



# JUST TRANSITION AND INTERNATIONAL LAW

Conference 7-8 September 2023

Dalhousie Building  
University of Dundee

[www.dundee.ac.uk/locations/dalhousie-building](http://www.dundee.ac.uk/locations/dalhousie-building)

Climate change threatens humanity and supporting ecosystems.

International and regional legal and policy frameworks, governments, development actors and the private sector are striving to deliver a global green energy transition.

Several international instruments affirm that this transition must be 'just' and align with wider sustainable development objectives and human rights norms.

The 2015 Paris Agreement, for example, acknowledges 'the imperatives of a just transitions of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities', while the UN 2030 Agenda and Sustainable Development Goals combine green energy transition and other environmental objectives with wide-ranging social and economic targets.

Self-evidently, measures to secure a systemic shift toward a lower carbon economy affects all countries, regions, industries, and communities.

The idea of a just transitions evokes policies that are designed and implemented in line with international principles, such as equity, participation, transparency and inclusion, and international human rights.

But the law, policy and scholarship on 'just transitions' are nascent and fragmented.

There are sizeable knowledge gaps over the underlying conceptual architecture, economic, institutional, and social implications of a just transitions, at international, regional and national levels.

The conference will analyse challenges raised by just transitions to a low-carbon economy in, and for, international law. These challenges will be considered in five panels, focusing on:

- Human Rights and Just Transitions
- Just Transitions and Business
- Just Transitions and International Economic Law
- Global Perspectives on Just Transitions
- Just Transitions Litigation

### **Keynote Speeches**

The conference includes two keynote speeches delivered by **Professor Freya Baetens**, Bonavero Institute of Human Rights, University of Oxford, and **Judge Tim Eicke** (online), the European Court of Human Rights.

### **International Law in Scotland**

The Dundee conference follows conferences in International Law hosted by the Universities of Aberdeen in 2022, Edinburgh in 2019 and Glasgow in 2018 and is generously sponsored by the **Society of Legal Scholars** the **Clark Foundation** the **Institute for Social Sciences Research** and the **Just Transition Hub**.

## CONFERENCE PROGRAMME

**7 September**

| Time          | Event   |
|---------------|---|
| 09.30 - 10.00 | <b>Registration</b>   |
| 10.00 - 10.15 | <b>Welcome</b>  |
| 10.15 - 12.00 | <p><b>Panel 1: Human Rights and Just Transition</b> - Chair Irene Couzigou, University of Aberdeen</p> <p style="text-align: center;"><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• Marlene Payva - Rethinking Nature Amidst Climate Crisis: A Human Rights Law Perspective (online)</li> <li>• BKM Kayasekera - The Office for Reparations Act in Sri Lanka to achieve Sustainable Development Goals: A Snowball of Transnational Justice? - Video (online)</li> <li>• Misan Afinotan - Just Transitions in the Anthropocene: Human Rights and Environmental Justice Challenges for Resource-Dependent Countries in Africa</li> <li>• Piers Reilly - Justice requires Participation: The integration of Agency into government decision making as a route to protecting and advancing Human Rights.</li> </ul>   |
| 12.00 - 13.00 | <b>Lunch</b>  |
| 13.00 - 14.30 | <p><b>Panel 2: Just Transition and Business</b> - Chair Claire Methven O'Brien, University of Dundee</p> <p style="text-align: center;"><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• Alexandra R Harrington - Multisectoral Just Transitions to a Low Carbon Economy in a Post-Pandemic World</li> <li>• Caroline Lichuma - The Vernacularization of the Just Transition Concept: A Role for National Action Plans on Business and Human Rights</li> <li>• Larry Catá Backer - The Just Transitions of Risk–Human Rights, Sustainability and the ESG Wars</li> <li>• Zoumpoulia Amaxilati - Decarbonisation of the Shipping Industry, Just Transition, and the Role of International Maritime Labour Law</li> <li>• Claire Methven O'Brien and Nelson Goodnews Ologhadien, Climate Change Mitigation, Investment and Human Rights: The Emerging Legal and Policy Framework.</li> </ul> |
| 14.30 - 15.00 | <b>Break</b>  |
| 15.00 - 16.30 | <p><b>Panel 3: Just Transitions and International Economic Law</b> - Chair Sufyan El Droubi, University of Dundee</p> <p style="text-align: center;"><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• Matteo Fermeglia, Claudia Wortmann - A Full and Just Reparation? Rethinking the Standards For Compensation in International Investment Law Against the Energy Transition</li> </ul>  |

|               |  |
|---------------|--|
|               | <ul style="list-style-type: none"> <li>• Melike Yavuz Dalgic - Just Transitions and Investor's Public Health Obligations: Examining Investor Responsibilities in Promoting Health Equity during Sustainable Transitions (online)</li> <li>• Anna Butenko - Network Codes and Guidelines in the Energy Community Contracting Parties: Just Transition Path to European Energy Market?</li> <li>• Diana María Beltrán-Vargas, Mariana Jaramillo Puentes - The Reach of Environmental Clauses in Investment Treaties for a World in Crisis (online)</li> <li>• Monika Feigerlová - The Modernised Energy Charter Treaty Through the Lenses of a Just Transitions</li> </ul> |
| 16.30 - 16.45 | <b>Break</b>   |
| 16.45 - 17.30 | <b>Keynote:</b> Prof Freya Baetens, Head of Programmes, Bonavero Institute of Human Rights, University of Oxford   |
| 17.30         | <b>Welcome drinks</b>  |

### 8 September

| <b>Time</b>   | <b>Event</b>  |
|---------------|---|
| 10.00 - 12.00 | <p><b>Panel 4: Just Transitions Litigation</b> - Chair Annalisa Savaresi, University of Stirling and University Eastern Finland</p> <p style="text-align: center;"><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• Joana Setzer - Just Transition Litigation. What is it all about?</li> <li>• Hana Müllerová - Two Approaches to the Concept of Just Transition from the International Law Perspective</li> <li>• Giada Giacomini - The Role of Accountability Mechanisms of International Organizations in the Just Transition</li> <li>• Pedi Obani - The Political Economy of Just Transition Litigation in the Global South (online)</li> <li>• Daria Shapovalova - Just Transition Litigation and the Oil and Gas Sector</li> </ul> |
| 12.00 - 13.00 | <b>Lunch</b>  |
| 13.00 - 14.30 | <p><b>Panel 5: Global Perspectives on Just Transitions</b> - Chair Kim Bouwer, University of Durham</p> <p style="text-align: center;"><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>• Godswill A. Agbaitoro - Energy Transition in Emerging and Developing Countries: Towards Social Inclusion and Environmental Rights-based Approach (online)</li> <li>• Cristiano d'Orsi - Forest Transition in Central and Southern Africa and the Protection of Human Rights (online)</li> <li>• Aditi Basu - Adhering to Paris Agreement: India's Just Energy Transition through Renewables in a Post-Pandemic World (online)</li> <li>• Adam Novák - Just Transition in Post-Communist European Countries</li> </ul>                              |

|               |  |
|---------------|--|
|               | <ul style="list-style-type: none"> <li>Adebayo (Bayo) Majekolagbe - Towards a Just Post-Fossil Era: Globalizing Just Transition (online)</li> </ul>  |
| 14.30 - 15.00 | <b>Break</b>   |
| 15.00 - 16.00 | <b>Keynote:</b> Judge Tim Eicke, European Court of Human Rights (online)   |
| 16.00 - 17.00 | <b>Roundtable</b> with Irene Couzigou, University of Aberdeen; Ana Maria Daza Vargas, University of Edinburgh; Sufyan El Droubi, University of Dundee; Giedre Jokubauskaite, University of Glasgow; Andrew Lang, University of Edinburgh; Annalisa Savaresi, University of Stirling. |
| 17.00         | <b>Goodbye drinks</b>  |

