

POLICY, LEGAL, AND ACTION FRAMEWORKS FOR A NEW SOCIO-ECONOMIC PARADIGM FOR THE SUSTAINABLE MANAGEMENT OF CLIMATE CHANGE AND POVERTY¹

PRESSUPOSTOS POLÍTICOS-JURÍDICOS E DE AÇÃO DE UM NOVO PARADIGMA SOCIOECONÔMICO PARA ABORDAR SUSTENTAVELMENTE AS MUDANÇAS CLIMÁTICAS E A POBREZA

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Abstract

This article examines some of the international and European Union (EU) political, legal, and policy assumptions for a new sustainable socio-economic paradigm to overcome, with a just transition, the tension between the effects of climate change and the ultimate eradication of poverty. The aim is to show that a sustainable rethinking of the economy must be linked to a just transition based on a more holistic approach to addressing the many variables that converge on the negative impact of climate change on the perpetuation of poverty. To this end, the concept of multidimensional poverty, i.e.,

Resumo

Este artigo examina alguns dos pressupostos políticos-legais e de ação tanto internacionais como comunitários europeus (UE) para um novo paradigma socioeconômico sustentável que supere, por meio de uma transição justa, a tensão entre os efeitos das mudanças climáticas e a erradicação definitiva da pobreza. O objetivo é demonstrar que uma reformulação sustentável da economia deve estar associada a uma transição justa desde uma abordagem holística que trate das diversas variáveis que convergem para o impacto negativo que as mudanças climáticas têm sobre a perpetuação da pobreza. Para tal propósito, utiliza-se o conceito de pobreza multidimensional,

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going beyond income deprivation, is used to weigh both the impact of climate change on poverty and the adequacy of the Paris Agreement (mitigation, adaptation, and resilience) to address the challenges of the climate change/poverty nexus. Using a deductive approach, it concludes that just transition policies must respond to a more integrated and interactive approach to international legal norms, in particular those related to human rights, which converge to oblige states to eradicate poverty caused by climate change.

Keywords: climate change; decent work; just transition; poverty; social protection.

ou seja, além da privação de renda, o qual permite ponderar tanto os efeitos das mudanças climáticas como a idoneidade do Acordo de Paris (mitigação, adaptação e resiliência) para enfrentar os desafios do binômio mudança climática/pobreza. Por meio do enfoque dedutivo, conclui-se que as medidas de transição justa devem responder a uma abordagem mais integrada e interativa das normas jurídicas internacionais, especialmente aquelas relativas aos direitos humanos, as quais obrigam os Estados a erradicar a pobreza causada pelas mudanças climáticas.

Palavras-chave: mudança climática; pobreza; proteção social; trabalho decente; transição justa.

Introduction

In a society transitioning due to the global risks posed by the climate crisis and ensuing extreme weather events, poverty stands out as an important social externality. Ultimately it is the poor who endure the worst of these changes, especially since they often inhabit areas with limited access to natural resources and less favorable conditions for human settlement, exacerbating the severity of the impacts. Poverty and climate change are the foremost challenges demanding attention on the international political stage. The first Sustainable Development Goal (SDG) aims at eliminating poverty in all its manifestations, the tenth focuses on reducing inequality within and among nations, while the thirteenth prioritizes urgent action to combat climate change and its consequences. Similarly, the United Nations Framework Convention on Climate Change (1992) created the primary international intergovernmental platform, the Conference of the Parties (COP), tasked with negotiating a global response to climate change and, by extension, effectively addressing poverty eradication.

This study seeks to explore how poverty and climate change present obstacles to both the right to human development and the rights of communities, encompassing the broader spectrum of human rights, linking this analysis to potential

solutions that the implementation mechanisms of the Paris Agreement—mitigation, adaptation, and resilience—can provide towards poverty eradication and inequality reduction. This also entails considering political, legal, and international, as well as community-based, premises and actions, with a particular emphasis on those of the European Union (EU), to ensure an equitable transition towards a green and circular economy, which should guide societies towards climate neutrality and social justice as a response to the issues at hand.

The initial aim of this paper is to delve into poverty and explore its diverse connotations in order to conceptualize it as a subject for multidimensional and, consequently, transdisciplinary scrutiny. The inadequacy of resources for a basic standard of living transcends mere economic insufficiency and limited access to goods and services. It encompasses the absence of freedoms and human rights, along with an unsatisfactory and unhealthy environment.

Subsequently, attention will be given to the findings outlined by Group II of the Intergovernmental Panel on Climate Change in its most recent report on the intersection of climate change and poverty. This provides an opportunity to scrutinize the foundational principles of the Paris Agreement (ONU, 2015c) in terms of their potential application towards the overarching objective of poverty eradication, encompassing mitigation, adaptation, and resilience.

