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LEGAL FRAMEWORK FOR THE ENERGY TRANSITION IN BRAZIL, CHILE, COLOMBIA AND MEXICO: ASSESSMENT OF THE CURRENT SITUATION AND RECOMMENDATIONS FOR A FAIRER FUTURE

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ABOUT GLOBAL INITIATIVE FOR ECONOMIC, SOCIAL & CULTURAL RIGHTS (GI-ESCR)



GI-ESCR is an international non-governmental human rights advocacy organisation that works to end social, economic and gender injustice through a human rights approach. Its mission is to transform

power relations so that every person and community can enjoy their economic, social, cultural rights and all other human rights now and in the future.

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METHODOLOGICAL NOTE

The present report has been designed to identify, describe, and analyse the regulatory frameworks of Brazil, Chile, Colombia, and Mexico in relation to the energy transition. This report is divided into two sections that fulfil the objectives explained herein.

The first section of the report is dedicated to presenting the current state of regulation and public policies concerning the energy transition in these four countries. This section presents a particular focus on regulatory and public policy advances in several key areas: the existence of a just energy transition mandate, specific rights established in the current legislation, respect for the rights of Indigenous peoples, existence of regulations to advance gender equality, human rights due diligence obligations of non-state actors and the obligation to carry out impact assessments. This section of the report summarises key information emerging from four more in-depth and detailed country reports that were conducted by four law firms in these countries. The research for these four reports was carried out by surveying current legislation, public policies and various reports on the issues analysed. The exhaustive analysis of these sources made it possible to evaluate the alignment of each country with the criteria of a just energy transition. As a result of this research, significant advances, gaps and important challenges were identified that must be managed in internal regulation to advance a just and equitable energy transition.

The second section of the report aims to evaluate to what extent the regulatory frameworks and public policies on the energy transition presented in the first part comply with human rights standards and promote a just transition. To do this, a review of relevant standards of international human rights law was first carried out, identifying the key elements of a just energy transition. With this theoretical framework, the legislation and public policies of Brazil,

Chile, Colombia and Mexico were examined through a detailed review of energy legislation, policy, plans and strategies, as well as the Nationally Determined Contributions (NDCs) submitted by these countries to the Secretariat of the [United Nations Framework Convention on Climate Change](#) (UNFCCC). This review allowed for a comparative analysis to identify patterns, trends and gaps in the implementation of energy transition policies. Subsequently, based on the gaps identified, recommendations were developed, both general for the region and specific for each country, taking into account the particularities of their regulatory frameworks and public policies.

In summary, the methodology used in this report combines an analysis of international standards with a detailed examination of national regulatory frameworks and public policies, providing a clear view of the current situation and proposing concrete recommendations to advance towards an energy transition that respects and promotes human rights and gender equality.

INTRODUCTION

Climate change is now a true planetary crisis with serious consequences for biodiversity and human rights, which impacts politics, economics, and our societies worldwide. Managing this emergency is a challenge for governments, businesses, and civil society as a whole.

Against that backdrop, several countries and international organisations have taken measures to deal with this complex emergency that requires a comprehensive, systematic analysis and approach.

In 2015, the United Nations member countries signed the [Paris Agreement](#) to limit global warming and reduce greenhouse gas emissions and undertook to periodically submit their climate action plans or “Nationally Determined Contributions” (NDC).¹ To meet those objectives, the transition from fossil fuels to renewable energy sources plays a key role.

The fossil fuel-based energy model is not only environmentally unsustainable, but has also generated and deepened structural inequalities, disproportionately affecting those segments of the population who are already marginalised or in situations of vulnerability or who, due to pre-existing conditions of discrimination, have limited access to decision-making spaces or resources, such as women, boys and girls, people with disabilities, Indigenous peoples, and people living in rural areas.²

To avoid replicating the inequalities and human rights abuses generated by fossil fuel-based energy systems, the energy transition cannot be viewed as a mere technological switch. Actually, numerous countries and organisations have acknowledged that this transition

must be carried out in a fair and equitable manner, and for this purpose the concept of the “just energy transition” has been developed.

In this context, a just energy transition must take into account elements of equity and environmental justice, ensuring that the process is sustainable, efficient, safe, and participatory. In this way, the process must pay special attention to the rights of workers, include effective community participation, consider the rights of Indigenous peoples, and promote gender equality. Additionally, it must involve businesses and members of civil society, adopting a human rights approach.

The energy transition represents an opportunity to overcome the injustices posed by the current energy model and move towards a more participatory and equitable system. Indeed, the energy transition is already underway and is an essential component of shaping our societies in the coming years. Transitions towards environmentally and socially sustainable economies can be significant drivers for job creation, improved job quality, social justice, gender equality advancement, and the eradication of poverty.³ Therefore, the energy transition presents a unique opportunity for environmental and social policies to align and complement each other. In this vein, the just transition should not be seen as a mere “addition” to climate policies but should be prioritised, adopting an integrated approach that simultaneously addresses the necessary transformation of the energy matrix and the reduction of inequality.⁴

Latin American countries have explored various ways to implement the energy transition, adopting measures

according to their specific needs and realities, and aiming to address the challenges that remain in their regulatory frameworks.

The first section of this report analyses the current state of the just energy transition in four countries of the region: Brazil, Chile, Colombia and Mexico, focusing on regulatory and public policy advances, in order to determine the status of this transition and the country-specific implementation of various laws.

This analysis shows that important steps have been taken towards a just energy transition, mainly to reduce greenhouse gas emissions. This progress is due to the adoption of laws and implementing public policies by the analysed countries, to comply with their respective NDCs, enabling them to fulfil their commitments with respect to the Paris Agreement.

However, the diversity of realities and states of maturity in the countries analysed in this area creates challenges, which will have to be managed in the future in order to continue to carry out the energy transition with a human rights approach.

In order to properly address the different aspects and challenges posed by the just energy transition, the analysis presented reviews six relevant topics and determines how these are regulated in each country. These topics are: a. recognition of a Just Energy Transition Mandate; b. gender mainstreaming in energy transition laws and policies; c. recognition of the rights of Indigenous peoples and communities in energy transition contexts; d. corporate accountability and human rights due diligence processes; e. environmental and social impact assessments in the design and implementation of renewable energy

projects, f. Adequate funding and g. Access to information, participation, and accountability.

On the basis of the previous assessment, the following section aims to review the extent to which those frameworks and public policies in Latin America comply with human rights standards and promote a just transition, as well as to identify patterns, trends, and gaps. In this sense, the legal frameworks of Brazil, Chile, Colombia, and Mexico previously analysed offer a rich comparative landscape for this evaluation. Based on this analysis and the gaps identified, the document presents a series of general recommendations to adapt the internal legislation and public policies to the international human right standards. Additionally, this document contains sub-sections with country-specific recommendations for each jurisdiction.⁵

⁵ In developing these recommendations, the NDCs submitted by these countries to the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) were considered. The next round of NDC submissions is approaching and represents a crucial opportunity for all countries to increase their ambition and demonstrate significant progress on their commitments. In this regard, it is essential that states adopt the Just Energy Transition approach as a framework. An effective energy transition must not only focus on the technical and economic dimensions, but also on social aspects and equity criteria, adopting a holistic approach that maximises the potential of the transition.

¹ The NDCs are the efforts that countries that are party to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement intend to make to meet the global goal of reducing greenhouse gas (GHG) emissions and adapting to climate change.

² Global Initiative for Economic, Social and Cultural Rights (2020) [Renewable Energy and Gender Justice Briefing Paper](#).

³ International Labour Organization (ILO) (2015) [Policy guidelines for a just transition towards environmentally sustainable economies, and societies for all](#).

⁴ Müllerová, Hana et al. (2023) [Building the Concept of Just Transition in Law: Reflections on Its Conceptual Framing, Structure and Content](#) Environmental Policy and Law, vol. 53, no. 4, pp. 275-288.



LEGAL FRAMEWORK RELATING TO THE ENERGY TRANSITION IN BRAZIL



a. Just energy transition mandate

The Brazilian Federal Constitution stipulates that some of the issues more related to the just energy transition fall under federal jurisdiction, such as the electricity, oil and gas legislation (O&G). Despite the fact that there are currently no specific constitutional provisions on the just energy transition in Brazil, and there is no general legal framework in this regard, the just energy transition is based on values, principles and rights already protected by the Federal Constitution.

The only specific energy transition initiative enacted by law is the [Just Energy Transition Programme \(TEJ\)](#) that was created through a federal law and regulated by decree. The aim of the TEJ is to promote a fair energy transition in the southern region of the State of Santa Catarina, the central hub of coal extraction and coal-based electricity generation. It is, therefore, a federal initiative aimed at the value chain of a specific region of a specific State and is based on a single fossil fuel: coal.

Nevertheless, Brazil is currently studying more far-reaching legislation for the just energy transition, such as [Bill No. 327/2021](#), which proposes an [Acceleration Program for Energy Transition](#).

b. Specific rights established in the current legislation

The gender equality and human rights issues involved in the just energy transition, which include labour rights and the rights of Indigenous peoples, are protected by specific laws that are not aimed solely at regulating the energy transition.

The exception to this is the TEJ that governs the State of Santa Catarina, which contains specific regulations on the protection of workers' rights and the environment.

Finally, although the Brazilian Constitution does not expressly mention the right to energy, the Supreme Federal Court, the ultimate authority on the Constitution, has ruled on more than one occasion that a systematic interpretation of other social rights shows that the right to energy is also a fundamental right without which other human rights would not be possible (e.g. [Direct Action of Unconstitutionality No. 6,432 Roraima](#) and [Extraordinary Appeal No. 714139 Santa Catarina](#)).

c. Rights of Indigenous peoples

As there are no specific regulations governing the energy transition, the rights of Indigenous peoples are regulated by specific laws applicable only to them.

