

Legal Empowerment Network
Land and Environmental Justice Movement Vision

What are we fighting for? (Coalition Content)

Overall, we're fighting for communities, especially those who have been systemically harmed or marginalized, to have the power to govern their lands and neighborhoods, and the power to lead the transition to a sustainable economy.

This includes the following:

Impacted communities can say yes or no to what happens on their land

Throughout the world, environmental harms are concentrated in communities with less wealth and power, and in communities who face discrimination. These communities deserve the right to shape what happens on the land where they live. Consultation is not enough. Communities should be able to say yes or no to any form of development, and if yes, on what terms. To make these decisions, communities need access to accurate information about both harms and benefits. In some contexts, especially Indigenous territories, communities need to be able to create their own structure for providing consent and have their process recognized. Special care must be taken to ensure that women have equal access to information and free ability to participate in a decision making process. Granting these powers of governance to people who've long been excluded is not inconsistent with a swift climate transition. To the contrary, it's part of how we get there.

This includes:

- **Government** should ensure that financial, employment, and environmental impact information about potential and on-going projects is disseminated to local populations in an accessible, timely, and consistent manner. Governments should require Free, Prior, and Informed Consent of communities before development begins and ensure that these processes are adhered to by companies operating in their jurisdiction.
- **Companies** should actively seek consent, not just consultation, of the communities impacted by their operations.
- **CSOs and donors** should ensure that communities have access to resources to understand the options available to them when new forms of development arrive in their community, this includes sharing good practice.

It is safe for impacted communities to speak up about what they see happening on their land, and what they would like to see happening

In many places, when people speak out about the social and environmental impacts on their land, they are threatened or violently attacked. . These attacks take place against vocal advocates as well as community members who are less visible. Women are especially at risk. Violence and threats of any kind against impacted communities or those who speak up for them must stop. This includes:

- **Government** security forces, who are often part of the problem, must have responsibility to protect the voices of impacted communities. Through national and international law, they should face real consequences for failure to protect individuals within their jurisdiction.
- **Companies** should have zero tolerance for threats or violence against communities impacted by operations throughout their value chain. Just as corporations have legal obligations to respect the rights of their workers, similarly, they should be legally obligated to respect those directly affected by their operations.
- **CSOs and donors** can support by understanding the nuances of how security is experienced differently within communities, being more flexible, facilitating rapid response funds ("we can't predict when a SLAPP suit will happen"), and responding in solidarity under the leadership of those being impacted.

What communities observe happening to their land and neighborhoods should be valued information that is incorporated into decision making

Across the countries where we live and work, communities are often the first to know when a project is causing harm or having unintended consequences. In some places, communities have been protecting their land and resources for hundreds of years. Communities can be valuable partners in assessing air, soil, and water quality, monitoring the social impacts of a project, and documenting environmental changes. Too often, instead of being recognized as valued partners, their input is dismissed. Often their methods for data gathering are not recognized by authorities or corporations and they often lack the resources to continue monitoring activities through the life cycle of a project. This must be addressed by:

- **Governments** should actively incorporate communities in the process of monitoring and enforcement.
- **Companies**, particularly investors, should seek out and value community data about the impacts of a project.
- **Donors** and large NGOs should provide communities with resources to do simple monitoring of impacts. When appropriate, they can also support partnerships between communities and independent scientists or engineers.

Communities should have access to the legal support necessary to exercise their rights.

Decisions about project development involve large power imbalances between companies, governments, and impacted communities. In order to consent to what happens on their land and monitor the impacts properly, communities should have access to basic legal support. This includes the following:

- **Governments** should ensure that communities affected by development have access to independent legal support. For example, governments can require corporations to pay into a public fund that supports legal empowerment for communities whose land is at stake.
- **Corporations and investors** should set aside funds to enable frontline communities to secure independent legal support, so communities can understand their options and exercise their rights. This is key to genuine implementation of FPIC.
- **Donors** should support the legal empowerment of communities facing harm. One vehicle for doing so is the Legal Empowerment Fund, which launched in 2021 with the goal of investing \$100 million in grassroots justice efforts.
- **Civil society** should work with community paralegals or their equivalents, who can make law accessible and combine legal knowledge with organizing. CSOs should also help communities to collectively pursue improvements in laws and systems, based on patterns that emerge from across many cases.

