

An Inclusive Energy Transition? Global Low-carbon Strategies and their Discontents

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**University of Cambridge
The David Attenborough Building**

Co-organisers: Dr Leslie-Anne Duvic-Paoli and Prof J. E. Viñuales

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The Platform on International Energy Governance held its first annual event on 22 June 2017 at the University of Cambridge. Entitled 'An Inclusive Energy Transition? Global low-carbon strategies and their discontents', the event brought together over 40 leading and early career academics and policy-makers to discuss how the costs and benefits of the energy transition can be best allocated and how participatory mechanisms can facilitate public engagement in the context of the energy transition. The event was co-organised by Dr Leslie-Anne Duvic-Paoli and Prof J.E. Viñuales and was generously funded by the Philomathia Foundation and the Energy@Cambridge Strategic Initiative.

Welcome and Introductory Remarks

On the morning of 22 June 2017, notes of welcome were given by Prof J. E. Viñuales and Dr Leslie-Anne Duvic-Paoli who officially launched the [Platform on International Energy Governance](#), which brings together world leading universities and research centres active in the field of international energy law and policy. It aims to serve as a network of excellence that fosters the conduct of research in unexplored areas of international energy governance.

One of the objectives of the Platform is to facilitate the sharing of data between researchers interested in energy governance. In this context, Dr Tibisay Morgandi from Cambridge presented one of the latest additions to the Platform: a database on bilateral energy agreements. It offers a collection of hundreds of bilateral energy agreements, displayed in a structured and logical way, and aims to make them more readily accessible to academics and practitioners. The database will be made publicly available at the end of the summer.

Professor Michael Pollitt, director of the [‘In Search of ‘Good’ Energy Policy’](#) initiative co-sponsoring the event, gave a few words of introduction. He highlighted some of the key challenges emerging from the transition to a low-carbon economy, including who benefits from the transition; who bears the costs of adjustments; and how to value participation as a necessary and positive democratic process?

Click on the title of the presentation to see the speaker’s powerpoint (when available)!

Panel One - Allocation of the costs and benefits of the energy transition 1: Social implications of decarbonisation objectives

The morning sessions focused on the allocation of costs and benefits of the energy transition. The first panel, chaired by Dr Chris Hope from the University of Cambridge, interrogated the social implications of decarbonisation objectives.

Dr Christoph Frei, Secretary General, World Energy Council: ‘Grand Transition, Digital Revolution and New Energy Realities’.

The first presentation was delivered by Christoph Frei from the World Energy Council who presented how the ‘fourth industrial revolution’ was creating new challenges for energy systems. As a result of digital innovations and decentralization trends, energy companies now have to embrace new business models. Frei presented the results of the [World Energy Issues Monitor 2017](#), entitled ‘Exposing the New Energy Realities’, which helps monitor of the world energy agenda and its evolution. It provides a high-level perception of what constitute issues of critical uncertainties which keep ‘energy leaders awake at night’ (which include commodity prices, economic growth, climate framework, electric storage and regional integration), and action priorities which keep ‘energy leaders busy at work’ (major priorities include renewable energies, energy efficiency, electricity prices, energy subsidies). Frei insisted on the fact that the innovation cluster is becoming increasingly important for energy leaders, who acknowledge the need to build resilient energy infrastructures, to protect them from extreme weather events and cyber risks.

Prof Benjamin Sovacool, University of Sussex, [‘New Frontiers in Energy Justice: Energy Decisions Reframed as Ethical Concerns’](#)

Noting that ‘‘humanity dies because of energy systems’’, Benjamin Sovacool explained why our energy systems can be considered unfair (the fourth cause of mortality in the world being household pollution and cooking). Although ‘energy justice’ tends to be under-valued within the energy studies community, he argued that it could contribute to i) better access, deconstruct and distribute energy risks; ii) enhance equity and fairness; iii) promote affordability and reduce vulnerability. Energy justice could offer an analytical tool for researchers striving to understand how values get built into energy systems and a decision-

making tool that can assist energy planners and consumers in making more informed energy choices.

