



**INTERNATIONAL
LAWYERS ASSISTING
WORKERS NETWORK**

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

REQUEST FOR AN ADVISORY OPINION ON THE OBLIGATIONS OF STATES WITH RESPECT TO THE CLIMATE CHANGE CRISIS

AMICUS BRIEF JOINTLY SUBMITTED BY THE INTERNATIONAL TRADE UNION CONFEDERATION AND THE INTERNATIONAL LAWYERS ASSISTING WORKERS NETWORK

MARCH 30, 2026

INTRODUCTION

The organizations, the International Trade Union Confederation (ITUC), its regional body ITUC-Africa, and the International Lawyers Assisting Workers (ILAW) Network, together submit this brief to the African Commission on Human and Peoples' Rights in response to the request for an advisory opinion filed on 2 May 2025 by the Pan African Lawyers Union (PALU) et. al. on the human rights obligations of African states in addressing the climate crisis. It is the submission of these organizations that the African Charter on Human and Peoples' Rights must be interpreted to protect a right to a just transition.

The concept of a Just Transition is firmly grounded in a number of interlocking workers' rights. As defined by the International Labour Organization's (ILO) *Guidelines for a just transition towards environmentally sustainable economies and societies for all* (Geneva 2015), a just transition is concerned with attaining environmental sustainability in a manner that is fair, inclusive, and equitable. To that end, social dialogue and full and effective respect for fundamental labour rights are indispensable. Without representative workers' organizations, including trade unions, engaged as genuine participants in that process, no just transition can be achieved. This holds equally for workers whose livelihoods are disrupted by the impacts of climate change — whether in the formal or informal economy — and for those affected by the displacement of jobs from fossil fuel industries and the sectors dependent upon them. A just transition further requires the maintenance of a robust social protection system and the adoption of active labour market policies designed to ensure decent work.

Fortunately, recent developments in international and regional human rights and environmental law are available to inform this Court's consideration of these questions, including recent

advisory opinions from the International Court of Justice (ICJ) and the Inter-American Court of Human Rights (IACtHR). The legal developments at the ILO and other United Nations (UN) bodies are also directly relevant. And, of course, the African Charter itself has recognised state obligations at the intersection of climate and human rights since its adoption.

I. CLIMATE CHANGE AND THE AFRICAN CONTINENT

Africa's Changing Climate

The African continent is at the epicentre of the global climate crisis. Despite contributing a comparatively small share of cumulative global greenhouse gas emissions historically, Africa now bears a disproportionate burden of climate-related harm, confronting a range of interlocking environmental hazards, including extreme heat, drought, flooding, intensifying tropical storms, and rising sea levels. At the same time, it has far fewer resources for adaptation than the nations principally responsible for the emissions that drive them.

The continent is warming at a pace that exceeds the global average. According to the World Meteorological Organization's (WMO) *State of the Climate in Africa 2024* report, the average surface temperature across Africa in 2024 was approximately 0.86°C above the 1991–2020 long-term baseline. North Africa, the fastest-warming sub-region, recorded temperatures at 1.28°C above that average.¹ The last decade has also been the warmest on record for the continent.² Parts of Africa are experiencing temperature increases at a rate up to 1.5 times the global mean, compounding existing vulnerabilities in regions whose economies remain heavily dependent on agriculture and natural resources.³

In 2024, heatwaves disrupted agricultural production across multiple sub-regions,⁴ while sea-surface temperatures around the continent reached record levels.⁵ Marine heatwaves affected nearly the entire ocean area surrounding the continent, covering close to 30 million km² between January and April 2024 alone, the largest area recorded since 1993 (when monitoring began).⁶ Elevated ocean temperatures disrupt marine ecosystems and the jobs dependent on them, intensify tropical storms, and compound coastal risks associated with ongoing sea-level rise.⁷

Alongside extreme heat, the continent has suffered both drought and flooding. The El Niño of 2023–2024 played a significant role in driving these precipitation extremes.⁸ Southern Africa experienced the worst drought in at least two decades, with Malawi, Zambia, and Zimbabwe

¹ World Meteorological Organization, *State of the Climate in Africa 2024* (WMO, 2025) 4.

² *Ibid*, Key Messages.

³ WMO, 'Extreme Weather and Climate Change Impacts Hit Africa Hard' (WMO, 12 May 2025)

⁴ *Ibid*.

⁵ *Ibid*.

⁶ *Ibid*

⁷ *Ibid*.

⁸ *ibid*; World Meteorological Organization, *State of the Climate in Africa 2024* (n 1) 8.

most severely affected. This devastated agricultural output and severely curtailed hydropower generation from Lake Kariba, with cascading economic consequences across the region.⁹ At the same time, the Sahel region was struck by devastating floods in 2024, displacing entire communities across West and Central Africa and affecting more than four million people across Nigeria, Niger, Chad, Cameroon, and the Central African Republic.¹⁰ In East Africa, exceptionally heavy rainfall from March to May caused severe flooding across Kenya, Tanzania, and Burundi, killing hundreds and affecting more than 700,000 people.¹¹ These events were not anomalous. Since the beginning of 2022 alone, extreme weather events in Africa affected approximately 19 million people and killed at least 4,000 individuals.¹² In the Horn of Africa, the La Niña event of 2020–2022, the most severe in 70 years, produced at least four consecutive failed rainfall seasons, leaving more than 30 million people in Ethiopia, Kenya, and Somalia facing drought-related food insecurity over a three-year period.¹³

The human and economic toll of these and other compounding hazards is staggering. On average, African countries lose between two and five per cent of GDP annually due to climate extremes, with many diverting up to nine per cent of national budgets to respond to them.¹⁴ By 2030, an estimated 118 million extremely poor people (those living on less than USD 1.90 per day) are projected to be exposed to drought, floods, and extreme heat if adequate response measures are not adopted.¹⁵

The scientific consensus is unambiguous that Africa's exposure to these hazards is substantially a product of climate change. As the Intergovernmental Panel on Climate Change (IPCC) has found, multiple African countries face compounding risks from reduced food production across crops, livestock, and fisheries; increased heat-related mortality; heat-related loss of labour productivity; and coastal flooding from sea-level rise.¹⁶ It is within this context that the legal and institutional frameworks for climate adaptation, just transition, and workers' rights must be examined.

The Impact of Climate Change on the African Workforce

The impacts of climate change on Africa's workforce are manifested in at least three interconnected ways: i) the displacement of employment through the decline of carbon-intensive industries; ii) the erosion of livelihoods in climate-sensitive sectors such as agriculture; and iii) the intensification of occupational safety and health (OSH) risks for workers across a

⁹ WMO, 'Extreme Weather and Climate Change Impacts Hit Africa Hard' (n 3)

¹⁰ World Meteorological Organization, *State of the Climate in Africa 2024* (n 1) 8-10.

