THE ROLE OF NGOS IN SUPPORTING CIVIL ACTION ON SUSTAINABILITY
Overview

• Introduction to ECF’s Governance Cluster

• Why do NGOs need to support civil action on sustainability?

• Where have NGOs been successful, and what are the major gaps that we still need to fill?

• How can NGOs rise to the opportunity to bring about systemic change?
Introduction to the European Climate Foundation

Sector Programmes
- Power
- Energy Efficiency
- Transportation

Cross-cutting Initiatives/Clusters
- Coal Cluster
- Energy Union Cluster
- Industrial policy
- Finance Cluster

- Internalization of externalities
- Governance Cluster

Geographic Initiatives/Political Strategy
Focus on Brussels-Berlin-London-Paris-Warsaw
Grantee community in a snapshot – 120 in total
Why do NGOs need to support civil action on sustainability?

• To give a voice (and teeth!) to those who would otherwise remain unheard

• To ask the difficult questions others are not able or willing to

• To provide an overarching strategy linking individual actions

• To source and explain the evidence bases needed to give credibility to legal action

• To protect all facets of the “EU Citizen”, and to succeed where the market or institutions fail them
Where have we been successful, and what are the gaps that NGOs still need to fill?

✓ Action against unlawful non-compliance: e.g. breaches of Directives

✓ Recent developments: successful “action against inaction” challenging governments and regulators

✓ Triggering new debates over duties/standards of care and long-term planning, with public support

✗ Market interventions and market abuse are undermining environmental law efforts (e.g. security of supply)

✗ Use of broader range of legal tool still underdeveloped across the field. E.g. State aid, competition law, market regulation, procurement, fiduciary duties, human rights, property rights, digital rights

✗ Need to predict and respond effectively to use of those tools and rights by polluters. Action against companies more tricky than governments
How can NGOs rise to the opportunity to bring about systemic change?

- Systemic change requires knowledge of how the system is played and manipulated – use competition/markets analysis to achieve environmental ends.

- The evidence base/timing conundrum can be addressed using a comprehensive legal strategy to predict and prepare for litigation opportunities in advance.

- Some of our core cultural beliefs and guiding principles may need to be challenged, including attitudes to litigation; collaborating with commercial entities; and territories deemed appropriate for civil society. New ethics/justice issues will arise.

- There is an urgent need to build capacity in the field in order to: foster new areas of expertise; introduce governance dimension to policy strategies; educate funders on the new challenged and establish stronger links with market innovators, investors and consumer groups.
Conclusions: Role of NGOs going forward

- NGOs are successfully breaking new ground using environmental law action to tackle regulatory/political inertia and to enforce new standards of care.

- But progressing from litigating against the state to disrupting vested interests and reallocating resource for the transition will require NGOs to boldly enter new frontiers of market manipulation.

- This means developing new capacity and specialist expertise in the field. Corresponding changes may be needed within our organisations to ensure readiness and to resolve complex and uncomfortable ethical issues.

- This will be challenging and in some places controversial for NGOs, but the potential impact of using market tools to dismantle incumbent blockers is game-changing.
Nothing worth doing is ever easy. NGOs are up to the challenge.

Dark and difficult times lie ahead. Soon we must all face the choice between what is right and what is easy.
THANK YOU

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