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LEGAL FOUNDATIONS FOR JUST TRANSITIONS: STRENGTHENING NATIONAL FRAMEWORKS FOR DEVELOPMENT



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LEGAL FOUNDATIONS FOR JUST TRANSITIONS: STRENGTHENING NATIONAL FRAMEWORKS FOR DEVELOPMENT

Foreword

The global transition to a low-carbon, nature-positive, climate-resilient economy presents both an unprecedented opportunity and a fundamental challenge for development. This transition is essential for our collective future and brings with it the promise of jobs and economic resilience against climate shocks and environmental degradation. Yet, it also has the potential to disrupt the lives of millions of workers and communities who are dependent on high-emission sectors.

The World Bank Group's vision—to create a world free of poverty on a livable planet—recognizes that climate action should be both bold and inclusive to advance sustainable development. UNDP shares this commitment through its work to advance people-centered sustainable development, helping countries strengthen institutions and legal frameworks that leave no one behind in the transition.

As just one example, according to recent estimates by the International Energy Agency (IEA), the coal supply sector employs approximately 6.3 million workers globally. Protecting workers and communities during this transition is essential. Engaging them in shaping and sharing the benefits of the transition reduces inequality and strengthens social acceptance.

Legal frameworks are the foundations upon which equitable transitions are built. They transform political commitments into enforceable obligations, concrete actions, and tangible results. They create certainty and protection for workers seeking retraining and communities in need of economic diversification. They also establish the regulatory environment necessary for investors to deploy private capital for low-emission, nature-positive development.

Our two institutions, together with our partners, play a crucial role in supporting countries to establish, implement, and enforce these legal frameworks. This report serves as both a primer and a guide, highlighting the legal foundations for just transitions in international law, showcasing innovative national approaches, and offering recommendations for policymakers and development institutions.

How we manage this transition will shape sustainable development outcomes for generations. This report provides a roadmap to pursue a transition that creates jobs, protects workers, and builds resilient communities.



A handwritten signature in black ink.

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A handwritten signature in black ink.

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Table of Acronyms

ACRONYM	FULL FORM
ADB	Asian Development Bank
AFD	Agence Française de Développement (French Development Agency)
AfDB	African Development Bank
AIIB	Asian Infrastructure Investment Bank
BPPS	Bureau for Policy and Programme Support (UNDP)
CBD	Convention on Biological Diversity
CEB	Council of Europe Development Bank
CMA	Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement
COP	Conference of the Parties
CSDDD	EU Corporate Sustainability Due Diligence Directive
EBRD	European Bank for Reconstruction and Development
EIB	European Investment Bank
EITI	Extractive Industries Transparency Initiative
E&S	Environmental and Social
ESG	Environmental, Social, and Governance
ESIA	Environmental and Social Impact Assessment
ESMAP	Energy Sector Management Assistance Program
ETM	Energy Transition Mechanism
EU	European Union
EUR	Euro
FET	Fair and Equitable Treatment
FPIC	Free, Prior, and Informed Consent
GATT	General Agreement on Tariffs and Trade
GEAPP	Global Energy Alliance for People and Planet
GHG	Greenhouse Gas
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
HLEG	High-Level Expert Group
HRC	Human Rights Council
ICCs/IPs	Indigenous Cultural Communities/Indigenous Peoples
ICCPR	International Covenant on Civil and Political Rights

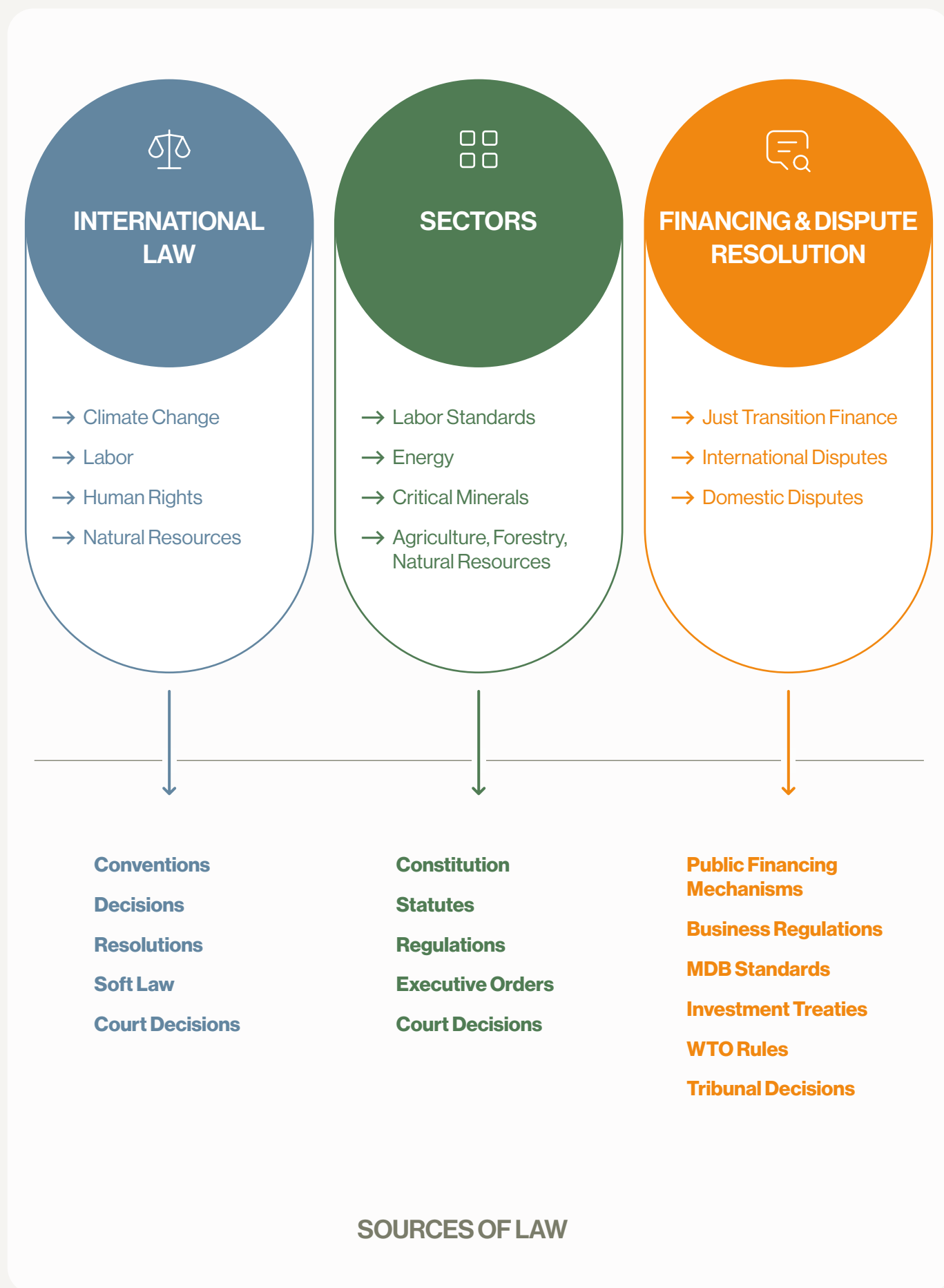
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDB	Inter-American Development Bank
IEA	International Energy Agency
ILO	International Labour Organization
IsDB	Islamic Development Bank
JETP	Just Energy Transition Partnership
KfW	Kreditanstalt für Wiederaufbau (German Development Bank)
LTS	Long-Term Low Emissions Development Strategies / Long-Term Strategy
MDB	Multilateral Development Bank
NDB	New Development Bank
NDCs	Nationally Determined Contributions
OECD	Organisation for Economic Co-operation and Development
OSH	Occupational Safety and Health
PES	Payment for Ecosystem Services
SDGs	Sustainable Development Goals
UK	United Kingdom
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNCLOS	United Nations Convention on the Law of the Sea
UNDP	United Nations Development Programme
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNEP FI	UNEP Finance Initiative
UNFCCC	United Nations Framework Convention on Climate Change
UNGP	United Nations Guiding Principles on Business and Human Rights
UNOPS	United Nations Office for Project Services
UNSG	UN Secretary-General
US	United States
USD	United States Dollar
WBG	World Bank Group
WTO	World Trade Organization

Executive Summary

Just transition is now a familiar concept and a cornerstone of global efforts to move towards a low-carbon, climate-resilient economy. In the context of multilateral climate action, just transition was formally recognized through the 2015 Paris Agreement, whose preamble takes into account “the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities.” Since 2015, when the ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All were published, the understanding and application of just transition has expanded in scope, increasingly reflecting principles that are people-centered, socially protective, human rights-based, inclusive of all stakeholders especially the vulnerable, equitable, fair, gender-responsive, beneficial, whole-of-economy, whole-of-society, with meaningful stakeholder input and participation, and socio-economic opportunities for entire populations, including Indigenous Peoples (IPs).

The success of transition efforts hinges on well-designed and effective national legal frameworks and institutions that balance economic transformation with social and environmental protections. Without adequate legal frameworks and institutions, countries face significant risks including climate vulnerability, social disruption, legal liability and uncertainty, implementation gaps, economic inefficiency, governance failures, and human rights concerns. This report aims to provide an overview of the main elements that can be included in a national legal framework to ground just transition in rules that will contribute to making it equitable, legally coherent, effective, and durable in practice. It examines illustrative areas most relevant to operationalizing just transition, including labor standards and employment law, energy, critical minerals, agriculture, finance, and natural resources. **Figure 1** provides an overview of the elements of the legal frameworks considered, including relevant fields of international law, key sectors, and financing and dispute resolution considerations.

Figure 1 **Legal Frameworks Relevant For Just Transitions**



Legal Frameworks Relevant For Just Transitions

The international legal landscape reveals a rapid evolution from aspirational transition references to binding treaty obligations and enforceable frameworks. While the concept of just transition emerged decades ago from the labor movement, the issuance of the 2015 ILO Guidelines provided the first tripartite-agreed comprehensive policy framework to guide countries in advancing environmentally sustainable economies in an inclusive way, by creating decent work opportunities, reducing inequality and by leaving no one behind. In addition, the Paris Agreement's formal recognition of just transition has catalyzed institutional mechanisms through the UNFCCC Work Programme. Meanwhile, ILO Conventions create comprehensive worker protections, and emerging human-rights jurisprudence establishes accountability for inclusive transitions. International labor law governs just transition processes through binding conventions, influential soft law instruments, and emerging private sector mechanisms. The 2015 ILO Guidelines represent the most authoritative international soft law instrument specifically addressing labor protection during economic transitions. International human rights law provides a framework for ensuring that just transition processes respect fundamental rights while advancing climate goals, operating both as a protective mechanism and as an aspirational tool that enables governments to build more inclusive and equitable societies. International law on natural resources provides legal foundations for just transition through instruments that address core just transition principles, particularly participatory governance, equitable benefit-sharing, and the protection of vulnerable communities during resource transitions.

Countries have developed sophisticated legal instruments that translate just transition principles and aspirational international climate change goals into enforceable obligations at the national level. National labor laws provide critical legal entry points for operationalizing just transition principles, extending protections beyond individual workers to entire communities dependent on transitioning industries. Countries have developed specialized legal instruments, including enhanced income security frameworks, mandatory reskilling and participatory redeployment systems, and early retirement mechanisms. Transitioning away from fossil fuel-dependent energy systems requires national energy transition legal frameworks aligned with just transition principles through statutory fossil fuel phase-out frameworks, subsidy reform mechanisms, clean energy investment incentives, private sector regulations, and international cooperation mechanisms like Just Energy Transition Partnerships (JETPs). Critical minerals present unique just transition challenges requiring specialized regulatory frameworks through national strategies that embed social equity, participatory mineral governance frameworks, and supply chain transparency mechanisms. Agriculture and natural resource regulatory frameworks can operationalize just transition principles through constitutional frameworks, regulatory incentives facilitating transitions while protecting livelihoods, participatory governance mechanisms, and legal reforms addressing historical inequities.

Just transition implementation requires comprehensive legal frameworks that also consider financing mechanisms and international legal challenges. Countries have developed sophisticated legal instruments that embed social objectives within financing mechanisms, including debt-for-climate swap legislation with mandatory community participation requirements, carbon pricing revenue earmarking laws that create legally protected funding for worker retraining and community support, and regulatory frameworks that condition private investment incentives on delivering measurable social benefits. Just transition policies face complex interactions with international investment law, international trade rules, and domestic constitutional and statutory frameworks. Countries can minimize legal exposure while advancing social objectives by designing legal and policy frameworks that maintain clear environmental policy rationales, implementing transparent stakeholder engagement processes, and promoting compliance with national and international legal obligations.

Critical Role of Development Institutions

Development institutions have begun to integrate just transition considerations into institutional frameworks in various ways. In 2021, ahead of COP26, several Multilateral Development Banks (MDBs) jointly issued the “MDB Just Transition High-Level Principles”, providing high-level direction on the aims, approach, scope, scale, outcomes and processes associated with just transition. Some MDBs have integrated just transition into climate change or energy-specific strategies, environmental and social policies, and corporate strategies. Development institutions can employ a variety of programmatic and operational tools, including finance, technical assistance, and analytics to help countries establish and implement national legal frameworks for just transition.

Based on the regulatory approaches examined in the report and experiences from development institutions, as shown in **Figure 2**, recommendations for enhancing national frameworks are synthesized and organized along five sequential steps: mapping needs and existing legal frameworks; assessing and planning national processes with global commitments; coordinating to ensure coherency of legal frameworks; strengthening frameworks; and implementing and reviewing reforms to achieve just transitions.

Figure 2 **Roadmap for Enhancing National Frameworks For Just Transitions**



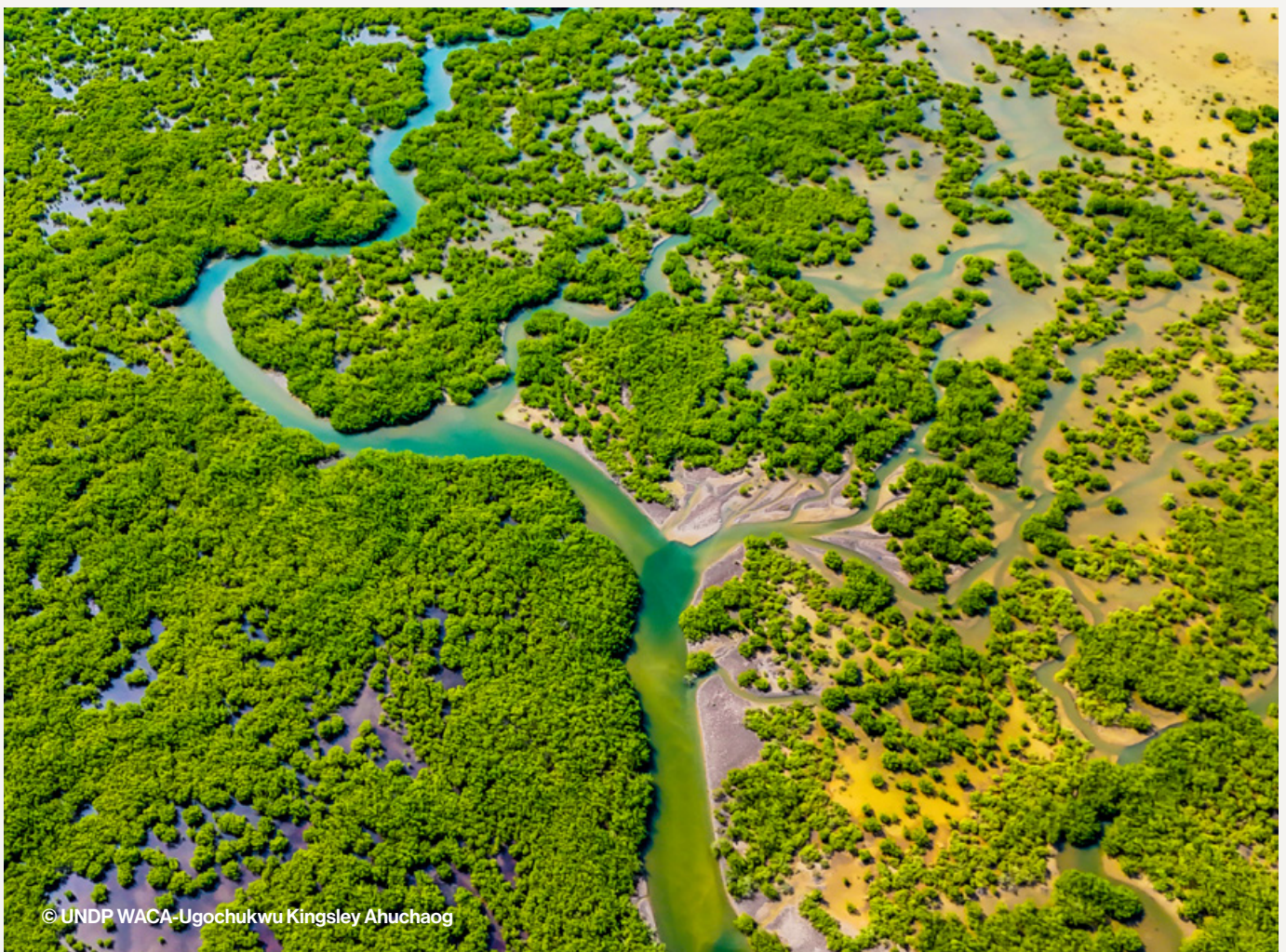
Conclusion

Countries face significant complexity in navigating just transition processes across diverse economic and social contexts. Leveraging existing legal frameworks can help address such challenges by identifying each country's just transition priorities and needs, mapping existing laws in relevant sectors, and building awareness of international frameworks among key actors. Aligning national legal frameworks with international commitments calls for the full participation of affected communities and targeted support for the groups most affected. Coherency should be assessed horizontally across industry sectors and vertically from national to local levels. Strengthening frameworks requires recognition of international obligations, revision of existing frameworks to uphold critical provisions, and adaptation to national contexts through consultation with affected groups. Implementation requires institutional coordination mechanisms, monitoring systems that track environmental and social dimensions, review mechanisms that enable course correction, and accountability mechanisms that transform commitments into enforceable obligations and results.

The legal toolbox is rich. This report provides a range of legal entry points for development institutions, national governments, and civil society organizations seeking to implement just transition approaches through systematic integration of social objectives into climate change and economic transformation policies. A mix of country- and sector-specific legal instruments can translate international just transition principles and aspirational goals into enforceable obligations with the potential to deliver meaningful progress for all.

Introduction

Just transition is a cornerstone of global efforts to move towards a low-carbon, climate-resilient economy. It has become a widely used term, but its meaning and scope continue to evolve, and its effective integration into country-specific contexts, especially within national legal frameworks, requires attention and support. Pioneered by labor unions in the 1970s and 1980s, just transition was primarily and historically conceived by environmentalists as labor-focused.¹ The 2015 ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All provide the first comprehensive, tripartite-agreed framework for integrating decent work, social justice and environmental and climate action. This conception was echoed in the context of multilateral climate action in 2015, when the Paris Agreement formally recognized just transition through its preamble. Since then, the understanding and application of just transition has expanded in scope.² Stakeholders have used a variety of principles to characterize the “just” part of the transition: people-centered, socially protective, human rights-based, inclusive of all stakeholders, especially the vulnerable, equitable, fair, gender-responsive, beneficial, whole-of-economy, whole-of-society, with meaningful stakeholder input and participation, and socio-economic opportunities for entire populations, including indigenous peoples.³ These illustrative principles are presented in more detail in **Table 1**.



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Table 1 **Illustrative Principles of Just Transition and Their Meanings**

PEOPLE-CENTERED	Just transition policies prioritize human welfare and dignity over abstract economic or environmental targets.
SOCIALLY PROTECTIVE	Governments provide safety nets, including unemployment benefits, retraining programs, and income support, for workers and communities affected by transitions.
SOCIAL DIALOGUE	Governments, workers' and employers' organizations engage in social dialogue, at all stages from policy design to implementation and evaluation, and at different levels to forge consensus on pathways towards environmental sustainability with decent work.
HUMAN RIGHTS-BASED	Transition policies and processes are anchored in international human rights law and standards, establishing a clear system of rights for individuals and communities and corresponding obligations for governments and businesses.
INCLUSIVE	Decision-makers ensure meaningful participation in policymaking by a diverse range of stakeholders, especially historically marginalized or vulnerable groups, including Indigenous Peoples (IPs), women, youth, and low-income communities.
EQUITABLE AND FAIR	Policies distribute both the costs and benefits of economic transitions fairly, preventing concentration of burdens on disadvantaged populations.
GENDER-RESPONSIVE	Policies should identify, understand, and implement interventions that address gender gaps and overcome historical gender biases in laws, policies, and programs during the transition.
WHOLE-OF-ECONOMY	Governments coordinate just transition efforts across all economic sectors rather than addressing sectors in isolation.
WHOLE-OF-SOCIETY	Just transition processes engage all segments of society, from governments and business to civil society and local communities.
OPPORTUNITY-CREATING AND BENEFICIAL	Just transitions generate decent work and broad-based economic development accessible to entire populations.
ACCOUNTABILITY	Governments establish clear responsibilities, monitoring mechanisms, and enforceable remedies to ensure that transition commitments translate into measurable outcomes for affected communities.
TRANSPARENCY	Decision-makers publicly disclose transition plans, funding allocations, and implementation progress, enabling communities to track whether promised benefits materialize.

Sources: United Nations Sustainable Development Group; International Labour Organization (ILO); International Institute for Sustainable Development (IISD); United Nations Framework Convention on Climate Change (UNFCCC); European Economic and Social Committee; UNDP Climate Promise; World Bank; GHD; Eurofound; and MDBs.



Rationale

The evolution of the just transition concept from its initial focus on workers to a more comprehensive approach has implications for how countries design their legal frameworks to support implementation of climate goals, as countries continue to develop and update their climate commitments, including through successive rounds of Nationally Determined Contributions (NDCs). Just transition also has broader relevance to other multilateral processes, including biodiversity planning through National Biodiversity Strategies and Action Plans (NBSAPs) under the Convention on Biological Diversity (CBD) and the Kunming-Montreal Global Biodiversity Framework.⁴

This report reflects the evolving scope of just transition and applies a legal lens to identify the main elements that underpin the integration of just transition in countries' legal frameworks. In doing so, the report seeks to ground just transition in rules that will contribute to making it equitable, legally coherent, effective, and durable in practice. This report also discusses the role of development institutions in supporting countries throughout this process.

The success of just transition efforts hinges on well-designed and effective national legal frameworks that truly capture just transition principles. Countries pursuing transitions without comprehensive legal frameworks risk experiencing project delays, community opposition, and legal challenges that ultimately increase costs and undermine the goals of the transition. Other significant risks are illustrated in **Table 2**.

Table 2 **Risks for countries without adequate national legal framework for just transitions**

RISKS	CONSEQUENCES
CLIMATE VULNERABILITY	<ul style="list-style-type: none">→ Delayed decarbonization and climate resilience due to social resistance→ Missed opportunities to capitalize on the low-carbon, climate-resilient economy→ Worsening biodiversity loss and pollution→ Potential stranded assets and investments
SOCIAL DISRUPTION	<ul style="list-style-type: none">→ Rise in unemployment in transition regions→ Increased income inequality and poverty→ Social unrest and political instability
LEGAL LIABILITY AND UNCERTAINTY	<ul style="list-style-type: none">→ Investment disputes and arbitration claims→ Constitutional and statutory legal challenges to transition policies→ Regulatory gaps, conflicts, and uncertainty
IMPLEMENTATION GAPS	<ul style="list-style-type: none">→ Lack of enforcement mechanisms→ Ineffective transition policies and persistent climate risks→ Unfunded mandates without resources

ECONOMIC INEFFICIENCY	<ul style="list-style-type: none"> → Duplicated efforts across agencies → Undermined investor confidence and certainty → Higher transition costs from delayed action → Significant economic losses in affected industries and regions
GOVERNANCE FAILURES	<ul style="list-style-type: none"> → Elite capture of transition benefits → Exclusion of affected communities → Lack of transparency and accountability
HUMAN RIGHTS CONCERNS	<ul style="list-style-type: none"> → Workers denied fundamental human and labor rights → IPs' rights to lands, territories and resources undermined → Communities not leading just transition planning in locally determined ways
INCREASED GENDER INEQUALITIES	<ul style="list-style-type: none"> → Exclusion from new green jobs and decision-making → Exclusion from technology transfer and incentives → Greater segregation labor market → Increased job informality → Increased unpaid care burdens → Heightened gender-based violence and sexual harassment



Target audience

This report will be useful primarily to countries seeking to integrate just transition in their legal frameworks. It can support countries in the design and reform of legal frameworks that enable inclusive, equitable, and legally coherent transitions in line with national development priorities and climate goals.

This report will also be useful to development institutions, including bilateral and MDBs, other international financial institutions (IFIs), and United Nations (UN) agencies, seeking to support countries in just transition. It also suggests ways for such organizations to support regulatory frameworks aligned with just transition through climate finance, policy dialogue with countries, and project design and implementation, among others. This report will also be useful to civil society organizations for more effective participation in just transition planning and implementation.

More broadly, this report will be useful to all stakeholders working to ensure that the transition to a low-carbon, climate-resilient, and nature-positive economy is just, as this report aims to offer concrete pathways to help practitioners incorporate just transition into national legal frameworks.



Contribution to literature

This report complements and builds on existing literature and international efforts to articulate frameworks for just transition, which focus on labor market transitions and workforce protections;⁵ sectoral emissions pathways for energy and coal transitions;⁶ and decent green job creation and economic opportunities including fiscal revenues.⁷

It does so by covering the multifaceted scope of just transition, while focusing on the legal frameworks that support it, a topic that has received less attention. This report identifies the policy and regulatory building blocks and challenges of adopting a just transition approach in key areas, such as labor standards and employment, energy, agriculture, mining, finance, natural resource governance, and dispute resolution.



Scope

This report does not aim to define just transition or list all the types of infrastructure or activities that align with just transition. It likewise does not aim to provide an exhaustive account of the rich history of the just transition concept.

While legal frameworks operate at multiple levels—international, regional, national, and subnational—this report is focused on national-level frameworks, which can inform subnational frameworks (provincial, state, municipal). National legal frameworks are the set of country laws, regulations, judicial decisions, and institutions that impose and enforce obligations on socio-economic actors that affect, or are affected by, the transition towards environmentally sustainable economies and societies. The full range of relevant legal instruments in each country is vast, so this report does not purport to be comprehensive. Nor does this report seek to conduct a global survey; rather, the analysis presents examples of regulatory approaches that can inform and inspire policymakers elsewhere. This report provides a limited overview of the international legal framework relevant to just transition, for context and to inform national laws and policies considering countries' international legal obligations. This report focuses on legally binding norms, complemented by select non-binding sources that inform the scope of those norms.

This report examines illustrative areas most relevant to operationalizing just transition, including labor standards and employment law, energy, critical minerals, agriculture, finance, and natural resources. These areas were selected because they represent the foundations of social protection for workers and communities (labor standards); a core part of decarbonization efforts (energy); essential inputs for clean technology deployment (critical minerals); and significant sources of emissions, resilience, and livelihoods (agriculture and natural resources). This report acknowledges that just transition is relevant to many other areas—including transportation, manufacturing, construction, and services—and that similar legal analyses could be conducted in these areas. Moreover, rather than providing detailed analysis of specific country contexts, or good practices, this report includes country examples to illustrate legal approaches rather than comprehensive case studies. **Figure 1** provides an overview of the elements of the legal frameworks considered in this report, including relevant fields of international law, key sectors, and financing and dispute resolution considerations.

This report discusses some of the activities of the select development institutions to demonstrate the approaches that the development community can employ to support countries' just transition efforts. The discussion is not a comprehensive overview of all the just transition activities of development institutions.

Figure 1 Legal Frameworks Relevant For Just Transitions





Methodology

This report employs a methodology that examines just transition legal frameworks across multiple jurisdictions and institutional contexts. It draws on a review of academic literature, national policy and regulatory documents, international agreements and other sources, and national and international court decisions available as of 20 October 2025. The research also incorporates policy analyses from development institutions, governments, academic institutions, and civil society organizations, including legal and policy articles, journals, books, analytical reports, and institutional policies and strategies. This report also considers input from consultations with external experts, practitioners, and stakeholders through a peer review process. Examples of countries were selected to represent diverse legal systems, regions, development contexts, and sectoral approaches to just transition, while examples of development institutions were drawn among those with just transition mandates or programs.



Outline

Chapter 1 provides a general overview of the main elements of the international normative landscape relevant to just transition. It examines the following branches of law: climate change, labor, human rights, and natural resources. Chapter 2 reviews national legal frameworks for just transition across some of sectors most relevant for it, namely labor standards and employment, energy, critical minerals, agriculture, and natural resources. Chapter 3 considers national legal frameworks and issues relevant to finance, trade, and dispute resolution. Chapter 4 examines how development institutions can support countries in adopting and implementing the kinds of national legal frameworks discussed in the preceding chapters.

Endnotes

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1.

International Legal Foundations for Just Transitions

This chapter examines the international legal instruments that establish frameworks relevant to just transition implementation.

Four distinct but complementary and interlinked legal regimes comprise such frameworks: the United Nations Framework Convention on Climate Change (UNFCCC) process that operationalizes just transition through the Paris Agreement and associated decisions; international labor standards (conventions and recommendations) that provide the normative foundation for a just transition by defining the rights, principles, and institutional frameworks that ensure decent work, social dialogue, and social justice throughout environmental, economic, and social transformations; human rights law which provides safeguards and participation requirements; and natural resource governance treaties, such as the Convention on Biological Diversity (CBD) and its Kunming–Montreal Global Biodiversity Framework, which impose benefit-sharing and consultation obligations. While these regimes operate through different institutions and enforcement mechanisms, they generate intersecting requirements for inclusive participation, social protection, and equitable outcomes in transition planning and implementation.

