



JUST TRANSITIONS

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# A Just Transition to Decarbonisation

Themes of Loss and Damage,  
Transport, Nature and Youth

Diane Kraal · Gerry Nagtzaam ·  
Susie Siew Yuen Ho · Katie O'Bryan ·  
Jadranka Petrovic

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## Series Editor

Raphael J. Heffron, University of Pau and Pays de l'Adour, Pau, France

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Diane Kraal  
Monash Business School  
Monash University  
Melbourne, Australia

Gerry Nagtzaam  
Faculty of Law  
Monash University  
Melbourne, Australia

Susie Siew Yuen Ho  
Office of the Deputy  
Vice-Chancellor, Education  
Monash University  
Melbourne, Australia

Katie O'Bryan  
Faculty of Law  
Monash University  
Melbourne, Australia

Jadranka Petrovic  
Monash Business School  
Monash University  
Melbourne, Australia

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## PREFACE

This book explores the urgent need for a *just transition* to achieve the goal of decarbonisation. Chapter themes are drawn from the recently held United Nations Climate Change Conferences, or COPs (Conferences of the Parties), that facilitate the *Paris Agreement* negotiations. The selected themes of loss and damage, transport, nature and youth will showcase the knowledge and research expertise of the authors.

The just transition captures the ‘justice’ process as societies move towards a decarbonised economy. This book delves into climate action through climate justice, energy justice and environmental justice.

Climate justice concerns understanding the burdens of climate change from a human rights perspective; energy justice refers to the application of human rights across the energy lifecycle; and environmental justice aims to treat all citizens equally in the implementation of necessary environmental laws, regulations and policies.

Many of the authors have participated in COPs over the years as university researchers with one of the many types of non-government organizations (NGOs) and environmental non-government organizations (ENGOS). Concurrently with COP government-to-government *Paris Agreement* negotiations, NGO and ENGO meetings are often held with universities, think tanks and other independent groups to engage and contribute to the ongoing climate action debate.

NGOs and ENGOs are among the many constituencies that contribute from the grassroots level to the *Paris Agreement* process. They typically come together at COP public forums to discuss climate issues. These organizations also interact with businesses at country pavilions, in panel presentations in line with special COP themes. For example, in 2022 the International Renewable Energy Association operated a pavilion at COP27 in Egypt for a programme of events that included NGO and sub-national government discussions on an energy-themed project that offers the broader climate community a view of interlinkages between policy and regulation.

In terms of COP themes, in 2021 at COP26 Glasgow, the special theme days included finance, energy, youth; nature, adaptation, loss and damage; gender, science, transport; cities, regions and built environment. In the following year, COP27 Egypt had similar theme days of finance, science, youth and future generations; decarbonisation, adaptation and agriculture; gender, water, *Action for Climate Empowerment* and civil society; energy, biodiversity; and solutions. In late 2023, the COP28 meeting in Dubai, United Arab Emirates, continued these themes that included loss and damage, transport, nature and youth.

COP themes provide an important structure for understanding the need for a just transition to decarbonisation. It is hoped that this book will contribute to understanding this structure and provide its readers with valuable insights. In future, more COP themes can be addressed.

Melbourne, Australia

Diane Kraal  
Gerry Nagtzaam  
Susie Siew Yuen Ho  
Katie O'Bryan  
Jadranka Petrovic

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## CHAPTER 1

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# Introduction: A Just Transition to Decarbonisation

**Abstract** This chapter introduces the journey through this book of a just transition to decarbonisation. It explains the just transition's decarbonisation linkage to United Nations Climate Change Conference themes and provides chapter overviews.

**Keywords** Just transition · Conference of the Parties conference · Loss and damage · Transport · Nature and youth

This book addresses the challenges of a just transition to decarbonisation through the lens of four United Nations Climate Change Conferences, or Conference of the Parties (COP) themes: loss and damage, transport, nature and youth. These major themes were chosen to provide the reader with a multidimensional understanding of how a just transition is fundamental to all aspects of climate action and intergovernmental decision-making. These themes have become increasingly central to COPs in the last five years. In late 2023, COP28 in Dubai continued these themes, with priorities including launching of the *Just Transition Work*

*Programme*.<sup>1</sup> A just transition has been defined as transitioning away from fossil fuels towards a more just future, to alleviate past social inequalities.<sup>2</sup>

The theme of loss and damage is about funding for delivering the practical solutions needed to adapt to climate impacts. The theme of transport is about driving the global transition to zero-emission transport.

The theme of nature is about ensuring that the importance of natural habitats and sustainable land use is part of global action on climate change and a clean, green recovery. It acknowledges water as the source of life and livelihoods. Climate impacts on water have linkages to wider, cross-cutting impacts on development, livelihoods and Indigenous cultural survival. The theme of nature also has links to international trade—most notably coal-associated trade activity—as it negatively affects climate through greenhouse gas emissions and dramatically exacerbates the condition of the natural environment, including biodiversity. As enforceable free trade agreements (as opposed to the largely voluntary nature of international climate law) are being increasingly negotiated throughout the world, the question of whether these agreements could be used to remedy the tension between the desire for economic development and the need to protect the environment warrants attention.<sup>3</sup>

The theme of youth aims to elevate the voice of young people and demonstrate the critical role of public empowerment and education in climate action. Engagement with youth ensures that their perspectives are taken into account and reflected across all areas of the climate agenda.

