

## What is the ‘Just Transition’?

### 1: Introduction – What is the *Just Transition*?

The ‘just transition’ is a concept receiving more attention in the literature. So far there is some confusion as many disciplines and different research areas all define it differently. Further, for energy, environmental and climate (EEC) scholar communities, the transition means different things. This is due to these latter three research areas all having different meanings of what ‘justice’ is. In terms of therefore ensuring a ‘just transition’ how can society support such a process when there are mixed visions of what it means?

One of the clear areas which this critical review focuses is on is what does a just transition mean for EEC scholars. These three research areas all have their own version of ‘justice scholarship’ – i.e. energy justice, environmental justice and climate justice - and these now confuse and distort the transition literature. To-date there has been very limited research in uniting these perspectives, and it is advanced here that these a just transition can encapsulate all three perspectives and this is where research should continue on exploring in the future.

One of the aims of just transition scholarship is to increase public understanding and public acceptance of a just transition, and therefore to achieve this the research community needs to become more united rather than more disparate. For too long, the research communities of EEC on justice have failed to connect their work together and this leads to much distortion of what ‘justice’ and also the ‘transition’ mean.

This article provides a critical review of the transition literature and how scholars in the EEC are distorting societies attempts at achieving a just transition. In considering issues of space and time, there needs to be a realisation of when justice concepts within the EEC research scholarship apply in the just transition. It is advanced that the emerging area of legal geography, allows for interdisciplinary scholarship on the concept of justice and as it applies across space and time, and in particular in relation to EEC. Finally, forms of justice (whether, energy, environmental or climate) need to relate to society more clearly, and the just transition offers that path forward as will be discussed below. It should be noted that this review offers limited definitions on some of the concepts and it is expected that readers will inform themselves on these from existing literature.

### 2: Why the need for a united *Just Transition* concept?

There are many reasons why there needs to be a united *Just Transition* concept and a number of the most important are detailed below. In research in EEC there needs to be a realisation of the reality of what is happening across the world. In considering the notions of time and space, what the world is witnessing is an acceleration of events in different locations of the world that demonstrate, that despite societies attempts so far, there are too many damaging events occurring. The just transition captures the just process when societies move towards an economy free of CO<sub>2</sub>. This is an important

element to the transition, in that it is a just transition, where as too often the rhetoric of governments, companies, institutions and researchers discusses ‘a transition to low carbon economy’ (or words to that effect) and there is no mention of ‘just’.

It should be highlighted that transitioning away from fossil fuels in society is proving very difficult and in reality happening very slowly. For example, In 2016, of the UK’s primary energy needs, fossil fuels provided 81.5%, down only half a percent from 2015.<sup>1</sup> Consider other examples from the UK in relation to investment in energy infrastructure and also foreign aid. In 2016, £18.6 billion (10.3% of total investment in the UK) was invested and of which 34% was in oil and gas extraction, 54% in electricity, 11% in gas, with the remaining in coal extraction, and coke & refined petroleum products industries.<sup>2</sup> Now while the amount of investment in electricity is not in more detail, considering the majority of the electricity sector (see Table 2 below) is fossil fuels<sup>3</sup> one could make the assumption that the majority of this investment is similarly towards fossil fuels; thought again further research is needed on this point. Nevertheless the picture is clear, the UK still heavily supports fossil fuel in terms of new investments. This is also aligned with UK foreign investment policy where through development aid, the UK supports by a ratio of nearly two to one, fossil fuel projects.<sup>4</sup>

Globally, there are also problems. For example, seven climate records were broken last year in 2016: melting of Arctic ice; consecutive hottest months; hottest day in India ever; highest temperature in Alaska; consecutive and biggest annual increase in CO<sub>2</sub>; hottest Autumn in Australia ever; and highest amount of destruction in Australia’s Great Barrier Reef ever.<sup>5</sup> Further, more and more coal plans are being built particularly, in many developing countries. Indeed, there exists far too much fossil fuels in the global energy system.<sup>6</sup> Clearly, at an international level, it should be acknowledged that the transition needs to happen at an accelerated pace and recent scholarship noting it is not happening fast enough.<sup>7</sup>