¹¹ *Ibid.* 8.

¹² Moyo E, Nhari LG, Moyo P, Murewanhema G, Dzinamarira T. Health effects of climate change in Africa: A call for an improved implementation of prevention measures. *Eco Environ Health*. 2023 May 8;2(2):74, 75.

¹³ UN Office for Disaster Risk Reduction, 'Horn of Africa Floods and Drought, 2020–2023: Forensic Analysis' (UNDRR, September 2024).

¹⁴ World Meteorological Organization, *State of the Climate in Africa 2023* (WMO, 2024) 17

¹⁵ *Ibid.*

¹⁶ Intergovernmental Panel on Climate Change, *Climate Change 2022: Impacts, Adaptation, and Vulnerability*, Chapter 9.

wide range of industries and settings. Taken together, these effects threaten to deepen pre-existing inequalities in labour markets already characterised by high levels of informality, weak social protection, and limited institutional capacity.

The decarbonisation of energy and industry, while essential for global climate stabilisation, is generating significant near-term labour market disruption in Africa — particularly in countries whose economies are deeply reliant on the production and export of fossil fuels. South Africa presents the most acute case. The country generates approximately 89 per cent of its electricity from coal¹⁷ and up to 200,000 workers are estimated to be employed across South Africa's coal mines, coal-fired power plants, and coal transport infrastructure.¹⁸ The coal sector is further concentrated within a small number of municipalities in Mpumalanga province, and where coal miners' median earnings significantly exceed those available in alternative local industries.¹⁹ As pressures from global decarbonisation mount, employment in the South African coal sector faces substantial decline. The Presidential Climate Commission's Just Transition Framework, adopted in 2022, acknowledges the risks to coal workers and host communities while recognising that alternative economic pathways have not yet been fully elaborated.²⁰ The South African government enacted its first Climate Change Act in 2024, but observers and trade union representatives report that the transition is proceeding without adequate job pathway planning and without a sufficiently scaled socially-owned renewable energy sector to absorb displaced workers.²¹

Beyond the planned phase-out of carbon-intensive industries, climate change is independently destroying and degrading employment in sectors whose productive capacity is directly dependent on stable environmental conditions. Agriculture is the most exposed. In many African countries, agriculture accounts for more than 65 per cent of total employment and approximately 30 per cent of GDP.²² When droughts destroy harvests, floods inundate fields, or extreme heat renders cultivation impractical, the economic shock reverberates through rural labour markets with devastating speed. Looking ahead, projections based on high-heat-stress scenarios estimate that global agricultural labour productivity could decrease by 18 per cent by the end of the century, with the most pronounced effects in Africa, South Asia, and Southeast Asia.²³

The ILO's landmark report *Working on a Warmer Planet* quantified these trends globally: on the basis of a projected global temperature rise of 1.5°C by 2100, an estimated 2.2 per cent of total

¹⁷ Etienne Nel and others, 'The Regional Implications of Just Transition in the World's Most Coal-Dependent Economy: The Case of Mpumalanga, South Africa' (2022) 4 *Frontiers in Sustainable Cities*, 2.

¹⁸ World Resources Institute, 'South Africa: Strong Foundations for a Just Transition' (WRI, Dec 2021)

¹⁹ Ibid

²⁰ Presidential Climate Commission of South Africa, *Just Transition Framework* (PCC, 2022) 5.

²¹ Anna Weekes, 'Coal-Dependent South Africa Struggles to Make Just Energy Transition Real' (*Mongabay*, November 2025)

²² African Climate Insights, 'WMO Report: Africa Gripped by Heat, Floods, and Drought' (n 3).

²³ Sheng, D., Zhao, X., Edmonds, J.A. *et al.* Omitting labor responses underestimates the effects of future heat stress on agriculture, 6:400, *Communications Earth & Environment* 2 (2025).

working hours worldwide will be lost to heat stress by 2030 — equivalent to 80 million full-time jobs and USD 2.4 trillion in economic losses annually.²⁴ Western Africa is among the most severely affected regions, with approximately five per cent of working hours projected to be lost there by 2030, equivalent to around nine million jobs.²⁵ Agriculture is expected to account for 60 per cent of total working hours lost globally to heat stress, reflecting both the physical demands of farm work and its constant exposure to outdoor conditions.²⁶ These losses are concentrated in precisely those regions and sectors characterised by high informality, limited social protection, and working poverty — reinforcing and exacerbating pre-existing economic inequality.²⁷

The cascading nature of climate-related employment loss extends beyond farm workers themselves. When crop failures reduce agricultural output and household incomes, they suppress demand across local economies, affecting small businesses, service workers, and informal traders. Climate-induced displacement further compounds this, with tens of millions of Africans projected to become internal climate migrants by 2050 in response to water stress, declining crop productivity, and sea-level rise, placing intense pressure on already strained urban labour markets.²⁸

Climate change also renders the conditions of work itself increasingly dangerous for those who remain employed. The occupational safety and health (OSH) risks associated with climate change are wide-ranging, including heat-related illness and injury, exposure to diseases, increased risk of physical accidents arising from extreme weather events, greater exposure to agricultural chemicals, and significant psychological harm. Workers in physically demanding, predominantly outdoor occupations — agriculture, construction, waste collection, transport, and emergency services — are disproportionately exposed to rising ambient temperatures. Research demonstrates that work productivity begins to decline once temperatures exceed 24–26°C and can be halved for manual labourers when temperatures reach 33–34°C.²⁹ In sub-Saharan Africa, where outdoor workers in agriculture, construction, and related sectors operate in tropical or subtropical conditions without adequate regulation, the consequences of chronic heat exposure are severe and well-documented, encompassing heat exhaustion, heat stroke, dehydration, impaired cognitive function, cardiovascular events, and death.³⁰ The protective clothing required in certain industries can further exacerbate heat stress by obstructing sweat evaporation and heat dissipation; workers may also reduce or abandon the use of personal

²⁴ International Labour Organization, *Working on a Warmer Planet: The Impact of Heat Stress on Labour Productivity and Decent Work* (ILO, 2019) 13 (*ILO, Working on a Warmer Planet*).

²⁵ *ibid* 14; ILO, 'Increase in Heat Stress Predicted to Bring Productivity Loss Equivalent to 80 Million Jobs' (ILO, 1 July 2019).

²⁶ ILO, *Working on a Warmer Planet* (n 24) 14.

²⁷ *ibid*.

²⁸ UN Office for Disaster Risk Reduction (n 13) 9.

