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# ***Just Transition***



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# *Just Transition*



# 3 Levels of Just Transition Activity

**International**



**National**



**Local**





# *The Just Transition to a Low-Carbon Economy*

Forms of Justice: Distributive, Procedural, Recognition, Restorative, and *Cosmopolitan Justice*

"I am a citizen of the world."

Greek philosopher

Diogenes of Sinope

3<sup>rd</sup> Century BC.



DIOGENES .



# Significant Agreement - Paris COP21 Agreement (2015)



01-12 NOV 2021  
GLASGOW

**COP26**



# *Energy Law - Impact beyond borders*

## *Australia – March 2019*

Landmark Australian ruling rejects coal mine over global warming

<https://www.nature.com/articles/d41586-019-00545-8>

Gloucester Resources Limited v Minister for Planning [2019] NSWLEC 7

<https://www.caselaw.nsw.gov.au/decision/5c59012ce4b02a5a800be47f>

### *Preston CJ noted that*

[t]he proposed mine has divided the community of Gloucester. Of the submissions on the amended development application, 90% opposed the mine and of the submissions from the Gloucester postcode, **83% opposed the mine**. They are concerned about the noise and dust impacts of the mine, the adverse impacts on the visual amenity and rural and scenic character of the valley, and the social impacts on the community. They are also concerned that **the opening of a new coal mine will contribute to climate change**. The supporters of the mine primarily invoke the economic benefits that a new mine will bring, including local employment and expenditure. (Gloucester Resources Limited v Minister for Planning [2019] NSWLEC 7, para. 6.)



# Kenya - Coal

- First coal plant stopped in June 2019 (Chinese financed)
  - \$2billion project
  - National Environmental Tribunal – outright disregard of public participation

September 22, 2021  
9:53 AM IST  
Last Updated a day ago

## Energy

# China's overseas coal power retreat could wipe out \$50 bln of investment

- ***Big Signal to investor community***



# Big Challenges Ahead for Energy Companies (Sep 2021)



## Energy multinationals challenged by the growth of human rights

The recent ruling in a Dutch court that Shell must curb its CO<sub>2</sub> emissions is the latest in a series of legal moves bringing human rights concerns to bear on energy activities. This trend will have profound consequences for energy developments and for meeting climate goals.

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In May 2021 in the Netherlands, the legal courtroom decision on the *Milieudefensie et al. v Royal Dutch Shell*<sup>1</sup> case resulted in Shell being ordered to reduce its CO<sub>2</sub> emissions by 45% by 2030 from 2019 levels. Shell's corporate climate strategy had only aimed for limited action on tackling climate change, with an ambition to reduce carbon intensity by 20% (with 2016 as a baseline) by 2030. Clearly, this was no longer satisfactory for the Dutch court who stated it needed to reduce its global emissions instead, recognizing that Shell is a global energy actor and that reducing carbon intensity is a weaker goal.







# ***Just Transition @ national level***

## **The Legal Solution?**

- **Creation of a Just Transition Commission**
- **Just Transition Commission (force legal change) – Scotland, Ireland, Germany, New Zealand, South Africa, US, Spain,**



# ***Just Transition @ national level***

## **Key Questions**

- **Policy Planning & Impact**
- **In Law: A Public Administrative Unit:**
  - **But what specific legislative powers?**
  - **Who are the members of the Unit?**
  - **What are the goals and target of the Unit? Will these be binding?**



