planet Project that was established by Piene and ethecon and who further developed the character of this project. From 2010 until 2018, the prize trophy of the International ethecon Blue Planet Award was not designed with a brush, but with the help of photo art.

In 2019 we entered new territory again and made a mural in the streets of Düsseldorf, with help of the street art collective "Farbfieber". By this mural, the ethecon Blue Planet Award became something new and interactive entirely, bringing the story of our awardee to pedestrians.

In 2020, glass artist Günter Pohl designed the Trophy of the Blue Planet Award honouring Phyllis Omido using glass and lead, representing the fragility of the Blue Planet and the struggle of Omido, honouring the essence of our Awardee's Lifetime achievement.

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<sup>4</sup> More about the person and works of Prof. Katharina Mayer in the ethecon brochure „Blue Planet Project“ (can be obtained free of charge)

The prize trophy of the International ethecon Dead Planet Award is created in a completely different way. This trophy is a plastic globe that is industrially manufactured under exploitative and environmentally unfriendly conditions that is designed annually as a Dead Planet by young people. The artistic alienation is deliberately not carried out by the artist who creates the annual positive prize but by a young person who is randomly chosen. In doing so, it is avoided to create the infamous trophy of the International ethecon Dead Planet Award as an art of work of high quality. It is guaranteed that in our world that is oriented towards usability no new precious objects are created. Especially for someone who does not deserve this appreciation – in the truest sense of the word. At the same time the young person is a symbol for the endangered future of the Blue Planet, for those who are threatened by a dead, uninhabitable Planet. It is the youth whose future is destroyed by the ecological, social and martial ruin of the world.

It is significant and important to mention that the denounced people who are awarded with the International ethecon Dead Planet Award generally despise this award trophy. Down to the present day not one of the reviled persons has accepted the award personally and has laid him/herself open to criticism by the public. The prize trophy could be handed over to a delegate at the best, such as to an employee of a press office. However, most of the times we could observe how the prize was destroyed by security guards.

ethecon Foundation Ethics & Economics is a foundation from the bottom. The foundation has emerged from global movements against globalisation and big corporations that fight for environmental protection, peace and justice; supported by activists who fight against corporate power, exploitation, war and environmental destruction; globally networked, connected with principles of international solidarity. ethecon is a foundation that sees itself as being responsible for future generations.

The International ethecon Blue Planet Project that comprises the two international ethecon prizes wants to express this solidarity and these principles. Searching and finding the annual recipient on the basis of the mentioned principles, the annual presentation of the ethecon prizes during a ceremony that has a different topic every year in the context of the responsibility to sustain a liveable world, the presentation of the International ethecon Dead Planet Award in the context of broad international actions – that is the International ethecon Blue Planet Project.





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**Excerpt**

**from the statement of ethecon justifying the bestowal  
of the International ethecon Blue Planet Award 2020  
to environmentalist and human rights activist  
Phyllis Omido / Kenya<sup>5</sup>**

" ...

The human rights and environmental activist Phyllis Omido (Kenya) defends human and environmental rights not regarding her own security and courageously opposes to injustice, state violence and corporate despotism. She resolutely stands up not only for human and environmental rights, but also for an expansion of these universal basic rights. She acts for the benefit of the human community. She upholds morals and ethics and opposes to the decline of the earth as a dead, uninhabitable planet.

In a world increasingly focused on profit as the sole criterion for all decisions and development, ethecon sees Phyllis Omido's actions as an outstanding contribution to saving and preserving our blue planet. For this admirable care and development of human ethics, ethecon Foundation Ethics & Economy honours Phyllis Omido with the International ethecon Blue Planet Award 2020.

..."

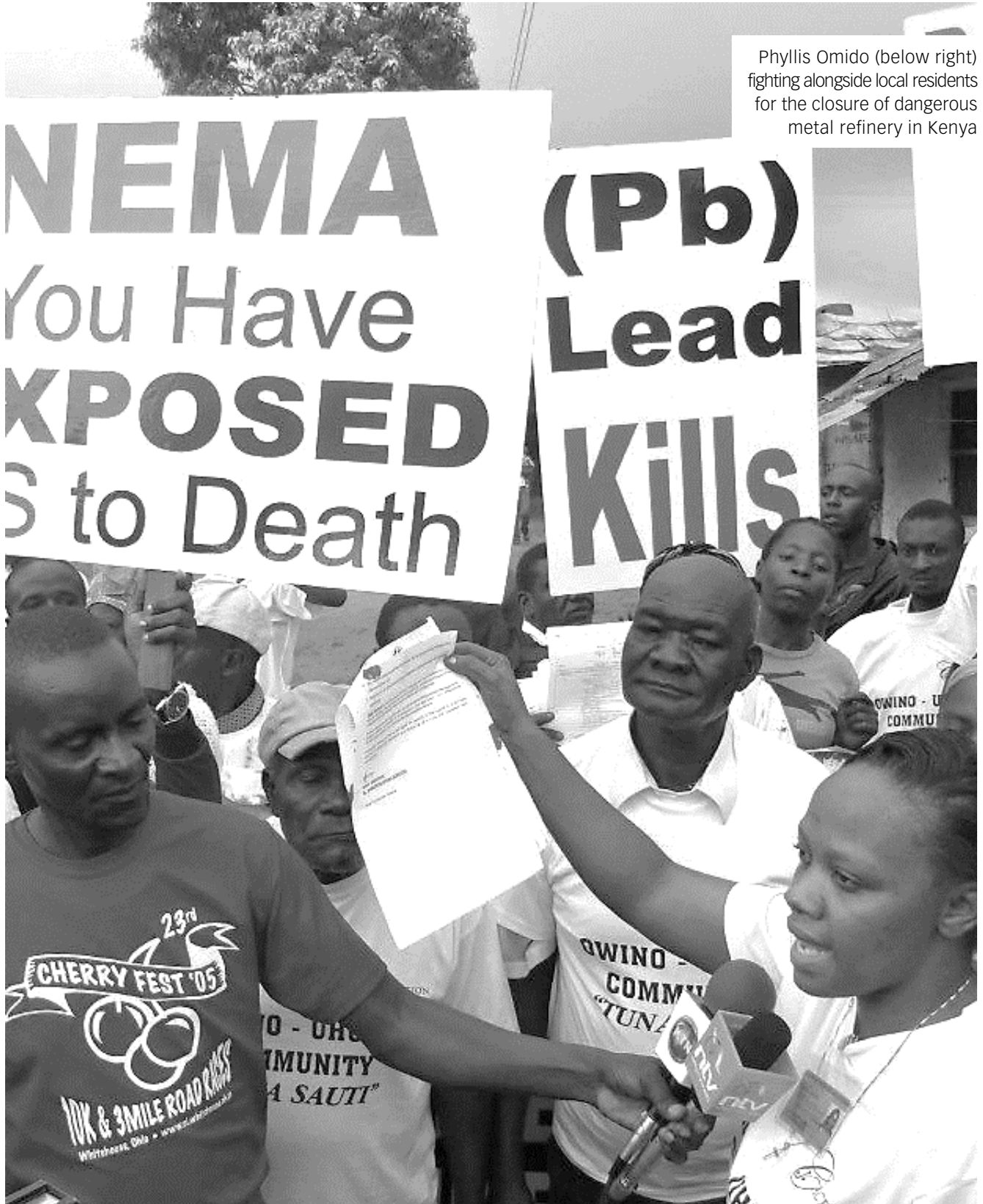
Berlin, September 21, 2020<sup>6</sup>

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<sup>5</sup> You will find the complete Justification on Page 21 in this document.

<sup>6</sup> ethecon announces the nominees on the 21st September, since it is considered the international Day of Peace.

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Phyllis Omido (below right) fighting alongside local residents for the closure of dangerous metal refinery in Kenya

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## **Background**

### **on the bestowal of the International ethecon Blue Planet Award 2020 to Phyllis Omido (Kenya)**

Phyllis Omido was born in 1978 in Kidinye, a village in western Kenya. She has two brothers and one sister. From an early age, she had to take responsibility for her siblings and also her mother. She recalls, "I am almost always the one who fights for the things we need as a family. That's a role my mother assigned to me at a very early age." She also felt compelled to put her father in his place. "I think my inability to tolerate injustice also stems from that difficult time. I had to experience far too much in my youth, so much that it will last me for the rest of my life."<sup>7</sup>

So Phyllis grew up to be a strong woman with a strong sense of justice. She did not marry and rejected marriage at an early age because she experienced the oppression of women in marriage through the example of her mother. She studied business administration at the University of Nairobi for more than 15 years while working and raising a child alone. She was often called a troublemaker ("Troublemaker") because of her ability to stand up for herself and others. But her political awakening began after she graduated, when her integrity was tested in the course of her work in industry.

In Owino Uhuru, a poor neighborhood near the Kenyan metropolis of Mombasa, Indian businessmen set up a scrap metal refinery in 2007, primarily to melt down old car batteries for lead extraction.<sup>89</sup> Due to the high unemployment rate in the area, many local residents looked forward to the opening of the plant and the promised jobs. The demand for the raw material lead increased worldwide, especially in the industrialized countries. The local residents had no idea of the dangers of the highly toxic smelting process.

Extracting the heavy metal from old batteries requires extensive safety precautions such as protective suits for workers, filtration systems for factories, and shielding of facilities from the environment. While these safeguards have been partially fought for and legislated in some industrialized countries in the North, they are extremely rarely considered in the Global South, regularly exposing workers and residents to enormous health risks. In fact, lead recycling is a widespread

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<sup>7</sup> Cf. "Children had to die for your car batteries" - Phyllis Omido fights in Kenya against e-waste recycling that destroys the environment and people. Online resource available at: <https://www.greenpeace-magazin.de/aktuelles/fuer-eure-autobatterien-mussten-kinder-sterben>. Retrieved 2020-08-20.

<sup>8</sup> Cf.: Hoffmann, Andreas C./ Omido, Phyllis. With a Mother's Rage: The Story Of African Erin Brockovich. Europa Verlag, Munich 2019. Pp. 65 ff. Hereafter Cited as: Hoffmann/Omido, 2019.

<sup>9</sup> The plant was often misleadingly portrayed in the reporting as a recycling plant. Here, old car batteries were cannibalized on a grand scale in order to extract lead and sell it on.

business in many African countries.<sup>10 11</sup> The health and environmental conditions are disastrous. Often, people work with the simplest technology and are not informed about the risks at all. Lead dust ends up on the skin and in the groundwater. Disease rates are dramatically high. Not only the workers are affected, but also their families. Many die as a result of lead poisoning.

This was also the case at Owino Uhuru, where lead gases were released inside and outside the lead smelting plant without adequate safety precautions to protect residents and workers. Acidic water was produced as a waste product and discharged unfiltered into streams and rivers where Kidinye residents bathed, did laundry, and collected drinking water.<sup>12</sup>

In 2009, even before Owino Uhuru residents began to notice the health effects of the contamination, Phyllis Omido was hired at the plant as a community liaison officer. In this role, she was tasked with mediating between the company and local residents. In this role, she quickly became aware of visibility and breathing problems among residents and workers. The thick, heavy air, the dark, acrid-smelling clouds of smoke that hung over the adjacent slum were hard to miss.