Dr Jean-François Mercure, Radboud University: ‘Moving Away from Fossil Fuels: Assessing Re-distributional Implications’

Jean-Francois Mercure discussed the coherence of the rationale of pulling out of the Paris Agreement in order to avoid stranded fossil fuel assets. His analysis was based on the identification of three main economic impacts of decarbonisation, which boosts economic activity through low-carbon investment; leads to a decline in demand for fossil fuels; and affects the trade balance. On that basis, Mercure and his co-authors concluded that importers of fossil fuels are well off remaining in the Paris Agreement because they benefit from low-carbon investment stimulus and a redressed trade balance due to reduced fossil fuel imports. In addition, high cost fossil fuel producers, such as the US and Canada, are worse off if they pull out because they cannot benefit from low-carbon investments and will nevertheless have to close down their fossil fuel industry because they will be priced-out by OPEC.

Panel Two - Allocation of the costs and benefits of the energy transition 2: Mainstreaming energy considerations in international legal regimes

The second panel, chaired by Prof Massimiliano Montini from the University of Siena, investigated the extent to which energy considerations are, or can be, mainstreamed in international legal regimes.

Perumal Arumugam, UNFCCC Secretariat: ‘[Energy and the Sustainable Development Mechanism](#)’

The panel started with the presentation from Perumal Arumugam of the UNFCCC Secretariat. He explained why the energy sector will be key to achieve the objectives of the Paris Agreement, especially because the electricity and heat sector will have to be reduced to a minimum to achieve the Agreement’s temperature goals. He also explained how the Kyoto market mechanisms have contributed to the energy transition, in particular by encouraging the development of wind and hydro power, and how the Paris sustainable development mechanism will stimulate investments in low carbon technologies and practices. He argued that the sustainable development mechanism should create positive impacts for public and private investments by generating significant public revenues and reducing the cost of capital for private investors.

Bettina Reinboth, Principles for Responsible Investment (PRI): ‘The PRI’s Engagement on Human Rights in the Extractive Sector’

The second presentation was delivered by Bettina Reinboth from Principles for Responsible Investment (PRI), a UN supported initiative created in 2006 to help investors in incorporating

environmental, social and governance factors into their investment decisions. Reinboth concentrated particularly on the PRI's engagement on human rights in the extractive sector. The PRI identified different areas for engagement, which include inter alia embedding respect for human rights into corporate practice and improving the firms' response to human rights incidents or allegations. Initial results showed that companies are generally aware that unaddressed human rights issues could create risks on the firms' operations and reputation and therefore understand that it 'business sense' to integrate human rights considerations in their corporate practice.

Dr Ilaria Espa, World Trade Institute Bern: 'Energy Subsidies in International Trade Law'

Ilaria Espa from the World Trade Institute Bern highlighted the challenges facing the integration of energy considerations in international trade. She focused more specifically on energy subsidies, and the paradox that subsidies on renewables are challenged at the WTO when fossil fuel subsidies represent twice their amount. Such a situation arguably weakens the 'mutual supportiveness' objective of the WTO which seeks to integrate environmental and trade considerations. After an analysis of the relevant WTO case-law, she highlighted that there was no evidence that WTO cases have had a chilling effect on the subsidies granted to renewable energy programmes, but auctions and market mechanisms now tend to be preferred.

Panel Three - Participatory mechanisms in the context of the energy transition 1: Understanding public attitudes towards the energy transition

The afternoon sessions concentrated on the role of participatory mechanisms in the context of energy transition. The third panel, chaired by Dr Laura Diaz Anadon from the University of Cambridge, sought to understand public attitudes towards the energy transition.

