INCLO

NOVEMBER, 2026

SYNTHESIS REPORT

Holding the Line

Advocating for just energy transitions amid democratic backsliding



CELS

ASZ HCLU

Dejusticia

HRLN Human Rights Law Network

Human Rights Law Centre

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About INCLO

INCLO is a network of 16 national human rights and civil liberties organizations from the Global North and Global South working to promote fundamental rights and freedoms. We support and reinforce our member organizations' work in their respective countries and foster bilateral and multilateral collaborations within the network. INCLO is composed of multi-issue, multi-constituency human rights organizations that are domestic in focus and independent of their governments. These organizations defend the rights of all persons on their national soil through a mix of litigation, legislative campaigning, public education and grassroots advocacy.

INCLO's 16 member organizations are: the Agora International Human Rights Group (Agora) in Russia; the American Civil Liberties Union (ACLU) in the United States; the Association for Civil Rights in Israel (ACRI); the Canadian Civil Liberties Association (CCLA); the Centro de Estudios Legales y Sociales (CELS) in Argentina; Conectas Direitos Humanos in Brazil; Dejusticia in Colombia; the Egyptian Initiative for Personal Rights (EIPR); the Human Rights Law Centre (HRLC) in Australia; the Human Rights Law Network (HRLN) in India; the Hungarian Civil Liberties Union (HCLU); the Irish Council for Civil Liberties (ICCL); the Kenya Human Rights Commission (KHRC); the Commission for the Disappeared and Victims of Violence (KontraS) in Indonesia; the Legal Resources Centre (LRC) in South Africa; and Liberty in the United Kingdom.

Acknowledgements

This project was developed and drafted by Marcela Madrid Vergara, with the support of Myriam Selhi, Lucila Santos and Gastón Chillier of INCLO. It is the result of the webinar series *Holding the line: just energy transitions amid democratic backsliding*, which took place between August and October 2026. We thank Adriana Vásquez for the language interpretation during the webinars.

INCLO thanks the media outlet Mongabay and journalists David Akana and Justin Catanoso for their support in the moderation of the series, as well as the speakers who generously participated in the discussions: Ayshka Najib, Peter Newell, Manuel Tufró (CELS), Attila Szabó, (HCLU), Maria Ron Balsera, Amiera Sawas, Rodrigo Uprimny (Dejusticia), Sergio Chaparro, Mariana Campos, Mateo Adarve Zuluaga, Jack McLean (HRLC), and Snigdha Tiwari (HRLN).

INCLO credits Taryn McKay for this publication's design. Cover image: Belem, Para, Brazil, November 15, 2025 - Indigenous people and environmentalists protest in favor of nature and for the end of fossil fuels, at the Climate March during COP 30. Photo by Agencia Enquadrar via Shutterstock.

Introduction

The need to transition away from fossil fuels has been present in the climate and scientific agenda over the past decade. **Any attempt to act on the climate crisis implies leaving oil, coal and gas behind. But the new oil wars triggered by the United States came to remind the world that the dependence on fossil fuels is not only a matter of climate; it is also associated with political instability, price volatility and energy insecurity.** Impacts like the 50% increase in gas prices within days of the attacks on Iran[1] reinforced the call from civil society and the scientific community across the globe to move away from fossil fuel dependence.

In parallel, the rise of authoritarian governments across the globe is threatening an energy transition grounded in justice for workers and communities. This is taking different shapes: political projects based on the "drill baby drill" imperative and climate denialism; those that turn their back on multilateralism and international cooperation; and governments that jump on the renewables bandwagon because it implies short-term economic gains, while replicating dynamics of dispossession, injustice, and new ecological harm.

This wave of authoritarianism that attempts to block climate action has been met with a 'coalition of the willing': governments and organizations –grouped in initiatives like the Beyond Oil and Gas Alliance or the Fossil Fuel Treaty Initiative– committed to advancing an equitable transition away from fossil fuels. **Thanks to the joint efforts of social movements and committed countries, we have recently seen at least three historic milestones in this long-overdue conversation: the creation of the Belém Action mechanism at COP30, the First Conference on Transitioning Away from Fossil Fuels, and the Advisory Opinions on climate change issued by the International Court of Justice and the InterAmerican Court of Human Rights.**

Under this scenario, we seem to be witnessing a paradox where institutional and legal progress to advance just transitions is unprecedented, while the geopolitical

1 Global Witness, "Why the US and Israel Attacked Iran, and What It Means for Oil," March 3, 2026, https://globalwitness.org/en/campaigns/fossil-fuels/why-the-us-and-israel-attacked-iran-and-what-it-means-for-oil/.

context seems to distance us from translating those standards into reality. To explore that tension and the possibilities around it, the International Network of Civil Liberties Organizations (INCLO) organized the cycle of public webinars ***Holding the Line: just energy transitions amid democratic backsliding***.

