

Policy toolbox for a just transition

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Dimensions of a just transition

Procedural justice

- ▶ Focuses on an inclusive process
- ▶ Recognises marginalised groups by including them in decision-making processes; and enabling/ empowering broad stakeholder

Distributive justice

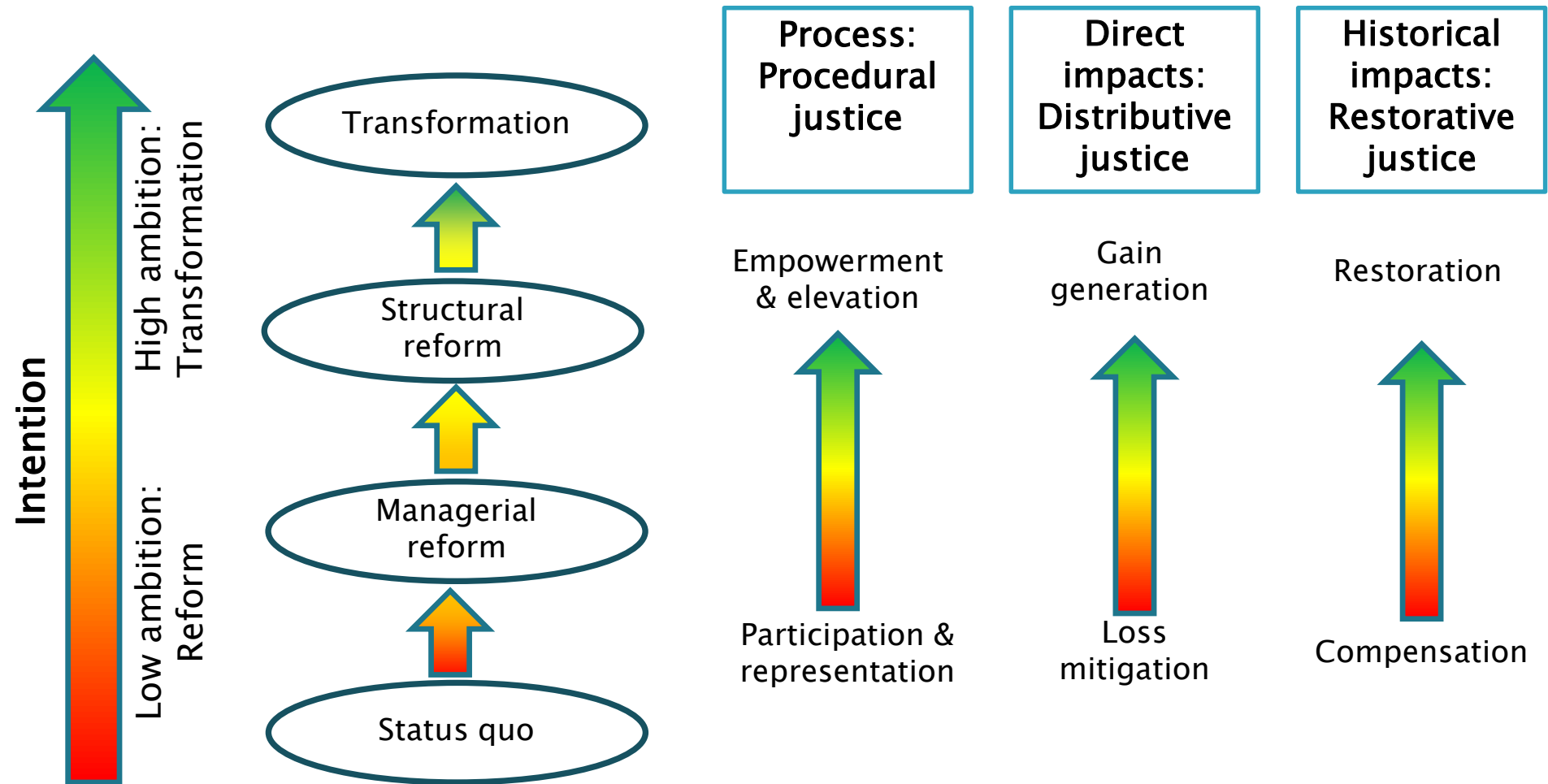
Deals with the distribution of risks and responsibilities
Aims to address a “double inequality” around responsibilities (who pays?) and impacts (who benefits? And how?)