The just transition framework seeks to provide the context for policy makers with pathways to deep decarbonisation across global economies to significantly reduce CO<sub>2</sub> emissions by 2030 and beyond. It is acknowledged that there are mixed meanings of a ‘just transition’ for scholars

<sup>1</sup> Government of Egypt, ‘Climate Ministers Meet in Copenhagen for First High-level Meeting Since COP27, Paving the Way for COP28’ (Press Release, 20 March 2023). <https://reliefweb.int/report/world/climate-ministers-meet-copenhagen-first-high-level-meeting-cop27-paving-way-cop28> ; For the United Nations COP28 themes, see <https://climatechampions.unfccc.int/category/cop28/>.

<sup>2</sup> D McCauley et al., ‘Identifying, Improving, and Investing in National Commitments to Just Transition: Reflections from Latin America and the Caribbean’ (2023) 17 *Environmental and Sustainability Indicators* 1.

<sup>3</sup> COP26 Presidency Programme, Thematic Days. <https://ukcop26.org/the-conference/presidency-programme/>; COP27 Presidency Vision, Thematic Days. <https://cop27.eg/#/presidency/eventsThematic>.

of climate justice, environmental justice and energy justice.<sup>4</sup> Climate justice is about sharing the benefits and burdens of climate change from a human rights perspective whereas environmental justice aims to treat citizens equally in the development of environmental policies and laws. Energy justice concerns the application of human rights across the energy life cycle.<sup>5</sup> A just transition to achieve decarbonisation covers all three perspectives. The structure and scope of this book's chapters follow next.

Chapter 2, 'Climate Justice and Concept of Loss and Damage in Climate Negotiations' overviews the concept of 'loss and damage', first introduced at the COP19 United Nations climate conference in November 2013 to address losses and damage in developing states. This chapter offers a critical examination of that concept and its potential as a vehicle for developing countries to obtain climate justice.

The increase and severity of destructive climate impacts of anthropogenic climate change has led to questions of attribution; that is, who should pay for historical climate damage? However, ascribing specific losses and damage to human-made climate change has proven a challenge for negotiators. The debate on loss and damage has proven contentious within international climate negotiations.

Chapter 3, 'Zero-Emissions Transport: Taxation support for business electric cars' covers the necessity for taxation support and other fiscal subsidies necessary to increase the number of zero-emission vehicles in business fleets in Australia. Road transport contributed to 19% of Australia's CO<sub>2</sub> emissions in 2022, with passenger vehicles contributing almost 50% of those emissions. In Australia, 40% of light passenger vehicles sold in 2020 were purchased by businesses. Almost half of business fleet vehicles are home garaged, providing an opportunity for fleet electric vehicles to be home charged using smart meters to gain off-peak rates, avoid grid congestion and address the lack of business-site charging. This chapter also provides European tax comparisons and then explains and analyses legal options for achieving reduced emissions from business

<sup>4</sup> RJ Heffron, *Achieving a Just Transition to a Low-Carbon Economy* (Springer International Publishing AG, 2021).

<sup>5</sup> D Kraal, V Haritos and R Cantley-Smith, 'Tax Law, Policy and Energy Justice: Re-thinking Biofuels Investment and Research in Australia' (2020) 35(1) *Australian Tax Forum* 31; D Kraal, 'Petroleum Industry Tax Incentives and Energy Policy Implications: A Comparison between Australia, Malaysia, Indonesia and Papua New Guinea' (2019) 126 (March) *Energy Policy* 212.



fleets through consideration of Australian tax incentives for zero-emission vehicles.

Chapter 4, ‘Water is Life—Recognising First Nations in Sustainable Water Management and Use’ focuses on the COP theme of nature, and highlights the importance of sustainable water use and management in tackling climate change, and the vital role of First Nations people in that space.

First Nations people have accumulated, via their ancestors, many thousands of years of traditional knowledge about water use and management. However, the value of this knowledge is often given only lip service in Western water management regimes. Further, the effects of climate change disproportionately impact Indigenous communities because of their spiritual and cultural relationship with the environment and their dependence on land and water for their livelihoods. Accordingly, this chapter examines whether the regulatory framework for water use and management in Australia adequately provides for Indigenous participation in decision-making.

Chapter 5, ‘Utilising Free Trade Agreements to Protect Nature and Heritage’ is concerned with the role of free trade agreements in redressing the harm inflicted upon the natural environment, and in contributing to a just transition to a low emission and resilient economy. While essential for nations’ economic development, the continuous vast expansion of international trade has significantly impacted the environment, including the ecosystems of areas purportedly designated to be preserved for the benefit of all humankind. As free trade agreements are being increasingly negotiated throughout the world, the question of their utility vis-a-vis the environment is becoming more important. By taking the world heritage approach, this chapter argues that free trade agreements have a crucial role to play in remedying the harm wrought on the environment and in ensuring that the biodiversity we have inherited is transmitted to future generations.

Chapter 6, ‘Youth Empowerment for a Just Transition’, considers the need for the voice of youth to be louder than ever before. Youth are frustrated and want action but do not always have the skills and knowledge to achieve it. At COPs, many non-governmental stakeholders have discussed their concerns about whether a diversity of voices from the public are being appropriately represented in climate-related decision-making. As