Phyllis noted that neither the legally required written consents of the residents had been obtained, nor had there been an adequate review of the environmental impact before the plant was put into operation.<sup>13 14</sup> Phyllis sought to do her job conscientiously and in the best interests of the health of her fellow residents and commissioned such an investigation. The result of this investigation underscored the disastrous effects on the environment, the workers\* and the people living in Owino Uhuru. "The lead processed at Metal Refinery is very harmful to the health of humans, animals and plants," the resulting report stated.<sup>15</sup> This also pointed to the emission of gaseous lead. Omido therefore asked its superiors to move the plant out of the populated area of Owino Uhuru. The latter made a momentous, profit-driven and inhumane decision and prohibited the publication of the report. "This report will not leave our house under any circumstances" the management said. It ignored the warning and accepted

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<sup>10</sup> The recycled lead mostly comes from European batteries and is also largely re-exported to the EU. The German Academy of Science and Engineering estimates that 25 to 30 percent of the electronic waste generated in Europe is exported illegally - including car batteries. Many of these end up in African countries where the lead is recycled. The Öko-Institut estimates the figure at 1.2 million tons per year, while the recycling initiative REDIN puts the figure at around 500,000 lead batteries per year. Germany also imports lead from Africa, often via detours and intermediaries. Cf.: <https://www.daserste.de/information/wissen-kultur/ttt/sendung/ttt-22092019-phyllis-omido-100.html>. Retrieved 2020-08-20.

<sup>11</sup> From scrapping small electrical appliances in giant scrap yards to shipbreaking facilities, this type of resource recovery is about working in countries with the lowest wages and the lowest health and safety standards. In some cases, open fires are set in scrap yards to melt copper out of electrical equipment. Especially in India, West and East African countries this work takes place. However, the supply chains lead to Germany.

<sup>12</sup> Cf.: Fighting lead smelting. Kenyan environmental activist Phyllis Omido. <https://www.daserste.de/information/wissen-kultur/ttt/sendung/ttt-22092019-phyllis-omido-100.html>. Retrieved on 20.08.2020.

<sup>13</sup> Cf. Hoffmann/Omido, 2019. P. 25 ff.

<sup>14</sup> Omido requested a legally required environmental impact study, called "Environmental Impact Assessment".

<sup>15</sup> Hoffmann/Omido, 2019. P. 35.

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the foreseeable damage to health. She had another hand-picked employee continue the investigation and transferred Phyllis to another department.

At the time, the single mother was breastfeeding her few-month-old son, King. When he developed a high fever, she initially feared a malaria infection. However, the doctors did not find anything. The boy was kept permanently in the hospital for observation due to his health condition. Tests for thyroid cancer were also negative. On her own initiative, the young mother had the boy's blood tested for possible lead poisoning at great expense in South Africa. The result was clear: the lead content in her son's blood was 37 times above the permissible level. The child was highly poisoned. She realized, "The only place where the poisoning was possible, that was my workplace, where pure lead was produced for export." <sup>16</sup>

The danger of lead poisoning was still completely unknown to the residents\* in the vicinity of the lead smelting plant. Medical information did not reach the poor neighborhoods. Apart from Phyllis' son, no resident of the village had been tested for possible lead poisoning.

Phyllis publicized the dangers of the lead smelting plant on her own and from then on worked to remove the danger through public pressure and to have the plant closed. She made contact with the women of Owino Uhuru and educated them about the danger the plant had put them all in. Investigations and conversations with local residents revealed an increase in miscarriages and unexplained deaths of children and adults in the vicinity of the lead smelting plant. Circumstances and symptoms pointed to lead exposure as the cause of death.<sup>17</sup> Villagers consumed the poisoned water daily for cooking, washing, and drinking. To determine the extent of the lead poisoning, Phyllis had three randomly selected children from around the plant tested for lead poisoning at her own expense. All three blood tests showed significant, health-threatening lead poisoning.

Eventually, Phyllis prepared a women's alliance of slum residents to go public and demand the lead smelting plant be shut down. When the owners of the plant learned of Phyllis' involvement with the residents\*, they responded with harassment and the involvement of the police. The property owner even encouraged the police to hunt Omido down. But also several men from Owino Uhuru were critical of the activist and chased her when she entered the slum. They feared for their jobs in case of relocation or closure.

Phyllis Omido was not discouraged and organized protest since 2010. This began with open letters to operators, investors and politicians. Demonstrations followed, but there was no coverage in the Kenyan media. It was only when the protest eventually turned to traffic blockades that the demonstrators were

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<sup>16</sup> <https://www.zdf.de/nachrichten/heute/bleivergiftung-bleirecycling-ein-giftiges-geschaeft-interview-aktivistin-phyllis-omido-kaempft-in-kenia-fuer-mehr-schutz-100.html>.

<sup>17</sup> Later, the connection of the commissioning and the increase of pale births could be proved. Cf.: Hoffmann/Omido, 2019. P. 107.

heard. Omido was instrumental in organizing the protest and especially the public relations, informing the press before each action. But the women found that they had insufficient leverage in Owino Uhuru itself to effect change. So they decided to block the highway to the metropolis of Mombasa on Monday mornings during rush hour.

The plant security and also the owners of the lead smelting plant closely observed the activists' actions. On the highway, two police cars were already waiting for the 200 to 300 women on the morning of the action. "With their protective shields, they blocked our way." The protesters nevertheless continued their demonstration undeterred, flowing around the outnumbered and overwhelmed police. Slowly and carefully, they made their way onto the roadway, bringing traffic to a standstill. One of the women's central demands was to talk to the member of parliament who formally represented them in parliament. The aim was to persuade politicians to close the lead smelting plant, which the entrepreneurs were unwilling to close because of their greed for profit.

"With hundreds of women, I blocked the streets for hours; we paralyzed traffic in the city."<sup>18</sup>

The ensuing media coverage did indeed force Kenya's environment minister to act - but not in the way Phyllis and her fellow women protesters had wanted: he contacted the landowner of the lead smelting plant. He held the meeting demanded by the demonstrators together with the owner - protected by a large police contingent.

After this action, the pressure from the police and the owners increased. However, the plant was at a standstill for almost a week. It later became known that the owners of the lead smelting plant had bribed the authorities to certify that the necessary environmental requirements had been met and to resume operations.

The protesters persistently continued their actions, with more and more local residents, and eventually the first men, taking part in their demonstrations. During one of their large demonstrations in 2012, Phyllis and 17 other fellow protesters were arrested and released only on bail. They sued and litigated against the company and the Kenyan government. The lead poisoning and illnesses continued to spread, and the protests grew. In 2013, men finally became more involved in the protests after it became apparent that many of them suffered from erectile dysfunction.<sup>19</sup>

To increase pressure, the alliance occupied the state environmental agency for several days in 2013. But no one in charge reacted. Instead of giving in, the state or entrepreneurs tried to rob the movement

<sup>18</sup> Cf.: Leadrecycling in Kenya - She fights against a toxic business. Online source available: <https://www.zdf.de/nachrichten/heute/bleivergiftung-bleirecycling-ein-giftiges-geschaeft-interview-aktivistin-phyllis-omido-kaempft-in-kenia-fuer-mehr-schutz-100.html>. Retrieved on 20.08.2020.

<sup>19</sup> Crucial to men's participation in the protests, according to Phyllis, was that it became known "[...] that the lead was giving them erectile dysfunction." Cf.: Bleirecycling in Kenia - Sie kämpft gegen ein giftiges Geschäft. <https://www.zdf.de/nachrichten/heute/bleivergiftung-bleirecycling-ein-giftiges-geschaeft-interview-aktivistin-phyllis-omido-kaempft-in-kenia-fuer-mehr-schutz-100.html>. Retrieved on 20.08.2020.



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of its head. Phyllis and her relatives were not only threatened. They were even assassinated: Thugs ambushed Omido several times. Together with her brother, she was forced off the road in her car. Her apartment was vandalized and a dangerous hyena was locked inside.

Who organized and paid for these robberies has not been fully investigated. "A rich politician had a hand in the lead smelter's business," Phyllis says, looking back, explaining the impunity of the entrepreneurs and the murderous attacks against herself and her family.

To avoid the thugs and the police, she moved several times and regularly changed her phone number. She also gave up contact with her family at times for security reasons. For a year, she left Mombasa and put her campaign on hold. After the death of a former co-worker from the lead smelting plant, Phyllis returned for the funeral service - and decided to continue the campaign.

It wasn't until 2014, after 5 years of protest, that the Kenyan Ministry of Health finally closed the lead smelting plant. By that time, numerous bodies of water had already been contaminated, people poisoned, and children in particular had died from lead poisoning. Exact numbers of victims are not available because slum dwellers generally could not afford autopsies. Omido and her fellow campaigners estimate that around 300 children and 38 adults had died as a result of lead poisoning by the time of the closure.<sup>20</sup> "We want people in Europe to know that children died for their car batteries."<sup>21</sup>

Phyllis Omido and her fellow campaigners thus achieved an important, visible success. But their campaign is not over. Not all residents of the affected community have access to medical treatment yet. And to this day, people in Owino Uhuru drink lead-contaminated water and poison themselves from it. So years after the factory closed, the region is still contaminated. "We have won many victories, but lead is still being smelted throughout the country. The government would have the opportunity to protect the adults and children. But they don't. So the people need our help. And we're nowhere near the finish line."

In 2015, Phyllis was awarded the Goldman Environmental Prize, worth \$150 thousand, for her efforts. She used the prize money she won to file a class action lawsuit on behalf of the 3,000 residents of Owino Uhuru against the former smelter and the Kenyan government. But she also used the money to financially support her NGO, Center for Justice, Governance and Environmental Action (CJGEA), which

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<sup>20</sup> Cf.: „Die Leute haben jetzt Angst vor mir“. Portrait Phyllis Omido never wanted to become an environmental activist. Today, she runs an NGO with eight employees. <https://www.freitag.de/autoren/der-freitag/die-leute-haben-jetzt-angst-vor-mir>. Retrieved on 20.08.2020.

<sup>21</sup> Cf.: „Für eure Autobatterien mussten Kinder sterben“. Phyllis Omido is fighting e-waste recycling in Kenya, which is destroying the environment and people. <https://www.greenpeace-magazin.de/aktuelles/fuer-eure-autobatterien-mussten-kinder-sterben>. Retrieved on 20.08.2020.

she founded in 2014. She rented office space and hired colleagues. In the past five years, CJGEA has succeeded in closing at least 10 more lead smelting plants in East Africa.<sup>22</sup>

The organization continues to fight for compensation for those affected and also helps other victims of industrial pollution and corporate crime. CJGEA has filed a class action lawsuit against the operators of the former lead smelter and the Kenyan government on behalf of the victims. They are demanding a total of EUR 12 million for the cleanup of the contaminated area in Owino Uhuru.

Phyllis Omido and CJGEA see the responsibility for the crimes against Kenyans in the context of global, neocolonial exploitation primarily with the European automobile companies. After all, the lead that was recycled in Owino Uhuru was destined for export, for car batteries all over the world from the production of European and especially German car companies. "I want people in Europe to know that children died for their car batteries".