One of the problems for the transition is the focus of the EEC research and therefore the transition is still economics-driven. Traditional economics has not really delivered positive just outcomes for society, if anything is significantly added to societal

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<sup>1</sup> Carbon Brief. 2017. *Six charts show UK’s progress on low-carbon energy slowing down*. (31 July 2017). Available at: <https://www.carbonbrief.org/six-charts-show-uk-progress-on-low-carbon-energy-slowing-down> (last accessed August 2017).

<sup>2</sup> Department of Business, Energy & Industrial Strategy (BIES)/United Kingdom Statistics Authority (UKSA). 2017. *UK Energy in Brief 2017*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/631146/UK\\_Energy\\_in\\_Brief\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/631146/UK_Energy_in_Brief_2017.pdf) (last accessed August 2017).

<sup>3</sup> *Ibid*, BIES/UKSA (2017).

<sup>4</sup> CAFOD. 2017. *UK Support for Energy in Developing Countries*. Available at: <https://cafod.org.uk/content/download/27353/269740/version/2/file/Policy%20briefing%20UK%20Support%20for%20Energy%20in%20Developing%20Countries%20Oct%202015.pdf> (last accessed August 2017).

<sup>5</sup> The Guardian, 2016. *Seven climate records set so far in 2016*. (17 June 2016 – Adam Vaughan). Available at: <https://www.theguardian.com/environment/2016/jun/17/seven-climate-records-set-so-far-in-2016> last accessed 30 October 2016. This is just a newspaper report connecting to the issue – however, there are many international reports.

<sup>6</sup> Figueres, C. *et al.* 2017. *Three Years to Safeguard our Climate*. Nature. 546 (7660) 593-595. (29 June 2017).

<sup>7</sup> *Ibid*, Figueres, C. *et al.* (2017).

inequality; in terms of traditional economics, it is held here that the neo-classical school of thought still dominates economic policy-making. This is evidenced in reality by the award of the Nobel Prize in Economics and where a majority of winners have all been of the neo-classical school of thought. Further, these scholars, the powerful elite of neo-classical researchers led by Fredrick Hayek used go to closed workshop annually<sup>8</sup> and this is similar to the dominance of fossil fuel research community.

In this regard, one could ask why has there not been more reform, and why has society not moved on from an economics driven transition. Some of the answers to are clear, as society faced with powerful elites struggles for reform. For example, the failure to reform the financial system post the financial crisis of 2007-2009 has been a major demonstration of societies willingness to accept ongoing policy failure. Clear parallels of what society will accept in failures is evident in the ongoing failures of policy in EEC areas. For example, see the recent international debate and change of rhetoric where the energy source ‘gas’ is now being classed as a ‘cleaner fuel’ or the ‘transition fuel’.

However, despite the powerful research elites and traditional economic-driven policy-making, these represent surmountable challenges. However, what these two latter groups have achieved are clear messages to increase the public acceptance and understanding of their work. Unfortunately, the majority of different communities within EEC research areas all treat their concepts as separate constructs despite time and space being in a state of constant evolution. Indeed, it is time for more work to provide a united perspective on justice scholarship in the three areas of EEC.

### **3: Merging of the Three EEC Justices under the Just Transition Concept**

The areas of EEC all have their own forms of justice. Each is a concept widely accepted by researchers in these areas but to-date there has been little research in connecting all three forms of these justices. Scholars have lacked perhaps a framework that encapsulates all three and this is what the ‘just transition’ can provide.

