



Re-examining Challenges To Nationally Determined Contributions Under The Paris Agreement: Securing Technology Justice For Just Transition.

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Just Transition and Environmental Justice: Principles, Practice and
Implementation Strategies for a Post-Oil Future

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Background and Context

- Current measures to respond to climate change are insufficient to meet the UNFCCC and Paris Agreement goals.
- UN Environment's 2019 'Emissions Gap Report' - global emissions continued to rise
- Seven of the G20 countries, collectively accounting for 78% of global emissions, and 'not on track' to meet their (NDC) targets;
- Significant emissions gap- full achievement of unconditional NDC targets would result in emissions by 2030 which is higher than the 2°C scenario.



Challenges

Under the international agreements on climate change, states have a responsibility to mitigate their greenhouse gas emissions.

While the aim of global climate action is straightforward, issues around implementation have remained unclear.

- Twin pillars of climate change and energy poverty in the global south
- Consideration of climate emergency

International Agreement

- UNFCCC 1992/Kyoto Protocol

Article 4(1) UNFCCC and Article 10 of the Kyoto Protocol (KP), relate to 'soft' obligations to all parties.

Stipulates that their implementation is to take into account the Parties' CBDR, including historic polluting patterns as well as specific national development priorities, objectives and circumstances.

Article 4(3,5,7) UNFCCC and Article 11(2)(b) KP, which call for Annex I Parties to provide financial and technological assistance bilaterally or via the entities entrusted by the Convention financial mechanism to permit non-Annex I Parties to achieve their own commitment

Nationally Determined Contributions under the Paris Agreement 2005

-
- Parties NDCs- 'pursue domestic mitigation measures' to achieve their NDCs, and each successive NDC that a Party communicates must be more ambitious than the last.
 - The five-yearly Global Stocktake, which will periodically assess collective progress towards the Paris goals, may also facilitate transformational change.
 - The need to develop broader understanding between the Parties out of negotiations to make an integrated approach combining cooperative approaches (under the Article 6) with adequate climate financing (under the Article 9) for technology development and transfer (under Article 10) and capacity building support (under the Article 11).

Reflection on Guiding Principles

- CBDR

The principle acknowledges the common goal of combatting climate change while also addressing equity concerns. Art 3(1) of UNFCCC

The Paris Agreement obliges all states, irrespective of their developmental stage, to submit NDCs specifying their climate pledges. Preamble, art. 2(2),

The Paris Agreement encourages taking into account evolving economic circumstances and a fuller spectrum of differentiation. 4(2),4(3), 4(4),4(19)

The need to provide clarity on the meaning of differentiation- differences in the level of economic development and capabilities, in contributions to GHGs in the atmosphere, or both'

Is the phrasing of CBDR in Paris Agreement too vague and unable to drive climate action?

Polluter Pays Principle (PPP)

- It requires polluters, both states and individuals, to pay and must itself be implemented fairly. Examples in climate regime carbon tax, cap and trade systems;
- At the international level, the state is the polluter and the state pays (including historic emissions)
- State mitigation of GHGs, purchasing international allowances.
- Reconsider Technology distributive options
- Climate finance



An aerial night view of a city skyline, likely New York City, with numerous skyscrapers illuminated. Overlaid on the city are glowing yellow and white light trails and network connections, suggesting a digital or technological theme. The image is partially obscured by a white, torn-paper-like border on the right side.

Outcomes

Drive more positive Responsibility for:

- Climate Finance-Developed countries are asked “to take the lead in mobilizing climate finance” (Art. 9.3), yet all Parties are “encouraged to provide or continue to provide such support voluntarily” (Art. 9.2)
- Technology Transfer -Article 10 of the Paris Agreement
- Capacity building -The CTCN has recognised the capacity-building gaps amongst the low income developing countries.