# ***Just Transition @ Local level***

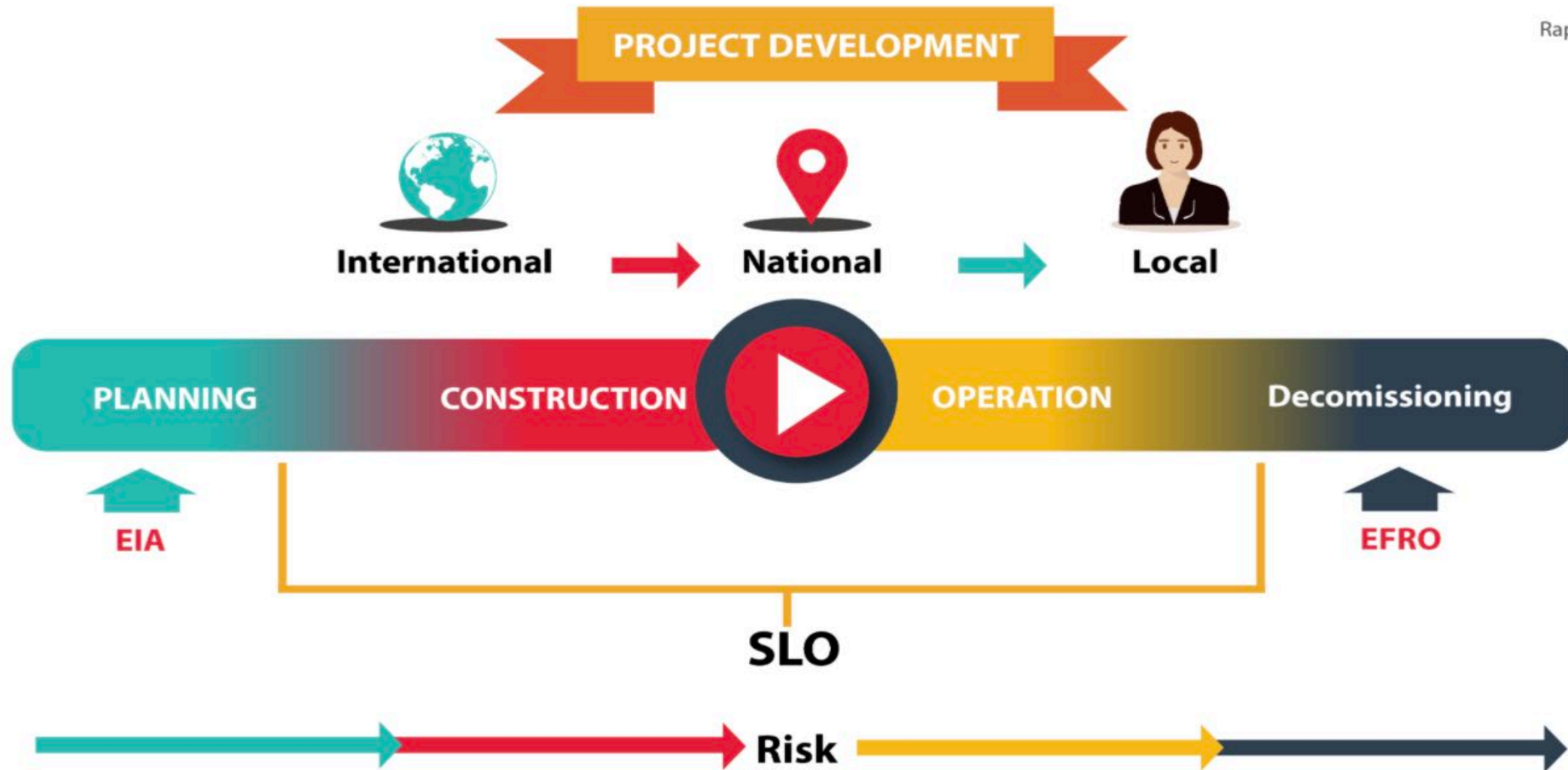
**Legislation already exists?**

- **Regional Development**
- **Strategic Environmental Assessments**
- **Policy Alignment – eg. Waste management & decommissioning happens from the outset**



# All the issues that count

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Thank you

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*"The problems of the world cannot possibly be solved by skeptics or cynics whose horizons are limited by the obvious realities. We need men who can dream of things that never were."*

John F. Kennedy

***The greater danger for most of us lies not in setting our aim too high and falling short; but in setting our aim too low, and achieving our mark***

Michelangelo