



Putting the ‘just’ in Just Transition - the imperative for human rights approaches:

Submission to the UNFCCC UAE Just Transition Work Programme

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1. Introduction

Amnesty International welcomes the invitation to submit its views on opportunities, best practices, actionable solutions, challenges and barriers relevant to the topic of the second dialogue under the United Arab Emirates Just Transition Work Programme (JTWP) on “ensuring support for people-centric and equitable just transition pathways with a focus on the whole-of-society approach and the workforce”. The second dialogue has been organized as required by Decision 3/CMA.5 which stated that Parties have to respect, promote and consider their respective human rights obligations in the context of climate action and which notably, for the first time in a decision by the United Nations Framework Convention on Climate Change (UNFCCC), referred to labour rights in the context of the elements of the work programme. We are pleased to see the attention being given to just transition in the workforce in the second dialogue.

Just transition pathways are a way for States to address the unprecedented challenges for humanity posed by global warming and climate change, while minimizing harms related to the action taken. As such, just transition pathways must lead to rapid, full, just and equitable phase out of fossil fuels without reliance on measures that may undermine human rights including of affected workers in fossil fuel companies and related industries, nor should they perpetuate economic dependency on fossil fuels.

This requires bold and transformational change in how economies are organized, to remain within planetary and ecosystem boundaries while ensuring equality of access to sustainable goods and services for all without discrimination. This change will require a reconsideration of what is valued and how value is measured and will determine which economic sectors should be supported and which closed down, inevitably impacting huge numbers of workers in the process. Just transition pathways will require far-reaching decisions to be made about how resources are produced, consumed, and distributed, locally, nationally, and globally. To achieve these objectives, we will need to fundamentally reconsider social and economic structures and power dynamics that shape historical and current inequalities, while ensuring they are not reproduced.

1.1. Human rights as a compass for a whole of society approach to just transition

To achieve these overarching objectives and to ensure a whole of society approach, international human rights law and standards must be used to frame all just transition pathways. Understood as a body of obligations, standards and institutions, human rights reflect globally agreed-upon values, framed in agreed-upon language, which, in principle, permit referral to a body of internationally and regionally established norms that create entitlements for all to a life of dignity

and equality.¹ A rapid fossil fuel phase out is demanded by human rights obligations,² and a human rights framework for implementing just transition pathways is essential to realize this process is just and equitable.

A wide range of human rights and rights holders are affected by a just transition of the work force towards a zero-carbon economy. States have obligations to protect, respect and fulfill these rights, including by regulating the conduct of businesses, which have the responsibility to respect human rights in their operations.

The right to non-discrimination is key, and particular attention when considering just transitions of the workforce must be given to the rights of women and girls; children; older persons; Indigenous Peoples; racialized communities, including those suffering from environmental racism in “sacrifice zones”; people living in poverty; refugees and migrants; and persons living with disabilities.

Relevant economic, social and cultural rights include: the rights to health, including to a non-toxic environment; social protection; adequate housing; water; sanitation; and adequate food, which also are all elements of the right to a clean, healthy and sustainable environment. The right to education must also be fulfilled, to ensure that all people affected by the just transition can avail themselves of their right to decent work.

Relevant civil and political rights include the rights to participation and consultation; freedom of expression, including access to information and combatting mis/disinformation; freedom of association and peaceful assembly; and the right to remedy for any human rights violations that occur during the just transition.

For further discussion of the obligations the human rights framework imposes on states in relation to the progressive realization of ESC rights, the obligations of states in relation to businesses, and the fulfillment of civil and political rights, we would draw your attention to our earlier submission of February 2024 by the Human Rights and Climate Change Working Group of which Amnesty International is a member: [Respecting, Promoting, and Fulfilling Human Rights in the Just Transition Work Programme Submission on views on the work to be undertaken and the possible topics for the dialogues under the Just Transition Work Programme.](#)

Human rights can thus operate as a compass for just transition pathways and by their very nature, offer a whole of society approach. They can enable assessment of the existence and

¹ Humphreys, S. *Introduction: Human rights and climate change*. In Robinson. M. (author), and Humphreys, S. (Ed.), *Human Rights and Climate Change*, (2009). pp. 1-34. Cambridge: Cambridge University Press

² Amnesty International, *Fatal fuels: Why human rights protection urgently requires a full and equitable fossil fuel phase out*, 13 November 2023, <https://www.amnesty.org/en/documents/pol30/7382/2023/en/>

effectiveness of plans and policies to bring about a just workforce transition, including in the areas of resource allocation, consultation and participation, accountability, non-discrimination and equality, empowerment and education, and legality. A checklist developed by Amnesty International for assessing human rights compliance of just transition policies and plans is included as an Annex.

1.2. Ensuring participation and inclusion in the Second Dialogue

People-centric and equitable just transitions will not be achieved if the discussions and information sharing in the JTWP are not participatory and inclusive. All voices need to be heard, so it is particularly important that approaches for empowering all actors and segments of the society for just and equitable transitions across all sectors to meet Paris Agreement goals extend to the dialogues themselves.