²⁹ World Economic Forum, 'How the Climate Crisis Is Impacting Jobs and Workers' (WEF, October 2023), citing ILO data.

³⁰ Moda, H. M., Filho, W. L., & Minhas, A. (2019). Impacts of Climate Change on Outdoor Workers and Their Safety: Some Research Priorities. *International Journal of Environmental Research and Public Health*, 16(18), 13-14.

protective equipment altogether in extreme heat conditions, creating additional hazard exposure.³¹

The psychological dimensions of occupational climate harm merit particular attention. Workers who experience the destruction of their livelihoods, the loss of harvests, or the devastation of their homes through climate-related disasters suffer significant psychological distress, including elevated rates of anxiety, depression, and trauma-related disorders. For workers in the informal economy — which encompasses the majority of African workers — these psychological harms compound the acute consequences of job loss and livelihood disruption without recourse to workers' compensation systems or mental health support mechanisms. The interaction of these hazards with pre-existing vulnerabilities is significant. Women, who constitute a majority of workers in subsistence agriculture across sub-Saharan Africa, face compounded exposures. They are disproportionately represented in the sectors most severely affected by heat stress while simultaneously bearing primary domestic care responsibilities that constrain their capacity to adapt.³²

It is for these reasons that the African Court on Human and Peoples' Rights should include in its decision findings related to a just transition, encompassing ILO fundamental labour rights as well as adequate social protection and active labour market policies. In the submission of these organizations, Articles 10 and 15 of the Banjul Charter,³³ read together with Article 24, which provides that 'all peoples shall have the right to a general satisfactory environment favourable to their development', provide a firm foundation for such a right.

II. LEGAL PRECEDENT

A. International Labour Organization

1. *Guidelines for a just transition towards environmentally sustainable economies and societies*

In 2015, the International Labor Organization's (ILO) tripartite constituents developed and endorsed the *Guidelines for a just transition towards environmentally sustainable economies and societies* (hereinafter 'Guidelines')³⁴. The *Guidelines* constitute an important policy framework to assist countries and social partners to move towards low-carbon, climate-resilient economies based on the foundations of decent work, social inclusion, and poverty eradication. They articulate a comprehensive, rights-based framework for managing the transformation to

³¹ Ibid. 14.

³² ILO, *Working on a Warmer Planet* (n 24) 6.

³³ African Union, *African Charter on Human and Peoples' Rights* (adopted 1 June 1981, entered into force 21 October 1986).

³⁴ ILO, *Guidelines for a just transition towards environmentally sustainable economies and societies* (2015).

low-carbon and environmentally sustainable economies. The International Labour Conference subsequently re-endorsed the Guidelines unanimously in 2023.³⁵

The Guidelines reaffirm that a just transition must be anchored in respect for fundamental labour rights and the broader concept of decent work. Just transition is described in the ILO Guidelines as a process towards an environmentally sustainable economy, which “needs to be well managed and contribute to the goals of decent work for all, social inclusion and the eradication of poverty”.³⁶ The explicit reference to the normative concept of “decent work”³⁷ allows for conclusion that the goal of a just transition is not just the creation of jobs as part of transition towards carbon-neutral climate, but creation of jobs of acceptable quality and linked to fundamental labour rights, social protection and social dialogue (goals of decent work), social inclusion and eradication of poverty. A just transition, by its interconnection with the rights-based decent work concept, establishes a linkage between decent work and climate change.

In 2019 the ILO Member States reaffirmed the importance of just transition for the world of work in the ILO Centenary Declaration for the Future of Work adopted at its 108th (Centenary) Session.³⁸ The Declaration recognizes climate and environmental change among the drivers of transformative change in the world of work. It directs the efforts of the ILO to “*ensuring a just transition to a future of work that contributes to sustainable development in its economic, social and environmental dimensions*”.

Reference to “decent work” in the concept of just transition encompasses the protection of freedom of association, the right to collective bargaining, and the elimination of forced labour, child labour, and discrimination. It further encompasses the obligation to ensure safe and healthy working conditions in the face of climate-related risks, including heat stress and extreme weather. Critically, the Guidelines establish that labour rights function as normative constraints on environmental policy, such that sustainability measures must not be pursued at the expense of workers’ rights. Social dialogue and tripartism are also foundational elements of a just transition. The Guidelines require the active participation of governments, employers, and workers’ organizations in the design, implementation, and monitoring of transition policies, which reflects the ILO’s longstanding commitment to tripartite governance, and an acknowledgment that the legitimacy and effectiveness of transition measures depend upon inclusive and participatory decision-making.

³⁵ ILO, Resolution and conclusions concerning a just transition towards environmentally sustainable economies and societies for all, 111st Session, 2023, available at: https://www.ilo.org/ilc/ILCSessions/111/committees/just-transition/WCMS_885375/lang--en/index.htm

³⁶ ILO Just Transition Guidelines, para 4.

³⁷ The concept of “decent work” was institutionalized in the 2008 ILO Declaration on Social Justice for a Fair Globalization. Decent work” is a concept clearly related to the ILO fundamental conventions. Accordingly, all ILO Members States must pursue policies based on four strategic objectives: employment, social protection, social dialogue, and rights at work (this is the “Decent Work Agenda”). See: ILO Declaration on Social Justice for a Fair Globalization, 2008. The Declaration was updated in 2022 to reflect the inclusion of a safe and healthy working environment in the ILO framework of fundamental principles and rights at work. Available at: https://www.ilo.org/global/about-the-ilo/mission-and-objectives/WCMS_099766/lang--en/index.htm

³⁸ ILO Centenary Declaration for the Future of Work, 2019, para. II(A)(i).

The Guidelines also emphasize that a just transition must be grounded in coherent macroeconomic and growth policies oriented towards sustainability. States are expected to align fiscal, industrial, trade, and investment policies with environmental objectives and employment creation, ensuring that economic transformation supports inclusive and low-carbon development. This requires mobilizing both public and private investment in sustainable sectors while avoiding macroeconomic measures, such as austerity policies, that could undermine labour rights or social protection systems. In this sense, the just transition framework is conceived as a whole-of-economy approach closely linked to employment policy obligations, including those reflected in ILO Convention No. 122 (Employment Policy Convention, 1964)(see below).

The Guidelines underscore the importance of proactive industrial and sectoral policies to generate decent work amid structural economic change. Governments are encouraged to promote job creation in emerging green sectors such as renewable energy, sustainable agriculture, and the circular economy while also managing the decline of carbon-intensive industries. This requires anticipating labour market disruptions, supporting enterprise development (particularly small and medium-sized enterprises), and ensuring that the benefits of transition are equitably distributed across regions and populations. The overarching objective is to ensure that environmental transition results in net gains in decent work rather than exacerbating unemployment or inequality.