These were three conversations between INCLO members from Argentina, Australia, Colombia, Hungary and India, together with experts from academia and civil society in the lead-up to COP31 and the second Fossil Fuel Conference in Tuvalu. The combination of local and global perspectives opened discussions about possible pathways for bringing global advances on just transition to national and local contexts, amid democratic challenges.

Each of these sessions addressed a crucial aspect of the transition: governance, finance, and human rights. In the first conversation, T*he governance of just energy transitions*, the speakers analyzed key developments since the Paris Agreement and different kinds of national policies put in place to safeguard just transitions. The conversation zoomed in to look at the challenges of indigenous and community participation in Argentina and Hungary.

The second session, *Who pays, who decides?*, focused on the financial aspect of energy transitions: How can we fund the transition equitably? What pathways are possible given the current democratic challenges we face in multilateral and national contexts? The speakers highlighted the importance of debt relief, economic diversification, and progressive taxation as key components for funding a just transition. The conversation also covered the barriers faced by countries dependent on fossil fuels, such as Colombia, and the need for international cooperation and binding agreements to ensure equitable financing.

Finally, as a closure, the session *Human Rights as a compass for just energy transitions* took the recent advisory opinions on climate change as a starting point to explore how to transform human rights principles and obligations into concrete practices, particularly in contexts of democratic challenges. The panel explored strategies and successful experiences across the world, particularly in Australia and India, to seize the transition as an opportunity to close inequality gaps.

This report synthesizes the main ideas and proposals that came up during the three sessions. With this effort we aim to bring together local and global reflections about the challenges we face today, but also shed light on potential avenues to keep advocating for a transition centered on people's rights.

I

The governance of just energy transitions



João Paulo Guimarães/Amazon Watch

The urgent need for a global fossil fuel phaseout and a just energy transition has been at the heart of climate negotiations in the last few years. Efforts by civil society and political leaders from some of the countries most impacted by the climate crisis have led to historic milestones in terms of institutional arrangements to make the transition a reality. However, the current challenges facing democracies and multilateralism raise a difficult question: **How can we land these international wins in diverse contexts of climate denialism, green extractivism, or deregulation of socioenvironmental safeguards**?

This question was the starting point of the panel *The governance of just energy transitions*, which convened speakers from Sussex University, the People's Climate Diplomacy Program, and INCLO members the Center for Legal and Social Studies (CELS) and the Hungarian Civil Liberties Union (HCLU), and environmental news media Mongabay as moderator.

Fossil fuels: once ignored, now 'hot' topic

Despite being the primary driver of climate change, fossil fuels went entirely unmentioned in the first editions of the climate Conferences of the Parties (COP) back in the 1990s, as Peter Newell, professor of international relations at the University of Sussex, recalled. Over the years, the concept of just transition started being incorporated in global discussions with a focus on guaranteeing labour rights when implementing environmental policies, a demand rooted in labour movements.

> *"There are systemic levels of extraction, exploitation, and colonization that have driven and continue to drive the climate crisis, and just transition is an opportunity to address these underlying systemic barriers.*



AYSHKA NAJIB, PEOPLE'S CLIMATE DIPLOMACY PROGRAM.

But it was only a few years ago that the discussion around leaving fossil fuels behind and advancing a just energy transition took the center stage. So what do we talk about when we talk about *just energy transition?* As Ayshka Najib, a young activist and member of the People's Climate Diplomacy Program explained, there has been a transformation of the concept, from its original focus on labour rights, to a broader understanding of justice: an understanding that "there are systemic levels of extraction, exploitation, and colonization that have driven and continue to drive the climate crisis, and just transition is an opportunity to address these underlying systemic barriers."