## ABSTRACTS

### PANEL 1 - Human Rights and Just Transitions

Chair Irene Couzigou, University of Aberdeen

#### **Marlene Payva** - *Rethinking Nature Amidst Climate Crisis: A Human Rights Law Perspective (online)*

Climate change gives rise to an unprecedented global scenario that challenges otherwise unquestioned intrinsic notions on nature within different legal regimes. For instance, climate change exposes intrinsic conceptual (mis)understandings on nature reflected in the human rights' relational approach to nature. Human rights law, as other legal regimes, have traditionally represented nature as an object of utilitarian value insofar it satisfies human needs, thereby legitimising environmental exploitation in the name of economic growth-or, at least, allowing human rights' complicity therein -in benefit of wealthy state and non-state actors. Corporations are considered responsible for about two-thirds of global emissions and, hence, the main contributors to climate change. However, corporate actors have traditionally operated within favourable regulatory frameworks that allow them to disproportionately contribute to climate change through high emissions levels. Global warming must be kept to a maximum of 1.5°C in order to limit catastrophic climate effects, for which it is crucial to radically drop global emissions. Yet, governments' responses have failed to meet the level of urgency and ambition required to limit global warming. As a result, responses from different sectors of society have been increasingly mobilised through different channels, including climate litigation. With the use of rights-based climate litigation, this paper aims to examine the potential of the climate change context to trigger fundamental reforms inhuman rights law, in such a way to correct its utilitarian approach to nature and its rooted(mis)understandings of the relationship human-nature.

#### **BKM Kayasekera** - *The Office for Reparations Act in Sri Lanka to achieve Sustainable Development Goals: A Snowball of Transnational Justice? - Video (online)*

A decade after the civil war in Sri Lanka, the establishment of the office for reparations last year by way of Office for Reparations Act (ORA) is a forward step in its transitional justice mechanism. The Act gives attention to identify aggrieved persons eligible for reparations, and to provide for the provision of individual and collective reparations. Reparation is just only one aspect of the whole programme of transitional justice, which has to run concurrently with its other pillars, truth, justice and guarantees of non-recurrence. The research questions are "Can this Act help to achieve sustainable development goals in Sri Lanka? What are the Issues and what kind of recommendations can be granted to achieve sustainable development goals?". The office has yet to commence its work, while its five members were just appointed in last April. It is also supposed to function alongside the Officer of Missing Persons, which law preceded ORA. The challenges faced by the office are many: legal as well as practical. The law itself contains provisions that hinder the effective progress and reparation mechanism, requiring continuous approval by the Cabinet of ministers and the parliament, paving way for delays, disruption of work and political intervention. The process of assessment of victims, individually and as communities and as areas of devastation, meeting the demands of funds, are all unavoidable questions. While reparation does not just mean monetary compensation, and also essentially includes disposal of state-acquired lands back to their owners and restructuring the devastated

civilizations with all socio-economic welfare systems, it is necessary to discuss these issues more concretely to achieve sustainable development goals.

**Misan Afinotan** - *Just Transitions in the Anthropocene: Human Rights and Environmental Justice Challenges for Resource-Dependent Countries in Africa*

This research explores the human rights and environmental justice challenges arising from just transitions to a low-carbon economy, with a particular emphasis on resource-dependent countries in Africa. As the global community seeks to address and mitigate the impacts of climate change, the concept of a just transition has gained traction, highlighting the importance of equitable and inclusive processes that uphold human rights during societal transformations. However, the specific challenges faced by resource-dependent countries in Africa within this framework have been largely overlooked in the existing discourse. Through an interdisciplinary lens, this work critically examines the intricate dynamics within resource-dependent economies in Africa, focusing on the implications for human rights and environmental justice as these countries transition to low-carbon economies. By analysing case studies from diverse regions in Africa, this paper explores complex interplay between resource extraction, socio-economic development, and the violation of human rights and environmental justice principles. Crucially, this paper underscores the significance of international law in addressing the human rights and environmental justice dimensions of just transitions. It investigates how international legal frameworks, including those pertaining to human rights and environmental justice, can be effectively leveraged to safeguard the rights and interests of vulnerable communities. Specifically, the paper examines the role of international human rights instruments, regional treaties, and emerging principles of environmental justice in guiding the transition process and ensuring accountability. In conclusion, it advocates for an inclusive, participatory approach that integrates human rights and environmental justice considerations into the formulation and implementation of transition strategies, while emphasizing the importance of international legal frameworks as catalysts for change.

**Piers Reilly** - *Justice requires Participation: The integration of Agency into government decision making as a route to protecting and advancing Human Rights.*

The net-zero transition will impact every facet of society. The sheer scale of this transformation generates apprehension regarding human rights protections; the required speed presents an existential threat. The concept of a Just transition remains vague. What justice means is naturally open to interpretation, similarly what a Just transition would look like is unclear. Current human rights- based approaches are similarly unsettled, left open to interpretation. Tangible mechanisms created to protect human rights are necessary to actively create a Just transition. Incorporation of human rights- based goals into the transition is simple in theory, utilising current legislation pivoting around the inclusion of society. Where, how, and in which manner society is invited into the process are the key questions. My research supports the idea that greater inclusion leads to robust transitions and in my ongoing research have invited society into the start of the transition. Working with the support of Essex County Council a group of businesses, representatives of the public, and policy workers have been assembled to collectively design a new policy and governance framework with the protection of democratic, rights-based values at the core. Traditional Governance will shift to a proactive, pastoral model I term Compassionate Governance to achieve the deployment, and continued usage of this governance framework, including the development of transition specific rights. Agency is at the very core of human rights, and it is our hope that by shifting the balance of power towards society rights can be actively defended and developed worldwide throughout the net-zero transition.

## PANEL 2 - Just Transition and Business

Chair Claire Methven O'Brien, University of Dundee

**Alexandra R Harrington** - *Multisectoral Just Transitions to a Low Carbon Economy in a Post-Pandemic World*

The links between just transitions and the shift to a low carbon economy have been arguably well established as a matter of international legal norms. In this context, much of the focus has rightfully been on the nexus between just transitions and the fossil fuels and energy sectors. This is certainly an essential area of current and future focus, yet it must also be remembered that the scope of the shift to a low carbon economy will necessarily extend far beyond these areas. The proposed presentation will build upon this premise to highlight the ways in which the lessons of the Covid-19 pandemic, and subsequent global and national responses to it, have acted as an indicator of how emerging issues can be addressed through the use of just transitions. Included in the scope of this presentation will be the healthcare sector, finance and investment sectors, tourism sector, food and agriculture sector, and maritime

and fisheries sector, each of which was heavily impacted by Covid-19 and will also need to significantly be involved in national and global shifts to the low carbon economy. The presentation will assert that there are vital lessons which can be learned from the pandemic for gaps in transitions that are truly just as well as areas have been successful in effecting just transitions. It will then suggest the way forward for the use of just transitions in each of these sectors based on these lessons.