In this regard, we draw attention to the recommendations on the JTWP's working methods contained in the HR&CC WG's earlier submission which, if implemented, would help to ensure an inclusive and participatory dialogue.³

1.2.1. Recommendations

- **Ensure the second dialogue is structured in a way to:**
 - **allow Observers and non-party stakeholders, including labour activists, trade unions, women, young people, Indigenous people's representatives, migrants and displaced persons, racialized communities, including those suffering from environmental racism in "sacrifice zones", people living in poverty, and people living with disabilities to participate effectively,**
 - **Enable its outcomes to be synthesized and shared in an accessible manner, and transformed into clear guidance and policy recommendations to inform the development and implementation of just transition pathways at all levels.**
- **Ensure interpretation is available during the second dialogue, including into sign language, to facilitate as wide a level of participation as possible.**
- **Facilitate live streaming and recording of the dialogue for purposes of accessibility.**

³ Human rights and Climate Change Working Group, *Respecting, Promoting, and Fulfilling Human Rights in the Just Transition Work Programme Submission on views on the work to be undertaken and the possible topics for the dialogues under the Just Transition Work Programme*, https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202402192057---HRCCWG_Submission_views_on_UAE_JTWP_updated.pdf

2. Unpacking the full range of means of implementation

2.1. The human rights imperative for just transition finance

Under international human rights law, all state and corporate actors must ensure a just transition which respects, protects and fulfills peoples' rights. International human rights law is also clear that states must, individually and collectively, seek to mobilize the “maximum available resources” to realize human rights including the right to social security.⁴ “Maximum available resources” are generally understood as resources that governments can realize and include human, technological and information resources, as well as financial resources. The level of financial resources available are key to a progressive realization of ESC rights, and thus to ensuring a just transition of the workforce.

However, to achieve this, states need to mobilize an unprecedented amount of resources to achieve the necessary structural and economic transformations. These include resources that (a) states can raise within their own borders (through taxation as well as by addressing tax evasion and avoidance, wastage and corruption); (b) are provided through international financial institutions such as the World Bank and the International Monetary Fund (mainly in the form of loans); and (c) through international cooperation and assistance.

For many low- and middle-income countries, seeking and receiving resources through international assistance⁵ is critical for realizing economic, social, and cultural rights, including of workers and their communities who are affected by just transitions to zero carbon economies. The obligation of international cooperation and assistance also means that states that are able to do so must adequately respond to calls for assistance from states that seek it.⁶ In the context of international tax cooperation, the obligation of international cooperation and assistance means that states should cooperate by not engaging in harmful tax competition, so as not to impede the ability of states to generate their maximum available resources.⁷ In the context of the climate crisis, all states in a position to do so must provide financial resources, capacity-building and technology

⁴ Article 2(1) of the International Covenant on Economic, Social and Cultural Rights

⁵ As clarified by the Committee on Economic, Social and Cultural Rights (CESCR), the obligation of states to use the maximum available resources also includes utilizing resources offered by the international community's international cooperation and assistance.

⁶ Article 2(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states: “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures”.

⁷ General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities*

tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=E/C.12/GC/24&Lang=en

transfer according to their capacity, capability and respective responsibility in causing climate change.

Funding the entirety of just transitions away from fossil fuels to a zero-carbon economy is not currently included as one of the components of climate finance, as Article 9.1 of the Paris Agreement only requires the provision of finance to lower income countries for mitigation (including support for renewable energy infrastructure) and adaptation. Some aspects of just transitions fall under the rubrics of mitigation and adaptation, but there are likely to be additional costs of just transitions of the workforce that may not fall under these categories. These include social protection costs for workers and communities affected by transitions in fossil fuel and related industries; education and retraining for affected workers; and environmental clean-up costs of pollution and other environmental degradation associated with the fossil fuel industry and infrastructure and carbon-intensive industries. An element of just workforce transition should include an assessment of the costs required which should be included in assessments of climate finance and other forms of sustainable development finance.

2.1.1. Recommendations

- **Ensure the dialogue includes discussion of finance for just transitions and makes links with other UNFCCC workstreams where climate finance is discussed, such as the NCQG and Article 2.1 c discussions.**
- **Commit to providing adequate resources for just transitions, including of the workforce.**

2.2. Transforming the international financial architecture for climate funding, including for just transitions

The climate justice movement, of which Amnesty International is part, is calling for broad transformation of global systems of development finance, taxation, and public and private investment for climate action in order to address the current inequalities these systems create. This transformation is required to make finance more available and affordable for developing countries to undertake climate action. Ensuring such transformation takes place rapidly is necessary to meet states' international obligations to provide international cooperation and assistance to ensure climate justice through the progressive realization of economic, social and cultural rights (ESCR).⁸

The majority of current climate funding is being provided in the form of loans, which merely increases debt in recipient countries' when many are already facing unsustainable levels of indebtedness and are forced to put in place austerity policies that undermine human rights,

⁸ See for example, Amnesty International, *Recommendations to states to finance economic, social and climate justice*, 5 June 2023, <https://www.amnesty.org/en/documents/ior10/6825/2023/en/>

including in the context of soaring climate change impacts.⁹ Debt distress is limiting the fiscal space in developing countries and preventing scaling of finance flows consistent with the goals of the Paris Agreement. Without debt restructuring, and cancellation if appropriate, new finance (even if at concessional rates) would have to be used to repay existing debts owed, often to private creditors and thus could not be used to the maximum extent to address the climate crisis.