Section I. → Climate Change

Pioneered by labor unions, just transition has evolved within the multilateral climate change sphere from a relatively abstract principle to an increasingly institutionalized component of the UN climate change regime. First formally recognized in the 2015 Paris Agreement, the concept has since been operationalized through decisions by the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA), including a dedicated Work Programme adopted in 2022.⁸

Paris Agreement

The 2015 Paris Agreement was the first binding agreement under the UN climate change regime to formally recognize just transition. It requires Parties to prepare, communicate, and maintain successive NDCs to pursue efforts to limit global temperature rise to well below 2°C and pursue efforts to limit the rise to 1.5 °C above pre-industrial levels. The Paris Agreement’s preamble considers “the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities.”⁹ While preambles generally do not create binding legal obligations, they serve crucial interpretive functions as they articulate Parties’ intent and the treaty’s object and purpose.¹⁰ Earlier references to just transition can be found in decisions of the Conference of the Parties (COP) to the UNFCCC.¹¹

Decisions under the Paris Agreement

Subsequent decisions taken by the CMA have progressively elaborated the just transition concept. In 2021, the CMA adopted the Glasgow Climate Pact, which “recognized the need to ensure just transitions that promote sustainable development and eradication of poverty, and the creation of decent work and quality jobs.”¹² The Pact also made the first explicit connection between just transition and fossil fuels, by calling upon Parties to accelerate efforts towards “the phasedown of unabated coal power and phase-out of inefficient fossil fuel subsidies, while providing targeted support to the poorest and most vulnerable in line with national circumstances and recognizing the need for support towards a just transition.”¹³

In 2022, at the Sharm El-Sheikh Climate Change Conference, the CMA took a further step by establishing a work programme on just transition. The CMA affirmed that “sustainable and just solutions to the climate crisis must be founded on meaningful and effective social dialogue and the participation of all stakeholders,”¹⁴ underscoring the centrality of social inclusion in climate policy. More specifically, the CMA emphasized that a “just and equitable transition” encompasses multiple pathways—energy, socio-economic, workforce and others—grounded in national development priorities and buttressed by social protection measures to mitigate adverse impacts on affected workers and communities.¹⁵

In 2023, the CMA in Dubai operationalized the work programme through 2026, creating biannual technical dialogues and annual high-level ministerial roundtables, with a view to informing the second Global Stocktake (GST) and other relevant processes.¹⁶ The CMA decided that, in implementing the work programme, Parties should respect and promote their respective obligations on human rights, including the right to a clean, healthy, and sustainable environment, the rights of IPs, and people in vulnerable situations—as well as gender equality and intergenerational equity.

The CMA decided to include in the work programme seven elements: just transition pathways to achieving the Paris Agreement goals; just and equitable transitions encompassing energy, socio-economic, workforce and other dimensions based on nationally defined development priorities with social protection; opportunities, challenges and barriers relating to sustainable development and poverty eradication; approaches to enhancing adaptation and climate resilience; just transition of the workforce and creation of decent work through social dialogue and recognition of labor rights; inclusive and participatory approaches that leave no one behind; and international cooperation as an enabler of just transition pathways.¹⁷

In Dubai, the CMA also adopted the outcome of the first GST. The GST synthesis report positioned just transition as central to achieving climate goals and informing future commitments.¹⁸ It noted that “just transitions can support more robust and equitable mitigation outcomes, with tailored approaches addressing different contexts” and identified that “economic diversification is a key strategy to address the impacts of response measures.”¹⁹ On energy transitions specifically, the report stated that “scaling up renewable energy and phasing out all unabated fossil fuels are indispensable elements of just energy transitions to net zero emissions.” The report emphasized that equity considerations and just transitions can “increase the likelihood of meeting the long-term goals of the Paris Agreement,” establishing just transition as fundamental to achieving climate goals.²⁰

To date, there have been two annual ministerial roundtables and four biannual technical dialogues. Annual ministerial roundtables provide high-level political engagement. The first roundtable in December 2023, featured over ninety ministers and climate envoys who highlighted the need for holistic approaches considering unique national circumstances. The second roundtable, at COP29, in November 2024, identified three key themes: the context-specific nature of just transition shaped by each country’s unique circumstances, access to quality finance and technology transfer, and the international dimension of capacity building.²¹

Technical dialogues have developed core concepts of “people-centric, equitable, and whole-of-society approaches” that are shaping the meaning of just transition.²² The first dialogue, in June 2024 focused on incorporating just transition pathways into NDCs, national adaptation plans, and long-term strategies (LTS), emphasizing the importance of a “whole-of-society approach” that incorporates local knowledge and social protection.²³ Discussions centered on empowering all segments of society, especially workers, women, young people, IPs, and local communities, through inclusive stakeholder engagement.²⁴ The second dialogue, in October 2024, brought together 143 participants to discuss “ensuring support for people-centric and equitable just transition pathways with a focus on the whole-of-society approach and the workforce.”²⁵ A third dialogue was held in May 2025 in Panama, focusing on adaptation and climate resilience, and a fourth dialogue was held in September 2025 in Addis Ababa, focusing on “just energy transition pathways and holistic approaches to just transitions including socio-economic, workforce, social protection and other dimensions, based on nationally defined development priorities.”²⁶

Beyond these high-level political affirmations, just transition is increasingly being integrated as a cross-cutting issue throughout the climate process. For instance, just transition now features in specific decisions on topics such as the Article 6 rulebook regarding carbon markets.²⁷

In 2024, at COP29, negotiations produced no decision on extending or enhancing the work programme on just transition beyond 2026, with the matter deferred to CMA.7 in 2025.²⁸ Outstanding issues that remain unresolved following the COP29 negotiations include the development of concrete work plans and implementation strategies, financing mechanisms for international cooperation, clarification of sectoral scope beyond energy and workforce, and integration protocols with national climate planning instruments.²⁹ The work programme requires that it be assessed by 2026, but without consensus on these fundamental elements, its continuation beyond that date remains uncertain.³⁰ COP30 and subsequent COPs will need to address these gaps while countries submit enhanced NDCs. Meaningful implementation of the work programme will require resolution of fundamental disagreements about scope, financing, and institutional arrangements.³¹

Separately, just transition has become a key element in the implementation of the UNFCCC Gender Action Plan (GAP). The first GAP noted that the imperative of a just transition of the workforce should be considered, a link which was strengthened in the five-year enhanced GAP agreed at COP25.³² Subsequent decisions have sought to operationalize this connection, with COP26 inviting the International Labour Organization (ILO) to prepare a technical paper on the linkages between gender-responsive climate action and just transition,³³ which was later noted by COP27.³⁴ Most recently, the ten-year extension of the Lima work programme on gender and its GAP at COP29 reaffirmed the importance of a just transition in achieving gender-responsive climate policy.³⁵

Climate Finance – Countries, International Financial Institutions, and Just Transition

Climate finance is essential to implement just transition. Before the Paris Agreement's adoption in COP21, the COP15 Copenhagen Accord in 2009 established the collective commitment by developed countries to provide “new and additional resources . . . approaching \$30 billion” for 2010–2012 and to “jointly mobilize \$100 billion a year by 2020.”³⁶ However, tracking progress towards this commitment has been the subject of debate among Parties and stakeholders. While the Standing Committee on Finance (SCF) developed an operational definition for the purposes of its biennial assessments in 2014,³⁷ discussions on climate finance definitions continue under the formal UNFCCC process, including in the context of the enhanced transparency framework. In this regard, debates also extend to whether reported flows represent genuinely “new and additional” resources rather than re-labelling of existing development assistance.³⁸ Some developing countries have raised concerns about the methodologies used by countries and institutions when reporting their climate finance data, particularly in the absence of an internationally agreed definition of “climate finance.”³⁹ According to OECD analyses, the COP15 goal was met for the first time in 2022 based on an accounting framework and official climate finance data reported by developed countries, MDBs, and multilateral climate funds to the UNFCCC and the OECD.⁴⁰

Under the Paris Agreement, “developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation,”⁴¹ continuing earlier climate finance obligations under the UNFCCC.⁴² The Paris Agreement also recognizes developing countries' roles in climate finance mobilization, by encouraging developing country Parties to provide support voluntarily, and establishing that “as part of a global effort, developed countries should continue to take the lead.”⁴³ In the decision adopting the Paris Agreement, the COP also decided that the CMA shall establish a New Collective Quantified Goal on climate finance by 2024 to replace the \$100 billion

target.⁴⁴ Accordingly, at COP29 in 2024, negotiations concluded with a commitment from developed countries to mobilize at least \$300 billion annually by 2030 with an overall target to reach \$1.3 trillion by 2035 from diverse sources, including private investment.⁴⁵ The Independent High-Level Expert Group on Climate Finance estimates that emerging markets and developing countries (excluding China) need \$40 billion annually by 2030 for just transition activities (as part of \$2.4 trillion in total climate-related investments), yet no specific financial commitments have been secured through the work programme.⁴⁶

Moreover, under the Paris Agreement, climate finance is not limited to developed and developing countries. The COP decision adopting the Paris Agreement also recognized the role of international financial institutions in climate finance, stating that it “encourages the coordination of support from, inter alia, public and private, bilateral and multilateral sources, such as the Green Climate Fund, and alternative sources” for forest-related activities.⁴⁷ This provision laid the groundwork for subsequent explicit mandates for MDBs. For example, the Glasgow Climate Pact in 2021 marked the first explicit call on MDBs, under the Paris Agreement, to enhance finance mobilization for climate plans, particularly adaptation; scale up climate action investments alongside other financial institutions; consider climate vulnerabilities in concessional finance provision; and accelerate MDBs’ alignment of their financing activities with the Paris Agreement’s goals.⁴⁸

In parallel with climate finance, significant efforts are underway to mobilize biodiversity finance, which is also critical to support just transition. The Kunming-Montreal Global Biodiversity Framework, for instance, includes a dedicated target (Target 19) to substantially increase financial resources from all sources to implement national biodiversity strategies.⁴⁹ Initiatives like the UNDP-managed Biodiversity Finance Initiative (BIOFIN) involve actively working with countries to develop and implement national biodiversity finance plans, creating synergies with climate finance goals.⁵⁰

Complementing these developments, the SCF’s Sixth Biennial Assessment and Overview of Climate Finance Flows (2024) and its preceding Fifth Biennial Assessment and Overview of Climate Finance Flows (2022)⁵¹ made reference to just transition in UNFCCC finance flow assessments, confirming its relevance within the climate finance architecture.



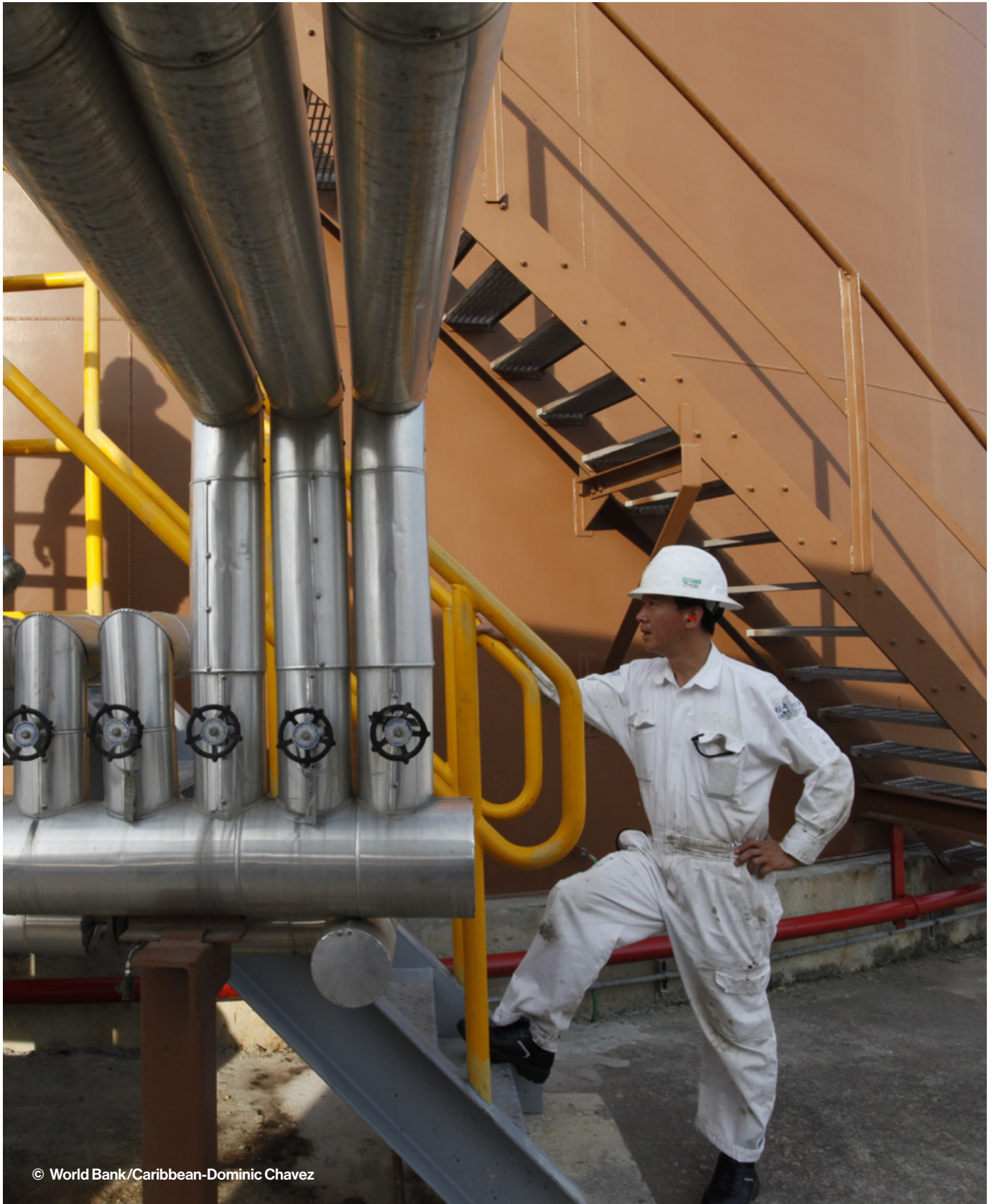
Outside the formal treaty framework, national commitments have been made to advance the concept of just transition in the context of climate change. Over the past decade, political declarations and pledges have repeatedly affirmed the importance of managing the social consequences of climate action. For example, at COP26 in Glasgow, a Just Transition Declaration spearheaded by several governments (with support from ILO) was announced, reaffirming countries' intent to deliver decent work alongside ambitious emissions reductions and that climate transitions should be undertaken in a fair, inclusive manner.⁵²

As is discussed below, just transition principles are also being integrated into parallel international environmental processes, notably in biodiversity. The Kunming-Montreal Global Biodiversity Framework, which guides the development of NBSAPs, contains several targets that align with a just transition. These include ensuring nature's contributions to the most vulnerable (Target 11), fair and equitable benefit-sharing (Target 13), enhancing business accountability (Target 15), and guaranteeing full, equitable, and inclusive participation in decision-making (Target 22).

Moreover, in Parties' national climate strategies, a notable trend in recent years has been the embedding of just transition language in NDCs and Long-Term Low Emissions Development Strategies (LTS). Early NDCs under the Paris Agreement rarely mentioned just transition explicitly. As understanding of the concept has grown and evolved, more countries have started to embed just transition considerations in their updated pledges. According to a 2025 analysis by the UNFCCC Katowice Committee of Experts on the Impacts of the Implementation of Response Measures,⁵³ as of November 2023, prior to the GST, 44 NDCs explicitly mentioned just transition, representing 26% of all 169 NDCs analyzed (or 34% if each EU member state were counted separately), while 44 out of 68 LTS (65%) explicitly referenced just transition principles. This builds on earlier analysis showing that as of October 2022, 38% of all NDCs and 56% of LTS referenced just transition principles.⁵⁴ In another study, according to a July 2024 analysis by the ILO, 72 out of 193 countries (39%) included explicit references to just transition in their NDCs.⁵⁵ Notably, some Parties devoted dedicated sections of their NDC or LTS to detailing how they will ensure a fair transition for affected workers and communities. For instance, Scotland (via the UK NDC) and South Africa outlined plans for green job creation, social dialogue with labor unions, and support for regions dependent on coal and other high-carbon industries. **Box 1** especially provides an analysis of NDCs 3.0.

Despite these developments, significant challenges arise in translating these pledges into effective domestic implementation. The UNFCCC Katowice Committee of Experts has emphasized that successful just transition implementation requires comprehensive tracking frameworks that assess not only policy development but also institutional preparedness, stakeholder engagement quality, and measurable socioeconomic outcomes at both national and local levels.⁵⁶ The Paris Agreement requires Parties to prepare, communicate and maintain successive NDCs that it intends to achieve,⁵⁷ and each Party's successive NDCs will represent a progression and reflect its highest possible ambition.⁵⁸

However, Parties' specific commitments within an NDC, such as promises to pursue a just transition, remain without direct international enforcement mechanisms under the Paris Agreement.⁵⁹ In July 2025, NDCs and their position in relation to public international law were discussed in an advisory opinion from the International Court of Justice (ICJ) on the obligations of states in respect of climate change.⁶⁰



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NDCs submitted following the 2023 GST continue to be received by the UNFCCC Secretariat. As of 20 October 2025, out of a total of sixty-eight NDCs, thirty-three countries and entities explicitly referenced “just transition”, while fourteen others incorporated the concept implicitly through language emphasizing equitable, inclusive, or sustainable transitions.

These references reflect increasingly sophisticated approaches to integrating social considerations into climate action. Several countries have established just transition as a core organizing principle. For example, Somalia describes it as a “cornerstone of Somalia’s climate and development strategy,” while Canada and Uruguay designate it as an explicit objective of their climate strategies. Moldova and Lebanon frame just transition as a priority, highlighting that decarbonization and adaptation policies should not exacerbate existing inequalities but actively support vulnerable and marginalized groups.

The scope of just transition considerations varies significantly across NDCs. For example, Angola links just transition to gender, youth involvement, and biodiversity under a dedicated “Sustainable Development and Just Transition” section. Kenya places strong emphasis on just transition for

workers and communities in agriculture and land use, land-use change, and forestry sectors. Nigeria, Eswatini and Barbados situate just transition within broader social-protection and inclusivity frameworks. The United Arab Emirates (UAE) calls for a “gender-responsive” just transition as part of its low-carbon economy objectives, while the Marshall Islands highlights youth’s role in the just transition and connects it to addressing energy poverty. Several small-island States (Vanuatu, Tuvalu, Sao Tomé and Príncipe) frame just transition around human rights, decent work, and resilience-building for vulnerable communities.

Implementation mechanisms are becoming more defined. Mauritius has established a national Just Transition Committee to guide its inclusive shift to a low-carbon economy. Cambodia connects just transition to strengthening resilience through social services and child protection. Australia’s Net Zero Economy Authority and Brazil’s “Just Transitions and Climate Justice” chapter illustrates emerging institutional mechanisms for coordination and worker engagement. Across the board, countries increasingly underscore multi-stakeholder consultation and tripartite dialogue as core elements of effective transition planning.

Section II. → Labor

While Section I examined labor considerations within the UNFCCC climate governance framework, which include ILO's contributions to UNFCCC processes through technical papers and submissions on just transition workforce issues,⁶¹ this section focuses on ILO's own legal instruments that establish worker protections applicable to just transition contexts. In terms of international legal foundations, the 2023 International Labour Conference (ILC) Resolution on a Just Transition, adopted by 187 Member States, outlined the key principles for a just transition, endorsed the 2015 ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All as the central reference for policymaking, and defined the roles governments, employers and workers' organizations. Together, the 2023 Resolution and the 2015 Guidelines establish the normative and operational foundation for integrating just transition principles into environmental, labor, economic and development policies worldwide.

The international legal framework for just transition in labor law is primarily anchored in binding ILO conventions that establish foundational worker protections applicable to economic and social transitions. These conventions include the Freedom of Association and Collective Bargaining Conventions (Nos. 87 and 98), the Equality and non-Discrimination Conventions (No. 100 on Equal Remuneration and No. 111 on Discrimination), the Occupational Safety and Health (OSH) Conventions, and the Forced Labor and Child Labor Conventions (Nos. 29, 105, 138, 182).

Several ILO conventions provide targeted protections for communities most affected by resource-based transitions. These include the Indigenous and Tribal Peoples Convention (No. 169); the Employment Policy Convention (No. 122), the Labor Inspection Convention (No. 81), the Social Security (Minimum Standards) Convention, (No. 102), and Safety and Health in Mines (No. 176) and Agriculture (No. 184) Conventions. The relevance of these conventions to just transition contexts demonstrates how existing international labor law can be applied to address contemporary challenges.

The international legal framework for just transition in labor law is also anchored in authoritative soft law instruments, including ILO Recommendations and Guidelines that provide transition-specific guidance. These soft law instruments include the 2025 International Labour Conference Resolution on the Informal Economy, the 2023 International Labour Conference Resolution on Just Transition, the 2015 ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All, and the 2012 and 2017 ILO Recommendations.

There is also an emerging third category comprising multistakeholder instruments, from which voluntary private sector commitments with limited legal enforceability arise. These include the 2023 revision to the OECD Guidelines for Multinational Enterprises and ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (2022 MNE Declaration).

The ILO conventions relevant to just transition fall into two categories: general labor standards that apply to all economic contexts including economic transitions⁶² and specific instruments directly addressing transition-related challenges.⁶³ The general standards create comprehensive worker protection frameworks that automatically extend to green economy jobs and transition processes, while specific instruments provide targeted protections for communities most affected by resource-based transitions.⁶⁴

The ILO conventions establish enforceable obligations for States that are parties to them. These binding conventions, corroborated by work-related human rights law, such as the right to work and social security in the International Covenant on Economic, Social and Cultural Rights (ICESCR), create comprehensive legal obligations on employment policy, social protection, and workplace safety, although significant ratification gaps exist particularly for newer occupational safety standards affecting green industries. Once ratified, ILO conventions are subject to regular supervision under the ILO supervisory system, which comprises both reports-based and complaints-based mechanisms. Established 100 years ago, the independent ILO Committee on the Application of Standards and the tripartite ILO Committee of Experts on the Application of Conventions and Recommendations have developed an extensive body of comments supervising the application of these and other instruments across the world, including in the context of environmental transitions.⁶⁵

ILO Fundamental Conventions

Several fundamental ILO conventions provide general labor standards that apply to all economic and social transitions, including just transition processes.

The Freedom of Association and Collective Bargaining Conventions (Nos. 87 and 98) establish fundamental rights that are essential foundations for decent work, including in transition contexts, notably because they allow for worker participation in transition planning.⁶⁶ These conventions create binding obligations that set the foundations for tripartite social dialogue. Their near-universal adoption (155 and 169 countries, respectively, out of 187 ILO member states) provides broad legal foundations for worker voice in transition decisions, though enforcement varies significantly across jurisdictions.⁶⁷

Equality and non-Discrimination Conventions (No. 100 on Equal Remuneration, No. 111 on Discrimination, No. 156 on Workers with Family Responsibilities, No. 183 on Maternity Protection, and No. 190 on Violence and Harassment) establish equal-treatment obligations that can also apply in relation to transition-related employment opportunities.⁶⁸ These instruments are particularly relevant as green jobs may create new forms of occupational segregation, or as certain groups and communities such as women, youth, older persons, migrants, minorities and IPs, face disproportionate impacts from industrial transitions and new forms of occupational segregation. With variation in ratification

rates, these conventions depend on active enforcement to effectively address transition-specific discrimination patterns.⁶⁹

Forced Labor and Child Labor Conventions (Nos. 29, 105, 138, 182) establish prohibitions of unacceptable forms of work that are particularly relevant to certain sectors such as agriculture and extractive industries supplying critical minerals, which are profoundly impacted by climate change and energy transitions, as well as to waste management and agriculture.⁷⁰ These conventions create binding obligations to eliminate forced labor and child labor, including across supply chains. This is particularly significant given that agriculture and mining often operate in rural areas with weak labor inspection and enforcement systems.⁷¹ The ILO's supervisory system regularly examines compliance in agriculture and mining, including lithium, cobalt, and rare-earth mining operations.⁷²

Occupational Safety and Health (OSH) Conventions, which include Convention No. 155 (Occupational Safety and Health, 1981) and Convention No. 187 (Promotional Framework for Occupational Safety and Health, 2006), were declared as fundamental by the International Labour Conference in 2022, reflecting recognition of their universal importance.⁷³ OSH Conventions create binding obligations that promote national preventive OSH policies and systematic workplace-safety management, which are especially relevant as workers transition into new industries with unfamiliar hazards.⁷⁴ Following recognition of their status as fundamental, the ratification of these Conventions has become a priority among ILO Member States with a view to reaching universal coverage as soon as possible. So far, 78 and 73 countries have ratified these conventions respectively.⁷⁵ Although these ratification gaps persist, these conventions provide significant protections for workers, including in green industries, renewable energy installations, and battery manufacturing facilities.

ILO Conventions Addressing Resource-Based Transition

The Indigenous and Tribal Peoples Convention 1989 (No. 169) is the only multilateral treaty dedicated specifically and exclusively to indigenous and tribal peoples. Its foundations are consultation and participation, which are recognized as collective rights of IPs and as fundamental principles of inclusive development and democratic governance. Such provisions are essential in the just transition context given the significant presence of critical-mineral deposits in regions with Indigenous populations.⁷⁶ Article 6 of the Convention requires governments to consult IPs through appropriate procedures and through their representative institutions whenever legislative or administrative measures may affect them directly, and such consultations should be carried out in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures. Article 7 of the Convention establishes rights to participate in development planning affecting, among others, their lives as well as the lands they occupy or otherwise use.⁷⁷

Moreover, the Convention's land rights provisions establish binding protections for Indigenous lands and territories.⁷⁸ These often contain lithium, cobalt, copper, and rare earth deposits essential for renewable energy technologies. For example, Article 15 recognizes that IPs have the right "to the natural resources pertaining to their lands", including the right "to participate in the use, management and conservation of these resources". The exception to this general principle occurs in cases where the State retains ownership over mineral, sub-surface, or other resources. In such situations, the Convention establishes a series of safeguards to ensure that IPs are adequately consulted and that they participate in the benefits and receive fair compensation for any damage incurred. The treaty has been ratified by 24 countries and the ILO supervisory system increasingly examines implementation of these consultation requirements in the context of energy transition projects.

Employment Policy Convention 1964 (No. 122) requires ratifying States to declare and pursue an active policy designed to promote full, productive, and freely chosen employment through binding tripartite consultation requirements. This Convention can support just transition planning, as its Article 1 creates legal obligations for comprehensive employment strategies that extend beyond traditional job placement to encompass the type of economic planning needed during industrial transitions.⁷⁹ This Convention allows states to adapt requirements to development levels and economic circumstances while maintaining core consultation obligations.⁸⁰ Its tripartite consultation provisions establish binding procedural requirements for worker and employer representatives, and the representatives of the persons affected by the measures to be taken in employment policy development.⁸¹ With 113 Parties,⁸² the Convention establishes widely adopted legal foundations for transition-related employment policy coordination.

The Labour Inspection Convention 1947 (No. 81) establishes mandatory national workplace inspection systems that provide critical enforcement mechanisms during economic and social transitions when workers may face novel workplace hazards in emerging industries.⁸³ Labor inspectors examine how national labor standards are applied in the workplace and advise employers and workers on how to improve the application of national law in such areas as working time, wages, OSH, and child labor. With 148 Parties,⁸⁴ this Convention creates binding obligations for adequate inspection resources, creating ongoing fiscal obligations even during transition periods when resources may be strained. It also empowers labor inspectors to monitor compliance during facility conversions, decommissioning processes, and new green industry development. Its enforcement provisions can be understood to require States to ensure that inspectors monitor transition-related employment against safety and working conditions standards.⁸⁵ The labor inspectorate has to publish and communicate to the ILO an annual report indicating the general functioning of its services on a number of issues.⁸⁶

The Social Security (Minimum Standards) Convention 1952 (No. 102) establishes minimum standards across nine branches of social security, including unemployment, sickness, accident, invalidity, maternity and survivors' benefits.⁸⁷ These become crucial during economic restructuring associated with climate transitions. The Convention creates binding obligations for social protection systems while allowing implementation flexibility that allows integration with transition-specific support measures. The unemployment benefit provisions are particularly relevant for workers transitioning from fossil fuel industries towards green jobs.

The Safety and Health in Mines 1995 (No. 176) and the Safety and Health in Agriculture 2001 (No. 184) Conventions also establish transition-related obligations. The Safety and Health in Mines Convention regulates the various aspects of safety and health of working in mines, including inspection, special working devices and protective equipment for workers.⁸⁸ It also prescribes requirements relating to mine rescue. Similarly, the objective of the Safety and Health in Agriculture Convention is the prevention of accidents and injuries arising out of, linked with, or, occurring during agricultural and forestry work.⁸⁹ This Convention therefore sets out measures relating to machinery safety and ergonomics, the handling and transport of materials, the sound management of chemicals, animal handling, protection against biological risks, and welfare and accommodation facilities.