Restorative justice

- ▶ Considers past, present and future damages that have occurred against individuals, communities and the environment
- ▶ Provides opportunities to rectify or ameliorate the situations of harmed or disenfranchised communities



Dimensions of a just transition



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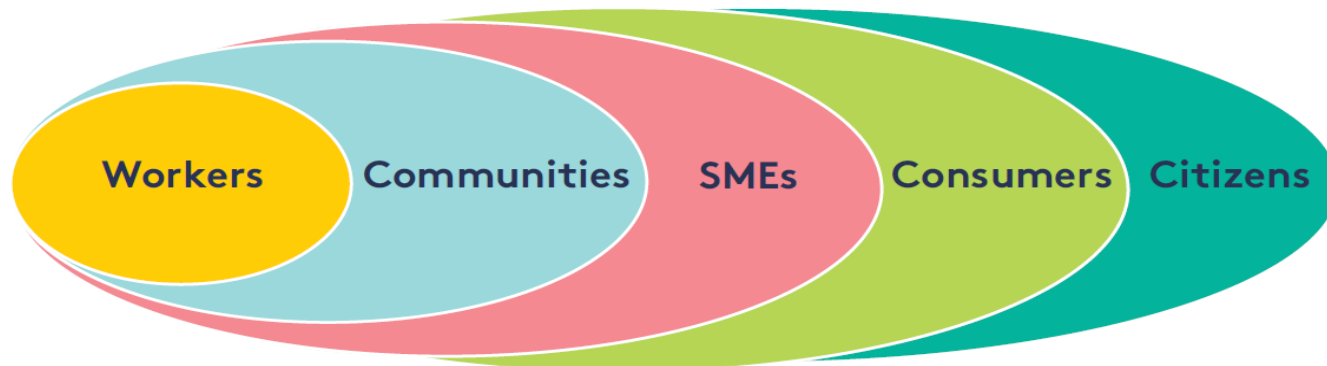
What beneficiaries?

- ▶ Beneficiaries of a JT are generally identified as ‘vulnerable stakeholders’
 - What width of scope?
 - Who should be prioritised?
 - Most affected people/communities? Future workers in new activities? Low-income consumers of high-carbon products?

What impacts?

- ▶ Climate change only?
- ▶ Other environmental impacts?
- ▶ All (technological) transitions?

Very different measures follow from such choices



Policies for procedural justice

Dignity and respect

- All individuals are treated with dignity and respect

- ▶ Inclusive public participation
- ▶ Equal weight for all

Voice

- Individuals are given a chance to express their concerns and participate in decision-making processes by telling their side of the story

- ▶ Bottom-up process
- ▶ Empowerment / capacity building / skills dev.

Neutrality, impartiality and transparency

- Decisions are unbiased and guided by consistent and transparent reasoning

- ▶ Evidence-based
- ▶ Equal, unrestricted access to info

Trustworthiness

- Decision-makers convey trustworthy motives and concern about the well-being of those impacted by their decisions

- ▶ Ongoing public engagement
- ▶ Clear, explicit proceedings

Procedural justice – Key questions

How to decide on which participants should take part in the social dialogue?

- ▶ The decision on whom to include inevitably gives some groups a voice while shutting out others.
 - Open, grassroots participation empowers individuals and communities that often cannot engage in representative processes but may lead to capture by unrepresentative individuals
 - Representative stakeholder engagements (e.g. NEDLAC), where constituencies are expected to designate and mandate representatives.