The just transition is a more inclusive approach. It involves stakeholders of all types to the transition process. There is a need to debate, discuss, research and apply the just transition. Government’s worldwide are utilising the term (or words to the effect of) ‘transitioning to a low-carbon economy’. This latter term is a term promoted by the *status quo*, those in the dominant position in society. This ‘low-carbon economy transition’ has and will allow for a very slow transition and also one that favours this *status quo*. The transition needs to be more inclusive of all stakeholders in society and the transition needs to promote justice and reduce the current in-built development of inequality in society. With the origin of a just transition in labour movements it is not a surprise that there would be this more inclusive approach.

The benefit of a just transition is its aim is to reduce inequality in modern society and this is it achieves by applying justice in the areas of EEC. Inequality in society is increasing worldwide, and it represents one of the major research challenges in

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<sup>8</sup> Offer, A. and Soderberg, G. 2016. The Nobel Factor: The Prize in Economics, Social Democracy, and The Market Turn. NJ, US, Princeton University Press.

present day research scholarship (across many disciplines). That inequality is increasing in society, it represents a clear example of policy failure. EEC scholarship can contribute to reducing inequality scholarship and there are many examples in research findings and in particular in terms of the studies that utilise the increased data on public health. But one that should be noted is from the leading economist Thomas Piketty who part of a research team that has demonstrated that there is a link between the increase of CO<sub>2</sub> emissions and the inequality in society.<sup>9</sup>

Overcoming the ‘inequality’ issue needs all three EEC justice areas to focus their end result on a normative and holistic view of society, i.e. such as their contribution to a just transition. Hence, the question arises as to what EEC forms of justice have achieved to-date? Given the continued problems that society faces (as highlighted in section 1 and 2) it could be argued that all three forms of justice have had very limited success. Inequality and the ill-effects of events in relation to EECC continue.

It is advanced here, that a more united approach by these three EEC justice research communities could have more impact. Too often under these perspectives there is a limited focus on the origin of an event that leads to inequality and injustice. Certainly, there is too much focus particularly in climate and environmental justice on adaptation, i.e. the bad ‘event’ having occurred and then solutions are discussed. Energy justice, it should be stated, for some scholars least aims to address the issues before the ‘event’ happens.

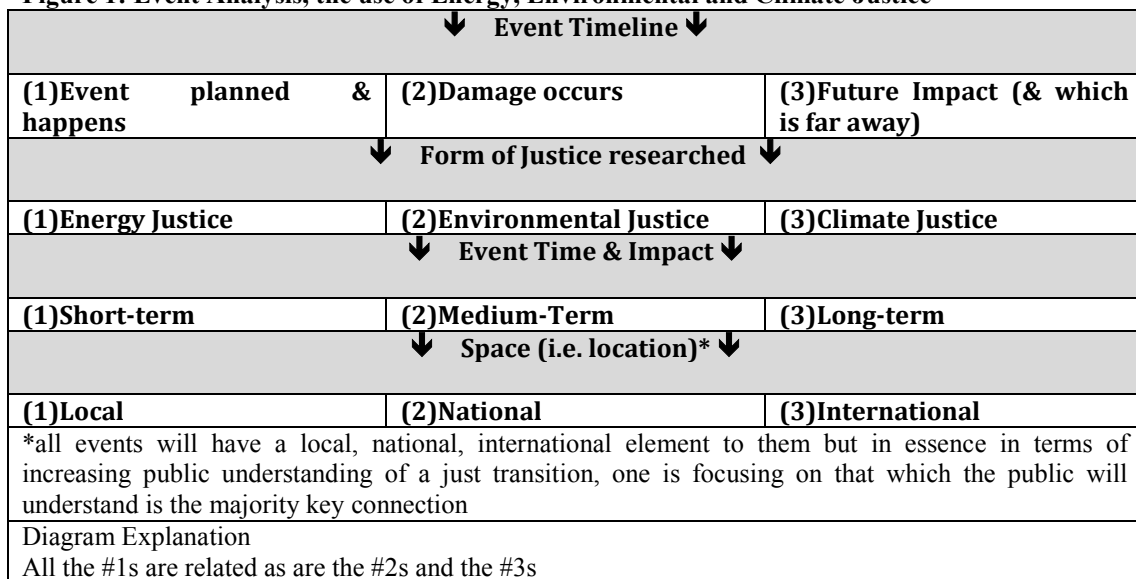
Overall, all these three forms of justice mentioned need to focus more on the ‘event’ that is under research. In this study of an event, or series of events, a greater focus on time and place is needed. For example with time the issues are the ‘pace’ of change and the ‘timelines’ of the transition. In terms of place, where do these events happen and to what locations do inequalities and injustices reach.

