

V Interdisciplinary Seminar on Climate, Energy and Sustainability

2 September 2021 09:30 – 13:00

PROGRAMME

Time	Programme
From 09:20	Arrival and Zoom room opens
09:30 – 09:40	<p><u>Welcome and Introduction to the V Interdisciplinary Seminar on Climate, Energy and Sustainability</u></p> <p><i>Associate Prof. Beatriz Martinez Romera</i>, Centre for International Law, Conflict and Governance (CILG), Faculty of Law, University of Copenhagen (UCPH)</p>
09:40 – 10:40	<p><u>Session 1</u></p> <p><u>Chair:</u> <i>Dr. Alessandro Monti</i>, Postdoc, Faculty of Law, UCPH, Vice President Energy Crossroads Denmark</p> <p>1. Olsi Shehi, LL.M, Senior Legal Counsel for Statkraft AS <i>Regulating Offshore Hybrid Grid Infrastructures under International Law</i></p> <p>2. Larissa Jane Houston, PhD Fellow, University of Graz <i>“The Light Bulb Effect” – Addressing Energy Poverty through the Lens of Sustainable Development</i></p> <p>3. Alireza Ranjbar, PhD Fellow, University of Tehran <i>The Effects of Sanctions on the Realization and Implementation of Sustainable Development Goals (SDGs)</i></p>
10:40– 10:55	<i>Coffee Break</i>
10:55 – 12:10	<p><u>Session 2</u></p> <p><u>Chair:</u> <i>Dr. Linnéa Norlander</i>, Postdoc, UCPH, Faculty of Law</p>

	<p>1. Rui Johnson Petri, Lund University <i>Climate Change, Displacement and Human Rights: The Principle of Non-Refoulement and the Right to Life in the Context of Climate Change</i></p> <p>2. Ndimyake Mwalugaja, PhD Fellow, University of Eastern Finland <i>Gender and Climate Change: An Empirical Legal Study of Gender Responsiveness in Tanzanian Climate Change Response Documents</i></p> <p>3. Raihanatul Jannat, PhD Fellow, University of Eastern Finland <i>The Role of Law in Enhancing Socio-Economic Resilience of Rural Women through Gender Based Adaptation</i></p> <p>4. Maya Gryesten Fields, M.Sc., Lund University <i>Resilient Disaster Recovery An exploration of operationalizing climate change adaptation measures in disaster recovery at the community level on Grand Bahama and Abaco</i></p>
12:10 – 12:25	<p><u>Concluding Remarks</u></p> <p><i>Associate Prof. Emmanuel Raju</i>, Copenhagen Center for Disaster Research (COPE), Department of Public Health, UCPH</p> <p><i>Associate Prof. Beatriz Martinez Romera</i>, Centre for International Law, Conflict and Governance (CILG), Faculty of Law, UCPH</p>
12:25 – 13:00	<p><u>Networking</u> led by:</p> <p><i>Dr. Alessandro Monti</i>, Postdoc, Faculty of Law, UCPH, Vice President, Energy Crossroads Denmark</p> <p><i>Danny Mariana del Villar</i>, Casus Clima, UCPH</p>

ABSTRACTS:

Olsi Shehi, LL.M, Senior Legal Counsel for Statkraft AS
Regulating Offshore Hybrid Grid Infrastructures under International Law

Abstract:

Climate change and energy security are both global concerns. The Paris Agreement has set out the target to limit global warming to well below 2 degrees Celsius, preferably to 1.5 degrees Celsius, compared to pre-industrial levels. To this end, the use of energy produced from renewable sources (RES) is envisaged to play a key role in pursuit of this goal. Among RES, the EU considers offshore wind as a “success story” and some EU Member States see a considerable potential in offshore wind. Ambitions of large-scale exploitation of offshore wind energy entail the necessity to develop new grid infrastructures or replace existing infrastructures by more innovative solutions which can serve both as export cables and interconnectors, the so-called hybrid assets. The key legal instrument under international law which regulates the rights and obligations of states concerning offshore economic activities is the 1982 United Nations Convention for the Law of the Sea (UNCLOS). The areas which are of particular interest in the context of offshore infrastructures – including hybrid assets – are the territorial sea and particularly the exclusive economic zone (EEZ). In the EEZ UNCLOS provides coastal states with “sovereign rights for the purpose [...] of the production of energy from the water, currents and winds, and (ii) jurisdiction [...] with regard to the establishment and use of artificial islands, installations and structures” (arts. 56 (1) (a) and 60 (1) UNCLOS). However, hybrid assets do not fall in any of these categories. Mixing the functions of interconnector and export cable in one asset – being connected to different countries – raises uncertainties from the perspective of international law. The main uncertainties pertain to the regulatory authority over different parts of the transmission network. This study will examine possible solutions under international law to overcome these legal barriers.