Social protection is a central pillar of a just transition. Robust and inclusive social protection systems are necessary to mitigate the adverse effects of economic restructuring on workers and communities. This includes providing income support, unemployment benefits, and access to essential services such as healthcare, particularly for workers displaced from declining sectors. Social protection is also framed as a mechanism for enabling structural transformation, allowing workers to transition into new forms of employment without falling into poverty. In this respect, the Guidelines align closely with international human rights obligations concerning minimum core social security guarantees.

The transition to sustainable economies will require significant workforce transformation, including the reskilling and upskilling of workers in affected sectors. States are therefore encouraged to anticipate changing skill demands, integrate green skills into education and training systems, and ensure equitable access to training opportunities, particularly for marginalized groups. This pillar is essential to preventing structural unemployment and ensuring that workers can effectively participate in emerging green labour markets.

2. Fundamental Principles and Rights at Work

The ILO Guidelines are a policy synthesis in the climate context that is based on binding instruments, including the ILO Constitution and ILO Conventions (and supplemented by ILO Recommendations). Of particular importance are the ILO Fundamental Principles and Rights at

Work, which are inclusive of 10 ILO conventions which are binding upon all member states regardless of ratification.

a. Freedom of Association

Like nearly all ILO instruments, ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organise Convention, 1948), ILO Convention No. 11 (Right of Association (Agriculture) Convention, 1921) and ILO Convention No. 141 (Rural Workers' Organisations Convention, 1975) do not contain explicit references to climate change or environmental policy. Nevertheless, these conventions establish the institutional and democratic conditions without which a just transition cannot occur. A just transition is not only a policy matter but a question of power and collective governance during structural economic and social transformation. Decarbonisation, climate adaptation, technological change, and industrial restructuring redistribute economic risk and opportunity, with workers and unions usually bearing the greatest risks and enjoying the least opportunity. Together, Conventions 87, 11 and 141 ensure that all workers, including agricultural workers, possess the collective institutional capacity to shape that redistribution through collective bargaining and collective action. **As such, freedom of association is not peripheral to a just transition but is its democratic foundation.**

b. Collective Bargaining

Collective bargaining plays a central role in operationalizing a just transition by ensuring that workers and their representative organizations actively shape the terms of economic and environmental restructuring. Convention 98 requires states to promote voluntary negotiation between employers and workers' organizations with a view to regulating terms and conditions of employment. In the context of climate transition, this obligation acquires heightened significance: collective bargaining becomes a key institutional mechanism through which workers can influence decisions on restructuring, technological change, and decarbonization pathways. It enables the negotiation of concrete protections—such as income guarantees, retraining and redeployment measures, occupational safety and health standards (including climate-related risks), and timelines for phase-outs of carbon-intensive activities—thereby ensuring that transition policies are not imposed unilaterally but are grounded in social dialogue and consent. Moreover, collective bargaining functions as a distributive and accountability mechanism within the just transition framework. It allows workers to negotiate the equitable allocation of both the costs and benefits of transition, including access to new green jobs, skill development opportunities, and social protection measures. By embedding environmental considerations into collective agreements—such as provisions on workplace sustainability, access to environmental information, and protections against environmentally harmful work—collective bargaining integrates labour rights into climate governance at the enterprise and sectoral levels.

In 2021, the UN Special Rapporteur for Freedom of Peaceful Assembly and Association also recommended that States “(g) Ensure that all workers are guaranteed the right to associate,

including the right to strike, and to bargain collectively at all levels, including over matters related to climate change and just transitions.”³⁹

c. Non-Discrimination

ILO Convention No. 111 (Discrimination (Employment and Occupation) Convention, 1958) supports the proposition that a just transition is not “just” unless it is equal, inclusive, and distributionally fair. Climate mitigation and adaptation measures restructure labour markets and these shifts create distributional effects—who loses employment, who gains access to new jobs, whose work becomes more hazardous, and who is excluded by credentialing, geography, or discrimination. Convention No. 111 requires that climate transition policies be designed and implemented in a manner that neither reproduces nor intensifies structural inequalities on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, or the other protected grounds enumerated in the Convention.

d. Safe and Healthy Working Environment

The fundamental principle of a safe and healthy working environment is based on two ILO Conventions, Nos. 155 (Occupational Safety and Health Convention, 1981) and 187 (Promotional Framework for occupational Safety and Health Convention, 2006). While neither explicitly address climate change, they can and should be interpreted in this context if they are to retain relevance in the changing world. Convention No. 155 applies to “all branches of economic activity” and to “all aspects of work” that may affect safety and health. The Convention does not enumerate hazards exhaustively; rather, it adopts an open-ended conception of occupational risk anchored in conditions that “may affect the safety and health of workers.” Heat exposure — whether arising from climatic conditions, indoor industrial processes, or a combination of the two — is plainly a physical hazard arising in the working environment. Moreover, the Convention’s design anticipates evolving risks, which is why it anchors obligations in systemic frameworks — policy, prevention, and adaptation — rather than in fixed hazard catalogues. Given the overwhelming scientific consensus that occupational heat exposure causes injury, illness, and death, excluding climatic heat stress from the scope of Convention No. 155 would defeat its preventive purpose. Convention No. 187 imposes a continuing, system-wide obligation of planning, prioritisation, monitoring, and improvement. It builds upon and extends the normative framework of Convention 155 by transforming core preventive duties into a dynamic system of OSH governance. Its central innovation is the imposition of legally binding duties to create, maintain, and progressively develop a national occupational safety and health system, supported by a national OSH program with defined

³⁹ United Nations, *Exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice* (2021). See also UN, *Synthesis report on opportunities, best practices, actionable solutions, challenges and barriers relevant to just transition and the full realization of human rights for all people* (2025), “Union organizing, which has historically been pivotal in advocating the right to work and to just and favourable labour conditions, should be protected in transition-related decision-making, planning and implementation, including through laws that enshrine the rights to strike and to join and form associations, including trade unions, and the freedoms of opinion and expression, and protect against anti-union discrimination.”

priorities, objectives, indicators, and mechanisms for periodic evaluation. This programmatic architecture enables hazards such as occupational heat stress to be formally prioritized, planned for, resourced, and monitored, rather than addressed episodically or left to discretionary enforcement.