Since 2021, there have been attempts under the United Nations framework to create mechanisms for advancing States' actions towards an equitable phaseout and a just transition, without much progress. But in 2025, a diversity of civil society coalitions arrived at COP30 in Belém with a bold proposal: creating a Just Transition Mechanism to ensure implementation, action and support, knowledge building, international cooperation, transferring of resources, "and most importantly, a seat at the

Just Energy Transition milestones at COPs

2021

COP26, Glasgow

Just Energy Transition Partnerships

This initiative promoted multilateral agreements where developed countries would transfer finance and technology to developing economies to advance just transition efforts. However, most finance was transferred as loans and created new debt.

2022

COP27, Sharm el Sheikh

Just Transition Work Program

Its main purpose is knowledge exchange via multilateral collaboration, with dialogues twice a year. For Ayshka, this was important, but not enough: "It created a formal space to negotiate Just Transition under the UNFCCC. But its mandate was limited to having dialogues".

2023

COP28, Dubai

First mention to fossil fuels

For the first time, a COP final text included a mention about the need to transition away from fossil fuels in order to achieve the goals of the Paris Agreement. In addition, a high-level Annual Ministerial Round Table on Just Transition was launched.

2025

COP30, Belém

Just Transition Mechanism

Also known as the 'BAM' (Belem Action Mechanism), it creates an institutional framework to enhance international cooperation, technical assistance, capacity-building and knowledge-sharing on just transitions.

2026

COP31, Antalya

Expectation that the BAM will be operationalized.

table for civil society and rights holders," as Ayshka Najib pointed. After endless discussions and attempts to block the initiative, the Just Transition Mechanism (also known as Belem Action Mechanism) was approved and included in the final COP text. In parallel scenarios, other milestones have been achieved that have built an international momentum on just transitions. On the one hand, two international courts issued advisory opinions confirming States' obligations in regard to climate change[1]. Additionally, the first International Conference on Transitioning Away from Fossil Fuels, held in Santa Marta, Colombia, gathered over 60 countries around this discussion, including some of the world's largest producers.

1 Read INCLO's joint amicus curiae to the Inter-American Court of Human Rights in the advisory opinion process: https://inclo.net/wp-content/uploads/2024/02/IACtHR-Climate-Change-Submissions.pdf

Opportunities and setbacks for transition policies

Santa Marta was proof that there are countries willing to adopt different types of policies and measures to transition away from fossil fuels. Peter Newell has studied the origins and results of such policies across the world, including bans, moratoria, subsidy removals and restrictions on exports. He explained there are different drivers behind those policies: some countries put them in place because renewables appear as an economic opportunity, others do it when they have the pressure of hosting a climate conference, and others simply because their reserves are ending. In some cases, the initiative comes not from politicians but from social movements, such as the Ecuadorian referendum to end oil extraction in the Yasuní National Park, a biodiversity hotspot in the Amazon rainforest.

Although phaseout policies in Ecuador, Costa Rica, Chile, Denmark, or Colombia came as a drop of hope, now they face political scenarios that put their implementation at a high risk. “All of these are potentially reversible victories that we need to fight for again and again”, said Peter Newell. On top of the political shifts in each of these countries, powerful global interests opposing a world without fossil fuels add additional pressure, including “some of the richest companies in the world” and Trump who, especially in his second term, is “actively using the very significant power of the US to try and lock in economies to even greater use of fossil fuels”.

But it has been precisely the new oil wars triggered by the United States that came to remind world leaders of the risks of fossil fuel dependence. Impacts like the increase in gas prices within days of the attacks on Iran have motivated some governments to take measures to become more resilient to global shocks, such as developing their own industries and investing in renewables.

Unjust transitions

The rise of authoritarian governments is threatening an energy transition grounded in justice for workers and communities. Argentina is an example of this. Since the arrival of Javier Milei in 2023, the country has become a magnet for external investors interested in extracting lithium, a mineral needed for renewable infrastructure such as batteries or electric vehicles. However, the country does

not really have an energy transition agenda; “it is only seen as a way to attract investment, a performative attitude”, according to CELS Director of Justice and Security Manuel Tufró.

As a result, the lithium rush has come with a series of human rights violations of indigenous communities who resist the extraction and defend their water sources. What takes place in those territories is a model that CELS calls “corporate governance”, where lithium companies manage social relations and promise to solve structural problems within communities, acting as intermediaries between those communities and the provincial government. Added to this governance system is a national government that is now taking a leading role in eliminating the environmental and social safeguards to ensure the investors always get a green light despite community concerns.

> *“Many of the far right’s successes stem from the weakness of the pre-existing institutional framework.*
>
> 
>
> **MANUEL TUFRÓ**, CELS.

