International Conference on *Pathways to Just Transitions for a Sustainable Common Future*

Compilation of speakers and abstracts

Speakers (in order of program)

The Hon Ms Trish Dolye MP

The Hon Ms Doyle is the Member of the Legislative Assembly of New South Wales, and Member for Blue Mountains. She is the Parliamentary Secretary for Climate Change, Parliamentary Secretary for Energy, Parliamentary Secretary for the Environment, and Parliamentary Secretary for Heritage. She is a Member of the Australian Labor Party.

Opening Address

Dr Ian Fry | United Nations Special Rapporteur on Climate Change

Dr Ian Fry is an international environmental law and policy expert, and the UN Special Rapporteur on Climate Change. His focus is primarily on the mitigation policies associated with the UN Framework Convention on Climate Change, the Paris Agreement and related instruments. He is the Ambassador for Climate Change and Environment for the Government of Tuvalu and has worked for the Tuvalu Government for the last 21 years. Dr Fry has represented the Tuvalu Government at numerous international fora including the World Summit on Sustainable Development, Commission for Sustainable Development, UN Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol, Convention on Biological Diversity, the United Nations General Assembly and UN SIDS conferences.

Dr Fry is the Pacific Regional Representative to the United Nations for the International Council on Environmental Law, a member of the IUCN World Commission on Environmental Law, a Research Associate at the Centre for Climate Policy and Law (Australian National University Law School), a member of the Australian Association for Pacific Studies, the International Studies Association and the International Association for Small Island Studies.

Keynote Address

Benjamin J Richardson | Professor, Faculty of Law | University of Tasmania, Australia

Based at the University of Tasmania (UTAS) with adjunct positions at the law faculties of York University and Queen's University in Canada, Professor Benjamin J Richardson is a scholar of environmental law, with collateral, interdisciplinary research interests spanning film studies, corporate social responsibility and Indigenous peoples. He has worked for over 25 years in academic positions in Australia, Canada, New Zealand and England, including prior to joining UTAS as a Senior Canada Research Chair at the University of British Columbia. He has authored or edited 14 books, his latest being *Before Environmental Law: A History of a Vanishing Continent* (Bloomsbury, 2023). Beyond academia, Professor Richardson has been active in numerous community and professional groups, including the Australian Panel of Experts on Environmental Law, the Tasmanian Environmental Defender's Office, and the Tasmanian Independent Science Council.

Abstract of Presentation

Three steps forward, two steps back: Change and constancy in environmental law

What can we learn from our history to aid future just transitions? The history of Australian environmental law provides some important insights into this subject. One aspect of this history that this paper focuses on is the story of how affected communities have sought a greater voice in environmental decision-making. Public participation is vital to the just transition journey to a sustainable common future. There is a mythology that environmental law in Australia emerged from the late 1960s, driven in part by increasing community activism seeking opportunities for more public input into decision-making, resulting in widespread legal reforms to give people more access to the courts, and rights to be consulted and receive information. This view of history, regarding developments both before and after the late 1960s, is erroneous. Prior to this era, there were examples of communities seeking, and sometimes obtaining, opportunities to be heard in environmental decision-making, although often in informal and indirect ways. And since the birth of so-called "modern" environmental law over the past half-century, the assumption that law reform has given the public a dramatically improved voice in environmental decisions is misleading as effective participation has been hindered by a variety of institutional and political factors. Indeed, recent anti-protest legislation in several Australian jurisdictions is rolling back some of these participation reforms. A better understanding of this distant and recent history will help us to understand the role of public participation and its governance in shaping a just transition. This paper draws on the author's new book, *Before Environmental Law: A History of a Vanishing Continent* (Bloomsbury / Hart Publishing, London, 2023).

Binyam Mekonnen | PhD Candidate | Sant'Anna School of Advanced Studies, Pisa, Italy

Binyam Mekonnen Adera is a PhD candidate in Human Rights and Global Politics at Sant'Anna School of Advanced Studies in Pisa. He is an Assistant Professor in the Department of Philosophy at Addis Ababa University, Ethiopia. He obtained his MA and BA from Addis Ababa University in Philosophy. His research areas include political philosophy and human rights, moral philosophy, intergenerational justice, climate ethics critical social theory, and he has published some articles and book chapters on these areas. His current research project is entitled "Climate Change and Intergenerational Justice: A Decolonizing Human Rights Perspective towards Responsibility, Politicization, and Sustainability" under the supervision of Professor Alberto Pirni.

Abstract of Presentation

Decolonizing the Anthropocene for Intergenerational Justice: A Critical Pathway towards Combating Ecocide in Global Climate Change

The Anthropocene era encapsulates the realization that human actions have significantly impacted our planet, leading to concerns such as climate change, biodiversity loss, and the dire need for sustainability. However, amidst discussions about progress and sustainability, one crucial aspect often overlooked is the decolonization of the Anthropocene. In global climate change, civilizations stand at a critical juncture where only collective action and paradigmatic shifts can secure a sustainable and just world for future generations. To address diverse challenges such as environmental degradation, ecocide, and the need for equitable progress, there is an urgent call for the decolonization of the Anthropocene. Decolonization goes beyond political independence; it is about dismantling the vast power structures perpetuating ecological harm. Recognizing colonization's historical legacies and ongoing impacts, one can challenge the dominant narratives and systems that utilize nature for only profit. The Anthropocene, an epoch characterized by human influence on the ecological order, demands a profound re-examination of the human relationship with nature. Decolonization in the context of the Anthropocene involves dismantling the power systems—discourses and structures—that perpetuate the exploitation of nature and humanity. Colonial legacies have disproportionately burdened marginalized communities, perpetuated unsustainable practices, and hindered progress towards ecological justice. At the core of the decolonization of the Anthropocene lies the principle of intergenerational justice. This concept highlights our responsibility towards future generations in preserving a habitable planet. Decolonizing our institutions, policies, and perspectives creates space for alternative frameworks that prioritize sustainability and intergenerational equity. This paper delves into the interconnections between ecocide, sustainability, and the imperative for a decolonized approach, highlighting the importance of 'matrigenesis' and intergenerational justice in this global climate challenge.

Rosemary Lyster | Professor | Sydney Law School, The University of Sydney, Australia

Rosemary Lyster is a Professor of Climate and Environmental Law at the University of Sydney Law School and a Fellow of the Australian Academy of Law. She is the Co-Leader of the Climate Disaster and Adaptation Cluster at the multidisciplinary Sydney Environment Institute at the University of Sydney. Rosemary's special area of research expertise is Climate Justice and Disaster Law. She has published two books in this area: Rosemary Lyster and Robert M. Verchick (eds.) *Climate Disaster Law* (Edward Elgar: 2018) and Rosemary Lyster *Climate Justice and Disaster Law* (Cambridge University Press: 2015). Rosemary was selected by the Australian Financial Review as one of the 2018 '100 Women of Influence' in the Public Policy category.

In 2015, Rosemary was appointed by the Victorian government to a three-person Independent Review Committee (IRC) to review the state's Climate Change Act 2010 and make recommendations to place Victoria as a leader on climate change. The government accepted 32 of the IRC's 33 Recommendations which were included in the new Climate Change Act 2017. In 2013, Rosemary was appointed a Herbert Smith Freehills Visiting Professor at Cambridge Law School and was a Visiting Scholar at Trinity College, Cambridge in 2009 and in 2014.

In other areas of Environmental Law, Rosemary specialises in Energy and Climate Law and Water Law. She has published three other books with Cambridge University Press in the area of Climate Law including Rosemary Lyster, Catherine MacKenzie, Constance McDermott (eds.) *Law, Tropical Forests and Carbon: The Case of REDD+* (Cambridge University Press:2013), Rosemary Lyster and Adrian Bradbrook, *Energy Law and the Environment* (Cambridge University Press: 2006) and Adrian J. Bradbrook, Rosemary Lyster, Richard L. Ottinger and Wang Xi (eds.) *The Law of Energy for Sustainable Development* (Cambridge University Press: 2005). Rosemary is the principal author of Rosemary Lyster, Zada Lipman, Nicola Franklin, Graeme Wiffen, Linda Pearson, *Environmental and Planning Law in New South Wales, 5th Edition* (Federation Press: 2021). Rosemary is the Energy and Water Special Editor of the Environmental and Planning Law Journal which is the leading environmental law journal in Australia.

