

Durham Law School
Centre for Sustainable Development
Law and Policy



Policy Brief

Cross-Disciplinary Sustainability Challenges

Outcomes from the Early Career Researchers Workshop

19th June 2023

Synopsis

The Early Career Researchers Workshop (ECR), held in-person on the 19th of June 2023, was organised by the Durham Centre for Sustainable Development Law and Policy (CSDLP) at Durham Law School. It was hosted under the supervision of Dr Rozemarijn Roland Holst and Professor Petra Minnerop and was intended to provide a cross-disciplinary platform for early career researchers, including post-doctoral, PhD students, and advanced postgraduate research students to share their research, interests, and findings on sustainability-related themes.

The participants joined from different universities across the globe, including Uppsala University, the University of Hong Kong, the University of Glasgow, the University of the West Indies, the University of Strathclyde, and Utrecht University. Comments and feedback were provided by colleagues from different departments at Durham University and by the keynote speaker of the workshop Dr Harriet Harden-Davies, Director of the Nippon Foundation Ocean Voices Programme, at the University of Edinburgh.

The workshop was divided into three panels and the participants presented a variety of perspectives to tackle the sustainability challenges. The informal and constructive setting of the workshop resulted in productive discussions which enhanced the inter-disciplinary connections between research communities. To record the potential policy impacts and implications of this successful exchange, this report briefly highlights the themes discussed, and logs the comments made by the participants, underlining the key takeaways from the workshop. The policy recommendations are aimed at both national and international policymakers. In addition, the report also provides some comments drawn from this workshop for the upcoming Conferences of the Parties to the United Nations Framework Convention on Climate Change and the Parties to the Paris Agreement (COP 28 and CMA 5).



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The First Panel of the Workshop

The First Panel was chaired by Professor Andrew Russel from Durham University's Department of Anthropology. The commentators were Dr Hanna Rusczyk from the Department of Geography at Durham University and Dr Jed Stevenson from the Department of Anthropology at Durham University.

- **Karin Johansson**, PhD candidate from Uppsala University, Department of Informatics and Media, presented her research on ***“Designing for Social Interaction in Public Spaces to Increase Social Sustainability”***. She outlined how infrastructure design can potentially play an important role in changing social and cultural behaviour for sustainable development. This can be achieved by encouraging the policymakers to facilitate interactions between NGOs and private companies to find a common denominator for the achievement of sustainability goals.
- **Lu Hao**, PhD candidate from the University of Hong Kong, Department of Geography, presented her research on ***“University Collaborations in Urban Sustainability Development: Evidence from Beijing and Shenzhen in China”***. Lu Hao highlighted the role of universities as leading drivers of innovation. Universities are highly capable of working as a catalyst for sustainable development through effective collaboration with other universities and non-university stakeholders. She recommended the establishment of a strong triple helix model, for the interactions between academia, industry, and government, to achieve productive outcomes.
- **Tsion Afework Habte**, PhD candidate from the School of Sociology at the University of Glasgow, presented her research on ***“Exploring Gendered Mental Health Issues in a One Health Context with a Pastoralist Community in the Afar Region of Ethiopia”***. The study integrates anthropology, psychology, and veterinary science to provide multifaceted insights. Her presentation focused on the effects of climate change on pastoral communities where excess mortality among livestock psychologically impacts men and women in different ways. The east-west divide in understanding pastoralism and mental-health issues is a major hindrance in finding an effective solution to these issues.

The Second Panel of the Workshop

The Second Panel was moderated by Professor Petra Minnerop and the commentator for this panel was Professor Ming Du from Durham Law School.

- **Alana Malinde S.N. Lancaster**, Lecturer at the University of the West Indies and at One Ocean Hub at the University of Strathclyde, presented her research on ***“Foreign Direct Investment, Fisherfolk & Forging a Business & Human Rights Agenda in Small-scale Fisheries: Perspectives from Latin America and the Caribbean”***. She highlighted that the nexus between environmental rights and human rights is underdeveloped in marine contexts. She emphasised that the *amicus curiae* mechanism can provide both substantive and procedural benefits to incorporating a human rights approach into international investment law, and that there is a particular need for scholarly attention from a Global South perspective.
- **Junyi Hao**, a PhD candidate from Durham University's School of Government and International Affairs, presented her research on ***“Expectation and Domestic Contestation: Understanding the External Actors' Socialization of China on Climate Change from a Role Perspective”***. Her

research explores when and how external actors can successfully influence China's climate change policies and how the pressures and role expectations from major peer States can influence China's domestic laws and constitutional behaviour.