3. Other Relevant ILO Conventions and Recommendations

a. Convention 122 (Employment Policy Convention, 1964)

Perhaps the most important convention beyond the fundamental conventions is Convention 122 (Employment Policy Convention, 1964).⁴⁰ Though it predates “just transition” concepts and terminology, its applicability to climate change is obvious. It commits ratifying States (of which there are 117)⁴¹ to declare and pursue, as a central objective of national policy, an active employment policy aimed at achieving full, productive, and freely chosen employment for all who are available and seeking work, without discrimination. It requires States to integrate employment objectives into coordinated economic and social policy, to keep those measures under continuous review, and to implement them through concrete programmes adapted to national conditions. It further obliges governments to ensure that workers have real opportunities to acquire and use skills, to promote job quality rather than mere job availability, and to consult employers’ and workers’ organizations in the formulation and application of employment policy, thereby embedding social dialogue and democratic participation at the core of labour-market governance. Convention 122 is also supplemented by two recommendations, Nos. 122 and 169, which provide further guidance both as to the interpretation of the terms of the convention but also its practical application.

A full brief on how Convention 122 supports a just transition is available on the ILAW Network website.⁴²

a. *ILO Recommendation 205 (Employment and Decent Work for Peace and Resilience (2017))*⁴³

ILO Recommendation No. 205 is notable because it addresses crisis situations arising from disasters, including those linked to climate change, while explicitly integrating the need for a just transition toward an environmentally sustainable economy into its guiding principles. Recommendation No. 205 is the first International Labour Standard to expressly reference the

⁴⁰ ILO Convention No. 122 (Employment Policy Convention, 1964)

https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312267:NO

⁴¹ ILO, Ratifications of Convention 122,

https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312267

⁴² <https://www.ilawnetwork.com/wp-content/uploads/2026/03/C122-Employment-Policy-and-the-Right-to-a-Just-Transition-Final-March-6.pdf>

⁴³ ILO, *Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)*, (June 16, 2017), https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3330503

concept of “just transition.” Its inclusion in Recommendation No. 205 is significant, as it formally links labour standards with climate-related economic transformation and underscores the centrality of work in responding to climate change.

B United Nations

The most recent statement on the linkage between climate and labour is found in the *Committee on Economic, Social and Cultural Rights, General Comment No. 27 (2025)*.⁴⁴ The General Comment situates a just transition within States’ ICESCR obligations by requiring governments to regulate and guide business activity so that climate-related economic restructuring does not undermine rights to work, social security, health, and an adequate standard of living. In particular, paragraphs 49–57 set out a detailed, rights-based framework for addressing labour and social protection dimensions of the transition to environmentally sustainable economies under the International Covenant on Economic, Social and Cultural Rights.

The Committee recognizes that environmental degradation and climate policy responses have significant and differentiated impacts on employment. Climate change threatens livelihoods, particularly in sectors such as agriculture and fisheries, while the transition to sustainable economies simultaneously creates opportunities for new forms of decent work. Under Article 6 (Right to Work), States are required to undertake participatory and evidence-based assessments of labour market impacts arising both from environmental harm and from mitigation and adaptation measures. On that basis, they must adopt proactive employment policies aimed at expanding decent work opportunities, with particular attention to individuals and groups in vulnerable or marginalized situations. Such measures include facilitating access to vocational training, reskilling, and career guidance, as well as supporting job creation through public services, ecosystem restoration initiatives, and the formalization of informal work linked to climate resilience and circular economy activities.

With respect to Article 7, on the right to just and favourable conditions of work, the General Comment interprets the ICESCR as encompassing protection against the growing occupational risks associated with environmental change. The Committee emphasizes that rising temperatures, extreme weather events, and other environmental stressors pose serious threats to workers’ health and safety across sectors. States must therefore adopt preventive and protective measures, including strengthening occupational safety and health frameworks, enhancing labour inspection systems, and ensuring that employers are subject to effective regulatory obligations to mitigate climate-related workplace risks. These protections must extend to both traditional sectors and emerging “green” industries, thereby ensuring that the transition does not reproduce or exacerbate unsafe or exploitative working conditions. The

⁴⁴ Comm. on Econ., Soc. & Cultural Rights, General Comment No. 27 (2025) on Economic, Social and Cultural Rights and the Environmental Dimension of Sustainable Development, U.N. Doc. E/C.12/GC/27 (Sept. 30, 2025), <https://digitallibrary.un.org/record/4092192?v=pdf>

integration of decent work principles into corporate environmental strategies and due diligence processes is identified as a key regulatory expectation.

Under Article 8, the Committee affirms the central role of trade unions and collective bargaining in operationalising a just transition, noting that workers' organizations must be able to participate meaningfully—through social dialogue and related mechanisms—in assessing workplace risks and shaping policy responses at national, sectoral, and enterprise levels. Collective bargaining is highlighted as an effective tool for embedding environmental considerations into labour relations, including through provisions addressing occupational safety and health, access to environmental information, protections for workers refusing environmentally harmful work, and safeguards during climate-related disruptions. In this way, freedom of association is positioned as an essential institutional guarantee for aligning climate action with labour rights.

The right to social security under Article 9 is treated as a cornerstone of resilience and equity in the face of environmental change. It emphasizes that comprehensive and accessible social protection systems are indispensable for mitigating the adverse impacts of climate-related shocks, including extreme weather events, displacement, and livelihood disruption. States are required to ensure that such systems are responsive to environmental risks, incorporating vulnerability assessments and enabling early identification of at-risk populations. Social protection mechanisms must function both as immediate safety nets and as instruments facilitating longer-term structural transformation, including transitions into green employment. Finally, the Committee reiterates that States have a core obligation to guarantee universal access to essential levels of social protection, including healthcare and basic income security across the life cycle. These guarantees must be adequate to ensure the realization of basic needs, including housing, food, water, sanitation, and education. States are further required to take deliberate and targeted steps toward progressively expanding coverage, particularly for groups that remain excluded, such as women, workers in precarious employment, and those in the informal economy. Social protection systems must be adequately funded, resilient to future environmental shocks, and, where domestic resources are insufficient, supported through international assistance and cooperation.

Taken together, these are the core elements of a just transition. The ICESCR requires the integration of employment policy, occupational safety, social dialogue, and social protection into a coherent, rights-based framework. This framework ensures that climate action advances, rather than undermines, the realization of labour rights and broader socio-economic entitlements.

The right to a clean, healthy, and sustainable environment, while grounded in the ICESCR, was also explicitly affirmed by the UN General Assembly in 2022 and has since been acknowledged by the Conferences of the Parties to the United Nations Framework Convention on Climate Change. *UN General Assembly Resolution 76/300, The human right to a clean, healthy and*

sustainable environment (2022).⁴⁵ The resolution anchors a just transition in the recognition of the human right to a clean, healthy, and sustainable environment, affirming that environmental protection is inseparable from the realization of human rights (including labour rights).⁴⁶ It further provides that climate and environmental policies must be designed and implemented in ways that are inclusive, equitable, and participatory.