While an independent debt work-out mechanism to replace the G20 Common Framework for Debt Treatment - an agreement of the G20 and Paris Club countries to coordinate and cooperate on debt treatments for up to 73 low-income countries - which has proved inadequate,¹⁰ is needed for ESCR realization, a human rights compliant transformation entails going beyond debt restructuring and cancellation where appropriate, to addressing the root causes of debt distress, including the higher costs of borrowing for developing countries, the lack of grant-based assistance and failures to address large scale tax evasion and aggressive tax avoidance which is depriving states of an estimated USD 480 billion per year - USD 5 trillion over the next decade.¹¹

2.2.1. Recommendations

- **Provide adequate climate finance in the form of grants, not loans, to prevent the creation of further unsustainable debt that hinders states from providing adequate support to workers and their communities affected by just transition.**
- **Ensure timely debt relief for all countries in and at risk of debt distress and consider all options for such relief including debt restructuring and/or cancellation.**
- **Strengthen coordination between multilateral, bilateral and private creditors to offer debt relief to all countries in or at risk of debt distress, which includes:**
 - **Reforming the G20 Common Framework for Debt Treatments, including making the process more efficient, transparent, inclusive, and timely.**
 - **Ensuring more countries are eligible for comparable relief, and that more creditors participate in debt restructure and relief efforts.**

⁹ See for example Amnesty International, *Multiple Crises, Fiscal Systems and Human Rights: Submission to the Independent Expert on Foreign Debt, Other International Financial Obligations and Human Rights*, 9 May 2023, <https://www.amnesty.org/en/documents/ior40/6756/2023/en/> and Recommendations to states to finance economic, social and climate justice, 5 June 2023, previously cited

¹⁰ To date only four countries have applied for debt treatment under the Common Framework since it was set up in 2020 and only two (Chad and Zambia) have successfully received debt treatment. See for example, Livia Hinz, Florence School of Banking & Finance, *Sovereign debt restructuring and the G20 Common Framework: real or symbolic progress?* 15 July 2024, <https://fbf.eui.eu/sovereign-debt-restructuring-and-the-g20-common-framework-real-or-symbolic-progress/>

¹¹ Tax Justice Network, *The State of Tax Justice 2023*, 25 July 2023, <https://taxjustice.net/reports/the-state-of-tax-justice-2023/>

- **Take steps to ensure that loan agreements provide for the suspension of payments in times of crises, including extreme weather and climate events and other disasters and economic crises.**
- **Refrain from stipulations in debt agreements that may undermine governments' ability to meet their economic, social and cultural rights obligations, including in relation to providing support to workers and their communities affected by just transitions.**
- **Ensure that the terms of bilateral, multilateral and private sovereign lending are transparent and available for, and subject to, public scrutiny.**

2.3. Polluter pays principle and the need for progressive measures

The resources needed for just workforce transition will be considerable, but should be based on the polluter pays principle, whereby states, companies and individuals that contribute the most to fossil fuel pollution including greenhouse gas emissions also contribute the most to finance the just transitions we need.

At the same time, in order to be human rights compliant, any system of international or national taxes and levies based on the polluter-pays principle (such as on shipping, air transport or fossil fuel extraction) intended to provide additional funding including for just workforce transition, must reduce inequalities rather than deepen them. This means putting the burden primarily on fossil fuel corporations and other high-emitting sectors, for example by increased taxation of their profits or through a progressive climate damages tax,¹² reducing or eliminating harmful tax expenditures and financing (or investments) availed to them and taxes on wealthier consumers while protecting low-income individuals and groups from regressive impacts through social protection measures, grants and tax exemptions and reforms and by ensuring their access to affordable renewable energy.

2.3.1. Recommendations

- **Identify progressive forms of taxation that can reduce carbon emissions, promote a just transition to renewable energy across all sectors through tax incentives and/or subsidies and support people affected by climate change. This should include funding measures to support the workforce during just transitions, and providing remedy for loss and damage.**

¹² See for example Stamp out Poverty, *The Climate Damages Tax A guide to what it is and how it works*, April 2024, https://www.greenpeace.org.uk/wp-content/uploads/2024/04/CDT_guide_2024_FINAL-1.pdf

- **Conduct human rights impact assessments on any new climate-related taxes or subsidies, ensure they do not disproportionately impact people on lower incomes, and introduce appropriate social protection mechanisms to compensate as necessary.**
- **Prioritize targeting of climate-related taxes on wealthier consumers and corporate profits generated from fossil fuel production, while ending tax incentives or other forms of subsidies for fossil fuel production.**

2.4. Support for the Global Tax Convention

Global tax cooperation can play a significant role in ensuring that countries can mobilize enough resources to realize human rights. Taxation has been recognized by the UN Department of Economic and Social Affairs (UNDESA) as the most sustainable form of revenue generation. Yet, many governments do not generate as much revenue through tax as they intend, because of inefficiencies, harmful tax incentives or tax abuse including harmful tax competition and illicit financial flows. The potential gains of effectively addressing these losses are enormous - it is estimated that nearly USD 500 billion is lost every year to tax abuse, including USD 45 billion at the expense of low-income countries. Upper-middle-income countries and high-income countries enable 98% of global tax abuses impacting Africa and Latin America the most, who as a result lose an annual USD 26 billion (7% of tax revenue) and USD 43 billion (4.2% of tax revenue) to tax abuse, respectively, or the equivalent of nearly half (48%) of their public health budgets.¹³

Furthermore, global tax rules have long disproportionately disadvantaged lower-income countries and perpetuated inequalities because these rules were designed in non-inclusive ways that benefit wealthy states. The most recent example is the 2021 OECD Inclusive Framework on Base Erosion and Profit Shifting deal, which set global corporate minimum tax of 15% of the residual profit of the largest and most profitable multinational enterprises (MNEs). Whilst the proposed new global rate may appear to be a significant step forward in addressing tax avoidance by multinational companies, it is estimated that the wealthy G7 countries will take more than 60% of this additional tax generated. This is for two reasons. Firstly, because the minimum 15% tax rate is seen as too low to incentivize the reduction of profit shifting given that, as of 2021, a number of countries in Latin America and Africa had average corporate tax rates of 26% and 27%. Secondly, under the OECD deal most of the additional tax revenues will go to multinational corporations' (MNCs) home countries, not to low- or middle-income "source" countries where these companies do business and generate profits.

