

Key Messages on a Just Transition and Human Rights

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The environmental and human rights costs imposed through our current economic and governance systems threaten humanity's future. While transition is imperative, it is important to define where the world wants to transition to, and the means to get there. A just transition would be one that measurably enhances all human rights, including, but not limited to the rights to health, healthy environment, equality and non-discrimination, and decent work promoting inclusion and equality. The necessary efforts to combat the triple planetary environmental crisis of climate change, biodiversity loss and pollution provide a unique opportunity to realign development pathways, as they should already be, in accordance with human rights obligations and the Sustainable Development Goals.

The term "just transition" refers to the transition to a human rights economy that is fair, equitable, inclusive and sustainable, creates decent work opportunities, reduces inequalities and poverty as well as upholds the human rights of workers and affected communities, in particular Indigenous Peoples and communities affected by environmental degradation and by the measures that are needed to address it. Stakeholder engagement or social dialogue is also important and the shift towards a sustainable economy must include the entire economic spectrum, from energy and transport to agriculture to financial services. While currently the transition is predominantly from a fossil fuel economy towards a green economy, there is also a need to engage and empower consumers to change consumption habits that are unsustainably driving excessive energy demands, contaminating air, soil and water, and harming health and nature as a crucial element in achieving a just transition.

Rights-based environmental action focuses on building inclusive economies and societies – in which opportunities, resources and services are equitably shared and where governance is accountable – that deliver on the progressive realisation of economic, social and cultural (ESC) rights, justice, opportunities, connection and hope. A just transition is intrinsically grounded in human rights standards and obligations, including the rights to equality and non-discrimination, a clean, healthy and sustainable environment, decent work, social security, access to information, public participation and access to justice and remedies. Human rights requires that labour is not reduced to a commodity, but considered an investment in people, partnership and our societies.

Integrating human rights in just transition processes requires: (a) the adoption of the international human rights framework in just transition processes, including the progressive realisation of ESC rights, for framing actions in moving both away from the fossil fuel economy, and toward a green economy; (b) fostering equitable access to the benefits of the transition process as well as fair distribution of its burdens; (c) shifting economic models to those that create wellbeing of people and planet, gender equality, and the reduction of inequalities and that are not simply concerned with GDP; (d) protecting the rights of workers and communities affected by the ecological transformation from impacts on their livelihoods; (e) investing in the creation of decent jobs and the provision of social security; (f) the participation of workers and their trade unions to provide and guarantee decent work, social protection, training opportunities and job security; (g) reducing consumption and production that drive excessive energy and resource demands, contaminate air, soil and water, and harm health and nature; and (h) ensuring people and communities who experience human rights violations or abuses have access to effective remedies.

Just transition involves maximising the social and economic opportunities of environmental action, including through the establishment of an enabling environment for sustainable enterprises, while minimising and carefully managing challenges associated with it. It should be based on effective social dialogue, respect for fundamental principles and rights at work, and be in accordance with international human rights and labour laws and standards. The ILO Declaration

on Fundamental Principles and Rights at Work, adopted in 1998 and amended in 2022, includes freedom of association and the recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, the elimination of discrimination in respect of employment and occupation, and a safe and healthy working environment. The ILO Guidelines for a Just Transition to Environmentally Sustainable Economies and Societies for All, adopted in 2015 by tripartite consensus, provide detailed guidance to implement a just transition in accordance with rights at work.[1]

The following Key Messages articulate key human rights obligations for the achievement of a just transition.

1) Ensure equity and justice

While the triple planetary environmental crises of climate change, biodiversity loss and pollution affect people everywhere, those who have contributed the least are often those most affected. According to the ILO, over 100 million jobs can potentially be created but also close to 80 million may be lost in the green transition. Overall, job creation will be concentrated among medium-skill jobs.[2] Countries that do not have the fiscal and political space to diversify their economy may face challenges to move away from polluting sectors.

Sustainable development should be rooted in a different socio-economic model that prioritizes addressing inequalities over an exclusive focus on economic growth and that tackles excessive consumption rather than treating it as a component of growth. A just transition can open new opportunities and minimize environmental impacts, while safeguarding workers' rights and the rights of those most affected by environmental degradation, including climate change, and the measures needed to address such challenges. But it does not automatically guarantee inclusive and equitable outcomes and sometimes risks exacerbating existing inequalities. For example, communities can be negatively affected and/or displaced by renewable energy projects and the exploitation of rare earth minerals. This is why it is essential for a just transition to put people at the centre, ensuring that workers, micro, small and medium-sized enterprises (MSME) and communities affected by environmental harms and actions to address them are protected.

