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The human rights imperative of defossilizing our economies at the opening of the First International Conference on Transitioning Away from Fossil Fuels in Santa Marta, Colombia (24-29 April 2026)

Statement by Elisa Morgera, the Special Rapporteur on the promotion and protection of human rights in the context of climate change

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The First International Conference on Transitioning Away from Fossil fuels (24-29 April 2026, Santa Marta, Colombia) is a historic opportunity to pilot more inclusive multilateralism, as well as more effective climate action and human rights protection.

The international leadership of the co-hosts, Colombia and the Netherlands, and all the States that will participate in the conference in good faith cannot be over-estimated in an increasingly violent geopolitical context, where peace, diplomacy, democracy and human rights locally and globally are sacrificed for the exorbitant profit of very few.

The Santa Marta Conference has significant transformative potential for State and non-State actors to co-identify meaningful, inclusive and human rights-based solutions that can support national and international public debates on the defossilization of our economies – not just the decarbonization of energy sectors. These deliberations must include the necessary support for developing countries to leap-frog into a sustainable renewables-based economies and avoid foreseeable, inter-generational human rights harm for their people, as well as present and future generations everywhere.

More inclusive multilateralism

In my report on the human rights imperative of defossilizing our economies, I recommended that in the absence of a meaningful decision on the phaseout of fossil fuels at the thirtieth session of the Conference of the Parties (COP30), in 2025, a new multilateral process on defossilization with State and non-State actors and diverse knowledge-holders should be initiated. I also recommended that this process should be intergenerational and build on transformation science and on truth-telling/listening methodologies of transitional justice approaches.

The announcement during COP30 by 80 States of the need to take action on the fossil fuel phase out in a separate multilateral setting, because the consensus-based decision-making process at the UN climate negotiations was being intentionally blocked in order to prevent any mention of fossil fuels was a critical moment of truth-telling. Since then, we have witnessed other instances in which States were prevented in UN processes,

including the negotiations of a plastics treaty and of resolutions related to climate change under the Human Rights Council, to even mention fossil fuels. And this has occurred even after the International Court of Justice, in its historic Advisory Opinion on State obligations on climate change, has indicated that fossil fuel expansion, production, consumption and subsidies may be internationally wrongful.

Against this background, the preparations for the Santa Marta Conference have focused on gathering States explicitly committed to have a complex but necessary exchange of views, experiences and concerns on the fossil fuel phase-out, rather than spending time and resources on whether to have or delay such a conversation yet again. In addition, the preparations for the Santa Marta Conference have addressed explicitly the need to prevent undue influence from fossil fuel lobbyists and other forms of conflicts of interest. This should be replicated in other international fora, to effectively prevent negative human rights impacts that have arisen over the past sixty years because of the well-documented, multi-pronged strategies of climate disinformation and obstruction employed by the fossil fuel industry and other connected economic interests.

It is also essential to understand the Santa Marta Conference in the light of the Advisory Opinion of the International Court of Justice (ICJ) on State Obligations on Climate Change. In particular, the ICJ emphasized that the customary duties of States to cooperate and to prevent significant harm to the environment and the climate system constitute a legal standard for determining whether "*any existing forms of co-operation*, including treaties and their implementation, *still serve their purpose* and whether further collective action must be undertaken, including the establishment of further treaty-based obligations." In this connection, several ongoing UN negotiations present timely opportunities, which must be seized, to advance various aspects of international cooperation on the fossil fuel phase out, namely on the:

- international legally binding instrument on business and human rights;
- UN Tax Convention;
- plastics treaty; and
- revisions of the Code of Conduct on Pesticides under the UN Food and Agriculture Organization (FAO).

Indeed, Santa Marta provides an opportunity to pilot the necessary reforms that are necessary to enhance the respect for the rule of law, transparency, inclusiveness and effectiveness of the UN Climate COP; and ensure coherent policy priorities across other relevant international processes.

As the ICJ also underscored, States have a duty to co-operate through sustained and continuous, appropriate measures to address the adverse effects of climate change, in good faith efforts to arrive at appropriate forms of collective action. Such cooperation needs to be founded on the recognition of the interdependence of States and the ensuing need for solidarity among peoples, taking account of the situation of other States in accordance with common but differentiated responsibility and capabilities, in accordance with national circumstances. The Court recognizes that the duty to co-operate leaves States some discretion in determining the means for regulating their greenhouse gas emissions. However, this discretion cannot serve as an excuse for States to refrain from co-operating with the required level of due diligence or to present their effort as an entirely voluntary contribution which cannot be subjected to scrutiny.

The stringent due diligence of States' obligations to cooperate with one another must be fully respected in relation to some critical enablers for a just fossil fuel phase-out in accordance with the principle of common but differentiated responsibilities and capabilities, namely:

- a systemic reform of international investment law, disengaging from the current system whereby States' defossilization measures can entail payments of exorbitant compensation to affected investors at the expense of the protection of human rights, and making defossilization and other effective action against the planetary crises the conditions for the protection of foreign companies;
- focus on technological cooperation that supports leap-frogging into renewables-based economies, as opposed to technological lock-ins, such as carbon capture and storage/carbon dioxide removal that entails delays in defossilization and negative impacts on biodiversity, water, food and health;
- effective prohibition of tax-related and other illicit financial transactions to the benefit of fossil fuel companies, depriving developing states of public income for climate action and human rights protection;
- guarantees against "fossil fuel dumping", such as using international finance to secure export markets for technologies or processes creating or deepening fossil fuel dependence;
- avoidance of debt-related forms of fossil fuel lock-in, combined with systemic debt relief or debt forgiveness for developing countries struggling with fiscal and climate challenges who are least responsible for climate change.