Greater financial transparency and the establishment of a UN Convention on International Tax Cooperation to create fair global tax rules, as called for under the 2022 UN General Assembly resolution would help to strengthen the inclusiveness and effectiveness of international tax

¹³ For more information, see Amnesty International, *Recommendations to states to finance economic, social and climate justice*, 5 June 2023, <https://www.amnesty.org/en/documents/ior10/6825/2023/en/>

cooperation.¹⁴ Within the framework of the process towards a UN Tax Convention,¹⁵ a range of measures could reduce and prevent tax avoidance, tax evasion and illicit financial flows that limit developing countries' ability to collect revenue and make finance flows consistent with climate and development goals, including the just transition of the workforce.

The recent adoption of the Terms of Reference for the UN Framework Convention on International Tax Cooperation provides a solid foundation for a human rights compliant treaty that has the potential to lay the groundwork for a more equitable global tax system that prevents abuse. For example, there are specific references to fairly taxing wealthy individuals and corporations, addressing tax avoidance, tax evasion, illicit financial flows, and the allocation of taxing rights among countries - namely the right of a sovereign state to determine the amount of tax that can be applied to a taxpayer's income or wealth. In turn, this will enable governments to have more money to spend on essential goods and services, including support for a just transition of the workforce.¹⁶

2.4.1. Recommendations

- **Work to ensure that the UN Framework Convention on International Tax Cooperation:**
 - **Comprehensively addresses the problem of both illicit financial flows (IFFs) and commercial practices such as egregious and aggressive tax avoidance with a view to enabling greater domestic resource mobilization particularly in low-income countries to realize human rights.**
 - **Creates a global tax governance structure that is fair, transparent and has built in accountability mechanisms including an Intergovernmental UN Tax Commission with equal representation from each state party and that would aim to harmonize effective fiscal practices and policies based on human rights law and standards.**

¹⁴ 5 See Amnesty International, *Promotion of Inclusive and Effective Tax Cooperation at the United Nations: Submission to the UN Secretary General 78th General Assembly Session*, 5-19 September 2023, 17 March 2023, <https://www.amnesty.org/en/documents/ior40/6565/2023/en/>

¹⁵ For more information on the interlinkages between human rights and the proposed UN Tax Convention, see *Joint civil society and trade unions submission in response to the call for inputs to the work of the Ad Hoc Committee to Draft Terms of Reference for a United Nations Framework Convention on International Tax Cooperation*, 15 March 2024, available at <https://www.amnesty.org/en/documents/ior40/7853/2024/en/>

¹⁶ Amnesty International, *Historic Breakthrough In UN Tax Convention Negotiations Ensures Human Rights Will Not Be Forgotten*, 22 August 2024, <https://www.amnesty.org/en/documents/ior40/8448/2024/en/>

2.5. The need for universal social protection, including a global fund to protect the workforce in just transitions

The ILO has concluded that up to six million jobs may be lost through climate change mitigation efforts, mainly in fossil fuel-dependent energy generation, industry, transport, agriculture forestry and other land use and supporting sectors. Even though there may be estimated net gains of 18 million jobs, there are likely to be significant impacts on particular workforces and their communities across different sectors and areas, across time. Likewise, the benefits of just transitions to a zero-carbon economy are unlikely to be evenly distributed across sectors, countries and communities. Certain groups are likely to be disproportionately impacted, including self-employed or workers in temporary or part-time employment, many of whom are women, as well as migrant workers and others working in the informal economy. Older people may also be impacted as they may find it harder to find new jobs or to benefit from retraining, while those on low incomes, care providers and people living with disabilities are also likely to be disproportionately impacted.¹⁷

Decision 3/CMA.5 included the issue of social protection as an important part of a just transition of the workforce.¹⁸ Social protection guarantees a degree of predictability, especially for people facing transition shocks. Guaranteeing the right to social security through social protection, including shock responsive measures (measures that can be scaled up and adapted to meet the requirements of entire communities facing crises), can shield against future shocks and allow for healing and recovery for workers, their families and their communities that are affected by just transitions. However, to be effective in this regard, it is vital that social protection is both adequately funded and universal. Providing sufficient and dedicated resources to strengthen social protection systems in lower-income countries is crucial to protect the rights of communities at risk of climate shocks, those facing loss and damage as the result of climate change and workers and communities affected by just transitions.