Larissa Jane Houston, PhD Fellow, University of Graz
“The Light Bulb Effect” – Addressing Energy Poverty through the Lens of Sustainable Development

Abstract:

Energy Poverty is a major concern throughout the globe. More than 800 million citizens across the world suffer from energy poverty despite the best efforts of nations to ensure energy access. Many countries around the world have committed to focused efforts on energy transitions and therefore it is necessary to determine whether these commitments in fact address energy concerns, such as energy poverty, while ensuring sustainable development. Often energy transitions are not just, fair and equitable which may result in the perpetuation of energy poverty. This is where the Sustainable Development Goals (SDGs) themselves play a huge role in balancing global energy goals. In essence, sustainable development can shed some light on the concerns regarding energy poverty. This ‘light bulb effect’ occurs when sustainable development practices can be used to highlight specific elements of energy concerns and thus assist in formulating solutions for these concerns. The effect of light in a room is that it is shared by all within and therefore this mimics the intergenerational, communal nature of sustainable development, thus energy poverty and sustainable development do not exist in isolation

of each other. Looking more specifically at the SDGs, SDG 7 was introduced to: “Ensure access to affordable, reliable, sustainable and modern energy for all”. SDG 7 specifically highlights elements of energy poverty; however greater acknowledgment must be made regarding the nexus between sustainable development and energy. Both energy poverty and sustainable development contain overlapping considerations in their respective definitions and in specific contextual backgrounds. Through comparative legal analysis and literature reviews, my research attempts to define and recognize the concept of energy poverty, through the lens of SDG 7, therefore providing a better understanding of the role that sustainable development can play in energy poverty alleviation.

Alireza Ranjbar, PhD Fellow, University of Tehran

The Effects of Sanctions on the Realization and Implementation of Sustainable Development Goals (SDGs)

Abstract:

Goal 17 and paragraph 39 of the 2030 Agenda for Sustainable Development (the Agenda) put emphasis on a revitalized Global Partnership to ensure the implementation of sustainable development process. It firmly indicates that cooperation among States, particularly between developed countries and developing countries, is one of the essential pillars in realizing and implying SDGs. In fact, without the “Global Partnership”, the accomplishment of SDGs would not be conceivable, as it is implicitly reflected through the Agenda especially in paragraph 41. Despite the importance of the “Global Partnership”, there are certain obstacles, challenges and difficulties before the genuine realization and implementation of SDGs as to the “Global Partnership”. These barriers could be divided into external and internal issues. While internal issues face barriers in national level such as armed conflict, corruption, and so on, external issues encounter barriers in extra-territorial level more importantly international, regional, and bilateral sanctions. In terms of sanctions, while the UN sanctions might be considered as an eligible pretext for maintaining international peace and security, they can be seen as severe obstacles before the realization and implementation of SDGs. Needless to mention that sanctions other than imposed by the UN, *a fortiori*, obstructing the legal obligations of States concerning sustainable development. However, sanctions would expedite and facilitate the realization of sustainable development as well. Despite the fact that sanctions bear negative meaning in mind, it could not be said that they strictly are against the process of sustainable development. In fact, sanctions might have positive effects on State committing ecocide. In addition, there are positive sanctions which are actual or promised rewards. These sort of sanctions would encourage a State to behave in compliance with the principle of sustainable development.

Rui Johnson Petri, Lund University

Climate Change, Displacement and Human Rights: The Principle of Non-Refoulement and the Right to Life in the Context of Climate Change

Abstract:

Millions of people are displaced annually due to environmental disruption and degradation, causing them to move in prospects of a sustainable livelihood. However, given the lack of mechanisms and systems to provide legal protection for displaced individuals, the future of such migrants is uncertain. Using a human rights-based approach, this thesis critically examines whether the principle of *non-refoulement* in conjunction with the right to life protects individuals displaced across borders by the impacts of climate change. Through an analysis of the international refugee regime, the thesis concludes that a legal lacuna exists due to difficulty conceptualizing climate change-related movement within the refugee definition. As such, complementary protection under the human rights regime by the principle of *non-refoulement* in light of the expanding protection on the right to life emerges as a possible alternative. The thesis conducts an in-depth analysis of three scenarios in which a violation of the right to life may trigger *non-refoulement* obligations. While a path for protection is identified, it is arguably more theoretical than practical. Two challenges — a high threshold for establishing a violation of the right to life and the concept of ‘imminence’ — constrict the utility of the principle of *non-refoulement*, especially in the context of slow-onset environmental degradation. These challenges are critically analyzed, which generates several pathways to enhance and strengthen protection. Finally, the thesis examines the potential contribution of climate change litigation in developing and expanding the law. The findings show that in addition to formal regulatory effects, litigation can generate normative shifts necessary for change. Until the international community adopts new, binding instruments to protect individuals displaced by climate change, the thesis concludes that climate change litigation is one place where our focus should be.

