

Legal challenges at the end of the fossil fuel era: Shaping energy futures through legal intervention

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Since the early 1990s, energy poverty has acquired an increasingly important role in the design and evaluation of energy policies, as well as in international debates on sustainable development and equity. From science it has been pointed out that there is no contradiction between overcoming energy poverty and the fight against climate and environmental change; on the contrary, important synergies can be achieved by pursuing both objectives at the same time. However, most of the research has tended to be polarized on poor, underdeveloped countries, where the problem is often identified with a lack of sufficient access to adequate, reliable, and secure energy services; or in developed countries, where the concept, often renamed “fuel poverty”, focuses on issues of affordability and distributive equity. In both cases, the reality of the intermediate countries and the challenges of the energy transition are not considered in sufficient depth.

Since 2015, Sustainable Development Goal No. 7 indicates the need to advance in Affordable and Non-polluting Energy. Access to clean, safe, sustainable, and modern energy is a requirement for people's daily lives but also for the operation of other essential services such as food, health, education, economic activities, among others. On the contrary, the lack of access to energy sources, supply systems and energy transformation constitutes an obstacle for social and economic development.

Parallel to this challenge, in recent decades, Energy Transitions have become one of the main concerns of global climate change policy. In this context, addressing energy poverty and inequality cannot be separated from the goals of ensuring a reliable energy supply and preventing local and global environmental impacts, and at the same time must consider all the complex and often debated interdependencies with development and Equity. To this is added, that in the Latin American experiences several dilemmas related to multidimensional poverty are superimposed; environmental conflicts, mining exploitation; gender inequalities; the privatization of energy services, among others. To face these challenges in the talk I address the social energy justice establishing a dialogue between three approaches with a regional perspective: Energy Poverty (accessibility to affordable, equitable and quality energy), Territorial Energy Vulnerability (propensity of a territory not to guarantee resilient energy services) and Energy Transitions (abandonment of fossil fuels for energy generation).