A central difficulty is always to balance:

- ▶ the power of organised constituencies,
- ▶ the desire for participatory and open procedures, and
- ▶ the need to bring in expertise to test diagnostics and proposals against the evidence, and to identify the necessary resources.

Social dialogue is a means to an end, not an end in itself.

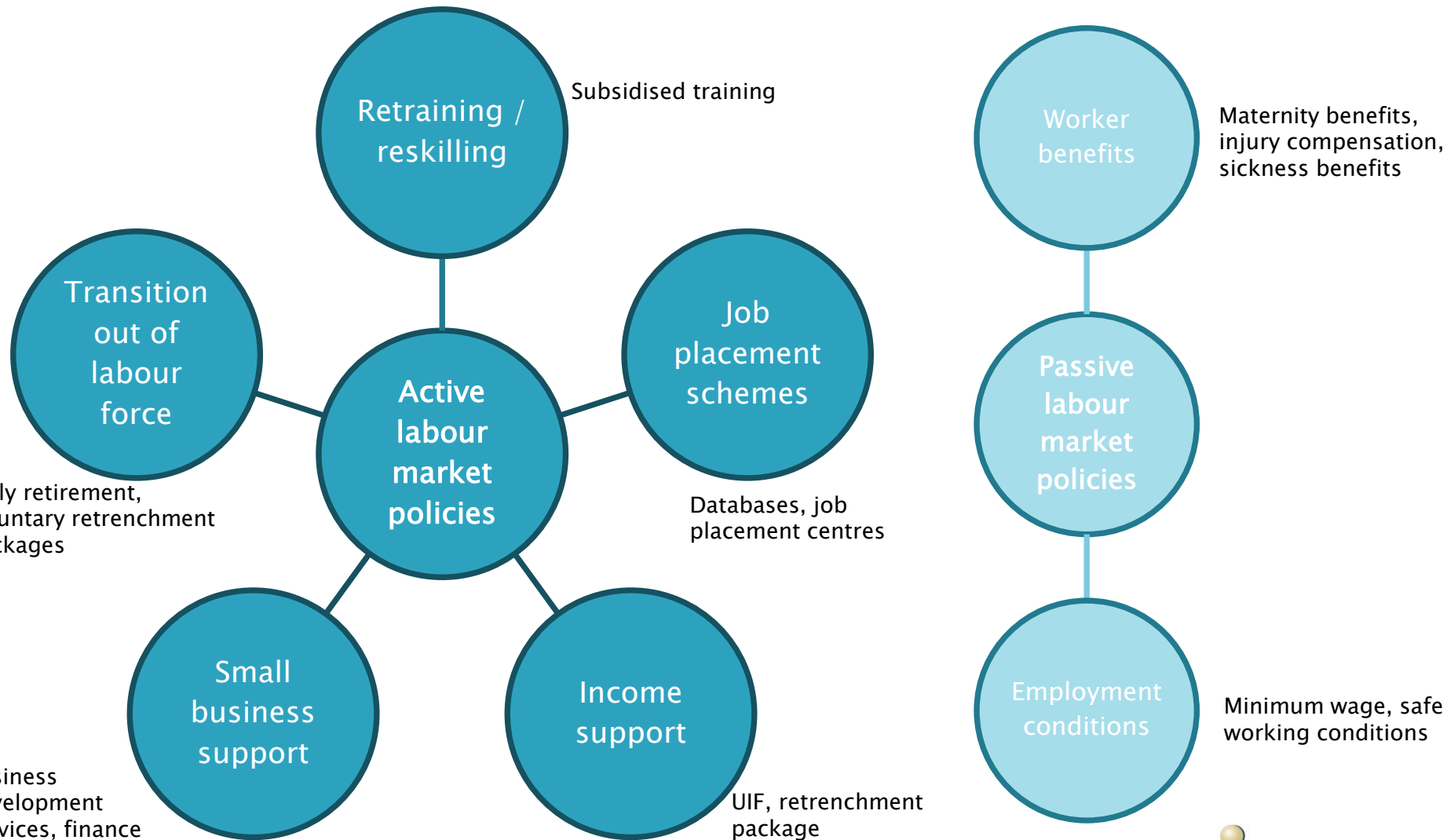
- ▶ Realistically, some differences between stakeholders are inherently ideological and full consensus might well never be reached.
- ▶ This should not prevent action.

