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REVIEW

of doctoral dissertation written by mgr Jennifer Alexandra Katharina Maaß
entitled

*The Influence of the UN Sustainable Development Goals
on Standardisation in Transnational Law
A Legal Analysis of Steering Effects on the Extractive Industries*

Warsaw 2024, pp. 261

prepared under the supervision of

Prof. Dr Winfried Huck
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Legal basis for the review:

Art. 190 section 2 of the Law on Higher Education and Science Act of July 20, 2018, (Journal of Laws of 2023, item 742).

I. Rationale for selecting the topic of the doctoral dissertation

The Doctoral Student's choice of subject matter for the dissertation entitled *The Influence of the UN Sustainable Development Goals on Standardisation in Transnational Law. A Legal Analysis of Steering Effects on the Extractive Industries* is, in my view, adequate and worthy of scientific investigation, as the thesis addresses topics pertaining to global changes. Humanity is faced with the serious consequences of its exploitation of natural sources and the associated drive to maximize profits. One of the themes discussed in the dissertation is the escalation of military conflicts and humanitarian crises, as well as other international tensions. The Doctoral Student emphasizes the significance of geopolitical shifts, such as the People's Republic of China assuming technological leadership and consequently dominating the economy, which is reflected in its growing rivalry with the United States of America (USA). Issues of international, European, EU, and national law are becoming increasingly important. In this complex interaction, strategic resources are key to economic and social growth. Countries worldwide, similarly to the EU, are faced with the escalation of these issues as a consequence of the weight of climate change and

the associated need for individual sustainable transformations of both economic entities, and entire societies, which is vital in the context of new regulatory needs in virtually every aspect of life. It should also be noted that the research problem undertaken by the Doctoral Student is interdisciplinary in nature, even if it is largely a study of business and finance law. It addresses topics from the fields of security, economy, geopolitics, and even ethics. Adopting a multi-layered approach in social sciences, and thus undertaking difficult research problems, is always commendable. Therefore, I believe that the doctoral dissertation submitted for review demonstrates the Doctoral Student's ability to select a significant topic for scientific investigation, constituting a successful attempt to study a research problem that the author skillfully formulated into an intriguing question: *What is the impact of Sustainable Development Goals on transnational law in relation to standardization or (normative) standard setting? How do Sustainable Development Goals impact standard setting with respect to the sustainable global transformation of investment and finance law?*

As a consequence, more specific questions emerge: How might the EU utilize the common elements of such standards for its strategic positioning and incorporate them into its legal framework? In future transnational law, how can standard setting in the extractive industry be modified or simplified, and made more resilient and sustainable? Are Sustainable Development Goals a factor linking various areas of law within the common law on sustainable development, due to their broad scope, interdependencies, and holistic approach?

Here, I would like to emphasize that the need to determine a target shape and content for international regulations within the scope in question, as pointed out by the Doctoral Student, is widely acknowledged both by lawmakers and authors of scholarly papers. It should be acknowledged, nonetheless, that the dissertation represents a novel approach to the subject matter. However, it would seem that the purpose of the Doctoral Student's research was a discourse on the much needed basic understanding of regulatory changes in the EU. This approach underlines the need for a doctrinal application of the interpretive theory of law and measurement of the social impact of law. Elements of comparative analysis and interpretations of case law in various legal areas, as presented in the dissertation, are consistent with the chosen subject matter. In the introduction, the Doctoral Student emphasizes that the study adopts a practical approach, applicable to both EU institutions and law practitioners across various sectors of value and supply chains within the analyzed branches, specifically in relation to the extractive industry, which is the focus of the dissertation.

The greatest strength of the thesis is its multi-faceted approach to international norms, which is an effective research technique. The contents of the dissertation align with its title and contribute to filling the cognitive gap within the subject matter. The thesis organizes and verifies the problem, which is commendable.

II. Substantive evaluation of the doctoral dissertation

2.1. Structure of the doctoral dissertation

The thesis comprises an introduction, in which the Doctoral Student outlines the main research goals, as well as three dissertation parts and a summary. The design of the dissertation is such that the first part covers the theoretical foundations, while the third part is a study of the practical implementation of sustainable development standards in the extractive industry. For a more comprehensive analysis, this required the inclusion of various dimensions of deliberations, ranging from (legal) principles and discourse on sustainable development in international agreements to the assessment of the impact of global Sustainable Development Goals on management. The thesis contains bibliographical references from books and articles, as well as normative acts, non-normative acts, reports, judgments, and other documents. Unfortunately, these are not separated by type, which would have helped better organize the sources. The Doctoral Student also provided a synthesis of the legal sources and case law. However, the latter was not included in the table of contents, despite being a strength of the dissertation, whose cognitive purpose is primarily determined by the analysis of current legal solutions and subject matter literature. The Author included a list of abbreviations at the beginning of the dissertation, enabling her to avoid repetitions and add more clarity to the discourse. In my opinion, the tables listing various concepts, the appendices, and the charts are valuable inclusions, as they enable the reader to navigate the multitude of definitions related to the subject matter. This novel solution is rarely utilized in dissertations in the field of legal sciences, yet it offers great convenience in the case of extensive dissertations on legal doctrine.