**Caroline Lichuma** - *The vernacularization of the Just Transition Concept: A Role for National Action Plans on Business and Human Rights*

How does, and more importantly - should, the idea of a just transition travel around the world, from global consciousness to local reality in diverse settings and contexts? The legal anthropologist Sally Engle Merry is credited with applying the idea of 'vernacularization' to analyzing how transnational ideas and concepts such as human rights are translated from global arenas to local contexts. This process of vernacularization is 'the extraction of ideas and practices from the universal sphere...and their translation into ideas and practices that resonate with the values and ways of doing things in local contexts.' Vernacularization, it is argued, makes it possible to understand how local cultures interact with global concepts. This contribution interrogates the just transition concept through the lens of vernacularization, arguing that there can be no singular, uniform way of implementing the just transition, as this necessarily depends on and is influenced by disparate local contexts. As such, vernacularization of just transition, as novelly proposed herein, seeks to highlight and analyze the processes of translating the global ideals of a just transition into practices that allow local contexts to be able to account for their unique circumstances. In this regard, National Action Plans (NAPs) on Business and Human Rights (BHR) are proposed as useful tools capable of contributing to this vernacularization process given their ability to bridge the gap between the global and the local. When governments draft and adopt NAPs, they function as translators, capable of refashioning international BHR agendas and reframing them to suit local conditions. In light of this background, this contribution will analyze whether and how NAPs are capable of vernacularizing the just transition concept, and critically, highlight what this portends for the eventual achievement of a just transition.

**Larry Catá Backer** - *The Just Transitions of Risk—Human Rights, Sustainability and the ESG Wars*

The presentation considers the context and consequences of the movement toward the insertion of Environmental, Social, and Governance (ESG) risk/impact factors in a variety of contexts around investment, economic activity, and the management of systemic risk. This, in turn, is aligned with movements toward private and public efforts to achieve convergence with human rights, sustainability, and climate change related principles, and to embed these risk/impact parameters through mandatory measures. The result has been the transformation of ESG from risk to impact measures, and its reconstitution as a platform within which producers and consumers of risk and related standards of acceptable decision making within risk parameters, is sketched out. To that end, the evolution of the character of ESG from an investment risk assessment devices toward more comprehensive systems for the evaluation of project risk, and as a means of implementing risk reduction cultures grounded in the principle of prevention-mitigation-remedy was discussed. The application of ESG as risk factors bearing on financial decisions making, decisions to engage in specific projects, the use of ESG risk assessment as impact measures guiding decisions about internal operations and corporate business, and its use in organizing the private law of production chains, is considered. The effects of growing and robust markets in ESG assessments suggest challenges to the character and utility of ESG modalities as a means of nudging cultures of acceptable business behaviours and forms of decision making. That, in turn, requires unpacking the great utility of ESG--as a vessel through which ideological battles over the normative structures of economic activity can be undertaken beyond the spotlight of democratic engagement and in the shadows of apparently technical methodological techniques. At the same time, the utility of ESG as a vessel for undertaking this ideologically charged narrative of economic activity (including the role of markets, acceptability of risk taking, the profit principle, and corporate purpose) narrative is undertaken. *Here, one encounters a continuation of the underlying normative battles over the meta-narratives of a half generation of soft law measures--the SGDs and the UN Guiding principles for Business and Human Rights among them--and their implications (through the language and modalities built into ESG of risk-response principles) for rationalizing economic activity as social and political instruments.* It is in this context that one can better understand the just transitions of risk.

**Zoumpoulia Amaxilati** - *Decarbonisation of the Shipping Industry, Just Transition, and the Role of International Maritime Labour Law*

To support the global community in reaching the Paris Agreement's 1.5°C temperature goal, the shipping industry, which is responsible for 3% of global greenhouse gas (GHG) emissions, has to shift away from conventional fuels and transition towards alternative low and/or zero carbon fuels and technologies. Inevitably, this shift towards a

decarbonised future will affect the world's 1.89 million seafarers whose work landscape is about to change. Until now, the shipping industry's main plan to achieve a just transition for seafarers has been orchestrated by private initiatives. While the management of the shipping industry through private efforts is not new, we find that, in the present context, this approach has the potential to increase inequalities between the various actors, rather than to promote decent work for seafarers and secure a fair distribution of the risks and rewards associated with this transition. To avert this risk, we argue that there is a need for a cooperative process whereby transnational private governance initiatives are supplemented with global public policy, and vice versa. If cooperation is the way forward, we suggest that international maritime labour law can offer a suitable platform not only to enable and help transitional strategies, but also to oversee their effectiveness. We conclude by explaining how this strengthened role of international maritime labour law is possible and necessary to achieve a just transition in the shipping industry.

### PANEL 3 – Just Transitions and International Economic Law

Chair Sufyan El Droubi, University of Dundee

**Matteo Fermeiglia, Claudia Wortmann** – *A Full and Just Reparation? Rethinking the Standards For Compensation in International Investment Law Against the Energy Transition*

The transition to a low-carbon economy will bring an array of cases before Investor-State Dispute Settlement (ISDS) tribunals dealing with investments in heavily regulated sectors, foremost investments in energy infrastructures. When asserting States' liability for breaches of investment treaties (e.g., expropriation or violation of the Fair and Equitable Treatment standard), ISDS tribunals apply the general principle of full reparation under the ICJ Chorzów Factory doctrine. The full reparation standard as interpreted and applied by ISDS tribunals, however, hardly encompasses the ongoing process of the energy transition, as well as the general objectives of the international climate change regime, which both heavily affect the patterns of profitability (or even overall viability) of energy investments in the mid to long-term. Against this background, this paper aims to critically engage with the general principles of international law on state liability and damages to suggest a comprehensive framework for damages in ISDS with regard to foreign direct investments in fossil fuel and renewable energy infrastructures. The analysis will draw from existing ISDS decisions dealing with investments in both renewable and fossil fuel infrastructures to frame a conceptual approach for ongoing and prospective litigation. We will advance a new theoretical framework, which rethinks the full reparation considering; a) the inherent features of investments in energy infrastructures; b) the global climate change objectives; and c) general principles of international climate change law, including the principle of non-regression and common but differentiated responsibilities and respective capabilities.

**Melike Yavuz Dalgic** – *Just Transitions and Investor's Public Health Obligations: Examining Investor Responsibilities in Promoting Health Equity during Sustainable Transitions (online)*

Introduction: This research proposal aims to investigate the obligations of investors in promoting public health equity during just transitions. The transition to a sustainable and low-carbon economy, known as a "just transition," has gained significant attention as a means to address climate change and social inequalities. As investors play a crucial role in shaping economic development and resource allocation, their responsibilities extend beyond financial gains to encompass broader societal considerations, including public health. Objectives: This study seeks to: 1. Review the existing literature on just transitions, public health, and investor responsibilities. 2. Analyse the approaches taken by IIAs and BITs to integrate public health considerations into their investment practices during sustainable transitions. 3. Assess the impact of investor actions on public health outcomes and health equity in communities affected by sustainable transitions. 4. Identify best practices and policy recommendations for enhancing investor accountability and promoting public health equity during just transitions. Expected Outcomes: This study will contribute to a deeper understanding of the relationship between just transitions, investor responsibilities, and public health equity, in international investment law. The study will have implications for the development of sustainable and equitable investment strategies that prioritize public health within the context of just transitions. It will inform discussions on investor responsibilities and facilitate the alignment of investment practices with public health goals. By promoting responsible investments and considering public health impacts, this study aims to contribute to the overall well-being and health equity of communities affected by sustainable transitions.

