

Einfaches Seminar: Climate Justice in the Global South

Winter Semester 2022/23

Prof. Thoko Kaime

This semester's seminar focuses on Climate Justice in the Global South. The questions posed invite you to discuss a range of topical questions on a diverse number of themes such as human rights, trade policy and environmental governance in light of decolonial approaches to law. The seminar is designed to be attended by students without previous knowledge in the individual problem areas and students still in their early semesters. Please note this seminar also applies to LLB students. The seminar takes place as a block seminar with four main contact days.

Key dates:

Assignment of topics: 05-09-2022

Kick-off Day: 21-10-2022

Intermediate meeting: 25-11-2022

Submission of papers: 19-12-2022

Final presentation: 20-01-2023

Topics:

Environmental Governance

1. Critically analyse the role of the Paris Agreement 2015 in addressing the issue of climate injustice in Africa.

Chukwumerije Okereke and Philip Coventry, 'Climate Justice and the International Regime: Before, During, and After Paris' (2016) 7(6) Wiley Interdisciplinary Reviews: Climate Change, pp 834-851.

2. Critically discuss strengths and weaknesses of Article 6 of the Paris Agreement 2015 in addressing climate change priorities in developing States.

<https://www.wri.org/insights/what-you-need-know-about-article-6-paris-agreement>

https://ercst.org/wp-content/uploads/2021/02/20181101-CFI_Policy-Brief_web-1.pdf



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3. Critically examine whether the 26th Conference of Parties (COP26) and Glasgow Climate Pact made remarkable progress in advancing climate justice actions for developing States.

Delivering Climate Justice at COP 26 IN Glasgow: Seizing Scotland's Unique opportunity to Shape Global Action
<https://www.cidob.org/en/publications/publication_series/opinion/2021/climate_justice_at_cop26_in_glasgow_between_disappointment_and_tentative_hope>

<https://cosmosmagazine.com/earth/climate/climate-justice-at-cop26/>

Human rights

4. Critically discuss the potential contribution of the right to development as provided for under Article 22 of the African Charter on Human and Peoples' Rights in addressing adverse impacts of climate change.

Michael Addaney, Elsabe Boshoff, and Basimaey Olutola, 'The climate change and human rights nexus in Africa' (2017) 9 Amsterdam LF, 5.

5. Discuss the potential of African human rights system to recognize right to safe climate.

Jagade Oluborode, 'Should a human right to a safe climate be recognized under the au human rights system?' In Human Rights and the Environment under African Union Law (Palgrave Macmillan, 2020), pp. 55-79.

6. How can the Africa Union's human rights system be used to address climate-induced migration?

<https://www.worldbank.org/en/region/afr/publication/climate-migration-in-africa-how-to-turn-the-tide>

Michael Addaney, Ademola Jegede and Miriam Matinda, 'The protection of climate refugees under the African human rights system: proposing a value-driven approach' (2019) African Human Rights Yearbook 242.

Trade Policy

7. Critically examine the African Union's contribution towards efforts to curb the impacts of trade in toxic waste.



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Ifesinachi Okafor-Yarwood and Ibukun Jacob Adewumi, 'Toxic waste dumping in the Global South as a form of environmental racism: Evidence from the Gulf of Guinea' (2020) 79(3) African Studies 285-304

8. Explain how the African Continental Free Trade Area Agreement (AfCFTA) puts in place a framework for climate safe economy.

Clavin Manduna and Taku Fundira, 'Tackling climate change and propelling a green transition under the African continental free trade area' (Heinrich-Böll-Stiftung Washington, DC, and Africa Policy Research Institute, May 2022) pp 1-46

<https://www.brookings.edu/wp-content/uploads/2021/09/21.09.15-Greening-the-AfCFTA.pdf>

https://www.cuts-geneva.org/pdf/KP2020-RRN-African_Trade_for_Tackling_Climate_Change.pdf

Civil society

9. Critically analyse the role of legislative frameworks of developing States in enabling local civil societies to advance the course of climate justice.

Hannah Brock, 'Climate Change Drivers of Insecurity and the Global South' Oxford Research Group (June 2012) pp 1-20

Equality

10. Critically examine the current legislative and institutional reforms for facilitating gender equality in climate justice discourse in developing States.

