

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

VII Tarragona International Environmental Law Colloquium (TIEC)
26-27 May 2022
www.tiecolloquium.com



PANEL 3. Environmental and social energy justice

Just transition in Latin America: striking a balance between economic development and environmental and social energy justice

Natalia Urzola

(Co-chief Operating Officer at Global Network for Human Rights and the Environment)

Maria Antonia Tigre

(Global Climate Litigation Fellow at Sabin Center for Climate Change Law at Columbia Law School)

Milagros Mutsios

(LLM Candidate at Yale Law School)

Lorena Zenteno

(PhD Student at University of Edinburgh)

Marlies Hesselman

(Lecturer International Law, University of Groningen)

Riccardo Luporini

(Postdoctoral Research Fellow in International Law, Sant'Anna School of Advanced Studies)

The pressing need to reduce greenhouse gas (GHG) emissions and mitigate climate change drives human society to phase out fossil fuels. Yet, decarbonization strategies are developed within a context of significant socio-economic challenges, including inequality and racial injustice. To succeed, the energy transition has to be fair and just. “Just transition” is a twofold concept, with distinguishing environmental and labor-driven dimensions. It is defined as the shift towards a low-carbon society that ensures protection of minorities and carbon-dependent communities from undue burdens of decarbonization costs. Recognizing the major societal implications of both unabated global warming, and (unjust) decarbonisation policies and projects, citizens and civil society organizations worldwide have begun to approach courts to demand accelerated GHG emissions reductions and protect vital climate sinks. At the same time, they challenge the justness or fairness of decarbonization policies due to negative effects on carbon-dependent communities or marginalized citizens. Just transition litigation cases rely in whole or in part on human rights to question the distribution of the benefits and burdens of the energy transition. While several cases are emerging, there is no comprehensive analysis of just transition litigation

yet. This paper identifies just transition policies and case law in Latin America. Through a comparative analysis, we question whether initiatives in energy transformation have adequately relied on a just transition process. The Latin-American perspective is unique as countries experience a constant dichotomy between biodiversity conservation/environment protection and the promotion and pursuit of socio-economic development through extractive policies and activities. Their experience also highlights neglected aspects, such as high levels of labour informality, lack of implementation of (environmental) laws, and strong participation of indigenous and ethnic communities. Overall, this paper aims to increase visibility of affirmative actions from the Global South and provide practical answers to environmental and social energy justice.