Regrettably, even though social protection is a recognized human right, currently, only 46.9% of people around the world are effectively covered by at least one social protection benefit (excluding healthcare and sickness) such as unemployment benefit, child support or older age pensions. An estimated 4.1 billion people are unprotected from life cycle risks and other shocks.¹⁹ There are also vast geographic disparities in the level of protection provided globally.²⁰ The disparity is even more stark when looking at cash benefits for unemployed people - over half of the people who are

¹⁷ ILO, *Just Transition Policy Brief*, January 2023, <https://www.ilo.org/publications/2023-social-protection-just-transition-policy-brief>

¹⁸ UNFCCC, *Decision 3/CMA.5 United Arab Emirates just transition work programme*, UN Doc. FCCC/PA/CMA/2023/16/Add.1, paras. 2 (b) and (e)

¹⁹ International Labour Organization, *World Social Protection Report 2020-22: Social protection at the crossroads – in pursuit of a better future*, 1 September 2021, <https://www.social-protection.org/gimi/ShowResource.action?id=1>

²⁰ Coverage rates in Europe and Central Asia are at around 83.9%, the Americas at 64.3%, Asia and the Pacific at 44.1%, the Arab States at 40.0% and Africa at 17.4%.

unemployed in high-income countries receive cash benefits compared with 1% in low-income countries.

Against this backdrop, the Universal Social Protection (USP) approach, as opposed to a narrow targeting based on people's incomes, is preferable.²¹ USP refers to an integrated set of policies and programmes that provide equitable access to all people and protect them throughout their lives against poverty and risks to their livelihoods and well-being. This includes benefits for all who need them such as essential health care; child benefits; support for people of working age in case of maternity/paternity, disability, work injury or for those without jobs; and pensions.

Social Protection Floors (SPFs)- nationally defined sets of social security guarantees that should provide access to essential healthcare and to basic income security for all those in need over the life cycle²² - are an important way of achieving USP. Recognizing that States have different resource and administrative capacities, SPFs provide a way to progressively realize universal and comprehensive social protection coverage and guarantee the right to social security for all. As such, SPFs are essential to realizing just transitions for workers and their communities. Unemployment benefits, family support measures, pensions for older persons, if universal and adequate, protect against loss of income and thus help maintain an adequate standard of living, including while any necessary retraining or skills development is undertaken to enable workers to transition to more sustainable decent forms of work. Employment guarantee schemes can also play a part to help rebuild and restructure local communities and economies that may be adversely affected by fossil fuel phase out.

Social security, like any other human right, requires financial and other resources for its realization but the difference in spending between countries is vast.²³ To close the funding gap and guarantee at least basic social protection coverage, the ILO estimates that low-income countries would need

²¹ Poverty targeting is a commonly used method by states to channel social assistance to groups deemed to be living in poverty or extreme poverty. However, this system faces significant criticism, as when put into practice, targeting based on narrow indicators of poverty often excludes people who should actually be covered, stigmatizes recipients, and involves higher administrative costs. For more information see Amnesty International, *Actions Speak Louder than Words: The World Bank Must Promote Universal Social Protection*, 10 October 2023, <https://www.amnesty.org/en/documents/pol40/7224/2023/en/>

²² ILO Social Protection Floors Recommendation, 2012 (No. 202) states that national social protection floors should include at least four essential guarantees: (a) Access to at least essential healthcare, including maternity care; (b) Basic income security for children, providing access to nutrition, education, care and any other necessary goods and services; (c) Basic income security for persons of working age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability; (d) Basic income security for older persons. ILO commentary on R202 available at: https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@_ed_dialogue/@actrav/documents/publication/wcms_743403.pdf

²³ According to the ILO, prior to the Covid-19 pandemic, states spent an average of 12.9% of their GDP on social protection (excluding health) - High-income countries spent 16.4%, upper-middle income countries spent 8%, lower-middle-income countries, 2.5%, and low-income countries only 1.1% of their GDP on social protection. These financing gaps have now widened by approximately 30% since the pandemic, mainly due to the increased need for access to healthcare and income security and the contraction of many national economies.

to invest an additional US\$77.9 billion per year (15.9% of GDP), lower-middle-income countries an additional US\$362.9 billion per year (5.1% of GDP) and upper-middle-income countries a further US\$750.8 billion per year (3.1%).²⁴

With regards to funding social protection coverage in countries that are unable to raise the necessary funds domestically, current and past UN Special Rapporteurs on poverty have proposed the setting up of a Global Fund for Social Protection (the Fund)²⁵, an idea that has received widespread support.²⁶ Grounded in the principles of international solidarity, the Fund proposal aims to ensure that states receive the necessary technical and financial support to meet their obligations under the right to social security. The Fund will also aim to build the capacity of national social protection systems to scale up their response in case of crises.

Such a global mechanism would be particularly helpful in low-income countries with less diversified economies which are particularly vulnerable to disasters, including climate induced events or financial crises which could be exacerbated by economic transition. In such countries it is often that the need for social protection rises at the same time as the fall in government revenues. In such circumstances, a global mechanism could increase its level of support to national social protection systems to bridge the gap. While the specifics of the creation and implementation of such a fund will need to be agreed upon, it is clear that there is an urgent need for a global mechanism that will facilitate comprehensive and universal social protection coverage for workers and their communities who are affected by just transitions.