Technology Justice

- Capability approach focuses on giving people the capabilities to do what they value and be who they want to be. This approach to technology justice can help to create a more equitable society that considers the needs and interests of all members, regardless of their economic or social status.
- Various countries can adopt this approach in accordance with climate responsibility. This approach can help to reduce global inequality, as well as promote more sustainable economic and social development.



Conclusion

- The Global Stocktake 2023 is intended to evaluate progress on climate action at the global level — not the national level — and identify overall gaps to achieve the Paris Agreement as well as opportunities to bridge them.

PROTECTION OF THE HUMAN RIGHTS OF IDPs IN THE POST OIL TRANSITION

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Background

- Human existence depends so much on Oil
- Most nations rely on oil as source of energy and to power their economies.
- Heavy reliance on fossil oil causes climate change/Destruction of Human and Animals habitat
- Climate Change/Destruction of Human and Animals habitat creates Disasters
- Disasters creates Internally Displaced Persons
- Climate change and Internal Displacement are major challenges of the world today
- Urgent need to reduce consumption of fossil fuels and transit to green sources of energy
- Protection of the Rights of the IDPs Post-oil Transition



Preliminary

Research Question:

How can the Rights of the
IDPs be protected in the
Post-Oil Transition

Theories :

Natural Law and Social
Responsibility

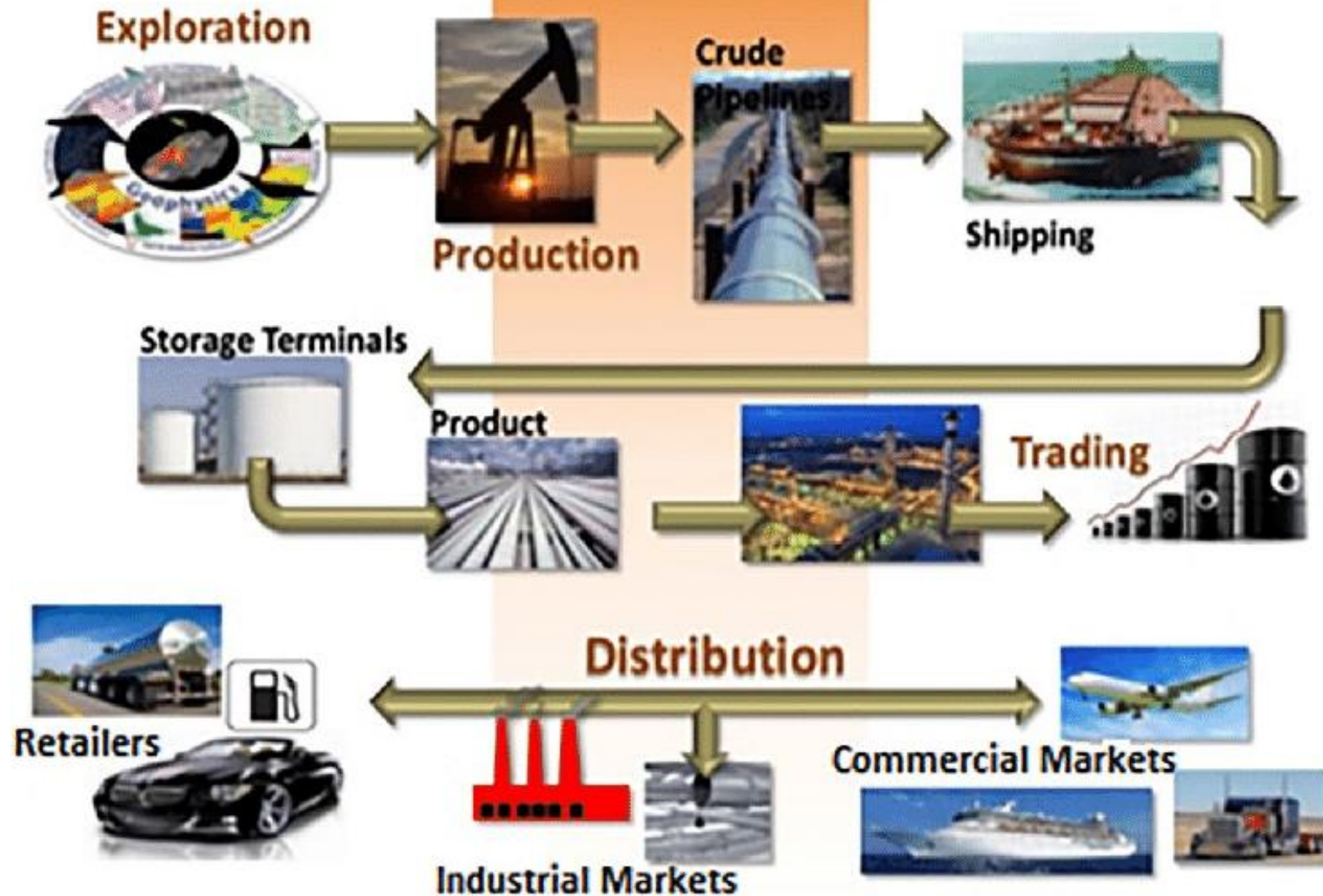
Research Methodology :