Abstract of Presentation

Multispecies Climate Justice and Disasters: A Transition Towards a New Regulatory Framework

The IPCC released its Sixth Assessment Report. Working Group I's Sixth Assessment Report 'Climate Change 2021: The Physical Science Basis' (AR6)1 which confirms that '[t]he impacts of climate change are already being felt in dramatic ways. The frequency and intensity of hot extremes (including heatwaves) has increased across most land regions since the 1950s, while cold extremes (including cold waves) have become less frequent and less severe (virtually certain).2 Australia has in fact already warmed by 1.4° C. There is high confidence that the intensity, frequency and duration of fire weather events will increase throughout Australia.

Australia's climate-induced bushfire disaster during the 2019-20 summer devastated ecological and human communities. Conservative estimates indicate that over 3.3 billion terrestrial vertebrates died or were displaced. Neoliberalism and its deregulatory agenda provide the overarching narrative to explain how the disaster unfolded, how the background conditions were created, and what stands in the way of recovery. Neoliberal ideas, favouring economic growth, anthropocentrism, individualism and human exceptionalism, are devastating for Australia's biodiversity.

A multispecies climate justice framework, which recognises thick relational webs between humans and non-humans, as well as their vitality and agency, is required. MSJ recognises that all beings are co-constitutive of each other and are tied together through culture and identity. It rejects the idea of the individual as an autonomous agent as well as the extensionalist notion that justice extends only to sentient animals which share human individual capacities. MSJ adopts a process of 'sympathetic imagining' or 'biocentric wonder' to understand how humans strive alongside other living forms and what measures are needed for their 'flourishing' in the face of shared vulnerabilities.

Neoliberalism cannot survive as the regulatory narrative. There has to be a shift towards recalibrating the relationship between humans and non-humans, and regulators need to move swiftly towards the MSJ frame. Absent such shifts, prospects for recovery and non-repetition are dim in the face of climate disasters.

Asanka A Edirisinghe | PhD Candidate | Macquarie Law School, Macquarie University, Sydney, Australia

Asanka Amitharansy Edirisinghe is a PhD student at Macquarie Law School, Australia. She is conducting her PhD research on the legal personhood and rights of rivers in Sri Lanka. Her research centres on the disconnection between the profound relational values held by Sri Lankan communities toward rivers and the existing river protection legal framework in the country, which is predominantly shaped by Western legal principles.

Abstract of Presentation

The Intersection Between the Sri Lankan Value System and The Rights of Nature

River pollution has become a recurring issue in contemporary Sri Lanka. This indicates a failure of the existing river protection law regime in Sri Lanka to safeguard rivers for reasons beyond their instrumental value. The current river protection laws in Sri Lanka predominantly reflect Western legal concepts that have been criticized for their anthropocentric nature, often falling short in protecting the intrinsic and relational values of nature. Contrastingly, the traditional Sri Lankan value system perceives nature, including rivers, in a more holistic manner, acknowledging values beyond mere instrumental benefits. The emerging legal trends of legal personhood and rights of rivers aim to shift away from extreme anthropocentric legal principles in river conservation. Notably, efforts to recognize the personhood and rights of rivers in various jurisdictions draw inspiration from traditional and Indigenous perspectives on nature. This research examines how the profound relational values attributed to rivers within the Sinhalese Buddhist tradition in Sri Lanka could influence the legal recognition of personhood and rights of nature, thereby safeguarding the intrinsic and relational values of rivers and the river community. By drawing parallels from New Zealand and India, where Indigenous ontologies and religious beliefs have respectively contributed to the legal recognition of personhood and rights of rivers, this research identifies lessons for broader acceptance of traditional value systems in river protection efforts in Sri Lanka. The research is carried out using the black letter approach to research and international and comparative research methodology. This paper offers guidance to lawmakers providing a case for wider recognition of traditional Sri Lankan values and makes a novel and original perspective to the existing body of knowledge, addressing a topic that has received limited attention within the scholarly literature on Sri Lanka.

Amit Anand | Assistant Professor | School of Legal Studies, REVA University, Bangalore, India

Amit is presently working as an Assistant Professor at the School of Legal Studies, REVA University, Bengaluru. He passed his PhD (Law) from Lancaster University, U.K. in 2022. He holds LL.M (Human Rights) from the University of Reading, U.K. (2015) and B.A.LL.B. (Honours.) from National Law School of India University, Bengaluru (2014). He has presented oral statements to separate United Nations Treaty Bodies in the past. Dr. Amit has several paper publications in both national and international peer-reviewed journals. His research interests lie in the area of International Human Rights Law (particularly on the issue of gender-based violence, and caste discrimination).

Akanksha Madan | Assistant Professor | School of Legal Studies, REVA University, Bangalore, India

Ms Aakanksha is presently working as an Assistant Professor of Legal Studies, REVA University, Bengaluru. She has completed her LL.M from the National Academy of Legal Studies and Research University of Law, Hyderabad in Intellectual Property Rights and B.A.LL.B from the School of Law, DAVV, Indore. She also has a diploma in Victimology and Victim Assistance from Tokiwa International Victimology Institute, Tokiwa University, Mito, Japan. She has submitted a written contribution for the purpose of a half-day of general discussion to prepare the elaboration by the committee (CEDAW) of a General Recommendation on the equal and inclusive representation of women in the decision–making system. She has a total 4 years of experience in teaching and research and during that, she has also assisted various students with Start-Ups through incubation centres under Ministry of Education in India. Her research interest lies in Intellectual Property Rights, Women and children's rights and Environmental Laws. She also has several publications in various domestic and international peer–reviewed journals.

Abstract of Presentation

Women, Gender Equality and Climate Change in India

India lacks a comprehensive climate legislation, however, there are several environmental legislations to combat the effects of climate change. In relation to protecting the environment, the proactive efforts of the Indian judiciary have often acted as a 'lever of transformation' and have been recognized globally. However, it has been seen that in most climate change litigation in India, climate concerns that affect human well-being often take a backseat while these litigations usually get limited to enforcement of existing environmental laws. Government policies on climate change often fail to understand the varied triggers that result in gender-based violence associated with climate change. Note that, India's key climate document the National Action Plan on Climate Change (NAPCC) 2008 only mentions the term gender once in the entire document. Whereas recent research in India has shown how climate change can accelerate the vulnerability of women to the absolute extremes by establishing a direct causal link among multiple factors that exacerbate gender-based violence against women and girls (mostly through existing social evils such as the dowry system and child marriage) in relation to climate change.

This paper, therefore, centres around understanding women's participation in the fight for climate justice in India. This paper highlights the human rights consequences of climate induced disasters on women and girls within the Indian context. The paper also refers to how the inclusion of gendered vulnerabilities has often been neglected in the understanding of climate justice leaving young girls and women in India more vulnerable to climate change impacts. The primary objective of this paper is to highlight climate change requires intersectional, long-term solutions and that policymakers must acknowledge the significant role women play as decision-makers, stakeholders, educators, carers, and experts.

Harpreet Kaur | Business and Human Rights Specialist | United Nations Development Programme (UNDP), Asia-Pacific

Harpreet Kaur is a Business and Human Rights Specialist at the UNDP's Regional Bureau of Asia and the Pacific, where she oversees a regional project aiming at promoting responsible business practices through partnerships in Asia. She provides technical and advisory support to governments and businesses on how to mitigate and address human rights risks and impacts in operations and supply chains in Asia. Previously, Harpreet led Genpact Centre for Women's Leadership at Ashoka University where she steered the Women, Workplace & Rights agenda and designed cutting-edge programs that enabled women to lead with equality and dignity. At the Business and Human Rights Resource Centre, Harpreet highlighted corporates' human rights impacts through her research and writing. In her early years, Harpreet led governance projects in the conflict-ridden Jammu and Kashmir in India using media and communication and supported the track-II diplomacy processes. Harpreet serves as a Council Member of the World Economic Forum Global Future Council on Human Rights. Harpreet has presented at various national, regional and international forums and published both in national & international media. Harpreet has a PhD in Anthropology from the University of Delhi, India and a Post Graduate Diploma in Human Rights Law, National Law School, India. She is a certified SA 8000 Auditor.