Why is this the case if Argentina has a long-standing framework of safeguards for territorial, indigenous and environmental rights? According to Manuel Tufró, several factors made those standards difficult to implement even before the arrival of the current government, including a federal structure where the provincial authorities often decided to ignore those standards, together with a national government that only responded with emergency norms to structural problems. Tufró observes that “many of the far right’s successes stem from the weakness of the pre-existing institutional framework”.

The democracy factor

Does it make any difference, then, to advocate for just transitions with or without a democracy? For HCLU’s Head of Legal Aid Attila Szabó, the answer is a clear yes. During the 16 year authoritarian regime of Viktor Orbán, Hungarians witnessed how the government relaxed environmental procedures and skipped public participation mechanisms. The purpose was to capitalize on the advantages

of providing Chinese industry with access to EU markets through Hungary and transforming the country into a battery “superpower” for electric vehicles.

In that difficult context, civil society organizations kept demanding their rights to access information and express their views on these projects, with the entire establishment working against them. That began to change after the 2026 elections, when Orbán’s party lost power and the country started opening up to democracy again. As Attila Szabó explained, it is now possible to access public information, have a say in decision-making, and carry out advocacy work without becoming a target of government stigmatization campaigns. Therefore, he calls to keep fighting for democracies everywhere, because “without democratical possibilities, a just transition is not possible.”

II

Who pays, who decides? Financing the transition



Zeno Hind / Unsplash

Transitioning away from fossil fuels is not an overnight task, especially for developing countries that are highly dependent on coal, oil and gas revenues. A just transition requires global funding that flows in a sufficient, equitable and transparent manner. So, how to fund it in a context of growing authoritarianism and in the middle of a multilateralism crisis? Despite efforts from civil society and a coalition of countries pushing in that direction, a big gap remains: climate finance still falls short of what's needed, it's driving poor countries deeper into debt, and the international tax system remains full of loopholes.

The virtual panel *Who pays, who decides? Financing a Just Energy Transition* addressed some concrete pathways to overcome those obstacles. The conversation brought together experts from the Center for Economic and Social Rights (CESR), the Tax Justice Network, the Fossil Fuel Treaty Initiative, and INCLO member Dejusticia, and moderation by environmental media outlet Mongabay.

Before getting into numbers, it is important to understand the magnitude of what transitioning away from fossil fuels entails for a country. As Rodrigo Uprimny, senior researcher at Dejusticia (Colombia), explained, there are two dimensions at play: on the one hand, diversifying energy sources through renewables so the population's energy access doesn't depend on fossil fuels; on the other, diversifying the national economy so that it is not dependent on the revenues from fossil fuel exports and taxes.

The two dimensions of energy transitions

DIVERSIFYING ENERGY SOURCES

Replacing fossil fuels for renewable energy (SOLAR, WIND, GEOTHERMAL).

DIVERSIFYING THE ECONOMY

Replacing fossil fuel revenues (FROM EXPORTS AND TAXES) for other (CLEANER) industries.

**From Rodrigo Uprimny's intervention*

> *"Almost every country in the world depends on fossil fuels. Unfortunately, whether that's for consumption or production. What we have to do is figure out how to remove the barriers to enable that transition.*



AMIERA SAWAS, HEAD OF RESEARCH, FOSSIL FUEL TREATY INITIATIVE

The distinction is important because it reveals inequalities between countries. As Amiera Sawas, head of research of the Fossil Fuel Treaty Initiative, recalled, "Almost every country in the world depends on fossil fuels, unfortunately, whether that's for consumption or production", the difference relies on the barriers they face to transition. Applied to the Colombian case, Rodrigo Uprimny mentioned how the past government of leftist Gustavo Petro made important attempts to cut fossil fuel subsidies, while in the macroeconomic dimension other decisions were more controversial: the government "unilaterally decided

to halt oil and gas exploration without having made progress in diversifying the economy, while wealthy countries like Norway continue to advance in exploration and extraction."

There is money, but...

In 2024, almost 200 countries agreed to a climate finance goal of 300 billion USD per year to support a just transition and enable developing nations to meet their climate goals. However, as Maria Ron Balsera, director of the CESR, warned, that number remains far below the 1.3 trillion USD that developing countries have identified as necessary. The United Nations Secretary General went further in his diagnosis of the gap. In a report published a few days before the webinar, he asserted that global needs for developing countries are estimated at 3.2 trillion USD per year, while international climate finance provided by developed nations reached only USD 136.7 billion in 2024.