The Third Panel of the Workshop

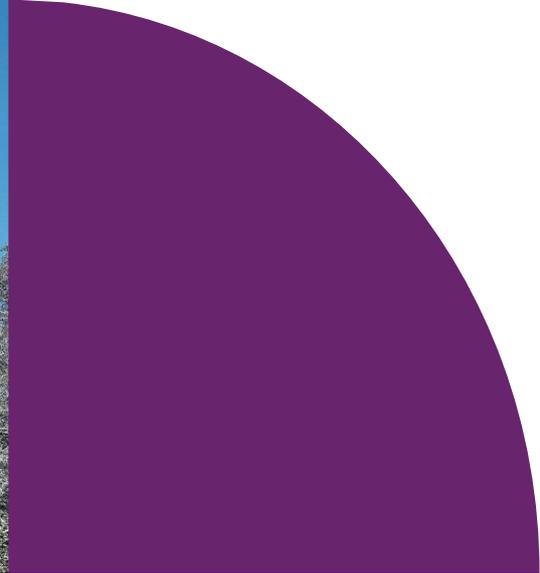
The Third Panel was chaired by Dr Rozemarijn Roland Holst from Durham Law School. The commentators were: Dr Matthew Nicholson from Durham Law School, Dr Harriet Harden-Davies from the University of Edinburgh, and Professor Petra Minnerop from Durham Law School.

- **Sophie Melchers**, PhD candidate from Utrecht University's School of Law and Jan Specker, PhD candidate from the University of Amsterdam presented their research on ***"The Tower of Babel: The Importance of a Shared Language amongst Climate Change Researchers"***. Their research aims to highlight the importance of a shared vocabulary for the development and implementation of laws and policies regarding climate change. Using water-reuse efforts as an example to show the potential complexities in language that can cause confusion, Sophie outlined how miscommunication could affect research outcomes and implementations.
- **Matthias Nouvet**, PhD Candidate from Durham Law School, presented his research: ***"Acting Now for the Future: A Loss and Damage Fund to Address Climate Change Impacts"***. Matthias highlighted the notion of 'loss and damage' as the third pillar of the international climate change regime alongside 'mitigation' and 'adaptation' as adopted in the Paris Agreement. He questioned the financial and operational effectiveness of the funds and pointed towards a gap in this approach as it fails to consider non-economic loss and damage.
- **Yuxiao Wang**, PhD candidate from Durham Law School, presented her research on ***"Power Asymmetry: How it Matters to Equitable and Reasonable Water Use"***. Looking at water as a bargaining commodity, Yuxiao outlined the need for a power balance between States with conflicting interests involving transboundary water use. In the field of international water law, power asymmetry may arise from an asymmetrical distribution of geographical, material, bargaining, or ideational power. It can pose real challenges to the equitable and reasonable use of shared commodities. By addressing this imbalance, the less powerful States will suffer less while interacting with their powerful neighbours.

Lu Hao, Tsion Afework Habte, Karin Johansson, Hanna Ruszczyk, Andrew Russel, and Jed Stevenson



Du Ming, Alana Malinde S.N. Lancaster, Junyi Hao, and Petra Minnerop



“Millions of Africans depend on pastoralism for their livelihoods, with an estimated 268 million pastoralists across 36 countries”.

15 LIFE ON LAND

“To achieve the ocean we want, we must better understand the needs and priorities of ocean-dependent peoples and evaluate potential solutions for them.”

13 CLIMATE ACTION

“Acting Now for the Future”

14 LIFE BELOW WATER

#ItsPossible

Recommendations for National Policymakers

The participants offered the following recommendations for national policymakers:

- In the design of climate-oriented policies, due consideration must be given to the sustainable livelihoods of indigenous pastoralist communities by supporting their traditional economic activities. This should include access to resources and services such as grazing lands, water sources, veterinary services, and market opportunities that enable them to continue their traditional practices.
- States should facilitate academic research and stimulate international collaboration between universities to generate positive outcomes.
- Language-based miscommunications and misconceptions should be addressed in law and policy making. Everyone has a voice in a democratic setting; however, at domestic level, the policymakers should check the meaning and context of the terminology while making laws and policies and while analysing the academic research.
- To implement the idea of social sustainability at the local level, policy makers and private stakeholders should design infrastructure and facilitate social engagement in a way that focuses on social values and gives power to the local communities. Socially desirable cities will eventually be more efficient and climate friendly.
- The psychological impacts of climate change and environmental disasters must not be ignored. Ecological calamities, directly or indirectly, negatively affect every living being.
- States should report accurate scientific data and information relevant to the achievement of the objective of the UNFCCC. Transparency is essential for international cooperation and collective progression, and it reduces the chances of violating the treaty obligations. It also assists the policymakers to improve compliance with the international climate change regime at domestic level, and it facilitates mutual understanding between States.