Abstract of Presentation

The Precarity of Informality: Ensuring Gender Justice in Clean Energy Transition

The climate crisis is accelerating faster and more severely than expected (IPCC, 2018), resulting in increased calls and action towards a green transition. As important as the green transition is to address the consequences of global warming and climate change, its disproportionate impact on certain economies and groups cannot be ignored. For example, enterprises and workers in the informal economy could bear exceptionally high costs in the transition due to the deficiencies in decent work (ILO, 2022). The situation is worsened by the inherent challenges of the informal sector, where women make up a disproportionate percentage of workers. Therefore, as policymakers and corporations employ strategies and initiatives to transition to a greener and more sustainable future, they must understand that climate change and its consequences are not gender-neutral. Women bear a disproportionate burden and are inherently more vulnerable to climate change. Further, these vulnerabilities are exacerbated due to intersections between gender, power dynamics, socioeconomic structures, and societal norms and expectations (Andrijevic et al., 2020). The paper critically analyses the precarity of women in Asia's informal sector through an intersectional lens and urges policymakers and powerholders to ensure a gender-responsive green transition.

Muluken Kassahun Amid | PhD Researcher | Ababa University, Ethopia

Muluken is an Assistant Professor of Law at Mattu University, Ethiopia. He is also a PhD Researcher in Human Rights at Addis Ababa University, Ethiopia. Muluken has served as a Public Prosecutor, Lecturer, Researcher, and Consultant at governmental, non-governmental, and intergovernmental institutions on legal and human rights issues. He has published several articles and books. Muluken has presented more than 35 papers at national and international research conferences, including conferences organized by the Association of Human Rights Institutes and University of Pretoria, World Human Rights Cities Forum and Gwangju International Center, Arizona State University, African International Law Economic Law Network Conference and Ethiopian Federal Parliament. His particular research focus includes Constitution, Federalism, Business and Human Rights, Gender Equality, Climate Change, and emerging legal issues.

Abstract of Presentation

Linking Gender and Climate Justice under African Union Legal and Policy Frameworks

Climate Change has disproportionate and differential impacts on women and girls. Gender blind policies exacerbate inequalities and expose women and girls to more vulnerable situations. This paper examines the extent of African Union (AU) Policy and legal frameworks incorporate the gender dimension of climate change action. The paper employed a qualitative research approach. The study argues that most of the binding regional human rights instruments failed to consider the gender aspects of climate change responses, while the various policy frameworks adopted by the AU were designed in a manner that integrates gender perspectives of climate justice. Among others, the 2009 African Union Gender Policy, the 2015 Programme of Action for the Implementation of the Sendai Framework for Disaster Risk Reduction, AU Strategy for Gender Equality and Women's Empowerment (2018-2028) and AU Climate Change and Resilient Development Strategy and Action plan (2022-2032) incorporates the differential impact of climate change on women and their role in combatting the problem. Actually, despite the existence of multiple gender responsive frameworks women and girls continued to face more vulnerability and marginalization. Both natural and manmade disasters are exacerbating the existing problems of gender-based violence, discrimination and subordination of women. The problem intensifies not only intergenerational subordination and poverty of women but also threatens the realization of women's and girls' rights recognized under Maputo Protocol, CEDAW and other relevant human rights instruments. Failure to adopt and implement gender sensitive policies and legal frameworks threatens the goal of achieving gender equality in the African continent. The paper recommends that the existing legal, institutional and policy frameworks should be reformed in a way that responds to the vulnerability and need of women and girls that constitutes at least half of population.

Georgia Cam | Sessional Teaching Academic | Macquarie Law School, Macquarie University, Sydney, Australia

Whilst studying a Bachelor of Laws (Hons) and a Bachelor of Environmental Science at Macquarie University, Georgia worked at the Centre for Environmental Law and as a research assistant for Professor Shawkat Alam. Georgia also worked as a legal research assistant at the Land and Environment Court and at University Chambers. She practised as an environment and planning lawyer prior to working as a sessional academic at Macquarie Law School. She is the co-founder and CEO of an environmental charity, the Earthly Institute - an official partner of the Fossil Fuel Non-Proliferation Treaty Initiative. This organisation is contracting the Earthly Institute to generate a global movement to endorse the Fossil Fuel Non-Proliferation Treaty. This year, Harvard University's T.H. Chan School of Public Health recognised Georgia's efforts to educate and mobilise the international community to take action on climate change, along with sixteen other selected individuals across the globe.

Abstract of Presentation

The Fossil Fuelled Crisis: A Model for Global Citizenship to Power a Just Transition to Renewable Energy

The rights of women, children, migrants, and Indigenous peoples and the realisation of a renewable energy future are frequently discussed in a mutually supportive manner in human rights law. However, there is growing evidence that the latter is being pursued to the detriment of the former. This paper critiques the emerging principled approach of a just transition away from fossil fuels at the intersection between human rights law and environmental law. The Fossil Fuel Non-Proliferation Treaty adopts this principled approach to accelerate an equitable shift away from fossil fuels towards an affordable, abundant, clean energy future for all. To achieve this inclusive and sustainable future, considerations regarding the life cycle of renewable energy infrastructure must be thoroughly explored. Extractive industries will continue to play an indispensable role in our future, shifting from a demand for fossil fuels towards a demand for minerals that are critical for renewable energy infrastructure. With supply for minerals trending downwards, mining companies are turning to the deep-sea as a fallacious solution. Considerations of the consequences on human health must be closely examined. It is argued that deep-sea mining could threaten ecosystems that are crucial for food security and carbon sequestration. Accordingly, investment in the efficient production and recycling of renewable energy technology is vital for a just transition away from fossil fuels. The production of renewable energy infrastructure is reliant on forced labour. People fleeing from the increasing intensity and frequency of natural disasters are particularly vulnerable to modern slavery, with women, children, and migrants remaining disproportionately affected. Just transition measures must be fully realised to ensure fair pay for all work in the transition towards a zero-carbon economy. This paper concludes that an equitable plan to expedite the adoption of clean energy is essential to ensure a sustainable common future.

Tina Soliman Hunter | Professor | Macquarie Law School, Macquarie University, Sydney Australia

Professor Tina Soliman Hunter is a geologist, law academic, and Professor in Energy and Resources Law. She teaches and researches in intergenerational equity in energy and resources, petroleum law, Arctic resources law and shale gas law. She has received academic qualifications in marine sediments and geology, political science, applied science, and law, completing her PhD at the University of Bergen, Norway. She has undertaken teaching and research in numerous countries including the UK, Australia, Norway, Canada, Iceland, Greece, Finland, Russia, the USA and the Philippines. Her expertise in regulating petroleum activities has been sought worldwide.

Professor Soliman Hunter is currently the Leader of the multidisciplinary Centre for Energy and Natural Resources Innovation and Transformation (CENRIT), a visiting earth sciences Professor at Tomsk State University in the Russian Federation, and a professor at the University of Eastern Finland. She has published eight books and over one hundred articles, book chapters and conference papers.

Abstract of Presentation

The Energy Transition and Sustainability: Are We Disregarding Intergenerational Equity?

As the energy transition gathers momentum, some nations, such as Australia, are hurtling at a breakneck pace to install many gigawatts (GW) of new electrical capacity in a short period of time. As observed in Queensland, the installation of solar capacity is being done in less than one third of the time that it took to commence the coal seam gas industry, with concomitant impact on society, soil, and farming. Such speed of activity occurs without a well-developed regulatory framework for operations, grid connection, integration with the existing network, or decommissioning.

Focusing on solar energy, concerns have been raised in academia and government that the breathtakingly fast rate of solar installation is at the cost of sustainability, with fundamental principles of sustainability being ignored in order to meet renewable energy targets. These targets are usually either binding Nationally Determined Contributions under the Partis Agreement, or legislated targets such as that set out in s10(1)(a) of the Climate Change Act 2022 (Cth), which requires Australia to reduce its greenhouse gas emissions to 43% below 2005 emissions levels by 2030.

Drawing upon previous research in sustainability and energy, this paper will analyse whether the implementation of mandated targets disregards the principles of sustainability. In particular, the paper will focus on the rapid implementation of solar energy, examining legacy issues such as child labour, mining and use of critical minerals, waste generation from failure to plan for decommissioning, recycling and disposal of solar panels, and the impact of solar farms on future land use. This paper analyses these issues within the context of intergenerational equity, one of the fundamental cornerstones of sustainability, to determine whether intergenerational equity is disregarded in the race to meet mandated targets.

Cathy Sherry | Professor | Macquarie Law School, Macquarie University, Sydney, Australia

Cathy Sherry is a Professor at Macquarie Law School and an Executive Member of Smart Green Cities and the Centre for Environmental Law. She is a leading international expert in land law, with a particular focus on high density development. Her book *Strata Title Property Rights: Private governance of multi-owned properties* (Routledge, 2017) is the first academic monograph on Australian strata title. Professor Sherry's research focuses on the complex legal, economic and social relationships created by collectively owned land. She has published in highly ranked, peer-reviewed journals on multiple aspects of strata title, including the application of discrimination law to bodies corporate, the limits of small group autonomy in liberal democracies, and the United States condominium and homeowner association law.