Climate Finance

CURRENT FLOWS	GOAL	REAL NEEDS
136,7 billion USD IN 2024	300 billion USD PER YEAR	3.2 trillion USD PER YEAR

** Source: UN Secretary General report 2026, CESR 2026*

But the volume is not the only problem. As Maria Ron Balsera recalled, most of that money is flowing in the form of loans for developing countries, which increases debt and limits their ability to respond to the crisis: "A country facing repeated climate disasters needs to spend more on adaptation, resilient infrastructure, health, food systems, and social protection. Yet, that same country may be spending scarce public revenue servicing external debt." At the same time, governments continue to provide enormous subsidies and tax benefits to the fossil fuel industry.

That vicious cycle is what Amiera Sawas calls the fossil fuel debt-trap, caused by fossil fuel dependence in Global South economies. The conflict in the Strait of Hormuz proved it: after the dramatic spikes in oil prices, importer countries like Egypt faced a tripling in the value of their crude oil imports, according to the *Spillover Effects* report. The trap begins when that situation "weakens fiscal space and leads to them seeking finance elsewhere, increasing debt."

For Sergio Chaparro, head of advocacy of the Tax Justice Network, the debt-trap is a sign of how money is going in the wrong direction. He painted the picture in a balance, where low and middle income countries are losing more money as a result of debt payments and illicit financial flows (such as tax havens) than what they are receiving in the form of aid and climate reparations.

Africa is an extreme example of the "money going in the wrong direction" problem. While the continent has the greatest renewable potential on earth (due to its all-year access to sun and wind), it is not receiving the finance to develop it. On the contrary, as Amiera Sawas explained, African countries keep receiving funding to develop fossil fuel projects, mainly for exports. These governments are not to blame since "there's no real incentive": the cost of installing renewable energy projects in Africa and most of the Global South is much higher than installing fossil fuel projects, while the cost of renewable installations is cheaper in the Global North.

How to fix the financial architecture?

These global inequalities show that climate finance is not only a matter of numbers, but also a matter of power. Where should climate finance come from, and what financial reforms are needed to fix the barriers that developing countries are facing to transition away from fossil fuels? Maria Ron Balsera numbered some potential sources:

- progressive taxation of wealth and high incomes
- levies on aviation and shipping
- action against illicit financial flows
- redirection of fossil fuel subsidies

» debt relief for countries committing to a just transition.

She also warned about the 'how' of that funding: always grants instead of loans, and reject proposals that present the private sector as the only source "because we know the private sector is there to make profit, and this doesn't align with what we are talking about."

On the same line, Sergio proposed two concrete ways in which tax policies can become a tool for a just transition. First, mobilizing resources by taxing big polluters and the wealthiest individuals; second, shifting incentives so tax benefits move away from polluting industries to cleaner economic activities. "This can also create a virtuous cycle in terms of strengthening a more diversified tax base, reducing the exposure that countries face to price changes, and building more legitimate tax systems."

However, governments cannot risk taking steps to end the fossil fuel dependency in isolation. This is what Rodrigo Uprimny calls the collective action dilemma: "How can a country unilaterally attempt to break free from its fossil fuel dependence when the prevailing international architecture denies it access to substitute resources?" That is where national policies need to be connected with international agreements.

Sergio Chaparro agreed and emphasized that, even if countries take the right financial decisions –such as taxing the big polluting companies and wealthiest people–, these powerful actors could avoid taxes through the loopholes of the international tax system. Therefore the importance of international cooperation: "the dilemma some governments are trying to present between sovereignty and cooperation is not real. You need to cooperate internationally with other countries to fix the loopholes of the international tax system so that you can enforce your domestic tax decisions."

III

Human rights as a compass of energy transitions



Hugh Whyte/Unsplash

When talking about human rights and energy transition, it usually comes up in the form of principles or obligations. But can we think of human rights as a tool to shape (and not only safeguard) just energy transitions? Is there space for a rights-based approach in contexts of democratic crisis?

Taking the recent advisory opinions as a starting point, the session "Human rights as a compass for just energy transitions" explored how to transform human rights principles and obligations into concrete practices in contexts of democratic challenges. Speakers from Oxfam, the World's Youth for Climate Justice, and INCLO members Human Rights Legal Centre (HRLC) and Human Rights Law Network (HRLN) discussed these questions that are central when thinking about a transition that transforms the old patterns of fossil extractivism.