Soft Law Instruments

Beyond binding conventions, a substantial body of soft law instruments shapes the international normative framework for labor protection. Some of these speak directly to just transition. These instruments, while not legally binding, have significant practical influence through their integration into national policies and private sector practices. The normative weight of these instruments stems from their tripartite adoption processes, widespread practical application, or integration within binding national legal frameworks.⁹⁰ These standards are increasingly being integrated into financial sector guidance, with recent recommendations calling for financial institutions to conduct risk-based due diligence that addresses potential impacts on human and labor rights in alignment with ILO instruments, including the MNE Declaration.⁹¹

2025 International Labour Conference Resolution on the Informal Economy

The 2025 Resolution concerning the general discussion on addressing informality recognizes the critical link between formalization and a just transition.⁹² It explicitly calls for “supporting and coordinating just transition and formalization strategies to increase the climate resilience of workers and economic units in the informal economy.”⁹³ This recognizes that workers in the informal economy are often the most vulnerable to the adverse effects of climate change and environmental degradation, and that facilitating their transition to the formal economy is a crucial component of ensuring that climate action is equitable and leaves no one behind.⁹⁴

2023 International Labour Conference Resolution on Just Transition

The 2023 Resolution on a just transition towards environmentally sustainable economies and societies for all is a landmark document that demonstrates renewed tripartite commitment to just transition and directs ILO action in this area.⁹⁵ Significantly, the International Labor Conference, the ILO’s highest decision-making body, formally endorsed the 2015 ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All, cementing them as the key global policy framework and central reference for action on just transition. The Resolution calls for accelerating the implementation of the 2015 ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All through a reinvigorated framework based on four pillars: (i) promoting inclusive, sustainable and job-rich economies; (ii) advancing social justice; (iii) managing the process of just transition; and (iv) financing a just transition.⁹⁶ Furthermore, it elaborates on the guiding principles for a just transition and clarifies the specific roles and responsibilities of governments, and employers’ and workers’ organizations. Adopted by consensus among governments, employers, and workers, the Resolution calls for the development of a comprehensive ILO strategy and action plan on just transition, establishing institutional mandates for the ILO to advance just transition in multilateral climate.⁹⁷

In line with this focus, the ILO has also developed specific guidance, including a technical paper for the UNFCCC on gender and just transition, and a policy guide on ensuring gender, equality, and inclusion in climate action.⁹⁸

2015 ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All

The 2015 ILO Guidelines constitute the most authoritative international soft law instrument that specifically addresses the interconnections between labor markets, environmental sustainability, and broader social and economic policies.⁹⁹ Issued in 2015 prior to the adoption of the Paris Agreement, the Guidelines emerged from ILO's engagement with climate processes dating to 1995. They build on the 2013 International Labour Conference resolution on sustainable development, decent work and green jobs that established a just transition policy framework.¹⁰⁰ The 2015 ILO Guidelines were developed through a tripartite meeting of experts to provide practical guidance for countries to implement their climate commitments under the Paris Agreement.¹⁰¹

The 2015 ILO Guidelines establish a comprehensive policy framework across nine areas for addressing macroeconomic policies, industrial policies, enterprise development, skills training, OSH, social protection, active labor market measures, fundamental rights, and social dialogue.¹⁰² Gender equality is a key cross-cutting principle within this framework; the guidelines call for specific gender policies to be considered to promote equitable outcomes. This framework explicitly addresses climate change impacts, recommending that governments assess OSH risks “resulting from climate change, resource scarcity or other risks related to human health and the environment” while developing “national policies and plans for mitigation, adaptation to climate change, and disaster preparedness.”¹⁰³ The 2015 ILO Guidelines call for integration of just transition provisions into “national environmental and climate change action plans” and recommend that governments undertake “collaborative efforts between governments, international organizations, employers’ and workers’ organizations to incorporate the just transition framework into macroeconomic policies.”¹⁰⁴ The practical influence of the 2015 ILO Guidelines can be seen, for example, in their adoption or reference by a variety of development and finance actors. Some MDBs reference ILO just transition principles in their climate finance approach,¹⁰⁵ as does the European Commission through its €150 billion Just Transition Fund.¹⁰⁶

2012 and 2017 ILO Recommendations

The 2012 ILO Social Protection Floors Recommendation (No. 202) urges countries to establish social protection floors ensuring access to essential health care and basic income security for all.¹⁰⁷ It promotes universal coverage, dignity, and equity, guiding the progressive expansion of comprehensive social security systems aligned with human rights and ILO standards. This instrument is particularly relevant for the protection of the most vulnerable in the context of environmental transitions.

The 2017 ILO Employment and Decent Work for Peace and Resilience Recommendation (No. 205) deals with disasters resulting from climate change, and it calls for just transitions in response and recovery measures.¹⁰⁸ There are clear linkages between Recommendation No. 205 and the climate change debate, environmental sustainability, and the effects of environmental degradation such as deforestation and pollution, as well as just transitions. Recommendation No. 205 also specifies that all response measures need to be taken through social dialogue.

Multi-stakeholder Instruments

OECD Guidelines

The 2023 revision to the OECD Guidelines for Multinational Enterprises (revised OECD Guidelines) enhances provisions related to just transition by recognizing workers' rights throughout global value chains and clarifying enterprise responsibilities for contributing towards just energy transitions.¹⁰⁹ The revised OECD Guidelines call on enterprises to respect the fundamental rights of all workers and maintain OSH standards, with specific attention to climate and environmental considerations. The revised OECD Guidelines achieve practical influence through 52 National Contact Points providing non-judicial grievance procedures, with over 600 cases processed since 2000 and approximately 36% of mediated cases resulting in agreements.¹¹⁰

ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

The 2022 ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) is another key instrument.¹¹¹ The 2022 MNE Declaration offers guidelines to multinational enterprises, governments, and employers' and workers' organizations on social policy and inclusive economic growth, covering areas such as employment, training, and industrial relations.¹¹² Its aim is to encourage the positive contribution of multinational enterprises to social progress and decent work for all, while minimizing difficulties to which their operations may give rise.¹¹³ Its relevance is underscored by the 2023 ILO Resolution on Just Transition, which explicitly calls on governments to "effectively implement" the MNE Declaration and the UN Guiding Principles on Business and Human Rights UNGPs as part of their just transition frameworks.¹¹⁴



Section III. —————> Human Rights

In addition to international climate change and labor law, international human rights law is also relevant to just transition. It provides a framework for just transition processes that respect, protect, and fulfill human rights while advancing climate goals. The international human rights framework operates both as a protective mechanism, which establishes minimum standards and safeguards against harm, particularly for marginalized communities, and as legal guidance for governments to build more inclusive and equitable societies.

International human rights law includes the key international and regional human rights instruments relevant to just transition, including core economic, social, and cultural rights under the ICESCR, and the other core human rights treaties and other instruments, including the International Covenant on Civil and Political Rights (ICCPR), Convention on the Rights of the Child (CRC), Convention on Elimination of Discrimination Against Women (CEDAW), Convention on the Elimination Racial Discrimination (CERD), among others. It also covers General Comments and General Recommendations of different human rights treaty bodies, which also recognize additional rights, such as the right to a healthy environment and the right to water and sanitation.

The international human rights framework also connects just transition to human rights frameworks provided under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), UN Guiding Principles on Business and Human Rights (UNGPs), Declarations including Universal Declaration of Human Rights (UDHR) and Declaration on the Right to Development, as well as the landmark resolutions of the Human Rights Council (HRC) and General Assembly on the right to a clean, healthy and sustainable environment,¹¹⁵ environmental agreements such as the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement); along with emerging standards like the UN Guiding Principles on Critical Energy Transition Minerals, whose first Guiding Principle is centered on human rights.

There is also a growing institutional recognition of just transition within the UN human rights system, through recent developments in Special Procedures and HRC resolutions that explicitly link human rights obligations to just transition. For example, HRC Resolution 56/8 (2024) associated just transition with human rights issues, calling on States to ensure transition pathways respect, protect and fulfill all human rights; prioritize vulnerable groups including workers, IPs, women, children, persons with disabilities, and those in vulnerable situations; guarantee meaningful participation and access to information; and provide social protection and remedy for transition-related harms. Mandated by the same resolution, the UN Secretary-General has produced a synthesis report on opportunities, best practices, actionable solutions, challenges and barriers relevant to just transition and the full realization of human rights for all people.¹¹⁶ Moreover, as the ICJ affirmed in its 2025 Advisory Opinion on the Obligations of States in Respect of Climate Change, climate change poses an unprecedented challenge to the enjoyment of human rights, and States' climate obligations must be interpreted in light of their human rights obligations.¹¹⁷ This decision, together with the broader body of international human rights law, creates an increasingly integrated framework for just transition implementation.

International human rights law provides an important framework for respecting, protecting, and fulfilling the rights of persons who are affected by climate change and transition towards environmentally sustainable economies and societies. This is because the international human rights treaty system establishes comprehensive obligations, which are relevant to just transition, including through the nine core human rights treaties, each monitored by a committee that provides authoritative interpretations through General Comments and General Recommendations.

The international human rights framework sets minimum standards, promotes just outcomes, and provides oversight mechanisms regarding human rights obligations. It establishes guardrails to protect against harm, particularly for marginalized communities near mining or large renewable energy sites, and ensures that transitions do not fall below basic rights protections. Beyond safeguarding, international human rights standards, such as the rights to health, to an adequate standard of living, social protection, and a clean, healthy and sustainable environment, also offer an opportunity for governments to transition to a more inclusive, equitable, and just society. The international human rights framework also offers a well-established infrastructure for guidance, interpretation, and monitoring of human rights obligations. For example, human rights treaty monitoring bodies evaluate human rights compliance reports from governments and civil society and build on these reports to provide recommendations for strengthening human rights protections at the national level.

While not exhaustive, this section highlights key international human rights provisions that are particularly relevant to just transition processes.¹¹⁸

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Under Article 2(1) of the ICESCR, States, making full use of available resources, are obliged to take steps—individually and through international assistance and cooperation—to progressively realize economic, social, and cultural rights. This obligation may be understood to include acting to prevent foreseeable human rights harms from environmental degradation or delayed transitions.¹¹⁹ International law, including the ICESCR and the UN Charter, also requires states to support the realization of rights in other countries through international assistance.

The ICESCR establishes fundamental economic, social, and cultural rights that underpin just transition. The right to work ensures freely chosen employment and just working conditions during transitions.¹²⁰ The right to social security helps mitigate adverse impacts from economic and social transformations and is reinforced by ILO standards like the Social Security (Minimum Standards) Convention discussed above.¹²¹ These provisions can provide income safety for workers and communities affected by transitions. The right to an adequate standard of living, including to food, housing, and improved living conditions, safeguards transition-affected livelihoods.¹²²

The right to health requires universal health coverage through transitions and informs workplace and environmental health protections, such as against extreme heat.¹²³ The right to education can reinforce the promotion of skills development and retraining programs.¹²⁴

Among the rights, the right to adequate food is particularly important for just transition in agriculture. As elaborated in General Comment No. 12 of the Committee on Economic, Social and Cultural Rights, this right has four normative dimensions: availability (food should be available from natural resources or markets); adequacy (it must be culturally acceptable and nutritionally sound); accessibility (both economic and physical access without discrimination); and sustainability (ensuring food for present and future generations).¹²⁵ This provides an important legal lens for structuring a just transformation of agrifood systems. The Food and Agriculture Organization (FAO) Right to Food Guidelines offer practical guidance for its implementation.¹²⁶

Further, the Committee on Economic, Social and Cultural Rights' General Comment No. 26 on Land and Economic, Social and Cultural Rights emphasizes that climate action must not violate land-related environmental, social, and cultural rights, particularly for IPs, and rural communities dependent on natural resources, which is relevant in planning land-related transition activities.¹²⁷ A just transition requires securing tenure rights for all. The State's obligation extends beyond simply recognizing customary tenure to ensuring "access to, use of, and control over land," as clarified in General Comment No. 26. This includes preventing forced evictions and securing legitimate tenure rights for IPs, pastoralists, and other groups with collective land systems.¹²⁸

International Covenant on Civil and Political Rights (ICCPR)

Civil and political rights under the ICCPR are equally important for just transition. Above all, the right to life implies an obligation of Parties to ensure that transitions do not cost lives, including those of workers and human rights defenders.¹²⁹ The Human Rights Committee has recognized that climate change threatens the right to life and has begun examining States' climate obligations through this lens.¹³⁰

“International law on natural resources provides a framework for just transition through instruments that address core just transition principles: participatory governance, equitable benefit-sharing, and protection of vulnerable communities during resource transitions.”

The rights to access to justice, to access information, and to free, active, meaningful and informed participation in public affairs, which are guaranteed under not only the ICCPR but also ILO Conventions

and other instruments, require strong social dialogue and inclusive stakeholder engagement.¹³¹ Freedom of association and the right to form and join trade unions, which are guaranteed not only under the ICCPR but also the ICESCR, safeguard the role of organized labor in just transitions and are closely linked to freedoms of expression and peaceful assembly.¹³² These procedural rights are enshrined as a cornerstone of environmental democracy in Principle 10 of the 1992 Rio Declaration on Environment and Development, and further elaborated in the Bali Guidelines for national implementation.¹³³

Other core human rights treaties

Three other human rights treaties provide frameworks for just transition. The CEDAW requires gender-responsive transition policies. Article 11, in particular, which affirms women's right to work and to equal employment opportunities, provides a legal basis for ensuring women are not disadvantaged in industrial transitions and have equal access to new green jobs. General Recommendation No. 37 on gender-related dimensions of disaster risk reduction in climate change explicitly addressed women's rights in climate action, emphasizing that transition policies should address differentiated impacts on women and ensure equal participation in decision-making.¹³⁴ The CRC includes provisions that have been interpreted to require States to protect children from climate harm while ensuring their participation in age-appropriate ways. The CRC Committee, in its General Comment No. 26 on children's rights and the environment with a special focus on climate change, established that States must consider children's rights in all climate policies, including just transition measures.¹³⁵ The CERD includes provisions read to prohibit discriminatory impacts in transition policies and require special measures to ensure equal enjoyment of rights. The CERD Committee has addressed environmental racism and the disproportionate environmental impacts on racialized communities in its country reviews.¹³⁶

Regional human rights instruments

Regional instruments, such as the European Convention on Human Rights, the American Convention on Human Rights, and the African Charter on Human and Peoples' Rights, may also be relevant. The human rights covered under these conventions and their interpretation by regional courts can be relevant to just transition, for instance in cases where these courts have found a link between human rights and climate change.¹³⁷

The European Court of Human Rights, in *Klimaseniorinnen v. Switzerland* (2024), established that inadequate climate action violates the right to private and family life, with implications for how States design transition policies. The African Commission on Human and Peoples' Rights has linked environmental degradation to violations of multiple rights under the African Charter, requiring States to ensure that development, including green transitions, upholds all human rights. The Inter-American Court of Human Rights has developed extensive jurisprudence on Indigenous rights and environmental protection, emphasizing participatory rights and cultural considerations in development projects. In its 2025 advisory opinion on the climate emergency, the Inter-American Court elaborated on labor and human rights interlinkages in the context of just transition, including outlining measures for States to take regarding strategies and policies to address the challenges of the transition to sustainable economies and the impacts of climate change on employment.¹³⁸

Regional agreements on access rights

Regional agreements such as the Aarhus Convention and Escazú Agreement provide important frameworks for transparency, public participation, and access to justice in environmental matters.¹³⁹ These provisions are particularly relevant in just transition contexts. Both treaties affirm the rights of individuals and communities to be informed, consulted, and meaningfully involved in environmental decision-making, and to judicially challenge decisions in environmental matters. Both treaties also recognize the right to a healthy environment. Moreover, the Escazú Agreement explicitly integrates a gender perspective through decisions of the Conferences of the Parties.¹⁴⁰

The Aarhus Convention has established a rapid response mechanism for environmental defenders,¹⁴¹ authorizing a Special Rapporteur to take measures to protect any person experiencing or at imminent threat of penalization, persecution, or harassment for seeking to exercise their rights under the Aarhus Convention. The Escazú Agreement includes explicit protections for environmental human rights defenders.¹⁴²

While both agreements are legally binding, they are regionally designed and primarily intended for Parties in the regions covered by the United Nations Economic Commission for Europe (Aarhus) and the Economic Commission for Latin America and the Caribbean or ECLAC (Escazú).¹⁴³ The Aarhus Convention includes a treaty-monitoring and compliance body, which assesses whether Parties are fulfilling their obligations under the Convention. For the Escazú Agreement, such a mechanism remains to be implemented.



Rights of Indigenous Peoples, peasants, and other people working in rural areas

The UNDRIP, while not a treaty, has achieved widespread acceptance as reflecting customary international law and, along with ILO Convention No. 169, affirms key protections central to just transition initiatives. It safeguards IPs' collective rights to lands, territories, and resources¹⁴⁴; self-determination¹⁴⁵; culturally appropriate livelihoods and free, prior, and informed consent (FPIC) before impacts to their lands or resources.¹⁴⁶ In just transition contexts, such as mining of minerals for the energy transition, these provisions imply that IPs retain authority over decisions affecting their environments, livelihoods, and identities, ensuring projects respect local autonomy, cultural continuity, and meaningful engagement. These rights depend on operationalization through national legal frameworks to ensure transitions do not replicate historical patterns of dispossession.

The UNDROP similarly recognizes specific vulnerabilities of rural populations in transitions, including rights to land, seeds, and traditional agricultural practices.¹⁴⁷

Right to a clean, healthy, and sustainable environment

In 2022, the UN General Assembly adopted Resolution A/RES/76/300, formally recognizing the human right to a clean, healthy, and sustainable environment. While not legally binding, the resolution reflects a growing normative consensus and builds on earlier recognition by the HRC. This right encompasses interdependent elements—including clean air, a safe climate, access to safe water, adequate sanitation, and healthy ecosystems and biodiversity—that are directly impacted by transition policies.

The ICJ, in its 2025 Advisory Opinion on the Obligation of States in Respect of Climate Change has also recognized “the human right to a clean, healthy and sustainable environment is essential for the enjoyment of other human rights.”¹⁴⁸ In just transition contexts, this recognition reinforces the obligation of States to align climate and energy measures with environmental integrity and human rights protections, ensuring that decarbonization efforts do not sacrifice ecological health or the rights of affected communities.¹⁴⁹

Right to development

The right to development, as set out in the UN Declaration on the Right to Development (UNDRD), obliges States to foster national and international conditions that enable its realization through inclusive processes that advance all human rights, environmental sustainability, and economic, social, and environmental justice.¹⁵⁰ Thus, when pursuing just transition, States need to take into account these provisions of UNDRD.

UN Guiding Principles on Business and Human Rights (UNGPs)

The UNGPs outline the responsibilities of businesses to respect human rights, including through the carrying out of human rights due diligence to prioritize action against human rights risks and impacts of businesses. The UN Working Group on Business and Human Rights further underscores this in its 2025 report on critical minerals, highlighting how the energy transition—particularly in the critical minerals sector—can replicate past patterns of social harm, unless business conduct is governed by strong accountability, transparency, and stakeholder engagement.¹⁵¹

The EU Corporate Sustainability Due Diligence Directive (CSDDD), adopted by the European Parliament and the Council of the EU in 2024, was the first regional legal instrument to operationalize the Guiding Principles into legally enforceable obligations, creating requirements for human rights and environmental due diligence for business activities across global value chains.¹⁵²

Some civil society groups have also developed proposals to apply the UNGPs in the just transition context. They note that corporate respect for human rights, in line with the UNGPs, can ensure access to information and meaningful participation; expand the scope of rights concerns beyond the workplace to affected communities; embed human rights due diligence processes that account for vulnerable groups; and screen transition-related policies and instruments for unintended harms.¹⁵³

UN Guiding Principles on Critical Energy Transition Minerals

The UN Guiding Principles on Critical Energy Transition Minerals, launched in 2024 by the UN Secretary-General's High-Level Panel, offer a voluntary global framework for the just and responsible management of mineral value chains essential to the energy transition.¹⁵⁴ Rooted in international human rights, environmental, and development standards, the seven guiding principles call for placing human rights at the core of all mineral activities; protecting biodiversity and the environment; ensuring justice and equity along the value chain; development through benefit sharing, value addition and economic diversification; fair and responsible investments; promoting transparency, accountability and anti-corruption measures; and multilateral and international cooperation. Together, they offer a shared roadmap to ensure the energy transition contributes to climate goals while avoiding the social, environmental, and economic harms historically associated with extractive industries.

UN Special Procedures Reports

In 2024, the HRC adopted Resolution 56/8 on human rights and just transition, marking the first time just transition was explicitly addressed within the HRC's series of climate change and human rights resolutions. The resolution urges States to adopt policies that ensure transition pathways are fair, inclusive, and aligned with human rights obligations—emphasizing decent work, social protection, poverty reduction, and support for affected workers, communities, and persons in vulnerable situations. It also mandates the Special Rapporteur on Human Rights and Climate Change to prepare a dedicated report on just transition, addressed through the Special Rapporteur's 2025 report.¹⁵⁵ This growing UN-level engagement signals the increasing recognition that human rights should guide the transition to low-carbon and climate-resilient societies.

Section IV. → Natural Resources

Just transition frameworks also need to address the deeply interconnected nature of global environmental challenges, including climate change, biodiversity loss, land degradation, and pollution. International law on natural resources provides a framework for just transition through instruments that address core just transition principles: participatory governance, equitable benefit-sharing, and protection of vulnerable communities during resource transitions. Binding conventions establish enforceable obligations for inclusive resource management, while soft law instruments provide implementation frameworks integrated into national policies and development finance criteria. The international law on natural resources creates legal pathways that ensure that shifts toward critical minerals for renewable energy, sustainable land management, marine resource governance, and similar transitions involving natural resources do not exacerbate existing inequalities.

The binding conventions are the 1992 Convention on Biological Diversity (CBD), United Nations Convention to Combat Desertification (UNCCD), United Nations Convention on the Law of the Sea (UNCLOS), the Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, the Minamata Convention, and regional integration frameworks such as the 1977 Southern African Development Community Protocol on Mining and The Treaty Establishing the African Energy Commission. Soft law instruments include the Rio Declaration; the 2002 International Law Association (ILA) New Delhi Declaration of Principles of International Law Relating to Sustainable Development; the 2020 ILA Guidelines on the Role of International Law in Sustainable Natural Resource Management for Development; the FAO Voluntary Guidelines on Responsible Governance of Tenure; 2023 Enhanced Extractive Industries Transparency Initiative (EITI) Standard; and the Initiative for Responsible Mining Assurance Standard.

Convention on Biological Diversity (CBD) and Kunming-Montreal Global Biodiversity Framework

The CBD establishes a legal framework for the conservation of biodiversity and the sustainable use of its components, and it embeds principles relevant to just transition, particularly through binding benefit-sharing and participatory governance requirements.¹⁵⁶

Article 8(j) of the CBD requires Parties to “respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity” and to “promote their wider application with the approval and involvement of the holders of such knowledge.”¹⁵⁷ The Convention’s preamble also recognizes the critical role of women in conserving biodiversity and affirms the need for their full participation at all levels of policy and implementation. This establishes binding obligations for meaningful community participation in resource transitions affecting biodiversity, including biodiversity conservation efforts, renewable energy development, and critical mineral extraction.¹⁵⁸

Article 15(7) mandates that access to genetic resources be subject to “fair and equitable sharing of the results of research and development and the benefits arising from the commercial and other utilization of genetic resources,” with the country providing such resources.¹⁵⁹ This creates enforceable benefit-sharing obligations for bioprospecting and pharmaceutical developments during economic transitions.¹⁶⁰

The Kunming-Montreal Global Biodiversity Framework, adopted by the CBD COP in 2022, builds on these foundations with aspirational global targets for 2030. Target 13 calls upon governments to ensure the “fair and equitable sharing” of benefits from genetic resources utilization, including with IPs and local communities.¹⁶¹ Target 22 operationalizes participatory governance by seeking to ensure the “full, equitable, inclusive, effective and gender-responsive representation” in biodiversity decision-making processes.¹⁶² This is complemented by Target 23, which is dedicated to ensuring gender equality through a gender-responsive approach, including by recognizing women’s equal rights and access to land and natural resources.¹⁶³ Target 19 calls for increased biodiversity-related international financial resources for developing countries and economies in transition.¹⁶⁴

United Nations Convention to Combat Desertification (UNCCD)

The UNCCD establishes binding obligations for participatory land management applicable to drylands, and therefore it is relevant when just transition in extractive industries, renewable energy development, and agricultural transitions takes place in dryland areas.¹⁶⁵ Article 10(2)(f) of the UNCCD requires affected country Parties to ensure “participation of local populations in the design and implementation of action programmes.” This is reinforced by Article 5, which obligates parties to promote awareness and facilitate the participation of local populations, particularly women and youth, in efforts to combat desertification.

United Nations Convention on the Law of the Sea (UNCLOS)

The UNCLOS includes principles central to just transition in marine sectors by requiring equitable governance of ocean resources, mandating technology transfer to developing States, and establishing benefit-sharing mechanisms for deep-sea mineral resources critical to renewable energy transitions. Parts XII and XIII establish comprehensive obligations for sustainable marine resource use with specific provisions supporting developing States in ways that resemble just transition principles.¹⁶⁶ Articles 202-203 require technical assistance and preferential treatment for capacity building, while Article 266 mandates promoting development of marine scientific and technological capacity of developing States through favorable conditions for technology transfer.¹⁶⁷ The legal regime for activities in the Area under Article 140 requires that exploitation be carried out “for the benefit of mankind as a whole”, with equitable sharing of financial and other economic benefits.¹⁶⁸ UNCLOS also created the International Seabed Authority, which is developing regulations governing the exploration and exploitation of marine minerals in the Area, resources that are considered important for supporting the energy transition.¹⁶⁹

The Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement), adopted in 2023, is also relevant to just transition.¹⁷⁰ Among other provisions, the treaty sets as a guiding principle for the Parties “equity and the fair and equitable sharing of benefits.”¹⁷¹ It directs that activities with respect to marine generic resources of areas beyond national jurisdiction be in the interests of all States, “for the benefit of all humanity,” and that related benefits be “shared in a fair and equitable manner.”¹⁷² The Agreement also imposes FPIC protections regarding traditional knowledge associated with marine generic resources in areas beyond national jurisdiction that is held by Indigenous Peoples and local communities.¹⁷³ It also requires Parties to collaborate and consult with local communities, IPs, and others in the development of proposals to establish marine protected areas in areas beyond national jurisdiction.¹⁷⁴

Minamata Convention

The Minamata Convention creates binding obligations directly relevant to just transition in mining and industrial sectors by requiring phase-out of mercury use while protecting affected workers and communities.¹⁷⁵ Article 7 requires Parties to develop strategies for artisanal and small-scale gold mining that include “steps to facilitate formalization or regulation of the artisanal and small-scale gold mining sector” and “health and environmental information on mercury use”.¹⁷⁶ Article 16 mandates “appropriate health care” for affected populations.¹⁷⁷

Regional integration frameworks

In addition, regional integration frameworks increasingly incorporate equity considerations in natural resource governance.¹⁷⁸ The 1997 Southern African Development Community Protocol on Mining mandates that Member States promote economic empowerment of historically disadvantaged groups in the mining sector and ensure that a balance between mineral development and environmental protection is attained.¹⁷⁹ The Treaty Establishing the African Energy Commission requires equitable cost-sharing and technical support mobilization with explicit mandates for capacity building to Member States.¹⁸⁰

The Rio Declaration

Principle 10 of the 1992 Rio Declaration remains a cornerstone of international environmental law and continues to guide just transition efforts. Principle 10 establishes three fundamental rights: access to environmental information, public participation in decision-making processes, and access to justice in environmental matters. Particularly for countries that are not Parties to the Aarhus Convention or Escazú Agreement (discussed in Section III.A above), it remains a guidepost that calls for all States to ensure the public's access to environmental information, participation in environmental decision making, and access to justice in environmental matters.¹⁸¹

2002 ILA New Delhi Declaration of Principles of International Law Relating to Sustainable Development

The 2002 ILA New Delhi Declaration of Principles of International Law Relating to Sustainable Development establishes foundational principles that directly support just transition implementation.¹⁸² Principle 5 (Public Participation and Access to Information and Justice) emphasizes that “public participation is essential to sustainable development and good governance” and requires “effective protection of the human right to hold and express opinions and to seek, receive and impart ideas,” along with rights to “appropriate, comprehensible and timely information.”¹⁸³ Principle 6 (Good Governance) commits States and international organizations to “adopt democratic and transparent decision-making procedures and financial accountability” and to “combat official or other corruption.”¹⁸⁴

2020 ILA Guidelines on the Role of International Law in Sustainable Natural Resource Management for Development

The subsequent ILA Guidelines on the Role of International Law in Sustainable Natural Resource Management for Development (2020) build upon these foundations. Rather than establishing numbered principles, these Guidelines provide sector-specific guidance organized in three parts: sectoral guidelines for global, regional, transboundary and national resources; trends and innovations including transparency and stakeholder engagement, equitable benefit-sharing, and effectiveness indicators; and explanatory notes for implementation.¹⁸⁵ These developments provide doctrinal foundations linking environmental protection with social equity and participatory decision-making.¹⁸⁶

FAO Voluntary Guidelines on Responsible Governance of Tenure

The FAO Voluntary Guidelines on Responsible Governance of Tenure offer comprehensive frameworks for protecting land, fisheries, and forest tenure rights during economic transitions.¹⁸⁷ Core principles include human rights-based approaches, gender equality, non-discrimination, and meaningful participation in decision-making processes.¹⁸⁸ The Guidelines specifically address displacement and resettlement in resource transitions, establishing frameworks for consultation with affected communities and fair compensation mechanisms.¹⁸⁹

2023 Enhanced Extractive Industries Transparency Initiative (EITI) Standard

The 2023 Enhanced EITI Standard gained even further relevance to just transition with new energy transition disclosure requirements and enhanced social provisions.¹⁹⁰ Under Requirement 2.1, participants disclose national energy policies and plans, while enhanced provisions address gender and social issues, environmental expenditure reporting, and beneficial ownership transparency.¹⁹¹ The multi-stakeholder governance model provides concrete frameworks for inclusive decision-making across government, industry, and civil society sectors.

Initiative for Responsible Mining Assurance Standard

The Initiative for Responsible Mining Assurance Standard offers a robust framework for addressing just transition concerns through over 400 requirements across social responsibility, environmental responsibility, business integrity, and positive legacy planning.¹⁹² Its governance structure includes equal representation across six stakeholder sectors—including workers, communities, companies, civil society, investors, and downstream users—with veto power, creating accountability mechanisms that prioritize community and worker interests. Key requirements encompass FPIC protocols, comprehensive worker safety protections, community grievance mechanisms, and economic diversification planning for post-mining transitions.¹⁹³

End of Chapter Takeaways

The international legal landscape reveals a rapid evolution from general just transition references to more specific and actionable commitments. The Paris Agreement's formal recognition of just transition has catalyzed institutional mechanisms under the UNFCCC process through the UAE Just Transition Work Programme, while ILO Conventions have created comprehensive worker protections and emerging human rights jurisprudence have established accountability for inclusive transitions. Other conventions, particularly those governing the conservation and use of natural resources, impose fairness and social inclusion requirements that are consistent with just transition principles.

Often, there is a convergence of climate, labor, human rights, and natural resource law, which creates a robust and increasingly integrated normative foundation for countries to set just transition plans while adhering to global principles and standards. For example, the three Rio Conventions (UNFCCC, CBD and UNCCD) and their subject matters (climate change, biodiversity loss and desertification) are strongly connected. These conventions create obligations that support just transition. The CBD's benefit-sharing requirements and UNCCD's participatory provisions directly complement UNFCCC just transition principles by requiring that ecosystem-based climate solutions—such as reforestation or renewable energy siting—protect local livelihoods and ensure community participation. The connected framing of the Rio Conventions presents an opportunity to synergize between the conventions and to ground climate transition policies in sustainable land development and biodiversity protection. Countries implementing nature-based solutions have parallel obligations under all three conventions, reinforcing legal requirements for inclusive and equitable transitions.¹⁹⁴ Moreover, the ILO's 2015 Just Transition Guidelines and the 2023 International Labor Conference Resolution affirm that human rights and fundamental labor rights must be respected, promoted, and realized throughout transition processes. A summary of these international legal foundations can be found in **Table 3**.