Ensuring just transition processes are 'just' requires safeguarding the rights of workers, their communities and people in vulnerable situations. The costs of environmental degradation should be borne by polluters, and the benefits of development should be equitably distributed. Justice requires a participatory and inclusive transition that seeks to remedy past human rights harms and prevent future ones, including through the establishment and effective implementation of human rights safeguards and independent redress mechanisms.[3]

Equity within and amongst countries is a central principle of just transition, as it emphasizes inclusivity and the reduction of inequality by ensuring that the benefits and costs of the transition are distributed in a just and fair manner. For this reason, ensuring the transition to environmentally sustainable economies is important for all economic sectors, the formal as well as the informal economy, and for countries at all levels of development. Equity in environmental action can build social trust by ensuring that just transition pathways benefit people in developing low- and middle-income countries, Indigenous Peoples, people in vulnerable situations, and future generations.[4]

There is no "one-size-fits-all". Policies and programmes need to be designed in line with the specific conditions of countries, including their stage of development, economic sectors and types and sizes of enterprises, and in compliance with human rights, including international labour standards and obligations. This needs to take place in a global economy where businesses and investors treat respect for the rule of law, including human rights and international labour law and standards, as part of their fiduciary duty. The examples of such policies include "just transition agreements", community planning, human rights impact assessments, fiscal transparency and accountability, Just Transition Commissions as well as new institutional structures for social dialogue established by governments.

2) Mobilize maximum available resources for sustainable, rights-based development, including through international cooperation

States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development, as outlined in the UN Declaration on the Right to Development. Under core human rights treaties, including the international labour standards, all States have the duty to mobilize, allocate and spend the maximum available resources for the progressive realization of ESC rights, including the rights to a clean, healthy and sustainable environment and a safe and healthy working environment. Failing to adopt reasonable measures to mobilize available resources to prevent foreseeable human rights harms caused by environmental degradation – including delays in transitioning to an environmentally sustainable human rights economy and society – constitutes a breach of this obligation.

The mobilization of resources to address transition-related challenges should complement, rather than compromise, other efforts of States to fulfil their human rights obligations. Human

[1] At the 111th session of the International Labour Conference, held in June 2023, delegates representing workers, employers, and governments from the ILO's 187 Member States adopted conclusions concerning a just transition towards environmentally sustainable economies and societies for all. See more at: https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_885375.pdf

[2] ILO, Skills for a greener future: a global view, at: https://www.ilo.org/resource/news/new-ilo-study-provides-global-view-skills-greener-future

[3] See IPCC definition of climate justice, at: https://www.ipcc.ch/site/assets/uploads/2018/11/sr15_glossary.pdf

[4] According to the International Panel on Climate Change (IPCC), 6th Synthesis Report, "actions that prioritise equity, climate justice, social justice and inclusion lead to more sustainable outcomes, co-benefits, reduce trade-offs, support transformative change and advance climate resilient development. Equity, inclusion and just transitions are key to progress on adaptation and deeper societal ambitions for accelerated mitigation", at: https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_LongerReport.pdf

rights enhancing economic policies, such as progressive taxation on income and wealth, with the private sector paying its fair share, and shifting subsidies from fossil fuels to clean energy sectors can lead to a more equitable distribution of revenues within society, while also increasing available fiscal space for human rights budgeting that supports just transition programmes and policies, structural transformation and investments in ESC rights and sustainable development, including social protection.

The triple planetary environmental crisis requires a global response, underpinned by international solidarity. Developing countries' transition pathways require support aligned with key principles like environmental justice, intergenerational equity, polluter-pays, and common but differentiated responsibilities and respective capabilities. Under the UN Charter, the International Covenant on Economic, Social and Cultural Rights, and other human rights instruments, States have a duty to cooperate to advance the realization of all human rights which extends to resource mobilization. In line with the Paris Agreement and the Declaration on the Right to Development, cooperation should include, *inter alia*, financial, capacity-building and technological support that promote the development and growth of environmentally sustainable economies globally. The technical means to achieve a sustainable transition already exist, political will, manifested as adequate policies and means of implementation is lacking, perpetuating a completely preventable and predictable deepening of environmental crises.

3) Guarantee access to information, participation, and access to justice

The International Covenant on Civil and Political Rights (ICCPR), alongside various other human rights instruments, including multilateral environmental agreements, ten fundamental ILO Conventions and national laws and policies, guarantees the rights to access information, free, active, meaningful and informed participation in public affairs, and access to justice and remedies. Effective planning for a just transition only occurs when informed negotiation through social dialogue and meaningful stakeholder engagement takes place. Social dialogue allows engagement and consultations on policymaking and implementation for all stakeholders involved, such as affected communities and Indigenous Peoples, and should have a particular focus on workers, regardless of their status (formal or informal workers; in permanent or precarious employment; employed by public or private actors).