Dr Chiara Armeni, University of Sussex: '[The Conceptual Nature of Public Participation in Environmental Decision-Making](#)'

Chiara Armeni suggested that a distinction be made between public participation and public acceptance. On the one hand, public participation relies on consensus-based public dialogues where participations are able to influence final outcomes. On the other hand, public acceptance models only rhetorically seek engagement: participation is sought only to validate decisions which have already made. Armeni then illustrated the legal and policy implications of this distinction by arguing that the engagement model for major wind projects in England and Wales aligns with more with an acceptance-based model than a participatory one.

Dr Helen Pallett, University of East Anglia: '[Mapping Public Participation: The Case of the UK Energy System](#)'

Helen Pallett's presentation resulted from a project mapping diverse practices of public engagement with energy system change in the UK. Pallett noted that forms of public engagement with energy are diverse, and go beyond behaviour change and social acceptance initiatives, to include bottom up and citizen-led actions as well as 'under the radar' and emerging forms of engagements (such as art-based engagement). She highlighted that dominant approaches to understanding public concerns (such as surveys) can miss important aspects of 'social intelligence' needed to make robust decisions. As a result, she ended by calling for a holistic approach to engagement that goes beyond the 'siloed' forms of engagement and create initiatives that are more than the sum of their parts.

Dr Caitriona Strain, ERNACT: [‘Policy Coherence and Community Acceptance: An Evaluation of the Development of Onshore Wind Energy in Ireland’](#)

Caitriona Strain focused on the major difficulties facing onshore wind-energy development in Ireland, showing that a lack of political ambition discourages its development. According to Strain, the Irish national energy policy fails to provide a consistent and integrated framework to support such development, principally because it does not interact with local planning. She also warned that there was a very weak approach to community acceptance in Irish policy, with little community engagement in planning, development and decision-making. Strain ended with a set of recommendations, which included the publication of a binding national wind strategy, the adoption of community energy targets and the establishment of tangible community benefits.

Dr Pierre Bocquillon, University of East Anglia: [‘Towards a More Democratic Energy Governance? The Case of the Law on the Energy Transition in France’](#)

Pierre Bocquillon reflected on public engagement in the context of energy decision-making processes by providing an overview of the national energy debate organised before the adoption of the 2015 Law on the Energy Transition for Green Growth in France. He noted that the organisation of such a debate was significant given that the French energy policy is heavily dominated by nuclear energy, which tends to encourage a tradition of secrecy in decision-making processes. Bocquillon acknowledged that providing a scholarly assessment of the debate was challenging: the debate gave an institutionalised opportunity to have a comprehensive discussion over the country's energy policy; however the process was far from perfect, its consultative nature and failure to mobilise citizens remaining major issues.

Panel Four - Participatory mechanisms in the context of the energy transition 2: The international legal framework, opportunities and limitations

The final panel, chaired by Prof. Eyal Benvenisti from the University of Cambridge, concentrated on international legal and regulatory frameworks available to foster public participation.

Professor Karen Morrow, Swansea University: [‘International Law and Policy on Public Participation in the Transition to a Low-Carbon Economy – Ensuring Inclusivity and Fairness?’](#)

Karen Morrow opened the panel with a presentation of the role of international human rights law in securing a just energy transition while highlighting that the system remains essentially state-centric and, thus, not necessarily adequate in the context of global environmental governance. Under international environmental law, the right to public participation has not yet achieved a customary status, but can nevertheless be considered to traction. She then focused on public participation in the international climate change regime, including the main features and weaknesses of public participation in market mechanisms. She highlighted that one of the latest developments in this regard was the 2017 process documents of the Clean Development Mechanism Executive Board on the procedures for public involvement in their projects.

Stephen Stec, Central European University: [‘Participatory Mechanisms in the Context of the Energy Transition: Application of Rio Principle 10’](#)

The second presentation was delivered by Stephen Stec from the Central European University on the implementation of Principle 10 of the Rio Declaration on Environment and Development on the right to participation. Stec illustrated his talk by analysing the Okinawa Dugong cases relative to the Japan-US agreement to relocate a military base to a less inhabited area, home to the critically endangered dugong, a ‘national monument’ under Japanese law. The decision has been challenged before the courts (case currently under appeal) on the basis that the Japanese environmental impact assessment had not included opportunities for public participation. Stec was hopeful that Principle 10 and the related UNEP Bali Guidelines and the Aarhus standards could influence local decision-making processes by setting best practices standards.