In this context, Brazil has ratified [Convention 169 of the International Labour Organisation on Indigenous and Tribal Peoples](#), under which the country has undertaken to incorporate into its legislation laws recognising and protecting the social, religious, spiritual culture and practices of Indigenous peoples.

The [Brazilian Federal Constitution](#) also recognises Indigenous peoples, and on the subject of energy exploration in their traditional lands (Article 231, § 3º), has established that water resources can only be exploited or used as a source of energy with the authorisation of the National Congress after it has consulted the affected Indigenous communities and guaranteed their participation in the results of the exploitation.

Finally, Brazil also has the [Indigenous Statute](#) that regulates the legal situation of Indigenous peoples and communities in order to preserve their culture and integrate them into the Brazilian nation. The rights enshrined in this law include: the guarantee that Indigenous peoples have the right to voluntarily and permanently reside in their territories; the provision of resources for their development and progress with respect for their unique circumstances; the implementation, with the collaboration of Indigenous peoples whenever possible, of programmes and projects intended to benefit Indigenous communities; and the guarantee that Indigenous peoples and communities will have permanent possession of the lands they traditionally occupy, recognising their exclusive right to use the natural wealth and all the utilities on those lands.

This regulatory framework, therefore, though not specifically developed in the context of the energy transition, addresses and recognises the rights of Indigenous peoples, and is intended to safeguard the rights of these peoples and protect them from the possible impact of the energy transition.

d. Gender equality

The absence of regulations governing the just energy transition means that there are no regulations regarding gender equality in this process. However, Brazil has a specific legal framework for gender equality that is consistent with international laws.

Brazil has ratified the [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#) and recognises at the federal [constitutional level](#) (Article 5) that all people must be treated equally before the law, and that men and women must have the same rights and responsibilities. The [Federal Constitution](#) (Article 7, XXX) also protects women in the labour market through specific legally enforceable incentives and prohibits wage differentials and differences in job functions and hiring criteria based on sex, age, colour and marital status.

The Ministry of Mines and Energy has created a Gender Committee that works with companies in the electricity, energy and minerals sectors to guarantee gender equality in the workplace and promote debate on gender issues.

e. Human rights due diligence of non-state actors

There are currently no regulations on human rights due diligence of non-state actors.

Nevertheless, an [Interministerial Working Group](#) was created by means of an informal decree to prepare a proposal for a National Human Rights and Business Policy. The group's tasks include conducting studies on national and international legislation on the protection of human rights in the workplace; proposing measures to improve the effectiveness of public policies promoting human rights in the workplace; monitoring and redressing human rights violations; and implementing business policies that are in line with national and international regulatory guidelines.

The National Human Rights and Business Policy guidelines ([Article 3 of Decree 11772/2023](#)) seek to improve the effectiveness of current human rights policies in the corporate sphere, promote corporate mechanisms to prevent human rights violations, introduce oversight mechanisms to ensure compliance, and bring corporations in line with the [United Nations Sustainable Development Goals](#).


Finally, some companies operating in Brazil are already promoting human rights due diligence in accordance with the [United Nations Guiding Principles on Business and Human Rights](#).

f. Impact assessments

The Brazilian legal framework provides for certain mechanisms to evaluate the impact of economic activities and projects on the environment and communities. According to the [Federal Constitution](#) (Article 225, § 1º, IV), projects or activities that may cause a significant environmental impact cannot be implemented without an environmental impact assessment.

The need for an environmental impact assessment is also regulated in the [National Environmental Policy](#), according to which any undertaking or activity that uses natural resources, that causes or may cause pollution, or that may in any other way cause environmental damage must have an environmental permit.

Finally, all States are required to have an Environmental Impact Study or to issue an Environmental Impact Report on undertakings and activities that have a significant environmental impact. However, compliance depends on the expected impact of the energy project in question, and as these regulations only apply to undertakings with a significant impact, most projects related to the energy industry follow simpler procedures since their impacts are not usually considered significant.

Access Brazil's full chapter (in English) [here](#). 

LEGAL FRAMEWORK OF THE ENERGY TRANSITION IN CHILE



a. Just energy transition mandate

The general mandate that guides public policies on the just energy transition in Chile is derived mainly from the country's international commitments, among them the commitments adopted under the Paris Agreement - specifically the [Nationally Determined Contributions \(NDC\)](#) - and the [2020 updated agreement](#) that included a "social pillar of just transition and sustainable development". In 2022, [an annexe](#) to the NDC was presented with the objective of strengthening Chile's commitments.

This energy transition commitment is aimed at progressing towards carbon neutrality with an electricity matrix based mainly on renewable energies. This process involves analysing the difficulties and needs of the most vulnerable groups, recognising, meeting and promoting the country's commitment to a just transition towards a low-carbon, climate-resilient economy.

The [Climate Change Framework Law](#) is an important part of the national regulatory framework. One of the main principles of this Law is "equity and climate justice", in addition to various public policies implemented by the Ministry of Energy, which include the "[Energy Agenda 2022-2026](#)", under which the energy transition must be carried out using funds that comply with a fair socio-ecological transition; the [National Energy Policy](#) (updated in 2022), with which the State involves the different energy sector actors in its energy strategy; and the [Just Energy Transition Strategy](#).

Finally, in 2023, Chile created the [Interministerial Committee for Just Socioecological Transition](#). This Committee is responsible for advising the President of the Republic on the correct content and scope of a just social transformation in terms of social transition, environmental protection and economic development. The Ministry of the Environment has also created a [Just Socioecological Transition Office](#).

b. Specific rights established in the current legislation

The principles and rights that guide the process derive mainly from Chile's international commitments and sector-specific regulations.

Regarding the rights of Indigenous peoples, based on the legal requirements stemming from [Convention 169 of the International Labour Organisation on Indigenous and Tribal Peoples](#), the members of Indigenous peoples who may be affected by a legislative or administrative measure - in this case, energy transition - must be consulted prior to its adoption.

The promoters of energy projects are also legally required ([Law 19300](#)) to conduct an environmental impact assessment that includes public consultations.

In terms of energy, the [Strategy for a Just Transition](#) establishes certain specific principles that guide the development of energy projects, including dialogue and early, continuous participation; representativeness and respect for human rights; transparency; advocacy and good faith; collaboration and governance; common good and sustainable development.

Finally, the [Energy Agenda 2022-2026](#), a public policy that guides the activities of the sector, establishes various guiding principles that must be followed in the development and execution of energy-related public policies and projects. These are based on cross-cutting principles, including human rights and gender equality; just socio-ecological transition and climate change, among others.

c. Rights of Indigenous peoples

Chile has enshrined Convention 169 as it applies to the Indigenous peoples of Chile, in its [Constitution](#). Under this Convention, governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of Indigenous peoples and to guarantee respect for their integrity. Specifically, the

Convention establishes that governments shall consult the peoples concerned whenever consideration is being given to legislative or administrative measures which may affect them directly. Therefore, any policies or decisions related to the just energy transition that may cause a significant and specific impact on Indigenous peoples must be subject to consultation.

Chile also establishes standards for the protection, promotion and development of Indigenous people under [Law 19253](#). Under this law, it is the duty of society in general and the State in particular, through its institutions, to respect, protect and promote the development of Indigenous people, their cultures, families and communities by adopting appropriate measures for such purposes, and to protect Indigenous lands by ensuring their proper exploitation, their ecological balance, and by promoting their expansion.

Finally, [one of the guiding principles of the Ministry of Energy](#) with respect to participatory development of energy projects is representativeness and respect for human rights, facilitating and enabling the participation of groups with special protection, such as Indigenous peoples, women, boys, girls and adolescents.

d. Gender equality

The current legal framework in Chile aims to comply with gender equality and women's rights, in accordance with the [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#).

At an institutional level, Chile has a [Ministry of Women and Gender Equality](#), and has implemented [strategic public policies on gender equality](#), such as the development and dissemination of intersectional gender policies, among others.

Chile has also implemented a series of public policies aimed at [integrating gender equality in disaster risk management](#).

In terms of programmes, it has been established that the Ministry of Women and Gender Equality is committed to encouraging gender equality in the workplace and promoting the development of a "[gender and energy agenda](#)", which will seek to enhance the role of women in the development of the national energy sector by strengthening their competence in and knowledge of energy issues, developing gender-related projects, and promoting the participation of women in the design and implementation of the energy policy, among other strategies. This plan incorporates the gender approach in its climate change adaptation strategies.

Finally, the Just Energy Transition Strategy was analysed by the [gender mainstreaming checklist for climate change management](#), which showed that gender equity and equality were explicitly included in the Just Energy Transition Strategy.

e. Human rights due diligence of non-state actors

The current internal regulatory framework does not oblige non-state actors to carry out human rights' due diligence in the transition towards a carbon neutral economy under the terms of the [United Nations Guiding Principles on Business and Human Rights](#). However, the Government announced the upcoming introduction of a Bill in this regard.

Additionally, a series of specific, measurable public policies aimed at improving respect, promotion and protection of human rights have been implemented, within which the corporate responsibility to respect human rights includes human rights due diligence.

Finally, the Ministry of Energy and Labour and Social Security has been charged with implementing the [National Strategy for the Just Transition](#) from the perspective of human rights, gender equality, and the participation of civil society.

f. Impact assessments

Chile does not currently have a specific regulatory framework that obliges the promoters of renewable energy projects to evaluate how their project might impact human rights.