2.5.1. Recommendations

- **Ensure that all just transition policies and programmes strengthen existing social protection measures to provide comprehensive and universal social protection coverage that allows affected communities to access decent work and relevant retraining and skills development.**

²⁴ ILO Working Paper 113, *Financing gap for universal social protection Global, regional and national estimates and strategies for creating fiscal space*, April 2024, <https://p4h.world/en/news/ilo-report-reveals-significant-social-protection-funding-gap-for-low-income-countries/>

²⁵ UN Human Rights Council, *Global fund for social protection: international solidarity in the service of poverty eradication: Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter*, 22 April 2021, UN Doc. A/HRC/47/36, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4736-global-fund-social-protection-international-solidarity-service>

²⁶ The International Labour Conference called on the ILO in June 2021 to “initiate and engage in discussions on concrete proposals for a new international financing mechanism, such as a Global Social Protection Fund, which could complement and support domestic resource mobilization efforts in order to achieve universal social protection.” See: ILC, *Resolution concerning the second recurrent discussion on social protection (social security)* 19 June 2021, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_806099.pdf In September 2021 the UN Secretary General stated: “[t]he establishment of a Global Fund for Social Protection, being explored by the International Labour Organization (ILO), could support countries in increasing levels of funding devoted to social protection over time.” UN, *Our Common Agenda: Report of the Secretary-General*, 2021, p.28. https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf

- **Include social protection goals and indicators in updated NDCs to indicate the needs and opportunities of pursuing climate action goals through provision of adequate social protection.**
- **Protect people’s right to an adequate standard of living by increasing funding and technical support for social protection programmes that provide adequate cover for workers and their communities who are affected by just transitions.**
- **Support the reform of national social protection programmes, both nationally and in countries that states are assisting, in a manner that moves away from narrow poverty targeting and offers universal social protection coverage, including while making decisions within intergovernmental organizations such as the UNFCCC.**
- **Ensure that social protection systems are shock responsive, which means that they can be adapted to respond to large scale crises. This should include ensuring that climate change-related risks are incorporated within existing social protection systems and accounting for climate shocks when designing new systems.**
- **Support and adequately fund the setting up of a global social protection fund as advocated for by the ILO and the UN Special Rapporteur on Extreme Poverty and Human Rights.**

2.6. Human rights-based approaches to climate technology

One area of increasing concern to lower income countries is the question of technology transfer. The right to enjoy the benefits of scientific progress and its applications is enshrined in Article 15 (b) of the International Covenant on Economic, Social and Cultural Rights. Article 1 (c) of the UNFCCC and Article 10 of the Paris Agreement requires all countries to cooperate on technology development and transfer, and Article 4.3 of the UNFCCC requires some high income states to provide financial resources for technology transfer to lower income states.

2.6.1. Avoiding dangerous distractions

A just workforce transition away from fossil fuels will inevitably be accompanied by the introduction of new technology. However, to be human rights compliant and truly just, this technology must enable sustainable patterns of consumption and development and must not constitute risky and unproven solutions that will delay the fossil fuel phase out that we need such as carbon capture and storage and direct air capture; solar and geo-engineering etc. They

also come with other high human rights and environmental risks.²⁷ A de facto moratorium on geo-engineering has been in place since 2010 under the Convention on Biodiversity.²⁸

The UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes has highlighted the risks posed by these technologies, including the health and safety risks of CCS solutions whilst locking in place fossil fuel-reliance and the associated environmental injustices.²⁹ The UN Human Rights Council Advisory Committee has also underscored that, at present, the development of any new technologies intended for climate protection, including direct carbon removal and solar geoengineering, and policies to support them “would not be in accordance with the protective standards of the human rights regime”.³⁰ Transitioning the workforce into such industries will not bring about the just transition we need and risk violating human rights.

2.6.1.1. Recommendations

- **Phase out all loans, subsidies, tax breaks, incentives and other forms of financial support for technologies that use or otherwise support the continued use of fossil fuels rather than a rapid and equitable phase out of their production and use, including carbon capture and storage, direct carbon removal and solar and geo-engineering technologies.**
- **Uphold, enforce and strengthen the *de facto* moratorium under the Convention on Biological Diversity on all forms of geoengineering, in place since 2010.**

2.6.2. Intellectual property, trade and human rights

One area of human rights concern relevant to the just workforce transition is the conflict between the concepts of technology transfer under the UNFCCC and under the World Trade Organization. The former highlights the different responsibilities of different countries and distinctive

²⁷ Center for International Environmental Law, “Carbon Capture and Storage (CCS): Frequently asked questions”, 26 April 2023, <https://www.ciel.org/reports/carbon-capture-and-storage-frequently-asked-questions/>; P. Gunther and P. Ekardt, Human Rights and Large-Scale Carbon Dioxide Removal: Potential Limits to BECCS and DACCS Deployment, *Land*, 2022, Vol 11, Issue 12, <https://www.mdpi.com/2073-445X/11/12/2153>

²⁸ See for example, Joint Press Release, *Civil Society Calls for a Stop to Geoengineering our Oceans*, 30 May 2024, available at: <https://www.geoengineeringmonitor.org/2024/05/marine-geo-statement-pr/>

²⁹ [1] Human Rights Council Fifty-fourth session, *The toxic impacts of some proposed climate change solutions Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes*, Marcos Orellana, UN Doc. A/HRC/54/25, 13 July 2023, para. 70

³⁰ UN Human Rights Council 54th session, *Impact of new technologies intended for climate protection on the enjoyment of human rights: Report of the Human Rights Council Advisory Committee*, UN Doc. A/HRC/54/47, 10 August 2023, para 66

approaches to climate technologies, while the latter builds on the principles of equal treatment and free trade, including intellectual property rights (IPRs).³¹

The UN Committee on Economic, Social and Cultural Rights has highlighted that intellectual property can negatively affect the advancement of science and access to its benefits in various ways and that states should take appropriate measures to avoid its negative effects.³²

Therefore IPRs must not be allowed to hamper sustainable technology transfers needed for effective and ambitious climate action, including the just workforce transition. Exclusion of IPRs over such technologies are needed for a systemic response to address the global challenge of climate change. Existing flexibilities to overcome IPR barriers under the World Trade Organization's agreement on trade-related intellectual property rights (TRIPS) are likely to prove inadequate, as these require a case-by-case national response, that - as seen in the treatment of intellectual property rights for Covid-19 tools - is fraught with obstacles and difficulties for lower income countries to use the flexibilities and can lead to violations of economic and social rights, including the rights to life, health, sustainable development and to a clean, healthy and sustainable environment. Workers in lower income countries risk being left behind once again if climate technology transfers do not take place in a just and equitable way.