Jeremy Wates, European Environmental Bureau: [‘The Aarhus Convention: Origins and Influence’](#)

Jeremy Wates explained the origins and impact of the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental issues on other international legal frameworks. Wates explained that the Aarhus Convention was a product of the immediate post Cold War area, and had persuaded Member States to follow rules that they would not have implemented otherwise. The Convention was closely related to a human rights treaty creating State obligations towards its people. It had adopted a broad definition of the term ‘public’, which meant that even non nationals living outside the domestic territory were able to hold a State accountable for its actions in the context of the non-compliance procedure. Wates highlighted the fact that the convention was more broadly influential on the Member States’ behaviour when entering other treaties, and could potentially play a significant role in the context of the Paris Agreement.

Dr Davida Wood, World Resources Institute: ‘Planning for the Energy Transition: What Role for Civil Society?’

The final presentation of the day was given by Davida Wood who reflected on how civil society can play a role in ensuring that decisions reflect the public interest. She explained how the Electricity Governance Initiative, a network of civil society organisations working to improve governance of the electricity sector, used indicators of transparency, accountability and public participation to assess sector decision making processes and open them up to public input. It relied on the Regulatory Indicators for Sustainable Energy (RISE) indicators developed by the World Bank to help compare national frameworks for sustainable energy. She explained how the use of these indicators had resulted in giving a bigger part to renewable energies in South Africa’s energy mix. Wood also provided a critical assessment of the value of the RISE indicators, asking whether they were really providing the ‘full energy story’ of a country and whether a reformed RISE system might not be necessary.

Concluding remarks

Dr Leslie-Anne Duvic-Paoli gave brief concluding remarks summarising some of the main, cross-cutting points made during the day.

The workshop had asked strategic question about the direction as well as the speed of the energy transition – in other words, what are we transitioning to, and where are we in this transition? The level of ambition of the different actors involved, and how to best get them more involved in the process, had also been a recurring question.

Frequent references had been made to how new trends towards decentralisation and digitalisation were challenging the traditional power of the State in the field of energy. International legal and regulatory systems are also challenged, and faced with the emergence of new forms of normativity, fostered in part by international institutions and civil society. Contemporary energy governance was made of a complex web of instruments, processes and actors, which could lead to positive outcomes (synergies) but could also pose significant challenges in terms of building coherent energy policies.

Panels on public participation highlighted that varied forms of engagement are available at the local, national and international levels. Two main limitations were noted: first, warnings about pro forma models of public participations, which amounted more to ‘acceptance’ rather than ‘participation’ per se were made; second, it was noted that favouring one type of participation over another ran the risks of being detrimental to inclusiveness objectives. Overall, it was made clear that there was not one single participatory model that should be used, but that decision-makers should aim to embrace a holistic approach to participation, with a broad definition of what constitute the ‘public’ and ‘communities’. Such an approach would nevertheless have to ensure that the process nevertheless manageable and does not cause undue administrative burdens.

The question of the inclusiveness of the energy transition asks central questions about justice, equity and fairness between and within nations. Given the diversity of presentations involved in terms of scale and choice of case studies, participants reflected on how influential national contexts were and the extent to which comparative analyses were possible. It was acknowledged that while there were differences across nations, some general trends, sometimes encouraged by international legal regimes, could also be observed. It became clear that there was a huge potential for learning from previous examples and that best practice examples could ensure that participatory mechanisms were more inclusive. Warnings were made about the lenses we use to assess the inclusiveness of the energy transition and to evaluate participatory mechanisms, with speakers highlighting the limitations of dominant approaches to justice and to public participation.