Workers, their trade unions, communities, and other affected parties have the right to be informed about their governments' strategies to address environmental degradation and just transition policies. Credible, transparent and accessible impact assessments and data are needed to inform meaningful participation in decision-making processes related to the just transition. This ensures that diverse perspectives, needs, and concerns are taken into account, resulting in fair and inclusive processes. Engaging workers, enterprises, cooperatives, solidarity economies, Indigenous Peoples, local communities, civil society organizations, consumers and other stakeholders helps address potential conflicts and develop collaborative solutions. At the same time, States and businesses must facilitate access to remedies for those adversely affected by transition programmes.

4) Ensure the rights to work, including a safe and healthy working environment, and promote capacity-building and skills development, particularly for workers in the informal sector

The right to work, as enshrined in the International Covenant on Economic, Social and Cultural Rights affirms the obligation of States to assure individuals their right to freely chosen or accepted work, the right to organize and the right to collective bargaining, while also safeguarding them from unjust deprivation of employment. To create conditions conducive to the realization of the right to work, States must eliminate discrimination in access to employment. They must ensure equal access to economic resources, and technical and vocational and educational training (TVET), especially for women and groups in vulnerable situations. They should ensure remuneration sufficient to enable workers and their families to enjoy an adequate standard of living.[5] States are also obliged to ensure workers are provided with a safe and healthy working environment and to prevent occupational accidents and diseases.[6]

A just transition requires States to safeguard workers against unemployment and formulate and implement policies that prioritize the economic, social and cultural rights of workers, regardless of their status (formal or informal workers; permanent or precarious employment; employed by the public or private sector). A just transition has the potential to empower societies to create new industries and jobs that offer environmentally friendly and decent employment opportunities.

At the local level, ensuring employment opportunities for unemployed workers and workers at risk of unemployment in communities and industries affected by environmental crises and measures taken to address them not only secures workers' livelihoods but also supports communities reliant on local taxes. Such taxes, if managed properly, could secure public services, rights delivery, and enhance development at the community level. These opportunities should be accessible and dignified, assuring adequate standards of living for workers, their families, and their communities.

To access new opportunities generated by the transition, workers should be provided with targeted programmes for development of new hard and soft skills, TVET through lifelong learning opportunities, reskilling, upskilling, quality

[5] Committee on Economic, Social and Cultural Rights, General Comment 18 on the right to work (E/C.12/GC/18).
[6] Committee on Economic, Social and Cultural Rights, General Comment 23 on the right to just and favourable conditions of work (E/C.12/GC/23). ILO's international labour standards request both governments and employers to protect workers from occupational accidents and diseases. See Occupational Safety and Health Convention, 1981 (No. 155), the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

apprenticeships and capacity-building projects and initiatives to support local economic diversification, small and medium enterprises, cooperatives and social and solidarity economy. These programmes should benefit, in particular, young people and workers facing job losses due to the transition.

The protection and promotion of workers' rights and trade unions' engagement in defining priorities, decision making, planning, implementation, monitoring, and evaluation play a crucial role in the just transition process. As champions of workers' rights and advocates for fair and just labour practices, trade unions are key partners in ensuring that the transition to more sustainable economies does not come at the expense of workers' livelihoods and rights.

5) Ensure the protection and representation of informal workers, including in the design and implementation of just transition policies

According to the ILO,[7] more than 60% of global workers remain engaged in informal and/or precarious forms of employment, with an estimated 2 billion people working informally. Workers in informal and precarious work, including migrant workers, are exceptionally susceptible to crises due to the absence of social and legal protections, skill mismatches, limited access to resources, and often inadequate representation in decision-making processes. Environmental crises compound the instability of precarious forms of employment, posing a significant threat to the world of work.

States must acknowledge the distinct challenges faced by informal workers and establish pathways for their protection, inclusion and empowerment. This involves facilitating their transition into formal employment, offering skill development programmes tailored to their needs, raising awareness of human rights, social, economic and environmental policies, ensuring access to social safety nets, and engaging in meaningful social dialogue. The use of the cooperative model, among other approaches, can prove to be an effective tool for formalization, by providing legal recognition, pooling resources, enhancing market access and bargaining power, fostering capacity building and skill development, and supporting social security and advocacy for its members. At the same time, targeted programmes in the informal sector where a significant number of enterprises and workers operate informally should be established. There should be channels for informal workers to engage through active, free and meaningful participation in the design of the policies.

