Towards a Just Transition

From Extraction to Equilibrium - Transforming Law and Governance

Briefing note 2

How *Just* is this governance response

For researchers or communities that wish to use 'Just Transition' to advance more equitable outcomes in a governance initiative in practice, a key question is *'How Just is this governance response?'* We suggest the following approach to analyse a proposed governance initiative based on several, well-recognised dimensions to Justice that might be relevant. In Table 1, we list these dimensions and some 'guiding questions' that might be helpful to ask. From the answers to these questions, communities can identify gaps or weaknesses in the proposed governance initiative that they might wish addressed.

Table 1: A justice lens for law and governance[1]

Justice dimension	Definition	Key questions
Recognition	Addresses social inequities, diversity and identity, and representation.	What kinds of injustice are recognised in this governance space? Whose needs are recognised and prioritised, and whose are missing? What interests are 'at the table' and what interests are not?
Procedural	Focuses on fairness of participation and decision-making processes.	How fair is the decision-making process? How transparent are decision-making processes? To what extent are decision-makers accountable for their decisions, and to whom?
Distributional	Focuses on how benefits and burdens are distributed.	How will the benefits and burdens of an initiative be distributed over different groups? Who has the greatest need? Are decisions on benefits and burdens fair and proportionate?
Restorative	Emphasises the importance of compensating existing injustices and repairing damages.	How will repairs and remedies for negative climate impacts be addressed? How will loss and damage be addressed? {Loss occurs when it is not possible to repair or restore negative climate impacts; damage occurs when it is possible}.
Cosmopolitan	Highlights that justice principles apply to all human beings, regardless of nationality, ethnicity, or citizenship or other status.	Do people's ascribed status affect their access to or enjoyment of an initiative, or make them more vulnerable in some way? Are people's intrinsic worth recognised (as opposed to being viewed as objects of charity)?
Spatial	Focuses on how justice plays out in different spaces and scales.	How does location influence decision-making? How do allocations differ across a particular space or scale? Is ownership, use or transference of property significant? Does 'public' space exist, and how is it used? How is privately owned property or space treated?
Postcolonial	Acknowledges legacies of colonisation to contemporary socio-economic models of development. Addresses injustices related to the exclusion of non-western knowledges and perspectives.	How might the legacies of colonial exploitation shape current manifestations of vulnerability, exclusion and environmental challenges? Do transition responses recognise and respond to currently marginalised non-Western analytical and methodological frameworks that recognise the 'pluriverse' of worldviews?[2]

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1   This table is developed and adapted from Sara Heidenreich, Mari Martiskainen, Marianne Ryghaug, "Issues of justice in sustainability transitions," in Julius Wesche & Abe Hendriks (eds) *Introduction to Sustainability Transitions Research*, (NTNU, 2024), available here

2   The 'pluriverse' is based on a Zapatista notion of 'a world where many worlds fit.' See Bipashyee Ghosh, Mónica Ramos-Mejía, Rafael Carvalho Machado, Suciestari Yuana & Katharina Schiller, "Decolonising transitions in the Global South: Towards more epistemic diversity in transitions research," (2021) 41 Environmental Innovation and Societal Transitions, 106. Also, Arturo Escobar, "Degrowth, postdevelopment, and transitions: a preliminary conversation," (2015) 10 Sustainability Science, 451.

Intragenerational & intergenerational	Emphasises equity among persons living today, and between generations across time (future generations).	How are the interests of younger people, and of future generations recognised and addressed?[3]
Multispecies	Emphasises equity in relations between human and non-human species, biodiversity and nature.	How is the full diversity of life (including non-human life); the relations and inter-dependencies of humans on non-human life, and the embeddedness of all life on wider ecosystems recognised and addressed?
Epistemic	Emphasises the importance of knowledge and data to, and within, governance	Who knows about relevant initiatives? What knowledge is recognised as relevant and significant to decision-making? What role does knowledge and data (and technologies that generate, process and hold data) play in governance? How are democratic approaches to knowledge, data and Citizen Science addressed? Are risks and benefits of knowledge and data recognised and fairly addressed?[4]
Temporal	Focuses on the significance of time and temporality to justice and Just Transition	What effects will an initiative have on how people spend their time (e.g., on the balance between paid work and unpaid work)? Will time burdens and benefits be allocated fairly (e.g. not add further to women's care burdens)? How responsive are initiatives to recognised needs – will the impacts be timely and happen as soon as needed?
Relational	Based on the belief that all living beings are connected and interdependent; that relations of care and equality are central to life	Are the relations between people, and between people and the natural world, approached from an ethic of equality, and of care? Will this governance initiative foster recognition of the principle that all people are equal, and that create conditions for care?
Transition governance	Focuses on the effectiveness, extent and urgency of transition governance processes	What is the scope and extent of the governance initiative in question? Is it adequate to the urgency of the challenge on hand?[5]

3   Johanna Ohlsson and Tracey Skillington, "Intergenerational Justice," in Johanna Ohlsson & Stephen Przybylinski (eds), *Theorising Justice – A Primer for Social Scientists*, (Bristol University Press, 2023 at 223.

4   See later section on Epistemic Justice in this report.

5   See Miriam J. Williams, "Care-full Justice in the City," (2017) 49 (3) Antipode, 821. She cites Tronto's (1993) four values or logics of care as central to its 'ethic,' including caring about, taking care of, care-giving and care-receiving. *Ibid* at 826.

Excerpt from Siobhán Airey, Yağız Eren Abanus, Hüseyincan Eryılmaz & Daniela Garcia-Caro Briceno, *Towards a Just Transition - Walking practices & Legal possibilities* (ESL-CSJ: 2025), 29. Report available here.

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