Support for progress and learning at all levels

The preparations for the Santa Marta Conference have also been noteworthy for collecting solutions from a variety of experts with a view to supporting and inspiring the conversation among States. As I had underscored in my defossilization report, phaseout action should be undertaken immediately at all levels, including supporting bottom-up and subnational initiatives, with a view to exploring transformative approaches and mutual learning across levels and knowledge systems.

In the lead-up to Santa Marta, I have observed an extraordinary mobilization of academics around the world, and sharing of knowledge and alignment of agendas across civil society in preparation for Santa Marta. I have also co-organized with the Office of the High Commission for Human Rights and the Brazilian COP30 Presidency Special Envoy on Just Transition and Human Rights an academic-practitioner conference at the University of Durham in March 2026 to contribute to this mobilization and also to test how we can make these collaborations more inclusive and aligned. Such connection of movements and knowledge co-production on inclusive, fair and sustainable phase-out of fossil fuels is progress in itself and should continue beyond Santa Marta, in order to support several other international, national and local deliberative processes and pilot activities that can already start to share the multiple benefits of fossil-free areas, economies and societies.

Crucially these deliberative processes and pilot activities should consider the phaseout as part of an obligation to develop economic models that provide goods and services that enhance human and planetary well-being, reducing the production of unnecessary

and toxic products, and deprioritizing the demands of the richest groups of society who worsen social exclusion and extreme poverty – as recommended by the UN Special Rapporteur on Poverty (A/HRC/56/61). In other words, the phaseout should be understood as a precondition for the emergence of healthier economic models at the nexus of biodiversity, water, food, health and the climate, that fully align the right to development with all substantive elements of the human right to a healthy environment (clean air, safe climate, safe and sufficient water, healthy and sustainable food systems, non-toxic environments, healthy ecosystems and biodiversity). Any solution to transition away from fossil fuels that harms one or more elements of the human right to a healthy environment is not acceptable, and runs counter the ICJ clarifications of all the areas of applicable international law. In defossilizing, States should conserve and restore biodiversity, protect the marine environment, prevent desertification and land degradation, and protect human rights.

Therefore, the consideration in Santa Marta of economic enablers, as well as subsequent deliberative processes and pilot activities, should focus on co-developing economic models that are centred on intergenerational equity, without shifting the burden of mitigating and remedying climate change to future generations, and be in the best interests of the child. They must be constructed on the basis of the insights and lived experiences of fossil fuel-sector workers, frontline communities, and the knowledge systems that are most aligned with the inter-connectedness of our life-supporting systems, such as Indigenous science and the knowledge of peasants, small-scale fishers, pastoralists and Afro-descendants.
Further, the transformative potential of providing effective remedies for climate harm and other human rights harm caused by fossil fuels should be considered part of economic enablers, requesting companies to foot the bill after making exorbitant profits. Thus, remedies for climate harm can support co-development of economic models with affected human rights holders, in accordance with their assessments of impacts and holistic valuation of loss and damage experienced, while ensuring the maximum available resources to tackle the planetary crises and their human rights impacts.

A fossil fuel-free economy for human health, economic equality and peace for all

In Santa Marta and beyond, the evidence on the economic inequalities associated with the fossil fuel industry due to wealth and concentration and market volatility should be fully considered, together with the increasing evidence of the global and local socioeconomic impacts of climate change on different economic sectors: declining living standards and higher living costs; economic instability, hindering communities that have become fossil-fuel dependent from diversifying their economies; and weakened manufacturing and agricultural sectors. Crucially, the links between the fossil fuel-based economy and the military industrial complex, with all its localized and transboundary human rights harm and global economic instability, must be considered.

In addition, the evidence from the medical community about the inter-generational harm to human health from all stages of the life cycle of fossil fuels, in addition to the health-harming impacts of climate change should be central to discussions in Santa Marta and beyond. Every single organ of our body is negatively impacted by the life cycle of fossil fuels, across our life course – including before children are born.

Crucially, the benefits of defossilization from the perspectives of economic equality, as well as human and planetary health must guide the assessment of economic enablers and other policy choices. To that end, States and all actors gathering in Santa Marta should consider how to ensure these benefits by:

- not only transitioning away from fossil fuels in the energy sector, but also addressing the increasing production of plastics and petrochemicals in food systems and other economic sectors;
- Prioritizing wind and solar energy at the nexus of nature, water, food and health; as well as progress in energy efficiency;
- supporting decentralized energy production, including as a form of climate change resilience and to enhance access to energy;
- Carefully phasing out fossil fuel subsidies, including subsidies linked to plastics and petrochemicals;
- Limiting mining to what is essential for the energy transition, and not responding to mineral demand linked to further militarization or unchecked expansion of data centres;
- Reprioritizing energy demands by fairly and equitably distributing the benefits and burdens of defossilization, prioritizing the energy needs of those in the most vulnerable situations.
- integrating remedies for climate and human rights harm in the pathways (notably ecological and socio-cultural restoration).
- Prioritize research and funding that supports genuine partnerships and technology co-development between global North-South, as well as Indigenous-, community- and women-led research.

Priority, comprehensive, coherent action on the fossil fuel phaseout is necessary to ensure a liveable future for all, as an urgent precondition for a just transition and for effective human rights protection in the context of current planetary crises and geopolitical context.

ENDS

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