

Building impetus - Black Lives Matter and environmental law: Judy Ling Wong CBE

At a glance

This article looks at building impetus towards integrating diversity, equality and environmental law through addressing:

- The need to harness the power of citizens to play their role alongside professionals.
- The potential scope of environmental law within the vision of an environmentally friendly economic system.
- The identification of specific actions bridging the diversity, equality and environmental law sectors.

Diversity, equality and environmental law

We all operate within a battlefield of ideas. How we draw on our experiences to shape how we think determines how we act. Black Lives Matter has made its mark in powerfully touching the heart and connecting a vital message to the mind to work towards change. The expanse of global goodwill is staggering. But goodwill is never enough. There is work to be done to translate goodwill into effective action. Environmental law is one of the powerbases of our societal framework. Specifically, there is the fundamental task of finding the meaning of taking on the theme of diversity and equality in the context of this particular arena of expertise.

At the [Garner Lecture, on 4 November](#), I aspire to give impetus to the search for a dynamic relationship between environmental law, and diversity and equality. In this article, I will touch on various dimensions to set the scene. I will draw on how we may shape our responses to aspects of the impact of three dimensions of our present lives – Covid-19, climate change and Black Lives Matter.

Law is a prime locus of power within the framework of society. Parallel to it is another oft-unrecognised locus of power – emotion, the driver of action. The message of Black Lives Matter has shaken all of us. The combination of structures of power and emotion is formidable when they come together. Not so long ago, when the UK government proposed to sell off the national forest estate, a wave of emotion moved through the population, but most significantly, through those with intimate links to power, such as members of the National Trust. To them it was not acceptable to let go of forests, an essential component of their concept of the natural environment, and its place in their lives. The idea of losing the national forest estate struck at the centre of personal and national identity, at a way of life. The astonishing thing to note is that the UK government dropped the matter within three days. Paying attention to how we connect at the levels of hearts and minds is crucial to how we may successfully and strategically engage people, professionals or citizens to put effort into influencing the structures that determine whether something that is valued becomes or remains a living thriving reality.

At this point, I would like to bring to mind the fact that putting diversity and equality into place is not about doing a favour to particular groups of people. It is about the vision of a cohesive, inclusive and effective society of which we can all be proud. The impact of how George Floyd died is not the result of a single incident. Historically, the relationship of the USA police and people of colour has been a continuous trail of pain that stretches back to the transatlantic slave trade. The sudden prominence of Black Lives Matter is the combination of a most horrendous incident with a societal tipping point. All of our consciousness has been gathering force for some time. The UK also had its own notable experience around the murder of Stephen Lawrence, which fuelled many actions that have changed British society, and put the 'duty to promote race equality' into the legal framework.

Opportunities and questions

Against the pressure of 20th and 21st Century life, keeping even the most pressing societal issues at the top of the agenda is a challenge, so I welcome the opportunity to engage with you all on the complex journey before us. The three key experiences pushing at our consciousness for our attention at the present time are delivering an intriguing challenge. There are new forces beckoning us with the potential of forging very different solutions, with implications for the environmental law sector.

Firstly, the value of family and community is not somehow new, but the enforced retreat of the Covid lockdown has brought into sharp focus that, in a crisis, we are OK as long as what matters at the core of our lives - family and community relationships - are functioning well. The rest is paraphernalia. This consciousness, brought to the forefront of our minds, combines with another interesting aspect. Various of my middle class friends have been telling me stories of how they were astonished at the amount of money piling up in their bank accounts. Unable to go out and spend money on non-essentials, the monetary gap between themselves and the have-nots is plain to see. They have surprised themselves in their capacity in adapting to massive changes in their lives. Can this bear the potential of politicians grasping the willingness of more people to share and create a more equal society to create a sea change in tax policy? Sharing is at the heart of equality. The tragedy of contemporary life is that in a world of plenty, we refuse to share. Daily we watch people eating themselves to death while others line up at food banks. Through the lens of environment, poverty also leads to environmental degradation. The poor in many countries, just to cook, have to chop down trees. In the UK, the need for cheap food and goods coerce people to fuel environmentally aggressive practices that destroy soil, pollute our world, kill our bees, and attack health here and across our planet. Many are more ready for a set of different answers to ways of being and acting.