However, based on environmental regulations, any project or activity that meets the legal criteria for assessment must be evaluated by the [Environmental Impact Assessment System \(SEIA\)](#) in terms of the potential impact it could have on the environment or its components, and must adopt mitigation, compensation or reparatory measures, as appropriate.

Renewable energy projects are not specifically typified in the SEIA, but in general, plants generating more than 3 MW must be assessed by the SEIA prior to their implementation in order to obtain an environmental permit to operate.

In this way, the SEIA assesses the environmental impact that the project or enterprise could have on the different components with which it interacts, one of them being the "human environment" component. For this purpose, it uses a series of guidelines and technical criteria that are weighted by the authority within the relevant SEIA framework.

Finally, the [SEIA Guidelines on Civil Society Participation](#) are particularly important. These are based on the [Escazú Agreement](#) and establish various stages and recommendations to ensure the active, well-informed participation of civil society. Other important SEIA guidelines include the [Guidelines for Early Public Participation in projects presented to the SEIA](#).

Access Chile's full chapter (in Spanish) [here](#) 



LEGAL FRAMEWORK OF THE ENERGY TRANSITION IN COLOMBIA



a. Just energy transition mandate

The legal framework for energy transition in Colombia is established by the [National Development Plan \(NDP\)](#), which serve as a roadmap for the implementation of the government's proposals. Since 2010, all NDPs have included the topic of energy transition.

The basis of the NDP defines the just energy transition as a significant change in the energy system of a country that is influenced by factors such as energy policy, structure, scale, economics, technologies and emerging energy sources, and consumer behaviours and preferences.

According to the basis of the NDP, the just energy transition is composed of three essential, complementary elements: (i) energy generation from renewable sources, (ii) energy security and reliability, and (iii) closing energy gaps.

One of the objectives of the NDP is to create regulatory frameworks and programmes to democratise energy generation, prioritise the use of local energy resources to progressively replace thermoelectric plants with renewable sources, promote the use of cleaner energy for cooking and improve the quality and efficiency of the power grid. Community and business participation will be key in these processes.

To achieve these objectives, the NDP creates energy communities based on specific cultural, ethnic, territorial and productive characteristics, and allows the Colombian citizens to participate in the electricity value chain as consumers and generators through associations, cooperatives, and other schemes.

In addition to this public policy, Colombia has passed a [Law 2169](#) of 2021 that promotes the country's low-carbon economy by establishing minimum carbon neutrality and climate resilience goals and measures, and developing the concept of just energy transition in the workplace and education centres. There are also regulations that help define the creation of the just energy transition framework in Colombia.

The concept of just energy transition in Colombia has also been defined by the [Ministry of Mines and Energy](#) as the gradual process of replacing the use of fossil energy sources with renewable energy sources. This guarantees energy sovereignty, reliability and economic stability while helping mitigate the effects of the climate crisis.

b. Specific rights established in the current legislation

The legal framework in Colombia includes several rights that are important to the energy transition.

For example, the [Constitution](#) recognises the right of all citizens to enjoy a healthy environment, so policies and decisions related to the energy transition must consider the protection of the environment and the health of the population. This includes assessing the environmental impact of energy projects, taking measures to mitigate potentially negative impacts, and promoting clean and sustainable technologies.

The above right guarantees public participation in decisions that may affect the environment. This means that, in the context of the energy transition, spaces must be created for public participation in policymaking, project evaluation and energy-related decision-making.

There are also certain laws that promote the country's energy transition. For example, [Law 2169](#) of 2021 promotes low-carbon development by establishing minimum objectives and measures for carbon neutrality and climate resilience. [Law 1715](#) of 1991 establishes tax benefits for individuals making new investments in renewable energy and [Law 1712](#) of 2014 regulates the right of access to information.

c. Rights of Indigenous peoples

Colombia's Indigenous communities have the right to be consulted on measures that may affect their rights. This process is supported by international legal frameworks, specifically, by Convention 169 of the International Labour Organisation, which has been ratified by Colombia through [Law 21](#) of 1991 and enshrined in the [Constitution](#) (Articles 2, 7, 40 and 330).

The country, through national and departmental decrees and resolutions, acknowledges the essential role of constitutionally protected population groups in terms of knowledge, differentiated impacts, and actions for mitigating and adapting to climate change. Notably, the regulations established in [Decree 1320 of 1998](#), which governs prior consultation with Indigenous and black communities for the exploitation of natural resources within their territories, are highlighted.

d. Gender equality

Colombia ratified the [Convention on the Elimination of All forms of Discrimination against Women \(CEDAW\)](#) to uphold the Convention's principles and agreed to participate in the periodic reporting process. Additionally, by ratifying the Optional Protocol, it granted individuals the right to submit petitions directly to the CEDAW Committee.

Likewise, the [Constitution](#) establishes specific rights for women (articles 40 and 43), among them: overall non-discrimination, non-discrimination for reasons of gender, adequate and effective participation of women in public administration decision-making, and equal rights and opportunities in relation to men.

The recognition of special-protection groups obliges the Colombian State to establish extra protection to achieve real and effective equality, taking into account that women who live in territories targeted by mining-energy activities are vulnerable to specific impacts, such as geographical changes in their territory and unequal access to energy resources.



REUTERS/Ueslei Marcelino

One of the fundamental pillars and principles of a just energy transition is binding social participation, the aim of which is to create energy communities that participate in the electricity value chain as consumers and generators. Through social participation, the just energy transition seeks to foster democratic involvement beyond prior consultations by including participation in revenue sharing, equity ownership, and project management within the mining-energy industry. To achieve this, associative structures, such as energy communities, will be promoted, making renewable energy generation a vehicle for social well-being in local territories. This pillar of the just energy transition seeks to integrate a differentiated approach, addressing gender-specific needs, among others, to ensure these populations benefit within Colombia's diverse society. In this respect, the Colombian government has adopted a differential approach that gives greater visibility to women and girls in the participatory framework.

Several gender-related legal provisions need to be adopted during the energy transition that aim to reduce the gender gap within the mining and energy sector and reduce the impacts suffered by women, which arise as a consequence of energy economies, according to the NDP.

Finally, the country has taken a differential gender approach to public policymaking, insofar as the Colombian government intends to implement a Reindustrialisation Policy which was approved by the [CONPES 4129](#) based on an intersectional, gender-sensitive and sustainability-oriented approach. It will also prioritise regional integration with Latin America and the Caribbean, where it is working with other countries to eliminate discrimination and gender exclusion in the energy sector.

In this context, it can be said that Colombia's legal framework is aligned with gender equality and women's rights.

e. Human rights due diligence of non-state actors

Colombia has no specific law on due diligence obligations for private actors in the context of the energy transition. However, the general legal framework establishes various laws aimed at preventing and remedying human rights violations derived from business activities. Additionally, various reports, data and research guide Colombian public policies to prevent human rights violations by non-state actors.

For example, one of the objectives of the [National Climate Change Policy](#) is to incorporate climate change management into public and private decisions in order to promote a climate-resilient, low-carbon economy that reduces the risks of climate change and allows actors to take advantage of the new opportunities created. Businesses and civil society play a key role in this process, since the strategic and instrumental lines of action required to implement this policy require the coordination of several different actors.

In this context, the ecosystem management and conservation plan, which is one of the strategic plans of the NCCP, states that "strategies to prevent environmental degradation and encourage restoration are crucial in the business plans of private companies and their value chains."


Article 16 of [Law 2169](#) of 2021 regulates the mandatory reporting of carbon neutrality: the equivalence to zero between anthropogenic emissions and removals of greenhouse gases (GHG). It establishes an obligation for legal entities, public, private, or mixed, that meet the criteria established by the Ministry of Environment and Sustainable Development (considering, among others, the level of GHG emissions and the size of the companies) to report their direct and indirect GHG emissions and the information and documentation for the preparation of GHG inventories.

Article 17 of the [same Law](#) created the National Registry for the Reduction of Emissions and Removal of Greenhouse Gases (hereinafter NREG). With the creation of the NREG, every person, natural or legal, public, private or mixed, that intends to opt for payments for results, or similar compensations, as a consequence of mitigation initiatives that generate GHG emission reductions and removals in the country, is obliged to obtain a permit.

In conclusion, in Colombia, there is no specific law intended to establish due diligence obligations on private actors in the context of the transition. However, different rules in the general framework set up different requirements intended to prevent and provide reparation to human rights violations flowing from business activities.

f. Impact assessments

In Colombia, promoters of projects requiring an environmental permit are [obliged to carry out an environmental impact study](#). For example, companies intending to build and operate electric power plants must carry out an Environmental Assessment of Alternatives.

Access Colombia's full chapter (in English) [here](#). 



LEGAL FRAMEWORK OF THE ENERGY TRANSITION IN MEXICO



a. Just energy transition mandate

Energy production in Mexico focusses on the exploitation of fossil fuels such as oil. Despite the existence of potentially renewable energy sources and the [National Strategy for Energy Transition and Sustainable Use of Energy](#), to date (2024) no significant changes have been made in the [energy matrix](#).

The [energy transition policy](#) pursued by the Secretariat of Energy involves an orderly, programmed migration from conventional sources of electric power to clean, sustainable energy sources.

As defined in the [Energy Sector Programme](#) for Mexico, the concept of just energy transition includes equity, job protection, ecological restoration and human rights, among other factors. Energy transition, therefore, does not only involve replacing existing energy sources – it also involves ensuring that this transformation benefits all sectors of society, including workers and communities that depend on the fossil fuel industry.

So far, Mexico's legal framework lacks a **strategy and mechanisms to guarantee a just energy transition**. Although it acknowledges that the authorities have certain rights and obligations with regard to a just transition and equitable access to energy, none of these are enforceable, and therefore cannot guarantee that the energy transition will be truly fair for women, people with disabilities, members of Indigenous groups and disadvantaged groups.