For practitioners, this international architecture provides clear legal entry points. For example, countries can invoke binding treaty obligations to pursue domestic just transition legislation, development institutions can support countries in those efforts and align programming with authoritative soft law instruments like the ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All, and civil society and other stakeholders can leverage human rights and other frameworks to ensure meaningful participation in transition planning.

Table 3 **International Legal Foundations for Just Transitions**

INTERNATIONAL CLIMATE CHANGE LAW
<p>Conventions</p> <p>Paris Agreement: The first binding agreement under the UN climate regime to formally recognize just transition.</p> <p>Implementing decisions:</p> <ul style="list-style-type: none"> → Glasgow Climate Pact (2021): Recognizes the need for just transitions and draws a connection between just transition and fossil fuels. → UAE Work Programme on Just Transition (2022): Creates technical dialogues and high-level roundtables for inclusive, equitable transitions.
<p>Other Developments</p> <p>Just Transition Declaration (COP26, 2021): Aligns with international commitments to ensure a fair transition in climate processes and is backed by multiple governments with ILO support, making it a cornerstone development in the just transition context.</p> <p>Nationally Determined Contributions (NDCs) and Long-Term Low Emissions Development Strategies (LTS): Integration of just transition language into national climate plans, with several countries ensuring fair transitions for workers and communities.</p>
INTERNATIONAL LABOUR LAW
<p>Conventions</p> <p>Freedom of Association and Collective Bargaining (Nos. 87 and 98): Establishes fundamental rights, including worker participation in transition planning, essential for just transition.</p> <p>Equality and Non-Discrimination (Nos. 100, 111, 156, 183, 190): Focuses on equal treatment, particularly for vulnerable groups like women, youth, and minorities, addressing issues of discrimination in new green jobs.</p> <p>Forced Labour and Child Labour (Nos. 29, 105, 138, 182): Prohibits forced and child labor, crucial for sectors like agriculture and mining, impacted by environmental transitions.</p> <p>Occupational Safety and Health (Nos. 155, 187): Promotes workplace safety, especially as workers transition to new industries with unfamiliar hazards.</p> <p>Indigenous and Tribal Peoples (No. 169): Focuses on the rights of Indigenous communities, particularly relevant for resource-based transitions, ensuring their participation and consultation.</p> <p>Employment Policy (No. 122): Requires active employment policies, essential for just transition planning, particularly in resource-based economies.</p> <p>Labour Inspection (No. 81): Establishes mandatory national inspection systems, vital for monitoring new green industries and ensuring worker safety.</p>

Social Security (Minimum Standards) (No. 102): Sets minimum standards for social security, important for workers transitioning from high-carbon industries.

Safety and Health in Mines (No. 176) and Agriculture (No. 184): Focuses on safety in mining and agriculture, critical for industries transitioning to greener practices.

Other Developments

2025 ILO International Labour Conference Resolution on the Informal Economy: Addresses informal economy workers, emphasizing the need for formalization and climate resilience during the just transition.

2023 ILO International Labour Conference Resolution on Just Transition: Reaffirms the ILO's commitment to just transition, endorsing the 2015 ILO Guidelines and elaborating on principles for implementation.

2015 ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All: Provides a comprehensive policy framework for just transition, covering social protection, training, and labor rights in green sectors.

2012 ILO Social Protection Floors Recommendation (No. 202): Promotes the establishment of social protection floors, crucial for vulnerable workers in transition processes.

2017 ILO Employment and Decent Work for Peace and Resilience Recommendation (No. 205): Focuses on just transitions in disaster and climate change response, advocating for social dialogue in the recovery process.

OECD Guidelines for Multinational Enterprises (2023 Revision): Enhances provisions for just transition, focusing on worker rights and climate considerations across global value chains.

2022 ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration): Provides guidelines for multinational enterprises on promoting decent work and addressing just transition challenges.

INTERNATIONAL HUMAN RIGHTS LAW

Conventions

International Covenant on Economic, Social and Cultural Rights (ICESCR): Sets out economic, social, and cultural rights critical for a just transition, including the right to work, social security, health, and an adequate standard of living.

International Covenant on Civil and Political Rights (ICCPR): Ensures civil and political rights, including the right to life and access to justice, critical for ensuring transitions do not violate basic human rights.

Convention on the Rights of the Child (CRC): Emphasizes the need to protect children from climate harm while ensuring their participation in climate decision-making processes.

Convention on the Elimination of All Forms of Racial Discrimination (CERD): Focuses on preventing racial discrimination, ensuring transition policies are inclusive and equitable for racialized communities.

Convention on the Elimination of Discrimination Against Women (CEDAW): Ensures transition policies are gender-responsive, addressing the impacts of climate change on women and promoting their participation in climate action.

Aarhus Convention (Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters): Ensures access to information, public participation, and justice in environmental matters.

Escazú Agreement (Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean): Ensures access to information, public participation, and justice in environmental matters.

Other Developments

UN Declaration on the Rights of Indigenous Peoples (UNDRIP): Provides protections for Indigenous Peoples, particularly around FPIC and participation in decisions affecting their lands and resources.

UN Declaration on the Right to Development: Emphasizes the right to development in an inclusive way that respects all human rights, closely linked to just transition policies.

Human Rights Council (HRC) Resolution 56/8 (2024): Links human rights with just transition, calling on states to ensure fair and inclusive transition pathways that respect human rights obligations.

ICJ Advisory Opinion on the Obligation of States in Respect of Climate Change (2025): Affirms that climate change obligations must align with human rights obligations, including the right to a clean, healthy, and sustainable environment.

UN Guiding Principles on Business and Human Rights (UNGPs): Outline businesses' responsibilities to respect human rights, crucial for the just transition, particularly in sectors like critical minerals.

UN Guiding Principles on Critical Energy Transition Minerals (2024): Offer a framework for the just and responsible management of minerals essential for the energy transition, focusing on human rights, transparency, and environmental protection.

OECD Guidelines for Multinational Enterprises (2023 Revision): Provide guidance for multinational enterprises on respecting workers' rights and ensuring a just transition in energy sectors.

Special Rapporteur on Human Rights and Climate Change (2025 Report): Focuses on the human rights dimensions of just transition, providing insights into how human rights frameworks can guide transition pathways.

INTERNATIONAL LAW RELATED TO NATURAL RESOURCES

Conventions

Convention on Biological Diversity (CBD) and Kunming-Montreal Global Biodiversity Framework (GBF): The CBD establishes a legal framework for biodiversity conservation and sustainable use, with principles on participatory governance and fair benefit-sharing. Adopted in 2022, the GBF emphasizes equitable sharing of benefits from genetic resources, participatory governance, and gender equality.

United Nations Convention to Combat Desertification (UNCCD): Mandates participatory land management in dryland areas, critical for transitions in agriculture, renewable energy, and extractive industries in vulnerable regions.

United Nations Convention on the Law of the Sea (UNCLOS): Includes principles for equitable governance of marine resources, technology transfer, and benefit-sharing.

The Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement): Reinforces equity and fair benefit-sharing principles in marine biodiversity, ensuring sustainable and inclusive transitions.

Minamata Convention: Focuses on phasing out mercury use and provides obligations to protect workers and communities, particularly in mining and industrial sectors.

Southern African Development Community Protocol on Mining (1977): Mandates promoting economic empowerment and balancing mineral development with environmental protection, applicable in mining transitions.

Treaty Establishing the African Energy Commission: Calls for equitable cost-sharing and capacity building in the energy sector, supporting sustainable energy transitions across Member States.

Other Developments

Rio Declaration: Access to environmental information, public participation, and access to justice, vital for transparent and inclusive just transitions.

2002 ILA New Delhi Declaration of Principles of International Law Relating to Sustainable Development: Establishes foundational principles supporting just transition, such as public participation, access to information, and good governance.

2020 ILA Guidelines on the Role of International Law in Sustainable Natural Resource Management for Development: Sector-specific guidance for sustainable resource management, emphasizing transparency, and equitable benefit-sharing in resource transitions.

FAO Voluntary Guidelines on Responsible Governance of Tenure: Protect land, fisheries, and forest tenure rights during transitions, with principles of human rights, gender equality, and meaningful participation in decision-making.

2023 Enhanced Extractive Industries Transparency Initiative (EITI) Standard: Emphasizes transparency in energy transition policies, gender and social issues, and environmental reporting.

Initiative for Responsible Mining Assurance Standard: Comprehensive framework for just transition in mining, with requirements for social responsibility, worker safety, and community engagement, including FPIC protocols.

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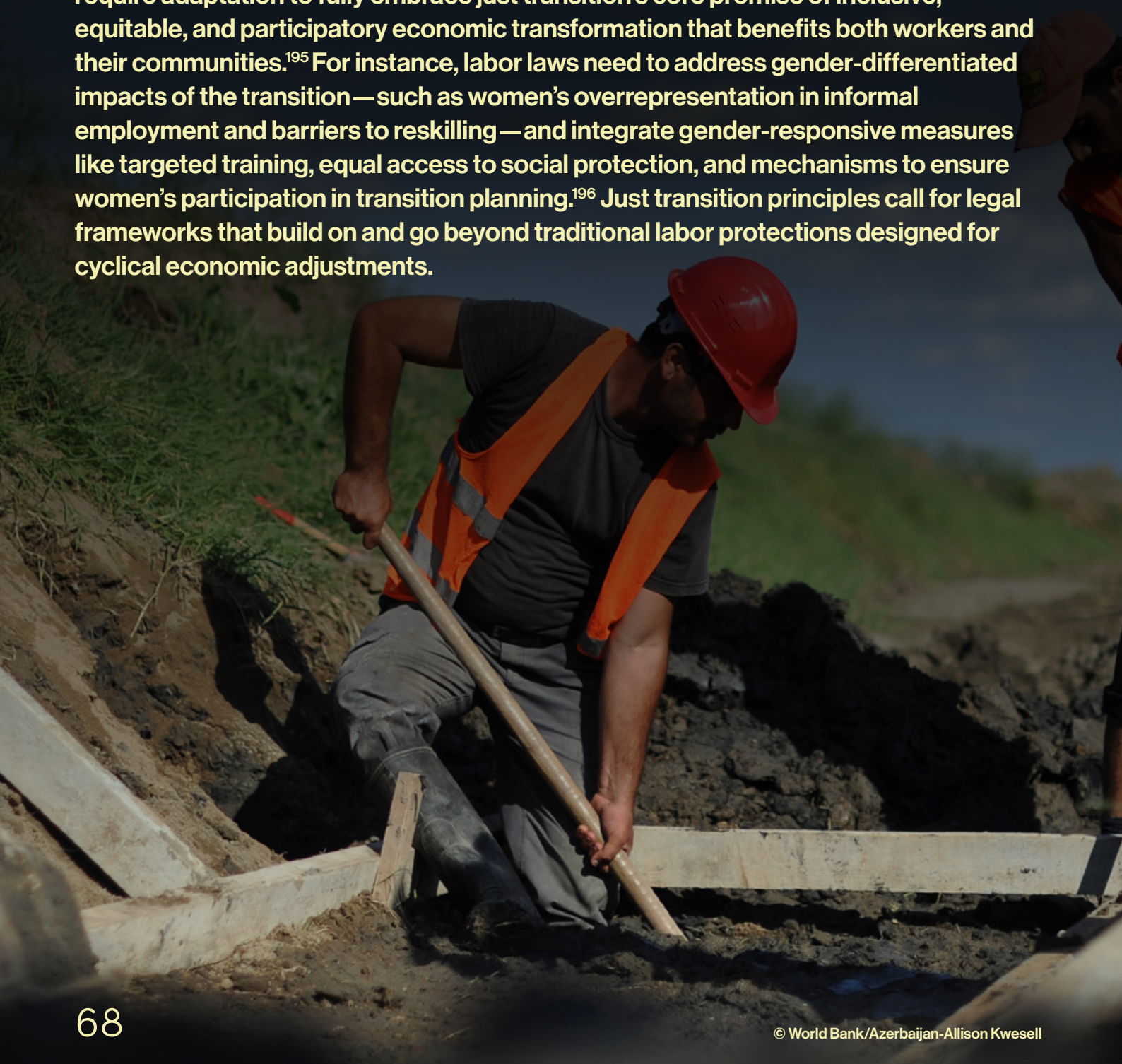
2.

National Legal Foundations for Just Transitions

This chapter highlights the relevance of national legal governance to the success of sectoral transitions from greenhouse gas-intensive activities to a climate-resilient, low-carbon economy. It examines the role of national regulatory frameworks in steering these transitions and highlights the need to integrate private-sector governance into just transition approaches. This chapter primarily examines sectoral transitions from the perspective of economic actors, workers, businesses, and communities directly engaged in production. It also addresses consumer-facing policies where these intersect with just transition objectives, such as fossil fuel subsidy reforms that affect both household energy costs and industrial competitiveness, requiring legal frameworks that protect vulnerable consumers while facilitating sectoral transformation. The analysis therefore encompasses workers transitioning from carbon-intensive employment, communities hosting energy infrastructure, businesses adapting to new regulatory requirements, and households facing energy price changes, among others, recognizing that just transition operates across multiple scales from individual livelihoods to entire economic systems.

Section I. —————> Labor Standards and Employment Law Dimensions

National labor laws provide critical legal entry points for operationalizing just transition principles, extending protections beyond individual workers to entire communities dependent on transitioning industries. Most existing frameworks require adaptation to fully embrace just transition's core promise of inclusive, equitable, and participatory economic transformation that benefits both workers and their communities.¹⁹⁵ For instance, labor laws need to address gender-differentiated impacts of the transition—such as women's overrepresentation in informal employment and barriers to reskilling—and integrate gender-responsive measures like targeted training, equal access to social protection, and mechanisms to ensure women's participation in transition planning.¹⁹⁶ Just transition principles call for legal frameworks that build on and go beyond traditional labor protections designed for cyclical economic adjustments.





Legal Frameworks for Income Security Operationalizing Social Protection Principles

Realizing just transition's vision of social protection depends on legal frameworks that ensure that workers and communities do not bear disproportionate costs of economic transformation.¹⁹⁷ Traditional severance requirements, while providing baseline protection, may not sufficiently address just transition principles of equity and social solidarity.¹⁹⁸ Countries have developed specialized legal instruments that translate just transition's social protection commitments into enforceable entitlements.¹⁹⁹

Arrangements and legal modalities vary by country, but the national legal architecture of just transition income security will typically involve statutory authorization for extended support, eligibility criteria reflecting equity principles, dedicated funding mechanisms (sometimes including carbon pricing revenues), and institutional arrangements ensuring worker and community participation in program design.²⁰⁰ This statutory foundation distinguishes just transition frameworks from traditional unemployment insurance by explicitly incorporating equity, participation, and social solidarity principles into legal structures.²⁰¹

For example, Germany's Structural Reinforcement act for Mining Regions demonstrates how countries can create dedicated legal frameworks embodying just transition principles.²⁰² Additionally, the Coal Phase-Out Act established statutory "Anpassungsgeld" (adjustment allowance) providing income support for up to five years

“Realizing just transition’s vision of social protection depends on legal frameworks that ensure that workers and communities do not bear disproportionate costs of economic transformation.”

for workers in coal regions, explicitly designed to ensure that economic transformation does not leave affected workers behind.²⁰³ This legal innovation operationalizes just transition's "leaving no one behind" principle by creating enforceable entitlements rather

than discretionary assistance.²⁰⁴ The statutory framework includes provisions for regional development funding and worker participation in transition planning, demonstrating integration of social protection with broader just transition commitments to inclusive development.²⁰⁵ Spain's coal-sector transition agreements illustrate how legal frameworks can embody just transition principles of social dialogue and fair burden-sharing.²⁰⁶ Coal miners received enhanced social protection measures, including severance payments of €10,000 plus 35 days' pay per year of service.²⁰⁷

Participatory Reskilling and Inclusive Redeployment: Legal Frameworks for Stakeholder Engagement

Just transition's emphasis on meaningful stakeholder participation and inclusive economic opportunities calls for legal frameworks that ensure affected workers and communities shape their own transition pathways.²⁰⁸ Countries have developed legal instruments that transform worker retraining from top-down programs into participatory processes embodying just transition principles.²⁰⁹ These legal frameworks typically establish the following: statutory rights to participation in transition planning; mandatory consultation requirements with enforcement mechanisms; preferential access provisions for affected communities; and institutional arrangements ensuring ongoing worker and community involvement in implementation.²¹⁰

A significant challenge lies in extending these participatory frameworks to informal workers, who are often excluded from statutory schemes. Integrating targeted outreach and flexible training is key to ensuring they also benefit from just transition opportunities. Another key challenge is addressing the gendered nature of the labor market. As women are globally overrepresented in informal and precarious work, they often fall outside traditional social protection systems and face barriers to accessing support, such as when women farmers lack the land tenure required for climate-adaptation finance.

Spain's national just transition strategy offers a model for targeted inclusion, with specific provisions to ensure the incorporation of women into the green economy through gender mainstreaming, requirements for gender-disaggregated data in monitoring, and dedicated support for women's employment and entrepreneurship in affected rural areas.²¹¹ Moreover, Spain's "job banks" system provides an example of legal frameworks that prioritize equitable access to new economic opportunities. Former coal workers receive legally enforceable preferences for employment in renewable energy projects and decommissioning activities, established through statute and regulation.²¹² This approach embodies just transition principles by ensuring that communities historically dependent on fossil fuel industries benefit from clean energy development rather than being displaced by it.²¹³ The legal framework includes requirements for employer participation and worker consultation in program design.²¹⁴

Germany's Structural Reinforcement Act for Mining Regions created binding legal obligations for public agencies to establish worker-led transition councils and finance community-designed retraining programs.²¹⁵ This approach operationalizes just transition's participatory governance principles by ensuring that affected workers and communities control transition planning rather than simply receiving predetermined support.²¹⁶ The legal framework guarantees not only training opportunities but also income support during retraining and preferential access to emerging sectors, reflecting the just transition objectives of creating quality employment opportunities.²¹⁷

South Africa's Labour Relations Act illustrates regulatory approaches that require meaningful consultation and shared decision-making during economic transitions.²¹⁸ Employers must engage in good-faith negotiations with workers and communities before implementing large-scale changes, treating consultation as legally binding rather than perfunctory.²¹⁹ While this framework predates the rise of just transition on the global stage, it embodies and helps operationalize just transition's participatory governance principles by creating enforceable rights for workers to shape transition processes affecting their livelihoods.²²⁰





Early Retirement and Social Insurance: Legal Instruments for Fair Burden Distribution

Operationalizing the just transition principles of equity and fair burden-sharing requires specialized legal approaches to address diverse impacts across different worker populations. Countries use varied approaches to this issue. Some have created sector-specific early-retirement programs, while others develop general frameworks applicable across affected industries. These programs establish clear eligibility criteria, transparent funding, and participatory governance. Other country approaches include substantially adapting their traditional social insurance systems, which assume temporary displacement, not deliberate economic transformation for environmental goals, or introducing regulatory innovations like enhanced early retirement benefits and extended social protection to establish new models that prioritize equity over purely actuarial calculations.

For example, Germany's regulatory framework provides statutory "transition payments" for older coal workers, treating early retirement as implementation of just transition principles rather than discretionary social policy.²²¹ These arrangements complement existing social security systems, allowing older workers to receive transition support while preserving their full pension entitlements.²²² The legal structure reflects just transition commitments to addressing divergent needs across affected populations.

Spain's just transition agreements established bridge-to-pension arrangements allowing coal miners to retire as early as 48-50 years of age with maintained wages, formalized through legislative acts and sectoral accords.²²³ These provisions embody just transition principles by recognizing that economic transformation affects different workers differently and ensuring that older workers are not penalized for industry changes beyond their control.²²⁴ The regulatory framework includes community consultation requirements and regional development provisions, demonstrating integration of worker protection with broader just transition commitments.²²⁵

D

Institutional Frameworks, Social Dialogue, and Collective Bargaining

Effectively implementing just transition principles through labor law depends on the support of institutional arrangements that can coordinate complex, multi-stakeholder processes while ensuring accountability and participatory governance.²²⁶ Some countries have established dedicated legal entities with statutory authority to operationalize just transition commitments across multiple policy domains.

For example, Spain's Instituto para la Transición Justa provides an example of institutional frameworks specifically designed to implement just transition principles.²²⁷ Created by statute with authority to coordinate transition policies across ministries and regions, the institute's founding statute establishes legal requirements for worker and community participation in decision-making, transparent resource allocation, and accountability mechanisms ensuring implementation of just transition commitments.²²⁸ This institutional innovation reflects just transition principles by establishing participatory governance as a legal obligation rather than an administrative option.²²⁹

Germany's federal-state commissions and regional coordination bodies illustrate legal oversight mechanisms designed to ensure just transition principles guide coal phase-out implementation across multiple government levels.²³⁰ The commissions possess statutory authority to monitor equity outcomes in coal-dependent regions, adjust support measures based on community input, and ensure coordination between federal, state, and local authorities managing the coal transition.²³¹ The legal framework includes requirements for regular consultation with affected workers and communities, demonstrating integration of participatory governance with institutional accountability in fossil fuel phase-out policies.

Moreover, social dialogue, particularly collective bargaining, is a fundamental legal mechanism for translating just transition principles into concrete and negotiated outcomes at the national, sectoral, and enterprise levels.²³² It provides a structured process for managing change that balances the interests of workers and employers, ensuring transitions are fair and jointly owned.²³³ Social dialogue between governments, and national employers' and workers' organizations is also critical for creating national consensus and coherent policy frameworks.²³⁴ This is essential for managing large-scale transformations, such as phasing out carbon-intensive industries, and for integrating just transition goals into national climate strategies like NDCs.²³⁵ These national or sectoral pacts can establish the guiding principles and financial support mechanisms that enable and encourage more detailed agreements at the enterprise level.²³⁶

As an illustration, South Africa's Climate Change Act (Act 22 of 2024) establishes a legal framework for mandating tripartite social dialogue in just transition, with Section 7(2) explicitly requiring organized labor, civil society, business, and traditional leaders to advise on the country's climate change response toward achieving a just transition to a low-carbon economy.²³⁷ The Act's Section 10(4)(a) mandates that the Presidential Climate Commission include tripartite representation, requiring the President to appoint commissioners comprising representatives from government, organized labor, civil society, and business, thereby embedding worker participation directly into national climate governance structures.²³⁸

In sum, mandatory social-dialogue requirements operationalize just transition's stakeholder engagement principles by creating binding legal obligations for meaningful consultation with workers, communities, and civil society organizations. These frameworks recognize that just transition requires affected populations to shape their own pathways rather than simply implementing top-down policies.



Section II. —————> Legal Pathways for the Energy Transition

Transitioning away from fossil fuel-dependent energy systems requires more than broad policy commitments; it takes national energy transition legal frameworks aligned with just transition principles. Specialized legal instruments that typically go beyond standard energy regulation are needed to ensure equitable burden-sharing, meaningful stakeholder participation, social protection for vulnerable populations, and inclusive economic opportunities. Developing these legal pathways requires a holistic and inclusive approach. Recent frameworks, such as the UNDP-supported ‘Blueprint for a Gender-Responsive Just Transition’ in Bosnia and Herzegovina, emphasize that decarbonization strategies must be explicitly gender-responsive and designed through a cross-sectoral, participatory process to empower vulnerable groups rather than simply recognizing their existence.²³⁹

This section examines five regulatory approaches to embed just transition goals into energy sector transformation: statutory fossil fuel phase-out frameworks that include worker and community protection; subsidy reform mechanisms that provide transitional support for vulnerable populations; clean energy investment incentives designed with social co-benefits; private sector regulations that require energy developers to contribute to just transition objectives; and international cooperation mechanisms like JETPs that coordinate multilateral support for inclusive energy transformation.

Just transition principles call for fossil fuel phase-out policies that protect workers and communities while ensuring a fair distribution of transition costs and benefits.²⁴⁰ Countries have developed different regulatory models that embed these principles to varying degrees, creating different approaches to balancing rapid decarbonization with social protection and participatory governance.²⁴¹

Spain's Climate Change and Energy Transition Law (Law 7/2021) demonstrates the most explicit integration of just transition principles into fossil fuel phase-out legislation.²⁴² The framework legally mandates Just Transition Strategies and Just Transition Agreements involving multiple stakeholders, creating binding obligations for participatory governance and social protection.²⁴³ The law requires coal plant closures to be accompanied by comprehensive regional development plans, worker retraining programs, and community consultation processes. This approach operationalizes just transition's stakeholder engagement and social protection elements by making them legal prerequisites for energy infrastructure changes rather than voluntary add-ons.²⁴⁴

The Spanish framework establishes legal mechanisms for multi-stakeholder participation through mandatory tripartite negotiations involving government, industry, and labor unions, with civil society consultation requirements. Regional authorities must develop Territorial Just Transition Plans that demonstrate how plant closures will be accompanied by alternative economic opportunities and social support measures. This legal architecture embodies just transition principles by ensuring affected communities shape their own transition pathways.²⁴⁵

Germany's Coal Phase-Out Act (Kohleausstiegsgesetz) incorporates just transition elements through extensive compensation mechanisms and regional development funding, though it does so without explicitly framing the approach as "just transition". The law establishes graduated capacity-reduction schedules (complete phase-out by 2038) combined with €4.35 billion for facility-closure compensation and €40 billion for regional structural development. It also creates statutory entitlements for affected workers and communities.²⁴⁶

The German approach operates through hybrid mechanisms combining competitive reverse auctions where hard coal plant operators bid for closure compensation payments with bilateral negotiations establishing fixed compensation and closure schedules for lignite plants, administered by federal regulatory authorities. While comprehensive in compensation, the framework provides fewer explicit legal mechanisms for stakeholder participation compared to Spain's model, demonstrating divergent approaches to operationalizing just transition²⁴⁷

Just transition principles call for fossil fuel subsidy removal policies that protect vulnerable populations from energy poverty while ensuring fair and equitable access to affordable energy during economic transformation.²⁴⁸ Subsidy reform directly impacts household budgets and regional economies, making social protection mechanisms essential components of just transition-oriented energy policy rather than separate welfare interventions.²⁴⁹ Guidance from institutions like UNDP highlights that for such reforms to be successful, they should be socially and politically acceptable. This requires a gradual, sequenced approach that is informed by a clear analysis of the distributional impacts on vulnerable groups. Key success factors include implementing compensatory measures, such as targeted cash transfers and strengthening social safety nets, and ensuring the process is supported by effective public communication and deep stakeholder engagement to build consensus.²⁵⁰

Indonesia's subsidy reform framework integrates social protection with energy pricing policies.²⁵¹ Presidential Regulation No. 191/2014 establishes fuel pricing mechanisms while Law No. 11/2009 on Social Welfare creates legal frameworks for protecting vulnerable populations during subsidy reduction. The integrated approach includes targeted cash-transfer programs, subsidized rice distribution, and employment-guarantee schemes that activate automatically when fuel prices increase, ensuring that energy transition policies do not exacerbate existing inequalities.²⁵²

The Indonesian framework incorporates constitutional welfare obligations requiring state control over strategic sectors for public welfare,²⁵³ creating legal foundations for balancing market pricing with social protection. This regulatory approach enables rapid fuel price adjustments while maintaining legal requirements for social and economic vulnerability assessments and compensatory social programs for households affected by subsidy reforms.²⁵⁴

India's electricity subsidy reform illustrates how legal mechanisms can protect agricultural and residential consumers during energy transition.²⁵⁵ The Electricity Act 2003 establishes regulatory frameworks for cross-subsidy reduction, which is the process of gradually eliminating artificially low electricity tariffs for certain consumer categories that are subsidized by higher charges to other users, while mandating that State Electricity Regulatory Commissions ensure affordable access for vulnerable households.²⁵⁶

New Zealand's comprehensive statutory framework combines domestic climate legislation with international trade commitments to address fossil fuel subsidies. Its Climate Change Response Act 2002 establishes mandatory-emissions reduction targets and requires government consideration of social and economic impacts in climate policy decisions,²⁵⁷ while the Agreement on Climate Change, Trade and Sustainability commits New Zealand, Costa Rica, and Fiji to eliminate fossil fuel subsidies through binding international obligations with built-in transparency and review mechanisms.²⁵⁸

The legal basis for both fossil fuel phase-out frameworks and subsidy reform mechanisms has been further strengthened by the ICJ's July 2025 advisory opinion on states' climate change obligations. The ICJ stated, “[f]ailure of a State to take appropriate action to protect the climate system from GHG emissions — including through fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licences or the provision of fossil fuel subsidies — may constitute an internationally wrongful act which is attributable to that State.”²⁵⁹ The Court further clarified that “obligations pertaining to the protection of the climate system do not rest exclusively with consumers and end users, but also include activities such as ongoing production, licensing and subsidizing of fossil fuels”.²⁶⁰ This judicial pronouncement confirms that States' climate obligations encompass the entire fossil fuel value chain— from extraction licenses to consumption subsidies— providing authoritative legal support for phase-out frameworks and subsidy reform mechanisms, while reinforcing the imperative to incorporate just transition protections for affected workers and communities.²⁶¹



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Just Investment Frameworks for Clean Energy

Just transition principles call for clean energy investment policies that create inclusive economic opportunities, prioritize community benefits, and ensure that vulnerable populations can access clean energy services and do not bear a disproportionate share of the adverse social impacts of clean energy projects.²⁶² Regulatory frameworks for clean energy investment demonstrate varying approaches to embedding these social objectives alongside environmental and economic goals.²⁶³

National legal frameworks can incorporate siting safeguards to address community concerns around renewable energy project placement, particularly regarding impacts on marginalized populations. Project siting has been found to channel projects into rural and low-income areas, further exacerbating environmental justice issues through burdening these communities with loss of agricultural land, environmental impacts, hazards from disposal of materials, aesthetic impacts, reduced access to water resources, and land dispossession.²⁶⁴

Some jurisdictions have also established procedural requirements for meaningful stakeholder engagement and compensation mechanisms to ensure that clean energy infrastructure development does not disproportionately burden vulnerable communities.²⁶⁵

For example, in the United States, to address siting challenges, the state of New York passed the Accelerated Renewable Energy Growth and Community Benefit Act, which created an Office of Renewable Energy Siting, mandated community participation in new siting processes, and set guidelines for compensation to host communities.²⁶⁶ Denmark's Law on the Promotion of Renewable Energy establishes feed-in tariff systems with community ownership provisions and local benefit-sharing requirements, helping ensure that renewable energy development provides direct community benefits and advances participatory governance.²⁶⁷ The framework includes statutory provisions for local energy cooperatives and municipal participation in project ownership.²⁶⁸

Brazil's distributed generation framework (Law No. 14,300/2022) establishes net metering with targeted support for low-income households and community-solar programs, addressing energy access alongside decarbonization.²⁶⁹ The regulatory approach includes simplified procedures for community-owned installations and preferential financing for vulnerable populations, operationalizing just transition's inclusive economic opportunity commitments.²⁷⁰

D

Contributions and Obligations of the Private Sector

A just transition approach can encourage or require private sector actors to pursue profitable clean energy deployment in a manner that also promotes inclusive economic development, community protection, and stakeholder engagement.²⁷¹

Countries have developed legal frameworks that create binding obligations for private developers to advance just transition objectives through benefit-sharing, local participation, and community development requirements.²⁷² Some legal frameworks aim to create an enabling environment for sustainable enterprises by supporting economic diversification.