Phyllis Omido has repeatedly been lauded as "Africa's Erin Brockovich." The fictional character of Brockovich took up the fight against industry and corrupt politicians in the U.S. and was not intimidated by their superiority. But the real-life Phyllis Omido accomplished greater things: A single mother from the Global South, she survived a campaign of violence by lawless, profit-driven thugs and refused to be dissuaded from her selfless commitment to the Blue Planet. She continues to fight for human rights, health and environmental protection and understands this struggle in a global context. Because, she says, "globally, the environment makes us all equal."

The board and trustees summarize their decision as follows:

"Regardless of her own safety, human rights and environmental activist Phyllis Omido defends human and environmental rights and courageously opposes injustice and corporate crime. She resolutely advocates not only human and environmental rights but also the development of these universal fundamental rights. It is for the benefit of the human community. It upholds morality and ethics and opposes Earth's demise as a dead, uninhabitable planet.

In an increasingly profit-driven world as the sole criterion of any decision and development, ethecon recognizes the actions of Phyllis Omido to make an outstanding contribution to the salvation and preservation of our Blue Planet. For this admirable care and development of human ethics ethecon Foundation Ethics & Economy honors Phyllis Omido with the International ethecon Blue Planet Award 2020."

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<sup>22</sup> Cf.: Residents of a Kenyan village awarded \$12 million in a lawsuit over lead poisoning. <https://edition.cnn.com/2020/07/17/africa/kenya-pollution-ruling/index.html>. Retrieved on 20.08.2020.



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for the environmentalist and human rights activist  
Phyllis Omido / Kenya



Phyllis Omido visiting a family  
with a severely  
lead-poisoned daughter



### **Contact Details**

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eMail [programs@centerforjgea.com](mailto:programs@centerforjgea.com)

### **Further Distinctions**

2015 Goldman Environmental Prize 2015

International ethecon Blue Planet Award 2020  
for the environmentalist and human rights activist  
Phyllis Omido / Kenya

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### **Selected Online-Sources**

BBC Interview mit Omido. "Kenya's Pollution Whistleblower":

<https://www.bbc.co.uk/sounds/play/p037kknb>

<https://www.daserste.de/information/wissen-kultur/tt/sendung/tt-22092019-phyllis-omido-100.html>

<https://www.zdf.de/nachrichten/heute/bleivergiftung-bleirecycling-ein-giftiges-geschaeft-interview-aktivistin-phyllis-omido-kaempft-in-kenia-fuer-mehr-schutz-100.html>

<https://www.spiegel.de/politik/ausland/bleirecycling-in-kenia-du-wirst-sterben-und-es-wird-niemanden-interessieren-a-0b6326bf-ad3b-4f72-a329-6d3eb533cd7c>

<https://www.freitag.de/autoren/der-freitag/die-leute-haben-jetzt-angst-vor-mir>

<https://www.centerforjgea.com/>

### **Books/Films**

Owino

Javier Marín, Yusuf Razzaque

Documentary

Spain, 2017

With the rage of a mother

Phyllis Omido.

Europa-Verlag, 2019

**Selected Organisations**

- > Center for Justice Governance & Environmental Action (CJGEA)

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- > Campanha Permanente Contra os Agrotóxicos e Pela Vida  
(Permanent Campaign against Toxics and for Live/ Brazil)

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Web <https://contraosagrototoxicos.org>

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eMail [info@europa-verlag.com](mailto:info@europa-verlag.com)

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- > Komitee für Grundrechte und Demokratie

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Phyllis Omido / Kenya

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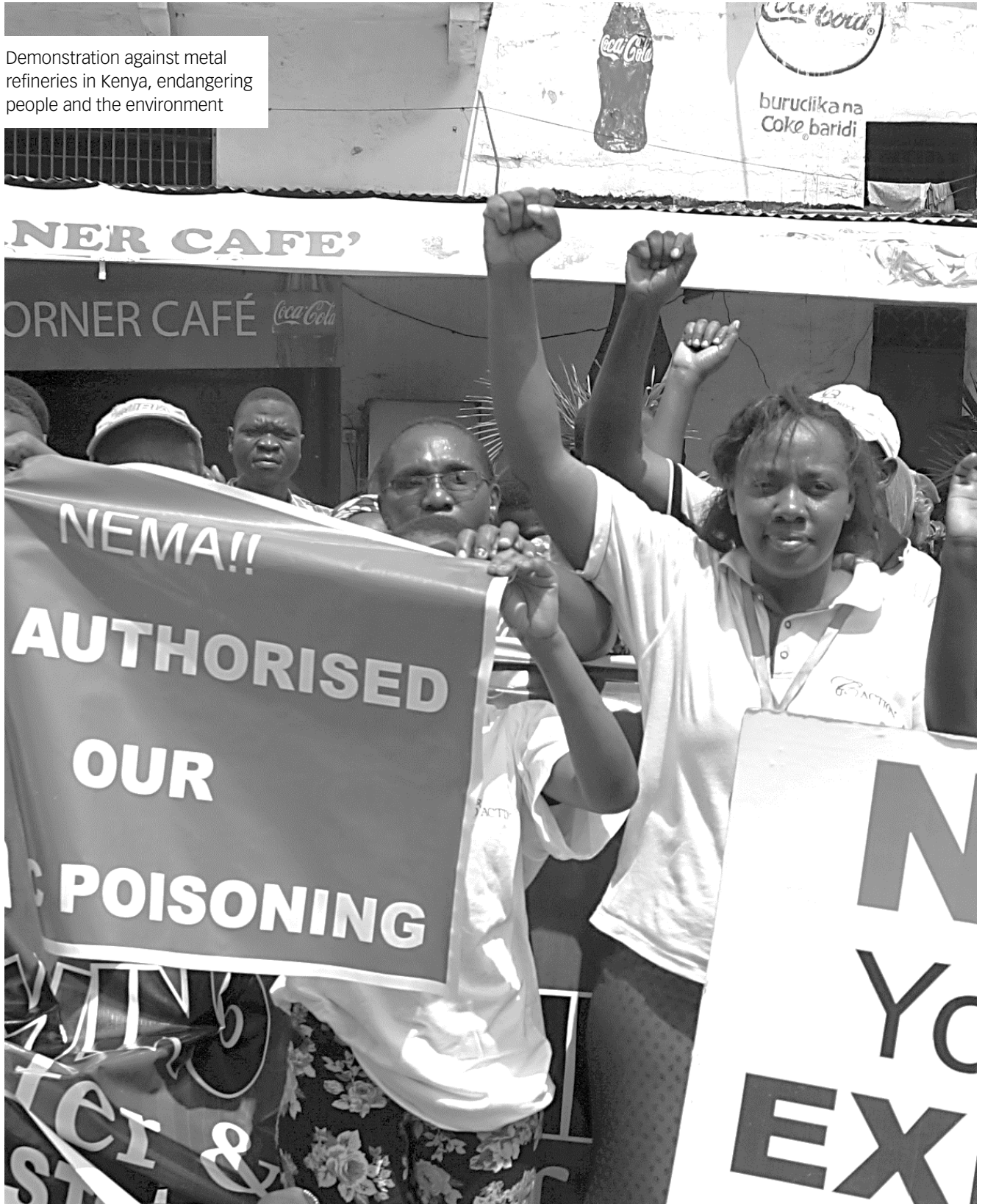
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Phyllis Omido / Kenya

Demonstration against metal refineries in Kenya, endangering people and the environment





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Phyllis Omido / Kenya

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## **Justification**

### **for awarding the International ethecon Blue Planet Award 2020 to the environmentalist and human rights activist Phyllis Omido (Kenya)**

#### **Part 1**

#### **Honouring Phyllis Omido Environmental and human rights activist from Kenya**

The Board of Trustees and the Executive Board of the ethecon Foundation Ethics & Economy honours Phyllis Omido, environmental and human rights activist from Kenya, with the International ethecon Blue Planet Award 2020, because she observes fundamental ethical and moral principles in the field of ethics and economy in an outstanding manner and thus protects the blue planet and defends it against the danger of becoming a dead, uninhabitable planet. In an outstanding way she opposes to oppression, exploitation, human rights violations, destruction of nature and social misery.

Phyllis Omido acts truthfully, in solidarity, with noble motives and without personal gain. For ecological and social interests, she accepts conflicts with rulers and disadvantages for her own life or her own existence without hesitation. She shows what is commonly called social responsibility and empathy.

Phyllis Omido defends the interests of humanity in a world increasingly focused on profit as the only criterion for all decision making and development, in resistance to the interests of the powerful. Often disadvantaged, marginalized and oppressed, constantly threatened and in danger, legally persecuted, arrested and almost murdered, she is one of those who strengthen humanity in the struggle for peace, justice and the protection of the environment.

Phyllis Omido has been deemed worthy and is personally honoured with the International ethecon Blue Planet Award 2020. She represents all those who are committed to saving the blue planet or who oppose to its decay into a dead, uninhabitable planet. May the award be an incentive for her and may her actions be a shining example to us all!

Accordingly, the International ethecon Blue Planet Award 2020 also sees itself as a mobilization for the commitment to peace, justice and environmental protection or for resistance against warmongering, exploitation and environmental destruction. It is intended to sensitize the public, name those who are responsible and reveal the connections.

Retaining the goals of the ethecon Foundation Ethics & Economy, the honouring of the environmental and human rights activist Phyllis Omido from Kenya with the International ethecon Blue Planet Award 2020 is a logical complement to the vilification of Jeffrey Preston Bezos from the USA, the extremely rich

executive board member, company founder and major shareholder of the world's largest mail order company AMAZON with the International ethecon Dead Planet Award 2020.

## Part 2

### Justification of the award

In their decision to honour Phyllis Omido, environmental and human rights activist from Kenya, with the International ethecon Blue Planet Award 2020, the Board of Trustees and the Executive Board of the ethecon Foundation Ethics & Economics rely on news reports, on the facts known to the public, some of which have been known for years, on the information gathered by journalists around the world, on publicly available documents, on investigations by government agencies and social movement activists in various countries, and last but not least on the material published by Phyllis Omido.

In principle, it can be assumed that the reasons for the decision would have been even more consistent and comprehensive if all information, including the many undocumented and unpublished ones, had been available in full.

From the abundance of facts researched during the nomination process for the International ethecon Blue Planet Award 2020 for Phyllis Omido, the following are just a few examples:

Phyllis Omido followed her conscience as an employee of a metal refinery in Owino-Uhuru near Mombasa, Kenya, and pointed out to her superiors the enormous dangers that the melting down of car batteries for lead extraction posed to the unprotected workers and residents.

After her official investigation concerning the human and environmental poisoning caused by lead smelting was stopped by the management, Phyllis Omido continued the investigation on her own, interviewing residents and organizing costly blood tests.

When she realized the extent of the damage with regard to health and environment, she decided to give up her career in the company. She supported the women of the slum area surrounding the plant in protecting their interests and insisting on their rights. From 2010 to 2014, she organized protests, blocked highways and occupied the offices of authorities, endured arrests, intimidation, threats, slander and assassination attempts.

Even after Phyllis Omido and her allies had managed to push through the closure of the lead smelting plant in Owino-Uhuru in 2014, and her commitment had received international attention, she did not retreat into her private life: She invested the prize money from international awards and the proceeds from her book in the Center for Justice, Governance and Environmental Action (CJGEA), a non-governmental organization she founded to fight lead poisoning, clean up contaminated water and close down hazardous industrial plants throughout Kenya and beyond.