Likewise, the Mexican legal framework does not establish measures to prevent or reduce the potential impact of the energy transition on workers in the fossil fuel industry.

b. Specific rights established in the current legislation

Though at variance with the existing energy matrix, Mexico has seen reforms through a series of laws, decrees, regulations and caselaw developments, among others, aimed at implementing – so far unsuccessfully – a just energy transition that complies with international goals and standards.

The energy transition is currently regulated by a wide array of instruments, ranging from the [Political Constitution of the United Mexican States](#), which lays out the guiding principles for regulating the use and exploitation of resources and energy in the country, to federal laws such as the [Energy Transition Law](#) and the [General Climate Change Law](#), among other regulations.

However, the Political Constitution does not establish any specific right regarding the just energy transition.

The purpose of the [Energy Transition Law](#) is to regulate the sustainable use of energy, the obligations regarding clean energy, the obligation to reduce polluting emissions from the electricity industry, and the establishment of an institutional framework that promotes the formation of human capital,

scientific and technological development, and the creation of value chains within a new national industry.

The [Energy Sector Programme](#) is an important federal public policy designed to regulate the energy transition. One of the priority objectives of this programme is to organise the scientific, technological and industrial competences needed for Mexico's energy transition in the twenty first century.

Another programme, the [Transition Strategy to Promote the Use of Cleaner Technologies and Fuels](#) establishes, among other things, policies and recommendations for the development of an efficient energy market, a low-carbon economy, and better social well-being, all of which is the co-responsibility of the three levels of government, the private sector, academia, and civil society.

c. Rights of Indigenous peoples

One of the guiding principles of [Mexico's Constitution \(Articles 2, 3, 4, 5 and 6\)](#), is the obligation of the Federation and States to: promote equal opportunities for Indigenous people; eliminate any discriminatory practices; promote the regional development of Indigenous areas to strengthen local economies and improve the living conditions of their people; guarantee and increase levels of schooling and technical training; and ensure effective access to health services, among others.

The [General Law of Ecological Balance and Environmental Protection](#) and the [General Law of Climate Change](#) regulate the rights and protection of Indigenous peoples in terms of the preservation, use and sustainable exploitation of their natural resources and the protection and use of their biodiversity.

In addition, the [Electricity Industry Law](#) establishes mechanisms by which Indigenous communities must be consulted on proposed electricity generation projects or other projects that in any way impact their interests, rights, and assets.

d. Gender equality

The Political [Constitution of the United Mexican States](#) in its Article 1 rejects and categorically prohibits any discrimination based on gender, race, ethnic origin, age, disabilities, social condition, health conditions, religion, sexual preferences, marital status, or any other grounds.

Various constitutional principles have also been established to promote gender parity in all areas and competencies of the public sector, and all plans, programmes and public policies are obliged to consider gender and equity issues. Public policies in the energy sector also recognise the importance of giving all sectors of society access to energy.

The [General Law of Ecological Balance and Environmental Protection](#) and the [General Law of Climate Change](#) oblige the relevant authorities to take gender into consideration in the preparation of all plans and programmes aimed at protecting the environment and reducing the impact of climate change. Nevertheless, vulnerable populations do not have access to additional specific rights or defence mechanisms in the event of a breach of such obligations.

Finally, the [Transition Strategy to Promote the Use of Cleaner Technologies and Fuels](#) updates the transition strategy to promote the use of cleaner technologies and fuels including recommendations to promote gender equality by developing projects to identify gender-related socio-environmental impacts and to guarantee the active participation of women and men in the benefit of such projects, thereby guaranteeing equal job opportunities in projects in the energy and technology sector.

This agreement establishes specific development and social impact lines of action, taking into account recommendations on gender perspective, energy poverty, protection of human rights relative to the exploitation of natural resources, and civil society engagement.

e. Human rights due diligence of non-state actors

Although substantial efforts have been made in Mexico to improve regulations governing energy transition and climate change, most regulatory bodies have failed to enact laws to prevent and remedy human rights violations, either by state or non-state actors.


The [Electricity Industry Law](#), one of the few of its kind, establishes the obligation to respect the human rights of the communities and peoples affected by any electrical infrastructure project.

The [National Human Rights Commission](#) implemented the [Business and Human Rights Programme](#) in 2018 in the framework of the [United Nations Guiding Principles on Business and Human Rights](#). The Programme is the strategic plan of the Commission to include businesses in its respect for human rights agenda, its objective being to consolidate the culture of respect for human rights in corporate activities by means of promotion, study, training and capacity-building of public servants, businesspeople, and the general population.

f. Impact assessments

The [Electricity Industry Law](#) provides principles and obligations to assess the impact that public or private infrastructure projects in the electrical industry can have on society, the environment, and sustainable development. Those interested in obtaining permits or authorisation to develop projects must submit a social impact assessment that must identify, characterise, predict, and assess the potential social impact of their activities, and describe the corresponding mitigation measures.

The [Energy Transition Law](#) establishes that in the case of projects to generate electricity from areas that meet the Law's criteria for high clean energy potential, the Secretariat of Environment and Natural Resources must perform a strategic regional environmental assessment to determine the relevant characteristics of the ecosystem(s) potentially affected by the projects, assess the potential regional environmental impact, and dictate the prevention and control measures that must be implemented by the project developers.

Access Mexico's full chapter (in Spanish) [here](#). 



ANNEX

TOWARDS A JUST ENERGY TRANSITION: RECOMMENDATIONS FROM THE ANALYSIS OF THE EXPERIENCES OF BRAZIL, CHILE, COLOMBIA, AND MEXICO



I. KEY COMPONENTS OF A JUST ENERGY TRANSITION

The concept of just energy transition was coined by the US Labour and Environmental Movement several decades ago, understood as the promotion of green jobs in the transition away from fossil fuels. In recent years, however, this concept has evolved beyond workers' rights and has come to encompass a broad set of rights and other social and environmental justice concerns that will be affected by transition policies.⁶

To determine what the key elements of a just energy transition are, we have considered the elements that have been progressively developed through the annual meetings of [the Conference of the Parties \(COP\)](#) of the UNFCCC, the recommendations issued by the [United Nations human rights treaty bodies](#) such as the [Committee on the Elimination of Discrimination Against Women \(CEDAW\)](#), and other international instruments, such as the [Policy Guidelines for a Just Transition](#) developed by the International Labour Organisation (ILO) and the UN [Guiding Principles on Business and Human Rights](#), among others.

This analysis is based on the understanding that, while the energy transition represents a positive step towards a more sustainable energy system, large-scale renewable energy projects can generate and exacerbate disparities, and have negative human rights impacts, thus hindering a just, and equitable energy transition. In this sense, the aspects assessed are some of the core issues that a just energy transition aligned with human rights standards should encompass. Such standards are essential to counteract disparities. Within the framework of the energy transition, a differential approach must be adopted that takes into account the position of groups in situations of vulnerability,

as well as ensuring the effective implementation of procedural guarantees for the inclusion of these groups' demands in these processes. It is worth mentioning that this analysis does not fully cover other issues which are also crucial and must be taken into account by States when planning for a just energy transition, such as the equitable distribution of the energy produced, labour rights, protection of human rights and environmental defenders, access to justice, collection of disaggregated information, and monitoring of proposed targets, among others.

Based on this framework, the elements of a just energy transition used in this analysis are as follows:

- ◇ **Comprehensive approach:** States must ensure that the energy transition is conceived not only as a technical process but as a structural transformation of the sector, based on environmental principles and human rights, including labour rights and gender equality principles, ensuring that renewable energy production does not reproduce the practices of the extractive model.
- ◇ **Energy democratisation:** Decentralised energy production creates new opportunities for local communities to participate and is especially promising in rural areas. This criterion covers the extent to which diversification is promoted in the management of energy ownership and consumption, with democratic, public and cooperative means of generation, and distribution.

⁶ Müllerová, Hana et al. (2023). [Building the Concept of Just Transition in Law: Reflections on Its Conceptual Framing, Structure and Content](#). Environmental Policy and Law, vol. 53, no. 4, pp. 275-288.

◇ **Human rights approach:** Energy transition projects must respect, promote, protect, and guarantee human rights. It is crucial that the transition does not become a reason or excuse for violating human rights recognised in international law. The human rights framework provides tools for setting clear priorities and parameters for action, ensuring that policies and actions do not infringe rights but are rather targeted towards their protection and promotion.

◇ **Gender perspective:** Policies and programmes must consider the gender differences present in many of the environmental and climate challenges and opportunities. A gender-just transition framework must complement the prohibition of discrimination with the promotion of substantive equality. This requires the implementation of concrete gender policies to promote equitable outcomes and eliminate discriminatory practices. These policies must take an intersectional approach, which considers the interconnected nature of ethnicity, class, nationality, sexual orientation, gender identity, and other factors which shape systemic discrimination and inequality.

It is crucial that a just energy transition aims to combat negative gender stereotypes by ensuring women's participation and leadership. The transition should represent an opportunity to facilitate women's entry into the labour market and improve their under-representation in the workforce by implementing measures that address barriers to their entry into formal employment. Retraining initiatives, compensation schemes, social protection agreements, and green jobs should also have specific targets for women workers.

◇ **Equitable access to energy resources:** The energy transition must be carried out in such a way as to ensure access to energy resources for all inhabitants in order to combat energy poverty in all its forms, taking into account, particularly, people living in rural areas, those living in informal settlements, Indigenous communities, and those affected by energy projects who tend to have limited access to these resources. Energy

access, in particular, must be linked to an agenda that challenges stereotypes about women's role in society and promotes their rights and dignity, taking into consideration the importance of providing accessible, adequate, and quality energy services to address the unequal distribution of caregiving jobs in the home.