Extending social protection to groups of workers in informal and precarious work, including migrant workers and their families, is one of the crucial priority areas in the context of just transition. This should be an integral part of governments' social protection strategies and programmes, guided by principles of universality of coverage, inclusion, adequacy, non-discrimination and gender equality.

6) Guarantee access to adequate social security

The International Covenant on Economic, Social and Cultural Rights, along with other human rights instruments, guarantees every member of society the right to social security. Similarly, the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) and other international labour standards emphasize the importance of social security. Social protection systems can address or even prevent adverse impacts when applied systematically in conjunction with national transition strategies.

All states should use their maximum available resources, including through international cooperation, to secure the right to social security and access to essential services/rights delivery. Workers and communities affected by the ecological transformation should have coverage not only under social security, including healthcare, income security and social services, but also under broader investments aimed at creating economic opportunities and providing appropriate training and assistance for job seekers. States across different income categories have demonstrated that these objectives are not only feasible, but also provide the foundation for long-term, sustainable development that benefits all.

The concept of a just transition should be viewed as an opportunity to strengthen rights-based social protection, reduce inequalities, and ensure an inclusive and participatory transition process, even for workers in the informal sector or engaged in precarious forms of employment. Robust social security systems can help to mitigate the consequences of job losses resulting from environmental action, provide access to further education, and improve labour market opportunities. They can also support those most vulnerable to future shocks, strengthen social safety nets, enhance community-level resilience and reduce the need for targeted interventions in future crises. Numerous research studies underscore the dual role of social protection as both a 'productive' and 'protective' component of healthy and sustainable societies.[8]

7) Ensure gender equality and women's rights

Women, girls and LGBTIQ+ persons, especially those in marginalized or vulnerable situations, are particularly exposed to job loss, due to their overrepresentation in occupations most impacted by environmental shocks and in the informal sector. A just transition must consider the significant gender and human rights dimensions inherent in many environmental challenges and opportunities. It also has to be mindful of challenges related to socially unrecognized, unpaid or underpaid care and support work, which reinforces exclusion and discrimination faced by women and girls throughout their lives as primary caregivers, which could be intensified in economic transitions. Gender equality is a precondition for preventing exclusion and precarious working conditions for more than 50% of the global population. Failure to achieve gender

[7] https://www.ilo.org/wcmsp5/groups/public/--dgreports/--dcomm/documents/publication/wcms_626831.pdf
[8] World Social Protection Report 2020-22, ILO, at: https://www.ilo.org/wcmsp5/groups/public/@ed_protect/@soc_sec/documents/publication/wcms_817572.pdf

equality also threatens the success of the transition, as many women and girls are actively engaged in transition-critical work, such as sustainable agriculture and the preservation of natural resources and ecosystems.

States should contemplate specific gender equality policies in order to promote fair and equitable outcomes. Mainstreaming gender equality in the context of a just transition should involve, inter alia, providing equal access to job opportunities, integrating diverse gender perspectives into decision-making, addressing gender specific impacts, advocating fair pay and working conditions, supporting unpaid care work, offering gender-targeted training, collecting gender-disaggregated data, and collaborating with gender equality advocates.[9]

By prioritizing gender-responsive policies, the just transition process can foster a more inclusive and equitable future. Measures should include adopting gender-responsive approaches when conducting workforce training, formalizing jobs occupied by women in the agricultural, forestry and other sectors and advancing the traditional and local knowledge of Indigenous women, which already plays a crucial role in strengthening climate action.

8) Require business enterprises to respect human rights

The primary beneficiaries of the just transition are the rights-holders, but businesses play an important role in this process. To achieve a just transition aligned with human rights, States must establish clear and comprehensive regulatory frameworks. Such frameworks should create an enabling environment for businesses, facilitating their active collaboration with workers, their trade unions and the communities where they operate. Both States and businesses should assess potential risks posed by their action or inaction with respect to workers and communities, ensuring respect for human rights, including the principles of equality and non-discrimination, when designing and implementing transition programmes. States should aim to create an environment that supports and enhances the resilience of sustainable businesses, in particular micro, small and medium enterprises, including cooperatives, social and solidarity economy and entrepreneurs in their transition endeavours.

States should also fiercely protect scientific inquiry against conflicts of interest and take action against greenwashing and misleading claims or labels related to the ecological transition. This could include policies that require businesses to transparently disclose their just transition programmes and verifiable measures taken to implement them.