Energy as a human right

If we keep in the current path, the energy transition risks becoming a mere technological shift (from fossil fuels to renewables), while reproducing the patterns of energy colonialism: a few powerful people benefitting from resource extraction in the South while energy keeps being inaccessible for hundreds of millions in the Global South. But this is not a problem of scarcity; it's an issue of inequality: if just one year's energy consumption of the wealthiest 1% were redistributed, it could meet the modern energy needs of all the people lacking electricity seven times over, according to Oxfam's findings.

> *"There needs to be a paradigm shift where energy stops being a private good for profit, and turns into a public good and a human right.*



MATEO ADARVE ZULUAGA, OXFAM.

For Mateo Adarve Zuluaga, climate justice researcher at Oxfam, "There needs to be a paradigm shift where energy stops being a private good for profit, and turns into a public good and a human right." If this happens, the transition could not only help mitigate CO2 emissions, but also offer an opportunity to reshape our economies around justice.

First, we need an understanding that tackling inequality is a necessary step to address the climate crisis. The reason is that "more equal societies demand less growth to meet basic needs and less energy to deliver wellbeing for all," as revealed by Oxfam's Unjust Transition report.[1] Therefore, the importance of redistributing energy by creating an energy minimum that sets a floor of energy consumption (1.000 kw per person, per year) and cutting luxurious energy consumption from the richest individuals.

1 Adarve Zuluaga, Mateo, and Natalie Shortall. 2025. Unjust Transition: Reclaiming the Energy Future from Climate Colonialism. Oxford: Oxfam GB for Oxfam International. https://doi.org/10.21201/2025.000086.

Human rights and energy transition: the courts have spoken

The harms caused by fossil fuels, a topic once reserved for scientific discussions, reached some of the world's highest courts in 2025. Since the International Court of Justice and the Inter-American Court of Human Rights issued advisory opinions on climate change, lawyers and activists around the world have a powerful tool at hand to advocate for a human rights approach to climate mitigation.

There are two ways in which the advisory opinions clarified the link between human rights and energy transition, as summarized by Mariana Campos, member of the World's Youth for Climate Justice. First, the courts reaffirmed the legal urgency of transitioning away from fossil fuels, reminding it has been widely proved by science that these are the main drivers of climate change, which poses a threat to human rights. In fact, the International Court of Justice made it clear that fossil fuel expansion could carry legal consequences for States.

The second link relates to the way in which the transition should take place. The Inter-American Court reminded states that any measure to mitigate the climate crisis must consider the impacts on communities and ecosystems. "This includes protecting human rights in the extraction of critical minerals, ensuring decent employment and social protection, and avoiding the reproduction of existing inequalities", as Mariana Campos explained.

What progress has been made since then? Although that historic July 2025 is still recent, there are already several examples of the advisory opinions influencing laws, jurisprudence, and climate commitments around the world.

Use of the Advisory Opinions on Climate change around the world

JUDICIAL DECISIONS	» **Australia:** The High Court of Australia stopped the expansion of a coal mine for not considering the impacts of its exported coal. » **Costa Rica:** The Constitutional Chamber ordered the inclusion of climate variables in Environmental Impact Assessments (EIAs). » **South Africa:** the Constitutional Court blocked Shell's offshore oil exploration in the Wild Coast. » **The Netherlands:** A Court in The Hague declared that The Netherlands breached its legal obligations by offering fewer protections from the impacts of climate change to the inhabitants of Bonaire than to those in the European Netherlands.
LEGISLATIVE INITIATIVES	» **In The Philippines,** the House of Representatives is promoting a resolution calling for the integration of the Advisory Opinions into national climate policy, domestic legislation, and international negotiations.
NATIONALLY DETERMINED CONTRIBUTIONS (NDCS)	» **Vanuatu, Mexico, and Bangladesh** have revised their NDCs (the countries' 5-year plan to comply with the 1.5°C goal under the Paris Agreement) with influence from the ICJ Advisory Opinion.

**This list offers only some examples and does not intend to be exhaustive of all uses of the AOs.*

The 'Hard Truths' of fossil fuel exports

Australia is a good example of how the ICJ Advisory Opinion is having a concrete impact in a country's pathway to a just transition. While the Australian government presents itself as a leader in the field and has made significant progress moving to renewables at home, it remains one of the world's largest exporters of coal and gas.