◇ **Access to public services, infrastructure and social protection:** Lack of access to public services and infrastructure for impoverished rural and urban communities exacerbates their vulnerability to the effects of environmental degradation. In this regard, the potential of the energy transition should be harnessed to ensure higher quality public services in areas such as education and health care, as well as access to social protection systems, including caregiving services.

◇ **Human rights due diligence assessments:** In order to identify, prevent, mitigate, and respond to the adverse human rights impacts of business activities, it is essential to ensure the implementation of human rights due diligence assessments. This process should include a thorough assessment of the actual and potential impact of business activities on human rights, integration of the findings, and corresponding action to address identified risks; monitoring of responses and transparent communication on how negative consequences are addressed.

◇ **Mobilisation of the maximum available resources:** To ensure a just energy transition, States must progressively mobilise the maximum of their available resources. This implies the continued exploration of potential domestic and international sources of finance, along with the implementation of measures to prevent diversion of resources, such as tax evasion and avoidance, and corruption, and the implementation of progressive tax policies, including the elimination of unjustified tax incentives, such as those favouring fossil industries.

◇ **Transparency and access to information:** All persons have the right to request and receive information, promptly and effectively, regarding

policies and measures that may affect them, and to challenge and appeal when information is not adequate or sufficient. In the context of the energy transition, this right requires States to disseminate information, including the results of social and environmental impact assessments. States and the various bodies obliged to provide information have a duty to ensure that it is disseminated in a manner that is clear, accessible, and appropriate for all audiences.

◇ **Meaningful and effective participation:** It is essential to create spaces for everyone to participate in the design, implementation, and assessment of public policies and the formulation of energy-related regulations. Adequate, transparent and inclusive consultation processes must be ensured. To this end, mechanisms must be put in place to overcome barriers that prevent equal participation by vulnerable or marginalised groups.

The right of Indigenous communities to free, prior, and informed consent plays a fundamental role in this context because it creates conditions for the effective and meaningful participation of Indigenous communities. This right requires States to consult with Indigenous peoples and communities on any decision or measure that may affect their land, territory or livelihoods. Dialogue and negotiation must be inclusive, clear, meaningful and sensitive to the needs of communities, ensuring that all voices are heard and considered in the energy transition process, from project inception to completion.

◇ **Access to accountability mechanisms and effective remedies:** Public policymakers must be held accountable for their actions. To this end, transition policies must have in place effective, timely, public, transparent and impartial mechanisms that are not cost-prohibitive and that allow for the collection and processing of complaints regarding any decision, action or omission related to energy transition policies, access to information, and public participation in these processes.

◇ **Inter-institutional coherence and coordination:** All public policies (e.g. from Ministries of Economy, Environment, Social Affairs, Education and Training, and Labour, among others) need to be coherent with each other in order to create an environment that is conducive for businesses, workers, investors and consumers to welcome the transition towards inclusive and environmentally sustainable economies and societies, and to push it forward.



II. ALIGNMENT OF ENERGY TRANSITION LEGAL FRAMEWORKS WITH INTERNATIONAL HUMAN RIGHTS STANDARDS. KEY TRENDS AND GAPS

a. Recognition of a Just Energy Transition Mandate

The formulation of the concept of a just energy transition in the analysed legal frameworks and public policies is diffuse and heterogeneous. There are a variety of constituent elements and different degrees of development in the various jurisdictions surveyed. Moreover, in cases where the concept is more developed, it has materialised through institutions and programmes that are not formalised within the regulatory frameworks. Thus, **in general, laws and regulations have not yet evolved to the point of incorporating objective criteria that precisely establish the obligations of the States in this area.**

In public policy plans, programmes and strategies, the concept encompasses various dimensions such as: safeguarding the rights of the most vulnerable in the process of decarbonising the energy matrix;⁷ active citizen participation in their design and implementation, in particular, the participation of specially protected groups such as Indigenous peoples, women, children and adolescents;⁸ justice for all stakeholders;⁹ democratisation in energy generation and the promotion of community models to contribute to the electricity value chain;¹⁰ human capital formation, scientific and technological development;¹¹ reinsertion and retraining towards quality jobs that foster local community development and the well-being of people, and respect for human rights.¹²

In Colombia, where [laws](#) have developed the concept of a Just Transition, the focus is primarily on the fair transition of the workforce, aiming to retrain jobs towards green sectors. On its part, Chile recently passed the [Framework Law on Climate Change](#) which, although does not expressly include the concept of a “just energy transition”, does include “Climate Equity and Justice” as one of its guiding principles. This concept is understood as the State’s duty to ensure a fair allocation of burdens, costs and benefits, safeguarding future generations, with a gender focus and special emphasis on territories, communities, and ecosystems vulnerable to climate change. It also highlights the duty to ensure that decisions intended to address climate change promote fair treatment and avoid discrimination.

A frequent pattern in cases where the regulations recognise a mandate for a just energy transition is concerns for labour reconversion (acquiring new skills to perform another job position), although it varies in terms of mainstreaming or amplifying the gender perspective, and the provision of positive actions aimed at favouring groups in vulnerable situations. There is considerable variation between countries. In Chile, a [draft law](#) is being discussed that ambitiously sets out the elements of a just transition, highlighting among its guiding principles equity, democratisation, and gender perspective mainstreaming. On the other hand, in the case of Mexico, development is more limited and the energy transition in [regulatory frameworks](#) focuses mainly on sustainable electricity generation, migrating from conventional sources to

⁷ [Strategy for a Just Transition in the Energy Sector](#), Chile.

⁸ Ibid.

⁹ [Programme for a Just Energy Transition \(JET\)](#), Brazil.

¹⁰ [National Development Plan 2022-2026](#), Colombia.

¹¹ [Energy Transition Law](#), Mexico.

¹² [Strategy for a Just Transition in the Energy Sector](#), Chile.

clean energy, but with a technical approach that does not encompass the entire concept of a just energy transition.

Although equitable access to energy is often not an explicitly recognised right in regulatory frameworks, there are [notable initiatives](#) such as those presented in Mexico to establish access to electricity for the entire population as a specific right in the Constitution. Consequently, although all the countries analysed have social tariff policies for access to energy for low-income sectors, measures that provide concrete mechanisms for greater equity in access to energy, when faced with the changes in the energy mix that the transition involves, are rare. Among the cases analysed, only Chile is considering in its [Energy Agenda 2022-2026](#) the improvement of tariff equity mechanisms for the municipalities where coal-fired power plants are soon to be, or currently being, phased out.

In general, the energy transition regulatory frameworks that were analysed lack a differential perspective that guarantees equitable access to energy and the democratisation of energy production, or that prioritises access by marginalised or disadvantaged populations. In this context, initiatives that promote energy democratisation through community-led projects are relevant. Among them is Colombia's initiative¹³ to regulate and promote "Energy Communities", which are understood as organised communities that cooperate with each other to generate, commercialise and efficiently use energy through non-conventional renewable energy sources. These initiatives emphasise the importance of "collective self-generation" as the main way for communities to produce energy and meet their energy service needs autonomously.

In turn, while climate change is wreaking havoc on people's infrastructure and quality of life - particularly affecting the most vulnerable - energy transition policies offer an opportunity to provide better education, health, and care services to counter existing inequalities. The opportunity to link energy transition policies with the objective of providing better public services has not been addressed in depth by the countries analysed. In Chile, the [Energy Agenda 2022-2026](#) considers the objective of substantially improving access to energy services in educational and community facilities, with an emphasis on those located in rural areas, but does not link this policy to energy transition

measures. At the same time, there are programmes that seek to combat energy poverty by prioritising the use of renewable energies. In Chile, there are plans to promote a pilot project for solar thermal systems in rural homes. Then, in Brazil, the "[Light for All](#)" programme aims to extend access to electricity to rural communities, prioritising clean energy. However, these initiatives are mostly targeted at households, without anticipating their potential to improve education, health, and caregiving infrastructures in these communities.

The institutions that are mandated to coordinate the energy transition, also have different degrees of development, hierarchy, and autonomy. In Brazil, for example, the existence of the [Just Energy Transition Programme](#) as a single federal policy created by law which focuses on a single non-renewable energy source, such as coal - in the coal region of the State of Santa Catarina - significantly limits the scope and mandate of the institutions involved in this policy. However, there has been progress in inter-institutional coordination between the bodies responsible for energy and those in charge of promoting gender equality, such as the inter-ministerial committees that include authorities from these areas. This is the case in Brazil, where the Ministry of Mining and Energy has a Gender Committee, and in Chile, which has an Interministerial Committee for a Just Socio-Ecological Transition that includes, among others, the Ministries of Environment, Energy, Mining, and Women and Gender Equity.

Thus, the still-incipient development of regulatory frameworks regarding just energy transition, and their lack of integration with crucial issues such as access to energy, democratisation and the provision of public services, calls for a review and harmonisation of national energy legislation in line with the strictest human rights standards. In addition, it is necessary to guarantee inter-institutional coherence and organisation in order to mainstream environmental, gender and human rights perspectives across all state initiatives.

b. Gender mainstreaming in energy transition laws and policies

In cases where energy transition policies are designed with a gender perspective, the focus is on two key issues: i) the participation of women in decision-making processes and ii) the training of female personnel for their entry into the green energy labour market. This is the case in Chile, Colombia, and Mexico. In Brazil, regulations and transition policies do not yet include significant references to gender equity.