Furthermore, the discussion will explore the intricate relationship between climate change and poverty, underlining the necessity for the transformations essential for a greener, more circular economy, and the realization of a sustainable society to be aligned with a just transition; a prospective socio-economic paradigm capable of embracing requisite and fitting changes. The just transition approach entails two key considerations: Firstly, examining the political-legal foundations necessary for its implementation; and secondly, delving into the substantive breadth of policies and actions required for it to occur, which involves adopting a critical and holistic perspective on the essential economic, social, and environmental transformations needed.

1 The multidimensionality of poverty

The deprivation of basic human needs inherent in poverty stems from diverse sources, including corruption, inequality, armed conflict, post-colonialism, and climate change, among others. The consequences of poverty are equally manifold: beyond material deprivation and the inability to fully exercise fundamental human rights, poverty serves as a conduit for generating risks to human security. Depending on its impact on population groups and its repercussions on political

and social stability, poverty can precipitate the emergence of transnational or internal threats (Bonet Pérez, 2022). Both scientific findings and empirical evidence underscore the global threat that climate change poses to human security. Challenges such as resource scarcity (e.g., water and arable land), disease outbreaks, food insecurity, floods, forced migrations, and heatwaves, among other issues, not only jeopardize the fulfillment of basic human rights but also create conditions conducive to a new form of conflict: the competition for habitable spaces.

The delineation of the concept of poverty has sparked a complex global debate. Measurement categories, constructed within geographies that are physically and humanly diverse, and socially and economically unequal, naturally yield different and variable formulations and connotations. It is evident that the elements crucial for ensuring basic human needs, while upholding human dignity, differ significantly between developed and developing regions, and areas more or less affected by the climate crisis.

Poverty encompasses multiple dimensions, extending far beyond mere income deprivation (poverty as economic deprivation), although the monetary metric remains crucial and inevitable within a capitalist system. In essence, poverty denotes a deficiency of economic resources necessary to access goods and services essential for a dignified life. Within this framework, the World Bank (WB) sets the poverty line threshold² at \$6.85 and extreme poverty³ at \$2.15 per day (Banco Mundial, 2022). These metrics serve as objective and subjective parameters for the goals outlined in Objective 1 of the Sustainable Development Goals (SDGs). This measurement is exemplified by what the International Labor Organization (ILO) terms “working (class) poverty”, which quantifies the proportion of workers living in extreme or moderate poverty, defined as earning less than \$3.10 in Purchasing Power Parity (PPP) per day (OIT, 2023). Thus, absolute poverty, measured against a fixed income line, represents the deprivation of economic resources necessary for accessing goods and services essential for survival.

According to the Organization for Economic Cooperation and Development (OECD, [2022]), the poverty rate denotes the proportion of individuals (within a specified age group) whose income falls below the poverty line, defined

2 Poverty may be defined as a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights (ECOSOC, 2001, para. 8)

3 This encompasses a combination of income insufficiency, lack of human development, and social exclusion (Human Rights Committee, 2008, para. 13). The WB (2022) estimates between 648 and 719 million individuals live in extreme poverty.

as half the average family income of the total population. Within the Council of Europe, the poverty line is set at 60% of the average salary in each respective country (CENDS, 2022). Relative poverty relies on a monetary benchmark established within a specific society and is intertwined with issues of inequality.

The United Nations Development Program (UNDP, 2023), employing the Global Multidimensional Poverty Index (GMP-Global), which measures poverty in developing nations, conceptualizes poverty as deprivation across various indicators, encompassing health (nutrition, infant mortality), education (years of schooling, school attendance), and standard of living (access to cooking fuel, sanitation, drinking water, electricity, housing, and goods). Here poverty is construed as a material concept, denoting material deprivation and the absence of qualitative elements necessary for achieving human rights.

Following Sen's (2000) philosophical work on poverty, it represents the deprivation of basic capabilities, needed to undertake actions, or functionings, enabling individuals to access goods and services that allow them to make use of their fundamental freedoms—poverty as a lack of freedom. From this viewpoint, freedom, beyond facilitating income generation for accessing essential goods and services, should be upheld as a societal value within legal-political frameworks aimed at poverty eradication. However, freedom is absent from the targets outlined in SDG 1 and the Guiding Principles on extreme poverty and human rights (Comité de Derechos Humanos, 2012).