Jack McLean, senior lawyer at the HRLC, explained that the Government keeps supporting the fossil fuel industry by subsidizing fossil fuel infrastructure,

providing environmental approvals for those projects, and failing to put in place any kind of process to control the harms that result from those emissions. The Government argues that emissions of fossil fuels exported out of Australia are not the country's responsibility.

However, the ICJ advisory opinion came to debunk that idea and clarified that a country's legal obligations extend to the consequences of fuels burned elsewhere. Along the same line, the High Court in Australia recently ruled against the expansion of a coal mine, arguing that its approval had failed to consider the impact of emissions generated when the exported coal is burned overseas.

Now, 10 Australian citizens -represented by the HRLC, Environmental Justice Australia, and Earthjustice- want to take this victory further. Under the 'Hard Truths' case, they have filed a complaint to the UN Human Rights Committee arguing the Australian government's actions in facilitating and allowing fossil fuel exports causes harm to Australians by contributing to extreme climate events, which constitutes a breach of the country's human rights obligations. The petition is simple: "we are asking the Committee to recommend that Australia take concrete action to stop its contribution to the harm, and we hope that it will set a precedent that exports can't be just left off the table", said Jack McLean. INCLO members have supported this claim arguing that Australia cannot claim to be a credible actor in the global climate fight while continuing to approve and subsidize new coal and gas export projects.

A transition without the people

But, what happens when the transition away from fossil fuels takes place in a context of repressed civic space? This has been the case in India, a country known for its high dependence on coal, where the transition to renewable energy is moving very fast. But at the same time, the government is making headlines for repressing climate activists, accusing them of jeopardizing India's energy security by campaigning against fossil fuels.

> *What people need is that before they (the government and companies) decide to close a coal mine, before the jobs disappear, they need to have the consultation, they need to have the re-skilling of those workers, and their livelihood protected.*



SNIGDHA TIWARI, HRLN.

That is not the only contradiction in India's energy transition. According to Snigdha Tiwari, lawyer at the Human Rights Law Network (HRLN), communities and workers whose livelihoods depend on coal mining are the last to find out about its closure. "What people need is that before they (the government and companies) decide to close a coal mine, before the jobs disappear, they need to have the consultation, they need to have the re-skilling of those workers, and their livelihood protected", she observes.

But, even in this difficult scenario, there are examples where civil society comes together to reshape projects or demand accountability for the impact of unjust transition projects. One of these is the case of the Joshimath disaster in Uttarakhand, where a 2021 glacier break and 2023 land subsidence linked to hydropower projects killed over 200 people and damaged hundreds of homes. Local communities, indigenous groups, and climate activists mobilized and filed a public interest litigation with the support of HRLN, pressuring the government at every level. As a result, the High Court forced the government to publish expert reports about the disaster, which the authorities were keeping secret. For Snigdha Tiwari, "The pressure from the Court, along with the pressure on the street, has to go hand in hand, together with the support of the media and the experts."

Transformative experiences

In contrast to the Indian case, there are several examples of how, if done with a justice approach from the onset, the energy transition can not only reduce emissions and energy poverty, but also spark deep social transformations. Mateo Adarve Zuluaga presented two cases from Oxfam's report *Pathways to a Fast and Just Energy Transition*.

The first is the Energy Communities in Colombia, a model where communities produce energy through renewable sources in their territories, but also own the profit and distribute the benefits according to the community needs. The government supported historically marginalized communities, such as Indigenous or Afro-descendents, and embedded their sovereign jurisdiction and customs into the design of solar, wind, and geothermal projects. Some initiatives went further and involved former guerrilla members reintegrating into civilian life after the Peace Agreement.

The second is the Nga Awa Purua geothermal plant in New Zealand, an example of procedural justice through inclusive governance. Built on Māori land, the project shared not just economic benefits but governance itself, including the Māori Land Trust on its board and leadership. This engagement kept Māori voices central to decision-making, and profits have since been reinvested in schools, education, and healthcare.

Pathways forward

Governance avenues within and beyond UNFCCC

"When governments falter, what can communities, trade unions, courts, cities, and social movements do to advance action and accountability?" This question, posed by moderator David Akana, framed the pathways each speaker outlined to drive just energy transitions amid democratic challenges and prevent repeating historical injustices.