2.6.2.1. Recommendations

- **Address trade barriers to necessary climate technology transfer by:**
 - **changing global trade rules to ensure that intellectual property rights, as well as knowledge and technology transfer, are not a barrier to access;**
 - **identifying and implementing any necessary adjustments to states' intellectual property laws, policies and practices to ensure that climate technology transfer can happen swiftly and equitably and reduce the dependency of low- and middle-income countries on high-income countries and climate technology companies based in them.**
- **Ensure necessary climate technology transfer is accompanied by capacity strengthening in the receiving country to enable the workforce to develop the necessary skills to use it in a manner that fulfills their right to decent work.**

³¹ Robert Burrell, Su Jung Jee, Kerstin Hötte and Caoimhe Ring, Institute for New Economic Thinking, *Intellectual Property Rights, Climate Technology Transfer and Innovation in Developing Countries*, INET Oxford Working Paper No. 2023-14, August 2023, p52, <https://www.inet.ox.ac.uk/files/intellectual-property-rights-2023-14.pdf>

³² CESCR, *General Comment 25, (2020) on science and economic, social and cultural rights (article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights)*, UN Doc. E/C.12/GC/25, 30 April 2020, <https://undocs.org/E/C.12/GC/25>

3. A checklist for human rights compliant just transition policies

A checklist attached at Annex A has been designed by Amnesty International to assist both governments and civil society in assessing whether governments' laws, policies and practices that are introduced in response to the climate crisis and the transition away from the fossil fuel economy are truly consistent and compliant with their human rights obligations.

The checklist draws on existing guidance produced by organizations such as the ILO. The 2015 ILO Guidelines for a Just Transition Towards Environmentally Sustainable Economies and Societies for All³³ provided a vision and a framework for a just transition that is widely accepted by trade unions, employers and governments, providing a systemic and whole-of-economy approach to sustainability that addresses environmental, social and economic issues together. A truly just transition is one with human rights at its centre, which promotes gender, racial, ethnic, disability and intergenerational justice, respects and promotes labour rights and reduces inequality both within and between countries.

It is vital that human rights-consistent “just transition” plans are underpinned by national and regional employment strategies that address the concerns of all workers and communities affected by climate change and climate policies. These plans must be based on social dialogue and on the genuine participation of affected communities. They should promote substantial public investment in zero carbon sectors and technologies, strengthen social protection systems and public investment in health, education and other essential services. At the same time governments must assist workers – and their families – in the fossil fuel industry and those in other affected sectors who might lose their jobs due to the transition towards a zero carbon economy to secure alternative livelihoods that provide for sustainable and decent work. In particular, there will be a need to prioritize employment creation in affected areas and communities through appropriate investment, reskilling, training and other assistance for job seekers. This should include promoting and supporting the creation of green and other new jobs that deliver both sustainable and decent employment for workers that respects, protects and fulfills their economic and social rights, is non-discriminatory and takes into account the needs of groups who are already suffering from discrimination.

Communities who have been reliant on fossil fuel production and exports or on other livelihoods affected by the transition to a zero carbon economy must be supported to maintain an adequate standard of living and social cohesion. In particular, states, as an integral part of ensuring an adequate standard of living, must ensure that social protection measures are sufficient both in

³³ ILO, *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, 20 February 2016, https://www.ilo.org/global/topics/green-jobs/publications/WCMS_432859/lang-en/index.htm

terms of coverage and level of support to mitigate the negative impacts on local communities whilst ensuring access to and use of alternative, affordable and human rights-consistent sources of energy.

This approach is consistent with governments' international and regional human rights obligations. It must also be emphasized that a human rights-consistent approach should be an inherent part of all macro-economic policy and planning, not just with respect to the climate crisis.

Reflecting these priorities, the checklist, in addition to enabling users to make an overall assessment of laws, policies and practices, adopts the PANEL approach which has been widely used to assess a range of governmental and intergovernmental processes grounded in fundamental and cross-cutting human rights principles of Participation; Accountability; Non-discrimination and Equality; Empowerment and Legality.

PARTICIPATION – people should be involved in decisions that affect their rights

ACCOUNTABILITY – monitoring of how people's rights are being affected, as well as remedies for human rights violations

NON-DISCRIMINATION AND EQUALITY – all forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barriers to realizing their rights should be prioritized.

