

# **Natural Resources and Access to Justice: Ensuring Inclusion and Environmental Democracy in the Global South**

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**Natural Resources and Access to Justice: Ensuring Inclusion and Environmental Democracy in the Global South**

**Kariuki Muigua\***

**Abstract**

*This paper discusses how the ideal of sound natural resources management can be attained in the Global South. The paper observes that the Global South is endowed with natural resources. It argues that if sustainably harnessed and equitably managed, the abundance of natural resources in the Global South can be a driver of socio-economic growth and human progress. However, the paper notes that the Global South is yet to reap full benefits from its rich natural capital. It examines the challenges hindering the sustainable use and management of natural resources in the Global South. In light of these challenges, the paper notes that strengthening access to environmental justice is important towards safeguarding the Global South's natural capital for peoples and planet. It discusses how inclusion and environmental democracy can be fostered in the Global South towards harnessing natural resources for peace, justice and development.*

**1.0 Introduction**

The abundance of natural resources in a country is associated with development and human progress. It has been observed that natural resources provide raw materials for many industries while also supporting livelihoods thus fostering economic growth<sup>1</sup>. The sustainable use of natural resources has long been considered a fundamental element of both human rights and economic development<sup>2</sup>. For instance, it has been noted that if well managed, natural resources including oil, gas, forests, land, water and minerals can

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<sup>1</sup> Muigua. K., Wamukoya. D & Kariuki. F., 'Natural Resources and Environmental Justice in Kenya.' Glenwood Publishers Limited, 2015

<sup>2</sup> International Institute for Sustainable Development., 'The Sustainable Use of Natural Resources: The Governance Challenge' Available at <https://www.iisd.org/articles/deep-dive/sustainable-use-natural-resources-governance-challenge> (Accessed on 01/01/2026)

propel economic and social transformation at all levels<sup>3</sup>. In addition, natural resources provide humanity with vital services including food, water, energy and medicines therefore fostering human health and well-being while also supporting fundamental human rights<sup>4</sup>.

Due to their fundamental importance for humanity, natural resources have been described as the foundation of social and economic development and human progress and prosperity<sup>5</sup>. Consequently, the abundance of natural resources is regarded as a great advantage for a country's economic and social development, while resource shortage is associated with underdevelopment<sup>6</sup>. Equitable management of natural resources at all levels can therefore drive Sustainable Development. The United Nation's *2030 Agenda for Sustainable Development*<sup>7</sup> acknowledges that social and economic development all over the world depends on the sustainable use and management of the planet's natural resources<sup>8</sup>.

However, the ideal of sound natural resources management is yet to be attained globally particularly in the Global South. It has been observed that poor management of natural resources is fuelling several challenges including resources depletion, environmental degradation, water scarcity, biodiversity loss, deforestation and climate change while

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<sup>3</sup> Organisation for Economic Co-operation and Development., 'Natural Resources and Development' Available at <https://www.oecd.org/en/topics/sub-issues/natural-resources-and-development.html#:~:text=If%20well%20managed%2C%20oil%2C%20gas,economic%2C%20social%20and%20environmental%20hazards>. (Accessed on 01/01/2026)

<sup>4</sup> Muigua. K., Wamukoya. D & Kariuki. F., 'Natural Resources and Environmental Justice in Kenya.' Op Cit

<sup>5</sup> United Nations Environment Programme., 'Sustainable Natural Capital' Available at <https://www.unep.org/regions/asia-and-pacific/regional-initiatives/supporting-resourceefficiency/sustainable-natural> (Accessed on 01/01/2026)

<sup>6</sup> Bridge. G., 'Natural Resources' *International Encyclopedia of Human Geography*, 2009., pp 261-268

<sup>7</sup> United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 01/01/2026)

<sup>8</sup> Ibid

also causing and worsening conflicts<sup>9</sup>. Sound management of natural resources is therefore a vital agenda in the Global South in the pursuit of Sustainable Development.

This paper discusses how the ideal of sound natural resources management can be attained in the Global South. The paper observes that the Global South is endowed with natural resources. It argues that if sustainably harnessed and equitably managed, the abundance of natural resources in the Global South can be a driver of socio-economic growth and human progress. However, the paper notes that the Global South is yet to reap full benefits from its rich natural capital. It examines the challenges hindering the sustainable use and management of natural resources in the Global South. In light of these challenges, the paper notes that strengthening access to environmental justice is important towards safeguarding the Global South's natural capital for peoples and planet. It discusses how inclusion and environmental democracy can be fostered in the Global South towards harnessing natural resources for peace, justice and development.