- For Ayshka Najib of the People's Climate Diplomacy Program, it is crucial for civil society to **advocate for ensuring an ambitious development of the Belem Action Mechanism** at COP31 in Antalya, Türkiye. In terms of preventing unjust transitions, she calls for human rights defenders to make use of paragraph 12 of Decision 2CMA7, one of the agreements reached at COP30, as a tool to push for rights-based national just transition plans, embedding human rights, labor rights, gender equality, and indigenous peoples' rights.

- For Sussex University Professor Peter Newell, ensuring that **states include concrete measures to phase out fossil fuels in their National Determined Contributions** is a priority towards COP31. He also calls for advancing **reforms to Investor-State Dispute Settlement (ISDS)** mechanisms to prevent major fossil fuel companies from suing states that are implementing phaseout policies.

- Peter Newell also highlights the importance of including **just transition dialogues, commissions, and oversight bodies** in any phaseout policy to protect workers and create alternative employment. However, he warns that advancing them requires financing that does not generate debt burdens for developing nations.

- For HCLU's Attila Szabó, local communities and movements are the foundation of any real energy transition. Without people on the ground standing up against extractive projects, mining, and unjust developments, there is no momentum for change. He calls for **building networks, knowledge and motivation capable of connecting local struggles globally.**

- For CELS' Manuel Tufró, it is essential to dispute the legitimacy of extractivist projects in the public discourse, using artistic pressure, international solidarity, and corporate accountability strategies. He calls to **resist the framing of**

energy transition debates as matters of national and hemispheric security, which could erode access to information and undermine international agreements.

» Manuel Tufró also urges sustained pressure **to keep states active and engaged in multilateral spaces.** International networks and committed countries have a critical role in preventing states from abandoning these spaces.

Democratic safeguards for climate finance

Colombia came up repeatedly in the conversation as an example of how progress on climate finance depends so heavily on political context. After four years of standing out as a global leader on just transition, the new government holds the opposite position, showing a sovereignist stance against multilateralism.

Departing from this case, the moderator Justin Catanoso presented a concrete question for all the speakers: “If you could establish one institutional safeguard today that would protect just transition finance from democratic backsliding over the next decade, what would it be?”

» Maria Ron Balsera, director of the CESR, advocated for a legally binding, rights-based climate finance framework with mandatory transparency, meaningful public participation, independent monitoring, and accessible remedy, to be enforced by the UN. “This is how we can make sure that climate finance strengthens democratic institutions, rather than becoming another source of elite capture, which is what we are seeing.”

» Sergio Chaparro of the Tax Justice Network called for civil society to join and strengthen the global movement demanding a UN Tax Convention, a binding Fossil Fuel Treaty and participate in the Santa Marta process to advance international cooperation on fossil fuels taxation.

» Amiera Sawas, head of research of the Fossil Fuel Treaty Initiative, besides advocating for a binding international agreement, encouraged civil society to engage the public across movements to envision and demand the future they want. “We need public engagement more than ever before.”

- Rodrigo Uprimny agreed with all the proposals, and emphasized on the importance of connecting them with national policies. “If we do not link national politics to the global movement Sergio speaks of, to the coordination between movements that Amiera discusses, and to the creation of an international treaty, we will continue to see a disconnect between nationalist, authoritarian populisms and the need for multilateral solutions.”

Ideas for a human rights-based transition

In a context where democratic space is shrinking, it seems difficult to think of energy transitions based on justice principles. However, communities around the world are showing it is not impossible. The speakers outlined some strategies to keep human rights at the center of the energy transition:

- Mateo Adarve Zuluaga from Oxfam proposed that governments establish safeguards to ensure the private sector acts in the public interest, while advocating internationally for more equitable climate science scenarios that account for energy redistribution, consumption, production and ownership.
- HRLC’s Jack McLean advocated for incorporating international human rights law into domestic legislation and building climate jurisprudence through strategic litigation, using recent advisory opinions and court decisions to establish the climate crisis as an important human rights issue.
- Mariana Campos of World’s Youth for Climate Justice proposed challenging the narrative that climate advisory opinions are non-binding, emphasizing that many of the obligations they clarify are already binding under international treaties and customary international law.
- HRLN’s Snigdha Tiwari advocated for including a mandatory human rights variable into environmental impact assessments for energy projects, ensuring meaningful community participation from the beginning and involving independent experts and civil society organizations.