In Chile, the [Energy Agenda 2022-2026](#) seeks to enhance the role of women in the development of the national energy sector by strengthening their skills and knowledge in energy issues and promoting their participation in the design and implementation of energy policy. In Colombia, [the law that promotes low-carbon development](#) establishes as an objective the creation of new job training and education opportunities, and the bridging of gaps in access to green jobs, with a priority focus on gender as an objective. In turn, the [Transition Strategy to Promote the Use of Cleaner Technologies and Fuels](#) in Mexico establishes among its courses of action the development of projects with a gender perspective, guaranteeing the active participation of women. Among them, the aim is to guarantee equal employment opportunities for women and men through the development of projects in the sector.

However, regulations and policies fail to consider that women face multiple obstacles in participating in key decision-making spaces in public and community institutions, so their voices tend to be ignored in energy policies. In addition, current regulations fail to identify the connection between energy transition policies and caregiving policies.

Therefore, it is essential that a gender perspective be incorporated into just transition regulations. Such mainstreaming must take into account that gender stereotypes and roles limit women's access to indispensable resources such as water, land, credit, housing, energy, etc., and restrict their control over decisions that affect their own lives. For this reason, **it is crucial that employment training and empowerment policies set specific targets to overcome these barriers.**

In addition to this, energy transition policies should take into account the unequal distribution of caregiving responsibilities. Due to deep-rooted social practices, women, especially those living in rural, Indigenous and farming areas, are often primarily responsible for feeding their families and collecting basic resources for the subsistence of their households and communities. As a result, the scarcity or difficulty of access to these resources, exacerbated by the climate crisis, can have serious implications for women. Moreover, women tend to be over-represented among low-income populations, thus tend to be more exposed to energy poverty, and are more likely to live in inadequate housing located in high-risk areas exposed to the impacts of climate change. However, **no policies or programmes that comprehensively address these issues have been identified in the countries analysed, which represents a significant omission in efforts to achieve a just and equitable energy transition.**

Taking into account all of these considerations, it is crucial that States prioritise an intersectional perspective that considers the interaction that factors such as ethnicity, class, nationality, sexual orientation, and gender identity have with structural discrimination, and propose concrete and differential policies to address them.

c. Recognition of the rights of Indigenous peoples and communities in energy transition contexts

Given their diversity and their ethnic and cultural pre-existence, for most of the countries in the region, there is a broad recognition of Indigenous rights in constitutions and laws. However, regulations and policies often contain little to no action to remove barriers that Indigenous peoples and communities face in regard to equitable access to their rights, especially in the context of the energy transition.

Despite this, there are some noteworthy initiatives. For example, Colombia provides funding for the establishment and maintenance of infrastructure for farming, black, Afro-Colombian, Raizal and Palenquero communities that have constituted themselves as "Energy Communities",¹⁴ understood as organised communities that cooperate with each other for the generation, commodification,

¹³ [Decree 2236 of 2023](#) and [Bases of the National Development Plan 2022-2026](#), Colombia.

¹⁴ [Decree 2236 of 2023](#); [Bases of the National Development Plan 2022-2026](#), Colombia.

and efficient use of energy through non-conventional renewable energy sources. In Brazil, the “[Light for All](#)” programme addresses the difficulties in access to energy in rural areas, particularly in regions with a concentration of Indigenous populations living in remote areas of the Amazon that lack access to public electricity distribution services. One of the objectives of this programme is to democratise access to energy through actions that value and respect the culture of Indigenous peoples.

Regarding the rights of Indigenous peoples to prior and informed consultation, all the countries reviewed have adopted ILO Convention 169 on Indigenous and Tribal Peoples. Some of them have incorporated into their regulatory frameworks regulations that seek to materialise the principles of integration and participation established in the Convention. Brazil has a [constitutional provision](#) - Article 3, paragraph 3 - that determines that the exploitation of hydraulic resources, including energy potential and the search for and extraction of mineral wealth on Indigenous lands can only be carried out with the authorisation of the National Congress and after consulting the affected communities. However, in this country, no specific legislation has been issued to regulate Prior Consultation.

On the contrary, in Chile, Colombia, and Mexico there are laws that operationalise the right to Free, Prior, and Informed Consultation, and that establish criteria to determine how it should be carried out.¹⁵ In all of these cases, the laws determine that consultation must be carried out in good faith and in a manner appropriate to the circumstances of the communities, with the aim of reaching agreement or obtaining consent to the proposed measures. In addition, consultation with Indigenous peoples must be prior, meaning that it is carried out in good time, and gives the Indigenous people concerned the possibility of having a real and effective influence on the extent to which it may affect them. Despite these legal provisions, cases in which civil society organisations expose the lack of consultation with communities regarding exploitation projects

persist.¹⁶ Among these, there are renewable energy projects such as the installation of wind farms that have also been singled out for irregularities in the consultation process, which is evidence of **limited and ineffective procedures for safeguarding the rights of peoples and communities.**

In this context, it is crucial that countries take concrete steps to guarantee the rights of Indigenous peoples and communities in their energy transition policies and regulations. Countries should implement the right to prior and informed consultation in their just transition policies. They should also take the necessary steps to ensure that these procedures are implemented by taking measures to overcome all barriers to the meaningful participation of Indigenous peoples and communities.

d. Corporate accountability and human rights due diligence processes

In most of the countries analysed, the obligations of non-state actors are limited, and are not provided for in the normative frameworks. None of the countries analysed have regulatory obligations to conduct human rights due diligence assessments. However, in Brazil and Chile some companies are piloting human rights impact assessments,¹⁷ and there are government initiatives to integrate business and human rights standards through different institutional structures and programmes. In Brazil, an Inter-Ministerial Working Group was established to develop a proposal for a National Policy on Human Rights and Business. This had the purpose of proposing public policies aimed at regulating business activity, monitoring, and redressing human rights violations, and implementing business policies aligned with national and international regulatory guidelines. Chile and Mexico have included the Guiding Principles on Business and Human Rights in their Business and Human Rights action plans.¹⁸

In addition, draft laws seeking to make human rights due diligence procedures mandatory have recently been

announced and introduced in most of the countries analysed. In Brazil, the Congress is currently considering a [Bill](#) which proposes a national framework on human rights and business and establishes guidelines for public policies in this area, including the duty to carry out due diligence procedures. In Chile, the government set up a technical working committee to draft a Bill on due diligence, which is expected to be presented in 2024. In Colombia, the Ombudsperson’s Office is leading a legislative initiative to develop a Bill on mandatory human rights due diligence. This indicates some progress towards integrating human rights considerations in the business sector, although there is still work to be done to strengthen and universalise these practices.

At the same time, there are some innovative initiatives to encourage companies to comply with human rights standards. These include the duty to comply with sustainability requirements and respect for human rights as criteria for selecting companies to participate in export support programmes and business activities,¹⁹ and the incorporation of sustainability and corporate governance issues in the auditing processes of companies operating in the financial market,²⁰ implemented by the Chilean government.

Despite the progress made by some companies and governments, the formulation and implementation of these good practices are still lax and isolated. To bridge this gap, regulations in the region should explicitly incorporate the obligation to carry out human rights’ due diligence processes. This compliance should not depend on the discretionary will of companies but should be established as an express and well-defined legal obligation.

e. Environmental and social impact assessments in the design and implementation of renewable energy projects

In the analysed countries, the obligation to carry out environmental impact studies shows significant variability in terms of requirements and is highly sectorised, with few common minimum standards. Furthermore, these studies are not binding for the approval or rejection of

projects, and their regulation is often not developed in the specific context of renewable energy projects.

In Brazil, there are common requirements for environmental studies in most states. However, the content and timing of submission can vary significantly between jurisdictions. Some states have even relaxed these obligations, in certain cases allowing environmental studies to be replaced by the filing of other documents.²¹ In Colombia, the obligation to carry out an “Environmental Assessment of Alternatives” is [regulated](#) specifically for the construction and operation of electricity generation plants. In Chile, [the legislation](#) establishes a distinction between the “Environmental Impact Declaration” and the “Environmental Impact Study”, which imposes greater requirements but is only requested for projects or activities considered likely to cause environmental impact, according to the typology established by the regulations. In Mexico, the [Electricity Industry and Mining Laws](#) establish environmental and social impact assessments. In addition, [the Energy Transition Law](#) specifically stipulates the obligation to carry out environmental impact studies for clean energy electricity generation projects.

In Brazil, Chile, and Colombia there are no provisions to assess social impact, that is, to consider the positive and negative social consequences of projects on affected communities and groups. In Mexico alone, the Electricity Industry Law and its Regulations establish the obligation of energy project developers to carry out a “Social Impact Assessment”, which allows them to identify, predict and evaluate the changes and consequences, both positive and negative, of each project and to propose the strategic mitigation, and prevention actions necessary to safeguard people’s rights.

To address these gaps, it is essential that countries implement detailed and precise regulations that establish minimum environmental and social assessment requirements and parameters aligned with human rights standards for energy projects, including renewable energy projects.

¹⁵ In Colombia, the [Law 21 of 1991](#) passed Convention 169 on Indigenous peoples and established the criteria for its application. In Chile, the [Decree 66/2013](#) passed the regulation that established how the consultation is to be carried out. In Mexico, the [Mining Law](#) and the [Electricity Industry Law](#) established the respective consultation mechanisms.

¹⁶ At a hearing held in March 2015, in the context of the [154th period of sessions of the Inter-American Commission on Human Rights \(IA-CHR\)](#), Mexican civil society organisations exposed the lack of community consultation with regard to the constitutional reform on energy and the Hydrocarbons and Electricity Industry laws. In addition, they mentioned that the consultation with the Zapotec Indigenous community of Juchitán de Zaragoza, Oaxaca, was carried out after the implementation of the reform, and in violation of the relevant standards.

