

Professor Raphael J Heffron



*Professor in Global Energy Law & Sustainability
Centre for Energy, Petroleum, Mineral Law & Policy (CEPMLP)
University of Dundee, UK*

“Challenges of developing a ‘Just’ Low-Carbon Economy”

About Me

About Me: *Raphael J Heffron*

Professor in Global Energy Law & Sustainability



Barrister-at-Law

Consulting Editor of *Halsbury's Laws of England* Energy Law Series

Interdisciplinary degrees at Cambridge (PhD) and Oxford (MSc)

Young Academy of Scotland (elected 2008)

UK Energy Research Centre

EU Commission Jean Monnet Professor 2019-2022

- in the *Just Transition to a Low-Carbon Economy*

CEPMLP

42 years old

*“Global voice of
energy law &
policy”*



Paris COP21 Agreement (2015)





The Just Transition

Just transition to a low-carbon economy

- ***Societal shift***
- ***\$75 trillion (by 2040)***
- ***Nature Energy (2018)***
 - ***Energy and SDG Goals***
 - ***10% of Global GDP***
- ***Impact of energy sector on society***
- ***More ‘interdisciplinary’ thinking***
 - ***Labour, health, industrial policy etc.***

Response –



New Public Administration institutions

The Legal Solution?

- **Just Transition Commission**

- **Just Transition Commission**
 - **Scotland**
 - **Ireland (Just Transition Bill)**
 - **Germany**
 - **New Zealand**



Just Transition in New Zealand & Scotland

The Legal Solution?

- **Just Transition Unit (est. 2019), Just Transition Commission (est. 2019)**
- **Policy Planning & Impact (Provision of roadmap for investor and stakeholder support)**
- **In Law: A Public Administrative Unit:**
 - **But what specific legislative powers?**
 - **Who are the members of the Unit?**
 - **What are the goals and target of the Unit? Will these be binding?**

Just Transition in Germany



The Legal Solution?

- **The Coal Commission (Commission on Growth, Structural Change & Employment)**
- **End of Coal by 2038**

- **In Law: A Public Administrative Unit:**

- **But what specific legislative powers?**

Weak/strong? (not binding)

1.3 billion a year for 20 years for the transition

- **Who are the members of the Unit?**

31 member team inc. environmentalists, union leaders, state ministers and energy company reps

- **What are the goals and target of the Unit? Will these be binding?**

Only if energy security at risk



Ensuring 'Justice'

Australia – March 2019

Landmark Australian ruling rejects coal mine over global warming

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

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

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

Preston CJ noted that

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



Kenya - Coal

- **First coal plant stopped in June 2019 (Chinese financed)**
 - **\$2billion project**
- **National Environmental Tribunal – outright disregard of public participation**
- **Failed the EIA – did not involve the Public**



Lessons for Legal Change

Principles of Energy Law –

- *The Principle of National Resource Sovereignty*
- *The Principle of Access to Modern Energy Services*
- *The Principle of Energy Justice*
- *The Principle of Prudent, Rational and Sustainable Use of Natural Resources*
- *Principle of the Protection of the Environment, Human Health & Combatting Climate Change*
- *Energy Security and Reliability Principle*
- *Principle of Resilience*

Please download full article from:

<https://academic.oup.com/jwelb/advance-article/doi/10.1093/jwelb/jwx039/4792991>



The Just Transition to a Low-Carbon Economy

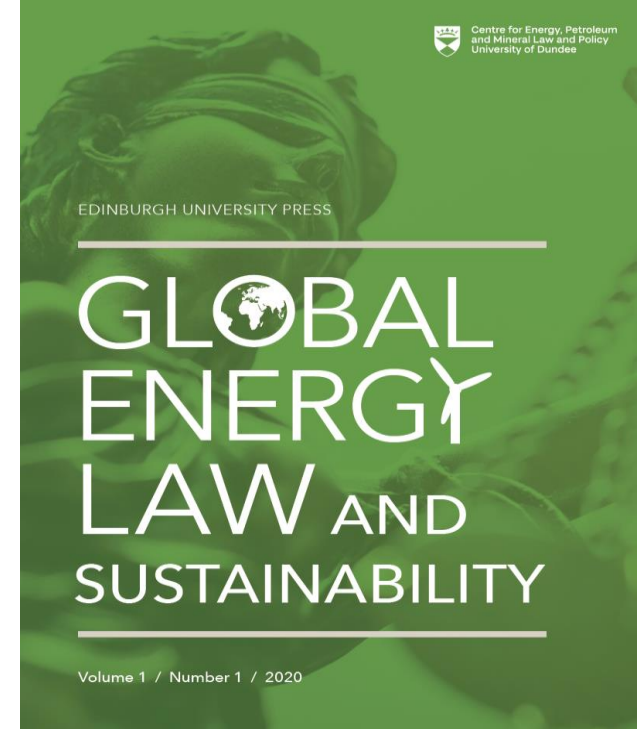
Has been described - as the greatest Societal challenge of our time

Justice a key transition issue

We, as stakeholders in the energy sector, have a key role to play

Thank you & contact me:

r.heffron@dundee.ac.uk



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

Michelangelo