## **2.0 Natural Resources and Access to Justice in the Global South: Opportunities and Challenges**

The Global South is one of the most resource-rich regions in the world. The Global South is endowed with diverse natural resources including minerals, fossil fuels (coal, oil and gas), water, forests and arable land<sup>10</sup>. It has been observed that countries in the Global South have different endowments and dependencies on different natural resources<sup>11</sup>. For example, Africa is endowed with vast natural resources including arable land, water, oil, natural gas, minerals, forests and wildlife<sup>12</sup>. It has been observed that Africa holds a huge

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<sup>9</sup> Ibid

<sup>10</sup> United Nations Environment Programme., 'Our Work in Africa' Available at <https://www.unep.org/regions/africa/our-work-africa> (Accessed on 02/01/2026)

<sup>11</sup> Natural Resources, Energy and Climate Obstruction in the Global South., Available at [https://cssn.org/working-groups/fossil-fuels-and-climate-obstruction-in-the-global-south/#:~:text=Global%20South%20countries%20have%20different%20endowments%20and,Indigenous%20peoples%2C%20activists%2C%20and%20civil%20society%20organizations\\*\\*](https://cssn.org/working-groups/fossil-fuels-and-climate-obstruction-in-the-global-south/#:~:text=Global%20South%20countries%20have%20different%20endowments%20and,Indigenous%20peoples%2C%20activists%2C%20and%20civil%20society%20organizations**) (Accessed on 02/01/2026)

<sup>12</sup> United Nations Environment Programme., 'Our Work in Africa' Op Cit

proportion of the world's natural resources including both renewable and non-renewable resources<sup>13</sup>.

Further, it has been observed that throughout the history of the Latin America and Caribbean (LAC) region, natural resource wealth has been critical for its economies<sup>14</sup>. The LAC region is rich in natural resources including oil, metals, copper, silver, sugar, rubber, grains and coffee which have played a significant role in the economic growth of the region while also exposing it foreign conquest in the past centuries<sup>15</sup>. It is estimated that the LAC region is home to nearly 20 percent of the world's oil reserves, 25 percent of several strategic metals and 30 percent of the world's primary forests<sup>16</sup>. Further, the Asian region possesses immense resource wealth including vast deposits of fossil fuels in the Middle East, numerous minerals, forests, fisheries, arable land and water<sup>17</sup>.

The abundance of natural resources in the Global South provides immense opportunities to drive development and prosperity. For example, it has been observed that natural resources account for a significant share of the national wealth in most countries in the Global South<sup>18</sup>. Further, natural resources generate employment and support the livelihoods of millions of people all over the Global South<sup>19</sup>. In particular, indigenous peoples and local communities who primarily live in the Global South heavily depend

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<sup>13</sup> Ibid

<sup>14</sup> World Bank Group., 'Natural resources in Latin America and the Caribbean : beyond booms and busts? (English)' Available at <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/464161468012034300> (Accessed on 02/01/2026)

<sup>15</sup> Ibid

<sup>16</sup> United Nations Economic Commission for Latin America and the Caribbean., 'Natural Resources Outlook in Latin America and the Caribbean. Executive summary' Available at <https://www.cepal.org/en/publications/48997-natural-resources-outlook-latin-america-and-caribbean-executive-summary#:~:text=Abstract,reconsidered%20role%20of%20natural%20resources>. (Accessed on 02/01/2026)

<sup>17</sup> Natural Resources of Asia., Available at <https://www.nextgurukul.in/wiki/concept/icse/class-8/geography/asia-peoples-and-their-economic-activities/natural-resources-of-asia/3964454> (Accessed on 02/01/2026)

<sup>18</sup> United Nations Environment Programme., 'Our Work in Africa' Op Cit

<sup>19</sup> United Nations Economic Commission for Latin America and the Caribbean., 'Natural Resources Outlook in Latin America and the Caribbean. Executive summary' Op Cit

on natural resources including forests, land and freshwater resources for the livelihoods and well-being<sup>20</sup>. The abundance of natural resources in the Global South provides opportunities for job creation, industrialization, Sustainable Development and human well-being<sup>21</sup>. It has been observed that if sustainably harnessed, natural resources can finance the development agenda in the Global South towards greater prosperity<sup>22</sup>.

Despite being endowed with natural resources, the Global South is yet to fully harness and utilise its natural capital for Sustainable Development. For example, illegal activities such as illegal mining, unregulated fishing and illegal trade in wildlife are causing significant losses of natural capital in the Global South<sup>23</sup>. Further, unsustainable use and extraction of natural resources is contributing to environmental threats in the Global South such as deforestation, land degradation, pollution, biodiversity loss and climate change<sup>24</sup>. In addition, vulnerable groups including indigenous peoples and local communities are often excluded from environmental and natural resource decision-making processes undermining equity, justice and inclusivity in resource governance<sup>25</sup>. It has been observed that marginalized and vulnerable groups including women, the youth, indigenous peoples and local communities suffer persistently low levels of representation and participation in environmental decision-making processes in the Global South undermining the ideal of environmental democracy<sup>26</sup>. Further, in most