Question: how does the environmental law sector use this new readiness to engage differently to harness the power of people to play their role in the use of environmental law to protect nature and people?

Secondly, the reality of climate change keeps pushing at our doors of consciousness in the most dramatic way. These intense confrontations have combined with the experience of a partial collapse of our societal framework through Covid. There was the burning of Australia, and right now the wildfires in California. Here in the UK, there is flooding, continuing to get worse, and more often. So much so that taxi drivers are talking about building on flood plains. Heatwaves in cities cause unavoidable suffering and death. As the impact of elements of climate change and their increasing intensity manifests itself, there is no escape. The spectre of total societal collapse has become more real. But significantly, against all of this, the value of science is gaining prestige against the experience of Covid. The voice of science is beginning to gain traction in the public consciousness and the underpinning of policy. Many recognise that we can meet the massive changes with the potential of heading in another direction. We are talking about building back better to replace environmentally destructive activities with greener initiatives and savvy operational methods that create a different and flourishing economy.

Question: what is the scope and role of environmental law within a new vision of an environmentally friendly economic system, and what is the information, knowledge and support that ordinary people need to be effective, working in tandem with law?

Thirdly, Black Lives Matter accentuates the knowledge that we are fundamentally social beings, able to empathise and to be moved to commitment and action through emotional identification. It is feeding our motivation to seek understanding and to be a part of the diversity and equality movement. It is no news to any of us that in all environmental scenarios, the negative impact falls most heavily on the poor and on people of colour. We know all of this - whether it is local air pollution and other industrial pollution, lack of quality housing, overcrowding in localities with no access to green spaces or green elements, the depressing bleakness of neighbourhoods, educational debt, lack of youth services or activities, children that come to school hungry, the huge psychological burden of lack of hope because of discrimination in employment and promotion, or the damage to young people's sense of self from stop and search. The list just goes on. The George Floyd matter points to the fact that law is not enough. We need citizen vigilance. We need access to the understanding of the detail of law, how it fails us through lack of enforcement, or the flaws in structures for implementation, and what can be remedied. Above all we need environmental lawyers to defend us while they draw strength and inspiration from the presence and the power of diverse voices.

There is an extra dimension to diversity. Black and ethnic minorities are intrinsically local and global people. We have living links to their countries of heritage that fuel us with passion for issues in countries across the world. Racism wreaks suffering within a nation, and across the world as historically whole countries have been and are exploited without conscience because of the colour of people's skin.

Question: how will the environmental law sector identify the actions needed in terms of the enforcement of existing law, the formulation of new laws and the role of citizens, working across the sectors of environmental law, diversity and equality?

Moving into the future

It is important that we work to harness the emergence of motivating layers of consciousness. Covid has alerted us to interconnectedness, and the role of damage and encroachment on nature in creating pandemics. Climate change confronts us with an existential threat. Black Lives Matter has highlighted that suffering across all of this is not equal. Against all of these pressures, there are crucial elements of mass awakening that changes the dynamics for the better. Websites are full of statements of support for Black Lives Matter across all sectors. It is time to grasp the opportunity and look at the specific contribution of the environmental sector.

I have set the scene in this short piece, and invite you all to join with me at the Garner Lecture. Let's look at the scenario and the potential elements of a programme of activity. What other questions do we need to define the arena of our explorations and to move us towards the answers and the actions together? No doubt diverse citizen voices will be a key theme.

In the Chinese language, we do not have single-word adjectives, we have word phrases for adjectives. So, what we have for 'an educated person' is 'a person that has learnt to ask questions'. I often find that if one can formulate a good question, one is already halfway to the answer.

I look forward to engaging with you all to move us all into a more optimistic and brighter future.

Judy Ling Wong, painter, poet and environmentalist is best known as the Honorary President of Black Environment Network (BEN). She was awarded an OBE for pioneering multicultural environmental participation in 2000, and a CBE for services to heritage in 2007.