

Legal Governance and Social Inclusion in the Implementation of the Sustainable Development Goals in Latin America

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Abstract

The implementation of the Sustainable Development Goals (SDGs) requires robust legal frameworks that ensure inclusive participation and accountability. This paper explores how legal governance contributes to social inclusion in the context of Latin American democracies. By analyzing the regulatory mechanisms, institutional frameworks, and participatory processes employed in SDG implementation, the paper identifies patterns of progress and barriers to inclusive legal governance. The findings suggest that although constitutional reforms and policy adaptations have incorporated sustainability objectives, significant challenges remain in ensuring legal certainty, procedural justice, and equity for marginalized populations. Recommendations are offered to strengthen the rule of law in sustainable development strategies, with an emphasis on rights-based approaches.

Keywords: legal governance; sustainable development; sdgs; social inclusion; latin america

Introduction

The 2030 Agenda for Sustainable Development has reaffirmed the role of law in shaping equitable, peaceful, and inclusive societies. Legal governance—defined as the interplay of laws, institutions, and participatory mechanisms—plays a central role in translating the SDGs into national commitments. In Latin America, the legal adaptation of sustainability principles has occurred amid social unrest, institutional fragility, and growing demands for justice and inclusion. This paper examines how national legal systems in Latin America incorporate the SDGs, focusing on mechanisms that enable or restrict the participation of vulnerable groups. The analysis addresses legal pluralism, constitutional mandates, public policy instruments, and jurisprudential developments to assess their contribution to inclusive governance.

Methodology

A qualitative comparative analysis (QCA) was employed to review and interpret legal and institutional frameworks in five Latin American countries:

Mexico, Colombia, Brazil, Chile, and Argentina. The study involved three components:

1. Documentary review of national development plans, constitutional texts, and sustainability laws.
2. Content analysis of participatory legal instruments (e.g., public hearings, ombudspersons, citizen observatories).
3. Key informant interviews with legal scholars, policy makers, and civil society actors (n = 12).

Data were coded according to themes of legal accessibility, procedural inclusion, and enforcement mechanisms.

Results

Country	Constitutional Mandate	Participation Mechanism	Legal Enforcement Level
Mexico	Art. 25 & 26 (Planning Law)	National Council for SDG Implementation	Moderate
Colombia	National Development Plan 2018–2022	Citizen oversight committees	High
Brazil	Agenda 2030 National Commission	Participatory budgeting	Moderate
Chile	Constitutional reform (2023)	Digital citizen consultations	Low

Argentina	National Cabinet on SDG	Provincial forums on sustainability	Moderate
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Table 1: Comparative Overview of Legal Mechanisms for SDG Inclusion

Interview Excerpt: “Even when participatory spaces exist on paper, procedural barriers and legal illiteracy limit effective inclusion. People do not know how to demand their rights through these mechanisms.” (NGO director, Mexico City)

Discussion

The comparative analysis reveals a fragmented legal landscape. While all countries have aligned national strategies with the SDGs, the depth and quality of legal participation vary. In Mexico and Colombia, formal structures exist but are limited by bureaucratic opacity and centralized decision-making. Brazil and Argentina exhibit greater territorial articulation but suffer from weak enforcement. Chile's recent constitutional process opened new avenues for environmental and social rights, yet its implementation remains tentative. Legal governance in these settings is constrained by historical inequities, weak rule of law, and technocratic policymaking. However, participatory innovations—such as citizen observatories and judicial activism—offer promising paths toward inclusive governance.

Conclusion

Strengthening legal governance in Latin America is critical to achieving the SDGs, especially in contexts marked by inequality and exclusion. The legal

system must evolve from a prescriptive instrument to an enabling one—facilitating access to justice, empowering civil society, and institutionalizing participation. A rights-based approach to SDG implementation can help bridge the gap between legal norms and social realities, ensuring that no one is left behind.

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