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<sup>20</sup> Guardians of the Earth: The Essential Role of Indigenous Peoples in the Protection of Natural Resources., Available at <https://globalgoals.org/news/guardians-of-the-earth-the-essential-role-of-indigenous-peoples-in-the-protection-of-natural-resources/> (Accessed on 02/01/2026)

<sup>21</sup> United Nations Economic Commission for Latin America and the Caribbean., 'Natural Resources Outlook in Latin America and the Caribbean. Executive summary' Op Cit

<sup>22</sup> United Nations Environment Programme., 'Our Work in Africa' Op Cit

<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> International Institute for Environment and Development., 'Indigenous Peoples are the real solutions to the nature and climate crises' Available at <https://www.iied.org/indigenous-peoples-are-real-solutions-nature-climate-crisis#:~:text=Indigenous%20territories%2C%20which%20cover%2037,of%20them%20were%20Indigenous%20Peoples.> (Accessed on 02/01/2026)

<sup>26</sup> United Nations Development Programme., 'Environmental Governance: Bolstering inclusive and effective governance systems that champion environmental justice and sustainability' Available at <https://www.undp.org/nature/our-work-areas/environmental-governance> (Accessed on 02/01/2026)

cases, benefits from natural resources in the Global South are not shared equitably fuelling conflicts and injustices<sup>27</sup>.

In light of the foregoing challenges, it is imperative to foster inclusion and environmental democracy in the Global South in order to harness its vast resource potential for justice, peace and development.

### **3.0 Ensuring Inclusion and Environmental Democracy in the Global South**

The abundance of natural resources in the Global South offers opportunities to accelerate progress towards Sustainable Development. If sustainably harnessed, natural resources including minerals, oil and gas, water, land and forests can drive socio-economic growth and human prosperity in the Global South<sup>28</sup>. However, challenges such as unsustainable resource extraction, illegal use of natural resources, corruption and inequitable benefit-sharing are undermining the role of natural resources as drivers of Sustainable Development in the Global South<sup>29</sup>.

In order to effectively harness natural resources and drive Sustainable Development in the Global South, it is imperative to enhance access to justice. In particular, it has been observed that access to environmental justice is vital in ensuring just treatment and meaningful involvement of all people in environmental decision-making processes in order to ensure full protection from disproportionate environmental and health impacts, foster equitable access to natural resources and ensure the attainment of the right to a clean, healthy and sustainable environment<sup>30</sup>. Environmental justice ensures that every person has access to natural resources; does not suffer disproportionately from

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<sup>27</sup> Mwanika. P.A.N., 'Natural Resource Conflict: Management Processes and Strategies in Africa' Available at <https://www.files.ethz.ch/isn/136685/PAPER216.pdf> (Accessed on 02/01/2026)

<sup>28</sup> United Nations Environment Programme., 'Our Work in Africa' Op Cit

<sup>29</sup> Ibid

<sup>30</sup> Environmental Justice Factsheet., Available at <https://css.umich.edu/publications/factsheets/sustainability-indicators/environmental-justice-factsheet> (Accessed on 02/01/2026)

environmental policies, laws and regulations; and has the right to environmental information, participation and involvement in decision-making processes<sup>31</sup>. Access to environmental justice is therefore key in ensuring that natural resources in the Global South are sustainably harnessed for the benefit of every person while also fostering the meaningful involvement of multiple stakeholders in environmental decision-making processes.

Ensuring inclusion and environmental democracy in the Global South can therefore strengthen access to environmental justice for people and planet. For example, it has been observed that fostering the meaningful involvement of all stakeholders including indigenous peoples, local communities and rural women in the management of natural resources can ensure sustainable outcomes for peace, justice and development<sup>32</sup>. Indigenous peoples, local communities and rural women in the Global South have for many centuries used indigenous and local knowledge to ensure sound management of natural resources by curbing threats such as deforestation, pollution, biodiversity loss, overfishing and land degradation<sup>33</sup>. Fostering the inclusion of vulnerable groups such as indigenous peoples and local communities who heavily depend on natural resources for the livelihoods can therefore ensure sound environmental governance for justice and development.