At some points in the event analysis the different forms of EEC justice are more relevant however, as a scholar what the focus should be on more holistically is the event analysis in relation to its contribution to a just transition. This process of thinking is represented in the diagram below in Figure 1. For example, energy justice becomes relevant before or when an event is happening, there is a short-term focus, i.e. the aim is to change a decision something will or will not happen at a particular sight. This diagram is just an example and but it aims to highlight that the different EEC forms of justice have traditionally become relevant at different times over an ‘event’, the just transition can bring a more united perspective.

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<sup>9</sup> Chancel, L. and Piketty, T. 2015. *Carbon and inequality: from Kyoto to Paris*. Paris School of Economics (November 2015).

**Figure 1: Event Analysis, the use of Energy, Environmental and Climate Justice**



Source: Constructed by authors (2017).

#### 4: Application of Legal Geography

In researching on just transition issues in relation to EEC, there are two main literatures that engage with it; though it is also increasingly an interdisciplinary research area. The two main disciplines are law with ‘justice’ and geography which is one of the major contributors to transition research and as importantly it has a focus on where and when the impacts of injustices are.

It is important when researching interdisciplinary research to make connections across disciplines. The emerging field of legal geography acknowledges this and enables this and provides a useful approach for the study of the just transition. Legal geography captures research on people, space, time and law.<sup>10</sup> It is an area that has been researched since the 1980s and is enjoying a resurgence and should do so in particular due to EEC issues.

The reason for thinking of the adoption of a new and more formalised way of thinking (i.e. through legal geography) is that there exists significant research in the EEC justice literature that avoids discussion on the legal context of ‘justice’. Too often it is not clear in this EEC justice research: (1) what justice is needed and/or expected; and (2) how this will be enforced and/or applied. Law works in a system, and without the application for example of restorative justice, then the application of justice that enables greater distributional justice may never have the transpired effect. For too

<sup>10</sup> (1) Blacksell, M., Watkins, C. and Economides, K. 1986. Human geography and law: a case of separate development in social science. *Progress in Human Geography*, 10 (3), 371–396; (2) Delaney, D. 2003. Beyond the word: law as a thing of this world. In: Holder, J. and Harrison, C. E. (eds) *Law and geography*. Oxford, UK: OUP (pp. 67–84); Blomley, N. K. 1994. *Law, space, and the geographies of power*. New York, US: Guilford Press.

long it is clear that researchers have advanced the application of different forms of justice through one of the EEC areas only not to elaborate on how and /or whether in reality it could be achieved.

It should be recalled that the origin of environmental justice was in social protests in the US. Justice was viewed to be applied if the protesting group were successful and they forced a legal and/or policy change to a project, i.e. there was a result. There needs to be a return to that clarity of thought with the just transition. More results are needed, i.e. two recent results for example from the UK in relation to a just transition are the phasing out of by 2025 and diesel cars by 2040. These are both positive results for a just transition in the UK. In comparison, there are negative results for the just transition in the following two examples: (1) in 2017 the UK House of Commons announced an electricity capacity auction should be technology neutral – hence it will favour fossil fuels who can bid in cheaper; and (2) as highlighted earlier, the UK supports fossil fuels through foreign aid.