**Diana María Beltrán-Vargas, Mariana Jaramillo Puentes** – *The Reach of Environmental Clauses in Investment Treaties for a World in Crisis (online)*

International Investment tribunals face a challenge regarding how they interpret treaties that have an implication on environmental measures adopted by states. The general rule of interpretation allows arbitrators to go beyond the treaty's text and consider other elements that are relevant to the case. However, when there is no clear method on how to interpret, especially when the interpreter faces provisions, which are highly flexible, open, and ambiguous, the result is not necessarily satisfactory. For instances, investment tribunals approach to cases in which there is an environmental or climate crisis topic involve without the elements or necessary considerations to reach a suitable decision which are in accordance with the reality of citizens, even when the treaty under question has an environmental clause or other mechanisms that allow a more holistic answer to the problem under dispute. In cases like *Eco Oro v. Colombia* or *Rockhopper v. Italy*, the critics focused on how the tribunals disregarded environmental considerations to reach their decisions. The present proposal analyses the reach of environmental clauses as well as some provisions that, by default, would justify states' environmental measures. Also, we analyse the rationale behind decisions such as *Eco Oro v. Colombia* or *Rockhopper v. Italy*, to address appropriate criteria under the general rule of interpretation of international law that would allow tribunals to reach decisions that not only solve the dispute but that also are in accordance with problems such as the climate crisis, allowing states to adopt regulations to that aim

**Monika Feigerlová** - *The Modernised Energy Charter Treaty Through the Lenses of a Just Transitions*

The climate challenge demands urgent collective action. Many complex issues are connected to phasing out fossil fuels. Coal phase-outs, moratoria or license bans will directly affect relations between investors and host states. The tension between climate change and international investment law has been recognised, including in the recent IPCC report, and documented in investment disputes on energy transition (e.g. coal-fired electricity generation phase-outs). The outcome of the Energy Charter Treaty's modernisation process contains a flexibility mechanism to end the protection of fossil-fuel related investments. The polarity of the positions is remarkable among EU Member States, EU institutions and the ECT Secretariat on whether the 'agreement in principle' of 2022, is aligned with the Paris Agreement and meeting the objectives of a just transition. The voluntary nature and 10-year period for protecting existing fossil fuel investments show the difficulty of reaching agreement at international level. The modernised ECT has attempted to create new linkages between climate and investment regimes by, *inter alia*, incorporating a right to regulate in pursuit of the clean energy transition, optional phasing out of fossil fuel protection, and subjecting fulfilment of each party's commitment under the Paris Agreement to a mutual state-to-state mechanism in case of misalignment. The contribution will first examine the applicability of a just transitions concept as it has developed in international climate law (in its broad conceptualization beyond transitioning workforce and taking account of specifications by Glasgow Climate Pact) and its implications for investment treaty law, and then assess the ECT's transition-related amendments against the established criteria.

## PANEL 4 - Just Transitions Litigation

Chair Annalisa Savaresi, University of Stirling and University Eastern Finland

**Joana Setzer** - *Just Transition Litigation. What is it all about?*

The fight against climate change and the transition towards net-zero emission societies are producing winners and losers, raising unprecedented justice questions. Litigation around the world increasingly articulates these justice questions by challenging laws, projects and policies aimed at delivering the transition. In this Perspective, we conceptualise the phenomenon of 'just transition litigation', which we define as lawsuits raising questions over the justice and fairness of measures adopted to deliver climate action. We argue that just transition litigation represents a site of contestation where conflicting justice claims over the transition are framed and may be resolved. We contend that this new area of inquiry deserves to be further investigated to test the assumptions made in mainstream scholarly and policy narratives over climate action and the transition. By conceptualising just transition litigation, we provide a new frame to detect and understand the diverse justice claims of those affected by climate action.

**Hana Müllerová** - *Two Approaches to the Concept of Just Transition from the International Law Perspective*

The concept of just transition from the fossil-based to a low-carbon society is increasingly invoked in the expert discussion about decarbonisation at all levels of law: international, national and regional. At its core, it is usually viewed as primarily addressing state governments while they design their internal transformation policies. The just transition imperative, though, should be interpreted as rooted in the international dimension because the key solution to the global problem of climate change needs to be informed by principles and guidelines at the international level. This paper will ask what exactly is supposed to be governed by the just transition imperative at

the international level. It will explore two possible approaches to understanding the concept from the international law perspective. The narrower understanding of the just transition at the international level works as an instruction from the international community to states on how to tackle their national transition processes internally. It concerns above all how Nationally Determined Contributions (NDCs) are nationally implemented. The broader coverage includes also how the NDCs are determined, i.e. how the burdens (and costs) of the global transition are allocated among states that are, to varying degrees, affected by climate change, and have varying capacities to carry out the transition. For both approaches, the paper will consider what content and demands the concept so conceived would entail. It will also reflect on which approach is more appropriate in light of the current understanding of the concept generally and its anchoring in international law.

**Giada Giacomini** - *The Role of Accountability Mechanisms of International Organizations in the Just Transition*

The proposed presentation focuses on the accountability of international organizations for violations of environmental and social standards in the context of green development projects. International organizations and funds such as the World Bank (WB), the Green Climate Fund (GCF) and the United Nations Development Programme (UNDP) have a leading role in the realization of climate resilience and development projects in countries vulnerable to climate change impacts. These projects, while having crucial objectives as helping countries to move towards more ecologically sustainable governance systems, might impact negatively human rights and the environment. Therefore, international organizations and funds have adopted a great variety of policies for environmental and social standards, gender rights, Indigenous peoples and local communities that need to be respected in all phases of project development. Notwithstanding the existence of such policies, individuals and communities might still be harmed in the context of the implementation of green development projects. Such harms trigger the accountability of international organizations and funds for the misconduct in the implementation of projects in targeted countries, and, therefore, their liability. For these reasons, international organizations have set up independent accountability mechanisms such as the Inspection Panel (WB), the Social and Environmental Compliance Unit (UNDP), and the Independent Redress Mechanism (GCF). Redress mechanisms are the formal systems through which individuals and communities can lodge any grievances that arise relating to the design, implementation or assessment of projects. The proposed presentation will delve into some interesting case studies of "just transition litigation" that have been brought to the attention of the Accountability Mechanisms of the above-mentioned organizations

**Pedi Obani** - *The Political Economy of Just Transition Litigation in the Global South (online)*

Just transition litigation is an emerging concept which highlights the potential role of the courts in mainstreaming equity and justice as priority objectives in the pursuit of a low carbon economy. The global south is potentially an arena of multiple contestations regarding the implications of just transition. This is not least due to the tensions between energy security in fossil fuel dependent economies and limited public investments in renewable energy sources, mining of critical minerals, labour rights issues, and environmental justice concerns in oil and gas producing communities. This paper explores the complex political economy concerns that emerge in the low carbon transition, and the potential for courts in the global South to advance just transition in view of existing jurisprudence. This presentation interrogates the theoretical underpinnings and jurisprudence on the right to development and climate litigation, as a basis for: (a) understanding the connections between the right to development, climate litigation and just transition; (b) explore the jurisprudence on the right to development and climate litigation, respectively, to uncover any implications for just transition litigation.