Doctrinal & Qualitative

Oil is a gift of nature that brings lots of benefits



Petroleum Supply Chain



Impacts Of Oil Production on the indigenous people.

Is it a curse or blessing to the Indigenous?

- Cultural heritage being destroyed
- Pollution of Water and Air
- Ruins wildlife
- Destroys Ecosystem/farmland
- Climate change: Heatwaves, wildfires, water shortage, flooding, extreme rainfall, extreme storms, extreme drought, a lot of destruction.
- Economic, social, and cultural marginalization.
- Landlessness, loss of access to common property, homelessness, joblessness, food insecurity and increased morbidity.

All these lead
to Internal
Displacement

Impacts causing Internal Displacement

- Oil Production is one of the causes of internal displacement
 - Internally Displaced Persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of **armed conflict**, situations of generalized violence, **violations of human rights or natural or human-made disasters**, and who have not crossed an internationally recognized state border. (*United Nations Guiding Principles on Internal Displacement (1998) E/CN.4/1998/53/Add.2*)

Oil and Internal
displacement:
Nigeria as a case
study.

Armed conflicts-induced
Displacement

Disaster-induced Displacement

Environmental-Induced
Displacement

Development-induced
Displacement

Infringements on Human Rights: Context of IDPs.

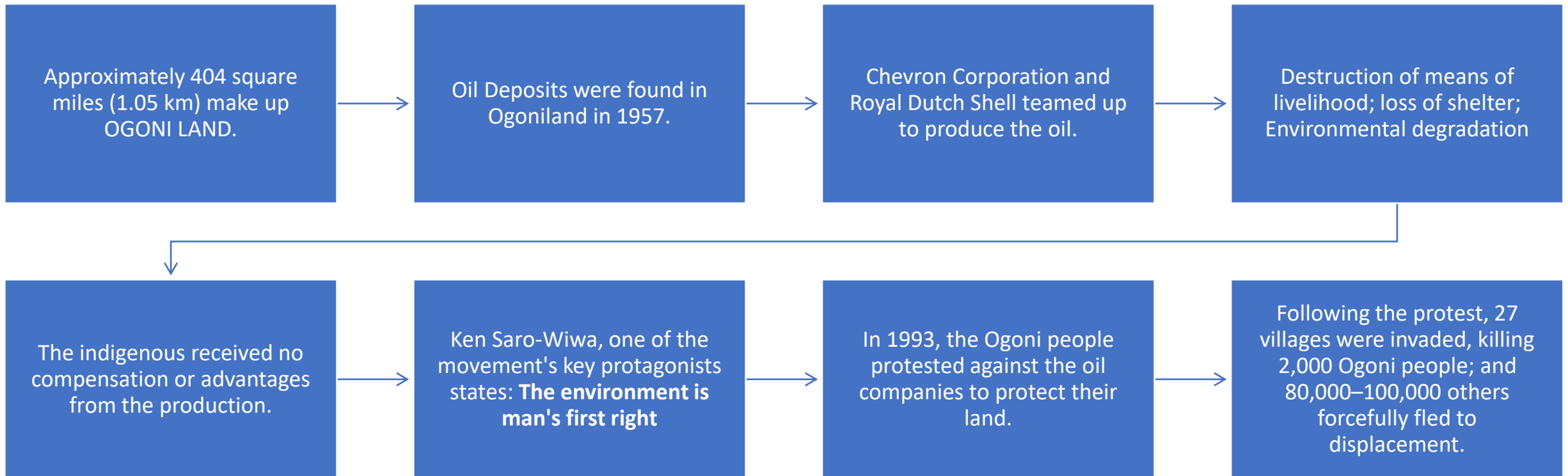
There are numerous abuses of fundamental human rights that come along with internal displacement related to oil production.