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Phyllis Omido / Kenya

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## Conclusion

Board of Trustees and Executive Board declare:

The human rights and environmental activist Phyllis Omido (Kenya) defends human and environmental rights not regarding her own security and courageously opposes to injustice, state violence and corporate despotism. She resolutely stands up not only for human and environmental rights, but also for an expansion of these universal basic rights. She acts for the benefit of the human community. She upholds morals and ethics and opposes to the decline of the earth as a dead, uninhabitable planet.

In a world increasingly focused on profit as the sole criterion for all decisions and development, ethecon sees Phyllis Omido's actions as an outstanding contribution to saving and preserving our blue planet. For this admirable care and development of human ethics, ethecon Foundation Ethics & Economy honours Phyllis Omido with the International ethecon Blue Planet Award 2020.

**The International ethecon Blue Planet Award 2020 to the human rights and environmental activist Phyllis Omido (Kenya) will be presented together with the International ethecon Dead Planet Award 2020 to Jeffrey Preston Bezos, the ultra-rich Chief Executive Officer, founder and largest shareholder of the world's largest mail order company AMAZON (USA) in a public ceremony in Berlin on 21<sup>st</sup> November 2020.**

Berlin, September 21, 2020<sup>23</sup>

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<sup>23</sup> ethecon announces the nominees on the 21st September, since it is considered the international Day of Peace.

International ethecon Blue Planet Award 2020  
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Phyllis Omido / Kenya

Phyllis Omido and friends, celebrating a legal victory against dangerous metal refineries in Kenya





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Phyllis Omido / Kenya

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## **Laudatio**

**by Andreas Manhart<sup>24</sup>**

Dear Phyllis,

It is truly an honor for me to hold this speech. I would have wished to say these words to you in person, but times require us to keep distance. At least we hopefully all stay healthy and may also save some greenhouse gas emissions by not traveling...

It is about 6 or 7 years ago when I first heard of you and your struggle against Metal Refineries EPZ, a highly polluting battery and lead recycling plant in the outskirts of Mombasa.

It was just shortly after an occasion I will never forget: I was in Ghana and together with some colleagues I inspected waste management and recycling facilities. We worked on a project trying to find solutions for informal e-waste recyclers and thought officially registered recycling plants may offer better processes and working conditions compared to the informal sector.

But on one day we stepped into a large battery recycling plant – very similar to the company you fought against in Mombasa. And from the first minute the scenery was shocking: Workers in dirty cloths using machetes to open and break thousands of old car batteries..., streams and ponds of highly corrosive acid on the floor, seeping into the ground just next to the plant..., workers standing in clouds of poisonous smoke feeding furnaces with their bare hands...

We needed no instruments to recognise that this was hell on earth and that those who signed up for work in this plant, also signed – probably without knowing – their own death sentence. The day-to-day exposure to hazardous lead was just too massive for any human body. After some weeks or months of employment, workers feel fatigue and develop a whole range of symptoms. They are not able to go to work anymore and probably soon die an early death.

So it was obvious that workers were severely misused: They gave their health and lives – and probably also the health and lives of their families – to a company that was obviously well in business and flourishing...! After 2 hours of witnessing the horror, we had to leave – of course we voiced our concerns to the management and also to the environmental authorities, but we could do little more in that moment.

In the weeks and months to follow, this visit went through my mind again and again.

I started to dig myself into the details of battery recycling, the technicalities, possible emission control measures, health and safety standards... And I watched out for similar cases to see if the witnessed

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<sup>24</sup> Andreas Manhart is a senior Researcher at the Oeko-Institut in Munich, specialized in global supply chains and resource management.

plant was just an extreme case, or part of a larger picture of systematic pollution around battery recycling.

In this context I came across you. And the exchange with you and learning about your struggle taught me 2 important first lessons:

Yes, the situation we encountered in Ghana is a systematic one and not only limited to one plant or one country. The plant you were confronted with in Kenya had striking similarities to the one in Ghana...!

But as a second lesson, you also showed me that the situation can be changed. It is surely not easy. But you all showed us that targeted and sustained efforts can stop such scrupulous practices.... You achieved that the plant in Mombasa was shut down and that the government finally took action – this is a huge achievement and a motivation for all of us.

In the following months we worked together in our small Lead Recycling Africa Project. We produced this brochure “The Deadly Business” together and presented it at the United Nations Environment Assembly. The accounts presented in the booklet and reported by you were a major factor for the delegates to finally pass a resolution condemning such unsound practices and calling upon all UN-members to take appropriate action.

But what can UN resolutions change? We should probably not overestimate their impact: Plant managers and operators don't necessarily study UN resolutions...

So I kept on wondering how to improve this industry. And I also asked myself how can it be that plant owners and operators – human beings like you and me – run their processes in a way they ruin people's lives? From my studies I meanwhile knew that battery recycling can also be done in a non-polluting manner – it is no rocket science.

Is it perfidy? Sadism? Or ignorance...?

In the years to come I had the chance to visit more battery recycling companies: I saw good plants and also more bad ones. It is truly a matter of fact that battery recycling is one of the world's worst polluting industries – at least when done in a manner as in Metal Refinery in Mombasa or in the plant in Ghana.

But during these visits I also had the chance to speak with some of the managers and confront them with the problem. And where I was initially expecting ignorant and greedy characters, I also encountered quite thoughtful persons.

One of them – after we discussed a whole afternoon on how to improve his plant – told me that his hands were tied: He agreed with me that his plant was far from being ideal, but that he still could not

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invest in emission controls and far-reaching health and safety measures. Simply because he was under pressure from his competitors: There were more plants around and each of them needed old batteries for recycling. For this they all had to pay their suppliers. And the suppliers checked the offers and only sold to the highest bidders....

So as soon as one plant would invest in better operations, they would have less money for acquiring batteries for recycling – and they would be beaten by their competitors... They would have a nice plant, but also a plant left without any batteries for recycling.... And the old batteries would again end up in dirty and polluting plants.

So I understood that that this industry – at least in countries such as Kenya or Ghana – is stuck in an economic dilemma: One single company cannot improve its standard. And if it does, it is pushed out of the market...

So how to change this vicious circle?

I think the first answer is quite clear. It is about standards: All companies have to comply with the same ambitious set of standards that effectively avoid that workers or communities are exposed to any hazardous pollutant.

Secondly, it is about enforcement: We need to convince governments that these standards need to be properly enforced across the whole industry.

But standards and enforcement are not enough. It is still possible that some companies fly under the radar and get away from controls and fines. So we need an additional element that changes the rules of the game. That makes companies to invest in sound operations even without regular inspections. And this is clearly liability: When company owners and managers know that they would be taken to court and convicted if their operations would cause any harm to people, they would act differently. They would recognize that it is much cheaper to invest in high standards rather than paying compensations for systematic poisonings.

It sounds so simple: We need 1) standards, 2) enforcement and 3) liability. But we live in times where environmental policy making is often referring to CSR and voluntary commitments. I do not want to say that such approaches are useless, and they can certainly be very effective were environmental improvements correlate with cost reductions such as energy savings and less resource use.

But this is not the case with pollutants and unsafe working conditions: If we do not have standards, enforcement and liability, competition will force companies to externalize costs – and the costs will have to be carried by someone else: Either by workers, by communities, or by the environment and societies as a whole...

Many people think that environmental standards, enforcement and liability are barriers to economic development. And I know that environmentalists like you Phyllis are often seen as a disrupting factor for the economy. But this is NOT the case. Battery recycling nicely shows us that an absence of standards just leads to dirty investments. They might create some jobs, but what does this help if the job-owners die? In contrast, ambitious standards, enforcement and liability are preconditions for good investments. Yes, they shy away scrupulous adventurers, but they also attract responsible companies who are interested in long term engagement.

Phyllis, your bold campaigns in Kenya made the government shut down various polluting battery recyclers. The last one operating now knows that highest standards are expected from them and they know that they will be certainly taken to court once their workers fall ill. They are under pressure, but you have also done them a big favor: They do not have dirty competitors anymore and can now invest in higher standards. As far as I heard, they behave accordingly and started to invest in better operations....

So your activities did not only protect Kenyan citizen but they also started an investment program: The profits from battery recycling are now not only going to factory owners, but are used for meaningful long-term investments in Kenya.

Phyllis you really earned this environmental price and I am sure that most people can clearly see what you have done for the Owino Uhuru community in Mombasa.

But I wish more people could see that you also helped to advance your country in a much wider sense. And I also wish that environmentalists like you will sooner or later also receive prices for supporting economic development.

Phyllis, you are not a disrupting factor. You are one of the people who keep the world on running!



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Phyllis Omido / Kenya

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## **Acceptance speech**

**by Phyllis Omido**

Greetings from Kenya, ladies and gentlemen,

thank you to the award organizers for assigning me this very prestigious place in history to receive the ethecon Blue Planet Award 2020. I am very grateful to my children King and Ehwa for letting me walk this path at their expense.

Even though I am not able to be physically with you, I am grateful that we are able to reduce our carbon footprint in flights and travel because of the COVID-19 restrictions.

Recently, I won a court battle related to the case that made me the defender of land and the environment. A case in which a multinational company polluted and exposed a community of 3.000 people to lead (Pb) poisoning. This company fled the country with the help of government agencies after we exposed this heinous act. They left behind death, health horrors and environmental pollution for a poor and vulnerable community. Yet it took us a full four years to get a court ruling.

This is the hypocritical way we treat environmental justice as humanity. We have failed to realize that nature is sacred and we have a duty to treat it as such. That the environment signifies our mutuality in health, socioeconomic status, and well-being. In this instance, the burden of a toxic environment was disproportionately placed on the most vulnerable people. Just because they could, they took advantage of the fact that the community didn't know, and those who bought the lead, we just didn't want to know where it came from. Their pain and suffering is too far from them, although it ensures that the privileged can temporarily enjoy the facade of a clean and not so healthy environment. But we forget that nature knows, nature records, and nature fights back.

The global pandemic COVID-19 is nature's way of reminding us of our mutual exclusivity. Nature is reminding us this way that she remembers, that she records, and that she has the exclusive power to repay. When she does, no one is safe, poor, rich, or middle class.

When will we realize that enough is enough? As Tom Mboya said, "This is not the time for pious resolutions, but the time for action." Governments and corporations have staged calculated organisational mirages to lull us into believing that nature is taken care of. They fund this organizational mirage that they control to enforce their will against nature.

Those little David's like Phyllis Omido, Greta Thunberg or Berta Caceres who are fighting Goliaths, who have the determination to create the paradigm shift that is needed in this view, are seen as radical, strange, anti-development and not normal. What is normal is the destruction of the environment, our

only home. Global witnesses recorded the hunting down and killing of land and environmental defenders worldwide. Their statistics have recorded it.

Our small victories are swallowed up in political rhetoric and analysis, with a cool and silent consensus that we must not win. Back home in Kenya, I saw the General Prosecutor team up with other state agencies to undo any gains we had made in the environmental class action. They were quick to express their dissatisfaction that a community had protected its rights guaranteed in the Kenyan constitution and received justice. This was a terrible thing, and it must not be allowed to happen despite the loss of life and health and the damage to environment and community. We cannot separate people from the rights to a clean and healthy environment.

So, as we allocate billions of dollars to the COVID-19 pandemic globally, we should remain cognizant of the fact that this is only a symptom in need of a more holistic cure. If we give the same allocations to nature, its protection and conservation, then, and only then, will we have defeated such pandemics and achieved a holistic cure.