Abstract of Presentation

Green strata: Just Transition to Green Energy in Housing Development

The easiest way to provide green infrastructure, including energy, in housing developments is to use strata and community title. This is because these titles create collectively owned land (common property), on which infrastructure such as microgrids or grey/blackwater treatment plants, can be sited. Once on that land (common property), the infrastructure belongs to all owners in the development, and they are legally responsible for its maintenance under strata legislation. On one level, this is workable; the legislation allows for dispersed, local, and collective, ownership of green infrastructure, and creates clear rules for its use and repair. However, it also involves a significant shift of responsibility and costs from the public sector to private citizens. Instead of relying on Ausgrid and Sydney Water to provide basic services, people will be relying on themselves. Running a microgrid or a water treatment plant is a significant responsibility, and the owners of apartments and houses in schemes will have no choice but to employ private companies to assist them, with the obvious attendant costs. In recognition of the vulnerabilities this creates, energy and water markets have extensive consumer protections, but the intersection of these with strata and community title law is challenging, to say the least. The result is the rise of green housing developments with extraordinarily complex legal structures that even judges struggle to understand in litigation. There is little possibility that purchasers fully understand the responsibilities they will incur when they buy, but if there is nothing else on the market, they have no choice. On a macro level, this is a result of the intersection of neoliberalism with energy transition. The idea that the private sector (developers, private property owners and private infrastructure companies) does things better and more efficiently than government is so entrenched in public policy that few governments question it. Defaulting to the private sector is also cheaper for governments. Initial construction of green infrastructure in strata and community title schemes is paid for by purchasers through sale contracts, but its maintenance is also borne in perpetuity by owners through strata levies. Real questions of just energy transition arise when private citizens are effectively forced to do the work of governments.

Sarah Brugler | PhD Candidate | University of Tasmania, Australia

Sarah is an experienced environmental law professional and is a current doctoral candidate at the University of Tasmania. Sarah's doctoral research investigates the use of conservation covenants as a tool of environmental law, focusing on key governance elements for covenanting bodies to achieve successful conservation practices in Australia. The title of her thesis is: 'Conservation covenant regimes: Attracting participation from new actors to deliver a wider range of objectives'.

Sarah has extensive experience working as a senior lawyer with environmental not-for-profits. Prior to commencing her PhD, Sarah was Legal Counsel for Trust for Nature (Victoria), Victoria's dedicated private land conservation organisation. Prior to joining Trust for Nature, Sarah worked as a lawyer for Environmental Justice Australia (EJA) focusing on EJA's nature protection law reform work. Sarah has also previously worked as a lawyer for ClientEarth's biodiversity program in London and commenced her legal career as a commercial property lawyer for Eversheds LLP (UK) and Henry Davis York (Australia).

Abstract of Presentation

Adaptive Governance for Just Transitions on Privately Managed Land: Seeking Opportunities for Increased Participation with Conservation Covenants in Productive Landscapes

Biodiversity and threatened ecological communities are at particular risk on privately managed land. Using the law to protect nature and habitats on privately managed land is notoriously difficult in Western jurisdictions such as Australia due to socio-cultural resistance to the interference of state-based laws that restrict private property use rights. Conservation covenant regimes are one legal tool currently available to protect habitat and threatened biodiversity on privately managed land, and these regimes have grown significantly since 2000. Conservation covenants provide secure environmental legal protection in perpetuity on privately managed land and contribute to Australia's protected area targets under the Convention of Biological Diversity. Given the voluntary – and somewhat restrictive - nature of conservation covenant regimes, it is unsurprising that they tend to protect high-value conservation land owned by landowners motivated by conservation values and there have been limitations in the use of conservation covenants in productive landscapes.

Australia has committed to new global conservation targets as part of the Convention on Biological Diversity's Global Biodiversity Framework. These targets include expanding the protected area estate to 30% of Australia's landmass by 2030 and active restoration of 30% of degraded ecosystems by 2030. This paper considers environmental regulatory and policy development in Australia to meet these targets and whether conservation covenant regimes have the governance frameworks necessary to contribute, with a particular focus on how these regimes can increase participation from landowners in productive landscapes.

This research uses adaptive governance theory to evaluate conservation covenant regimes in Australia to determine their strengths and weaknesses and the opportunities to attract participation from landowners in productive landscapes, as one way to achieve sustainability on privately managed land for agriculture. Adaptive governance theory is relied on to guide the legal frameworks for conservation covenant regimes to facilitate management, adaptation, and transformation and to navigate tensions between the perceived need for flexibility while achieving permanence and legal security.

Kanchi Kohli | Visiting Faculty | NALSAR University of Law, India

Kanchi Kohli is a researcher, educator and communicator of environmental law and policy. Her work covers the fields of environment, forest and biodiversity regulation and governance. Her policy research and practice explores the links and gaps between law, development, sustainability and environmental justice. Kanchi is a Fulbright Scholar and has authored books, reports, research papers and popular articles. She co-authored the coursebook Development of Environmental Laws in India (CUP, 2021) and co-edited Business Interests and the Environmental Crisis (SAGE-India, 2016). She co-edited a hundred issues of Forest Case Update, a public information newsletter on forest and wildlife cases in the Supreme Court of India (SCI). Her Twitter initiative #lawforall publicised significant aspects of Indian environmental law for a year and was regarded as an innovative form of pedagogy. Kanchi is an Associate Editor of the magazine Current Conservation. She teaches environment law and development courses at government training institutes, law schools and universities.

Abstract of Presentation

Building Forests: Can Incentivising Carbon Sinks Energise a Just Energy Transition?

Forests have been embedded in the international climate discourse for over three decades. While large-scale deforestation caused by extractive and agribusiness projects has been questioned, emissions reduction strategies have increasingly included conserving forests and investing in tree plantations. Post the 2015 Paris agreement, many national governments have relied on creating plantation-based carbon offsets as a win-win strategy as part of their nationally determined contributions (NDCs) submitted to the UNFCCC. This approach is presented by governments as critical to pursuing the twin goals of economic development whilst offsetting the emissions gap through carbon sinks. This paper seeks to examine the role of forests in climate governance through the lens of how the objectives of India's INDCs have been designed. The paper will also rely on the debates generated around the recently introduced legal frameworks that foreground the role of agroforestry and tree plantations to achieve climate targets. It will draw upon the historical context of forest governance in India to examine whether and how much such approaches can enable just energy transitions including recognising community rights of indigenous and forest conservation.

Celine Tan | Professor | School of Law, University of Warwick, UK

Celine Tan is a professor at the School of Law, University of Warwick, UK. Professor Tan's research centres on exploring aspects of international economic law and regulation with a focus on international development financing law, policy and governance. She is also interested in the intersections between law and development, gender, human rights and the environment. Celine has published on issues relating to the law and governance of the international financial architecture, sovereign debt, climate change and sustainable development, the role of international financial institutions and human rights.

Gamze Erdem Turkelli | Assistant Research Professor | University of Antwerp, Belgium

Dr Gamze Erdem Turkelli is an Assistant Research Professor at the Law and Development Research Group, University of Antwerp, Belgium. Her work is situated at the interface of international law, human rights law and sustainable development. She conducts research into transnational human rights obligations (including business and human rights), hybrid public-private actors in international law such as multistakeholder partnerships, 'innovative' development financing, children's rights as well as accountability and responsibility. She holds degrees in law, political science and international relations from Boğaziçi, Sorbonne, Yale and Antwerp.

Anil Yilmaz Vastardis | Senior Lecturer | Essex Law School, University of Essex, UK

Dr Yilmaz Vastardis is a Senior Lecturer at Essex Law School, UK. She is the co-director of the Essex Business and Human Rights Project. Her research bridges the gap between corporate law, international investment law, human rights law, and tort law, examining how these areas can and should interact so as to operationalise human rights standards in the modern business context. She has published works in leading international law journals and edited collections on parent-subsidiary relationships in the business and human rights context, non-financial reporting, duty of care in supply chain relationships, human rights in investment contracts and the embedded inequalities in the investment treaty regime.

