

Panel II: Legal Empowerment: Leaving No one Behind in Decision-Making on Sustainability

Short description:

The Panel will discuss the risks and opportunities to use the law to ensure inclusive environmental decisions. The discussion will seek to identify existing and innovative legal tools to integrate the concerns of less-privileged, marginalized and underrepresented groups and individuals around the world in environmental decision-making including on business-as-usual production and distribution systems.

Overview:

In developing and formulating environmental laws and policies, there is often a tendency to overlook the poorest and most vulnerable groups. Community groups, including minorities and impoverished people, are the most affected by the impacts of our consumption-heavy, pollution-intense world. Yet, they are usually the least responsible for the environmental challenges resulting from unsustainable production and consumption. The challenges that communities face when participating in decisions concerning their environments are numerous and often involve significant gaps in understanding between community groups and external actors. This panel will thus, first of all, address the need to identify the risks for environmental law to contribute to (further) marginalizing certain groups.

The panel will then discuss whether existing or new legal tools can contribute instead to legal empowerment as a means to foster inclusivity and an enabling environment for meaningful involvement and fair treatment of all people. Legal empowerment is the capacity for groups or individuals to make choices and transform them into desired actions and outcomes through the law. It aims to increase the control that marginalized or disadvantaged groups have over their lives through the use and application of law and governance.

Tools for legal empowerment include a range of methodologies. In addition, tools for legal empowerment can be substantive legal concepts, that may be interpreted (if already existing) or developed to better support the integration of the views, values and knowledge of vulnerable groups into environmental decision-making. The 2018 UN Framework Principles on Human Rights and the Environment, for instance, show how, read together, international environmental and human rights law contribute to ensuring that the voices of poor and/or marginalized communities from around the world are adequately represented in the dialogues about the development of environmental laws and policies.

By convening relevant stakeholders, the 2019 Expo will be an opportunity to take stock of the extent to which laws and institutions are promoting and enforcing non-discriminatory and inclusive environmental regulation and the participation of distinct groups in decisions on sustainable consumption and production and in actions towards achieving sustainable development. In other words, the 2019 Expo will explore how

the realization of Sustainable Development Goal 16 can contribute to achieving other internationally agreed goals.

Possible outcome/impact:

Member States get a better appreciation of the role of law to ensure adequate representation and participation of affected communities, including poor and vulnerable/marginalized groups, in environmental decision-making; and incorporate these concerns into resolutions on Sustainable Consumption and Production and other relevant topics at the Assembly.

Moderator:

Elisa Morgera
Co-Director of Strathclyde Centre for Environmental Law and Governance
University of Strathclyde

Panellists Invited:

- 1- Dr David Boyd, UN Special Rapporteur on Human Rights and the Environment
- 2- Representative, Microjustice4All
- 3- Representative, Natural Justice