EMPOWERMENT – everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives

LEGALITY – approaches should be grounded in the legal rights as set out in domestic, regional and international laws

ANNEX: JUST TRANSITION CHECKLIST

Designed by Amnesty International

OVERALL ASSESSMENT			
	LAWS	POLICIES AND PLANS	PRACTICE
The state has a plan to assist workers in fossil fuel industries to secure alternative employment			
The state has devoted sufficient resources to assist workers and communities to transition			
The state has a plan to assist communities dependent on fossil fuel industries to secure alternative sources of income			
The State has an explicit policy to protect people on low-incomes and marginalized groups from any negative effects from the transition			
Policies and plans draw on and/or align with states' international human rights obligations			

and businesses' human rights responsibilities ³⁴			
PARTICIPATION			
People should be involved in decisions that affect their rights			
	LAWS	POLICIES AND PLANS	PRACTICE
Particular groups are identified and are the subject of specific policies, plans and processes. ³⁵			
Social dialogue is an integral part of the institutional framework for JT policymaking, planning, risk identification and mitigation, implementation and evaluation at all levels of decision making.			

³⁴ For business' human rights responsibilities see [GuidingPrinciplesBusinessHR_EN.pdf \(ohchr.org\)](#) and [Guidelines for multinational enterprises - OECD](#)

³⁵ For example:

- Marginalized groups including socially and economically disadvantaged and those facing discrimination on multiple and intersecting grounds
- Groups most affected by transition decisions and actions
- Workers and their representatives
- Indigenous people
- Human rights defenders

<p>Opportunities are provided for the participation of social partners at all possible levels and stages of the JT policy process through social dialogue.</p>			
<p>Adequate, informed and ongoing consultation takes place with all relevant stakeholders throughout JT process including affected local communities.³⁶</p>			
<p>Consultations with Indigenous Peoples are carried out in accordance with their customs and traditions whilst ensuring non-discrimination of Indigenous women. Consultation is based on free prior and informed consent.</p>			
<p>There are no barriers to social dialogue. E.g. persistent attacks on human rights defenders including trade unionists by state and/or non-state actors.</p>			

³⁶ “Adequate” includes appropriate mechanisms to facilitate consultation and participation of all those affected whilst adopting a gender-based and intersectional approach. It also involves an analysis of existing formal and informal structures of participation and organization at the local and national level in order to understand processes that may facilitate or hinder the participation of those different groups, and to develop, where needed, a targeted strategy and specific measures to ensure their effective access to information, participation, consultation and, if appropriate, free, prior and informed consent.

ACCOUNTABILITY

Monitoring of how people's rights are being affected, as well as remedies when things go wrong

	LAWS	POLICIES AND PLANS	PRACTICE
Effective monitoring and evaluation of all JT measures, including long term across the life span of projects, is provided by specific bodies, which are sufficiently independent of the state. These can include parliamentary, administrative and quasi-judicial.			
Human rights compliant indicators, benchmarks and targets are designed and implemented to monitor progress by all actors – both state and private – broken down by grounds of discrimination such as gender, ethnicity, nationality or sexuality.			
Adequate remedy such as compensation is available for those disadvantaged by transition throughout all stages of the process as appropriate.			

Provision of appropriate accountability mechanisms – both administrative and judicial - to ensure access to an effective remedy. ³⁷			
There is effective and appropriate regulation of private actors involved in projects/operations linked to the JT			
There is access to information in a timely manner for HRDs, and reporting mechanisms which HRDs can access (including whistleblower mechanisms).			
Accountability also extends to those impacted in other countries, through for example the sourcing of minerals.			
<p>NON-DISCRIMINATION AND EQUALITY</p> <p>All forms of discrimination must be prohibited, prevented and eliminated.</p> <p>People who face the biggest barriers to realizing their rights should be prioritized.</p>			
	LAWS	POLICIES AND PLANS	PRACTICE

³⁷ Accountability mechanisms could include [National Contact Points \(NCPs\) - OECD Watch](#)

<p>JT policies and programmes take into account the gender dimension of JT challenges and opportunities. Specific gender policies are developed, implemented, monitored and regularly evaluated in order to promote equitable outcomes.</p>			
<p>JT policies and programmes take into account the other equality and discrimination dimensions of JT challenges and opportunities including socio-economic status, ethnicity, age and disability and the impact of intersectionality. This includes impacts on groups in a particular vulnerable situation such as Indigenous people and ethnic minorities. Specific policies are developed and implemented in order to promote equitable outcomes.</p>			
<p>Disaggregated data broken down by grounds of discrimination is collected, monitored and used in a human rights consistent way to inform design and implementation of JT policies and plans. Participatory data collection methods are used to complement conventional data collection.</p>			

EMPOWERMENT			
Everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives			
	LAWS	POLICIES AND PLANS	PRACTICE
Ensure awareness and understanding and provide guidance among workers and communities about developments relevant to the just transition framework, sustainable development, decent work and green jobs.			
Ensure awareness and understanding amongst affected workers and communities of their respective rights and right to redress.			
LEGALITY			
Approaches should be grounded in the legal rights as set out in domestic, regional and international laws			
	LAWS	POLICIES AND PLANS	PRACTICE

<p>Policies and plans must respect, promote and realize fundamental human rights principles and relevant individual rights engaged.</p>			
<p>Promote those international human rights and labour law and standards most relevant to the just transition framework with a view, in the case of relevant treaties, to their ratification and full implementation.³⁸</p>			

³⁸ Relevant international law includes the [UN International Covenant on Economic, Social and Cultural Rights](#); [the UN International Covenant on Civil and Political Rights](#); various [ILO Conventions relating to workers' rights](#). Relevant standards include [UN CESCR General Comments](#)