For example, the EU's Just Transition Fund provides support for productive investments, prioritizing micro, small and medium-sized enterprises to stimulate local economies, while conditioning support for larger enterprises on the creation and protection of jobs.²⁷³ The fund's €17.5 billion allocation (2021-2027) operates through binding regulatory requirements under Regulation (EU) 2021/1056, which mandates that large enterprise support is contingent on demonstrating through gap analysis that "expected job losses would exceed the expected number of jobs created in the absence of the investment," while territorial plans must be developed "together with the relevant local and regional authorities" and social partners to ensure community ownership of the transition process.²⁷⁴

South Africa's Renewable Energy Independent Power Producer Procurement Programme establishes benefit-sharing requirements explicitly designed to advance just transition objectives.²⁷⁵ Independent Power Producers must commit a minimum of 1.5% of project revenue to socio-economic development initiatives—community development programs such as education infrastructure, healthcare facilities, skills training, and local infrastructure improvements.²⁷⁶ The regulatory framework operates through a two-tier structure: the Department of Energy establishes these requirements in competitive tender documents issued under the Electricity Regulation Act,²⁷⁷ which then become enforceable contractual obligations embedded in the Power Purchase Agreements and Implementation Agreements that successful bidders must sign.²⁷⁸ This framework thus creates enforceable contractual obligations that operationalize just transition principles of equitable benefit distribution and meaningful community participation.

This kind of benefit-sharing model creates long-term legal relationships between private developers and local communities through contractual mechanisms enforced by regulatory authorities, ensuring renewable energy development provides sustained community benefits rather than temporary construction employment. The framework includes requirements for community consultation in benefit allocation and transparent reporting on social investment outcomes.²⁷⁹

As another example, Kenya's Energy Act 2019 requires energy projects to establish community development funds with 5% of revenue dedicated to rural electrification and social infrastructure projects.²⁸⁰ This statutory approach creates industry-wide obligations for community contribution that operationalize just transition principles across all energy sector participants rather than limiting requirements to specific procurement programs.

Local content and workforce development mandates constitute additional regulatory mechanisms for ensuring that energy transitions create inclusive economic opportunities. Kenya's Energy Act 2019 requires "first consideration" for qualified Kenyans at all levels with mandatory training provisions, while requiring technology transfer and skills development programs that build local capacity for clean energy industries.²⁸¹

Additionally, Environmental and Social Impact Assessment (ESIA) laws increasingly create legal requirements for meaningful community participation in energy projects.²⁸² As discussed in more detail in Chapter 3, these frameworks, including the Philippines' Environmental Impact Statement System, establish procedural obligations to ensure that energy infrastructure development incorporates just transition's participatory governance principles.

These regulatory frameworks govern project employment practices, training opportunities, and operational management in a way that promotes inclusive economic opportunity and local capacity development. These schemes can be complex, and their implementation often requires sophisticated regulatory monitoring to ensure compliance.²⁸³



Just Energy Transition Partnerships: International Cooperation Mechanisms

JETPs represent multilateral financing and cooperation mechanisms specifically designed to support developing countries in implementing energy transitions that embody just transition principles.²⁸⁴ JETPs combine climate finance with explicit commitments to social protection, worker support, and community development, operating through political declarations rather than treaties. These partnerships demonstrate how international cooperation can be structured to advance just transition objectives through coordinated policy support, concessional financing, and technical assistance targeting both decarbonization and social equity outcomes.²⁸⁵

JETPs typically involve developed-country donors, MDBs, and developing country governments in comprehensive partnership agreements that address energy-infrastructure investment, industrial policy coordination, and social protection system strengthening.²⁸⁶ The partnerships typically recognize that energy transitions should include worker retraining, community economic development, and social safety net enhancement to embody just transition principles.

For example, Indonesia's JETP Secretariat, which was established with a target to produce the Indonesia JETP Comprehensive Investment and Policy Plan, is supported by four independent working groups comprising IEA, ADB, World Bank and UNDP.²⁸⁷ The legal architecture integrates international partnership commitments into domestic institutional frameworks while maintaining national sovereignty over policy implementation. Specifically, Indonesia's Law No. 4 of 2023 concerning Development and Strengthening of the Financial Sector, enacted in January 2023 shortly after the JETP agreement, establishes a comprehensive legal framework for sustainable finance by amending existing financial sector laws to include provisions for carbon exchange mechanisms and expanding investment coverage to encompass transition finance.²⁸⁸ The law directly supports JETP implementation by providing the regulatory infrastructure necessary for the \$20 billion financing mobilization, including mechanisms for carbon trading and sustainable investment frameworks aligned with Indonesia's decarbonization commitments under the partnership.

South Africa's JETP employs a distributed-governance model through the existing Presidential Climate Commission with ministerial coordination, demonstrating integration of international cooperation with existing domestic institutions. The partnership includes explicit commitments to coal-region economic diversification, worker-retraining programs, and community-development initiatives, operationalizing just transition principles through coordinated international support.²⁸⁹

Viet Nam's JETP structure includes four specialized Working Groups coordinated through a government-established JETP Implementation Secretariat led by the Ministry of Natural Resources and Environment: the Technology and Energy Working Group (led by the Ministry of Industry and Trade), the Finance Working Group (led by the Ministry of Finance), the Institutional, Policy, and Investment Working Group (led by the Ministry of Planning and Investment), and the General (Synthesis) Working Group (led by Ministry of Natural Resources and Environment).²⁹⁰ The working groups coordinate across relevant ministries with annual review mechanisms, while the JETP Resource Mobilization Plan demonstrates comprehensive policy integration requirements spanning multiple regulatory domains including social protection and labor-market policies. The 200-page Resource Mobilization Plan, launched at COP28 in December 2023, establishes eight focus areas for implementation, with the eighth area specifically dedicated to “ensuring a just energy transition.”²⁹¹ This framework mandates just-impact assessments at national, sub-national, and project levels, incorporates technical and vocational training programs for affected workers, establishes social-dialogue mechanisms with unions and communities, and includes provisions for enhancing employment opportunities and creating green jobs through skilling and reskilling initiatives. Together, these measures demonstrate how JETP frameworks operationalize comprehensive policy integration across labor market and social protection domains beyond traditional energy sector regulations.²⁹²

The JETP legal architecture reveals both opportunities and limitations for international cooperation supporting just transition implementation. The partnerships create political commitments for comprehensive policy coordination while maintaining flexible implementation mechanisms that can adapt to domestic political and legal contexts. However, the soft-law nature of JETP commitments creates uncertainty regarding enforcement mechanisms and long-term sustainability of international support.



Section III. —————> Governance of Critical Minerals for the Low-Carbon Economy

Critical minerals, whose definitions vary across jurisdictions but typically include copper, lithium, nickel, cobalt, rare earth elements, graphite, manganese, and vanadium present unique just transition challenges that require specialized regulatory frameworks beyond standard mining governance. The extraction of critical minerals, essential for clean-energy technologies, risks perpetuating historical patterns of extractive industry harm unless governed by just transition principles of equitable benefit-sharing, meaningful community participation, protection of IPs, and inclusive economic development. This section examines regulatory frameworks that explicitly integrate just transition principles into critical mineral governance through three primary approaches: national strategies that embed social equity and participatory governance into mineral extraction policies; participatory mineral governance frameworks that operationalize community participation and IP rights; and supply chain transparency and accountability mechanisms that extend just transition principles throughout the value chain from extraction to final use in clean energy technologies.



Comparative National Approaches to Just Transition Integration

National approaches to critical mineral governance reveal three distinct strategies for integrating just transition principles, each creating different trade-offs between state control, community empowerment, and private sector efficiency in energy transition mineral extraction.

Chile's National Lithium Strategy (2023) relies on state control mechanisms that prioritize community benefit and national development over extraction efficiency.²⁹³ The framework designates lithium as non-concessionable, with mandatory state majority ownership (50%+1), creating regulatory requirements for environmental assessments addressing both extraction impacts and climate benefits, community consultation throughout project lifecycles, and dedicated regional development funding.²⁹⁴ This approach operationalizes just transition principles of equitable benefit-sharing and participatory governance but may constrain private investment and slow project development, illustrating that tensions may remain between just transition concerns and rapid decarbonization needs.²⁹⁵

Indonesia combines export restrictions with domestic processing requirements and enhanced community benefit-sharing, prioritizing national industrial development and local economic opportunities over immediate extraction volumes.²⁹⁶ This strategy seeks to ensure that energy transition mineral extraction supports national capacity building and technology transfer while providing regulatory frameworks for community development, but it creates higher compliance costs and longer development timelines that may constrain global energy-transition material supply.²⁹⁷

Australia's Critical Minerals Strategy emphasizes investment facilitation and regulatory streamlining without comprehensive just transition requirements, promoting environmental, social, and governance (ESG) practices through voluntary guidelines rather than legislated mandates.²⁹⁸ This approach seeks to enable rapid project development and private sector efficiency but provides limited legal mechanisms for ensuring community benefit-sharing or addressing historical extractive industry inequities, potentially perpetuating patterns where energy transition benefits accrue globally while extraction costs concentrate locally.

Canada's federal-provincial coordination model provides investment incentives while maintaining environmental assessment requirements, but it offers limited explicit integration of just transition principles beyond Indigenous consultation obligations. This approach balances federal strategic objectives with provincial resource jurisdiction but may inadequately address community development and benefit-sharing needs in regions hosting energy transition mineral extraction.²⁹⁹

“The extraction of critical minerals, essential for clean-energy technologies, risks perpetuating historical patterns of extractive industry harm unless governed by just transition principles of equitable benefit-sharing, meaningful community participation, protection of IPs, and inclusive economic development.”

competing objectives through legal frameworks that ensure both adequate material supply for global energy transition and equitable benefit distribution for affected communities.³⁰⁰ The lack of a cohesive national strategy can be detrimental to the implementation of just transition approaches; for instance, in Argentina, provincial ownership of natural resources combined with a lack of coordination with the federal government has led to fragmented governance and varying incentive schemes, weakening adherence to just transition principles.³⁰¹

These different approaches reveal fundamental tensions in implementation just transition for critical minerals: robust state control mechanisms may constrain extraction volumes and investment efficiency needed for rapid global decarbonization, while market-facilitated approaches may risk neglecting community development and historical equity concerns. Effective just transition requires balancing these

Participatory Critical Mineral Governance

Just transition principles call for critical mineral governance that enables meaningful community participation, enabled by regulatory obligations that go beyond standard consultation requirements. These must account for proper consideration of the impacts of mineral activities on workers and nearby communities, particularly IPs. Where critical mineral reserves lie on or near Indigenous territories,³⁰² the applicable standards may require obtaining the IPs' FPIC before extracting those minerals. As discussed in Chapters 1 and 3, in addition to being a procedural safeguard under applicable environmental and social (E&S) standards, FPIC is a substantive right grounded in international law, including ILO Convention 169 and the UNDRIP, which affirms IPs' right to determine the outcome of decisions affecting them.³⁰³ In the context of critical minerals, where FPIC is required, it is a prerequisite for exploration, extraction, production, or processing activity. More broadly, a just transition approach entails some level of community control in the mineral activity, respect for IPs' decision-making authority, ensure equitable benefit-sharing, and support Indigenous-led monitoring of project impacts.

FPIC frameworks vary in their applicability and requirements. For example, Canada's UN Declaration on the Rights of Indigenous Peoples Act 2021 establishes legally binding FPIC requirements with enhanced consultation duties for critical mineral projects, reflecting constitutional recognition that meaningful participation requires allowing Indigenous communities to control their engagement with energy transition rather than simply being consulted about predetermined projects.³⁰⁴ The Philippines' Indigenous Peoples Rights Act provides comprehensive ancestral-domain protection requiring the "consensus of all ICCs/IPs members determined according to customary laws and practices, free from external manipulation," thereby creating legal frameworks where Indigenous communities determine terms for energy transition mineral extraction affecting their territories.³⁰⁵

Community consultation frameworks beyond Indigenous contexts also take different forms. For example, South Africa's Mineral and Petroleum Resources Development Act requires consultation with affected parties while mandating that mining companies include Historically Disadvantaged South Africans in equity ownership and provide enhanced management representation.³⁰⁶ This approach operationalizes just transition principles by ensuring that communities historically excluded from mineral wealth can participate in clean energy development, though implementation effectiveness depends on regulatory enforcement and community capacity building.³⁰⁷ Tools such as Participatory Environmental Monitoring Committees, supported by institutions like UNDP, can help build this capacity by empowering local communities to monitor the E&S impacts of mining projects directly.³⁰⁸

These examples reveal tensions between rapid energy transition material needs and participatory governance principles. Incorporating community input and participation and, where applicable, FPIC, may extend project development timelines and create regulatory uncertainty that constrains global material supply for energy transition technologies. However, securing community buy-in can provide a social license to operate that guards against delays during implementation, and bypassing community input risks perpetuating extractive industry patterns where energy transition benefits accrue globally while E&S costs concentrate on marginalized communities, undermining long-term sustainability and social acceptance of energy transition policies.³⁰⁹





Supply Chain Transparency and Accountability

Regulatory frameworks can also establish binding obligations for energy-transition supply chain transparency and accountability.

Supply chain due diligence requirements have emerged as one approach.³¹⁰ The CSDDD requires companies with more than 1,000 employees and €450 million net worldwide turnover involved in critical mineral supply chains to engage stakeholders, establish community consultation processes,³¹¹ and develop human rights and environmental due diligence plans.³¹² These plans require companies to identify, prevent, and mitigate adverse impacts on labor rights, such as forced labor and inadequate workplace safety.³¹³ Enforcement through penalties up to 5% of worldwide turnover creates economic incentives for companies to advance community development and worker protection rather than simply pursue profits.³¹⁴

Supply chain due diligence requirements are also found in national supply chain accountability frameworks, including those pre-dating the CSDDD, such as the regulatory frameworks in Germany and France. Germany's Supply Chain Due Diligence Act 2021 and France's Duty of Vigilance Law 2017 established earlier frameworks requiring companies sourcing critical energy minerals to implement E&S monitoring, with enforcement through significant financial penalties.³¹⁵ These frameworks recognize that just transition requires accountability throughout the value chain, ensuring that clean energy technologies are produced through supply chains that advance rather than undermine social equity and community development.³¹⁶

Similarly, although not cast in explicit just transition terms, the US established disclosure requirements through Section 1502 of the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act, which require publicly-traded companies to disclose annually whether conflict minerals—tin, tungsten, tantalum, and gold—that are necessary to the functionality or production of their products originated in the Democratic Republic of Congo or adjoining countries.³¹⁷ Under the Act, Companies must conduct due diligence on the source and chain of custody of such minerals and submit detailed reports to the Securities and Exchange Commission.³¹⁸ This framework promotes investor-facing transparency requirements that complement stakeholder engagement obligations, demonstrating how disclosure mechanisms can advance supply chain accountability for just transition objectives by helping to curb financing for groups linked to severe human rights abuses, including forced and child labor.³¹⁹

National energy procurement programs also tie critical-mineral sourcing to just transition goals. For example, South Africa's renewable energy programme requires solar panel and battery manufacturers to demonstrate responsible sourcing through enhanced community benefit-sharing and local content requirements.³²⁰ Such requirements may increase costs for clean energy technologies and create competitive disadvantages for projects in jurisdictions with enhanced social requirements, illustrating tensions between supply chain accountability and energy transition cost-effectiveness.

Section IV. → Agriculture, Forestry, and Natural Resource Governance

Agriculture and land use contribute an estimated 21-23% to global GHG emissions.³²¹ Agricultural systems and other natural resources are also among the most vulnerable to the impacts of climate change, with the potential for significant disruption to livelihoods and standards of living.³²² An effective global transition to the low-carbon, climate-resilient economy therefore requires considered focus on the agricultural and natural resource sectors. An effective just transition demands a broad, people-centered perspective that moves beyond traditional agricultural production to embrace an “agrifood systems transformation”.³²³ The FAO has demonstrated leadership in this area. Its publication, *Transforming Food and Agriculture through a Systems Approach* recommends a holistic framework that addresses interconnected challenges like food insecurity and environmental harm.³²⁴ It provides practical guidance by detailing a systems approach that begins with co-creating shared visions and establishing cross-sector leadership for joint planning and evidence generation. It then calls for implementing mutually reinforcing actions that manage trade-offs, supported by flexible, long-term financing and continuous adaptive learning. This means that legal frameworks should systematically address the social, economic, and environmental issues across the entire value chain, from production to consumption, ensuring that the transition also delivers on food security, nutrition, and sustainability.³²⁵

Regulatory frameworks for agricultural and natural resources can operationalize just transition principles through various approaches, such as: constitutional frameworks that embed social justice and participatory rights; regulatory incentives that facilitate transitions away from GHG-intensive practices while protecting livelihoods; participatory governance mechanisms and benefit-sharing frameworks that ensure inclusive access to new economic opportunities; legal reforms that address historical inequities in land and resource access; and an integrated “One Health” approach to agrifood governance. Enforcement mechanisms through the justice value chain are also vital, including the work of specialized environmental prosecutors and courts. Food security and nutrition constitute central considerations in agricultural just transitions, as recognized under Article 11 of the ICESCR, which establishes the right to adequate food. The FAO Voluntary Guidelines on the Right to Food and the Committee on World Food Security’s policy instruments provide practical frameworks for ensuring that agricultural transitions enhance rather than undermine food systems. National legal frameworks should therefore adopt a legally coherent approach that balances emission reduction objectives with obligations to ensure food availability, accessibility, adequacy, and sustainability for all populations, particularly those most vulnerable to food insecurity.

Brazil, Kenya, the EU, Ethiopia, and Indonesia provide examples of just transition approaches that address historical inequities affecting rural communities, smallholder farmers, IPs, and communities with customary and informal land rights. The UNDROP recognizes the particular vulnerabilities of peasants and rural workers to climate change and environmental degradation, establishing their rights to land, seeds, traditional knowledge, and participation in decision-making processes that affect their livelihoods, rights which are fundamental to ensuring just transition interventions in agriculture do not perpetuate historical marginalization.

Constitutional Foundations for Just Transition Principles

Constitutional provisions can operationalize just transition principles by embedding social justice mechanisms and participatory rights that prevent environmental transitions from exacerbating existing inequalities or creating new forms of exclusion through two distinct pathways: explicit incorporation and interpretive application of existing frameworks. This distinction matters for implementation: explicit measures tend to create clearer obligations and enforcement pathways, while interpretive applications may face challenges regarding scope and binding effect.

Some constitutions explicitly embed just transition considerations. Kenya's Constitution, Article 69(1) (a) requires the state to "ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits."³²⁶ This provision operationalizes just transition principles by mandating that environmental policies generate tangible benefits for affected communities rather than imposing costs upon them. Further, Article 66(2) requires Parliament to enact legislation ensuring that "investments in property benefit local communities and their economies", while Article 69(1)(h) mandates utilizing "the environment and natural resources for the benefit of the people of Kenya."³²⁷ Such provisions can spur the development of regulatory frameworks that are intended to ensure that environmental improvements translate into community economic opportunities, infrastructure development, and direct revenue sharing.

Earlier constitutions provide foundations for the implementation of just transition. Brazil's Constitution recognizes Ips' original rights to traditionally occupied lands as pre-constitutional and inalienable, providing constitutional protection that prevents Indigenous communities from being displaced from their traditional territories or deprived of natural resources essential to their livelihoods due to economic or political pressures during environmental transition processes.³²⁸ This constitutional protection, originally focused on historical justice, now operationalizes just transition principles by ensuring Indigenous communities retain control over resources essential to their livelihoods amid ongoing transformations.

Regulatory Incentives for Sustainable Land Use Transitions

Regulatory frameworks can operationalize just transition by incentivizing or mandating transitions away from GHG-intensive agricultural and natural resource practices while protecting stakeholder livelihoods through participatory management structures and benefit-sharing mechanisms. For example, EU's Common Agricultural Policy eco-schemes allocate at least 25% of direct payments to farmers who transition from conventional to climate-friendly practices, including conversion from arable land to permanent grassland, reduced tillage, cover cropping, and carbon farming techniques.³²⁹ These schemes provide economic incentives for farmers to abandon emission-intensive practices while maintaining agricultural livelihoods through payments that recognize the public goods provided by sustainable farming methods.³³⁰

New Zealand's He Waka Eke Noa agricultural transition framework demonstrates sector-wide reform for phasing out GHG-intensive livestock practices. The program requires all farmers to develop farm-level emission reduction plans by 2025 and implement a split-gas levy system that prices methane and nitrous oxide emissions at the farm level, creating economic incentives to reduce livestock emissions while providing technical support for sustainable intensification and diversification.³³¹ The framework includes recognition of on-farm sequestration through riparian plantings and natural cover, ensuring that farmers can offset emission reductions through carbon storage activities rather than simply reducing production.³³²

Mexico's Payment for Ecosystem Services program transitions communities away from forest-clearing agriculture by providing direct payments to ejidos³³³ and Indigenous communities for forest conservation activities. Since 2003, the program has enrolled over 2 million hectares of diverse forests, providing 5-year renewable contracts that compensate communities for maintaining forest cover instead of converting land to intensive agriculture or cattle ranching.³³⁴ The program creates economic alternatives to deforestation-based livelihoods while advancing carbon-sequestration and biodiversity-conservation objectives, demonstrating how regulatory frameworks can address both climate and social justice concerns simultaneously.³³⁵

However, payment for ecosystem schemes can also carry risks, particularly when monetization and marketization of ecosystem services erode traditional resource management practices or exclude smallholders who cannot meet formal participation requirements. These trade-offs require careful consideration in the design of the scheme to ensure that market-based mechanisms complement rather than replace customary stewardship systems, and that benefits reach the most marginalized rural populations.

This nuanced consideration is particularly critical when addressing GHG-intensive livestock practices and the livelihoods they support, especially pastoralism. Pastoralism is a highly climate-adaptive and resilient food production system in arid and semi-arid lands, yet it often suffers from legal invisibility

and policy neglect.³³⁶ This invisibility is often a direct consequence of regulatory design shortcomings. Traditional incentive schemes are typically tied to specific, demarcated plots of land. The essence of pastoralism, however, is mobility and the seasonal use of different pastures and water sources across a wide territory, which is its core climate adaptation strategy. Plot-based legal and financial instruments are therefore structurally limited in recognizing or supporting pastoralist livelihoods.

Depending on the country context and the presence of pastoralists facing climate vulnerability, a just transition approach may require a fundamental redesign of these regulatory incentives. For example, legal frameworks could establish “mobility funds” instead of land-based payments to compensate pastoralist communities for their role in maintaining ecosystem health along their migratory routes, making their contribution to sustainable resource management legally and economically visible. This concept aligns with recommendations from FAO-hosted partnerships to create financial incentives that support pastoralism’s unique adaptive nature.³³⁷ In practice, this could involve compensating communities for maintaining ecosystem health through shared benefits from eco-tourism or carbon sequestration, or by investing in critical infrastructure like livestock corridors and water points.





Regulatory Mechanisms for Participatory Governance and Benefit-Sharing

Legal recognition of customary tenure systems embodies just transition principles by seeking to leave no one behind. It does so by preventing environmental policies from dispossessing traditional communities while ensuring meaningful participation in environmental governance. The shift from colonial-era legal systems toward pluralistic frameworks that integrate customary and statutory legal systems represents an approach consistent with just transition to the extent that it addresses historical injustices while building participatory foundations for sustainable futures.³³⁸ International initiatives, such as UNDP-supported work on Access and Benefit-Sharing, provide crucial support for countries developing these legal frameworks.³³⁹

Dual tenure systems in Sub-Saharan Africa demonstrate how legal frameworks can support just transition principles by recognizing customary land rights alongside statutory tenure. For example, Kenya's Community Land Act creates legal recognition of community land ownership with equal legal force as freehold rights, covering potentially millions of people while establishing registration processes that protect customary tenure systems during environmental and economic transitions. This legal recognition is especially important for pastoralist communities, whose livelihoods depend on the collective governance of common resources like pastures, water points, and migratory corridors that cross statutory administrative boundaries.³⁴⁰

Beyond recognizing customary tenure, States have broader obligations regarding land access as articulated in General Comment 26 on Land and Economic, Social and Cultural Rights, which clarifies states' duties to ensure access to, use of, and control over land.³⁴¹ These obligations include preventing forced evictions, securing tenure for pastoralists and their seasonal migration routes, and protecting collective land management systems. Legal frameworks should therefore address not only formal recognition but also active protection against land grabbing, speculative investment, and displacement that can occur during agricultural transitions.

Climate policies increasingly create new economic opportunities through carbon markets and payment schemes for environmental services, but these mechanisms risk excluding Indigenous communities, smallholder farmers, and women farmers who often lack formal land rights or market access.³⁴² Without just transition approaches, these communities risk facing a double injustice: losing access to traditional livelihood activities due to new environmental restrictions while being excluded from the economic opportunities that replace them.³⁴³

To counter this, legal frameworks can integrate specific gender-responsive measures. Examples include explicitly recognizing and protecting women's land and resource rights, providing legal and financial support for the registration of customary tenure for women, designing mechanisms that ensure women's direct access to carbon markets and payment schemes, and mandating the inclusion of women in environmental governance and decision-making bodies.

Carbon market regulations, when well considered, can also function as just transition instruments by creating economic incentives that flow directly to agricultural and forestry communities while ensuring that environmental services generate inclusive economic opportunities. For instance, Brazil's Greenhouse Gas Emissions Trading System recognizes Indigenous and traditional community rights to commercialize carbon credits, including revenue sharing arrangements that ensure environmental services generate income for the communities providing them, while establishing procedures for ensuring that smallholder farmers and those with informal land rights can participate in carbon markets.³⁴⁴ This points toward emerging Indigenous-led just transition models, where Indigenous communities leverage their legal rights not just to participate in, but to design and control renewable energy projects, carbon markets, and territorial governance strategies on their own terms. To include mobile communities like pastoralists, benefit-sharing mechanisms should be linked to community or cooperative structures rather than individual land ownership. To ensure equitable access to payment for ecosystem services and carbon markets, national legal frameworks need to recognize land tenure, customary governance and collective rights. Mechanisms should be established to guarantee benefit-sharing with Indigenous communities and support their participation through capacity-building, legal assistance and culturally appropriate engagement.

National REDD+ frameworks further demonstrate how countries integrate forest governance with just transition objectives. Indonesia's Government Regulation No. 46/2017 on Environmental Economic Instruments establishes legal frameworks for REDD+ implementation including benefit-sharing arrangements with local communities. Brazil's National REDD+ Strategy, operationalized through Decree No. 10,144/2019, creates the National REDD+ Commission with mandatory Indigenous representation. The Democratic Republic of Congo's Framework Law No. 14/003 on Nature Conservation includes REDD+ provisions with community participation requirements, while Zambia's Forest Act No. 4 of 2015 establishes Joint Forest Management committees that enable community participation in REDD+ revenues.

Agricultural supply chain regulations operationalize just transition by linking market access to social safeguards. The EU Forest Law Enforcement, Governance and Trade Regulation requires timber importers to verify legal harvesting and community rights, while the EU Deforestation Regulation mandates due diligence on agricultural commodities. These frameworks create economic incentives for inclusive forest governance and ensure that agricultural transitions protect rather than displace local livelihoods. However, this regulation has faced criticism from some developing countries who view it as a de facto import restriction. When well designed and managed in line with principles of equity and justice with appropriate safeguards, including meaningful participation from affected countries and communities, such measures can advance just transition objectives without creating new forms of trade-based exclusion.

Payment for ecosystem services frameworks emerge as legal mechanisms for supporting just transition principles by compensating farmers, landowners, and communities for providing environmental services. These frameworks establish legal instruments that recognize the economic value of traditional land management practices, providing income security during transitions away from environmentally harmful activities while ensuring that benefits reach diverse stakeholders including women farmers and those with customary tenure.³⁴⁵

Implementation mechanisms range from direct government payments to market-based trading systems,³⁴⁶ with legal frameworks establishing eligibility criteria and monitoring requirements that ensure service providers receive fair compensation for their contributions to environmental objectives while preventing market access barriers that could exclude smallholder farmers or communities with informal land rights.