Ndimyake Mwalugaja, PhD Fellow, University of Eastern Finland

Gender and Climate Change: An Empirical Legal Study of Gender Responsiveness in Tanzanian Climate Change Response Documents

Abstract:

The increasing concern on Climate change adverse environmental phenomenon in developing countries has been on the rise due to the low adaptive capacities. In Tanzania, the impacts of climate change cut across diverse sectors and agriculture remains the most susceptible. More than 80% of Tanzania’s population depends on climate sensitive rain-fed agriculture as a source of livelihood. The Article examines the implementation of the legislation and policies on climate and agriculture by applying Carol Bacchi theoretical framework. The first part of the article is a textual gender analysis of Tanzanian legal framework on climate and agriculture response. The second part comprises a study of the implementation of the legal documents based on an analysis of interview data, stakeholders include representatives from different environmental organizations and institutes working with gender, climate, and agriculture. Additionally, the article makes use of sustainable livelihood and ecofeminist framework to explore the various concepts that are beneficial in creating policies that are focused in keeping gender at the centre of sustainable development. The analysis has shown Tanzania legal framework recognizes the gendered dimension of climate change however, legal and policies documents lack coordination and implementation to address the objectives therein. Most documents created to address climate and agriculture have been plagued with limited technical capability, lack monitoring and evaluation framework as well as gender awareness. The article recommends the need

to create gender awareness, coordination and knowledge exchange between grass root level and policy level. Additionally, the current legal measures need to be properly stated rather than vaguely created to enhance implementation and enforcement.

Raihanatul Jannat, PhD Fellow, University of Eastern Finland
The Role of Law in Enhancing Socio-Economic Resilience of Rural Women through Gender Based Adaptation

Abstract:

Climate change is non-discriminatory in nature but women are disproportionately affected, especially in rural regions. Rural women have lesser social, economic, legal, and political standing in comparison to men; and are less able to cope with the changing climate. On the other hand, rural women have been significantly contributing to sustainable development despite the increasing socio-cultural and structural barriers they experience through impacts of climate change. It is therefore imperative that the collective climate adaptation efforts are largely influenced by gender responsive measures that enhance socio-economic resilience of rural women. Law can play a critical role in this by acting as a vehicle for implementing gender based adaptation strategies. Transnational law can strengthen climate resilience of rural women by making use of its multi-level structure to establish linkages, coordination, and collaboration between relevant frameworks, policies, institutions, and actors. It can also fill in the gaps that gender inequality issues may give rise to. A comparative legal analysis can provide cross-jurisdictional learning in adopting new adaptation policies that invokes gender equality. Against this background, this research explores the role of transnational law in enhancing socio-economic resilience of rural women in Bangladesh and the Finnish Arctic through gender based adaptation. These two countries have been chosen as they provide the basis for an integrated north/south comparative analysis on the topic. It is anticipated that this research will contribute to the transnational law scholarship by expanding its application to gender based adaptation and climate resilience. It is further anticipated that this research will have a significant societal and policy impact by applying the cross-jurisdictional lessons from the comparative analysis towards enhancing the socio-economic resilience of rural women in both Bangladesh and the Finnish Arctic.

Maya Gryesten Fields, M.sc., Lund University
Resilient Disaster Recovery An exploration of operationalizing climate change adaptation measures in disaster recovery at the community level on Grand Bahama and Abaco

Abstract:

This explorative case-study examines the dynamics of operationalizing climate change adaptation (CCA) measures in the aftermath of climate change induced natural disaster at the community level in a low-lying coastal Nation State with fragile institutional capacity. It explores the roles and responsibilities different stakeholder groups take and identifies constraints and facilitators for operationalizing CCA measures in disaster recovery to ultimately explore leverage points or pathways towards greater integration of CCA measures in the phase of disaster recovery. This is achieved

through fieldwork and 20 in-depth interviews with key stakeholders such as government representatives, community leaders, private enterprise, and local and international NGOs. The study finds that stakeholders involved in disaster recovery have significant potential to more effectively integrate CCA measures through capacity building recovery approaches via community empowerment and community-integration. It highlights the necessity for decentralizing key water, energy, and food systems, and the key role of education and skill-building alongside devolution of decision-making and implementation to the local level.