**Daria Shapovalova** - *Just Transition Litigation and the Oil and Gas Sector*

Despite clear evidence of the need to abate fossil fuel production, there is no clear pathway neither internationally nor in most of large oil and gas producing nations for the production phase out. The question of 'whose resources will need to stay in the ground?' raised a number of ethical, economic, and legal challenges. This presentation is based on a paper calling for the adoption of mechanisms for better inclusion of climate and justice considerations at the oil and gas development approval and planning stage. It argues that the lack of clarity over the meaning of 'just transition' in this context leads to conflicting interpretations, and that uncertainty over the future of fossil fuel production does not facilitate a just transition to a low-carbon energy sector. Refusing to set in place concrete timelines and climate assessment criteria - and what this means or future operations - provides certainty neither for the investors nor for the communities hosting the industry. Equally, sudden and drastic measures can lead to disruption to communities and investor-state disputes. With a focus on Scotland and the UK, this presentation will consider the relevant legal obligations and potential just transition litigation in the context of oil and gas production phase out.

## PANEL 5 – Global Perspectives on Just Transitions

Chair Kim Bouwer, University of Durham

**Godswill A. Agbaitoro** – *Energy Transition in Emerging and Developing Countries: Towards Social Inclusion and Environmental Rights-based Approach (online)*

This paper explores emerging legal issues relating to social exclusion and environmental right concerns in energy transition. It examines how energy transition could raise issues relating to social exclusion and environmental rights in developing countries. This is because contemporary research on energy transition in the context of developing countries appears to be neglecting the importance of social inclusion and protection of environmental rights. This is important if we are to ensure the realization of just energy transition, especially for developing countries that rely heavily on fossil fuels for economic growth and development. While the paper recognises the importance of reducing our carbon footprint through transitioning to mitigate climate change, it argues that such an approach should not be carried out at the expense of social inclusion and environmental rights. The energy transition should not just be a mantra used by energy proponents but a workable philosophy that seeks to address the multi-faceted challenges associated with the process. Against this background, this paper argues for the adoption of an energy transition model in developing countries that takes into account the following measures: (1) conflicting interests such as the need to increase energy access and address climate change simultaneously; (2) social inclusion and protection of environment. Overall, the main argument in the paper proposes the adoption of an energy transition model that takes into account social inclusion and pursued through an environmental rights-based approach.

**Cristiano d’Orsi** – *Forest Transition in Central and Southern Africa and the Protection of Human Rights (online)*

Forest transitions occur because forest encroachment ceases and/or because the rate of reforestation exceeds the rate of clearance of natural forests. New forests are found on abandoned lands or on settled and managed areas. Evaluating the ecological value of forest transitions requires moving beyond simple measures of increased forest area. The forest identity was proposed as an analytical tool to study simultaneously changes in forest area, biomass, and carbon stock. Having said that, the forests of the Central and Southern African region extend over 200 million hectares. It is difficult to imagine that such vast ancient woodlands are at risk of extinction. Nevertheless, they are disappearing at an alarming rate. According to recent reports of the UN Food and Agriculture Organization (FAO), indigenous (also known as “old-growth”) forests in Africa are being cut down at a rate of more than 4 million hectares per year – twice the world’s deforestation average. According to many experts, saving Africa’s forests is essential to the health and productivity of much of the continent’s economy. They cite the forests’ roles as regulators of local weather conditions, defences against soil erosion as well as watersheds. According to the most recent Intergovernmental Panel on Climate Change (IPCC) Assessment Report, released in March 2023, because they take carbon from the atmosphere and produce oxygen, forests are often referred to as “the lungs of the world.” Reforestation and improved forest management are two examples of carbon dioxide removal (CDR) method that can enhance biodiversity and ecosystem functions, employment and local livelihoods, depending on context. In this scenario, my work focuses on the human rights legal and policy framework of the protection of forests in Central and Southern Africa. I analyse the four legal and policy levels applicable on the continent: world, continental, regional (in this specific case, mostly from organizations like the Common Market for Eastern and Southern Africa – COMESA-, the Economic Community of Central African States –ECCAS- as well as the Southern African Development Community –SADC-) and domestic. Concerning domestic legislations, two countries in the examined regions have adopted specific laws on the preservation of environment: Zambia (Forest Act, 1999) and Tanzania (Forest Act, 2002). Both legislations have, as an objective, ‘to promote, to enhance the contribution of the forest sector to the sustainable development of Tanzania and the conservation and management of natural resources for the benefit of present and future generations’ (Section 3(a) of the Tanzanian Act: the Zambian Act has a similar objective, although not made clear in a dedicated section). In spite of the adoption of these two acts, whose implementation remains, however, fragmentary, the situation in the African regions under study remains problematic. In 2019, the African Union (AU) released the Sustainable Forest Management Framework for Africa. In this pivotal document, among the key areas of concern, the AU still detects the inadequate promotion of the forest ownership and access rights of local and indigenous groups. In this way, the AU suggest that forest-dependent people need alternative solutions to laws and regulations that restrict the use of forests and trees. The legal and customary rights of indigenous peoples to own, access, use and manage their lands; territories and resources must be recognized, respected and taken into account in forest management. Promotion and protection of community rights and forest tenure security to support their participation in sustainable forest management should be sought. On the other hand, however, among the requisites for sustainable forest management on the continent, the AU

mentions to secure long-term property rights as crucial for building confidence in investments in forests and trees. Yet, my study is represented by a joint analysis of the legal and policy measures put in place in Central and Southern Africa to try to preserve the forests and the rights of peoples for whom forests are not exclusively something to exploit but, rather, something from which their survival depends from. Laws exist but they tend not to be enforced (for many reasons) with the international community that, possibly, could be doing more to fund policing. However, multinationals are rapacious and they are a big part of the problem.

**Aditi Basu** - *Adhering to Paris Agreement: India's Just Energy Transition through Renewables in a Post-Pandemic World (online)*

A green transition to a net-zero future is key to unlocking the Paris Agreement's global climate goals, especially in a post-pandemic world. It fulfils India's required socioeconomic transformation of emission reduction, women empowerment, employment generation, green markets and unfettered energy supply which calls for global cooperation to integrate a just and equitable transition of every economy into short and long-term low-emission strategies which varies from country to country. As the Paris Agreement (drafted in 2015), states, just transition should be linked with decent employment opportunities generation in the process of securing net-zero goals. India, being a signatory to the Paris Agreement, has announced its historic Panchamrit goals at the 26th Conference of Parties (CoP) in Glasgow that focus on clean energy transition, emission reduction, fuel imports minimisation, employment generation, increasing national income. India's remarkable global progress in renewable energy has inspired the developed and developing world to engage in cooperation with it. Ranked fourth in its renewable energy capacity, India's "sweeping energy transition" for replacing fossil fuel usage sets a fertile ground for clean energy investments, thereby, accelerating overseas capital and technology to mitigate existing challenges in renewable energy industry. Meanwhile, it ensures its "just transition through renewables" through its landmark initiatives like the National Green Hydrogen Mission, GOBARdhan Mission, solar parks installation, FAME and PM-KUSUM which are not confined to domestic boundaries but have been appreciated internationally. In its G-20 presidency for 2023, India has an opportunity to engage in partnership on just energy transitions with both Global North and South. This is the finest example of India's Just Energy Transition- Partnerships (JET-P) wherein it is engaging with green energy development in the developing world, keeping in mind the "phase-down" of coal which is multilateral in nature. Therefore, the paper analyses India's Paris Agreement commitments that are fulfilled through its domestic initiatives and JETPs, aimed towards its net-zero goals.