Addressing Historical Inequities Through Legal Reform

Addressing historical inequities is a core component of just transition, often involving principles of restorative justice to remedy past harms. South Africa's Presidential Climate Commission, for example, has highlighted the need for restorative measures to address the legacies of colonialism and apartheid in land and resource governance as part of the country's transition.³⁴⁷ Regulatory frameworks can also support just transition through specific protections for women's land rights, as customary and statutory systems may limit women's access to and control over agricultural land, which disempowers them during environmental and economic transitions.³⁴⁸

Regulatory frameworks can establish joint titling requirements, inheritance protections, and participation requirements in land governance institutions to ensure women's tenure security during environmental and economic transitions, while creating opportunities for women to participate in and benefit from sustainable land management initiatives and environmental market mechanisms.³⁴⁹

Implementation of Indigenous territorial rights represents another important just transition mechanism by addressing historical dispossession while advancing environmental objectives through recognizing Indigenous communities as environmental stewards whose traditional practices support conservation goals.³⁵⁰ Recent Indigenous territory demarcations in Brazil represent renewed implementation of constitutional obligations, while constitutional supremacy provides legal protection against legislative attempts to restrict Indigenous territorial rights during transitions.³⁵¹

E

An Integrated “One Health” Approach to Agrifood Governance

Effectively navigating the complexities of an agrifood systems transformation requires moving beyond siloed policy domains toward an integrated governance framework. The “One Health” approach offers a powerful conceptual and operational model for this. It means placing the legal tools discussed previously, such as constitutional rights, regulatory incentives, regulatory mechanisms, or legal reform, under a single analytical lens that explicitly connects environmental health, animal health, and human health.³⁵²

Adopting a “One Health” approach, as recommended by the FAO,³⁵³ has concrete legal and institutional implications. It demands legal reforms that mandate cross-sectoral coordination, such as statutory coordinating bodies between ministries of environment, agriculture, and health.³⁵⁴ Fundamentally, “One Health” is a governance strategy for risk mitigation. In a siloed system, an afforestation plan driven by an environment ministry to meet carbon targets could inadvertently displace smallholders and threaten local food security, sparking social resistance. A legally mandated “One Health” governance framework would require these ministries to conduct integrated impact assessments before policies are enacted, forcing them to make explicit trade-offs between climate goals, food security, and livelihood protection. “One Health” is therefore not just an integrative ideal but a pragmatic legal and institutional strategy to prevent the kind of severe social and economic backlash that can derail climate action by ensuring policy coherence.³⁵⁵

End of Chapter Takeaways

National regulatory frameworks demonstrate that just transition principles can be operationalized through various binding domestic and regional laws in labor, energy, critical minerals, and agriculture, among others. Countries have developed three primary legal pathways: enhanced social protection systems that embed equity principles into employment law, sector-specific regulations that require meaningful stakeholder participation and community benefit-sharing, and institutional frameworks with statutory authority to coordinate multi-stakeholder transition processes. These frameworks transform just transition from aspiration into enforceable obligation through dedicated funding mechanisms, mandatory consultation requirements, and accountability processes.

Based on the regulatory approaches examined, countries can strengthen the operationalization of just transition principles by considering the legal instruments shown in **Table 4**.

The diversity of approaches reflects different constitutional systems and development contexts while revealing common implementation challenges. The regulatory framework needs to balance participatory governance with technical expertise, social protection with fiscal responsibility, and national sovereignty with international cooperation to achieve sustainable and equitable transitions.



Table 4 **Overview of National Legal Frameworks**

DOMAINS	ILLUSTRATIVE APPROACHES
CONSTITUTIONAL PROVISIONS AND FRAMEWORK LAWS	<ul style="list-style-type: none"> → Framework climate legislation with explicit just transition provisions → Statutory definitions of affected communities → Just transition institutions with cross-ministerial authority
COLLECTIVE BARGAINING AGREEMENTS	<ul style="list-style-type: none"> → Framework agreements on just transition at national and sectoral levels → Managing redundancies and early retirement → Establishing joint committees for workplace transition planning and oversight → Integrating provisions for skills development, reskilling, and lifelong learning → Incorporating specific OSH measures for climate-related risks
WORKER PROTECTION	<ul style="list-style-type: none"> → Social protection and active labor market policies → Skills development → Respect for fundamental principles and rights at work and other relevant international labor standards → Preferential hiring in emerging sectors for displaced workers
COMMUNITY DEVELOPMENT	<ul style="list-style-type: none"> → Benefit-sharing agreements for transition projects → Local content requirements with capacity-building provisions → Statutory rights to participate in transition planning
FINANCE MECHANISMS	<ul style="list-style-type: none"> → Carbon pricing revenues for transition support → Public procurement preferences for just transition regions → Tax incentives conditional on local employment and training → Enabling environment for sustainable enterprises
GENDER-RESPONSIVE MEASURES	<ul style="list-style-type: none"> → Statutory requirements to eliminate occupational segregation and gender pay gaps → Integration of gender equality in just transition policies (NDCs, NAPs, NBSAPs) → Legal frameworks supporting targeted access to climate finance, training, and skill-building for women and girls

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3.

Legal Foundations for Financing and Dispute Resolution

Just transition requires dedicated financing mechanisms that embed social objectives within investment decisions. This includes climate finance that advances social welfare and economic inclusion. Moreover, just transition projects and policies can face legal exposure under international law and domestic law. Hence, this chapter examines the legal foundations that enable financing for just transition and the international and domestic legal disputes risks that arise from transition policies.

Section I. → Legal Frameworks for Just Transition Finance

Just transition requires finance that funds equitable decarbonization pathways and that protects workers and communities, especially the vulnerable, while advancing environmental goals. Legal frameworks are necessary to achieve that vision. Legal frameworks for the mobilization and deployment of finance for climate mitigation and adaptation can foster socially inclusive development and avoid repeating historical patterns of exclusion, such as the historical financial exclusion of IPs and local communities. They can also create dedicated, accessible funding mechanisms that support their community-led climate solutions.

This section focuses on national legal instruments that governments have developed to embed just transition principles within financing mechanisms. It concentrates on the domestic tools available to countries to direct financing instruments towards both E&S objectives. The instruments for just transition finance have evolved along three primary dimensions, by which the subsections of this section are organized: national legal frameworks that create dedicated public transition finance mechanisms; national legal frameworks that align private investment with just transition goals; and legal integration of social inclusion requirements in climate finance. While broader questions of regulatory certainty for large-scale investment and international cooperation are also important from the perspective of mobilizing climate finance generally, they fall outside the scope of this report.



Legal Frameworks for Public Sector Transition Finance

This sub-section examines three primary categories of national legal instruments that embed just transition principles within dedicated financing mechanisms: debt-for-climate swap legislation, sovereign guarantee mechanisms, and carbon pricing revenue earmarking laws. These instruments establish legal frameworks that go beyond traditional climate finance by incorporating social co-benefit criteria and other just transition principles, ensuring that environmental investments also advance social welfare and economic inclusion.

Debt-for-climate swap legislation

Debt-for-climate swap legislation is a mechanism whereby a country's sovereign debt is forgiven or restructured in exchange for new climate policies or investments.³⁵⁶ It creates statutory frameworks that can be designed to require meaningful community participation and social inclusion as conditions for debt restructuring, unlike in traditional environmental financing. Debt-for-nature swaps, from which debt-for-climate swaps are derived, are not new.³⁵⁷ Recent iterations explicitly integrate social co-benefit requirements, which mandate that climate investments address community welfare alongside conservation goals. For example, Belize's 2021 debt-for-nature swap requires the state to develop a "stakeholder-driven Marine Spatial Planning" that allocates protected ocean spaces through "inclusive, transparent, equitable, science-based participatory and interactive" processes.³⁵⁸ These processes must identify "cultural, indigenous, social, and economic uses" to "safeguard community traditions, livelihoods, and participation in emerging sustainable economic activities."³⁵⁹ Ecuador's 2024 Amazon Biocorridor Program (part of the IDB's Amazonia Forever Program) is co-designed with the participation of indigenous peoples and nationalities with dedicated pillars focusing on "adequate access to quality education, healthcare, and employment" and "promoting the inclusion of women, indigenous peoples, people of African descent and local communities."³⁶⁰

These national legal frameworks typically establish dedicated institutions or procedures for negotiating, implementing, and monitoring such arrangements while maintaining sovereign control over fiscal policy.³⁶¹ The legal architecture creates avenues for accountability that satisfy both domestic oversight requirements and international creditor expectations.

Sovereign guarantee mechanisms

Sovereign guarantee mechanisms, whereby the government underwrites a project's financing, have been codified in some countries through national legislation that requires guarantee recipients to demonstrate alignment with just transition principles, ensuring that public risk-sharing serves equitable development outcomes rather than simply de-risking private climate investments. Norway's Sovereign Guarantee Scheme for Renewable Energy provides a 5-year pilot program with Norwegian Kroner 5 billion in guarantee capacity, provided that eligible projects demonstrate "development and poverty alleviation through increased renewable energy access" with performance indicators including community impact metrics.³⁶² The UK's Green Guarantee Company, supported by the Foreign Commonwealth & Development Office, creates investment-grade guarantees that help combat the impact of climate change on their populations, particularly the poorest.³⁶³

These national legal frameworks establish criteria for eligible projects, define the scope of government risk-sharing, and create oversight mechanisms to prevent fiscal strain while maximizing leverage of private capital. The legal architecture typically incorporates social and environmental screening criteria, ensuring that guaranteed investments contribute to equitable transition outcomes rather than simply pursuing emissions reductions.

Carbon pricing revenue earmarking laws

Carbon pricing revenue earmarking laws represent a shift in environmental taxation by creating statutory requirements that a portion of carbon revenues be dedicated to just transition support. These regulatory schemes move beyond general revenue generation to establish legally protected funding streams for worker retraining and community transition assistance. Germany's national emissions trading system directs all revenues into the "Climate and Transformation Fund" supporting "direct assistance to industry or households", while the broader EU Social Climate Fund makes mention of the option for Member States to support "vulnerable households, micro-enterprises and transport users" with up to 37.5% allocated to "temporary direct income support".³⁶⁴ Ireland earmarks carbon tax revenues for climate action funds, including a National Just Transition Fund providing up to €22 million for projects focusing on "retraining workers and proposals to generate sustainable employment in green enterprise" specifically supporting peat workers and affected communities.³⁶⁵

The legal architecture often includes provisions for transparent allocation mechanisms and stakeholder participation in funding decisions, ensuring that carbon pricing revenues support comprehensive transition programs rather than general government operations.

B

Legal Frameworks to Align Private Investment with Just Transition

This section identifies national legal frameworks that integrate just transition principles into private investment governance through climate-enhanced environmental and social impact assessment (ESIA) laws, environmental justice laws, climate disclosure mandates with social criteria, and risk mitigation frameworks with community benefit requirements.

Environmental and Social Impact Assessment laws

National ESIA laws represent a key regulatory tool for aligning private investment with just transition principles. Building on the energy sector examples in Chapter 2, this section examines how such ESIA laws can integrate just transition considerations across all climate investments.

Such ESIA laws typically contain core provisions that can form the basis of a just transition approach to project development. ESIA laws require an assessment of E&S project impacts, which may include adverse socio-economic impacts on workers and local communities that result from, for example, the decommissioning of a proposed fossil fuel plant decommissioning or the establishment of a renewable energy facility. These laws may require public disclosure of documentation about the proposed project and meaningful consultation with relevant stakeholders, coinciding with the inclusion dimensions of just transition. These laws may also require that a contractor apply for an environmental license that is granted only on the condition that the contractor complies with E&S safeguard measures and hence provide some legal certainty that project developers will integrate just transition considerations into their projects. They may also require larger projects to undergo a strategic E&S assessment to ensure that the proposed activities are consistent with regional or national climate change and development objectives, including those related to just transition.

Since many ESIA laws are now several decades old, governments can issue or update implementing regulations or guidance to confirm that the E&S impacts covered in ESIA laws include climate change-related risks and impacts arising from/to the project and that the measures to address such risks and impacts align with just transition principles.³⁶⁶ ESIA laws can be updated to more explicitly integrate such requirements in the statute itself. Several countries have done so already, transforming traditional environmental licensing into comprehensive social and climate risk evaluation. For example, the Philippines' enhanced Environmental Impact Statement System requires social acceptability assessments and public consultation for all projects, with recent administrative orders mandating climate impact evaluation for renewable energy projects, including social inclusion and assessment of impacts on marginalized communities.³⁶⁷ The Environmental Impact Assessment Directive of the EU requires "integrating climate change and biodiversity" considerations while mandating assessment of projects' effects on vulnerable populations and requiring meaningful public participation including IPs.³⁶⁸ These legal frameworks establish binding obligations for project developers to demonstrate that projects will not exacerbate existing inequalities and include provisions for affected worker retraining and community economic transition.

Environmental Justice laws and regulations

Similarly, environmental justice laws can establish mandatory requirements ensuring that projects and government policies address rather than perpetuate historical inequities, creating enforceable obligations for government agencies to prioritize disadvantaged communities in climate finance decisions. These laws can operationalize environmental justice understood through multiple lenses, whether distributive, procedural or corrective. In the US, the State of Maryland governor signed an executive order advancing environmental justice within state agencies, creating an Interagency Environmental Justice and Equity Advisory Council and ordering agencies to prioritize policies related to environmental justice.³⁶⁹

Climate disclosure laws and regulations

Climate disclosure regulations create legal duties for corporations and financial institutions to report on transition impacts on, for example, workers and communities, establishing transparency requirements that channel investment toward equitable outcomes. For example, the EU's Corporate Sustainability Reporting Directive requires companies to report on climate transition plans using "double materiality", a term that refers to both how sustainability matters create financial risks and opportunities for the company (financial materiality) and how the company's activities impact people, the environment, and broader society (impact materiality), including effects on workers and local communities affected by transition investments.³⁷⁰ These frameworks establish potential liability exposure for inadequate disclosure of transition impacts on affected communities while providing sufficient detail to enable informed investment decisions that account for social transition risks and opportunities.

In this context, tools and guidance have been developed to support financial institutions and investors in integrating just transition principles into their operations. These include frameworks for conducting human rights due diligence in transition planning, screening climate finance instruments for social

impact, engaging stakeholders such as workers and communities, and applying gender-responsive investment criteria aligned with decent work standards.³⁷¹ Such instruments offer practical pathways for embedding social inclusion requirements into climate finance, complementing national legal frameworks by providing operational guidance for financial actors navigating evolving regulatory obligations. However, successful uptake of these tools within financial institutions depends heavily on senior management commitment.

“The instruments for just transition finance have evolved along three primary dimensions: national legal frameworks that create dedicated public transition finance mechanisms; national legal frameworks that align private investment with just transition goals; and legal integration of social inclusion requirements in climate finance.”

Risk mitigation frameworks with community benefit requirements

Some national laws authorize public agencies to deploy financial instruments, including guarantees, concessional lending, and tax incentives, on the condition that they deliver just transition outcomes alongside climate benefits. These legal frameworks define eligible activities, establish social criteria for public support, and create performance monitoring and penalty provisions to ensure that incentivized investments deliver measurable benefits for affected workers and communities.

The effective mobilization of private capital, which is essential to closing the financing gap for just transitions, particularly in emerging and developing economies where public resources are limited, often requires complementary laws, regulations, or guidance to ensure that enabling frameworks, such as those governing sustainable finance, taxonomies, and public-private partnerships, explicitly support just transition objectives. Mechanisms such as blended finance models and concessional lending facilities can be effective in de-risking investments and attracting private sector or de-risking participation in climate-aligned projects. In the Philippines, for example, the ILO's assessment of the sustainable finance ecosystem highlighted the importance of blended finance and concessional instruments and recommended strengthening regulatory guidance to better align financial flows with just transition priorities.³⁷²





Legal Integration of Social Inclusion Requirements in National Climate Finance

National climate finance laws can incorporate binding requirements to ensure that transition investments address existing inequalities rather than perpetuate them, creating enforceable criteria for gender-responsive and socially inclusive investment. For example, Rwanda's Organic Budget Law requires all government projects, including those with climate finance components, to prepare Gender Budget Statements and report on gender-disaggregated outcomes.³⁷³ Kenya's Climate Change Act No. 11 of 2016, as amended by Act No. 9 of 2023, requires under Article 4(d) that all climate responses "ensure equity and social inclusion in allocation of effort, costs and benefits to cater for special needs, vulnerabilities, capabilities, disparities and responsibilities", creating binding obligations for climate finance decisions.³⁷⁴

Antigua and Barbuda's Environmental Protection and Management Act of 2019 establishes the Sustainable Island Resource Framework Fund (SIRFF), which is legally required to "provide support to reduce the vulnerability of the most vulnerable groups." This national legal framework has enabled the government to facilitate direct access to climate finance for women, single-parent and female-headed households, and grassroots women's organizations through mechanisms like concessional loan and grant programs.³⁷⁵ These legal frameworks establish binding criteria for inclusive investment, mandate participatory assessment processes, and create enforceable rights for affected communities to participate in investment decisions. National laws can also create formal mechanisms for stakeholder engagement in climate finance decisions, by establishing multi-stakeholder bodies with defined legal authority to influence investment priorities and monitor implementation outcomes. For example, the Philippines' People's Survival Fund Board operates under Section 21 of RA 10174 with legal authority over fund allocation, including mandatory representation from CSOs with legal standing in funding decisions, while community organizations gain direct legal access to the People's Survival Fund.³⁷⁶ Peru's Framework Law on Climate Change establishes under Articles 9 and 10 the National Commission on Climate Change and High-Level Commission on Climate Change with mandatory indigenous, civil society, and academic representation, possessing defined powers to influence investment priorities and monitor implementation with legal authority over climate finance decisions rather than merely advisory roles.³⁷⁷ These frameworks typically establish multi-stakeholder governance bodies with defined legal authorities, formal consultation requirements, and accountability mechanisms ensuring that community input shapes investment decisions rather than merely providing consultation opportunities.

Section II. —————> International and Domestic Legal Disputes

The implementation of the regulatory and financing mechanisms discussed in this report can face complex international and domestic legal disputes challenges that can affect both the design and effectiveness of just transition policies. Countries implementing just transition policies commonly encounter exposure to legal challenges across four principal areas, by which the subsections of this section are organized: investor-state arbitration under bilateral and multilateral investment treaties; World Trade Organization dispute settlement regarding measures with social provisions; constitutional law challenges; and statutory and administrative law challenges. This legal exposure reflects the complex character of just transition policies, which combine E&S objectives and sit at the intersection of different bodies of international and national law.



Investor-State Arbitration Risks and Just Transition Measures

International investment law is also relevant to just transition. It may form the basis of legal challenges by investors who contest governments' just transition laws and regulations. Most multilateral and bilateral investment treaties require host governments to guarantee foreign investors "fair and equitable treatment" (FET) and protection against unlawful expropriation.³⁷⁸ Under older-generation treaties with broadly worded FET clauses, some international tribunals have interpreted the FET standard to include the protection of investors' "legitimate expectations" about regulatory stability.³⁷⁹ More recent case law, however, has moved towards a more restrictive interpretation, particularly under new generation treaties with narrower FET definitions.³⁸⁰

At the same time, investment treaties also recognize states' police powers to regulate for public welfare, with arbitral tribunals acknowledging that "governments must be free to act in the broader public interest through protection of the environment, new or modified tax regimes, the granting or withdrawal of government subsidies."³⁸¹ Case law confirms that non-discriminatory regulation in pursuit of legitimate public purposes does not ordinarily breach FET unless it is arbitrary, disproportionate, or inconsistent with specific commitments to the investor.

Just transition policies may face investment arbitration risks if these measures restrict investor operations or significantly alter existing commitments, whether contractual or otherwise. For example, the rollback of renewable energy incentive schemes has led to claims by renewable energy investors, and, fossil fuel investors have challenged coal phase-out measures.³⁸² Some investment tribunals in those cases have found states liable when regulatory changes "unexpectedly removed the essential features of the Regime" in place when the Claimant invested.³⁸³ Policymakers need to consider and manage the risk of just transition policies and regulations being challenged under such investment treaties as violating FET. The legal risk arises from how tribunals balance the state's inherent regulatory powers with investor's claims to legitimate expectations.³⁸⁴

States can manage this risk by anchoring their just transition policies in firm constitutional and statutory authority to regulate public welfare, but some degree of the risk stems from the terms of the investment treaties themselves.³⁸⁵ In this regard, the OECD has initiated an ongoing major multilateral effort to review and explore revisions of investment treaties to align them with the Paris Agreement.³⁸⁶ The work comprises two tracks: Track 1 focusing on climate policies for investment treaties and Track 2 where governments from over 100 jurisdictions consider modernizing substantive provisions in older generation treaties. States are presently considering the procedural means to transition treaties toward newer designs.³⁸⁷ Academic proposals suggest carve-outs covering measures adopted in good faith with reasonable causal nexus to reducing GHG, which would also include the kinds of just transition regulatory approaches described in this report.³⁸⁸ Regional investment agreements increasingly include carve-outs for climate measures and specific clauses on corporate social responsibility, reflecting recognition that social provisions in environmental policies create distinct legal risks.³⁸⁹

More generally, investment treaties and related national laws can be reviewed for consistency with just transition principles and policies. For example, they can address the agency of IPs as well as their particular vulnerability, by including robust safeguards to protect Indigenous communities from

“Countries implementing just transition policies commonly encounter exposure to legal challenges across four principal areas: investor-state arbitration under bilateral and multilateral investment treaties; World Trade Organization dispute settlement regarding measures with social provisions; constitutional law challenges; and statutory and administrative law challenges.”

the adverse impacts of energy and extractive projects, including enforceable FPIC provisions, access to effective grievance mechanisms, and recognition of Indigenous legal systems. Without such protections, Indigenous communities may face disproportionate harm from transition-related investments and lack adequate recourse in investor-state dispute settings.

Another way in which States can minimize the risk of investor-state arbitration is by adopting proactive institutional and policy measures to resolve investor issues in a timely manner before they escalate into full-blown legal disputes. The adoption of clear and transparent regulatory frameworks combined with dedicated government units to manage investor relations can help address

potential conflicts early. Open communication channels with investors, systematic monitoring of regulatory changes, and active stakeholder engagement further reduce uncertainty. Incorporating other alternative dispute resolution mechanisms, such as mediation and conciliation, into investment agreements provides additional tools to resolve disputes before they escalate into arbitration, enhancing the predictability and stability of the investment environment.³⁹⁰

In sum, establishing robust investor protection while asserting policy space for just transition is essential to ensure policy coherence with multilateral and bilateral treaties.³⁹¹ Countries can minimize arbitration risks through four strategies: crafting just transition policies under well-established constitutional and statutory authority to regulate for public welfare; reviewing jurisprudence under existing bilateral and multilateral investment treaties to assess exposure; considering whether investment treaty frameworks require updating to better accommodate just transition approaches; and implementing proactive institutional and policy measures to prevent disputes from escalating to arbitration.

B

World Trade Organization (WTO) Dispute Risks and Just Transition Measures

A country's just transition policies may also face World Trade Organization (WTO) dispute risks to the extent that they either include domestic content requirements designed to create employment for transitioning workers or direct benefits toward affected communities.³⁹² This is because WTO law generally requires member countries to afford foreign businesses treatment no less favorable than that given to domestic businesses under the national treatment principle.³⁹³ As an example, the US Inflation Reduction Act's electric vehicle tax credits included North American content requirements partly designed to support domestic manufacturing employment in communities affected by automotive industry transitions; on this basis, this scheme faced WTO scrutiny because its social targeting created potentially discriminatory effects.³⁹⁴

However, other provisions of WTO may provide a defense against those kinds of claims. The General Agreement on Tariffs and Trade (GATT) Article XX and related jurisprudence confirm governments' rights to protect human, animal, or plant life and health and to conserve exhaustible natural resources.³⁹⁵ However, the application of these exceptions to policies combining E&S objectives remains largely untested, creating uncertainty for just transition approaches.³⁹⁶ WTO panels may scrutinize whether social provisions in environmental policies are genuinely tailored to environmental objectives or constitute disguised protection.³⁹⁷ Article XX embodies the recognition by WTO members of the need to maintain balance between the right to invoke an exception and the rights of other members under the GATT.³⁹⁸

Steps to enhance WTO compatibility include the following: grounding just transition regulations in clear and well-articulated environmental policy goals; designing social provisions that directly support these goals; ensuring non-discriminatory application; and pursuing transparent implementation mechanisms.

Just as constitutional provisions can provide a basis for governments to enact just transition regulations, so too have those provisions been invoked by communities to demand more ambitious just transition action from their governments. Many jurisdictions have constitutional environmental rights provisions that national courts interpret to require government action on climate change while protecting affected workers and communities. For example, the Brazilian Supreme Court has confirmed the understanding that international human rights treaties ratified by Brazil possess supra-legal normative status,³⁹⁹ including climate-related international agreements.⁴⁰⁰

Besides environmental rights frameworks, indigenous and community rights frameworks operate as essential accountability mechanisms ensuring that just transition policies genuinely advance equity and inclusion rather than simply adopting just transition terminology. For example, the Colombian Constitutional Court's decision in *Mendoza Bohórquez and Librada Niño de Mendoza v. Colombia* demonstrates how courts enforce expanded definitions of environmental protection. The Court established that forced displacement due to environmental disasters constitutes internal forced displacement, finding that displacement occurs not only due to armed conflict but also environmental causes including flooding, volcanic eruptions, and landslides.⁴⁰¹ The Court ordered Parliament to develop comprehensive regulatory frameworks protecting people displaced by environmental causes, emphasizing that authorities must guarantee victims' rights and provide assistance aimed at stabilizing their situation.⁴⁰²

Constitutional labor rights frameworks also establish enforceable obligations for consultation and support in just transition processes. The Chilean Supreme Court decision in *Company Workers Union of Maritima & Commercial Somarco Limited and Others v. Ministry of Energy* demonstrates how constitutional labor rights apply specifically to transition policies.⁴⁰³ Coal workers argued that the government's decarbonization plan violated their constitutional guarantees under Article 19, which recognize the right to equality before the law, freedom of labor, freedom of association, and property rights.⁴⁰⁴ The Court ruled that local action plans should include participatory processes with clear goals, indicators, deadlines and responsible parties, seeking to reintegrate affected workers and creating mechanisms to safeguard workers' rights during transition.⁴⁰⁵ In Kenya, the Court found in *Menegai West Stakeholders Forum v. National Environmental Management Authority* that geothermal development must include public participation in line with the Kenyan Constitution's obligations of the State to "encourage public participation in the management, protection and conservation of the environment."⁴⁰⁶

Some courts also scrutinize whether transition policies genuinely advance social equity or provide inadequate social protections. In 2022, the political party *Rede Sustentabilidade* filed a Direct Action of Unconstitutionality against State Law 18,330/2022, which institutes the Policy for Just Energy Transition of the State of Santa Catarina, arguing that the law is a façade to perpetuate coal use while claiming energy security justification.⁴⁰⁷ This case is still pending before the Brazilian Supreme Court.

Administrative law can provide frameworks for pursuing just transition where it provides for due process and fair treatment and public participation of people affected by public policies. For example, in the case of *Environment Centre Northern Territory v. Northern Territory Environment Protection Authority*, an Australian Court ruled that a proposed vegetation clearing could not go forward because the project did not go through the appropriate decision-making process to ensure that there were no environmental risks.⁴⁰⁸

Some courts have also treated statutory just transition requirements as justiciable obligations. In *Office of the Inspector General and Others v. Ministry of Environment and Sustainable Development and Others*, the Administrative Tribunal of Cundinamarca found that the Colombian government failed to comply with climate action obligations under Law 1931 of 2018, ordering the Ministry and President to comply within six months.⁴⁰⁹

Some countries have also used legal innovations to facilitate access to vulnerable communities seeking to bring environmental justice claims. Specialized forums, such as the National Green Tribunal in India, have been formed to resolve cases related to the environment, forests, and other natural resources. The goal of the National Green Tribunal is to provide faster solutions to environmental-related disputes and reduce the litigation burden for courts of general jurisdiction. Some judgments have been beneficial in advancing just transition principles. For example, in *Kallpavalli Vriksha Pempakamdarula & Ors. v. Union of India*, the National Green Tribunal ordered the respondent to pay compensation for environmental damage caused during the installation of windmills in forest land.⁴¹⁰

Some lawmakers and courts have also relaxed standing and causation requirements to allow victims of environmental pollution to bring claims. In Nigeria, for example, the Supreme Court allowed NGOs to proceed with a claim against national corporations in *Centre for Oil Pollution Watch vs. NNPC*. In this case, the Court specifically noted that public interest litigation “is a catalyst for sustainable development” given that “the victims are often groups of persons who would not ordinarily be in a position to approach the court”, and that broadened standing will benefit “communities affected by the spillage leading to the environmental degradation [who] may not muster the financial muscle to sue.”⁴¹¹

As another example, in Kenya, statutory reforms and Constitutional revisions have sought to remove common obstacles to bringing climate-related claims. In some cases, plaintiffs no longer need to show particularized injury to sue or prove causation to a specific entity, and courts have shifted the burden of proof to defendants, who need to show that their actions do not pose a danger to the climate.⁴¹² These reforms may allow lawsuits that advance just transition objectives, because plaintiffs will no longer need to show that they were uniquely injured by a project to bring a claim to stop harmful activities done in their communities.

End of Chapter Takeaways

Just transition implementation requires comprehensive legal frameworks that address both financing mechanisms and international legal challenges.

Countries have developed sophisticated legal instruments that embed social objectives within financing mechanisms, moving beyond traditional climate finance to create dedicated just transition funding streams. These include debt-for-climate swap legislation with mandatory community participation requirements, carbon pricing revenue earmarking laws that create legally protected funding for worker retraining and community support, and regulatory frameworks that condition private investment incentives on delivering measurable social benefits. The emerging practice demonstrates how national legislation can transform just transition aspirations into binding financial obligations with transparent governance and accountability mechanisms.

Just transition policies face complex interactions with international investment law, trade rules, and domestic constitutional and statutory frameworks. Protections for investors under international investment law may create tensions to the extent that social provisions in just transition measures could be seen as disproportionate, arbitrary, or in conflict with specific commitments made to investors. Meanwhile, WTO rules could be used to challenge as discriminatory regulatory measures that require local sourcing and social targeting. In addition, constitutional, statutory, and administrative law frameworks provide both a foundation from which governments can enact just transition policies and a set of justiciable requirements that communities can invoke to achieve just transition objectives.

Countries can minimize legal exposure while advancing social objectives by designing financing mechanisms that maintain clear environmental policy rationales, implementing transparent stakeholder engagement processes that satisfy multiple legal framework requirements, ensuring the compliance of just transition regulations with existing national and international legal obligations, and reviewing applicable treaties and laws for consistency with just transition principles. Emerging practice reveals both significant opportunities for innovative legal frameworks and important constraints requiring careful policy design that balances social equity imperatives with legal certainty and international compatibility. **Table 5** provides an overview of possible approaches discussed in this chapter.

Clear constitutional, statutory, and administrative law provisions, combined with a well-functioning judicial system, can give governments the tools to adopt and defend just transition regulations, and other stakeholders the tools to seek full implementation of those provisions.