The introduction has all the necessary elements applicable to doctoral dissertations. The Doctoral Student has sufficiently justified her choice of research subject matter. She formulated both the main research problem and specific problems, as well as the main hypothesis and specific hypotheses. The Author defined the purpose of the dissertation and the methods, whose application she justified in detail.

The dissertation is divided into three parts, forming specific thematic areas. The first part serves an introductory, theoretical, and defining purpose. The individual subchapters establish the terminology.

The second part defines sustainable development in the context of the extractive industry. Standard setting and steering effects in practice: a drive towards sustainable development in the extractive industry. In this part of the dissertation, the Doctoral Student provides, among others, an overview of known sustainable development concepts.

The third and last part of the dissertation comprises recommendations on future development directions. These guide further deliberations on topics related to the future of regulations, their level, scope, and instruments.

The individual parts contain summaries, which enable the reader to efficiently follow the discourse and understand the processes described in the dissertation.

The combined Summary and Conclusions “with a view to the future law” mark the end of the dissertation. Here, the Doctoral Student verifies the research hypotheses and presents her final conclusions in a very concise manner. The summary recapitulates the research results with a strong emphasis on regulatory issues, which the Doctoral Student seems to favor throughout the entire discourse. The conclusion is coherent, and there is no doubt that the Doctoral Student sees the transnational aspect as key in future regulations. Naturally, the topic of the extractive industry and sustainable development has been discussed analytically in every arena both in the past and in the present. Therefore, it is crucial to present this issue in light of the conclusions reached about the level and place of potential future legislative solutions.

Summarizing this part of the review, it should be said that the Doctoral Student’s choice of dissertation structure is correct. The layout does not raise any objections from me and is adequate to the topic and purpose of the dissertation. The individual elements of the dissertation are coherent and the narrative is logical.

2.2. Substantive evaluation of the research problem presented in the doctoral dissertation

The Author of the dissertation defined the research problem in the form of a question about the impact and effectiveness of Sustainable Development Goals on the establishment of standards in transnational law. The relevance and weight of this question were illustrated using the example of the supply of critical raw materials to the EU and the numerous related problems of raw material extraction in global supply chains. The question touches on those problems of life and business around the world that have not been satisfactorily resolved to date. In particular, human rights violations, environmental degradation, destruction of biophysical systems, and especially their consequences, such as climate change, escalating (geo)political crises, numerous (open) centers of conflict and the related migration flows, and ultimately the interdependence of these and other problems indicate that finding solutions in this area is not easy. Rather, a variety of development options are needed. The Doctoral Student rightly assumed that solving this research problem would be possible by addressing specific problems, which she formulates in a correct and duly justified manner. This enabled a positive verification of the research hypothesis. The Doctoral Student highlights an important aspect that can contribute to simplifying decision-making processes, but can also meet business challenges, namely efficiency in applied technologies and building a new regulatory environment. In the Doctoral Student’s opinion, simplifying transnational regulations can improve the overall ability to enhance company-localized skills and technological progress, as well as

the ability to navigate the new regulatory framework, and will contribute to sustainable development. Establishing common taxonomies that include a common language is just one solution, but a key one nonetheless. The Doctoral Student also stresses that in the current economic crisis, restrictions on investment capital and fears of fiscal deficits may, however, lead governments to enter into commodity agreements on less favorable or conflicting terms. International law must evolve to meet these challenges and provide a solid framework for sustainable and resilient development on a global scale. It is hard to disagree with this approach. Especially because the Doctoral Student's analysis and evaluation of standardization in the areas of financial law and investment law demonstrate that the definitions included in standards, as well as the way users are involved, are of great importance. The Author of the dissertation highlights that a lack of standardized language means that sustainable development systems are unlikely to emerge. Taxonomies are a sustainable implementation of this standardized language with great potential in the transformation of sustainable development, especially in the financial sector. What is highly intriguing, the thesis demonstrates that these taxonomies do not necessarily have to be public-law in nature. Private entities, such as international organizations, also offer functioning standardization systems that are, in fact, highly effective in their impact. The Doctoral Student recognizes the great potential of combining standards with legally created taxonomies. This happens, for example, when common, transparent, and understandable definitions are created across jurisdictions. The way the opinions are presented unquestionably attests to the Doctoral Student's knowledge, as she efficiently utilizes sources in her analysis of the problem. However, not all of the Author's statements in the dissertation are clear and therefore raise questions of an analytical nature. The Doctoral Student does not sufficiently clarify whether she is a proponent of inter-sectoral solutions based on public-private partnerships. Could these types of transnational agreements be an instrument to support sustainable development in the field under discussion?