**Adam Novák** - *Just Transition in Post-Communist European Countries*

In my contribution, I discuss the concept of just transition and the process of transition to a low-carbon economy in selected post-communist European countries (namely the Czech Republic, Slovakia and Poland) from the perspective of their legislation and in the context of the requirements of international law. These countries share not only a common history of several decades of communist rule, but also a previous reliance on energy from fossil fuels, with all countries still mining coal (whether black or brown). Similarly, all these countries are EU Member States and their legislation must be based on European foundations. Specifically, I would focus on how individual selected countries approach the requirement of a fair transition to a low-carbon economy in their legislation, what legislative measures they adopt in this regard and how these measures reflect the requirements of international law. The contribution would also include a comparison of how the public is involved in the measures taken in each country, as well as examples of possible good but also undesirable practices in the countries concerned.

**Adebayo (Bayo) Majekolagbe** - *Towards a Just Post-Fossil Era: Globalizing Just Transition (online)*

Climate change is the quintessential global socio-ecological crisis. It is unbounded in its cause - anthropogenic greenhouse gas (GHG) emissions, and its impacts do not respect artificially drawn geographical boundaries. The ambition and urgency needed to avoid the most precarious consequences of a changing climate are unquestionable. Given that the production and consumption of fossil fuel contributes over 75% of global GHG emissions, a radical transition from a fossil fuel powered socio-economic systems is vital. State and non-State led efforts to decouple socio-economic systems from the petro-economy, decarbonize, and transition to a post-carbon era, albeit inadequate, are underway. Response measures to climate change are, however, not without enormous human and ecological costs. The mining of critical minerals for climate technologies have opened new vistas of ecological degradation; the siting of renewable energy projects is infringing on the rights of Indigenous people; there are verifiable accounts of actual and perceived fear of community despoliation and loss of identity in host communities of fossil fuel projects; and other dependents of the fossil fuel industry (governments, workers etc.) are apprehensive of attrition. Mainstream just transition discourse focuses on the 'equitable' distribution of transition costs and benefits. While the distributive and jobs centrism of the mainstream discourse is problematic, it is not the focus of this paper as this has been dealt with in my previous work (*Beyond Distribution: A Capability Approach to*

*Just Transition*). Here, I address the paucity of the 'global' in just transition scholarship. Just transition is narrowly scoped both in the literature and policy developments as a local concern. For example, the just transition mechanism of the European Union (EU) focuses on transition impacts within the EU, and Canada's proposed Just Transition legislation (Sustainable Jobs Act) takes a similar insular approach. However, climate change is not only 'global' in its cause and effects; response measures are also global in impact. In this paper, I identify the transboundary impacts of key supply-side response measures (fossil fuel moratoria; fossil fuel subsidy reform; diversification; divestment; and negative emission and emission management technologies). To address these transboundary impacts, particularly in the Global South (nuancedly defined), I propose a repurposing of the principle of differentiation under international climate law. With differentiation as an organizing principle, State and non-State entities will be expected (or required) to take factors including common responsibility, historical responsibility, capabilities and circumstances, and vulnerability into consideration in their design and implementation of transition measures

## BIOGRAPHICAL NOTES

### **Afinotan, Misan**

Dr Misan Afinotan is a lecturer in law at the University of Exeter (Penryn) where he teaches and researches broadly in the areas of environmental law, environmental justice, socio-ecological resilience, climate change law and climate justice. His core approach to legal research is interdisciplinary, fusing theory and praxis from political science, environmental politics, political philosophy, and African legal philosophy.

### **Agbaitoro, Godswill A.**

Godswill A. Agbaitoro is a lecturer in law at the University of Essex, UK. His areas of interest lie in energy justice and energy transition in the context of the Global South, Environmental law, and Corporate social responsibility in the energy sector.

### **Amaxilati, Zoumpoulia**

Dr Amaxilati is a lecturer in law in the Institute of International Shipping and Trade Law at Swansea University. Her main teaching and research areas are related to international maritime labour law, international regulation of shipping, and admiralty law. Before joining the Institute, she was a lecturer in law at Queen Mary, University of London. She has also been a tutor at the University of Southampton and has worked as a lawyer in Greece. She holds an LLB from the Aristotle University of Thessaloniki, Greece, and an LLM in Maritime Law from the University of Southampton, from which she also obtained her PhD. Dr Amaxilati has recently contributed a chapter, *The Human Element in Autonomous Shipping*, in B. Soyer and A. Tettenborn (eds), *Disruptive Technologies, Climate Change and Shipping*.

### **Baetens, Freya**

Freya Baetens is Professor of Public International Law at the Faculty of Law, Head of Programmes at the Bonavero Institute of Human Rights and Fellow at Mansfield College. As a Member of the Brussels Bar, she regularly acts as counsel or expert in international and European disputes before international tribunals and courts such as the European Court of Human Rights, the Inter-American Court of Human Rights, the World Trade Organisation and the European Court of Justice.

### **Basu, Aditi**

Aditi Basu has completed her Masters in Political Science and is an India-based independent researcher. Her research interests include Indian Foreign Policy, International Relations, Feminist Power Politics, Soft Power Diplomacy and Climate Diplomacy. Prior to this, she has presented her papers in different conferences and workshops in U.K., USA, Canada, Serbia, Croatia and South Africa on India's cultural importance and climate initiatives in influencing its foreign policy. Of late, she presented her papers on India's Renewable Energy Politics in Chiang Mai University, Thailand and

on India's space diplomacy at the Transplanetary Ecologies Workshop by the Centre for Outer Space Studies, University College London (UK) in June this year.

### **Beltrán-Vargas, Diana María**

Diana María Beltrán-Vargas is a lawyer from Universidad Externado de Colombia (LLB), with a postgraduate degree in Contract Law from the same University and Magister (LLM) in International Commercial Law from the University of Leicester (UK). She has worked in the private practice in the areas of Litigation and commercial law. Nowadays she works full-time as professor and researcher at Universidad Externado's Economic Law Department, focusing on topics related with international economic law.

### **Butenko, Anna**

Anna Butenko is an experienced energy lawyer, combining gas and electricity sector expertise with a strong academic background. In addition to her duties as Legal Manager System Operations at ENTSO-E, Anna is a Senior Research Fellow at the Institute for Energy and the Environment at Vermont Law School (VLS).

### **Catá Backer, Larry**

Larry Catá Backer holds a professorship at the Penn State University and is the W. Richard and Mary Eshelman Faculty Scholar Professor of Law and International Affairs, Penn State University and School of International Affairs, Pennsylvania State University (2001-), Ashgate Publishing Globalization Law & Policy Series editor (2010-), and the executive director of the Washington-based NGO Coalition for Peace and Ethics (2006-). He is a prominent comparative corporate and international law scholar and a leading researcher in constitutional law. He is a member of the American Law Institute and the European Corporate Governance Institute. He has served as a grant peer reviewer for The Hague Institute for the Internationalization of Law in the Netherland, Social Sciences and Humanities Research Council of Canada and others.