Abstract of Presentation

The Just Economic Transition Partnership (JETP) and the Financing of Global Climate Action

Climate finance is essential to meeting the decarbonisation goals set by the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement. This paper examines the Just Energy Transition Partnership (JETP) model of financing decarbonisation and clean energy transition in developing countries. Viewed as a novel financial cooperation mechanism between developed countries, multilateral development banks (MDBs) and development finance institutions (DFIs), the JETP has been welcomed as a potentially more expedient mode of channelling climate finance to developing countries outside the more protracted negotiations under the multilateral climate regime of the UNFCCC. Launched in 2021 with South Africa, the initiative has now been extended to Indonesia and Vietnam in 2022 and Senegal in 2023, with a number of other developing countries in the pipeline for accessing finance under the JETP approach.

Although framed as a financing partnership, the JETP goes beyond the transfer of financial resources and, like other forms of international development finance, will involve significant legal, regulatory and policy reforms in developing

countries. The G7 views the JETP as forming a platform for global infrastructure development and investment that 'can contribute to the objectives of an open and inclusive climate club by supporting policy reforms and transforming the industry and related energy sector in line with multilateral and national commitments and processes'. This means that the JETP will have wider implications for developing countries beyond access to climate finance and can impact local and national law and policymaking; states' interactions in the broader global economy and international law and engagement with communities and the private sector. The JETP emphasis on de-risking private investment raises the question of whether this financing model for energy transition can offer adequate safeguards for the rights and interests of communities in host states that may be adversely impacted by JETP's implementation.

This paper locates the JETP within a broader multilateral climate change regime, international economic law and international human rights law. Examining the JETP framework and specific proposed policies and processes within JETP recipient countries, this paper identifies and addresses critical concerns with the JETP platform that could undermine the stipulated JETP objectives on climate, sustainable development and fiscal alignment. We argue that key characteristics of the JETP – reliance on private finance, especially debt financing, to finance decarbonisation and clean energy transition, the focus on large-scale infrastructure development over social transition and the lack of clear commitments to accountability and participatory engagement – give rise to legal, regulatory, policy and governance risks beyond the JETP, which may undermine the 'just' transition JETP is purporting to achieve. Additionally, the location of the JETP outside the multilateral climate regime can lead to a fragmentation of global action on climate change further constrain the domestic policy space and undermine the international influence and authority of developing countries within multilateral negotiation fora.

Laode M Syarif | Executive Director, KEMITRAAN & Senior Lecturer | Hasanuddin University Law School, Indonesia

Dr Laode M Syarif is the Executive Director of KEMITRAAN (www.kemitraan.or.id) and a senior lecturer at Hasanuddin University, Law School (https://unhas.ac.id/). He has been working on the issues of environmental protection, the rule of law, anti-corruption, good governance, human rights, and judicial reform since 1998. He teaches International Environmental Law and Anti-Corruption at Hasanuddin University, Faculty of Law and collaborates with several law schools, such as Sydney University Law School, National University of Singapore Law School, and actively works and collaborates with the IUCN Academy of Environmental Law, and many more. Dr Syarif was a commissioner of the Corruption Eradication Commission from 2015 to 2019, during his term as a commissioner he focused his work on preventing and eradicating political corruption, natural resources corruption, and started the prosecution of corporations through criminal corporate liability and strengthening the role of KPK Anti-Corruption Learning Centre (ACLC) in anti-corruption education.

He obtained his law degree (Sarjana Hukum) from Hasanuddin University and his master of law degree (LL.M) from Queensland University of Technology, Brisbane and his Ph.D. in International Environmental Law from Sydney University. He published in the issue of Indonesian Environmental Law, Transboundary Pollution in ASEAN, Anti-Corruption, Sustainable Fisheries, and Justice Reform and Human Rights. He was recognized by the Australian Government as the recipient of “Alumni of the Year 2018” and the recipient of the Global Advance Award from Australian-based Organization Advance Org (https://advance.org) in 2019.

Abstract of Presentation

The Pursuit of Just Energy Transition vs Environmental Destruction and Local People Displacement

Indonesia is a home of precious natural resources and is even brave enough to challenge foreigners by saying “you name it-we have it”. It is true that Indonesia possesses many precious minerals, such as gold, copper, tin, bauxite, nickel, rare earth and many other minerals. As a country with the biggest nickel deposit in the world (21 million metric tons), Indonesia has become the ‘new darling’ in the energy transition discourse because nickel is the main component for the development of batteries for electric vehicles and households. Unfortunately, most nickel deposits in Indonesia are located in vulnerable islands and a group of small islands around Sulawesi and Maluku.

As a member of the G20, Indonesia has successfully mobilised USD 20 billion in public and private financing called Just Energy Transition Partnership (JETP) during the sideline event of the Bali G20 Summit in November 2022. The JETP is expected to help developing countries reduce their reliance on fossil fuels, such as coal and gas that cause carbon emissions that contribute to climate change. Unfortunately, the JETP also driving over-exploitation of nickel because Indonesia sees itself as the future hub for the integration of upstream and downstream production of nickel. The current government has boosted the mining of nickel and the development of smelters and invited investors to develop battery production. Unfortunately, most investors are coming from China, and they are known for their low standards on environmental, social, and human rights safeguards.

The aggressive move of the government has created irreversible environmental damage to many small islands and sacrificed the livelihood of the local community of many small islands in the Eastern part of Indonesia. Many local communities have to let go of their lands and crops to the mining oligarchs that colluding with the government to get mining concessions on people's lands. This clandestine practice and irresponsible nickel mining operation have damaged the source of fresh water and coastal areas of the local communities make them difficult to sustain their livelihood.

Indonesia used to have very good legal frameworks on environmental protection and mining, but the current government has revised some articles in the Environmental Protection and Management Act and Mining and Energy Act with the introduction of a problematic ‘omnibus law’ called Job Creation Act in 2022. Under the Job Creation Act, for example, environmental impact assessment is not required if such project classified as “National Strategic Project” (Proyek Strategis Nasional) by the central government. This draconian law has been invalidated by the Indonesian Constitutional Court, but the government and the parliament reintroduced it again through the Government Regulation In Lieu of Law (Peraturan Pemerintah Pengganti Undang-Undang).

Finally, this paper is trying to find a way that just energy transition program can be achieved without sacrificing environmental protection and basic human rights of the people. This paper also attempts to ensure that just energy transition in Indonesia will be managed based on good governance and sustainability principles.

Mohammad Golam Sarwar | PhD Candidate | SOAS University of London, UK

Mohammad Golam Sarwar is a law researcher and academic with over 10 years of working experience, particularly focusing on business and human rights, climate justice, sustainable investment, alternative development and SDGs. He is currently pursuing PhD at SOAS University of London as a Commonwealth Scholar.

In addition to his extensive research experience, he is also experienced in drafting and reviewing laws and policies; preparing state-party human rights reports; conducting workshops; and coordinating consultations with government and civil society. Mr. Sarwar has previously worked with UN WOMEN, UNRCO, UNDP, UNHCR, UNODC, European Union, ILO, IDLO, National Human Rights Commission, Ministry of Foreign Affairs, Ministry of Home Affairs and Ministry of Law, Bangladesh. He has published a good number of research articles in peer-reviewed journals and books published by Routledge, Springer Nature And Brill Nijhoff. Mr. Sarwar holds a master's degree in International Development Law and Human Rights from the University of Warwick, UK, with Chevening Scholarship. He can be reached at: sarwar.law@du.ac.bd

Abstract of Presentation

Making Just Transition 'Just' for Developing Countries: Synergies between Responsible Investment and Climate Justice

Just transition is considered as a critical enabling factor to reach the milestone of net zero greenhouse gas emissions and to build a net-zero economy. In order to enable the transition to a resilient, and low-carbon economy, the role of investors for both public and private investment is crucial. The just transition provides opportunities for investors to enable the principles of responsible investment by adopting ESG standards into the climate change agenda. However, the real test for the just transition will appear in the context of emerging economies of the developing countries where the largest amount of investment is required for net-zero economy and climate resilience.

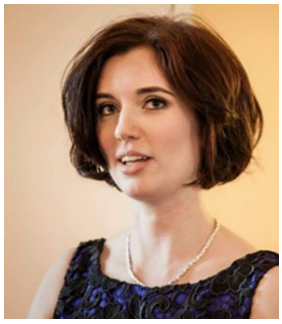
The aim of this paper is to critically analyse the synergies and approaches relating to investment and climate change to enable the just transition, especially in the context of developing countries. The paper shall assess the current international investment law regime with particular focuses on (i) to what extent the emerging dimensions of 'responsible investment' have been addressed in the investment law; (ii) what are the missing linkages and challenges in adopting a climate-friendly investment regime. In making such an assessment, the paper shall highlight the context of developing countries where there remains an existential dilemma in striking a balance between the continuation of climate-unfriendly fossil fuel extraction and adopting new green and climate-friendly investments. In this regard, just transition requires the investors to invest in new forms of renewable and clean energy to enable a diversified economy that is less vulnerable to carbon and fossil fuel risks.