Those previous UK examples identify a clear imbalance in overall policy towards a just transition. A framework in legal geography permits the researcher to identify the problems and provide research and policy led solutions. Figure 2 outlines below a legal geography perspective on the just transition. The framework advanced is quite simple, the “JUST” Framework. It borrows from law and geography and also the three forms of justice across EEC. It is outlined below and many will be familiar with the types of justice mentioned below, which are explained already in the literature – future research will identify them in more detail later as they apply specifically to the just transition.

**Figure 2: The Legal Geography ‘Just’ framework for the Just Transition**

|          |          |          |          |                  |  |
|----------|----------|----------|----------|------------------|--|
| <b>J</b> | <b>T</b> | <b>R</b> | <b>A</b> | <b>Justice</b>   | <b>Justice takes the form of 3 forms of justice</b>  |
|          |          |          |          |                  | <b>Distributional</b>  |
|          |          |          |          |                  | <b>Procedural</b>  |
| <b>U</b> | <b>N</b> | <b>S</b> | <b>I</b> | <b>Universal</b> | <b>Universal takes the form of two universal forms of justice</b>  |
|          |          |          |          |                  | <b>Recognition</b>   |
| <b>S</b> | <b>T</b> | <b>I</b> | <b>O</b> | <b>Space</b>     | <b>Space brings in location, where are ‘events’ happening (in principle, at local, national and international levels)</b>                              |
|          |          |          |          |                  | <b>Time</b>  |
| <b>T</b> |          |          |          |                  | <b>Time brings into transition timelines such 2030, 2050, 2080 etc. and also ‘speed’ of the energy transition (i.e. is it happening fast enough?).</b> |

Source: Constructed by authors (2017).

## 5: Steps in the Future Development for the Just Transition

In thinking of the evolution of the just transition and also the justices of EEC, it is clear that there needs to a measureable outcome. The measure in the majority of these forms of justice is not quantitatively measured but whether it results in a direct change in a law and/or policy, or more simple, i.e. a previous decision was overturned or improved. Over time scholars have worked on justice in their research but there has been limited scholarship as to the broader goal of a just transition. A just transition is a societal goal, and the three communities of EEC justice scholars need to think together and have as their common purpose a just transition.

To ensure the debate around a just transition and the concepts effect on policy-making is not another policy distorted by the traditional economic thinking, there needs to be a more united framework across EEC justice. To move society towards a just transition, the importance of public acceptance and understanding are crucial to ensure they act towards and support such a transition.

Time is of the essence, an accelerated just transition is needed given the all the issues in society related to EEC sectors. The question has to be asked what have EEC justice achieved? While energy justice is a newer concept, it is also strange that it is so, since the energy sector is primarily responsible for the CO<sub>2</sub> emissions which is the majority focus of environmental and climate justice scholarship. Further, many sectors in the economy rely on energy, such as transport, industry and even human effort (energy from food provided by the energy intensive agricultural sector). The application of justice in the energy sector has clearly been a forgotten issue and the dominance of economics and big energy companies may explain why it was not a feature. The just transition can account for these issues and encapsulate those from across EEC justice scholarship.

It is advanced here that legal geography, which incorporates two key disciplines working together on a framework on the just transition can deliver more realistic research conclusions and therefore more achievable law and policy options. Research on a just transition needs to learn from the limitations of EEC justice research and refocus on being result-driven, as the speed<sup>11</sup> of the transition is a major concern globally.

The major contribution of uniting EEC justice is the added potential to contribute to reducing inequality and injustice in society as it relates to EEC sectors and aims to achieve a just societal transition. Both law and geography have long histories in research on inequality and injustice, and it is time to ensure they are added to the debate on EEC issues and that the dominance of traditional economic thinking is reduced. The *status quo* in relation to issues in EEC policy and sectors need to be challenged in research and practice. Researchers on EEC justice need to integrate their work to the bigger picture, (i.e. the just transition) and focus on the implications of their work for the just transition.

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<sup>11</sup> *Ibid*, Figueres, C. *et al.* (2017).