Impacted communities should have the opportunity to lead a swift transition to a sustainable, climate-resilient economy based on their own vision

Large-scale investments and shifts in policy are necessary if we are to stay within 1.5 degrees of warming. As of now, we are not even close. The decision document from the most recent climate talks in Egypt notes a need for \$4-6 trillion in climate finance per year up to 2030, for example, as compared with the \$1 trillion per year that is invested currently. If we do not transition fast enough, everyone will suffer, and people who are more vulnerable will suffer disproportionately.

Many impacted communities are eager to lead the urgent work of the climate transition: stewarding nature; cleaning up legacy pollution; building alternative energy infrastructure; increasing resilience; shifting towards regenerative agriculture; building dense, disaster-proof housing; etc. Communities have been doing some of this work already, with little support. Development policy and climate finance should shift to recognize the knowledge and ability that already lies within communities, and to equip communities with the resources to lead going forward. An economy captured by powerful corporations is not sustainable.

- Governments should embrace development policy that is sustainable rather than extractive. Governments should pursue green, climate-forward economic opportunities and ensure that communities who have been harmed or excluded are able to access

them. Governments should also invest in community-driven approaches to climate resilience.

- Corporations and investors should take part in a rapid transition towards a low-carbon, more-sustainable economy. In doing so, they should focus on approaches that expand agency and ownership among communities facing harm, e.g. profit-sharing agreements and contracts with community-owned businesses. Corporations and investors should also also disclose accurate information about the actual employment opportunities and land implications of new industries, and the loss that will occur in other industries as a result.
- **Think tanks and international organizations** must do better to track not only what new investment is happening but who is benefiting, highlighting pathways to right historical injustice through new investments. They also need to provide more clear information about the land and labor requirements for the new economy in a way that allows communities and governments to make realistic planning decisions.

How we want to get there (Movement Approach)

We know that by sharing approaches and victories from communities across the globe we can spur innovation and progress in our own struggles. We also know that the challenges ahead require us to do more than learn from each other. We are facing urgent and systemic problems - like the climate crisis, authoritarianism, and unchecked corporate power- that require a collective response. We envision a global movement for environmental justice that builds power among and across communities facing harm. Together, we will accelerate the transition to a sustainable way of life.

Impacted communities as primary change makers

We believe that the fight to protect our planet needs to be centered on empowered, impacted communities. **Organized communities with knowledge of the law are our first line of defense against climate change and environmental destruction - and our best hope for a new economy that will sustain us all.** From protecting forests from destruction to stopping air pollution, communities sticking up for their own neighborhoods have knowledge of what is really happening that's impossible to replicate with top-down solutions. What's more, the leadership and insight that grow out of lived experience can and should shape large-scale reforms.

This means that our movement harnesses the knowledge and the leadership of the people who live at the frontlines of inequality and environmental destruction. These communities will be involved in shaping the movement and campaign activities and demands. As much as feasible, they will also be the voice and the face of the campaign. In the process of building this movement, impacted communities will be perpetually supported with information about the rules that govern what they are facing and ways of effectively organizing to create change. The campaign structure will include mechanisms to listen, respond, and provide feedback to and with communities as it is being built.

Feminist approach to making change and lifting voices

In building this movement, we recognize that often women's voices are not heard in decisions about land and development. At the same time, women tend to bear more negative impacts from extractive activities and climate change. In response, we will seek out women leaders and support bringing their nuanced views into discussions promoting change. We also will bring the discussion about the movement to where women are, from water filling stations to child care centers, so they have access to the campaign. We will also build in support for security and protection of women within communities, knowing that their needs for protection are likely to differ from those of men.

Supporting local struggles

The majority of our fight for environmental justice will happen in local and national spaces. A global campaign is not always well positioned to help solve local issues. We will follow the lead of local leaders and seek to get them the resources they need to be successful. This includes striving to create ways for communities to access information, technical support, platforms, and links to funding. We will invest in documenting and sharing the stories of these communities, to raise awareness of what's happening in one community and also to bring out the deep commonalities across similar struggles. When the movement is invited, and it would add value, we will seek to support local struggles by:

- Shaping alternative narrative in response to mainstream narratives that undermine the power and rights of communities.
- Spotlighting the country to spread relevant lessons and wins globally.
- Pursuing changes in corporate practices globally, which can lead to better corporate behavior locally.
- Bringing global attention to local actors to reduce threats and risks they face in their countries
- Activating citizens in countries where corporate decisions are made (e.g. expose the hypocrisy of their own governments and companies and mobilize support for impacted communities)

Pursuing system-wide change in global advocacy spaces

The patterns we see across communities and countries cry out for systemic responses that address corporate and government behaviors. We will seek to combine our power to selectively target global advocacy spaces that can impact the power imbalances impacted communities face. We will start with engaging in two spaces: Corporate Accountability and Climate Finance.