### **Couzigou, Irène**

Irène Couzigou is professor of International Law at the University of Aberdeen School of Law. She researches in the field of general International Law, including International Human Rights Law. Her current research focuses on International Law on Peace and Security, especially International Law on Cybersecurity, International Law on the Use of Force, and United Nations Law where she has published extensively. Having been trained up to her doctoral degree at the University of Paris II, Professor Couzigou keeps a strong research interest in French Public Law. Professor Couzigou teaches general and specialised courses in International Law, at both undergraduate and postgraduate levels. She acts as the Law School LLM Director and a Law School senator. She is also the Law School research liaison officer: she represents the Society of Legal Scholars, convenes the Law School Research Seminar Series, and welcomes visiting scholars. Before coming to the University of Aberdeen, Professor Couzigou researched and taught at the Universities of Paris II (France), Heidelberg (Germany), and Mannheim (Germany). Professor Couzigou was a Research Fellow of the University of Paris II, the German Academic Exchange Service, and the Max Planck Institute for Public Comparative Law and International Law.

### **d'Orsi, Cristiano**

Dr Cristiano d'Orsi is a Lecturer and Senior Research Fellow at the South African Research Chair in International Law (SARCIL), Faculty of Law, University of Johannesburg. He holds a two-year Diplôme d'Études Approfondies (Master of Advanced Studies equivalent, International Relations (International Law), Graduate Institute for International and Development Studies, Geneva); and a PhD in International Relations (International Law) from the same institution. Additionally, Cristiano has done post-doctoral studies at the University of Michigan Law School (Grotius Scholar) and at the Centre for Human Rights, University of Pretoria. His research interests mainly focus on the development of Public International Law in Africa.

### **Eicke, Tim**

Judge Tim Eicke has been the judge elected in respect of the UK at the European Court of Human Rights since 2016. After studying the English Law LLB at Dundee University, he practised as a barrister at Essex Court Chambers and was

appointed a Queen's Counsel in 2011. As a barrister, Judge Eicke regularly presented cases before the UK Supreme Court, the Court of Justice of the European Union and the European Court of Human Rights.

### **Feigerlová, Monika**

Monika Feigerlová works as a Researcher Associate at the Centre for Climate Law and Sustainability Studies of the Czech Academy of Sciences in Prague. She holds a PhD from the Charles University in Prague and a master from the Graduate Institute and University of Geneva. Her research focuses on foreign investment, corporate responsibility and climate litigation. She was admitted to the Czech Bar Association and serves on the Executive Council of the Czech Society for International Law. She is the author of chapters on corporate climate responsibility and international economic law in the recently published first Czech book on climate law.

### **Fermeglia, Matteo**

Matteo Fermeglia is an Assistant Professor in International and European Environmental Law and Post-Doctoral Assistant at Hasselt University, Faculty of law, where he teaches European Environmental Law and European Climate & Energy Law. His main research interest lies in the interplay between international investment law and the climate change legal regime. In 2017, he was a visiting scholar at Columbia Law School, where he collaborated with the Sabin Center for Climate Change Law and the Columbia Centre for Sustainable Investments. He regularly (co-) authors internationally peer-reviewed journal articles in the field of environmental and climate law and was awarded the Raúl Estrada-Oyuela Award for Emerging Scholars in Climate Law in 2017 by Lexxion publishers.

### **Giacomini, Giada**

Giada Giacomini is a postdoctoral researcher in SNSF funded project "Accountability of International Organizations" at the Geneva Graduate Institute (Switzerland). She is currently working on just transition climate litigation and the accountability mechanisms of International Organizations. Previously, she was Max Weber Fellow at the European University Institute, Department of Law (Italy), academic year 2022-2023. In 2022 she published her monograph, "Indigenous peoples and climate justice: a critical analysis of international human rights law and governance" with Palgrave Macmillan.

### **Harrington, Alexandra R.**

Dr Alexandra R. Harrington is a Lecturer in Law (Environment) at Lancaster University Law School and Chair of the IUCN World Commission on Environmental Law Agreement on Plastic Pollution Task Force. She has authored *Just Transitions and the Future of Law and Regulation*, several other monographs, and has forthcoming monographs relating to intergenerational equity, transitional justice, international organizations, and just transitions.

### **Jaramillo Puentes, Mariana**

Mariana Jaramillo Puentes is a lawyer from Universidad Externado de Colombia (LLB), where she also works as Research Assistant at the Economic Law Department. Likewise, she has experience in the private practice on matters related with economic law.

### **Jayasekera, BKM**

BKM Jayasekera is a Lecturer in Law, Department of Public Law, Faculty of Law, General Sir John Kotelawala Defence University, Sri Lanka. She is having Bachelor of Laws (Honours) and Master of Laws (LLM), with specialization in International Law. Additionally, she is an Attorney-at-Law at the Supreme Court of Sri Lanka, and a Notary Public, Commissioner for Oaths and Registered Company Secretary. She has been teaching Public International Law and Interpretation of statutes in undergraduate and post-graduate courses. She has published articles in book chapters, prominent law journals along with attending and speaking at law conferences. She was an editor of KDU International Law Journal, KDU Conference Abstract book and proceedings (Faculty of Law) and South Asian Law Review.

### **Jokubauskaite, Giedre**

Giedre Jokubauskaite is a Senior Lecturer in International Law at the University of Glasgow. Previously she was a Visiting Research Fellow at the University of Rosario (Bogota, Colombia), a Research Fellow at the Centre for

International Sustainable Development Law at the University of Cambridge, and a Post-Doctoral Research Associate at the Durham Law School. She is currently co-leading a Just Transitions research cluster at the University of Glasgow, and she is steering of a joint CSO-academia initiative on debt and green transition. Her most recent research focus is on local resistance to green development in situations of protracted conflict, environmental impact assessments and due diligence, and legal challenges to just transitions, with a focus on regulating carbon markets.

### **Lang, Andrew**

Andrew Lang is Chair in International Law and Global Governance at the University of Edinburgh. He was previously Professor of Law at the London School of Economics, and JRF at Trinity Hall, University of Cambridge.

### **Lichuma, Caroline Omari**

Caroline Lichuma is a Post-doctoral researcher at the Department of Law, University of Luxembourg. Her current research is in the area of Business and Human Rights. She completed her PhD (Summa Cum Laude) at the Georg-August Universität, Göttingen, where she was a DAAD scholar. Her doctoral research was on the domestic adjudication of Economic and Social Rights. She holds an LLM. in Public International Law from the New York University School of Law, where she was a dean graduate scholar, and an LLB from the University of Nairobi.

### **Majekolagbe, Adebayo (Bayo)**

Adebayo (Bayo) Majekolagbe, PhD is an Assistant Teaching Professor at the University of Alberta Faculty of Law where he teaches climate change law and constitutional law (Fall, 2023). He is a fellow at the Marine and Environmental Law Institute, Dalhousie University, and the African Sovereign Debt Justice Network. His research primarily focuses on the theme of *Justice and the Transition*; a theme he explores within the contexts of climate change and international investment law, business and human rights, and sustainability and impact assessment. He has published in peer reviewed journals including the McGill Journal of Sustainable Development Law, Dalhousie Law Journal, Journal of Environmental Law and Practice (now Justice, Ecology, Law and Place), and the Fordham International Law Journal. He has also co-authored studies, policy briefs, and commissioned reports including the SSHRC funded synthesis report on impact assessment and responsible business conduct tools in Canada. Bayo's research on the just transition impact assessment framework has received the Vanier Canada Award, Killam Award, and the 2023 Dalhousie Doctoral Thesis Award.