Thank you.



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Phyllis Omido at a grave of  
a child killed by lead poisoning



**Greetings****from Konstantin Wecker<sup>25</sup>**

Dear Phyllis Omido,

congratulations on the ethecon Blue Planet Award. Commitment like yours or that of Fridays for Future and Black lives Matter show us what is possible in the fight against corporations that are still incredibly enriched even now, in this time of crisis. Just take this dpa message:

November 4, 2020: Thanks to booming business in the USA and Europe, weapons manufacturer Heckler & Koch has recorded a significant jump in profits. In the first nine months of the year, profit after tax was 13 million euros compared to 1.3 million euros in the same period last year, the company reports. Sales climbed by 12 percent to 207.5 million euros.

I could puke.

In Kenya and other African countries, European car batteries are being melted down to extract lead. Other electronic waste is also processed there. The health of the people living in and around the factories is being ruined by the lead and other nasty poisons. Among them many children. We support the fight against these crimes, and in Europe/North America we focus on the power and profit interests behind them. It is fitting that the ultra-rich Jeff Bezos, profiteer of endless electronic waste, is pilloried on the same day with the Dead Planet Award!

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<sup>25</sup> Konstantin Wecker ist als globalisierungs- und Konzernkritischer Musiker bekannt und unterstützt als Ehrenmitglied ethecon Stiftung Ethik & Ökonomie.

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for the environmentalist and human rights activist  
Phyllis Omido / Kenya

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## Greetings

### from Carola Rackete<sup>26</sup>

I am extremely happy that I can speak about Phyllis Omido today and that she will be receiving the ethecon award today. I've met her last year in Germany when she had just published the book about her outstanding and impressive environmental justice work and I know that words which I will find today will not do her justice. So I really encourage you to read her book and hear from her in her own words what happened to her, what happened to her community, how much strength she had to confront the government, to confront the industry and to hear from her personally what she experienced. Phyllis has shown I think remarkable strength in confronting power, in confronting her employer in 2009 when she started working in the lead acid recycling plant which was in the village where she lived in. And she realized the plant was not safely operating and that the lead was poisoning the community around them. And she quit her job over that – which I think is not an easy task to do at all. And then her son started to get sick and she also fell sick. And she confronted the doctors and she even managed to send a sample of his blood to another country to get the analysis for that poisoning to really find out that he was sick and what he was sick from. And then when she realized that it was in fact the lead-poisoning which had poisoned her son, she fought not only for his life but also for the lives of the other children and other community members in this village.

She organized protests, and these protests in the end lead to the closure of the refinery after several years of fighting for them. And she founded her own NGO the Center for Justice, Governance and Environmental Action because even when in her own community the company was shut, she decided it wasn't enough. She wanted to continue and so far, with the help of this NGO, at least ten toxic waste smelters have been shut. And that is really the spirit of a human rights defender: Not to do things just for yourself but to do it for all of the community and to continue doing this work for so many more communities.

And I think what we have to see here in Europe is the grave risk which people like Phyllis are facing. She was arrested several times, she was attacked physically by the police but also by gangs of robbers in front of her house. She had to go through extreme security measures, she had to hide herself, while she was working to protect the community and their health. And that is something which, I honestly have to admit, here in Germany is very, very hard to imagine because we do have some environmental defenders – for example now we are protecting a small forest here in Germany against the construction of a highway and the car industry. But none of us is at any risk really to be beaten-up, to be killed such as many people are who stand up for land rights or rights of their communities, particularly in the global

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<sup>26</sup> Carola Rackete is a climate researcher and known as captain of the ship "seawatch", rescuing migrants in the Mediterranean sea.

south. In the last year over 300 environmental defenders have been killed around the globe, mainly in Columbia and the Philippines but also in Brazil and many other countries. And I think from that for the European Community it creates a huge responsibility not only to recognize the outstanding bravery and commitment of people like Phyllis but also to create conditions where such - such engagement plainly is not necessary anymore because we all know, who is owning the industries and the companies who produce this toxic waste. These are batteries from European and particularly German automobile industries who are not going to be safely dismantled in Germany simply because it is too expensive. All this toxic waste we create through our consumption in the global north, most of this, is exported to global south-countries and it's risking the lives of many people. And I know that hardly anyone here in Europe would do that knowing that this behavior here would risk the life of a little kid like Phyllis' son.

And still, because of all of that is so far away, many people don't engage, they don't see the damages which our consumption, which our lifestyle, which our energy-use are putting on the global south. So I think it's not enough for us to give Phyllis a prize and to speak of her bravery. I think it is time that we stand in solidarity and that we help to rein in these industries to make sure that any industry which we have in the global north, really from the moment of the production of the resources through all the lifecycle of any product to the moment where it's recycled does no impact on the health, on the livelihood of other people. And that is what I hope, you as people who are listening to this, will commit to. And I hope that you take a lead from people like Phyllis who are showing the severity of the problem of the impacts which our lifestyle is having on people like her community. And to take this seriously and to take action in the place where we are. That we assume the responsibility which we have for bringing a person like Phyllis into the situation where she was.

Phyllis, it was such a pleasure meeting you last year. I'm so happy that your work gets recognized. I'm so happy to hear that you've won the court-case in July. That in fact the village will receive money as a type of, well, help to make good for the environmental damages and the losses. But it's not enough and we want to continue to stand at your side and make sure that these industries will not damage the lives of people in Kenya any more.



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## **Greetings**

**from Christian Strasser and Barbara Stang<sup>27</sup>**

There are different ways of resistance, the peaceful, non-violent way, constantly keeping the goal in mind, is probably the most difficult.

Phyllis Omido has followed this path with courage and intransigence. She has taken up her fight as an activist against irresponsible, profit-oriented environmental polluters and poisoners, but she has fought it primarily as the mother of her son, who suffers from lead poisoning, and as a woman who questions patriarchal traditions and accepts threats for doing so.

In her book "Mit der Wut einer Mutter", which was published by EUROPA VERLAG, she writes very closely about her fight against the lead smelting in Kenya, which is hostile to health and life, the founding of her own organisation and the path of the steadfast, non-corrupt, truthful activist.

"Powerful we are when we stand together", said Phyllis Omido in her acceptance speech at the Goldman Environment Prize, "to leave our children the planet they deserve."

Phyllis Omido deserves our respect, our empathic esteem, our participation in the need to change the structures of harmful dealings with our environment, our support - both financial and energetic. As a publisher, we congratulate Phyllis Omido from the bottom of our hearts on receiving the ethecon Blue Planet Award 2020.

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<sup>27</sup> For the Europa-Verlag, publishing Phyllis Omido's Book "With The Rage Of A Mother".

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Mountains of highly toxic disassembled lead batteries stored openly and without protective measures in a Kenyan metal refinery



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## **Draft**

### **by the international Permanent Peoples' Tribunal (PPT)<sup>28</sup> for a Charter on „Human Rights and Industrial Hazards“<sup>29</sup>**

## **Genesis**

A Tribunal of five international judges held in London from 30 November to 2 December 1994 marked the tenth anniversary of the Bhopal disaster. The Permanent People's Tribunal (PPT) on „Human Rights and Industrial Hazards“ heard evidence and recommendations from professionals, victims' organisations, public interest groups and individuals on the impact of hazardous production on workers, communities and the environment, and the lack of redress for victims. This was the fourth and final of the PPT Tribunals on Industrial Hazards and Human Rights, which contributed to the development of a Charter on Industrial Hazards and Human Rights.

The world has now acquired ample experience of industrial and environmental hazards. Lessons must be learned from these experiences so that those who have died and suffered will not have done so entirely in vain. Judgement of the PPT held in Bhopal, October 1992

Formed because of devastating industrial disasters such as: Seveso (1976) Italy, Bhopal (1984) India and Chernobyl (1986) Ukraine, the Permanent Peoples' Tribunal (PPT / Permanent Court of Peoples) started to work (1991-1994) to address the lack of legal and medical protection of affected workers, residents and collateral and environmental local industrial risks.

Issues of civil protection, liability of operators, international law and many other problem areas of industrial production were addressed. The PPT was constituted on the 10th anniversary of the Bhopal disaster as a proposal for a "Human Rights and Industrial Hazards" Charter ("Industrial Hazards and Human Rights").

Nearly five years in drafting, the Charter is based on a series of public hearings held by the Tribunal in New Haven, USA (1991), Bangkok, Thailand (1991), Bhopal, India (1992), and London, UK (1994).

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<sup>28</sup> The Permanent Peoples' Tribunal (PPT), based in Rome, was formed in 1979 as the successor to the Bertrand Russell Tribunals on crimes against humanity. The PPT is an independent forum that examines violations of the rights of peoples, and suggests remedies for such violations. It is composed of over 60 members from all parts of the world who are eminent as jurists or in other fields including the arts, culture, science and politics. A number of judges are Nobel prize winners. The Tribunal submits its findings to the Secretary General of the United Nations, to other United Nations organisations as appropriate, and to other national and international bodies. The Tribunal attempts to fill gaps in international law, which it seeks to influence by elaborating on such documents as the Universal Declaration of Human Rights (United Nations), the Nuremberg principles, United Nations General Assembly resolutions on de-colonization and the new international economic order. Hearings are initiated by aggrieved groups, and are normally heard by a bench of 3 to 11 sitting tribunal judges. Accused parties are invited to present their case at the hearings. If they do not attend, the PPT appoints legal counsel to represent their case in a rigorous manner. The PPT applies principles of international law, and is bound by the Algiers Declaration of the Rights of Peoples as well as its own statutes.

<sup>29</sup> The ethecon founder Axel Köhler-Schnura participated in the final deliberations of the Human Rights Charter "Health, Safety and Environmental Rights" in 1994 in London, where he presented the case study of the "BAYER Group".

People from many different countries presented evidence. The Tribunal heard testimony from the survivors of industrial hazards, from concerned community groups, and from workers. At the same time, doctors, lawyers, scientists, engineers, and other experts provided information on the origins and effects of industrial hazards.

Despite their diverse backgrounds and experiences, the people who testified told a common story. Industrial hazards are proliferating on a global scale, and they pose a serious threat to human life and health. Moreover, the existing economic, legal, and medical systems are not responding adequately to this feature of globalisation, Victims' groups voiced a common demand for a system which protects them from death, injury, and persistent insecurity. Expert testimony highlighted instances of best practice, but also described the main features of an international order in which hazards are promoted, traded, and protected without effective controls.

The Tribunal held its fourth and final session in London from 28 November to 2 December. The judges heard expert testimony for three days. The Indictment was presented by Graham Reid, Barrister at Law and the Defence was presented by Andreas O'Shea, Barrister at Law. The evidence was heard by six judges: Francois Rigaux, Professor of Law, Catholic University of Louvain, Belgium and President of the Permanent Peoples' Tribunal (Chairman)

Dr. Rosalie Bertell, President, Institute of Concern for Public Health, Canada

Salak Siveraska, Santi Pracha Dhamma Institute, Thailand

Justice Subhan, former Judge, Bangladesh Supreme Court

Tina Wallace, Development Administration Group, University of Birmingham

Dr. Timothy Weiskel, Director, Harvard Seminar on Environmental Values

The judges were assisted by: Dr. Gianni Tognoni, Epidemiologist at Mario Negri Research Institute, Milan and Secretary General of the Permanent Peoples' Tribunal

Joe Verhoeven, Professor of International Law, Catholic University of Louvain, Belgium The judges pronounced their findings and judgement at a press conference at the House of Commons on 2 December, hosted by Harry Cohen MP and John Hendy QC.