Achieving co-creation takes time

- ▶ Trade-off between co-creation and the urgency to act

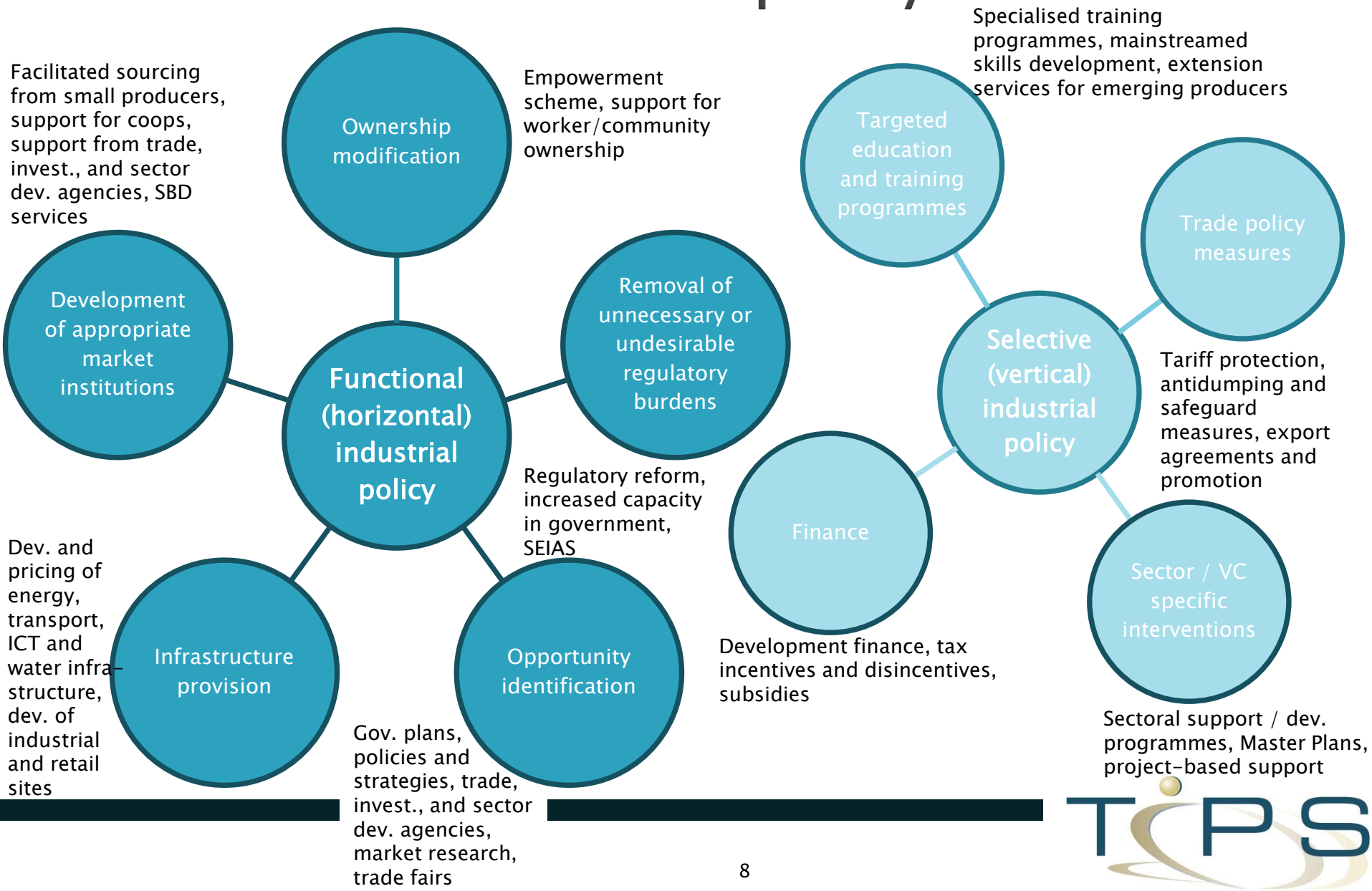
Policies for distributive justice

Labour market policies



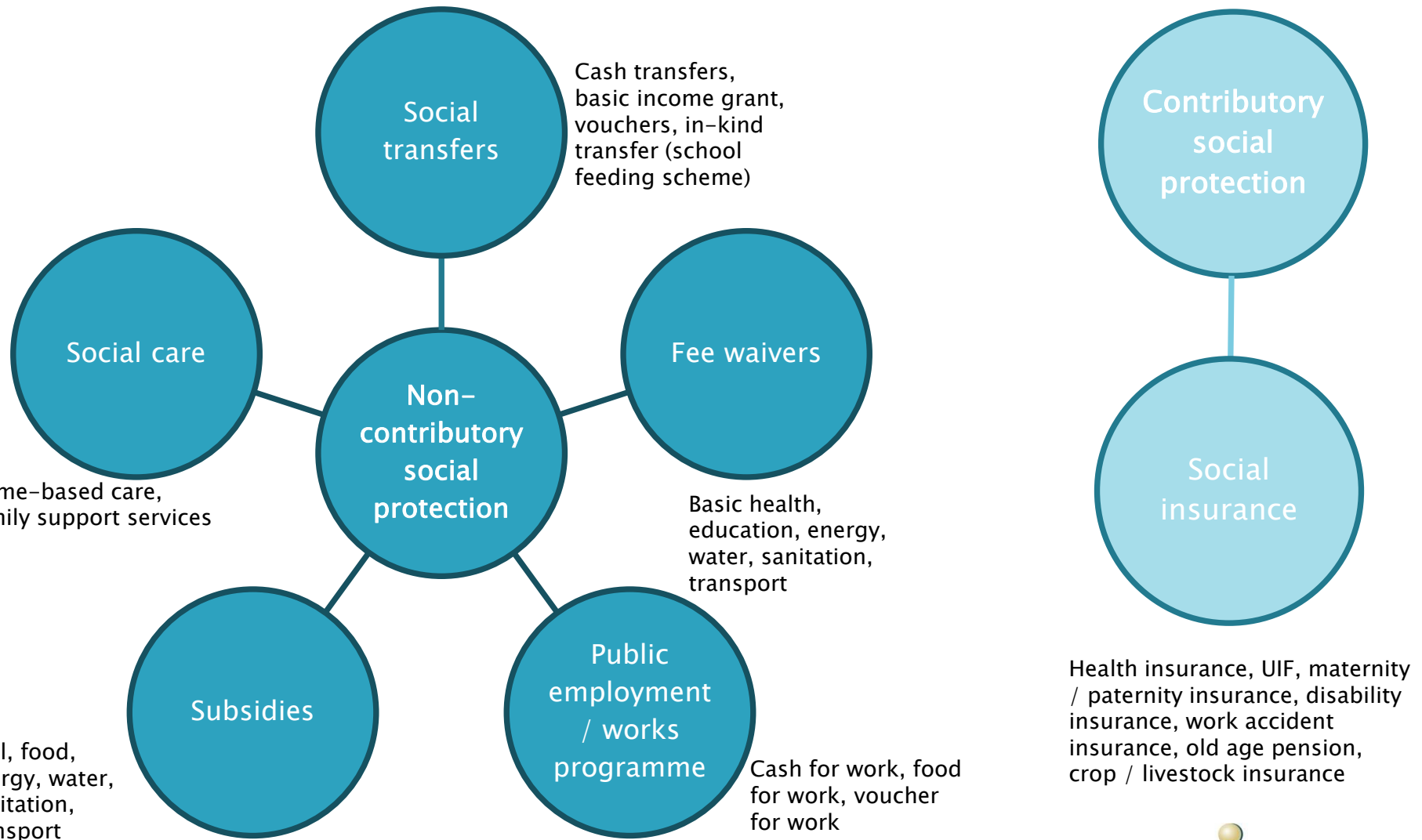
Policies for distributive justice

Industrial policy



Policies for distributive justice

Social protection



Distributive justice – Key questions

What beneficiaries?

And whose problems should be prioritised?

- ▶ Managing the tension between a broad social compact and specific solutions to current challenges
- ▶ Broad JT: Risk of broad guidelines (which can delay solutions) rather than specific plans for affected communities.
- ▶ Narrow JT: Risk of missing vulnerable stakeholders
- ▶ Realistically, both are required

What role should each stakeholder play?

- ▶ Incumbents
- ▶ New comers
- ▶ Communities
- ▶ Workers
- ▶ Government (local, prov., nat.)

Who should pay?

- ▶ Incumbents?
- ▶ New comers?
- ▶ Government/Society?
 - Role of fiscal reform

Who should implement?

- ▶ Role of dedicated entity

Policies for restorative justice

Socio-economic empowerment

- Access to modern housing and services (energy, water, etc.)
- Access to economic opportunities