### **Müllerová, Hana**

Hana Müllerová (JUDr, PhD) leads the Centre for Climate Law and Sustainability Studies (CLASS) established in 2020 at the Institute of State and Law of the Czech Academy of Sciences, Prague. Within her original expertise in environmental law, her research work included e.g. the topics of the human right to a favourable environment, public participation in environmental decision-making, or legal protection of animals. Her new specialisation lies in climate law. Thanks to the support of the *Lumina quaeruntur* academic award, she founded the Centre for Climate Law and Sustainability as the first research unit specializing in climate law in the Czech Republic. The Centre aims to establish and systematically develop this new field of law in the Czech Republic and to contribute to solving problems and challenges related to climate change. Within the area of climate law, H. Müllerová now focuses on the human rights instruments' application in climate protection, just transition, climate litigation, and developments in international and national climate law. Under her leadership, the CLASS team has recently published the first collective volume on climate law in Czech.

### **Novák, Adam**

Adam Novák is a Member of Centre for Climate Law and Sustainability at the Institute of State and Law of the Academy of Sciences of the Czech Republic and is currently working as an attorney-at-law with a focus on environmental law. He wrote his PhD thesis "Microplastics and Plastics from a Legal Perspective" at the Law at the Faculty of Law of Charles University.

### **Obani, Pedi**

Pedi Obani is an Associate Professor in the School of Law University of Benin, and a Barrister and Solicitor of the Supreme Court of Nigeria. She is also a Fellow of the African Academy of Sciences and Earth Systems Governance, respectively; and a Visiting Research Fellow for the University of Leeds GCRF Water Security and Sustainable Development Hub. She has over a decade of research, project management and capacity building experience in climate change, water and natural resources management, with expertise in urban services, gender inclusiveness, regulatory framework, policy implementation, and governance projects. She has contributed to flagship international reports and agenda setting for sustainable natural resource governance. She holds a PhD in Human rights and Inclusive Development, with a focus on the human right to sanitation, from the University of Amsterdam, and has a strong academic publication record. She has received prestigious academic grants and fellowships, including the African Studies Association UK's Mary Kingsley Zochonis Fellowship in 2019.

**Ologhadien, Nelson Goodnews** is a legal practitioner and Co-Founder of NobleCrest Solicitors, a law firm with offices in Abuja and Port Harcourt, Nigeria. Nelson has over two decades of legal practice experience in all courts of record in Nigeria, across substantive areas of law such as land and property law, family law, admiralty law, human rights law, energy law, and environmental law. Nelson is currently a PhD candidate at the School of Law, University of Dundee, and his doctoral thesis is on Indigenous Peoples' land rights and the theory of Energy Justice.

**O'Brien, Claire Methven** is Reader in Law at the University of Dundee where she is Director of the LLM Business and Human Rights and University of Dundee Business and Human Rights Network. Her publications include the Council of Europe's Business and human rights. A Handbook for Legal Practitioners (2018), Public procurement and human rights: Opportunities, Risks and Dilemmas for the State as Buyer (2019, Edward Elgar), Research Methods in Human Rights. A Handbook (2nd ed., forthcoming) and Human Rights Due Diligence: Emerging Legal Norms and Standards (forthcoming). She has authored numerous studies for European Union institutions and the UN on human rights law and policy. Claire is a Barrister (non-practising) called to the London Bar, a Commissioner of the Scottish Human Rights Commission and a member of the Constitutional and Human Rights Committee of the Law Society of Scotland.

### **Payva, Marlene**

Marlene Payva is Senior Researcher at The Northern Institute for Environmental and Minority Law at the Arctic Centre, University of Lapland. Marlene's research concentrates on international environmental law, climate change law and governance, and human rights, with an emphasis on socio-ecological justice, climate litigation, corporate responsibility and global 'green' transformation issues. Her current research explores non-traditional (post-anthropocentric) approaches to Arctic governance and law.

### **Reilly, Piers**

Piers Reilly is an PhD researcher with the Faculty of Business and Law, Anglia Ruskin University, and is based at the Global Sustainability Institute. Piers joined ARU having previously worked with national government, international organisations, and industry advising on sustainability, security, and international law. He holds an LLB (hons) and an LLM (EU law) and his interdisciplinary research is examining ways to accelerate the required transition to net-zero.

### **Savaresi, Annalisa**

Annalisa Savaresi is Professor of Law at Stirling University and Associate Professor at the Center for Climate Change, Energy and Environmental Law, University of Eastern Finland. She is an expert in environmental and climate change law, with 20 years' experience working with international and nongovernmental organizations. Annalisa currently is Director for Europe of the Global Network on Human Rights and the Environment, Associate Editor of the Review of European, Comparative and International Law and member of the IUCN World Commission on Environmental Law. She has given evidence to the UK, the EU and Scottish Parliaments and sits on the Board of Environmental Standards Scotland, the body scrutinising Scottish public authorities' compliance with environmental law established by the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.

**Setzer, Joana**

Joana Setzer is an Assistant Professor at the Grantham Research Institute on Climate Change and the Environment. Joana leads the Grantham Research Institute's research on climate litigation and the Climate Change Laws of the World project - the most comprehensive global resource on climate policy and legislation. Joana's research interest has been on climate change governance, particularly investigating the engagement of subnational governments and the role of courts in climate governance.

**Shapovalova, Daria**

Daria Shapovalova is a senior lecturer in energy law at the University of Aberdeen. She is the co-director of the Aberdeen University Centre for Energy Law and coordinator of the University's Just Transitions Lab. Daria coordinates the Energy LLM theme and leads courses on energy and environmental law. Daria's current research is on climate change and energy law with a focus on just transition. She is the Chair of the Scottish Arctic Network and published extensively on Arctic energy and environmental governance.

**Vargas, Ana María Daza**

Ana María's research interests cover International Investment Law, International Law, Water Law and Water Management, WTO Law and Economic Regulation. Ana María has been and continues to be an independent consultant for AACNI International Law Firm. She is also the editor of the online newsletter Arbitration Watch.

**Wortmann, Claudia**

Claudia Wortmann is a PhD researcher at Hasselt University, Faculty of Law. She obtained her Bachelor of Arts in Politics and International Studies from the University of Melbourne and her Juris Doctor from Monash University. Claudia has previously practiced as a solicitor in a commercial law firm in Melbourne, specialising in local government litigation and advisory work before moving to Belgium to commence her PhD in late 2022. Her research focuses on the intersection of international investment law and climate law.

**Yavuz Dalgic, Melike**

Melike Yavuz Dalgic has been actively engaged in both academia and legal practice over the past seven years. She currently holds the position of a lawyer at the Bursa Bar Association (Turkiye) for 6 years and is also studying for her PhD program at Anadolu University (Turkiye), which focuses on public international law. Between 2022 September and 2023 February, she did her PhD research at Universidade de Lisboa (Portugal) as an exchange student. Her doctoral thesis is based on international investment law and sustainable strategies.