Kuntala Lahiri-Dutt, 'Climate Justice Must Integrate Gender Equality: What are the Key Principles?' (2012) Impact of Climate Change on Water and Health, 106-119.

Africa Development Bank, 'Climate Change, Gender and Development in Africa' pp 1-46
<https://www.afdb.org/sites/default/files/documents/publications/climate_change_gender_and_development_in_africa.pdf>

11. Climate justice can only be fully achieved if developed States accept responsibility for their wrongful conduct. Examine correctness of this assertion with reference to law, present and past experiences.



<https://www.forbes.com/sites/davidrvetter/2022/02/10/for-climate-justice-in-africa-rich-nations-must-admit-to-past-wrongs-climate-experts-hear/?sh=3607a3975c32>

Energy Justice

12. In view of climate change, what considerations should be taken into account in designing energy laws for developing States. You may select any developing State as an example.

<https://earth.org/climate-justice-should-developing-countries-be-held-to-the-wests-standard/>

Terefe Tucho, 'The impacts of policy on energy justice in developing countries' In Energy Justice Across Borders (Springer 2020), pp 137-154.

13. Discuss ways in which energy law and investment law can be deployed to provide renewable energy in Kenya and South Africa.

Anita Rønne, 'Smart Cities and Smart Regulation: Accelerating Innovative Renewable Technologies in Energy Systems to Mitigate Climate Change' (2018) Innovation in Energy Law and Technology: Dynamic Solutions for Energy Transitions, 55-73.

Renewable Energy Transition in Africa <
https://www.giz.de/en/downloads/Study_Renewable%20Energy%20Transition%20Africa-EN.pdf>

https://africa-eu-energy-partnership.org/wp-content/uploads/2020/04/01_mapping_of_initiatives_final_report_may_2016.pdf

Regional interventions

14. Critically discuss key strategies of the Africa Union's Agenda 2063 in combating climate change on the continent.

African Union Commission (2014) Agenda 2063: the Africa we want, draft document6. <http://www.nepad.org/system/files/Agenda%202063%20%20English.pdf>

Lily Welborn, 'Africa and climate change-projecting vulnerability and adaptive capacity' (2018) 14 ISS Africa Report, 1-24.



15. To what extent has South African Development Community (SADC) contributed towards law and policy frameworks on climate change in the Southern African region?

Regional Integration in the Context of Climate Change <<http://www.climate-energysolutions.com/images/fichiers/REGIONAL%20INTEGRATION%20IN%20THE%20CONTEXT%20OF%20CLIMATE%20CHANGE.pdf>>

Fatima Denton et al., 'Regional economic communities and climate change adaptation in Africa: background paper on lessons learned from CCAA' (2016), pp 1-26

Formalities:

A seminar report must not exceed 25 pages. The cover sheet, abstract, table of contents, bibliography, list of abbreviations and final declaration will not be taken into account.

It must be written in the font "Times New Roman", font size 12, 1 ½ linespacing, in block heel. The following page margins are to be observed: 2.5 cm left, top and bottom; 5.5 cm right. The footnotes are basically in the same formatting, but in font size 10, single line.

Only the usual abbreviations may be used in the text (AU, UN, ICC etc.). Self-created or invented abbreviations, which only serve to save space, are not permitted.

Structure:

1. Cover sheet
2. Abstract
3. Table of contents
4. List of Abbreviations and Acronyms
5. Main text
6. Statement of authenticity
7. Bibliography

Sources:

All sources cited in the footnotes must be listed in the bibliography in alphabetical order (name of the author). Conversely, the bibliography may not contain any works that are not cited in at least one footnote. Since the bibliography - as the name implies - contains only literature, court decisions are not to be listed there. The bibliography should follow the [OSCOLA style reference](#).

Please note that these formalities are internal and may be varied to allow for possible course-specific requirements applicable to students.



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Registration

Please register by sending us your name, semester, matriculation number and your desired topic to: africanlegalstudies@uni-bayreuth.de. However, the final topic allocation will take place at the preliminary meeting.



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