## **The Charter**

The Permanent Peoples Tribunal on Industrial Hazards and Human Rights,

Having convened four Sessions in New Haven, Bangkok, Bhopal and London since 1991 to receive testimony and deliberate on issues relating to the right to life, occupational health and safety, environment protection, risk management and damage reduction in the wider global context of hazardous production;



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Having drafted over a period of four years a charter of rights designed to reflect the views and concerns of persons injured and distressed by industrial hazards, and having issued on the second day of December 1994 a Draft Charter for comment and discussion among individuals and non-governmental organisations, including trade unions;

Following the Universal Declaration of the Rights of Peoples, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the United Nations Convention on the Rights of the Child, the Vienna Declaration and Programme of Action of the World Conference of Human Rights, the Beijing Conference on Women, the Programme of Action of the World Summit for Social Development and other relevant international human rights instruments;

Guided by the Rio Declaration on Environment and Development, Agenda 21, the Draft Declaration on Principles on Human Rights and the Environment, the Draft Declaration on the Rights of Indigenous Peoples and other relevant instruments for prevention of industrial and environmental hazards;

Guided further by International Labour Organisation conventions and recommendations, including the Convention on Freedom of Association and Protection of the Right to Organise, the Convention on the Right to Organise and Collective Bargaining and the Convention Concerning the Prevention of Major Industrial Accidents;

Gravely concerned by the widespread diffusion of hazardous products and processes resulting in industrial practices which cause human, social and environmental destruction, threatening in particular the habitat, life, economy, society and culture of indigenous peoples;

Deeply concerned by the frequency of small-scale but harmful hazardous events, as well as the magnitude and nature of major industrial accidents, including the incidents in Seveso, Chernobyl, Bhopal, Basel and elsewhere;

Concerned by the ineffectual national and international system of hazard prevention, post-disaster relief, medical and legal assistance and legal accountability which in their current forms have failed both to adequately prevent occupational and environmental hazards and to bring to account those responsible for world-wide deaths and injuries;

Noting that urgent action is needed to prevent future degradation to human life, animal life and the environment, and to adequately remedy the harms caused by industrial hazards;

Recognising that the personal experience and repeated demands of community members and workers affected by hazards provide the most sound basis for the enunciation of rights;

Cognizant of the inherent limitations of national and international law, as well as the vital role of community organisations and people's movements in preventing and ameliorating industrial hazards;

Convinced that new national and international systems of prevention, relief and legal accountability must be formulated and established;

Declares the following:

## **Part I**

### **Rights of General Application**

Article 1:

Non-discrimination

1. Everyone is entitled to all the rights and freedoms set forth in this Charter without distinction of any kind, such as race, colour, sex, language, religion nationality, political opinion or affiliation, ethnic or social origin, disability, age, property, sexual orientation, birth, income, caste or any other status.
2. On account of the particular discrimination faced by women, both as waged and unwaged workers, attention should be given to the specific application of the rights stated below where women may be affected.
3. On account of their vulnerability and exploitation in the labour market, special protection should be accorded to children exposed to industrial hazards.
4. On account of the connection between low wages and hazardous working environments and the disproportionate impact of industrial hazards on racial and ethnic minorities, special protection should be afforded low-income groups and all minorities.

Article 2:

Relation to Other Rights

The rights in this charter and other human rights, including civil, political, economic, social and cultural rights, are universal, interdependent and indivisible. In particular, freedom from hazards, including the right to refuse hazardous employment and the right to organise against hazards, depends upon the full implementation of social and economic rights, including the rights to education, health and an adequate standard of living.

Article 3:

Right to Accountability

All persons have the right to hold accountable any individual, company or government agency for actions resulting in industrial hazards. In particular, parent companies, including transnational corporations, shall be liable for the actions of their subsidiaries.

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Article 4:

Right to Organise

1. All community members and workers have the right to organise with other local communities and workers for the purpose of seeking to ensure a working environment free from hazard.
2. In particular, the right to organise includes:
  - (a) the freedoms of expression, association and peaceful assembly;
  - (b) the right to form local, national and international organisations;
  - (c) the right to campaign, lobby, educate and exchange information;
  - (d) the right to form trade unions;
  - (e) the right to strike or take other forms of industrial action.

Article 5:

Right to Appropriate Health Care

1. All persons have the right to appropriate health care.
2. In particular, the right to appropriate health care includes:
  - (a) the right of individuals and groups to participate in the planning and implementation of health care;
  - (b) the right of equal access of individuals and families to health care the community can afford;
  - (c) the right to relevant health care services, including where appropriate access to hospitals, neighbourhood clinics, specialist clinics, as well as the services of general practitioners, other medical professionals and health care workers drawn from the affected community;
  - (d) the right to independent information on the relevance and reliability of health care services and treatments including allopathic, homeopathic, nutritional, physiotherapeutic, psychotherapeutic, indigenous and other approaches;
  - (e) the right to health care systems which recognise and take account of the different ways in which hazards affect women, men and children;
  - (f) the right to health education;
  - (g) the development of national, regional and international networks to facilitate sharing of information and experience.

Article 6:

Right of Refusal

1. All communities have the right to refuse the introduction, expansion or continuation of hazardous activities in their living environment.

2. All workers have the right to refuse to work in a hazardous working environment without fear of retaliatory action by the employer.
3. The right to reject inappropriate legal, medical or scientific advice shall not be infringed.

Article 7:

#### Permanent Sovereignty Over Living Environments

1. Each state retains the right of permanent sovereignty over the living environments within its national jurisdiction. No state shall exercise this right so as to injure the health or living environments of its people, nor to cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.
2. Each state has the right and the obligation to regulate and exercise authority over hazardous and potentially hazardous enterprises in conformity with the interests and well-being of its people and their environment.
3. No state shall be:
  - (a) refused external finance or assistance on the grounds of its refusal to import or establish hazardous products or processes;
  - (b) compelled to grant preferential treatment to foreign investments;
  - (c) made subject to external threats or coercive measures, whether military, diplomatic, social or economic, intended to affect regulations or policies regarding hazardous production;
4. Transnational corporations and multi-national enterprises shall not intervene in the internal affairs of a host state.
4. Transnational corporations and multinationals may not interfere in the internal affairs of the host country itself.

## **Part II**

### **Community**

Article 8:

#### Right to Living Environment Free from Hazards

1. All persons have the right to a living environment free from hazards. In particular, this right applies where hazards arise from:
  - (a) the manufacture, sale, transport, distribution, use and disposal of hazardous materials;
  - (b) any military or weapons application, regardless of national security.
2. Any person has the right to raise a bona fide complaint to the owner or occupier of an economic enterprise regarding activities of the enterprise which he or she believes are hazardous to the living environment.

3. Any person living in an environment from which it is impossible to eliminate a hazard shall have the right to protective safety systems necessary to eliminate any such hazard as far as possible. The owners or occupiers of the concerned hazardous enterprise may not refuse to provide the most effective systems available on the grounds of cost or inconvenience.

Article 9:

Right to Environmental Information

1. All persons have the right to be given reasonable notice of any proposal to establish, expand or modify a hazardous industry in such location or in such a manner as may put at risk public health or the living environment. To achieve the full realization of this right, the following steps shall be taken:
  - (a) All states shall ensure that communities, individuals and non-governmental organisations have the right of access to full information regarding the proposal. This right shall be effective well in advance of official authorization and shall not be abridged by claims of commercial secrecy.
  - (b) All states shall ensure that prior to official approval of any hazardous enterprise, independent and thorough assessments of the impact upon the environment and public health be conducted in consultation with the community. The methods and conclusions of such impact assessments shall be made available for public debate.
2. All persons have the right to be informed, in their own language and in a manner which they are able to comprehend, of any possible hazards or risks associated with any product or process used by any enterprise with which they may come into contact.
3. All persons have the right to be informed of the safety record of any economic enterprises whose manufacturing or industrial processes could affect their living environment, including the number of accidents, the types of accidents that have occurred, the extent of injuries resulting from such accidents and any possible long-term adverse health effects.
4. All persons have the right to be informed of types and quantities of hazardous substances used and stored at the facility and emitted from the facility and contained in any final products. In particular, the right to information includes the right to regular toxic release inventories where appropriate. All persons living in the neighbourhood of hazardous facilities have the right to inspection of factory premises and to physical verification of hazardous substances and processes.
5. All persons who live in environments in which they may come into contact with materials or processes that are known to be seriously hazardous, and which emanate from the activities of an economic enterprise, have the right to be examined regularly by an independent medical expert provided by the owner or occupier of the enterprise.

## Article 10:

## Right to Community Participation

1. All persons have the right to participate in planning and decision-making processes affecting their living environment.
2. All persons have the right to planning and decision-making proceedings which are:
  - (a) public and open;
  - (b) accessible to all in timing and location;
  - (c) widely advertised in advance;
  - (d) not restricted by literacy, language or format of contributions.
3. All persons have the right to express their concerns and objections relating to hazards associated with establishing, modifying or expanding any economic enterprise.
4. All persons have the right to participate in the design and execution of on-going studies to determine the nature of any hazards to the living environment resulting from an economic enterprise.

## Article 11:

## Right to Environmental Monitoring

1. All persons have the right to regular and effective monitoring of their health and the living environment for possible immediate and long-term effects caused by hazardous or potentially hazardous economic enterprise.
2. All persons have the right to be consulted on the frequency, character and objectives of environmental monitoring. The right to organise nonprofessional monitoring strategies, such as lay epidemiology, shall be protected. The rights of women, whose experience in providing health care may reveal otherwise unidentified consequences of hazards, are particularly affirmed.
3. Any person, who bona fide believes that his or her community environment is endangered by the actions of any economic enterprise, has the right to an immediate and thorough investigation, to be carried out by an independent agency at no cost to the person acting bona fide.

## Article 12:

## Right to Community Education

1. All persons have the right to the effective dissemination of information regarding hazards in the community. This right extends to instruction based upon the best available information and standards, drawn from both national and international sources.
2. States shall take effective steps to provide for:
  - (a) clear and systematic labeling of hazardous substances;

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(b) appropriate education of the community, including children, on hazardous products and processes;

(c) training of police, medical professionals and other service providers on hazardous products and processes.

Article 13:

Right to Community Emergency Preparedness Procedure

1. All persons have the right to an appropriate emergency preparedness procedure. Such procedure shall include warning systems for impending dangers and systems for immediate relief efforts.
2. All states shall take steps to provide communities with adequate emergency services, including the provision of police, fire fighting, medical and paramedical facilities and disaster management services,

Article 14:

Right to Enforcement of Environmental Laws

1. All persons have the right to have their local environment adequately and frequently inspected by a trained environmental inspector who will rigorously enforce the law and take punitive legal action when serious breaches have taken place.
2. All persons have the right to environmental management legislation in compliance with the precautionary principle, so that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason to postpone cost-effective measures to prevent hazards and environmental degradation.