C. Inter-American Court of Human Rights

On 9 January 2023, the governments of Chile and Colombia jointly requested an advisory opinion from the Inter-American Court of Human Rights (IACtHR) to ‘clarify the scope of State obligations, in their individual and collective dimension, to respond to the climate emergency.’⁴⁷ The Court issued Advisory Opinion OC-32/25 on 3 July 2025, which established the existence of a ‘climate emergency’, largely the result of anthropogenic greenhouse gas emissions, and warned that the consequent rising temperatures are having (and will have) serious consequences for the Americas. In this context, the Court elaborated several general and substantive human rights obligations arising from the American Convention on Human Rights, the Protocol of San Salvador, and other Inter-American human rights instruments.

Notably, the IACtHR identified specific labour rights obligations, making it the first human rights tribunal to do so. Among those obligations is the requirement to secure a *just transition*. Central to that requirement is the principle that workers must be active participants in shaping the transition through social dialogue. Accordingly, the full and effective respect for fundamental labour rights, including freedom of association and the right to collective bargaining, is indispensable to any genuine just transition. In this respect, the advisory opinion marks a significant development in the progressive consolidation of a just transition as a matter of legally binding human rights obligation, rather than mere policy aspiration.

The Court reiterated that all member states are obliged to respect human rights, an obligation that encompasses the duty of non-retrogression.⁴⁸ Moreover, member states bear a duty to guarantee human rights, encompassing not only the direct conduct of the state vis-à-vis persons within its jurisdiction, but also the obligation to prevent third parties, including national and multinational enterprises, from violating protected legal interests.⁴⁹ With respect to economic,

⁴⁵ G.A. Res. 76/300, The Human Right to a Clean, Healthy and Sustainable Environment (July 28, 2022), U.N. Doc. A/RES/76/300, <https://docs.un.org/en/a/res/76/300>

⁴⁶ “Reaffirming that States have the obligation to respect, protect and promote human rights, including in all actions undertaken to address environmental challenges, and to take measures to protect the human rights of all, as recognized in different international instruments, and that additional measures should be taken for those who are particularly vulnerable to environmental degradation, noting the framework principles on human rights and the environment.”

⁴⁷ Colombia and Chile, ‘Solicitud de Opinión Consultiva sobre Emergencia Climática y Derechos Humanos a la Corte Interamericana de Derechos Humanos de la República de Colombia y la República de Chile’ (9 January 2023) www.corteidh.or.cr/docs/opiniones/soc_1_2023_es.pdf

⁴⁸ Advisory Opinion, para. 222.

⁴⁹ Ibid. para. 226.

social and cultural rights, including labour rights, the Court held that states are “obliged to respect, guarantee and progressively advance” them.

“This Court notes, in effect, that in the context of the climate emergency, the situation of disproportionate vulnerability in which some individuals and groups find themselves in the face of the impacts of climate change is determined by the absence of a sufficient level of satisfaction of rights ... work and social security... The climate emergency accentuates the need to allocate the maximum available resources to protect individuals and groups who, because they are in situations of vulnerability, are exposed to particularly severe impacts of climate change, without ignoring the need to protect the population as a whole.”⁵⁰

States are accordingly required to ensure that the fundamental labour rights of all workers are protected, and in particular those in situations of vulnerability, including through legislation and other measures, so as to address the climate emergency.⁵¹

Article 26 of the American Convention on Human Rights protects, inter alia, the right to work.⁵² In the advisory opinion, the Court focused on two specific areas related to the intersection of the right to work and climate change. The first is occupational safety and health (OSH), especially as it relates to extreme weather and extreme heat. The Court identified three state obligations related to OSH:

(i) include within their occupational safety and occupational health regulations provisions to prevent and avoid occupational or occupational risks related to climate change; (ii) design and implement strategies and policies to ensure decent working conditions that include, where appropriate, resources for sun protection and hydration; and (iii) establish effective mechanisms to protect workers who are particularly exposed to tropical diseases that are spread by vectors and that may be exacerbated in the context of the climate emergency.⁵³

Noting that many states, in particular small island states, are heavily dependent on tourism, fisheries, and agriculture, and that these industries are threatened by global warming, and therefore by substantial losses in employment and national income, the Court called upon states to take action. Drawing on the ILO Guidelines, the Court held that, in order to address and mitigate the employment impacts of climate change, states should “sponsor the participation of employers’ and workers’ organizations, such as trade unions, in the definition and implementation of just transition policies.”⁵⁴ This is a key point, as it acknowledges the necessary role of the social partners in designing the measures necessary to address climate

⁵⁰ Ibid. para. 242.

⁵¹ Ibid. para. 244.

⁵² Case of Lagos del Campo v. Peru (Judgment of August 31, 2017, of the Inter-American Court of Human Rights. San José: Secretariat of the Court, Series C, No. 340).

⁵³ Advisory Opinion, para 445.

⁵⁴ Ibid. para 446.

impacts. In a footnote, the Court also underscores the necessity of states to guarantee the right to freedom of association, for if workers are unable to form organizations and elect their representatives, they will be unable to engage effectively with governments and employers in the design and implementation of these policies.⁵⁵ The Court further elaborates on the obligations entailed by a just transition, holding that states should “design and implement strategies and policies to achieve a just labour transition and address the displacement of workers and potential job losses resulting from the transition to more sustainable economies or as a result of the effects of climate change in activities such as fisheries, agriculture and tourism.”⁵⁶

Importantly, the Court also underscored the obligation of states to regulate business activities. In the context of the climate emergency, the Court noted that, whilst all companies can contribute to the achievement of mitigation targets, some bear a greater responsibility due to the risks posed by their activities. Therefore, States must establish differentiated obligations regarding climate action based on companies’ current and historical contribution to climate change and impose stricter obligations on companies engaged in activities that generate higher GHG emissions. The Court also highlights the importance of ensuring that regulations in this area take into account the role played by the various components of economic conglomerates and transnational corporations, so that States may attribute legal responsibilities to parent companies, or to companies exercising control over others, based on the greenhouse gas emissions generated by their subsidiaries or by the companies they control.

D. International Court of Justice

Although the International Court of Justice did not directly address the intersection of climate change and labour rights it is *Advisory Opinion ‘Obligations of States in respect of Climate Change’ (2025)*⁵⁷, its nonetheless furnishes important support for the labour rights framework advanced in this submission. The Court's jurisprudential contribution on this point lies in its determination of applicable law. The ICJ found that "the core human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (hereinafter 'ICESCR') of 16 December 1966 and the International Covenant on Civil and Political Rights (hereinafter 'ICCPR') of 16 December 1966, and the human rights recognised under customary international law form part of the most directly relevant applicable law" governing states' obligations in respect of climate change. The implications of this finding for the just transition framework set out above are substantial.