¹⁷ Some companies in Brazil, such as [Eletrobras](#) and [CEMIG](#), and the [National Copper Corporation \(CODELCO\)](#) of Chile carried out pilot experiments.

¹⁸ See: [National Action Plan for Business and Human Rights 2022-2025](#) Chile; [Business and Human Rights Programme](#), Mexico.

¹⁹ [National Human Rights Action Plan 2017-2020](#) Chile.

²⁰ [General Standard 461](#) Financial Market Commission, Chile.

²¹ [Laws 6938/1981, 140/2011](#) and [CONAMA Resolution 001/1986](#).

f. Adequate funding

Efforts towards a just energy transition require adequate financing. However, there are few regulations that foresee how funds will be secured for such purposes. In general, the Nationally Determined Contributions (NDCs) of the analysed countries do not specify the resources allocated for its implementation, nor do they estimate the total financial needs, which hinders effective planning and implementation, as well as the channelling of investments and international financial support. Of the countries analysed, only Colombia indicated in its [latest NDC](#) that it is in the process of quantifying the costs of implementing the NDC, and the financial structuring required from the national, international, public, and private spheres.

With regard to the provision of specific resources for the transition, Colombia also stands out with a good practice: the allocation of revenues collected from extractive or polluting industries, with the National Carbon Tax. According to [the regulation](#), part of the funds collected through this tax are earmarked for the management of coastal erosion, the reduction of deforestation and its monitoring, the conservation of water sources, and the protection, preservation, restoration and sustainable use of strategic areas and ecosystems, as well as other actions foreseen in the country's NDC.

Another tool with varying degrees of development in the region is the establishment of green funds. Chile has recently made progress in formalising and consolidating its Green Climate Fund, while Mexico created the Energy Transition and Sustainable Energy Use Fund through its Energy Transition Law. However, the latter has been questioned for its under-utilisation, lack of investment, and diversion to other activities. In addition, [Mexico decided to discontinue the Climate Change Fund](#) established under the [Climate Change Law](#) in 2012 to channel public, private, national and international financial resources to address climate change. Meanwhile, in Brazil, [a Bill is under discussion](#) that seeks to create an Energy Transition Acceleration Programme aimed at providing incentives for sustainable development projects with funds from taxes or other credits owed to companies by the Federal Government.

Given the level of investment required for the transformation that the energy transition entails, it is essential that States make progress in formulating a sustainable financial architecture that will enable them to afford the just transition. This, on the one hand, requires a national cost estimate of the required investments. On the other hand, such a cost estimate entails identifying the sources of such resources. To this end, States should harness the potential of fiscal policy, promoting the innovative use of green fiscal tools and carbon taxes to internalise environmental externalities and mobilise additional resources. Furthermore, when they undertake the exploitation of natural resources, a reasonable share of the profits should be taxed and used to accelerate the transition to a more sustainable economic model and to ensure the fulfilment of human rights, particularly of the populations living in the territories where such exploitation takes place.

g. Access to information, participation, and accountability

With regard to environmental information, in 2018 Latin America and the Caribbean took a historic step by adopting the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean “Escazú Agreement”. This agreement has been ratified by Chile and Mexico. However, ratification by Brazil and Colombia²² is still pending, as are the cases of several other countries in the region.

Despite the provisions of this agreement, serious deficiencies in access to environmental information persist. In general, there is a lack of national legal frameworks that comprehensively guarantee this access; in particular, that regulate the obligations of companies as parties obliged to provide information. Moreover, where it is regulated or actively disseminated, access to environmental information is often limited to greenhouse gas emissions, without addressing other crucial dimensions such as extractive companies' financial information and environmental impact studies, which are necessary for the informed participation of all stakeholders in energy transition issues. In addition, authorities often refuse to disclose public information

on the grounds that disclosure would violate the right to privacy or the protection of personal data, and business secrets of companies.

In terms of information generally covered by regulatory frameworks, Colombia [stipulates](#) that public, private or mixed legal entities are obligated to report their direct and indirect greenhouse gas emissions. Brazil's [Law 10.650](#) establishes public access to information on the quality of the environment and activities with potential environmental impact. Mexico's [General Law on Geological Equilibrium and Environmental Protection](#) considers environmental information to be that which is available to environmental authorities on water, air, soil, flora, fauna, and natural resources in general, as well as on activities or measures that do or may affect them. Furthermore, this law requires all requests for environmental information to specify the reasons for the request, which is contrary to the standards that establish the right to request and receive information from the competent authorities without the need to mention any special interest or justify the reasons for the request. In the case of Chile, [legislation](#) has a broad definition of environmental information that includes, among others, administrative acts related to environmental matters, reports on compliance with environmental legislation, along economic and social analyses, as well as other studies used in decision-making related to administrative acts and their foundations.

On the other hand, it is essential to create spaces for all people to participate in the design, implementation and evaluation of public policies and the formulation of regulations related to the energy transition. In terms of provisions that facilitate effective participation, one good practice identified is in Chile. The [drafting of the country's NDC has been regulated](#) by establishing a procedure that must include, as a minimum, the participation of the relevant sectoral authorities and competent ministries, and a citizen participation stage that will last for sixty working days. Chile has also developed a [guide for citizen participation in the “Environmental Impact Assessment System”](#), which follows the standards of the Escazú Agreement and provides guidelines to ensure active and informed participation, recognising the importance of guaranteeing equity and non-discrimination in environmental participation and making explicit the duty to incorporate a gender perspective in all stages of the citizen participation process.

Despite these advances, it is important to highlight that, in general, the participation mechanisms foreseen in legislation do not usually include concrete strategies to overcome the barriers that prevent the equal participation of vulnerable groups. Among these barriers are caregiving responsibilities, which often limit women's participation. The NDCs of Colombia, Chile, and Mexico extensively describe the participatory process undertaken for their development but do not provide details on how information was disseminated and how inputs received were incorporated. The NDC submitted by Brazil in 2023 mentions some institutional arrangements for the participation of society, such as the [Interministerial Committee on Climate Change and the Brazilian Forum on Climate Change \(FBMC\)](#). However, civil society organisations have [reported](#) that FBMC members were not consulted on the proposal.

With regard to accountability mechanisms, although not specifically provided for in the regulatory frameworks on transition, the countries analysed do generally have specialised mechanisms for receiving environmental complaints. [Chile's legislation](#) considers a mechanism whereby municipalities will receive complaints from citizens regarding non-compliance with environmental norms and bring them to the attention of the Superintendence of the Environment for follow-up. Under [Colombian law](#), the Ministry of Environment and Sustainable Development, in the event of finding alleged irregularities in the development and implementation of greenhouse gas mitigation or the event of duly substantiated complaints from a community, may request additional information, visit the site of implementation of the initiative, and refer the matter to the competent entities. Mexico's [General Law on Geological Equilibrium and Environmental Protection](#) stipulates that any person, social group, non-governmental organisation, association or society may report to the Federal Attorney General's Office for Environmental Protection any fact, act or omission that produces or may produce ecological imbalance or damage to the environment or natural resources, or that contravenes the provisions regulating matters related to environmental protection.

²² In the specific case of Colombia, ratification is awaiting the decision of the Constitutional Court, which has held a public hearing on the issue. Social and environmental organisations have voiced criticism that this public hearing coincided with the Third Conference of the Parties (COP) of the Escazú Agreement, which limited their participation.

These procedural provisions are essential to ensure a differential approach that takes into account the situation of people and communities affected by energy projects, including clean energy projects. It is therefore essential that countries that have not yet done so make progress in ratifying the Escazú Agreement and that all countries strengthen their regulatory frameworks to ensure broad and transparent access to information. They should also develop specific mechanisms to ensure the effective participation of all people in the formulation

of energy-related public policies and establish robust accountability mechanisms that enable people to report non-compliance, acting effectively to prevent, correct, and repair environmental damage.



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III. GENERAL RECOMMENDATIONS

Based on the trends and gaps identified in the previous section, the following guidelines are proposed for all the countries analysed:

» **Incorporating the mandate for a just energy transition into the regulatory framework**

Review and harmonise national energy legislation in compliance with the highest human rights standards. Ensure that the energy transition is conceived not only as a technical process of switching from one energy source to another but as a structural transformation of the sector based on human rights principles, ensuring that the promotion of renewable energies does not replicate the practices of the extractive model.

» **Ensure inter-institutional coherence and coordination to mainstream environmental, gender, and human rights perspectives throughout all State initiatives**

Ensure that energy policy maintains coherence and compliance with environmental, human rights, and gender equity policies. States must strengthen the institutional framework of environmental authorities, as well as the governing entities on gender equality and human rights, in order to make decisions on an equal footing. At the same time, it is necessary to implement a cross-disciplinary approach to mainstream a fair transition into the programs of all the relevant ministries and to develop comprehensive and coordinated responses between the different levels of government.

» **Design specific public policies that protect and ensure the rights of vulnerable groups**

States must design and implement specific programmes to protect and ensure the rights of vulnerable groups in the context of the energy transition, such as women and Indigenous and rural communities. These measures should adopt human rights safeguards during the development and execution of energy projects to avoid negative impacts on the local communities. Particularly, States should:

- **Incorporate concrete measures that make the gender perspective effective in regulations on just transition with an intersectional perspective.** The barriers to women's employment and involvement in the renewable energy sector need to be effectively addressed. These include, for instance: the lack of flexible work schedules and training opportunities; cultural and social gender and role norms; and the double burden of work and caregiving responsibilities. For this purpose, measures to ensure a better work-life balance, such as part-time employment and flexible schedules, and measures to promote shared responsibility for caregiving should be integrated to encourage the inclusion of women in the green energy sector.
- **Ensure the recognition of the rights of Indigenous peoples and communities in the context of the energy transition and implement measures to enforce the right to Free, Prior, and Informed Consultation.** Countries should integrate the right to free, prior and informed consultation into their fair transition regulations and ensure its effective enforcement. They must also take the necessary measures to ensure that these regulations are

complied with, by ensuring that barriers to the meaningful participation of Indigenous peoples and communities are overcome.