Additionally, poverty, as a social phenomenon evoking feelings of disdain, possesses a moral dimension characterized by an inverted value judgment rooted in animosity or contempt towards the impoverished—poverty as a phobia. This social pathology was termed “aporophobia” by Adela Cortina (2017, p. 25), describing it as the rejection of the poor, a phobia characterized by the repudiation of specific individuals due to their belonging to a group that is despised or feared, or both, precisely because of this characteristic. The animosity towards the poor is rooted in the dynamics of exchange, where the poor are unable to reciprocate benefits, “The poor are those who are excluded from the opportunity to reciprocate in a world founded on the exchange of giving and receiving” (Cortina, 2017, p. 80; free translation).

Now,

In essence, poverty manifests as a complex syndrome entailing underconsumption, malnutrition, precarious housing, low educational attainment, inadequate sanitation, unstable insertion in the productive apparatus or its primitive strata, feelings of discouragement and anomie, and limited participation in societal integration

mechanisms, possibly coupled with a value system differing from mainstream society's (Altimir, 1979, p. 1; free translation).

Regardless of the perspective, eradicating poverty in all its manifestations and across all regions is not only a political and legal imperative but also a moral obligation (SDG 1), crucial for advancing global social justice. Poverty represents a developmental handicap hindering collective progress, impeding distributive justice, and thereby constraining human capabilities and freedoms. While there was a decline in poverty rates worldwide over the past decade (dropping from 15.7% in 2010 to 10.0% in 2015), recent years have seen a resurgence, with projections indicating an increase of over 70 million (Banco Mundial, 2022) or between 75 and 95 million more people living in poverty by 2022 (ECOSOC, 2022). The World Bank acknowledges that the goal of reducing global poverty to 3% by 2030 was already challenging to attain even before the current crises. Recent setbacks, including the COVID-19 pandemic and the war in Ukraine, have rendered this goal practically unattainable for the international community (Banco Mundial, 2022).

According to the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, “both income and wealth inequality are the primary factors trapping people in poverty” (ONU, 2021, para. 6; free translation).

Inequality has a very clear explanation; since 1980, half of the world's income has been controlled by the wealthiest 10%. Moreover, the share of income held by the top 1% has continued to rise, climbing from 16% in 1980 to 22% in 2000, while the share held by the poorest 50% has remained stagnant at around 9% (ONU, 2021). In short, economic inequality, driven by the global unequal distribution of wealth—economic inequality⁴—stands as a significant determinant and perpetuator of poverty. In this context, SDG 10, aimed at reducing inequalities, sets forth the aspiration to achieve and sustain income growth for the poorest 40% of the population at a rate surpassing the national average by 2030. However, this target is unlikely to be met.

It is also crucial to consider the dimension of environmental poverty, exacerbated by climate change and its consequences, including forced migration, food insecurity, and the degradation of livelihoods (agriculture and fishing). “In ecological terms, poverty refers to a low exosomatic consumption of energy and material resources” (Martínez Alier, 1991, p. 58; free translation). Moreover, Liu (2012, p. 90) defines “environmental poverty as the lack of the healthy environment needed

⁴ Since 2020, the richest 1% have accumulated nearly two-thirds of the new wealth generated worldwide, nearly double that of the remaining 99% (OXFAM, 2023).

for society's survival and development as a direct result of environmental degradation caused by human activities".

In any case, the various dimensions of poverty affect the establishment and fulfillment of human rights (poverty as a deprivation of rights). Poverty undermines the enjoyment of human rights such as freedom, equality, integrity, housing, food, education, health, work, access to water and sanitation, access to culture, leisure, development, a healthy environment, and a safe climate. This study aims to establish that a just transition, seen as a new socio-economic paradigm against the adversities of climate change exacerbating poverty, has the potential to mitigate human rights violations.

2 The impacts of climate change on poverty, mitigation, adaptation, and resilience

Extreme weather events play a pivotal role in the vulnerability processes experienced by certain social groups, as affirmed by the Paris Agreement (ONU, 2015c, p. 10), particularly in Article 7.2 which addresses adaptation strategies: "[...] taking into account the urgent and immediate needs of those developing country Parties that are particularly vulnerable to the adverse effects of climate change".

Vulnerability is not synonymous with poverty. However, poverty does render individuals vulnerable, in their socio-environmental, economic, or political facets. It is one of the categories of vulnerability; a state of risk in which individuals or groups cannot cope. It is important to underscore that climate change primarily impacts social systems and individuals in vulnerable circumstances⁵. If vulnerability consists of the "propensity or predisposition to be negatively affected", (IPCC, 2014, p. 139) then it encompasses various concepts and elements, including sensitivity or susceptibility to harm and a lack of capacity to respond and adapt. In essence, "Vulnerability is a result of many interlinked issues concerning poverty, migration, inequality, access to basic services, education, institutions, and governance capacities, often made more complex by past developments, such as histories of colonialism" (IPCC, 2022, p. 1174).