The ICESCR is not a peripheral instrument in the context of climate change and labour; it is, on the Court's own characterisation, among the most directly relevant legal authorities governing what states are obliged to do in response to the climate crisis. Articles 6, 7, 8, and 9 of the

⁵⁵ Ibid, footnote 777.

⁵⁶ Ibid. para 446.

⁵⁷ *Obligations of States in Respect of Climate Change*, Advisory Opinion, I.C.J. Reports 2025, (July 23, 2025), www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf.

Covenant, which protect, respectively, the right to work, the right to just and favourable conditions of work, trade union rights including the right to organise and bargain collectively, and the right to social security, are therefore operative legal constraints on the design and implementation of climate policy. They are not merely aspirational benchmarks to which states may have regard; they are, in the Court's formulation, part of the most directly relevant applicable law. This carries a clear and direct implication: a climate response that displaces workers without adequate transition support, that exposes workers to occupational heat stress without legal protection, that suppresses trade union participation in the design of decarbonisation policies, or that dismantles social protection systems in the name of fiscal adjustment is not merely poor policy but a breach of applicable international law.

This conclusion is reinforced by the Committee on Economic, Social and Cultural Rights' General Comment No. 27 (2025), which authoritatively interprets these very ICESCR provisions in precisely the climate context at issue before this Court. As set out in Section II.B above, General Comment No. 27 establishes that Articles 6, 7, 8, and 9 of the Covenant require states to undertake participatory, evidence-based assessments of climate-related labour market impacts; adopt proactive employment policies oriented towards decent work; strengthen occupational safety and health frameworks in response to environmental stressors; ensure the meaningful participation of trade unions through social dialogue; and maintain comprehensive social protection systems resilient to climate-related shocks. Given the ICJ's finding that the ICESCR constitutes directly applicable law for climate obligations, this Committee interpretation is an authoritative elaboration of binding legal obligations that states must discharge as part of their response to the climate emergency.

The significance of the Court's reference to customary international law is equally notable. The ILO's Declaration on Fundamental Principles and Rights at Work, adopted in 1998 and amended and reaffirmed in 2022, provides that all ILO member states by virtue of membership alone, and irrespective of ratification are bound to respect, promote, and realise freedom of association and the right to collective bargaining, the elimination of forced labour, the abolition of child labour, the elimination of discrimination in employment, and the right to a safe and healthy working environment. The virtually universal acceptance of these principles across the ILO's 187 member states, combined with extensive and consistent state practice and a discernible *opinio juris*, provides a strong basis for the conclusion that the core ILO fundamental rights have achieved, at a minimum, the status of general principles of international law, and that the most widely ratified among them have entered customary international law. By anchoring the applicable law for climate obligations in the core human rights treaties and expressly including customary international law, the Court has confirmed that the rights of workers are not merely collateral concerns to be addressed through supplementary policy measures but are among the primary legal standards against which states' climate conduct must be measured. That conclusion aligns with the argument for a just transition as a matter of binding legal obligation, and this Court should give it full effect in its advisory opinion.

E. International Climate Law

Just transition of the workforce linked to decent work is the concept well embedded in international climate law.⁵⁸ Preambular recital 10 of the Paris Agreement reads: *“Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,”*. The subsequent recital 11 reads: *“Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,”*. This recital encompasses human rights of workers contained in both international labour law and human rights law.

Apart from preambular reference to just transition, decent work and human rights, the Paris Agreement contains specific references to several principles and concepts with which just transition, decent work and the mandate of the ILO are closely related. These principles and concepts are included in the operative part of the treaty and include the objective of sustainable development,⁵⁹ principle of equity⁶⁰ and obligation to consider the concerns arising from the adverse impacts of the implementation of response measures.⁶¹

Just transition has been reflected in the key subsequent agreements by the Parties to the UNFCCC as well as in their practice. Documents adopted by the Conference of the Parties (COP) have given a central role to the concept of just transition in the overall implementation of the Paris Agreement. In these decisions just transition is presented as the overarching method by which to achieve net zero emissions and further as a key part in the implementation of the objectives of the Paris Agreement.⁶²

⁵⁸ For a full analysis of just transition as a concept in international climate law see: Written comments submitted to the International Court of Justice by the ITUC and the ITF in the matter of the request for an Advisory Opinion on the obligations of States with respect to climate change submitted by the UN General Assembly (Resolution A/RES/77/276), available at: <https://www.ituc-csi.org/ituc-itf-submission-to-the-icj>

⁵⁹ Reference to the objective of sustainable development features in the core Article of the Paris Agreement on adaptation – Article 2. The intrinsic relationship that climate change actions, responses and impacts have with equitable access to sustainable development and eradication of poverty is explicitly emphasized in preambular recital 8. Mitigation obligations contained in Article 4 are also put in context of sustainable development in Article 4.1.

⁶⁰ Paris Agreement refers to the principle of equity in Article 2(2) on adaptation, as well as in the core Article 4 on mitigation.

⁶¹ Obligation to consider the impacts of response measures is contained in the core Article 4 of Paris Agreement on mitigation. In Article 4(15) the Paris Agreement states that Parties *“shall take into consideration in the implementation of this Agreement the concerns of Parties with economies most affected by the impacts of response measures, particularly developing country Parties.”*

⁶² See e.g. *“Solidarity and Just Transition Silesia Declaration* adopted at the COP24 in Katowice, 2018; their *Climate Action for Jobs Initiative* adopted at the COP25 in Madrid, 2019; Paragraphs 20, 21 and 52 of the *Glasgow Climate Pact*, adopted at the COP26 in Glasgow, 2021; decision 1/CMA.4 adopted at the COP27 in Sharm-el-Sheikh, 2022, in which the Parties decided to establish a dedicated work programme on just transition as well as Parts IV and VIII of the *Implementation Plan*; as well as the *Work Program* adopted at the COP28 in Dubai, 2023.