While emphasizing the reorientation of investment law and governance, the paper shall argue that in order to envision an equitable decarbonised world and achieve just transition, climate change should be viewed through the lens of justice that emphasizes the protection of vulnerable populations from the impacts of (unsustainable) investment induced climate crisis. Equality and justice dimensions of just transition require addressing the unequal distribution of the costs and consequences of the transitions themselves and indicate to discharge ecological debt as owed by the Global North to the Global South countries due to historical climate injustice. Underscoring such dimensions of justice, equality and equity has significant implications for the pace, scale and quality of the just transition.

Shawkat Alam | Professor | Macquarie Law School, Macquarie University, Sydney, Australia

Professor Shawkat Alam is Professor of International and Environmental Law at Macquarie University. His primary teaching and research expertise lies in the areas of international law, environmental law and sustainable development. His research focuses on the opportunities and challenges faced by developing economies to achieve sustainable development by examining legal, institutional and policy frameworks. He is the author of a monograph, *Sustainable Development and Free Trade* (Routledge, 2008), and has co-edited several books, including *International Natural Resources Law*, *Investment and Sustainability* (Routledge, 2018) and *International Environmental Law and the Global South* (Cambridge, 2015).

Catherine Gascoigne | Research Fellow | Macquarie Law School, Macquarie University, Sydney, Australia



Dr Catherine Gascoigne is a Macquarie Research Fellow at Macquarie University. The focus of Catherine's research relates to international economic law, with a particular focus on international trade and investment law. She is the author of the monograph, *Causation in the Law of the World Trade Organization: An Econometric Approach*, which is due to be published by Cambridge University Press in August 2023. She is also the Winner of the Society of International Economic Law/Journal of International Economic Law/Oxford University Press Prize (2018-2019)—an international prize awarded to an early career researcher for the best essay relating to international economic law. Catherine holds a Bachelor of Arts (Hons I) and Bachelor of Laws (Hons I) from the University of Sydney, a Bachelor of Civil Law (Distinction) from the University of Oxford and a Doctor of Philosophy in Law from the University of Cambridge.

Abstract of Presentation

Harmonising International Trade Obligations with Climate Objectives: The Interrelation of WTO Regulations and the Paris Agreement Regarding Renewable Energy Subsidies

This paper explores the intricate relationship between the United Nations Convention on Climate Change (UNFCCC) and the World Trade Organization (WTO), with a particular focus on renewable energy subsidies. The central argument of the paper is that clear and specific WTO rules concerning renewable energy subsidies are urgently needed to align with the objectives of the Paris Agreement and, at the same time, remain consistent with WTO obligations.

This paper considers the extent of the exceptions outlined in Article XX of the General Agreement on Tariffs and Trade (GATT), which permits nations to implement measures aimed at safeguarding human, animal, and plant life or health. These measures should not unfairly or unreasonably differentiate between countries or function as hidden barriers to international trade. However, this approach possesses certain constraints as it necessitates legal proceedings, placing significant strain on the judicial system and providing only incremental solutions. To address these shortcomings, the paper suggests a more effective alternative by establishing a connection between GATT Article XX and the Agreement on Subsidies and Countervailing Measures (SCM). Accordingly, the paper discusses the nature of the SCM Agreement and its potential impact on renewable energy schemes. In particular, it explores how the current design of the SCM Agreement may create negative incentives that hinder the adoption of renewable energy and discourage the shift away from fossil fuels. By examining various proposals for reform, the paper explores how such changes could encourage countries to embrace renewable energy initiatives while discouraging support for the fossil fuel industry.

In conclusion, the paper emphasises the need to harmonise UNFCCC and WTO regulations to effectively promote renewable energy adoption while complying with trade liberalisation obligations. It calls for the establishment of clear WTO rules regarding renewable energy subsidies to facilitate the achievement of the Paris Agreement's goals and offers potential solutions to bridge the existing gaps between the two international frameworks.

Lorena Bisignano | MRes Candidate | Macquarie Law School, Macquarie University, Sydney, Australia

Lorena Bisignano is an MRes Candidate at Macquarie University. She holds a Master's Degree in Law from the University of Trento, Italy, and an LLM in International Law and Security from the University of Glasgow, UK. She has experience working with NGOs in the field of human rights protection. In particular, she worked for Italy-based NGOs operating in the context of migration law and carrying out human rights strategic litigation nationally and at the EU-level. She also worked in a Dutch NGO operating in the field of business and human rights and more specifically on commercial bank's human rights responsibility and due diligence. There she focused on human rights heightened due diligence processes for banks in the context of the war in Ukraine. Currently, she is further investigating human rights accountability designs for private financiers in light of a prospective Business and Human Rights Treaty.

Abstract of Presentation

The Rise of Human Rights-Based Claims in Climate Litigation: Finding a Common Ground to Prompt Climate Due Diligence for Governments and Private Actors

Climate change is arguably the most threatening challenge of our time, with impacts hindering the full realisation of human rights. Despite the growing recognition that only a 'system-wide transformation' can ensure the respect of the Paris Agreement, global CO2 emissions are set to grow as oil and gas expansion projects are being substantially financed1. Against this backdrop, climate litigation is rising. Not only are plaintiffs using strategic climate litigation to push their States to strengthen climate regulations, but a greater number of legal actions are also being brought against private actors.

Recent climate litigation developments show that human rights claims are increasingly being used to hold public authorities and/or private actors accountable for their climate-adverse activities. This paper aims to identify some emerging innovative approaches in climate rulings that could underpin the conceptualisation of climate due diligence. At present, climate due diligence is an in fieri notion potentially supporting a climate-oriented legal duty of care for corporations and States. Courts seemingly ground this duty in an "ecologist de-colonial discourse" and a right to a climate system capable of sustaining life.

While it might be premature to say that such a right is being embedded in international customary law, courts are starting to acknowledge that climate change is a human rights issue that, as such, requires a human rights-based approach. Relying on climate case law, this paper argues that a legal concept of climate due diligence outlining core obligations to prevent, mitigate and redress climate change should be developed as a key component of both States' and private actors' human rights responsibilities.

Barnali Choudhury | Professor | Osgoode Hall Law School, York University, Toronto, Canada

Barnali Choudhury is a Professor of Law and the Director of the Jack & Mae Nathanson Centre on Transnational Human Rights, Crime and Security. Prior to joining Osgoode, she was a Professor at University College London and academic director of UCL's Global Governance Institute. She is an internationally recognized expert on business and international economic issues, particularly as they relate to issues of human rights. She has published numerous books, including Corporate Duties to the Public (Cambridge University Press, 2019); Understanding the Company: Corporate Governance and Theory (Cambridge University Press, 2017); and Public Services and International Trade Liberalization: Human Rights and Gender Implications (Cambridge University Press, 2012), as well as a forthcoming commentary on the United Nations Guiding Principles on Business and Human Rights. Her work has appeared in the Oxford Journal of Legal Studies, Columbia Journal of Transnational Law, Berkeley Business Law Journal, International & Comparative Law Quarterly, Journal of Corporate Law Studies, as well as in numerous other journals and in book chapters. It has also been featured in the Oxford Business Law Blog, the Columbia Law School Blue Sky Blog and the American Society of International Law Insight, among others. She has written op-eds for the Globe and Mail, the Neue Zurcher Zeitung, and iPolitics and her work has been featured in Bloomberg Businessweek. She has held numerous research grants including a grant from the Leverhulme Trust, one of the UK's most prestigious research bodies.

Abstract of Presentation

IIAs as a Counter to Just Transitions: Why Due Diligence Initiatives are not Enough

There have been an increasing number of states adopting due diligence initiatives that could require corporations to engage in human rights and environmental due diligence. Such initiatives could be important tools in advancing state efforts to have a just transition as they prompt corporations to take actions to mitigate their impacts on the environment.