What are we asking for?

We are starting our movement within two advocacy spaces. Within those advocacy spaces we are in the process of articulating early campaign demands.

Corporate Accountability

In forums that set standards for corporate behavior, we hope to raise the bar for how corporations engage with communities and increase the costs for corporations that violate human rights. We intend to move opportunistically in these spaces initially to fold our campaign vision and community voices into existing business and human rights advocacy efforts. In the near term, this will include:

- **Emerging Corporate Due Diligence Laws must include the needs of impacted communities.** While there is lots of excitement about the potential of these emerging laws, they must be made more specific to respond to the land and environmental justice needs of communities. This would include:
 - Requiring full disclosure of what companies and investors are involved in a project
 - Requiring FPIC of all investments that is rooted in the communities' plans for development
 - Corporations and/or investors contribute to a third-party mechanism through which communities affected by their operations can access independent legal and technical support. This will reduce conflict and make corporate activity more equitable and sustainable. ;
 - Review of ownership must include recognition of all forms of tenure
 - Corporations must comply with national and traditional grievance redress mechanisms
 - Corporations and investors take responsibility for ensuring safety of impacted communities to speak out about investments and share their feedback without fear of retribution;
 - Monitoring done by communities recognized as a valuable data point for investment decision making
- **Support inclusive Binding Treaty for UN Guiding Principles on Business and Human Rights:** Emerging discussions about making a binding instrument on BHR must include the needs of impacted communities. This would include:
 - *Next steps:*
 - *Review previous drafts of Binding Treaty to see where our vision could intersect*

- *Attend inter-governmental group meeting Oct 24-28 this year*
- *Push national governments to accept this treaty*
- *Social media campaign using existing content to highlight importance of our vision*
- **Develop Regional Binding Agreements.** As they emerge, spaces to create regionally binding treaties could hold companies accountable in new ways.
 - *Upcoming opportunities:*
 - African Forum on Business and Human Rights is meeting before the negotiation in Geneva (ZELA). Reviewing other regional opportunities

Climate Finance

The fight to protect our planet needs to be centered on empowered communities. Our movement harnesses the knowledge and the leadership of the people who live at the frontlines of inequality and environmental destruction, especially women, to govern their land in ways that can mitigate and adapt to climate change. We have seen from the tireless work of our network members that legal empowerment – the process of communities knowing, using, and shaping the law – is a critical tactic to ensure that our transition to a new, green economy is just and swift. We believe that investments in climate finance are an opportunity to reshape how these communities are involved in the transition. In that advocacy space, we are asking for the following:

- **Dramatically increase public investment** so it is commensurate with the need. This includes funds to address losses and damages experienced by countries who have not caused climate change.
- **40% of climate finance investments should go to communities that bear the brunt of environmental harms.** This demand parallels the Justice 40 initiative in the United States, and is in line with the push for community-led adaptation. Currently, most climate finance goes to national governments and corporations. By driving investments towards impacted communities, we can harness their leadership and reverse historical injustice. In addition to investing in the work of mitigation and adaptation, funds are necessary to ensure that frontline communities have access to legal empowerment, so that they can engage corporate investors with confidence and shape local norms to protect their environmental resources.
- **Invest with consent and respond to the community's vision.** All climate investors must create provisions that require investments to have the genuine consent of the communities impacted by the investment and to engage the community to build their vision into the investment plan. Governments should also ensure that community consent is obtained in all forms of development.
- **Recognize and protect grassroots environmental justice advocates.** It must be [safe for impacted communities](#) to speak up about what they see happening on their land and their demands. Climate policy decision makers should seek out input from environmental rights defenders as a critical way to realize their climate goals. States and corporations should create meaningful steps to show their zero tolerance for reprisals against these advocates.