Accordingly, State Parties to the Paris Agreement have increasingly used the concept of just transition in their nationally defined contributions (NDCs). For example, reference to just transition was included in the NDCs by Congo (2026),⁶³ Eritrea (2026),⁶⁴ Eswatini (2025),⁶⁵ Gabon (2025),⁶⁶ Guinea (2025),⁶⁷ Kenya (2025),⁶⁸ Mauritania (2025),⁶⁹ Mauritius (2025),⁷⁰ Namibia (2021), Nigeria (2025),⁷¹ Sierra Leone (2025),⁷² Somalia (2025),⁷³ South Africa (2025)⁷⁴ Zambia (2025),⁷⁵ and Zimbabwe (2021).⁷⁶

Recognition of just transition as a guiding principle for climate action has also been gaining traction at regional and national levels. In July 2022, the African Union Executive Council adopted the “African Common Position on Energy Access and Just Energy Transition”.⁷⁷ At the national level South Africa’s Climate Change Bill 9 of 2022 requires that the interpretation and application of the Act is guided by, among others, “a contribution to a just transition towards low-carbon, climate-resilient and ecologically sustainable economies and societies which contribute to the creation of decent work for all, social inclusion and the eradication of poverty” (Section 3(d)). “Just transition” is defined as “a shift towards a low-carbon, climate-resilient economy and society and ecologically sustainable economies and societies which contribute toward the creation of decent work for all, social inclusion and the eradication of poverty”.⁷⁸

As illustrated by the history of UNFCCC and the Paris Agreement, as well as subsequent agreements by the Parties and practice, just transition has, from the start, been linked with broader commitments under the UNFCCC regime to recognise and minimise the adverse socio-economic impacts of response measures to climate change and with the concept of equity, sustainable development and eradication of poverty. These commitments are at the same time

⁶³ <https://unfccc.int/sites/default/files/2026-02/CDN%203.0%20de%20la%20R%C3%A9publique%20du%20Congo%20version%20finale.pdf>

⁶⁴ <https://unfccc.int/sites/default/files/2026-02/Eri-NDC3.0%2007112025.pdf>

⁶⁵ <https://unfccc.int/sites/default/files/2025-09/Eswatini%20NDC%203.0%20Report%20for%20Submission%20FINAL%20f.pdf>

⁶⁶ <https://unfccc.int/sites/default/files/2025-12/NDC3.0%20Gabon%205%2011%2025-final%20version.pdf>

⁶⁷ <https://unfccc.int/sites/default/files/2025-11/CDN%203.0%20DE%20LA%20REPUBLIQUE%20DE%20GUINEE.pdf>

⁶⁸ <https://unfccc.int/sites/default/files/2025-05/KENYAS%20SECOND%20NATIONALLY%20DETERMINED%20CONTRIBUTION%202031%202035.pdf>

⁶⁹ <https://unfccc.int/sites/default/files/2025-10/CDN3.0%20Mauritanie%20Signed.pdf>

⁷⁰ <https://unfccc.int/sites/default/files/2025-09/NDC%203.0%20Mauritius.pdf>

⁷¹ <https://unfccc.int/sites/default/files/2025-09/Nigeria%20NDC%203.0%20-%20Transimission%20Version%202.pdf>

⁷² <https://unfccc.int/sites/default/files/2025-12/Sierra%20Leone%20NDC%203.0.pdf>

⁷³ <https://unfccc.int/sites/default/files/2025-09/Somalia%20NDC%203.0%20Official%202025.pdf>

⁷⁴ <https://unfccc.int/sites/default/files/2025-10/South%20Africa%2027s%20second%20Nationally%20Determined%20Contribution%202021%20Final.pdf>

⁷⁵ <https://unfccc.int/sites/default/files/2026-02/1Final%20Submission%20of%20Zambia%20NDC%203.0%20.pdf>

⁷⁶ <https://unfccc.int/sites/default/files/NDC/2022-06/Zimbabwe%20Revised%20Nationally%20Determined%20Contribution%202021%20Final.pdf>

⁷⁷ <https://unfccc.int/sites/default/files/2025-09/Somalia%20NDC%203.0%20Official%202025.pdf>

⁷⁷ <https://au.int/en/pressreleases/20220722/africa-speaks-unified-voice-au-executive-council-adopts-african-common>

⁷⁸ https://www.gov.za/sites/default/files/gcis_document/202310/b9b-2022climatechange.pdf

intertwined with the ILO mandate to advance social justice and promote decent work. It can be argued that preambular recital 10 of the Paris Agreement introduces a labour rights-based approach to climate action, reinforced by reference to human rights and the related obligations of States in the preambular recital 11. Accordingly, it is evident that the concept of just transition developed in international labour law is highly relevant to the international climate law as well as international human rights law.

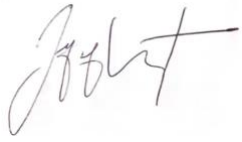
III. CONCLUSION

For the foregoing reasons, the African Court on Human and Peoples' Rights should interpret the African Charter on Human and Peoples' Rights as encompassing a right to a just transition. Such an interpretation flows naturally from the Charter's text, structure, and object and purpose. Articles 10 and 15, which guarantee freedom of association and the right to work, when read together with Article 24's recognition of the right of all peoples to a "general satisfactory environment favourable to their development," establish an integrated normative framework in which environmental protection, labour rights, and human dignity are mutually reinforcing. In the context of the climate crisis—whose impacts on African workers are already profound and intensifying—these provisions cannot be read in isolation. Rather, consistent with established principles of systemic interpretation, they must be understood as imposing obligations on States to regulate environmental and economic transformation in a manner that safeguards livelihoods, workers' rights, ensures access to decent work, and protects against the foreseeable harms of both climate change and the policies adopted to address it. A failure to do so risks rendering Charter protections illusory for those most exposed to the disruptions of transition, particularly workers who are most vulnerable and workers in the informal economy.

This conclusion is further reinforced by converging developments in international and regional law, including the authoritative guidance of the International Labour Organization, the jurisprudence of the Inter-American Court of Human Rights, and the interpretive framework articulated by the Committee on Economic, Social and Cultural Rights. Together, these sources confirm that a just transition is not merely a policy aspiration, but an emerging legal obligation grounded in existing human rights guarantees, including rights to work, social security, safe and healthy working conditions, and participation through social dialogue and collective bargaining.

Recognizing a right to a just transition under the Charter would therefore not constitute judicial innovation, but rather a faithful and necessary application of the Charter's provisions in light of contemporary conditions and evolving international law. It would also provide essential normative guidance to state parties ensuring that they meet the climate crisis in a manner consistent with their human rights obligations—placing workers and communities at the centre of the transformation. In so doing, the Court would affirm a foundational principle, namely that the transition to environmentally sustainable economies must be both ecologically sound and socially just and that the protection of workers is not incidental to this process but central to it.

On behalf of all Amici

A handwritten signature in black ink, appearing to read "Jeffrey Vogt". The signature is written in a cursive, fluid style with a long horizontal stroke extending to the right.

Jeffrey Vogt
Chair, ILAW Network