- **Adopt a differential approach within the energy transition frameworks that guarantee equitable access to energy and the democratisation of energy production, prioritising those populations that are most vulnerable to energy poverty, such as women, rural populations and Indigenous peoples and communities.**

» **Regulate the obligations of non-state actors by making it mandatory to carry out human rights due diligence processes and to monitor their compliance**

When designing and implementing public policies and agreements regarding investment, production, distribution, and use of energy, the State must ensure, regulate, and monitor that the operations of public and private companies are respectful of rights and follow human rights due diligence.

States should include in their legal frameworks the obligation for private companies and the State to conduct assessments on the direct and indirect impact on human rights, as well as monitoring mechanisms to ensure compliance. In turn, they should promote actions to improve the effectiveness of existing human rights policies within the business context, encouraging business mechanisms to prevent human rights violations and fostering incentive mechanisms, such as mandatory compliance with these provisions for access to benefits.

» **Establish minimum requirements and parameters for Environmental and Social Assessment**

Governments must implement detailed and precise regulations that reduce the margin of discretion in environmental impact assessments, by establishing minimum environmental and social assessment requirements and parameters aligned with human rights standards for energy projects, including renewable energy projects. These assessments should include specific parameters to analyse the impacts on the environment, public health, the local economy, and the rights of affected

communities. Furthermore, regulatory frameworks must ensure early and meaningful participation of the communities concerned in these processes, assuring transparency and access to information.

Environmental and social impact studies should be conducted from the earliest stages of project planning. These should consider short, medium, and long-term impacts, including cumulative effects that may arise after project completion. It is also essential that assessments consider continuous monitoring and follow-up throughout the project lifespan, with the possibility of reviewing and updating as new data emerge or as conditions in the project or the environment change. Finally, States should ensure that these assessments are carried out by independent entities without conflicts of interest.

» **Draw on as many available resources as possible, explore various sources of funding, and make use of innovative mechanisms. Thoroughly identify the funding needs of NDCs**

States need to draw on as many available resources as possible for sustainable development and human rights-based development. To this end, it is important to ensure that a reasonable share of the profits resulting from natural resource exploitation is allocated towards accelerating the transition to a more sustainable economic model. Likewise, it is recommended to strip away any tax incentives for non-renewable energy sources and make use of innovative measures such as carbon taxes, with appropriate safeguards to minimise negative impacts on lower-income populations, to internalise environmental externalities, and to mobilise additional resources.

On the other hand, countries must complete the necessary steps to thoroughly identify their financial needs within their Nationally Determined Contributions (NDCs), which will significantly increase the credibility of their goals, and the prospect of securing adequate funding.

» **Establish effective mechanisms to ensure access to information**

States should produce, publish and provide access to quality information regarding the energy transition. This information must be clear, understandable and available for consultation by any person, ensuring classification and breakdown criteria that allow for a rights-based analysis, including such criteria as gender. The information must include but should not be limited to:

- environmental information (data on the environmental impact of energy projects and the mitigation measures adopted)
- financial information (data on investments in renewable energy projects, costs, and financial benefits to local communities), and
- information on the social impact of energy projects (including displacements, employment disruptions, and other effects on local communities).

Furthermore, it is vital to establish mechanisms that meet the highest standards in this area, ensuring that it is not necessary to specify any particular interest or justify the reasons for requesting information. It should also be established that the withholding of information may only be carried out based on legally grounded reasons, following an assessment of whether there is real and concrete damage derived from the disclosure of the information that justifies restricting the right of access to it. Lastly, it is imperative that regulations also include companies as entities obliged to provide information.

» **Establish mechanisms to ensure effective and meaningful participation of interested parties, giving priority to people in vulnerable situations**

States must guarantee effective mechanisms for the participation of all groups, especially the most vulnerable, in decision-making processes regarding the energy transition. This includes providing mechanisms to remove barriers to the effective participation of women, Indigenous and rural communities, and other groups. Furthermore, the transparency of participatory processes should be ensured by publishing notes and details on how information was disclosed and how feedback was incorporated.

» **Provide effective mechanisms to ensure accountability**

States should ensure effective, time-appropriate, public, transparent, unbiased, and non-cost-prohibitive mechanisms that allow for the gathering and processing of complaints concerning energy transition policies, which should include: any decision, action, or omission related to access to information; public participation in decision-making processes; and any decision that negatively affects or may negatively affect the environment or violate rules related to the energy transition. Furthermore, they must ensure the possibility of providing provisional measures to prevent, halt, mitigate, or restore damage caused to the environment and compensatory mechanisms, such as restitution, compensation, or the payment of a financial sanction, guarantees of non-repetition, and assistance for the affected persons.



IV. SPECIFIC RECOMMENDATIONS

These specific recommendations were drawn from the analysis above and the NDCs made in previous years. These recommendations are designed to enhance the National Contributions, making them more inclusive, effective and in line with the aforementioned human rights standards. It is essential to consider them as a complement to the general recommendations that apply to every country listed in the report.



Brazil

» Just Energy Transition

- Introduce a commitment to developing comprehensive plans and regulations for a just energy transition that consider all energy sources, are equitable, and benefit all communities, with a particular emphasis on the most vulnerable groups.

» Sector-specific commitments

- Introduce specific commitments by the economic sector, ensuring the enforcement of public policies in sectors with significant emissions.

» Introduce a gender perspective into the commitments made

- Establish clear and specific commitments to address gender disparities and ensure meaningful equity in the commitments to be made in the NDC.

» Develop detailed provisions to ensure the rights of Indigenous peoples and communities

- Detail specific provisions to ensure the rights of Indigenous peoples and communities through the implementation of the NDC, thus assuring their participation and consent in projects that affect their territories and ways of life.

» Funding and costs

- Provide a clear estimate of the costs associated with the proposed commitments by assuring that adequate resources are identified and allocated, including domestic, international, public, and private funding sources.

» Access to information, participation, and accountability

- Implement the necessary efforts to ratify the Escazú Agreement.
- Promote and ensure a participatory process in preparing the NDC, open to academia, civil society, the private sector, and other relevant parties.
- Outline and formalise processes for sharing drafts of the NDC with all concerned parties and for effectively incorporating their feedback.



Chile

- » **Commitment to human rights standards regarding the exploitation of lithium**
 - Ensure that human rights standards already established in the lithium mining sector are upheld.
 - Highlight the importance of upholding these standards and protecting the rights of women and Indigenous peoples and communities living in lands designated for mining and energy operations, addressing the specific challenges they face.
- » **Develop detailed provisions to ensure the rights of Indigenous peoples and communities**
 - Detail specific provisions to ensure the rights of Indigenous peoples and communities in the implementation of the NDC, assuring their participation and consent in projects that affect their territories, and ways of life.
- » **Funding and costs**
 - Provide a clear estimate of the costs associated with the proposed commitments by assuring that adequate resources are identified and allocated, including domestic, international, public, and private funding sources.
- » **Participation**
 - Outline and formalise processes for sharing drafts of the NDC with all concerned parties and for effectively incorporating their feedback.



Colombia

- » **Just Energy Transition**
 - Ensure that the [Strategy for the fair transition of the workforce](#) led by the Ministry of Labour includes concrete and specific measures to overcome the barriers to adequate employment faced by women, Indigenous people, and rural communities.
- » **Funding and costs**
 - Continue working on the quantification of the costs of the NDC's implementation and the required financial structuring, considering national, international, public, and private sources.
- » **Access to information, participation, and accountability**
 - Undertake the necessary efforts to complete the ratification process of the Escazú Agreement.
 - Ensure that the process of reviewing and updating the NDC is inclusive and participative, involving academia, civil society, the private sector, and other relevant parties.
 - Outline and formalise processes for sharing drafts of the NDC with all concerned parties and for effectively incorporating their feedback.



Mexico

- » **Just Energy Transition**
 - Introduce a commitment to developing comprehensive plans and regulations for a just energy transition that consider all energy sources, are equitable, and benefit all communities, with a particular emphasis on the most vulnerable groups.
- » **Specification of sector-specific measures**
 - Detail specifically the sector-level measures to be considered in the NDC, providing clarity on the concrete actions to be undertaken in each sector.
- » **Commitment to human rights standards regarding the exploitation of lithium**
 - Include an explicit commitment to meet human rights standards regarding the prospecting, exploitation and use of lithium. Ensure that the ["Lithium for Mexico"](#) institution acts in full compliance with environmental protective regulations and the rights of Indigenous peoples, Indigenous communities, and Afro-Mexican communities.
- » **Develop detailed provisions to ensure the rights of Indigenous peoples and communities**
 - Detail specific provisions to ensure the rights of Indigenous peoples in the implementation of the NDC, ensuring their participation and consent in projects that affect their territories and ways of life.
- » **Funding and costs**
 - Provide a clear estimate of the costs associated with the proposed commitments by assuring that adequate resources are identified and allocated, including domestic, international, public, and private funding sources.

» Participation

- Better describe the process of participation in the drafting and reviewing of the NDC, ensuring the inclusion of all relevant parties, including academia, civil society, the private sector, and affected communities.
- Establish clear mechanisms for sharing drafts of the NDC with all concerned parties and incorporating feedback effectively.



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