The United Nations Guiding Principles on Business and Human Rights provide businesses with a blueprint for managing human rights risks in just transition plans. Business enterprises need to ensure that the progress and benefits they create during the transition are accessible to and shared with the people and communities on which they depend. As part of their duty to protect human rights, States should encourage or require the exercise of human rights due diligence throughout value chains and in relation to all internationally recognized human rights, including the rights to a clean, healthy and sustainable environment and gender equality. To be human rights compliant, businesses are expected to conduct human rights due diligence, which is the process through which they identify, prevent, mitigate, and account for how they address their impacts on human rights. Where businesses identify that they have caused or contributed to adverse human rights impacts, they should, as a matter of fiduciary duty, provide remedy for the human rights costs imposed.

9) Protect, respect and fulfil the rights of individuals, groups and Peoples in vulnerable situations

Non-discrimination and equality are core human rights principles enshrined in the Universal Declaration of Human Rights, international human rights Covenants and the Declaration on the Right to Development and elaborated upon in several other instruments, including the Convention on the Elimination of all forms of Discrimination Against Women, the Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Analogously, the ILO's international labour standards on equality provide a tool to eliminate discrimination in all aspects of work and in society as a whole. These standards are the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Violence and Harassment Convention, 2019 (No. 190). They are reflected in law and policy in many jurisdictions across all regions.

People in vulnerable situations, despite their remarkable resourcefulness and resilience, often have inadequate resources to adapt to environmental degradation. As a result, they can be particularly susceptible to human rights harms related to environmental degradation and the measures needed to address it. Inadequate human rights safeguards in the design and implementation of just transition programmes can have adverse human rights impacts for people and groups in vulnerable situations including women and girls, children, youth, older persons, persons with disabilities, Indigenous Peoples, minorities, migrants, rural workers, persons with disabilities, and persons living in poverty. While many transition programmes strive to create new economic opportunities for certain segments of the population, more work is needed to ensure they consider pre-existing patterns of social and economic exclusion. Participatory, accountable, transparent, and non-discriminatory processes targeted toward persons, groups, and Peoples most affected by the transition are critical and benefit society as a whole.

[9] International Covenant on the Elimination of All Forms of Discrimination against Women (CEDAW), and ILO international labour standards, including the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), and Violence and Harassment Convention, 2019 (No. 190) and Recommendation No. 206, among others.

Among the groups most affected by this transition are Indigenous Peoples. A substantial portion of the resources critical for the transition are situated on or near their traditional lands and territories. Human rights requires, in the context of a just transition, States to respect, protect and fulfil the rights of Indigenous Peoples, in accordance with the requirements of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the UN Declaration on the Rights of Indigenous Peoples. This entails ensuring that the rights of Indigenous Peoples are explicitly addressed in just transition policies and programmes, conducting due diligence to identify and mitigate risks that Indigenous Peoples face during the ecological transition, providing access to effective remedies when Indigenous Peoples suffer harm, including at the hands of businesses, and ensuring Indigenous Peoples' rights to self-determination, land, territories and resources as well as their free, prior and informed consent before taking any decisions that may affect their rights.

10) Protect environmental human rights defenders in the move toward a zero carbon society

The International Panel on Climate Change (IPCC) study on the need for bold action on climate change has highlighted the importance of a just transition to low carbon green economies. The work of the IPCC emphasizes the urgency needed to move to economic strategies that support clean energy, foster resource-efficient economic growth, create income and decent jobs, and reduce poverty and inequality.

The transition to a net-zero carbon economy is an imperative for all people but cannot come at the expense of the most vulnerable. The global energy transition is generating a surge in demand for critical minerals, which are largely located in developing countries. This is expected to lead to approximately US$1.7 trillion in global mining investment over the next two decades. It is estimated that there is a 20- to 30-year-window to generate long-term economic growth, create new green livelihoods, and secure sustainable local development. The deployment and expansion of renewable energy technologies cannot come at the expense of the human rights of workers and people in affected communities. Killings, threats, intimidation, land grabs, dangerous working conditions, poverty wages and harm to the lives and livelihoods of Indigenous Peoples and others in impacted areas are risks which need to be prevented in relation to renewable energy. Those active in defending their rights and the rights of others in this context must be protected.

As required by the ICCPR, the UN Declaration on Human Rights Defenders, and other international instruments, States must respect, protect and fulfil the rights of environmental human rights defenders to participation, access to information, freedom of expression, assembly, and association, take action to protect defenders, including against threats to their lives or wellbeing, and provide access to justice and effective remedy when their rights are violated. States must also conduct timely investigations and prosecute those responsible for violence and intimidation. Care should be taken to prevent strategic lawsuits against public participation and to provide a safe and enabling environment for initiatives by young people and children to defend the right to a clean, healthy and sustainable environment.



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