- Right to freedom of Movement and choice of Residence- Art. 13 UDHR; Art. 12 ICCPR
- Right to good living- Art. 26 ICESCR (Destruction of Houses to extract Oil, Contamination of water etc)
- Right to job (Destruction of farmland and means of employment)
- Rights to Privacy and family Life- Art. 16(3) UDHR; Art. 23(1) ICCPR; Art. 10(1) ICESCR (Pollution of Air)
- Right to land- Principle 9 Guiding Principles on internal Displacement; Art. 13 (1) ILO Convention.

UN Sustainability Goals

- Goal 10: Reduced inequality
- Goal 13: Climate Action
- Goal 15: Life on land

NIGERIA OGONI LAND AS A CASE STUDY



Oil Induced Displacement: Ogoni Land in NIGERIA

- As Barbara P. Thomas-Slayter noted:
 - Oil exploration by international oil companies, especially Shell, has turned the Ogoni homeland in Nigeria into a wasteland of pollution with a poisoned atmosphere and widespread devastation caused by acid rain, oil spillages, and oil blowouts. Lands, stream, and creeks are totally and continually polluted, the atmosphere has been poisoned, charged at it is with hydrocarbon, vapours, methane, carbon monoxide, carbon dioxide and soot emitted by gas ... (B.P. Thomas-Slayter, Southern Exposure. International Development and the Global South in the Twenty-First Century, Kumarian Press, Bloomfield, 2003, pp. 238.)



Out of Displacement: Post Oil Transition

The specific needs and human rights concerns of IDPs do not automatically disappear when a conflict or natural disaster ends, nor when IDPs initially find safety from ongoing conflict or disaster.

They continue to face a myriad of challenges and require different forms of support, so they need a durable solution to their displacement.

Issues

- Responsibility of the Host Government because of the Principle of State Sovereignty (Treaties of Westphalia, 1648)
- No International Treaty for the protection of the IDPs except the UN Guiding Principles on Internal Displacement
- International Institution assist more on armed crisis than Environmental Causes, e.g. IDPs
- No adequate Compensation
- Recognition and participation of all stakeholders in decision making process, especially in the Indigenous oil community

Recommendation

Preserving and restoring ecosystems and biodiversity

A zero-pollution ambition for a toxic free environment

States/Government Recognition

Formation of Treaty for IDPs

IDPs Plights are International issues

Just transition must ensure the inclusion of the IDPs

More evidence-based research and data collection to effectively inform policies on how to protect the rights of the IDPs

Creation of investment for IDPs in post oil transition and provision of access to social protection benefits

Conclusion

- A dialogic process involving the voices of the IDPs and oil host communities should be used to develop a just transition strategy. A real strategy to eliminate inequities can be developed when the post-oil transition is planned using a collaborative, rights-based, and equitable process that recognises the predicament of the IDPs.