Table 5 **Overview of Just Transition and Financing Approaches**

DOMAINS	ILLUSTRATIVE APPROACHES
PUBLIC FINANCE MECHANISMS	<ul style="list-style-type: none"> → Debt-for-climate swap legislation with mandatory stakeholder participation requirements → Carbon pricing revenue earmarking laws that generate protected funding streams for transition support → Sovereign guarantee frameworks that require social co-benefit demonstration → Dedicated just transition funds with statutory allocation criteria
PRIVATE INVESTMENT ALIGNMENT	<ul style="list-style-type: none"> → Enhanced ESIA laws requiring climate and just transition impact assessments → Climate disclosure regulations with double materiality reporting on community impacts → Investment incentives conditioned on measurable social benefit delivery → Environmental justice requirements to consider disadvantaged communities in finance decisions
STAKEHOLDER PARTICIPATION & GOVERNANCE	<ul style="list-style-type: none"> → Multi-stakeholder boards with legal authority over climate finance allocation → Mandatory community consultation in investment decisions with enforcement mechanisms → Gender-responsive budgeting requirements for climate projects → Direct community access provisions to transition funding mechanisms
LEGAL RISK MANAGEMENT	<ul style="list-style-type: none"> → Constitutional and statutory frameworks establishing clear public welfare regulatory authority → Proactive investor dispute resolution mechanisms and dedicated government units → Treaty review and modernization to accommodate just transition measures and principles → Transparent regulatory frameworks with clear environmental policy rationales
ACCOUNTABILITY & ACCESS TO JUSTICE	<ul style="list-style-type: none"> → Specialized environmental tribunals with expedited procedures → Relaxed standing requirements for affected communities → Justiciable just transition obligations in climate legislation → Burden-shifting provisions for environmental harm claims

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4.

The Role of Development Institutions

This chapter examines how development institutions can support countries in their efforts to develop and implement the kinds of national legal frameworks surveyed in the previous chapters. It considers examples of strategies and tools available to development institutions for doing so. While focusing primarily on MDBs and UN agencies, the analysis in this chapter extends to bilateral development agencies and other development actors supporting just transition implementation. In this report, the term “development institutions” refers to intergovernmental organizations focused on economic and social development, including UN agencies, MDBs, bilateral development agencies, and other development actors.

This chapter first conducts a non-exhaustive survey to consider the extent to which development institutions embed just transition in their institutional strategies and policies. It then considers examples of tools available to development institutions, such as financing and technical assistance, to support the development and implementation of national legal frameworks. This chapter concludes with recommendations for development institutions and national governments to better assess and strengthen national legal frameworks for just transition.

Section I. —————> Development Institutions Strategy and Policy

Since the adoption of the Paris Agreement, development institutions have endeavored to align their activities in support of just transition through their climate, energy, E&S safeguards, just transition, or corporate declarations, strategies, plans, and policies. The role of development institutions in supporting just transition has gained prominence and urgency with the adoption of the Glasgow Climate Pact explicitly stating the role of intergovernmental organizations in climate finance.

In 2018, at COP24, several MDBs, namely Asian Development Bank (ADB), African Development Bank Group (AfDB Group), Asian Infrastructure Investment Bank (AIIB), European Bank for Reconstruction and Development (EBRD), European Investment Bank (EIB), Inter-American Development Bank (IDB), Islamic Development Bank (IsDB), New Development Bank (NDB), and the World Bank Group (WBG) (“9 MDBs”), adopted an approach to align their activities with the objectives of the Paris Agreement (“Paris Alignment”).⁴¹³ This alignment covers not only their internal operations but also their support for mitigation, adaptation, scaling up and reporting on climate finance, partnership, and policy development.

The details of the MDBs’ Paris Alignment approach were set out in joint methodological principles to assess alignment of new operations regarding different financing modalities, namely, general purpose;⁴¹⁴ policy-based;⁴¹⁵ intermediation;⁴¹⁶ and direct lending.⁴¹⁷ While not explicitly referencing just transition, the MDBs’ Paris Alignment approach represented a first step in joint efforts to consider the goals and provisions of the Paris Agreement in making decisions related to climate financing.

In 2019, at COP25, the 9 MDBs issued a “High Level MDB Statement” at the UN Secretary-General Climate Action Summit, committing to “[c]ontinue working with national development banks and other financial institutions, to develop, by COP26, financing and policy strategies supporting a just transition that promotes economic diversification and inclusion.”⁴¹⁸ Following this statement, the MDBs issued the “MDB Principles for Long-Term Strategy (LTS) Support,”⁴¹⁹ containing two principles referencing just transition: Principle 2 to “[l]ink climate goals with the Sustainable Development Goals to maximize socioeconomic benefits and support a just transition,” and Principle 7 to “[d]evelop an inclusive and transparent stakeholder engagement process, including on approaches to a just transition.”

In 2021, ahead of COP26, several MDBs, with input from the World Bank Group and the Council of Europe Development Bank (CEB), jointly issued the “MDB Just Transition High-Level Principles.”⁴²⁰ These principles, which are dedicated to guiding consistency of MDB activities with just transition,⁴²¹ “provide high-level direction on the aims, approach, scope, scale, outcomes and processes associated with a just transition.”⁴²²

At COP26, the 9 MDBs and CEB issued a statement to raise ambition and commit to supporting just transitions in “communities, regions, and sectors directly impacted by the low-carbon energy, transport and industrial transitions.”⁴²³ In succeeding COPs, MDB joint statements included a reference to just transition: at COP27, MDBs stated that “including just transition and social inclusion considerations in relevant policies, plans and projects” are among their “critical priorities”⁴²⁴; at COP28, MDBs noted “the demand for just transition support will increase,” reported that they are “supporting just transition efforts in diverse contexts and regions,” and committed to launch a World Bank Group-hosted LTS program to “address decarbonization, climate-resilience, and social aspects, including just transition”⁴²⁵; and at COP29, MDBs committed to support their borrowers’ just transition plans.⁴²⁶

B Individual MDB's Strategies, Plans, and Policies

Building on these joint commitments, individual MDBs have integrated just transition considerations into their institutional frameworks in various ways. Several MDBs have referenced just transition in their corporate, climate change, E&S safeguards, energy-specific, or just transition-specific strategies, plans, and policies, demonstrating diverse approaches to integration.

Climate and Energy Strategies

ADB's 2023-2030 Climate Change Action Plan,⁴²⁷ EIB Group's 2021-2025 Climate Bank Roadmap,⁴²⁸ and the WBG's 2021-2026 Climate Change Action Plan refer to just transition in different sectors, with the latter additionally devoting special attention to the energy sector,⁴²⁹ while AIIB's 2023 Climate Change Action Plan refers to just transition in the energy context.⁴³⁰

Both ADB's 2021 Energy Policy⁴³¹ and AIIB's 2022 Energy Sector Strategy⁴³² specifically address just transition with respect to fossil fuel energy resources. AIIB's adoption of such strategy was preceded by encouragement from the AIIB Board of Governors to further engage in just transitions to net-zero.⁴³³

Environmental and Social Policies

MDBs' E&S policies establish safeguards meant to ensure that development projects avoid, mitigate, or compensate adverse impacts on people and the environment, especially vulnerable individuals and communities.⁴³⁴ These E&S policies, which are often complemented by dedicated gender policies, strategies, and action plans to integrate gender equality into their work, can form a basis to align climate action projects with just transition principles. For example, these E&S standards commonly require borrowers to consult affected stakeholders regarding project design and impacts, provide compensation and other support for adverse social impacts that cannot be avoided, and obtain the free, prior, and informed consent of IPs in certain circumstances, aligning with just transition principles discussed earlier in this report. In addition, several such policies aspire to support countries in their pursuit of sustainable development, which sets a foundation for supporting countries' just transition priorities, including the establishment of national legal frameworks aligned with just transition principles. ADB's 2024 Environmental and Social Framework goes further by incorporating the just transition provision from its 2021 Energy Policy into its vision statement and providing that ADB supports just transition of countries by building their capacity through "economy-wide and multi-sector approaches".⁴³⁵

Corporate Strategies and Dedicated Initiatives

NDB's 2022-2026 General Strategy Document includes a reference to "suitably address[ing] the associated socioeconomic challenges to ensure a just transition" with respect to its clean energy and energy efficiency operational areas.⁴³⁶ EBRD's Green programme includes a cross-sectoral just transition component⁴³⁷ called the 2020 Just Transition Initiative, which has three pillars, namely, green transition, human capital development, and regional economic diversification.⁴³⁸ EIB Global, the EIB Group's development arm providing public and private financing and advice outside the EU,⁴³⁹ has developed a just transition approach document.⁴⁴⁰ The initial focus of the approach is on the members of the Initiative for Coal Regions in Transition in the Western Balkans and Ukraine, and countries with JETPs that are signed or about to be signed.⁴⁴¹ The AfDB Group has developed an internal Just Transition Framework⁴⁴² and a cross-sectoral Just Transition Initiative, established in end-2021 with Climate Investment Funds' support.⁴⁴³ AfDB Group also issued a "call for an inclusive just transition", in particular with respect to women.⁴⁴⁴



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Strategies and Initiatives of Other Development institutions

Beyond MDBs, other development institutions have also begun incorporating just transition into their strategic frameworks.

Within the UN system, the Office of the UN Secretary-General (UNSG) has conducted significant just transition activities. In March 2022, the UNSG created the UN High-Level Expert Group on Net-Zero Emissions Commitments of Non-State Entities,⁴⁴⁵ which published during COP27 a report including three recommendations on just transition: Recommendations 4 (Creating a Transition Plan), 7 (People and Nature in the Just Transition), and 9 (Investing in Just Transitions).⁴⁴⁶ The UNSG later issued implementing guidelines for all recommendations.⁴⁴⁷ As discussed in Chapter 1, the UNSG launched a Panel on Critical Energy Transition Minerals, which published a report on just transition and critical energy minerals.⁴⁴⁸ UNEP Finance Initiative (UNEP FI), a partnership between UNEP and the global financial sector including development institutions, has also conducted various just transition initiatives in banking and insurance,⁴⁴⁹ such as the launch of a “pilot program for just transition innovations” in the financial sector.⁴⁵⁰

Among development institutions, OECD, as a forum and knowledge hub,⁴⁵¹ has produced a range of reports, policy briefs, and guidelines regarding just transition.⁴⁵² The European Commission has a cross-sectoral Just Transition Mechanism, which responds to the socioeconomic effects of just transition to ensure it is done “in a fair way, leaving no one behind.”⁴⁵³ AFD Group has developed an energy-focused just transition strategy called Just Energy Transition (JET),⁴⁵⁴ which promotes an “inclusive, equitable, and sustainable energy transition,”⁴⁵⁵ complemented by a strategy document regarding energy transition minerals specifically.⁴⁵⁶

Section II. —————→ **Operational and Project-Level Tools**

While mandates and memberships vary, development institutions share as a goal their support for countries' economic and social development efforts. Individually or jointly, development institutions deploy a variety of operational and project-level tools that can be used to help countries establish and implement national legal frameworks for just transition. The review in this section of development institutions' toolbox is not comprehensive; rather, it provides examples of approaches that could be replicated and scaled, including partnerships, finance, technical assistance, and analytics and other reports, which can be deployed together. A fuller illustration of ongoing efforts is included in **Annex 1**.

Besides the JETPs discussed in the previous chapters, another example of partnerships is the Platform Initiative in Support of Coal Regions in Transition for Western Balkans and Ukraine, which was founded by the WBG in 2019,⁴⁵⁷ and implemented mainly by the WBG, the European Commission, EBRD, Energy Community Secretariat, College of Europe (Natolin College), and the Government of Poland.⁴⁵⁸

The Platform supports just transition through “knowledge exchange, peer-to-peer learning visits, technical assistance, access to a global learning academy for coal regions, and financial assistance for transition projects.”⁴⁵⁹



In November 2022, the World Bank approved \$497 million in financing for South Africa's Eskom Just Energy Transition Project. The project, which is in early stages of implementation, aims to transform the Komati power station, which ceased operations in October 2022 after 56 years of service, into a renewable energy facility planned to include 150 MW of solar photovoltaic capacity, 70 MW of wind power, and 150 MW of battery storage to maintain grid stability.

The project allocates \$47.5 million, nearly 10% of total funding, specifically for Opportunities for Workers and Communities. For 661 affected workers (236 permanent Eskom employees, 292 contractors, and 133 Eskom Rotek Industries staff), the project established four transition pathways: transfers to other facilities, reskilling for renewable energy roles, temporary secondments, or voluntary separation packages with compensation. The Komati Training Facility, developed through partnerships with the South African Renewable Energy Technology Centre and the Global Energy Alliance for People and Planet, received \$2 million to provide accredited training for 500 workers over two years in solar photovoltaic systems, wind technology, battery storage operations, and

Two institutional mechanisms operationalize stakeholder participation requirements. The EJETP Community Forum creates structured two-way communication between Eskom, local communities, workers, and other stakeholders through dialogues, focus groups, and action review meetings. The EJETP Grievance Redress Mechanism provides accessible channels for raising concerns about environmental impacts, labor conditions, and community health and safety, with defined response timeframes, confidentiality protections, and independent appeal procedures.

Beyond direct worker support, the project seeks to support approximately 15,000 people in surrounding communities through economic diversification initiatives. These include investments in agriculture incorporating agrivoltaic systems, local manufacturing including a containerized micro-grid assembly facility now operating on-site, and digital technology sectors. Small, micro, and medium-sized enterprises receive business development services, incubation support, and market linkages. The project demonstrates how decommissioned coal infrastructure can be transformed into renewable energy hubs while creating alternative economic opportunities for coal-dependent regions through comprehensive planning that integrates technical, financial, and social dimensions from project inception.

B

Finance

Beyond partnerships, development institutions deploy various financing instruments to support just transition objectives. As an example, the WBG's long-established just coal transition work programme,⁴⁶⁰ which finances projects focused on closing coal mines or plants in a way that incorporates just transition principles. As further explained in **Box 2**, in the Eskom Just Transition Project, the World Bank is providing financing toward an initiative in South Africa focused on substituting coal-fired for a renewable-sourced energy power plant in a way that prioritizes fairness and inclusivity.

The project does this by, among other features, ensuring union participation and affected local communities in transition planning. Certain financing tools, such as development policy loans supporting legislative or regulatory reforms, have also been used to support the development of national legal frameworks for climate change. Moreover, ADB's Energy Transition Mechanism (ETM) aims to drive investments in clean energy through the early retirement of coal-fired power plants.⁴⁶¹

C

Technical assistance

Technical assistance programs provide support for developing and implementing just transition regulatory frameworks. As an example, in 2024, AFD Group supported Indonesia in updating its electricity and energy as well as development policies to better align them with just energy transition.⁴⁶² AFD Group also supported Albania's electricity sector reform by studying its social impact⁴⁶³ and South Africa through cost-benefit analyses of coal-fired power plant conversion options, studies on photovoltaic and storage value chains for job creation, and creation of a JET research and capacity-building center for labor unions.⁴⁶⁴

The ILO supported the Philippines in assessing its sustainable finance ecosystem to identify entry points for integrating just transition priorities. The initiative mapped sectoral transition dynamics, financing needs, and social implications, offering recommendations to align financial sector practices with national just transition objectives.⁴⁶⁵ UNDP has likewise integrated just transition across its workstreams. Its flagship Climate Promise initiative supports countries in embedding just transition principles within their NDCs, while its Nature Pledge workstreams similarly support the integration of these principles within national biodiversity.⁴⁶⁶

D

Analytics and Other Reports

Development institutions also publish analytical reports assessing countries' national legal frameworks or presenting options or recommendations for strengthening such frameworks. This report is one example. OECD's 2025 policy paper "Ensuring a just transition to net-zero emissions" provides another example of analysis focused on policy tools and legal approaches for just transition implementation.⁴⁶⁷

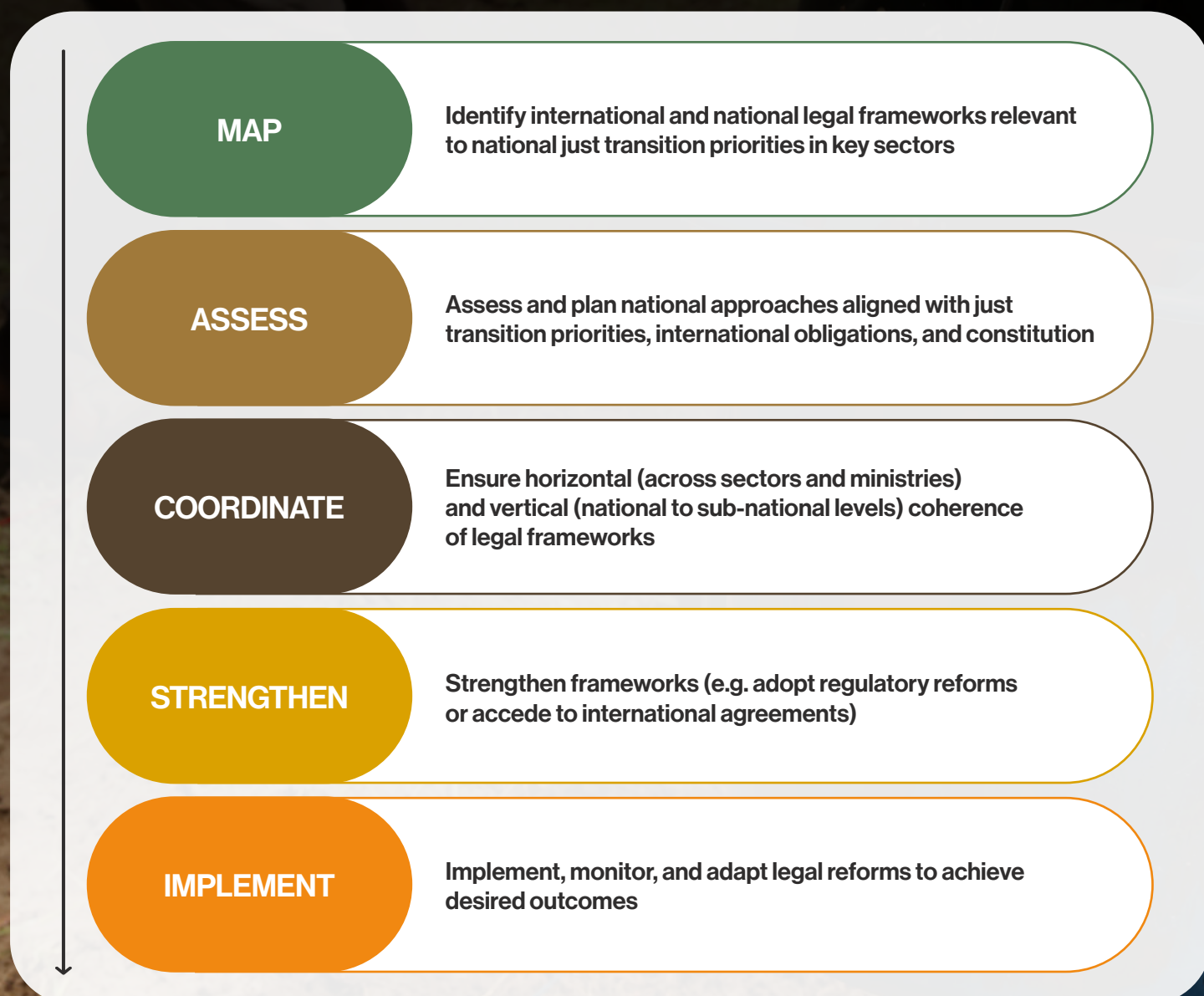
AfDB Group and OECD Development Centre's policy options toolbox for just transition in Africa, called Equitable Framework and Finance for Extractive-based Countries in Transition (also known as EFFECT) also illustrates how analytical work can provide countries with specific policy framework options tailored to regional contexts.⁴⁶⁸



Section III. → Recommendations

The strategies, plans, policies, and tools examined in the preceding sections reveal the potential for development institutions to support and leverage national legal frameworks for just transitions. Drawing from the institutional approaches outlined in Sections I and II of this chapter, as well as the regulatory approaches explored in the earlier chapters, this section synthesizes recommendations for development institutions, national governments, and all stakeholders to work together to enhance national frameworks. They are organized along five sequential steps, shown in **Figure 2**.

Figure 2 **A Roadmap for Enhancing National Frameworks for Just Transitions**



Countries face significant complexity in navigating just transition processes across diverse economic and social contexts. As noted in the earlier chapters of this report, sound legal frameworks can help address such challenges and create greater clarity across a wide range of interconnecting areas. The first step in that journey involves identifying each country's just transition priorities and needs, and which national legal frameworks currently exist in the relevant sectors.

First, this identification of needs and relevant sectors can start with the national level. Depending on the priorities articulated in the country's NDC and other analytical reports, such as the World Bank Group's Country & Climate Development Reports,⁴⁶⁹ it is possible to identify the priority sectors for climate change mitigation and adaptation, and for embracing a just transition approach. For this starting point, it is possible to map out the existing laws and regulations in those relevant sectors, such as a framework climate change legislation and laws and regulations related to labor, energy, agriculture, and human rights.⁴⁷⁰ Chapters 2-3 provide examples of sectors relevant to just transition.

Second, it is important to map out the international legal frameworks relevant to those national priorities. Some are cross-cutting, such as international human rights and labor law, while others are more sector-specific, such as the conventions promoting biodiversity. Chapter 1 provides an overview of some of the main international conventions relevant to just transition. States should build awareness of such frameworks among the key relevant actors at the national level with responsibility for navigating just transitions and identify where such frameworks can inform national level just transition plans and processes. International legal frameworks facilitate greater support and guidance for countries in navigating transition processes. The key international frameworks cited above all are accompanied by sophisticated architectures to support States in interpreting such legal obligations. Programmes of work, plans, action frameworks, guidance, tools and expert interpretations help countries to position national transition processes within existing international legal frameworks.

Third, it is important to think of international legal frameworks as a source of ongoing engagement. International legal frameworks can provide ongoing monitoring of and support for just transition efforts. Bodies and processes that monitor labor standards, human rights, nature protection, and climate action, among others, are crucial to provide countries with recommendations and ensure the overall effectiveness of just transition efforts. Since there is no universally accepted definition of just transition, reporting and monitoring against international legal frameworks will also help countries adapt their understanding, transitions, and regulatory approaches as international understandings and expectations evolve.

Once the mapping of policy priorities and existing legal frameworks is complete, attention turns to assessing and identifying approaches to align national legal frameworks with transition priorities and with relevant international legal frameworks. The illustrative regulatory approaches in Chapters 2 and 3 show that there is no one-size-fits-all approach to just transitions; national priorities differ and regulatory approaches differ as well. However, the realm of policy discretion to contextualize transition processes at the national level is subject to the international legal obligations of countries and to domestic constitutional frameworks. Such obligations and constitutional architecture provide essential parameters for countries in deciding appropriate actions to guide national level just transition processes.

The process of assessing alignment between national legal frameworks, national policies, and international law, will involve a review at multiple levels. At the constitutional level, the review will consider which rights, obligations and policymaking modalities align with just transition, and whether any constitutional amendments may be necessary. At the national statutory and regulatory level, the review will assess whether legislative or regulatory reform is required to strengthen such alignment. In this process of lawmaking and review itself, it is important to consider two core principles of just transition.

Firstly, just transition review and lawmaking processes should involve the full participation of affected communities. Across labor, climate, human rights, nature and other related areas, just transition processes should be guided by inputs from those most affected by the moves away from GHG-intensive industries and practices. To align with international frameworks, national level processes should facilitate this participation. Many national-level legal frameworks provide for consultation and feedback mechanisms for communities on national level planning and policy, and these should be integrated in just transition processes. Given the complexity and scale of many of the actions required in the transition, these mechanisms should be further enhanced to address possible participation barriers for certain groups. International legal frameworks, particularly in labor and human rights, draw important distinctions between broader engagement or consultations and full participation. Full participation goes beyond being heard; it provides affected communities with the opportunity to influence, modify, or even halt certain elements of just transition processes.

Secondly, as discussed in the Introduction and in Chapter 1, just transition approaches involve targeted support for communities and groups most affected by just transition processes. Consequently, in addition to their participation, the process of assessment and alignment at the national level should include focused interventions to protect those most at risk of adverse transition impacts. These groups include workers, people located near or on critical transition minerals or large renewable energy projects, IPs, environmental and human rights defenders, and people with disabilities. National legal frameworks are essential in this regard—by protecting against discrimination of certain groups, ensuring access to remedies and justice, and advancing the rights of groups at heightened risk of marginalization and vulnerability. Such protections should be upheld, and where necessary, revised to be strengthened and aligned with international obligations.

The international legal frameworks discussed in Chapter 1 increasingly call for the recognition of IPs not just as stakeholders but as rights-holders with distinct governance systems and legal traditions. This implies that just transition processes should be co-designed with Indigenous communities, respecting customary law and enabling co-governance arrangements that reflect legal pluralism and Indigenous autonomy.

For women in particular, a just transition requires an ecosystemic intervention that addresses deep-rooted structural barriers, including unpaid care burdens. Without targeted policies, the green transition risks worsening gender inequality, as analysis shows the vast majority of new green jobs will be in traditionally male-dominated sectors.⁴⁷¹ Therefore, for a transition to be just, it should be gender-sensitive, integrating efforts across climate (NDCs), biodiversity (NBSAPs), and economic planning to place gender equality, social protection, and the care economy at the center of the new development paradigm.⁴⁷²

In addition, the legal frameworks alignment process should involve long-term strategic planning. Realistic implementation periods are needed to align objectives, timelines, and human resources with long-term strategies. Sustained technical and financial assistance is also essential to ensure continuity, sustainability, and the ability of legal reforms to accommodate complex decision-making and gradual institutional change.⁴⁷³

In addition, targeted technical assistance and capacity building are often necessary to strengthen national legal frameworks and align them with international standards. Countries may welcome additional expertise to support legal and regulatory assessment and planning or to interpret and apply existing legal instruments. For example, training judges and other key actors on relevant international legal standards can yield lasting impact through improved case law and enforcement practices.⁴⁷⁴

Finally, inclusive social dialogue, involving governments, employers, and workers, is a cornerstone of embedding just transition principles into national legal frameworks, as it fosters ownership, enhances compliance, and

“ Full participation goes beyond being heard; it provides affected communities with the opportunity to influence, modify, or even halt certain elements of just transition processes.”

supports the effective implementation of reforms. For example, a project in Cambodia and Viet Nam uses social dialogue as the central strategy for applying the ILO’s Just Transition Guidelines to the construction and paper industries.⁴⁷⁵

As highlighted above, just transition processes involve many diverse and interconnected areas, including across energy, labor, mining, social protection and finance. These areas become even more fragmented when legal frameworks operate in federal systems, or between different levels of government, such as from national, municipal, provincial and local authorities. Coordinating to ensure the coherence of national legal frameworks on just transition processes is critical in this regard. This coherence should be assessed across a number of different levels and areas.

Firstly, coordination of legal frameworks is needed horizontally, including across industry sectors, protection of specific groups, and areas of responsibility for different ministries. It is particularly important to ensure that legal frameworks governing critical stages of the just transition, including the move away from fossil fuels, can both facilitate the urgent shifts in industries while protecting groups at heightened risk of marginalization and vulnerability as a result of such shifts. There should be consistent provision made for key principles of just transition processes across legal frameworks, including participation, transparency, non-discrimination and access to justice for affected people. For new regulations, regulatory impact analysis should be carried out to assess impacts of legislation on other areas of legislation, ensuring consistent alignment of just transition principles across the broader regulatory frameworks. National just transitions plans and processes should also be assessed for coherency with existing regulatory frameworks, so that such plans balance between the urgent changes needed with the necessary protections for people, and this balance is provided for in law. Such coherence across legal frameworks should also be assessed across primary and secondary legislation, including by-laws and regulations.

Secondly, coordination is also needed vertically, or from the national to the sub-national level. Efforts to align national legal frameworks with international obligations governing just transitions should seek to ensure that large-scale national transition reforms are implementable at local levels and are reflected in sub national by-laws and regulations. Legal frameworks related to the most affected local communities in this regard include the phasing out of fossil fuel industries, including fossil fuel processing or energy infrastructures, and mining of critical transition minerals and the development of large renewable energy projects.

Another essential element for ensuring coordination is the participation of the relevant national and local authorities, civil society organizations, and affected communities and groups to orientate, assess, and provide feedback on regulatory analysis.

Following assessments of national frameworks for alignment with international obligations, and following coordination for coherence across sectors and levels of governance, policymakers will confirm and act upon the areas that need strengthening.

Even before regulatory reform, a fruitful first step often consists of governments increasing recognition of existing legal frameworks. Recognition can be as simple as creating greater awareness of existing obligations. Recognition could also take the form of a formal commitment to be guided by international guidance or frameworks in just transition processes. In some cases, recognition may require formal legal ratification of relevant treaties or conventions relevant for governing just transition processes, including those highlighted above in Chapter 1.

Another useful step is to consider implementation support needs. Even where the right laws and regulations are in place, they may suffer from lack of implementation and enforcement. Such shortcomings may be due to a lack of funding for the relevant agencies charged with developing or enforcing regulations, insufficient staff or expertise or equipment to conduct awareness raising, training, inspections, and prosecutions, or poor coordination or lack of clear assigned responsibility among relevant government authorities. Limited implementation may also result from poor awareness of environmental laws and rights among affected communities or hurdles to access the judicial system, such as costs, delays, or language barriers.

When legal or regulatory reform is needed, it may take the form of revision or amendment of existing national legal frameworks. Here, the work of authoritative bodies, committees and institutions is critical in guiding governments in taking action. As there is no one size fits all, such guidance will need to be adapted to the national context, in close consultation with the relevant ministries and with the full participation of affected groups and communities. The strengthening of frameworks should build on the assessments or mapping outlined above, and efforts to ensure coherence across national legal frameworks. These assessments, taken together with guidance from authoritative international organizations and development institutions, and consultative and participatory processes at the national level, should inform the necessary revisions of legal frameworks governing just transition processes.

As highlighted above, legal frameworks form the foundation of just transition processes, setting the parameters for a once in a generation economic, social and environmental transition. Such frameworks ensure the necessary safeguards for governments moving with great urgency to transition away from fossil fuels by protecting key groups and mitigating against unintended impacts across industries. While each just transition process should be carefully adapted to the specific political, cultural, and social national context, strengthening alignment of national processes with international legal frameworks can help governments contribute to global climate action while being just and fair for those most at risk from transition processes.