- Social ownership

- ▶ Social dialogue
- ▶ Industrial policy
- ▶ Social protection

Socio-cultural restoration

- Non-predatory use of land
- Respect for local, indigenous culture, heritage and practices
- Access to health, education, safety, etc.

- ▶ Social dialogue
- ▶ Social protection
- ▶ SEIAS and socio-eco assessment of land use

Environmental restoration

- Land (mine) rehabilitation
- Safe, clear air
- Safe, clean water

- ▶ Social dialogue
- ▶ Policy / regulatory enforcement
- ▶ Rehabilitation entity

Restorative justice – Key questions

Stage 1 (discovery)

- ▶ Who are the victims?
- ▶ Who are the offenders?
- ▶ Who constitutes the communities of care?
- ▶ What loss and damage?

Stage 2 (process design and preparation)

- ▶ Are the victims and offenders willing to participate in the process?
- ▶ Do the victims and offenders have sufficient support to participate in the process?

Stage 3 (restorative dialogue)

- ▶ What repairs can be made?

Stage 4 ([re]integration)

- ▶ How can changes made be sustained?

Litigation vs restorative justice

- ▶ Limited effectiveness of litigation in addressing issues of restorative justice
- ▶ Restorative justice requires an acknowledgement of wrongdoing
- ▶ Role of litigation as last resort

Restitution

- ▶ Financial compensation vs alternative remedies
- ▶ What should be covered?
 - Relocation, resilience costs, emergency finances, remediation, upliftment, etc.
- ▶ Who should be liable? Question of historical responsibility

Looking ahead

State of play in South Africa

- ▶ Some existing instruments for all 3 dimensions of JT
- ▶ But more ersatz mechanisms than optimal channels
- ▶ Not necessarily aligned with a JT agenda
- ▶ And not structured/coordinated, between and within stakeholder groups

Procedural justice

- ▶ What role for the PCCCC?
- ▶ How to organize co-creation through a bottom-up process?
- ▶ Need for an implementing entity?

Distributive justice

- ▶ Alternative opportunities for workers and small businesses
- ▶ Diversification and rejuvenation of affected regions/communities
- ▶ Role of various stakeholders

Restorative justice

- ▶ Role of rehabilitation funds and SLPs
- ▶ Policy for equitable access to housing, energy, water, sanitation
- ▶ Role of various stakeholders

Trade & Industrial Policy Strategies

Supporting policy development
through research and dialogue

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