Article 15:

Rights of Indigenous Peoples

1. Indigenous peoples have the right to protect their habitat, economy, society and culture from industrial hazards and environmentally destructive practices by economic enterprises.
2. Indigenous peoples have the right to control over their land and to resource management of their land, which includes the right to assess potential environmental impacts and the right to refuse to allow environmentally destructive or hazardous industries to be set up on their land.

**Part III****Rights of Workers**

## Article 16:

## Specific Rights of Workers

In addition to their rights as members of the community, workers have specific rights applicable to their working environments.

## Article 17:

## Right to Working Environment Free from Hazards

1. All workers, both waged and unwaged, have the right to a working environment free from any existing or potential hazard arising directly or indirectly from the activities of any economic enterprise in particular from manufacturing or other industrial processes.
2. Any worker has the right to raise bona fide complaints to the employer or any outside parties regarding conditions or practices in the working environment that he or she believes are harmful or hazardous without fear of retaliatory action or other discriminatory action by the employer.
3. Any individual working in an environment from which it is impossible to eliminate any hazard, shall have the right to have provided, fitted free of charge and maintained in fully effective order, protective safety devices, including personal protective equipment necessary to eliminate any such hazard as far as is possible. Employers may not refuse to provide the most effective equipment available on the grounds of cost or inconvenience.
4. All workers have the right to safe systems of work. All employers have the duty to devise, provide, maintain and regularly update safe systems of work based on the best available information at all times.
5. No worker shall be subjected to exposure to a chemical, product or process when a less hazardous one could be substituted.
6. Governments and employers are responsible for ensuring hazard-free working environments. The inaction by either employer or government shall not be an adequate excuse for a derogation of duty by the other.

## Article 18:

## Right to Health and Safety Information

1. All workers have the right to be given reasonable notice of any proposed changes to their working environments which may pose a threat to worker health and safety.



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2. All workers have the right to be informed in their own language, and in a manner they are able to comprehend, of any known health hazard associated with any substance, material or process with which they come into contact during the course of their employment.
3. All workers have the right to be informed of the safety record of the work environment in which they are employed, including the number and type of accidents that have occurred, the extent of the injuries resulting therefrom and any known long-term adverse health risks that result from the substances, materials and processes used by the employer. Workers have the right to be regularly informed of the safety records of any economic enterprise affiliated by common ownership to the economic enterprise in which they work, and which uses any similar substance, material or process to that used in their work environment.
4. All workers employed in hazardous work environments have the right to be examined by an independent medical expert provided by the employer at the commencement of employment, and thereafter at periodic intervals defined on the basis of the most conservative estimate of potential risks, but in any case not exceeding one year and to be furnished with the resulting medical information.

#### Article 19:

##### Right to Worker Participation

1. All workers have the right to participate effectively in management decision-making affecting health and safety.
2. All workers have the right to elect safety representatives. Such representatives have the right to participate in joint committees, composed of worker and management representatives in equal number, which meet regularly to address health and safety matters.
3. All workers have the right to participate in the design and execution of ongoing health and safety studies in their working environments to determine the nature of any risks to health and safety.
4. All workers have the right to establish and associate with community hazards centres and information networks. Governments and employers have a responsibility to support such organisations and programmes.

#### Article 20:

##### Right to Health and Safety Monitoring

1. All workers have the right to a work environment that is regularly and effectively monitored for possible harmful effects to the health and safety of the workers employed therein.
2. Notwithstanding the duty of employers to monitor working environments, the right of workers to seek independent or worker-based monitoring shall not be infringed. This right includes the right to regular monitoring for possible adverse, long-term effects which may result from contact with the substances, materials or processes used in the working environment.

3. Any worker who bona fide believes that his or her health and safety is being or will be endangered by any substance, material or process used in the work environment has the right to an immediate and thorough investigation, to be carried out by the employer, an independent agency or by other means, at no cost to the worker.

**Article 21:****Right to Instruction and Practical Training**

1. All workers in contact with hazardous or potentially hazardous substances, materials or processes have the right to ongoing instruction and practical training regarding management of the hazard. The right to instruction and practical training based on the best available information, drawn from both national and international sources, is affirmed.
2. All workers and supervisors have the right to know and be fully instructed about the proper use and handling of any hazardous materials, the proper execution of any processes, the precautions necessary to protect health, safety and the living environment, and any procedures which should be followed in the event of an emergency.

**Article 22:****Right to Workplace Emergency Preparedness Procedure**

1. All workers have the right to an emergency preparedness procedure appropriate for the conditions or practices in their work environment which shall include warning systems for impending dangers and systems for immediate relief efforts, with full scale emergency preparedness rehearsals and desk top exercises to be held frequently.
2. Emergency preparedness procedures shall take account of the particular needs of individual workers, including those with visual, hearing or mobility impairments.
3. All workers have the right to adequate emergency services, including police, fire fighting, medical and paramedical facilities and disaster management.

**Article 23:****Right to Enforcement of Health and Safety Laws**

1. All workers have the right to have their work environments adequately and frequently inspected by a trained health and safety inspector who will rigorously enforce the law and take punitive legal action when serious breaches have occurred.
2. All workers have the right to adequate planning control legislation in compliance with the precautionary principle, so that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason to postpone cost-effective measures to prevent hazards and environmental degradation.

## **Part IV**

### **Common Rights to Relief**

#### Article 24: Right to Relief and Compensation

1. All persons injured or otherwise detrimentally affected by any hazardous economic activity have the right to swift comprehensive and effective relief. This right applies to all persons affected by hazards or potential hazards including persons not yet born at the time of injury or exposure, and those injured, bereaved or economically and socially disadvantaged, whether affected directly or indirectly.
2. This right includes the right to fair and adequate monetary compensation, paid to cover all costs associated with hazardous or potentially hazardous activities, including the costs of:
  - (a) drugs, tests, therapies, hospitalisation and other medical treatments;
  - (b) travel and other incidental costs;
  - (c) lost wages, bridging loans and other pecuniary loss;
  - (d) redundancy and unemployment in the case of plant shutdown;
  - (e) additional unwaged work including health care, born by family and community;
  - (f) any purchase, measure or lost opportunity caused directly or indirectly by hazardous processes or products;
  - (g) environmental rehabilitation.
3. All persons affected by hazards have the right to effective and innovative policies to reduce, abate or compensate for hazardous activities. To achieve the realization of this right, the steps taken by states and businesses shall include:
  - (a) plant shutdown;
  - (b) pollution abatements or cessation;
  - (c) guarantee by liable defendants to keep assets unencumbered;
  - (d) forced liquidation of the assets of a corporation whose liability is equal to or greater than its measurable assets;
  - (e) placement of corporate assets in annuity funds controlled by the persons affected or their representatives for the interests of persons affected;
  - (f) fair and adequate compensation for the costs of the medical monitoring of symptoms;
  - (g) other remedies that may be deemed to be necessary for the benefits of persons affected.
4. Funds shall be established adequately to satisfy the claims for the persons affected and of those affected in future.

#### Article 25: Right to Immediate Interim Relief

1. All persons adversely affected by any hazardous economic activity have the right to immediate and adequate interim relief to alleviate their injuries and suffering during the time that liability and compensatory damages are being determined. States shall ensure that all hazardous or potentially hazardous enterprises provide financial resources, through insurance or other means, adequate to cover potential interim relief costs.
2. Where an economic enterprise fails to provide interim relief, it shall be the duty of the state to do so. Interim relief so provided will not be set-off against any final compensation allowed by the court.

#### Article 26: Right to Medical Information

All persons immediately or subsequently affected by hazardous activities, including persons unborn at the time of the exposure to hazard, have the right to obtain relevant documents pertaining to injuries, including medical records, test results and other information.

This right may be exercised at the earliest opportunity and may not be made subject to delay or non-compliance by either government or industry. Such disclosure shall not be made in a manner so as to prejudice the affected person's right of access to any service, insurance, employment or any social or welfare opportunities.

#### Article 27: Right to Professional Services

1. All persons adversely affected by hazardous activity have the right of access to effective professional services, including the services of lawyers, journalists, scientific experts and medical professionals.
2. Where questions of a scientific or medical nature are in dispute, all affected persons, or their representatives, have the right to genuinely independent advice, free from fear or favour. The right to seek independent or multiple advice is affirmed.
3. Professionals and experts shall refrain from:
  - (a) giving advice on the basis of inadequate information or expertise;
  - (b) obstructing the efforts of workers and communities to seek information, conduct research or gather data through lay epidemiology or other means;
  - (c) acting in concert against the interests of workers and communities.
4. All professionals having control of any information concerning the health of any injured or hazard-affected person shall have a primary duty of care towards the well being of that person. This duty shall at all times take precedence over any allegiance to any third party, including any government, professional organisation or commercial enterprise.

Article 28:

Right to Effective Legal Representation

1. All persons adversely affected by hazardous activities shall have the right to employ Independent legal counsel.
2. All states shall provide free legal representation and legal assistance by an independent legal expert, in any case where the interests of justice so require.
3. In the determination of any suit, the persons affected shall be entitled to consolidate the claims under:
  - (a) the auspices of a workers' or community organisation; or
  - (b) class action laws in which the rights of any persons affected are determined in one action.
4. All persons bringing or attempting to bring legal action have the right to inspect any relevant legal files held by their legal representative.

Article 29:

Right to Choice of Forum

1. All persons adversely affected by hazardous activities have the right to bring law suit in the forum of their choice against alleged wrongdoers, including individuals, governments, corporations or other organisations. No state shall discriminate against such persons on the basis of nationality or domicile.
2. All states shall ensure that in the specific case of any legal claims arising from the effects of hazardous activities, any legal rule otherwise impeding the pursuit of such claims, including legislative measures and judicial doctrines, shall not prevent affected persons from bringing suit for full and effective remedies. In particular, states shall review and remove where necessary, legal restrictions relating to inconvenient forum, statutory limitations, limited liability of parent corporations, enforcement of foreign money judgments and excessive fees for civil suits.

Article 30: Right to Pre-trial Documentation

All persons adversely affected by a hazardous activity and their representatives, have the right to seek and receive relevant documents, records or other information for submission in court or other independent tribunal or forum, for establishing individual, corporate, organisational or governmental liability during litigation.

Article 31: Right to Fair Procedure

All persons adversely affected by hazardous activities shall have the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Included in this right is the right to the due process of law, including;

- (a) the right to opt out of class actions;

- (b) the right to a reasonable notice and communication before an out-of-court settlement in a civil suit is reached;
- (c) the right to bring lawsuit notwithstanding the period of limitation set by administrative, legislative or judicial or any other means.

Article 32:

Right to Freedom from Fraud and Delay

All persons adversely by hazardous activities shall have the right to be protected against fraud by corporations, government or other organisations. Also prohibited is intentional delay or obstruction of the legal process, including:

- (a) declaration of bankruptcy;
- (b) abuse of the legal process to prolong adjudication;
- (c) fabrication of evidence.

Article 33:

Right to Enforcement of Judgments or Settlements

All persons adversely affected by hazardous activities and their representatives, shall have the right to enforce any judgment or settlement against the assets of the liable or settling party in any other countries and it shall be the duty of each state to provide under domestic law such comprehensive instruments as assist any of its citizens so affected.