Regardless of the intentions of researchers, science and technology can also be used, misused, or distorted in ways that have negative consequences on sustainable development as a result of political and economic motives.

Without an explicit consideration of “leaving no one behind,” scientific research meant simply to “understand the ocean” may inadvertently contribute to unsustainable and inequitable development, with disproportionate negative outcomes for disenfranchised ocean-dependent people.



Harriet Harden-Davies
The keynote speaker



Recommendations for International Policymakers

The recommendations for policymakers on the international level are:

- Systematic changes need to happen across different levels. Nations, cities, and regions need to create the right conditions for people to thrive and feel hope, through social connections, culture and creativity. This requires the international community's collective effort.
- State Parties should reimagine a more sustainable future through more dynamic and systemic decisions. There is no time for half-measures and ineffective policies, bold decisions and definitive action is needed.
- States and other actors should be encouraged to make voluntary contributions to the loss and damage fund. This would allow those who have the capacity to do so to contribute beyond their proportional responsibility. This will make financial contributions proportional to emissions. Major emitters should be held accountable for their impact on vulnerable countries and communities.
- The notion of diplomacy in international relations must be understood as having different facets. The idea of “science diplomacy”, encompasses both traditional diplomacy and environmental diplomacy; however, it could be examined if the concept of “knowledge diplomacy”, as an overarching idea, could be more appropriate in the climate change context.
- International policymakers should think about how the general principle of “equitable and reasonable utilisation” could support efforts of accelerating the Sustainable Development Goal (SDG) Target 6.5 (integrated water resources management and transboundary water cooperation). It could serve as a common ground for establishing collaborative water management between States.
- Rather than prioritising the interests of major private investors, developed countries should consider and prioritise the sustainability interests of least developed states (LDCs) and small island developing states (SIDs).
- To complement climate litigation as a legal tool, the power of the *amicus curiae* mechanism could possibly be a beneficial force and should be facilitated in litigation at international level.
- Where States Parties widely view shared scientific research as a beneficial tool for the development of laws and policies, they should take extra care to establish a shared terminology to facilitate universal readability and implementation of science-based laws and policies.



Hopes for COP 28

COP 28 will take place from 30 November to 12 December 2023 in Dubai. The 18th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 18) and the 5th session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 5) are both part of the COP 28, where the first Global Stocktake, mandated under the Paris Agreement, will culminate.

States have also set ambitions to establish a new global goal on adaptation at COP 28 and to make progress and deliver on existing climate finance commitments, including the loss and damage fund initially established at COP 27. Hence, COP 28 is going to be a significant moment in the history of the international climate change regime. At the same time, it is feared that the outcomes of the Global Stocktake will underline the existing deficiencies in the implementation of laws and policies. Among many other concerns discussed in the workshop, below are some hopes and recommendations for COP28.

- Further progress is needed regarding the operationalisation of the loss and damage fund, so that it does not become another mechanism lost in the vast array of commitments from the international community. It is critical to establish a loss and damage facility to meet other finance commitments that developed economies have failed to deliver thus far.
- Some lessons could be drawn from what has been achieved at the UN Water Conference 2023, for example, encouraging more States to make commitments and adopt a detailed roadmap towards SDG 6. It would be fascinating to see any discussion of the possible interactions between SDG 6.5 and international climate change law.
- Positive outcomes for the integration and preservation of traditional ways of life are essential to protect the identity and mental well-being of vulnerable communities.
- The ocean plays a significant role in balancing several environmental mechanisms. There is a dire need to give extra attention to the ocean and marine life in the climate change regime.
- Major non-state emitters such as private companies must be brought under the radar of the Global Stocktake framework to paint the complete picture and to generate positive outcomes.
- Equity should play a central role in all the decisions. The international climate change regime is founded on the notion of equity and without equity there will be no significant progress in climate justice.



COP28
UAE

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