Yet what the due diligence initiatives do not contemplate is the role that international investment agreements play in countering state initiatives that are designed to achieve a just transition. These agreements bolden corporate power vis-à-vis states and enable them – via investment arbitration – to hold states liable for introducing such laudatory measures. It is thus not surprising that the Intergovernmental Panel on Climate Change describes investment treaties as a limit to states' ability to achieve a just transition while the UN Special Rapporteur on human rights and the environment believes that IIAs compromise state efforts to address climate change. This paper will argue that if states focus primarily on due diligence initiatives to effect a just transition, without also limiting their states' role in IIAs, a just transition will be impossible. Due diligence initiatives are an excellent tool for promoting efforts at a just transition, but they alone are inadequate and are certainly no match for the power of IIAs to counter any good effects they might produce.

Franziska Wohltmann | PhD Candidate | University of Erlangen-Nürnberg, Germany

Franziska Wohltmann studied International Relations (B.A., Dresden and Madrid), as well as International Human Rights Law (LL.M., Essex) focusing on Business and Human Rights. She participated in the Young Lawyers Programme of the European Center for Constitutional and Human Rights, focusing on corporate supply chain responsibility. After finishing her degrees, Franziska worked as a research associate at the University of Nürnberg-Erlangen on supply chain due diligence and participatory rights and as a policy advisor on corporate accountability at Germanwatch. In her academic and advocacy work, she increasingly engaged critically with BHR, which resulted in a current PhD project focusing on counter-hegemonic resistance and people- and planet-centered transnational law-making. At the time of the conference, Franziska is a visiting scholar at Macquarie University.

Abstract of Presentation

Towards Socio-economic Transformation and Just Transition: From Inadequate Human Rights and Environmental Due Diligence Laws to Relationally Transnational Law and Policymaking

The potential of internationally codified human rights to address the unequal and unjust consequences of ecological, social and economic crises resulting from the global capitalist economic order is limited: Their predominant Eurocentric genealogy, their focus on individual rights and the anthropocentric understanding of (human) rights fail to depict pluralist collective claims of inter-generational, environmental- and climate justice flowing from social struggles in ‘most of the world’. This contribution argues that states’ 'extraterritorial' obligations to realise socio-economic rights can give rise to a twofold transnationally relational dimension: On the one hand, by drawing on knowledge of subaltern people, lessons on sustainability and justice can be learned and longstanding epistemological injustice could be countered. On the other hand, accountability for consumption, emission, and exploitation patterns in states of the ‘Global North’ could be established.

Current existing and planned transnational laws on human rights and environmental due diligence, exemplified by the German Supply Chain Act and the EU CSDDD, only have limited transformative potential in this regard. Not only must their aspiration to transition be called into question as they are weak on environmental obligations which are predominantly contingent upon a human rights violation and merely touch upon corporate climate obligations (EU CSDDD) or completely ignore the climate crisis or loss in biodiversity (the German Law). Both are further neither legitimate nor just as their law-making process occurred without the participation of rights-holders in ‘most of the world’, thereby disregarding that those affected should participate in decisions that concern them - which in turn reproduces colonial patterns and epistemological injustice. BHR law-making can only become people- and planet-centred if it emerges from a participatory, relational law-making process that integrates knowledge (production), claims and approaches to transformative system change as well as concepts of nature and (human) rights of rights-holders in ‘most of the world’. Genuine transnational law-making thus requires more than amending corporate human rights due diligence by reference to environmental rights. Rather, it necessitates law-making that aims at effecting structural, systemic and behavioural change in economic patterns in the ‘Global North’.

Christine Parker | Professor | Melbourne Law School, University of Melbourne, Australia

Christine Parker is a Professor of Law and Associate Dean for Research at Melbourne Law School, The University of Melbourne and a Chief Investigator in the ARC Centre of Excellence for Automated Decision Making and Society.

Professor Parker has a long career teaching and researching on lawyers' ethics, regulatory studies and corporate accountability. Her socio-legal research has made important empirical, conceptual and policy contributions to the politics, ethics and democratic governance of regulation in a range of areas including competition and consumer protection law, the legal profession, environmental and health and safety regulation. Her recent work seeks to develop the concept of ecological regulation applied particularly to the food system and to the digital platform economy. Professor Parker's books include *The Open Corporation: Business Self-Regulation and Democracy*; *Explaining Compliance: Business Responses to Regulation*, and influential critical text, *Inside Lawyers' Ethics*.

Abstract of Presentation

Nudge versus Sludge: A Critical Evaluation of the Discourse of Greenwashing for Transformative Change

We are flooded with green marking campaigns competing for our attention and our purchase. These claims promise that purchasing based on green marketing will nudge us towards a smooth transition to a green economy. Yet, green marketing claims are mostly unsubstantiated and unevidenced. Collectively, they coagulate into a sludge confusing us and holding us back from addressing the need for a complete transformation of our systems of production and consumption. Drawing on my socio-legal research on the 'labelling turn' in food activism, the use and marketing of ESG strategies, and recent empirical evidence from the Australian Ad Observatory on the preponderance of green claims in social media advertising, I will discuss the way that the use of consumer law enforcement action against misleading greenwashing, cannot stem this tide of sludge. Indeed by framing the issue as one of informing consumer choice, regulatory responses risk making the problem worse. Instead - drawing on the notion of 'ecological regulation' - I will invite consideration of more creative legal and non-legal strategies to address 'the great greenwashing' with a particular focus on the issues facing food production and consumption.

Alois Aldrige Mugadza | Postdoctoral Research Fellow | Groningen Centre of Energy Law and Sustainability, Faculty of Law, University of Groningen, The Netherlands

Dr Alois Aldridge Mugadza, Postdoctoral Research Fellow, Groningen Centre of Energy Law, Faculty of Law, the Netherlands. Dr Mugadza studies the water, energy, and food nexus. He has previously worked for Natural Justice in Cape Town, South Africa, and the Washington, DC-based non-governmental group, Centre for Water Security and Cooperation. He has also worked for the IUCN and United Nations – Environment and Human Security in Bonn, Germany. He is a UNFCCC-nominated expert and a member of the IUCN World Commission on Environmental Law.

Abstract of Presentation

The Need for a Food Law Framework in South Africa: Shortcomings and Challenges.

Wines, fruits, and beef from South Africa are well-known for their deliciousness. It exports these goods to a variety of places, including Europe, Australia, and the United States. Most of its cereal is also sold to its neighbours. Most Southern African nations depend on South Africa to process, package, and market their food. Being one of the most industrialized nations in Africa, it is also making progress in food waste recycling and environmentally friendly agriculture. Despite being a major exporter of food, communities in South Africa nevertheless struggle with food insecurities. The problem is mainly compounded by the fact that there is no food legal framework in South Africa. To lessen some of the structural complexities and inadequate governance in the food sector in South Africa, the research advocates for a food legal instrument.

Milena Bojovic | PhD Candidate, School of Social Sciences | Faculty of Arts, Macquarie University, Sydney, Australia

Milena Bojovic is a PhD candidate in the Discipline of Geography and Planning, in the School of Social Sciences at Macquarie University, Sydney. Her research interests are broadly related to environmental and social sustainability issues within food systems, particularly the intersections of climate change, animal agriculture and the development and diffusion of alternative proteins. Her PhD examines just transitions for the dairy sector in Aotearoa New Zealand, and considers the justice implications for humans, non-humans and environments.

Abstract of Presentation

Just Food Transitions: Food systems for a sustainable future

Achieving a just and sustainable food system in an era of anthropogenic climate change is a topic of growing interest and concern among scholars, policy practitioners, food producers and everyday consumers. As a PhD student of human geography with an interest in the intersections of social and environmental sustainability, my research focuses on a case study of intensive dairy production in Aotearoa New Zealand. My research question asks how the sector can transition to support more just and sustainable futures in a way that addresses local and global concerns around fairness, equity, and ecological sustainability. This global lens is required because the nation's dairy sector exports over 95% of its products to over 130 countries.

Just transitions as a framework have typically been applied to the energy sector, however, more recently the concept has been taken up by scholars studying food system change to consider the justice implications for humans, non-humans and environments in agri-food systems. These are important topics given that any major changes in the dominant energy system will have cascading impacts on other sub-systems that rely on fossil fuel energy (such as intensive agriculture).

My research in Aotearoa engages with multiple stakeholders across the dairy ecosystem from dairy farmers, ecologists, and economists, to alternative dairy producers, activists, journalists, and academics, to explore the challenges, opportunities and barriers to transitions for the sector. Most importantly, my research considers whether transitions to alternative dairy (plant-based and precision fermentation-based) adequately address the issues of traditional dairy production. The findings from my research demonstrate that systematic change in the food system spanning from changes at the farm level, to changes in consumer choice and behaviour, and policy decision-making, are all needed to create openings for just and sustainable transitions for the sector.