THANK YOU



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Just transition- Rejuvenated Yamuna initiative, Delhi

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Flow

- Introduction
- Theoretical framework- Environmentalism of the bourgeois and dispossessed
- Case study- Polluted Yamuna waterscape
 - Eviction of small-scale farmers
 - Rejuvenated Yamuna initiative

Findings- Environmentalism cannot be divorced from social justice issues

- Conclusion

Theoretical framework

Political ecology framework

Binaries of **bourgeois environmentalism** and **environmentalism of the dispossessed**

Putting **bourgeois environmentalism** and **environmentalism of the dispossessed** in dialogue with each other

Political ecology framework

Bourgeois environmentalism
Associated actors- upper-class
Nature/culture dichotomy through conservation
Apolitical and unsustainable, inherently causing marginalisation
Identified as environmentalism institutionally
Acknowledges only institutional knowledges
Tools- judicial petitions, official engagement

Environmentalism of the dispossessed
Associated actors- marginalised
Coevolution of nature/culture
Marriage of human rights and environmental rights
Might not be identified as environmentalism institutionally
Acknowledges non-institutional knowledges
Tools- mass mobilisation, engagement with gatekeepers



Breaking binaries
Acknowledges all environmental actions are laden with power dynamics
Acknowledges both non-institutional and institutional knowledges
Tools- judicial petitions, official engagement, mass mobilisation, engagement with gatekeepers

Political ecology framework

Political ecology framework

Methodology



Ethnography
(online/offline)