On the other hand, I highly appreciate the exegesis of the status of international agreements in the context of investment law. The analysis conducted is very interesting. The Author makes a very good case for the need to revise traditional concepts in this area.

The first part of the dissertation relating to the network of dependencies in the supply of critical raw materials presents the concept of the EU as a "global player." The Doctoral Student highlights the need for a holistic, common approach that can positively affect supply relationships in global networks, supply and value chains, as well as economic and social realities. This raises the question of the EU's position on to the concept of so-called high-risk suppliers. The Doctoral Student's position on this issue would be of added value to the dissertation.

Because of the importance of the formal dogmatic approach for the reviewed dissertation, and thus the need to use the linguistic directives necessary for the analysis conducted in these parts of the

thesis, this section should be the most important and crucial - in the context of the findings on the status of the EU and the importance of the concept of a common sustainable development policy towards third countries.

The Doctoral Student's effort to analyze an extremely important yet controversial issue is very commendable.

Mgr Jennifer Alexandra Katharina Maaß is undoubtedly well-versed in the normatively diverse subject matter and is aware of the significant international or transnational dimension of the topic under analysis. The Doctoral Student skillfully combined doctrine and case law with the analysis of legal regulations.

The third part of the dissertation not only demonstrates the Doctoral Student's mastery of the formal dogmatic approach but also enables her to positively verify the specific research hypothesis. Legal comparative themes would be particularly valuable in this part of the dissertation. Although the literature used here is not much broader than that presented in the dissertation, the exegesis of the legal situation is correct and reliable.

In a review of a doctoral dissertation, it is impossible to address every theme that has been explored, especially when there are numerous themes - all of which, in this case, are intriguing and inspire further discussion. It should be unequivocally stated that the Doctoral Student's in-depth knowledge of the analyzed subject matter is evident in the dissertation submitted for review and gives the opportunity to assess the correctness of the conducted research. Mgr Jennifer Alexandra Katharina Maaß demonstrated in-depth knowledge of the subject matter in question and conducted a multi-faceted scientific study, which I evaluate positively. The Author is consistent in conducting the scientific argument, especially when presenting considerations on the analysis of the subject matter. She takes into account issues of technology, economics, and sociology, making her dissertation logical in this respect. Substantively, the research problem undertaken was presented at a good level. An essential aspect of any dissertation is the author's demonstration of their ability to conduct independent scientific research. I believe that the Doctoral Student has demonstrated this ability. She clearly expresses her positions and supports them with proper arguments, which consequently allows one to conclude that the dissertation was prepared in accordance with the fundamental requirements.

2.3. Selection and use of sources and subject-matter literature

The Doctoral Student's selection of bibliographic items and sources testifies to sufficient knowledge of subject-matter literature. The dissertation uses substantial and relevant literature for the analyzed topic. However, this literature was selected without specifying a methodology, which may be problematic given

the interdisciplinary nature of the thesis in question. The topic addressed in the dissertation is the subject of on-going scientific discourse and current literature is very extensive and diverse. The Author's use of case law is a significant component of the assessed dissertation's bibliography. This is because the Doctoral Student enriched her analysis of legal regulations not only with the views expressed in the doctrine, but also with the body of case law.

2.4. The linguistic and editorial side of the dissertation

There are no issues with the formal aspects of the dissertation or the text's proofreading. From a formal perspective, the Doctoral Student meticulously prepared the work. The linguistic side remains at a level appropriate for this type of research work.

The footnotes were competently drawn up.

III. Final conclusions

The doctoral dissertation presented for review by mgr Jennifer Alexandra Katharina Maaß, entitled *The Influence of the UN Sustainable Development Goals on Standardisation in Transnational Law. A Legal Analysis of Steering Effects on the Extractive Industries* (Warsaw 2024, pp. 261) does not raise any serious concerns regarding methodology and content. The dissertation was written at an appropriate academic level, and it remains at a sufficient level both editorially and linguistically.

In light of the above, I believe that the reviewed work meets the conditions for doctoral dissertations referred to in Article 187 of the Act of July 20, 2018, Law on Higher Education and Science (i.e., Journal of Laws of 2023, item 742), as it provides an original solution to a scientific problem and demonstrates the candidate's general theoretical knowledge in the discipline of legal sciences, while also demonstrating the ability to conduct scientific work independently. Therefore, I recommend that the Doctoral Student be admitted to subsequent stages of the doctoral dissertation process.

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