In addition, fostering environmental democracy in the Global South can ensure that natural resources are equitably managed and sustainably harnessed. Environmental democracy is based on the idea that environmental and natural resource decisions must

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<sup>31</sup> Ako. R., 'Resource Exploitation and Environmental Justice: the Nigerian Experience' Available at <https://www.elgaronline.com/display/edcoll/9781848446793/9781848446793.00011.xml> (Accessed on 02/01/2026)

<sup>32</sup> Egeruoh-Adindu. I., 'Leveraging Indigenous Knowledge for Effective Environmental Governance in West Africa.' Available at <https://www.scirp.org/journal/paperinformation?paperid=121949#:~:text=Indigenous%20knowledge%20systems%20such%20as,effective%20in%20promoting%20environmental%20sustainability> (Accessed on 02/01/2025)

<sup>33</sup> Ibid

involve all citizens and should adequately and equitably address the needs and interests of all stakeholders<sup>34</sup>. It asserts that meaningful participation by all stakeholders including the public is critical in ensuring that decisions related to the environment and natural resources adequately and equitably address the interests of all citizens towards sound environmental governance and Sustainable Development<sup>35</sup>. It has been observed that environmental democracy covers three fundamental rights and obligations in respect of the environment and natural resources<sup>36</sup>. These include the ability for people to freely access environmental information<sup>37</sup>; to participate meaningfully in decision-making relating to the environment<sup>38</sup>; and to seek enforcement of environmental laws or compensation in respect of environmental harms<sup>39</sup>.

It has been argued that realising environmental democracy through enhanced access to information, meaningful involvement of the public in environmental decision-making processes, and access to adequate remedies is vital in bolstering environmental governance and addressing global environmental challenges including the triple planetary crisis of climate change, pollution, and biodiversity loss<sup>40</sup>. Strengthening environmental democracy in the Global South can thus ensure sound management of the environment and natural resources for equity, justice and development. This ideal involves ensuring broad access to information concerning the environment that is held by both public and private authorities in order to enable citizens to effectively participate in environmental decision-making processes<sup>41</sup>. It also requires meaningful involvement

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<sup>34</sup> Center for International Environmental Law., 'Environmental Democracy and Access Rights' Available at <https://www.ciel.org/issue/environmental-democracy-access-rights/> (Accessed on 02/01/2026)

<sup>35</sup> Worker. J., & Ratte. S., 'What Does Environmental Democracy Look Like?' Available at <https://www.wri.org/insights/what-does-environmental-democracy-look> (Accessed on 02/01/2026)

<sup>36</sup> Center for International Environmental Law., 'Environmental Democracy and Access Rights' Op Cit

<sup>37</sup> Ibid

<sup>38</sup> Ibid

<sup>39</sup> Ibid

<sup>40</sup> WFD's approach to environmental democracy., Available at [https://www.wfd.org/sites/default/files/2021-11/Global-environmental-crises-a-democratic-response\\_WFD\\_2020-updated.pdf](https://www.wfd.org/sites/default/files/2021-11/Global-environmental-crises-a-democratic-response_WFD_2020-updated.pdf) (Accessed on 02/01/2025)

<sup>41</sup> United Nations General Assembly., 'Report of the United Nations Conference on Environment and Development: Rio Declaration on Environment and Development.' A/CONF. 151/26 (Vol.1)

and participation of all stakeholders including women, the youth, indigenous peoples and local communities in environmental governance in order to improve the quality of environmental decisions including the management of natural resources<sup>42</sup>. Further, environmental democracy requires countries in the Global South to ensure access to justice in environmental matters through both formal and informal channels in order to enable citizens to access remedies in cases where environmental rights have been breached<sup>43</sup>. For example, it has been observed that utilising appropriate dispute resolution mechanisms such as mediation and negotiation can enhance access to justice by enabling all stakeholders to collaborate in the management of natural resources<sup>44</sup>.

#### **4.0 Conclusion**

The abundance of natural resources in the Global South provides immense opportunities to drive Sustainable Development. However, in light of poor management of natural resources, it is imperative to strengthen access to environmental justice in order to protect people and planet<sup>45</sup>. Achieving this ideal involves ensuring the inclusion of all stakeholders in environmental governance<sup>46</sup>. It also involves fostering environmental democracy through access to information, public participation and access to justice in environmental matters<sup>47</sup>. Ensuring inclusion and environmental democracy in the Global South is therefore a practical and achievable endeavour towards sustainable use and management of natural resources for justice and development.

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<sup>42</sup> Ibid

<sup>43</sup> WFD's approach to environmental democracy., Op Cit

<sup>44</sup> Muigua. K., 'Attaining Environmental Justice through Alternative Dispute Resolution' Available at <https://kmco.co.ke/wp-content/uploads/2023/07/Attaining-Environmental-Justice-through-Alternative-Dispute-Resolution.pdf> (Accessed on 02/01/2025)

<sup>45</sup> Ako. R., 'Resource Exploitation and Environmental Justice: the Nigerian Experience' Op Cit

<sup>46</sup> Egeruoh-Adindu. I., 'Leveraging Indigenous Knowledge for Effective Environmental Governance in West Africa.' Op Cit

<sup>47</sup> United Nations General Assembly., 'Report of the United Nations Conference on Environment and Development: Rio Declaration on Environment and Development.' Op Cit

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