Damilola S Olawuyi | Professor | Hamad Bin Khalifa University, Doha, Qatar

Professor Damilola S. Olawuyi, SAN is a Professor and UNESCO Chair on Environmental Law and Sustainable Development at Hamad Bin Khalifa University, Doha, Qatar. He is also Chairperson of the United Nations Working Group on Business and Human Rights.

A prolific and highly regarded scholar, Professor Olawuyi has published several articles and books on energy, environment, and natural resources law, including *Environmental Law in Arab States* (Oxford University Press, 2022), which received the 2023 American Society of International Law (ASIL) Certificate of Merit for High Technical Craftsmanship and Utility to Practicing Lawyers and Scholars.

Professor Olawuyi holds a doctorate (DPhil) in energy and environmental law from the University of Oxford; a Master of Laws (LLM) from Harvard University; and another LLM from the University of Calgary. He has been admitted as a Barrister and Solicitor in Alberta, Canada; Ontario, Canada; and Nigeria. He is a regular media commentator on all aspects of natural resources, energy and environmental law.

Abstract of Presentation

Net Zero, Human Rights and ESG Risk Management in the Extractive Sector

The rapid transformations of natural resources law and policy in response to the ongoing transition to net zero energy sources have resulted in a significant integration and expansion of environmental, social, and governance (ESG) standards in extractive sector investment and planning. First are direct ESG risks that may result from the failure of licensees to comply with emission reduction, pollution control, human rights, local content, corporate disclosure, reporting and other ESG-related standards as are increasingly emerging in legislation and industry guidelines. On the other hand, there are indirect risks that may result from new structural, transitional and disclosure related ESG requirements that may significantly increase transaction or compliance costs. Failure to address both direct and indirect ESG risks effectively in a transactional context could result in significant financial, reputational and litigation risks for natural resource sector operators and investors.

Yet, the lack of regulatory clarity and inconsistent reporting on the nature, scope and elements of ESG, the absence of climate change laws in several jurisdictions, the lack of institutional coordination, and the weak capacity of regulatory and business stakeholders to spot and address ESG risks in a timely manner have not fostered a clear, coherent, and systemic integration of ESG norms in natural resources law and practice. After examining the current and emerging ESG risks associated with net zero energy transitions, this article unpacks the drivers and dimensions of ESG risks in a net zero era, the natural resources law and policy innovations, as well as corporate governance strategies required to address such risks.

Hannah Harris | Senior Lecturer | Macquarie Law School, Macquarie University, Sydney, Australia

Dr Harris is a scholar and Senior Lecturer at Macquarie Law School. She is a member of the Centre for Environmental Law and the Financial Integrity Hub. Her research area is transnational law and corporate regulation. Her current work analyses legal responses to transnational challenges, including illegal logging and deforestation, modern slavery, foreign bribery, and financial crime and misconduct.

Dr Harris' research is concerned with the development of optimal regulatory incentives and sanctions, as well as optimal internal governance practices within key organisations and institutions that shape the way the law is practiced and experienced by stakeholders and regulatory targets.

Abstract of Presentation

Greenwashing and Corporate Disclosures – A Comparative Analysis of Emergent Trends in the Australian Regulatory Landscape

Climate change is one of the most critical challenges of our time and the interconnected nature of the global financial system means that sustainable finance plays a critical role in addressing climate change and protecting our vital landscapes and ecosystems. This research involves a comparative and critical analysis of the contemporary regulatory landscape governing sustainable finance in Australia. It focuses on recent efforts by the Australian Securities and Investments Commission (ASIC) to combat greenwashing in the provision of financial products, including examining ASIC Info Sheet 271 and related enforcement actions.

Greenwashing, as defined by Info Sheet 271, refers to the misrepresentation of a financial product or investment strategy's environmental friendliness, sustainability, or ethical nature. This practice represents a significant barrier to the effective participation of the financial sector in efforts to combat climate change. Additionally, greenwashing risks undermining market confidence and stability. In response, ASIC has made 35 regulatory interventions against greenwashing activities in the nine months leading up to March 2023. Additionally, ASIC is promoting the Australian government’s establishment of a mandatory climate-related disclosure regime, influenced by the International Sustainability Standards Board (ISSB) baseline.

The objective of this research is to analyse Australia's regulatory approach, in the context of global trends, and assess its potential to address greenwashing and support sustainable finance. Preliminary findings indicate that Australia has made commendable progress in promoting sustainable finance through its evolving regulatory framework and enforcement efforts. However, certain challenges persist. The research identifies potential limitations of a disclosure-based regulatory model for sustainable finance, addressing core criticisms of this approach. Additionally, practical challenges faced by financial institutions in implementing mandatory climate-related disclosures are highlighted.

In conclusion, this research contributes to the ongoing discourse on sustainable finance and greenwashing, offering valuable insights for policymakers, financial regulators, and market participants in Australia. By evaluating the strengths and weaknesses of the current regulatory approach and comparing it to global trends, this study sheds light on the trajectory of sustainable finance in Australia and provides suggestions for potential improvements.

Olena Uvarova | Associate Professor | Yaroslav Mudryi National Law University, Kharkiv, Ukraine; Visting Researcher, Wageningen University, The Netherlands

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Abstract of Presentation

Just transition to the Post-oligarchic Society: the Relevance of the UNGPs Framework for Eastern Europe and Central Asia

New/transitional democracies, continue to experience unstable democratic and human rights contexts, collision of public, state and business interests; the weak rule of law and weak institutions; and prosecution of human rights defenders. For them, the transition to capitalism has often resulted in a strong oligarchic economic structure, where the market is artificially monopolized and competition is limited. In these societies, deregulation (which often does not relieve business from pressure from the State but exempts business from obligations in relation to rights-holders) and 'business-friendly' public governance is to be interpreted as 'anything goes' for business. In literature, the oligarchic society is characterized as a society designed for the control of political power by the "economic elite" (the big producers/investors from the economy). As a result, public institutions transform their procedures to meet private, corporate interests at the expense of public goals, cementing economic power and translating it into political power. In former Soviet states, powerful business groups ('oligarchs') were either created by or benefited from, privatisation policies in the 1990s. This type of capitalism is compatible with lower levels of state capacity and with institutional environments that do not provide a basis for secure links between enterprises, still less for the development of innovative, newer firms.

The problem of the oligarchic society is a particular (and perhaps the most striking) example of structural inequality and corporate capture. At the same time, there is a gap in researching how the UNGPs framework is relevant for ensuring just transition to post-oligarchic societies. The current efforts of Georgia, Moldova and Ukraine to enforce the anti-oligarchs regulation have been criticized by the Venice Commission. However, in its critique, the Commission also overlooked the potential of the UNGPs framework.

The article addresses the research question of how the UNGPs framework could be used to indicate substantive and procedural requirements for anti-oligarchs regulation.

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Abstract of Presentation

Corporate Human Rights Accountability for Climate Change: between Utopia and Dystopia

Climate change has upended human lives and endangered their livelihoods. At the same time, the consequences of climate change in the form of rising sea levels, drought, melting of ice, rising sea and air temperatures, floods, fires, earthquakes, and the like interfere with the everyday lives of ordinary people. Climate change has negatively affected provisions of fundamental socio-economic rights and thereby negatively affected socio-economic livelihoods and has been responsible for loss and damage. In turn, the erosion of socioeconomic livelihoods has also negatively affected the enjoyment of civil and political rights. Businesses, also some preeminent carbon-significant corporations, have struggled to introduce due diligence in their operations and to employ climate mitigation and adaptation measures. As a result, those facts have encouraged decision-making at the domestic and international levels to take steps to prevent climate change. However, the rights-holders have struggled to enforce corporate human rights accountability for climate change, with little success.

The current structure in domestic and global systems is inadequate to deal with climate change and its negative effect on human rights, particularly concerning business actors. This paper will first examine whether the existing frameworks in the international legal system are adequate and appropriate for establishing corporate obligations concerning the prevention, promotion, respect, and protection of human rights in times of climate emergency. Second, it will critically evaluate whether the current structure is fitted to deal with the surge of cases in domestic and international legal orders due to the negative consequences of climate change on human rights. This paper aims to identify the philosophical, legal, and normative underpinnings of corporate accountability for the negative impacts of climate change on human rights in international legal orders and to provide normative solutions to adapt and mitigate negative human rights effects of businesses due to climate change.