Article 34:

Right to Shift the Burden of Proof

1. Where there is prima facie evidence that death or injury was caused by an industrial hazard, the hazardous economic enterprise has the burden of proving that it was not negligent.
2. No person adversely affected by hazardous activity shall be subjected to excessive documentation requirements or strict standards of proof in establishing that the hazardous activity caused their illness or symptoms. The link between hazards and illness shall be presumed if the affected persons establish
  - (a) they suffer from symptoms commonly associated with any harmful substance, or any component thereof, which contaminated the environment; and
  - (b) either
    - (i) they were present within the geographical area of contamination during the period of contamination; or
    - (ii) they belong to a group of persons commonly identified as secondary victims, including the siblings, partners, children or close associates of the original victims of the hazard.

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Article 35:

Right to Corporate or State Criminal Accountability

1. All persons, who have suffered injury or death from industrial hazards, have the right to a full criminal investigation into the conduct of the economic enterprise, any concerned government officials and any other concerned individual or organisation. The investigation shall be both immediate and rigorous and shall include an assessment of whether potential criminal offenses, including homicide or manslaughter, have been committed. Where sufficient evidence exists prosecution shall be pursued promptly and vigorously.
2. Where criminal liability of a company and or individual is proved, such fines and or prison sentencing are to be imposed as to have a punitive, exemplary and deterrent effect.

Article 36:

Right to Secure Extradition

Where a person accused of a criminal offense in connection with hazardous activities resides or is located in a state other than that in which the trial is being or will be conducted, the right to demand and secure the extradition of the accused to the trial state is hereby affirmed.

## **Part V**

### **Implementation**

Article 37:

Corresponding Duties

All persons, individually and in association with others, have a duty to protect the rights set out in this Charter. Employers and government officers are under a strict duty of care in vigilant application of the rights. Special responsibility for the realization of the provisions of this Charter lie with trade unions, community groups and non-governmental organisations.

Article 38:

State Responsibilities

All states shall respect and protect the rights of workers and communities to live free from industrial hazards. Accordingly, they shall adopt legislative, administrative and other measures necessary to implement the rights contained in this Charter.

Article 39:

Non-State Action

The absence of state action to protect and enforce the rights set out in this Charter does not extinguish the duties of employers, trade unions, non-governmental organisations and individuals to protect and assert these rights.

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Phyllis Omido was honored with the International ethecon Blue Planet Award 2020 for her selfless and exemplary commitment, protecting people and the environment





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## **Hall of Fame / Hall of Shame**

### **The international ethecon awards**

Both International ethecon Awards are given only to persons and not to institutions in order to counteract the anonymisation of decisions which has been increasingly and systematically practised in the realm of social processes. In both the positive and negative ways it is always humans who bear responsibility. Especially when it comes to negative developments, the responsible love to hide behind the facade of some institution, to blame (alleged) “practical constraints” and “(unavoidable) inherent necessities” for (forcing) their decision.

Both International ethecon Awards have been assigned since 2006. Each year, in spring, an international call is sent out to up to 10,000 organisations and people all over the globe, in which ethecon - foundation for ethics and economy - asks for submission of proposals for the recipients of the two awards. From all the proposals received the prize-winners are then determined in a well-defined procedure.

ethecon’s international Blue Planet Award is presented within (the framework of) a festive celebration and handed over to the award winner, who is invited and usually (if possible) present in person or takes part in the ceremony.

ethecon’s international Dead Planet Award is accorded in the same ceremonial act, but handed over at a later point in time. For this purpose, shareholders’ meetings, corporate headquarters or the residences of those vilified are paid a visit; always accompanied by public protests by international social movements and wide-ranging media work. It is quite symptomatic that until now not a single one of those vilified by the International ethecon Dead Planet Award has accepted the prize in person and publicly faced the critique.

### **Internationaler ethecon Blue Planet Award**

#### **Hall of Fame**

##### **2020**

Phyllis Omido (environmentalist and human rights activist, Kenya)

##### **2019**

Rachna Dhingra (environmentalist and human rights activist, India)

##### **2018**

Mary Ann Wright (human rights and peace activist/ USA)

##### **2017**

Hanna Poddig (environmentalist and peace activist / Germany)

**2016**

Huberto Juárez Núñez (activist of the trade union and workers movement / Mexico)

**2014/2015**

Tomo Križnar (human rights and peace activist / Slovenia)

**2013**

Esther Bejarano (survivor of the fascist extermination camp Auschwitz, musician anti-fascist and peace activist / Germany)

**2012**

Jean Ziegler (anti-globalisation activist / Switzerland)

**2011**

Angela Davis (civil and human rights activist / USA)

**2010**

Elias Bierdel (refugee- and human rights activist / Austria)

**2009**

Uri Avnery (peace and human rights activist / Israel)

**2008**

José Abreu (engineer / Venezuela) and Hugo Chavez (revolutionary / Venezuela) – under the name of "El Sistema" they set up a worldwide unique and widely publicized program against poverty, drugs, social negligence and crime that guarantees every child in Venezuela the right to learn to play a musical instrument

**2007**

Vandana Shiva (peace and environmental activist / India)

**2006**

Diane Wilson (environmental and peace activist / USA)

**Internationaler ethecon Dead Planet Award****Hall of Shame****2020**

Jeff Bezos (Major Shareholder, CEO and founder of the Cloud- and retail company AMAZON (USA))

**2019**

Wesley Mendonça Batista and Joesley Mendonça Batista (Major Shareholders) as well as José Batista Sobrinho (CEO and founder) of the Meatpacker JBS (Brazil)

**2018**

Herbert Diess (Chairman of the Administrative Board and CEO), Hans Dieter Pötsch (Chairman of the

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Supervisory board) as well as the major shareholders Wolfgang Porsche (PORSCHE HOLDING SE) and Stephan Weil (prime minister of lower saxony) of the world's largest carmaker VOLKSWAGEN (Germany)

**2017**

Armin Papperger (Chairman of the Administrative Board and CEO), Ulrich Grillo (Chairman of the Supervisory Board) as well as the major shareholders Larry Fink (BLACKROCK) and Paul Manduca of arms manufacturer RHEINMETALL (Germany)

**2016**

Muhtar Kent (Chairman of the Board and CEO), James Quincy (President and COO) as well as Warren Buffett and Herbert A. Allen (major shareholders) of the beverage corporation COCA COLA (USA)

**2014/2015**

Andrew N. Liveris (CEO) and James M. Ringler (member of board) as well as the major shareholders of the chemical group DOW CHEMICAL (USA)

**2013**

Anshu Jain and Jürgen Fitschen (CEOs) as well as the major shareholders of the finance company DEUTSCHE BANK (Germany)

**2012**

Ivan Glasenberg (CEO), Simon Murray (Chairman), Tony Hayward (Senior Independent Non-Executive Director; Environment, Health and Safety Committee) and major shareholders of the commodity trading company DEUTSCHE BANK (Germany)

**2011**

Tsunehisa Katsumata (chairman), Masataka Shimizu (former president), Toshio Nishizawa (president) and other accountable executives and major shareholders of the energy company TEPCO (Tokyo Electric Power Company / Japan)

**2010**

Tony Hayward (CEO), Bob Dudley (CEO-designate), Carl-Henric Svanberg (chairman of the board) and major shareholders of the oil- and energy company BP (Great Britain)

**2009**

Owner family Wang and Lee Chih-tsuen (CEO) of the chemical, genetic engineering and electronics company FORMOSA PLASTICS GROUP (Taiwan)

**2008**

Erik Prince (owner) , Gary Jackson (president) and Chris Bertelli (spokesman) and other accountable

executives of the service provider for the military BLACKWATER (for reasons of public reputation re-named to Xe Services LLC) / (USA)<sup>30</sup>

**2007**

Peter Brabeck-Letmathe (CEO) and Liliane Bettencourt (major shareholder) and other responsible managers and major shareholders of the food and GE-company NESTLÉ (Switzerland)

**2006**

Shareholders and the management of the agriculture, genetic engineering company and producer of chemical warfare agents MONSANTO (USA)

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<sup>30</sup> After negative headlines in 2008 the company changed its name to XE. Since then, it has changed its name several times.

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## **Act now!**

### **The ethecon Foundation**

Our blue planet is in serious danger. This is no longer denied, not even by politics and science.

But the underlying cause continues to be ignored: the greed for profit connected with the worldwide dominant economic system.

This profit-based system is responsible for injustice, exploitation and ecological destruction. The lust for profit is becoming more and more the sole motivational force in our society and in our management of the environment. The devastating consequences of this development may no longer be overlooked: massive unemployment, the breakdown of the health-, education- and social security systems, destitution, poverty and homelessness, egoism, crime and ruthlessness, weapons production and war, climate change and the collapse of ecological systems.

A different world, a just world, may only be achieved through the development and the implementation of ecologically-sound and humane economic and social models not based on profit maximization. To reach this goal, we must start at the roots, that is, within the competing interests of ethics and economics. We must stand up against those who profit from the globalization process and social decay. For the good of ecology and society, the primacy of ethical principles over economics must be asserted. The rescue of our planet will only be possible when the supremacy of the profit principle is replaced by an economic system based on ethical principles.

The transformation of our society in the direction of a just and fair social system with an intact environment and the overcoming of the profit principle cannot be achieved overnight. This requires perseverance and endurance. In order to achieve this necessary change, broad social movements must be established and fragmented forces united. However, good ideas and voluntary commitment alone are not enough. They must be backed by sufficient financial means.

This is where "ethecon - Foundation Ethics & Economics" comes in. Whereas other groups and organizations – in a historical context – are active for a short time only, ethecon follows the insight, that successful work for the implementation of ethical principles in the interest of ecology and society must be designed to operate on a long-term basis, continuing past the current generation. The legal form as a foundation was deliberately chosen in order to ensure the necessary on-going financial basis for the securing and defence of the principle of solidarity as opposed to the principle of profit.

In order to bequeath future generations with a strong foundation, ethecon needs further endowment contributions, donations and sustaining members. Founded in 2004, the foundation was able to in-

crease its initial capital of 85,000 Euros fourfold through the aid of subsequent endowment contributions (the latest figures may be found in the foundation's brochure "For a World without Exploitation and Oppression" or on <http://www.ethecon.org>).

ethecon seeks people who, in light of the current devastating ecological and social developments, wish to use their financial resources in a responsible way. Many people want not only to talk about a just world, but to find ways to realize it, always with the goal of a sound environment, peace and humane working conditions for coming generations.

### **Act now**

Here is where you can help. If you agree that the prevailing profit-defined conditions must be opposed on a long-range basis, beyond the current generation, then please support ethecon – Foundation Ethics & Economy. If an endowment contribution (from 5.000 Euros) is not possible, your donation or, even better, your sustaining membership (from 60 Euros per year) would be greatly appreciated. It is now possible to make an endowment contribution over a longer period of time, with monthly payments starting at 20 Euros.

All contributions are tax-deductible (national laws may differ on this point). In Germany, the tax-exemption limit is much higher than for regular donations and also more advantageous than for donations to political parties.

Please act now! ethecon needs you, as an endowment contributor, donor or sustaining member.

You may reach ethecon Foundation Ethics & Economy on the internet at [www.ethecon.org](http://www.ethecon.org) or here:

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**ethecon** Stiftung Ethik & Ökonomie  
Fundación Ética & Economía Foundation Ethics & Economy

**[www.ethecon.org](http://www.ethecon.org)**