Following mapping, assessment, coordination, and strengthening of legal frameworks, implementation ensures that just transition principles translate from regulatory text into measurable outcomes for affected communities. Implementation requires coordinated action across multiple governance levels, while review mechanisms enable adaptive management as transition pathways evolve. This final step establishes review structures that allow for a recalibration of just transition legal frameworks as appropriate to achieve their intended results.

Implementation of just transition legal frameworks demands institutional coordination mechanisms that bridge sectoral silos and governance levels. Building on the kind of planning envisioned above when designing coherent national legal frameworks, countries should establish dedicated implementation bodies with statutory authority to coordinate across ministries, monitor compliance with just transition obligations, and adjust implementation strategies based on community feedback and other experience. These bodies require clear mandates established through legislation or regulation, adequate budgetary allocations protected from political cycles, and representation from affected workers, communities, and civil society organizations.

To accompany implementation, monitoring and evaluation systems are needed to track both E&S dimensions of just transition implementation. Countries can develop composite indicators that capture, for example, employment transitions in affected sectors, community economic resilience metrics, participation rates of vulnerable groups in new economic opportunities, and distributional impacts across regions and demographics. These monitoring frameworks require disaggregated data collection systems, regular reporting cycles aligned with NDC updates, independent verification mechanisms, and public disclosure requirements that enable civil society access and contributions. Development institutions can support countries in establishing baseline assessments and developing monitoring protocols that satisfy domestic planning needs and accountability requirements as well as international reporting obligations.

Review mechanisms enable enhanced action and course correction as implementation reveals unforeseen challenges or opportunities. National legal frameworks should include mandatory review cycles, preferably aligned with five-year NDC periods, that assess whether the implementation of national legal frameworks achieves just transition objectives as designed. Review processes should incorporate structured feedback from affected communities through public hearings and consultations, independent evaluation by academic institutions or civil society organizations, and parliamentary oversight with authority to mandate policy adjustments. The review architecture should trigger policy and regulatory adjustments when monitoring reveals deviation from just transition commitments, ensuring that legal frameworks remain responsive to evolving transition dynamics.

Development institutions have the potential to play supportive roles throughout implementation and review cycles. Beyond providing implementation financing, development institutions can support establishment of monitoring systems through technical assistance and capacity building, facilitate peer learning through regional platforms and knowledge exchanges, provide independent assessment of implementation effectiveness, and help countries access international climate finance for just transition outcomes. Development institutions can align their own project cycles with national review

mechanisms, such that international support reinforces rather than fragments domestic implementation efforts. This alignment requires coordination among development partners to avoid duplication, standardized indicators that enable cross-country learning, and flexible programming that adapts to review findings.

“...implementation ensures that just transition principles translate from regulatory text into measurable outcomes for affected communities.”

Implementation success ultimately depends on sustained political commitment and adequate resourcing over transition timelines that span decades. Legal frameworks can help institutionalize this commitment through constitutional provisions that survive political transitions, dedicated

revenue streams from carbon pricing or natural resource revenues, multi-year budget allocations with protection against reprogramming, and international agreements that create external accountability for implementation. However, legal frameworks alone cannot guarantee successful implementation without broader societal commitment to just transition principles. Countries should therefore complement legal implementation mechanisms with public communication strategies that build social consensus, capacity development programs that enable meaningful participation, and demonstration projects that show tangible benefits of just transition approaches. Through iterative cycles of implementation, monitoring, review, and adjustment, countries can ensure that legal frameworks deliver on just transition's promise of inclusive and equitable transformation.

End of Chapter Takeaways

Development institutions have begun to integrate just transition principles into institutional mandates, financing mechanisms, and operational approaches through such initiatives as the MDB Just Transition High-Level Principles and specialized instruments like JETPs. Among other tools, development institutions can foster collaboration among countries and development partners to help leverage expertise on just transition cross topics and geographies. They can finance just transition projects and policy reforms. They can promote coordination among countries and development partners to avoid overlap and to avoid overlooking sectors and regions. And they can provide technical assistance for the development or implementation of national legal frameworks, through trainings, toolkits, diagnostics, and other activities.

These varied engagements by development institutions demonstrate practical pathways for translating international just transition principles and commitments into project-level implementation. The diversity of approaches reflects different institutional mandates, capacities, and country contexts while sharing a common goal. It also reveals common challenges in measuring just transition outcomes and ensuring meaningful community participation.

Based on these experiences, and the regulatory frameworks surveyed in earlier chapters, it is possible to identify a roadmap for enhancing national just transition legal frameworks. It involves mapping, assessing, coordinating, strengthening, and implementing legal frameworks. Along that journey, development institutions have an important role to play in supporting countries by moving from fragmented project approaches toward holistic support for the design and implementation of national legal and regulatory frameworks aligned with just transition.

Conclusion

Just transition has acquired formal recognition under the Paris Agreement, authoritative soft law instruments, including ILO Guidelines and MDB Principles, and emerging jurisprudence in international human rights law. Several other sources of international law, including international conventions related to labor and natural resources, also reflect key principles of just transition, such as stakeholder engagement and worker protections. The UNFCCC Work Programme provides institutional mechanisms for coordination, while MDBs have begun integrating just transition considerations into climate finance. These international frameworks establish normative foundations that allow countries to increasingly reflect just transition in their NDCs and adopt corresponding legislative and regulatory measures. This growing recognition of just transition across international legal regimes create important synergies with other multilateral environmental agreements, such as the Kunming-Montreal Global Biodiversity Framework and its related national plans (NBSAPs), and other developments of international law, including the universal right to a clean, healthy, and sustainable environment.

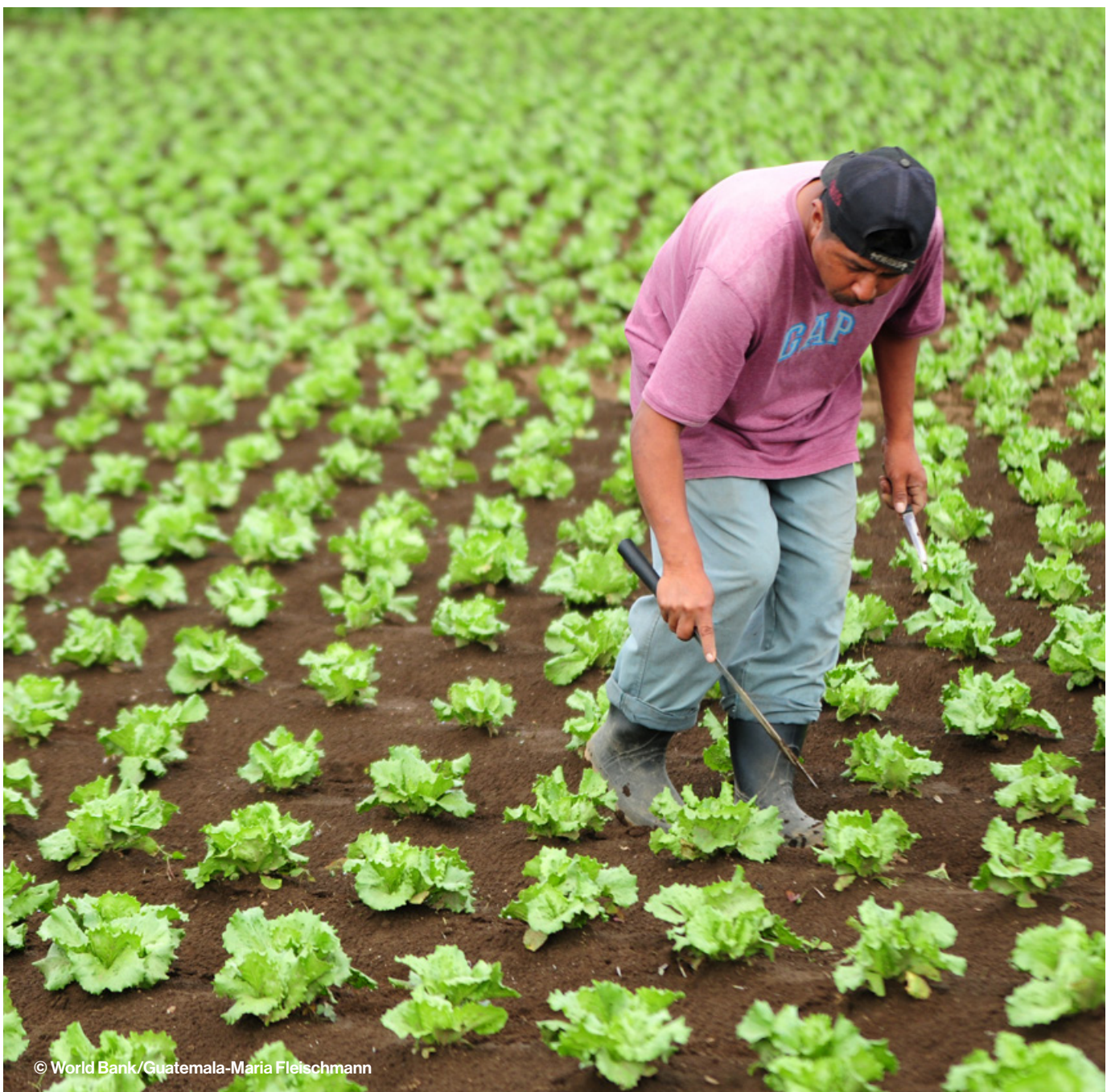
Countries have developed a range of legal frameworks that translate just transition principles and aspirational international climate change goals into enforceable obligations at the national level. These include enhanced worker and social protection systems, mandatory stakeholder participation requirements, and sector-specific regulations that embed benefit-sharing and other equity considerations. These regulatory approaches span some of the sectors most central to an effective global just transition, including energy, labor, critical minerals, finance, and agriculture and land use.

The integration of social provisions into just transition policies creates complex interactions with existing legal frameworks across international investment law, international trade regulation, and rights-based litigation. Countries face potential legal challenges under international investment law, WTO rules, and domestic constitutional frameworks. Emerging jurisprudence indicates how governments can ground just transition laws in constitutional and legislative authority, and how some courts interpret just transition commitments as justiciable obligations that can compel government implementation.

A growing number of development institutions have established institutional frameworks, financing mechanisms, and operational approaches that embed just transition principles into programming. The MDB Just Transition High-Level Principles, JETPs, specialized funding instruments, training, technical assistance initiatives, and analytical reports demonstrate the range of tools that development institutions can deploy to support countries in adopting and implementing national legal frameworks for just transition.

While the development of legal mandates is a necessary condition for a just transition, it is not sufficient. The implementation of these frameworks is often more complex than their adoption, particularly due to challenging political economy dynamics. Legal recognition of these rights is a critical first step, but effective implementation requires robust monitoring, enforcement mechanisms, and institutional capacity to uphold them in practice. Development institutions and governments need to invest in strengthening these systems to realize the promise of just transition.

The legal toolbox is rich. This report identifies a range of legal entry points for development institutions, national governments, and civil society organizations seeking to implement just transition approaches through systematic integration of social objectives into climate change and economic transformation policies. A mix of country- and sector-specific legal instruments can translate international just transition principles and aspirational goals into enforceable obligations with the potential to deliver meaningful progress globally.



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Annex

**Overview of Just
Transition Activities
by Development
Institutions**

INITIATIVE	INSTITUTIONS	ACTIVITIES	DESCRIPTION
I. JOINT STRATEGIES AND INITIATIVES			
COLLECTIVE CLIMATE AMBITION (COP26, 2021)	African Development Bank, ⁴⁷⁶ Asian Development Bank, Asian Infrastructure Investment Bank, Council of Europe Development Bank, European Bank for Reconstruction and Development, European Investment Bank, Inter-American Development Bank Group, Islamic Development Bank, New Development Bank, World Bank Group		Signatory MDBs signaled their support for “Just Transitions in communities, regions, and sectors directly impacted by the low-carbon energy, transport and industrial transitions”.
HIGH LEVEL MDB STATEMENT⁴⁷⁷ (COP25, 2019)	African Development Bank, Asian Development Bank, Asian Infrastructure Investment Bank, European Bank for Reconstruction and Development, European Investment Bank, Inter-American Development Bank, Islamic Development Bank, New Development Bank, World Bank Group	Financing, technical assistance, internal policy frameworks	Specific commitment to work with national development banks and other financial institutions to develop, by COP26, financing and policy strategies supporting a just transition that promotes economic diversification and inclusion. Particular commitments include: increase in individual MDBs' climate finance support, collective efforts to increase private sector climate investments, state assistance in meeting Paris Agreement goals, new transparency framework for MDBs, state assistance in moving away from fossil fuels.
MDB JUST TRANSITION HIGH-LEVEL PRINCIPLES⁴⁷⁸ (PRE-COP26, 2021)	African Development Bank Group, Asian Development Bank, Asian Infrastructure Investment Bank, Council of Europe Development Bank, European Bank for Reconstruction and Development, European Investment Bank, Inter-American Development Bank, Islamic Development Bank, New Development Bank	Financing, technical assistance	MDBs' strategy to achieve JT is organized around 5 principles: (1) objective to achieve climate objectives while enabling socio-economic outcomes, (2) support to move away from GHG emission intensive economies through finance, policy engagement, technical advice and knowledge sharing, (3) building on existing MDB policies and activities, mobilizing cofinance, and enhancing coordination, (4) limitation of negative impact on socio-economic aspects, and (5) emphasis on transparency and inclusivity
MDB PRINCIPLES FOR LONG-TERM STRATEGY SUPPORT⁴⁷⁹ (2019)	African Development Bank, Asian Development Bank, Asian Infrastructure Investment Bank, European Bank for Reconstruction and Development, European Investment Bank, Inter-American Development Bank, Islamic Development Bank, New Development Bank, World Bank Group	Financing, capacity building, partnerships with private sector	Adoption of 8 core principles: (1) lay out a long-term and specific vision for a decarbonized, climate-resilient future, (2) link climate goals to SDGs, (3) set climate targets consistent with Paris Agreement, (4) integration of adaptation and climate resilience goals, (5) cover key sectors and systems, (6) country ownership, (7) inclusive and transparent stakeholder engagement process, and (8) appropriate institutional capacity for implementation

PARIS ALIGNMENT APPROACH (COP24, 2018)	African Development Bank, Asian Development Bank, Asian Infrastructure Investment Bank, European Bank for Reconstruction and Development, European Investment Bank, ⁴⁸⁰ Inter-American Development Bank, Islamic Development Bank, New Development Bank, World Bank Group	Financing, partnerships, technical assistance, analytics and other reports	Six building blocks for Paris Alignment: (1) alignment with mitigation goals to ensure consistency with countries' low-emission development pathways; (2) adaptation and climate-resilient operations; (3) acceleration of transition through climate finance; (4) engagement and policy development support for countries and other clients; (5) emphasis on climate reporting with tools and methods for monitoring; and (6) alignment of internal activities
UZBEKISTAN CLIMATE TRANSITION PROGRAM (2024)	Asian Development Bank, Asian Infrastructure Investment Bank	Financing	The Program will focus on (i) strengthening the institutional framework, planning, budgeting, and monitoring mechanisms, (ii) strengthening climate change adaptation priorities and (iii) accelerating transitioning to a low-carbon economy, particularly in the climate-critical sectors of transport and energy through e-mobility and energy efficiency related reforms.

II. MDB-SPECIFIC STRATEGIES AND INITIATIVES

CLIMATE CHANGE ACTION PLANS	Asian Development Bank (2023)	Financing, technical assistance	Creation of a low-carbon and climate-resilient future with new economic and social development opportunities that leave no one behind; alignment with MDB principles; recognition of a multifaceted lens for a just transition as it applies across workers, communities, consumers, and producers; emphasis on genuinely inclusive, transparent, and accountable processes; recognizing that challenges and opportunities associated with JT are context-specific, and need to reflect the place and people affected, it emphasizes the need for local, regional and national engagement and ownership and JT processes to be developed and delivered in conjunction with affected groups, including civil society, women, workers' associations, trade unions and marginalized populations.
	Asian Infrastructure Investment Bank (2023)		Focus on efforts to mitigate, through infrastructure investments, the adverse socioeconomic impacts of energy transition, particularly in Member states where fossil-fuel sectors constitute a significant share of economic activities

	European Investment Bank Group (2020)		Prioritization of projects that simultaneously support the transition and improve socio-economic development; focus on focusing on building resilience of the people and employment sectors most vulnerable to climate change, supplemented by advisory services to enhance the social impact of climate- and environment-eligible projects
	World Bank Group (2021)		Significant increase in financing and advisory support for a just transition from coal to client countries that request it; increased World Bank support for national, regional, and local authorities to develop clear roadmaps for the transition, focusing on governance structures, the welfare of people and communities, and the remediation and repurposing of former mining lands and coal-fired power plants; involvement of IFC and MIGA to support the coal transition in the private sector.
COAL TRANSITION PROJECTS	World Bank Group	Financing	World Bank-sponsored projects to close coal mines and coal-powered plants in Bosnia & Herzegovina, Greece, Poland, Romania, Serbia, South Africa, Ukraine. Projects incorporate principles of just transition.
ENERGY TRANSITION MECHANISM (2022)	Asian Development Bank	Financing	The ETM, a collaborative initiative, aims to catalyze public and private capital to accelerate the transition from carbon-intensive coal-based power plants to clean energy in ADB's developing member countries. The shift from legacy fossil-fuel based power and heat generation has the potential to improve health outcomes by cutting harmful emissions and pollutants, promote energy security and affordability, and help create livelihood opportunities for people and businesses. This will unlock new investments in sustainable and renewable energy. ETM will prioritize a just transition, including high level consultations to avoid adverse impacts on the environment and people, and a commitment that the move toward renewable and sustainable economies will leave no community, industry, or worker behind.
GENERAL STRATEGIES	New Development Bank (2022)	Financing, technical assistance	Consideration of socio-economic challenges associated with decarbonization to achieve just transition. Implementation of this approach will be detailed in a separate paper to be issued.

ENERGY SECTOR STRATEGIES	Asian Development Bank (2021)	Financing, technical assistance	In recognition of the significant diversity across ADB's developing member countries (DMCs), the implementation of the Energy Policy will adopt but differentiated approaches in line with each DMC's level of economic development, resource endowment, and nationally determined low-carbon transition pathways. Support for a just transition will also factor in resource considerations in line with this differentiated approach. ADB will support its DMCs in undertaking and implementing transparent and inclusive planning and policies for a just transition. The aim is to mitigate negative socioeconomic impacts and increase opportunities associated with the transition; support affected workers and communities; and enhance access to sustainable, inclusive, and resilient livelihoods for all.
	Asian Infrastructure Investment Bank (2022)		Strategy involves efforts to mitigate the adverse social impacts of energy transition and facilitate a Just Transition. A Just Transition needs to avoid or mitigate inequitable impacts that would bring about a multifaceted set of social hardships, particularly in Members and communities where fossil fuel sectors constitute a significant share of economic activities
ENVIRONMENTAL AND SOCIAL FRAMEWORK (2024)	Asian Development Bank	Financing, technical assistance	Recognizing that the transformation toward low-GHG emissions and climate resilience may impact individuals, communities, and regions, ADB supports enabling the just transition of its developing member countries, employing economy-wide and multi-sector approaches to build their capacity. At the project level, ADB has institutionalized a climate risk management framework and tools to guide assessment and management of climate risk.

JUST TRANSITION INITIATIVES AND FRAMEWORKS	African Development Bank, Climate Investment Funds (2021)	Financing, technical assistance, partnerships, analytics and other reports	Expected outcomes of the initiative are: 1) development of a network of relevant stakeholders, experts, and partners; 2) development of a just transition framework (review scheduled for 2025); 3) production of a report on fundamentals of just transition; 4) organization of capacity-building workshops; 5) provision of guidance, operational supports and resources to member state; and 6) contributions to high-level engagements with other MDBs.
	European Bank for Reconstruction and Development (2020)		Prioritization of green economy transition, support for workers, and regional economic development; emphasis on strategic planning in a small number of countries; identification of investment and policy engagements that can accelerate a just transition; and internalization of the just transition initiative into operational processes. Projects under this initiative include solar project in North Macedonia to replace coal mine and renewable energy project in Poland.
	European Investment Bank Global (2023)		Promotion of just transition beyond the EU that puts an emphasis on 1) just transition, focusing on addressing the socioeconomic impact of mitigation-related policies; and 2) just resilience, focusing on addressing the unequal socioeconomic impacts of adaptation policies and responses and tackling unequal burdens of physical climate change impacts.
JUST TRANSITION SUPPORT PLATFORM (2022)	Asian Development Bank	Technical assistance	Through this platform, the Bank will provide technical assistance to build the capacity of ADB's developing member countries to strategically plan, implement, and finance just transition, to manage any negative impacts, and increase benefits from the transition to net-zero.

ASIA AND PACIFIC JUST TRANSITION SOCIAL AND HUMAN IMPACT FORUM (2025)	Asian Development Bank	Technical assistance	Expected outcomes of the initiative are: enhancement of ADB's DMC's capacity for policy development and management of the social dimensions of JT. This will be effected through the creation of a JT Knowledge Hub to be managed by a regionally based research entity which will support capacity building of its developing member countries by (i) identifying knowledge from those countries for country specific, and regionally relevant research; (ii) developing specific knowledge and research products for DMCs; (iii) convening annual Just Transition social dimensions events; (iv) supporting ADB projects with specific social research on just transition; and (v) disseminating JT Knowledge Hub products using multiple channels
SOUTH-SOUTH COOPERATION WORKSHOP (2022)	African Development Bank Group	Capacity building	This event, taking place during the World Bank's Innovate4Climate Conference, explored how to secure a just transition in the developing world and the importance of South-South Cooperation.
CRITICAL MINERALS-TO-MANUFACTURING VALUE CHAINS FOR POWERING PROGRESS, 2025-2029	Asian Development Bank		
III. INTERNATIONAL ORGANIZATIONS' STRATEGIES AND INITIATIVES			
HIGH-LEVEL EXPERT GROUP PANEL ON CRITICAL ENERGY MINERALS (2024)	United Nations Secretary-General	Analytics and other reports	Principles 3, 4 and 5 relate to just transition and insist on the need to take equity and justice into account when devising mineral value chain and that development must be achieved through benefit-sharing, etc. Includes 9 key recommendations: 1) commit to just transition, 2) understand just transition and its implications for the organization, 3) put people at the heart of the institutional strategy and decision-making, 4) set out an implementation strategy, 5) develop products to address just transition related financing and protection needs, 6) focus on financial inclusion and bridging the protection gap, 7) strive to uncover and manage client-specific social impacts, risks, and opportunities, 8) foster behavioral change through client engagement and 9) advance a just transition and enhance capital allocation to place-based needs via partnerships.

JUST TRANSITION FINANCE (2023)	International Labour Organization, United Nations Environment Programme	Analytics and other reports	Provides guidance to banks and insurance companies on the role of banking and underwriting activities in promoting a just transition to low-carbon, climate-resilient economies. It details crucial elements, emerging practices and examples, helping banks and insurers to become enablers of a just and inclusive transition.
JUST TRANSITION MECHANISM FOR THE EU (2021)	EU, European Investment Bank Group	Financing, technical assistance	Mechanism that provides targeted support in most-affected region, to alleviate the socio-economic impact of the transition. It combines financing (Just Transition Fund) and technical and advisory support (Just Transition Platform). The Just Transition Fund is part of the Cohesion Policy (2021-2027) and supports efforts to achieve 2050 climate neutrality goal. The Just Transition Mechanism is supported by the Public Sector Loan Facility, a blending instrument. This instrument regions, sectors and communities heavily dependent on carbon-intensive industries and funds projects addressing social, economic, and environmental challenges arising from the transition. The European Investment Bank Group provides financial support to the Mechanism and the Public Sector Loan Facility.

IV. MULTIPARTNERED STRATEGIES AND INITIATIVES

ACCELERATING COAL TRANSITION (2021)	Climate Investment Funds, Government donors, partner governments, implementing agencies (AfDB, ADB, EBRD, IDB, WBG)	Financing	ACT was established to accelerate large-scale energy transitions in fast growing middle-income countries highly dependent on coal-fired power plants. All aspects of the transition are supported, including ensuring a just transition for affected communities.
CALL TO ACTION: FOSTERING SOCIAL DIALOGUE FOR A JUST TRANSITION TO A RESILIENT LOW-CARBON ECONOMY	(2024), German Federal Ministry for Economic Cooperation and Development, ILO, International Trade Union Confederation, International Organisation of Employers	Alliance building, knowledge sharing, capacity building	Aims to scale up international cooperation to promote social dialogue worldwide through alliances and concrete measures to accelerate a just transition. Priorities include strengthening the capacity of social partners, integrating decent work and just transition into NDCs, and supporting engagement in multilateral processes.

COUNTRY SUPPORT	Agence française de développement	Technical assistance, financing, reporting and other analysis	Supports energy sector reforms in many countries, including Albania, Indonesia and South Africa. Strong emphasis on just transition.
	Kreditanstalt für Wiederaufbau		Provides just transition-related technical assistance through its technical and vocational education and training program, including in Indonesia (with Asian Development Bank), South Africa
	Deutsche Gesellschaft für Internationale Zusammenarbeit		The GIZ supports multiple country projects, including in South Africa, Chile, Colombia, Indonesia, Mongolia, Thailand, Viet Nam. Just transition-related technical and financial assistance includes training, investor attraction, startup support
GLOBAL ENERGY ALLIANCE FOR PEOPLE AND PLANET	Philanthropies, multilateral development banks		The Global Energy Alliance for People and Planet is, among other things, committed to ensure a just transition by prioritizing the needs of communities, workers, and all people in the shift to clean energy. They achieve this by focusing on: 1) scaling up green energy solutions to improve lives and create jobs in developing countries, 2) supporting the repurposing or decommissioning of fossil fuel assets, and 3) providing resources and technical knowledge for a smooth transition.
JUST TRANSITION PLANNING MASTERCLASS (2024)⁴⁸¹	African Development Bank, Climate Investment Funds	Capacity building	This event brought together 25 policymakers, civil society organizations, and technical experts from pilot countries to collaborate on practical solutions for inclusive climate action. It provided a platform for participants to enhance their knowledge, skills, and networks with a view to supporting African countries in planning a fair and inclusive transition to sustainable development.
JUST COAL TRANSITION PLATFORM (2017)	Southeast Asia Energy Transition Partnership, World Bank	Knowledge-sharing, capacity building, technical assistance, financing	Structures along 7 components: 1) Regional Annual Forum, 2) Peer Dialogues, 3) Learning Academy, 4) Knowledge and Data Repository, 5) Twinning Program, 6) Coordinate Access to Financing and Technical Assistance and 7) sustainability plan.

JUST ENERGY TRANSITION PARTNERSHIPS	Government donors, partner governments	Financing, technical assistance	<ul style="list-style-type: none"> → South Africa JETP (2021) includes, in addition to South Africa and as donors, France, Germany, the United Kingdom, the United States and the EU. → Indonesia JETP (2022) includes G7 countries and Denmark and Norway. It aims to help Indonesia achieve the goals set out in its nationally determined contribution to the Paris Agreement, and prevent emissions of 1 to 1.5 gigatons of greenhouse gas emissions. comprehensive investment plan (the JETP Investment and Policy Plan) to achieve Indonesia's decarbonization goals → Further JETPs include the EU-Senegal-International Partners Group JETP and the G7-Vietnam JETP
PLATFORM INITIATIVE IN SUPPORT OF COAL REGIONS IN TRANSITION FOR WESTERN BALKANS AND UKRAINE (2020)	World Bank, European Commission, European Bank for Reconstruction and Development, Energy Community Secretariat, College of Europe, Government of Poland	Financing, technical assistance, partnerships, knowledge exchange	<p>The Platform Initiative for Western Balkans and Ukraine is a joint effort of the Principals, who are working together on cooperation with partners in the Western Balkans and Ukraine to deliver knowledge to coal regions and governments, principally through face-to-face meetings and the Coal Regions in Transition Learning Academy.</p> <p>Knowledge to be delivered pertains to planning and preparing for transition. In addition, the Platform Initiative will bring financial resources to assist selected regions in identifying and implementing pilot projects.</p>
SOUTH EAST ASIA ENERGY TRANSITION PARTNERSHIP (2021)	Government donors, philanthropies, partner governments	Financing, technical assistance	The UNOPS-hosted initiative brings together government donors, philanthropies and partner governments to accelerate energy transition in Southeast Asia, deliver the Paris agreement targets on climate change and support partner countries to achieve their national sustainable development goals. The initiative recognizes the importance of just transition and, to that end, launched the Just Coal Transition Platform.
TRAINING INSTITUTES FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY (2020)	African Development Bank, EU, Deutsche Gesellschaft für Internationale Zusammenarbeit	Capacity building	The aim of the project was to meet the training needs in the renewable-energy and energy-efficiency sector, while at the same time promoting the development of this sector by boosting the qualification of its human resources. Emphasis on strong engagement on stakeholder.

V. SELECT REPORTS FROM INTERNATIONAL DEVELOPMENT INSTITUTIONS

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Endnotes

- 476 At CoP26, the AfDB Group joined a panel in which its chief oil officer noted the relationship between just transition and SDGs and the African Union's 2063 Vision.
- 477 MDBs have issued joint statements addressing just transition at the [CoP27](#) in 2022, [CoP28](#) in 2023 and [CoP29](#) in 2024.
- 478 At CoP 27, an event was organized on these principles. There, the New Development Bank co-hosted with the Development Bank of South Africa a [session](#) on just transition and climate finance in South Africa. The AfDB Group held a [Just Transition Africa Roundtable Meeting](#) at the CoP27. At the CoP29, the MDB Just Transition Working Group [presented](#) MBD's initial approach to measuring just transition outcomes based on relevant case studies.
- 479 At CoP28, MDBs [presented](#) their Long-Term Strategy programs.
- 480 [At the CoP24, EIB Vice-President Hudák explained](#) the importance of supporting coal regions in their transition to new energy sources.
- 481 In December 2024, Mpumalanga Green Cluster Agency, the Project Implementation Unit, with support from the Climate Investment Funds and the African Development Bank [organized](#) a series of events on advancing gender equality in South Africa's [Just Energy Transition](#).





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