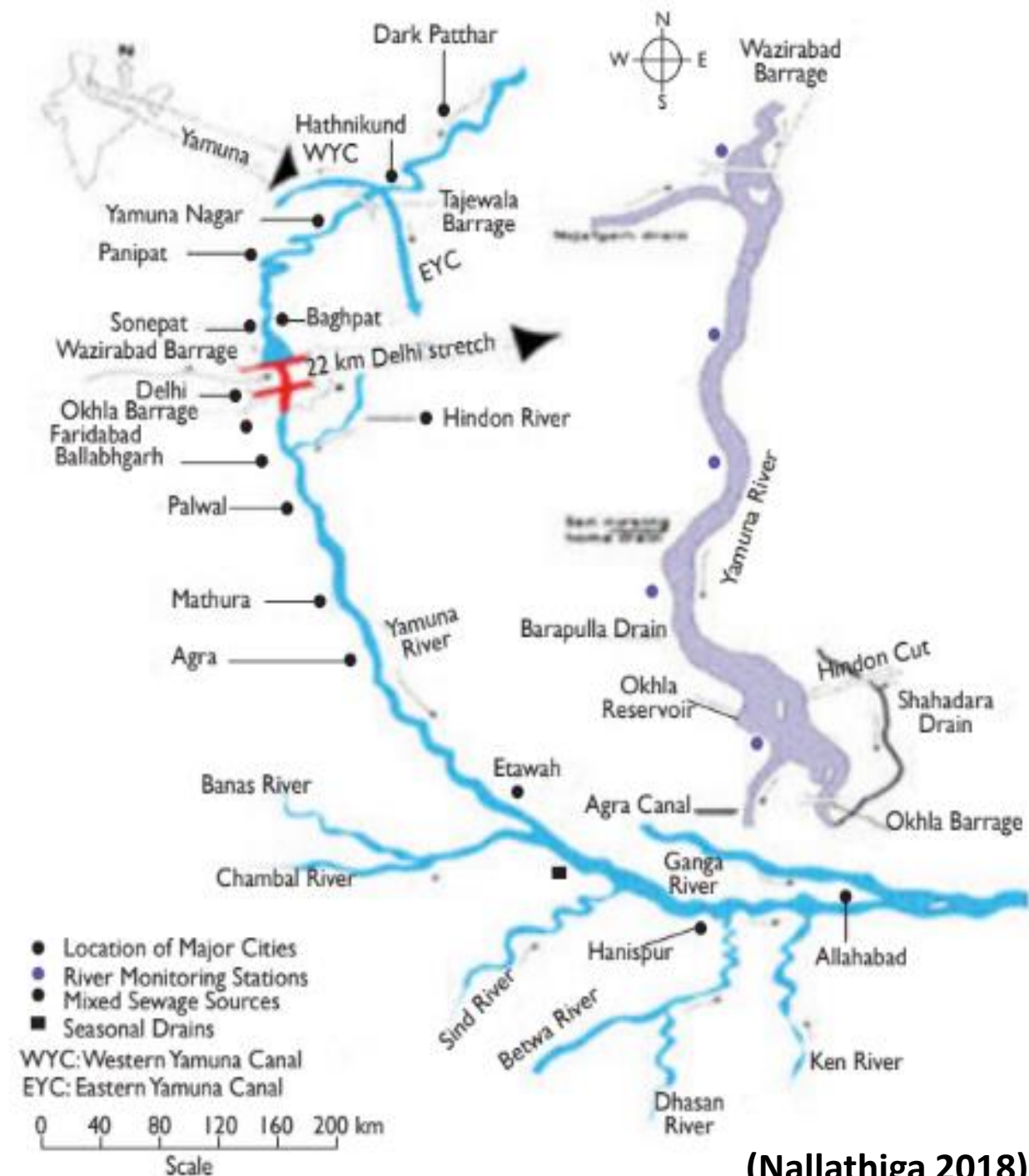
Visual



Secondary document
analysis

River Yamuna waterscape

- **22 km** (Delhi) of the river contributes **79%** of pollution.
- Domestic and industrial sewage contribute the most (quantity and quality respectively)
- Agricultural activity is now **banned**.
- The river provides 70% of Delhi's **water supply**.
- The river is full of **heavy metals**, and DO is 0 in a lot of places.
- A **lifeless** river.





Farming on the floodplains

- Around **30%** of vegetables in Delhi come from floodplains.
- Use of **chemical fertilizers, insecticides, and pesticides** promoted by the government for better crop yield.
- Mostly **groundwater** used for growing crops.



Socio-political realities of Yamuna floodplains

Types of farmers- One is *Gujjars* and *Jats* who traditionally carried out farming and fishing occupations in Delhi. They have some ownership claim on the land and will be referred to as **land-claiming farmers**

-Two, are the farmers who have migrated to Delhi from areas such as Bihar, Bengal and UP around 25-30 years ago if not more. They lease land and will be called **tenant farmers**.



Rejuvenated Yamuna Initiative

- Biodiversity parks- ponds, walking tracks, bamboo sitting areas
- Aesthetics
- Safety
- Technical approach to rejuvenation



Just Transition

- Demand is not ownership of the land but declaration of the legal status of farming by the current farmers.
- The farmers are not asking to be the custodians and protectors of nature. They are actively asking for working with the state under its guidance to maintain the land use and greenery.
- As opposed to a problem of pollution or housing, the problem is recognised as a crisis of coexistence of shared spaces.

An artistic illustration showing a dirt path leading through a lush green field. On the left, a man is working in the field. On the right, a large tree with pink blossoms stands. In the background, a body of water is visible under a cloudy sky with birds flying. The scene is a blend of nature and human activity.

Artistic visualisation illustrating farmlands integrated with public spaces
Source: Social Design Collaborative with Kushal Lachhwani in consultation with farmer groups

Trade-offs that are justified



- It is important to explore which trade-offs within the rejuvenated Yamuna initiative are justified, by whom and for whom.

- ‘Spatial mode of governance’ and ‘calculated informality’

Conclusion

- While ample literature theorises how apolitical techno-scientific knowledge causes widespread dispossession (Resurrección & Elmhirst 2021, Jepson et al. 2017, Maria & Shiva 2014, Pálsson 1996), I analyse the **co-option of situated knowledge leads to the same unjust results.**
- The apolitical implementation of *any* and not just ‘western scientific’ knowledge, as theorised within bourgeois environmentalism, result in reinforcing power imbalances and producing unjust geographies.
- The plans still are shaped by the very neoliberal systems that produced the problem.



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