In this scenario, it is evident that individuals and regions grappling with poverty face severe constraints on development. According to the Working Group II Report on Climate Change Impacts, Adaptation, and Vulnerability (IPCC,

⁵ Nearly half of the world's population—approximately 3.3 to 3.6 billion people—resides in contexts highly susceptible to the impacts of climate change (IPCC, 2022).

2022), global hotspots of high human vulnerability are primarily concentrated in Central and Eastern Africa, South Asia, Central America, South America, small island developing States, and the Arctic.

Considering this, the abovementioned Group (IPCC, 2022) illustrates that climate risks directly impact the livelihoods crucial to the poor, such as agriculture and fishing⁶ (poverty as material deprivation). This, in turn, directly affects fundamental rights such as the right to life, health, work, and food security (poverty as deprivation of rights). Moreover, climate change poses a significant obstacle to poverty reduction efforts and can exacerbate the likelihood of long-term chronic poverty. The Group estimates that by 2030, there will be an increase of 122 million people living in poverty—a figure nearly double the forecasts of the World Bank and ECOSOC. Additionally, it predicts 250,000 deaths per year by 2050 attributed to heat-related issues, malnutrition, malaria, and diarrhea, with half of these fatalities occurring on the African continent (IPCC, 2022).

Building upon this, Hallegatte and Rosenberg (2017), in a study on the impacts of climate change on the income of the poor (poverty as economic deprivation), found that in 92 developing countries, the poorest 40% of the population endured losses 70% greater than those experienced by individuals with average wealth. It is important to highlight that the richest 1%—comprising roughly 63 million individuals—account for 15% of cumulative emissions and 9% of the carbon budget, which is twice the contribution of the poorest half of the world's population (OXFAM, 2020). Despite climate change and poverty being global phenomena, there is a glaring asymmetry between those who perpetuate its causes and those who endure its consequences, whether at the individual or regional level.

The intricate relationship between poverty and climate change is evident in the primary agendas of global governance concerning these issues, particularly in coordinating efforts for sustainable development and adapting to, mitigating, and building resilience against climate change. Consequently, these agendas are inherently interconnected and interdependent, as their effective implementation requires close coordination between the two for the reasons previously described.

The overarching objective of the Paris Agreement (ONU, 2015c) is to “strengthen the global response to the threat of climate change, in the context

⁶ According to the International Labor Organization (ILO), approximately 1.2 billion jobs are directly reliant on the effective management and sustainability of a healthy environment, with sectors such as agriculture, fishing, and forestry heavily dependent on natural processes such as water and air purification, soil regeneration, pollination, pest control, temperature moderation, and protection against extreme weather events such as storms, floods, and winds (OIT, 2018).

of sustainable development and efforts to eradicate poverty” (Article 2) while the 2030 Agenda (2015), ratified in the same year, commits countries to Goal 1.5 (SDG 1), aimed at building “the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters” (ONU, 2015b, p. 17).

This dual approach underscores the imperative recognition that socioeconomic transformations essential for combating climate change and fostering a green and circular economy must incorporate a socially just transition to effectively alleviate poverty. It comes as no surprise that the ILO has advocated for the adoption of social justice, and social and labor measures to facilitate a socially just ecological transition as part of the process of greening the economy. In line with this, it has undertaken the responsibility of promoting the transition towards environmentally sustainable economies and societies by establishing the “ILO Guidelines for a Just Transition Towards Environmentally Sustainable Economies and Societies for All”, commonly known as the ILO Guidelines (2015).

Consequently, given the consequences of climate change and the challenges associated with poverty eradication, there is a pressing need for the implementation of mechanisms in compliance with the Paris Agreement—mitigation⁷, adaptation⁸, and resilience⁹—within the framework of an inclusive ecological transition that entails moving towards production and consumption practices with low carbon footprints, optimizing the use of natural resources, and fostering a fair transition towards an environmentally sustainable economy, which will be examined further in the subsequent section.

Mitigation (Article 4), adaptation (Article 7), and resilience (Article 2.1.b) serve as the foundational elements for achieving the objectives of the Paris Agreement, alongside financing. Regarding poverty, the IPCC (2019) asserts that,

7 Human intervention to reduce emissions or increase greenhouse gas sinks. They include technologies, processes or practices that contribute to mitigation, such as renewable energy technologies, waste minimization processes, and the promotion of sustainable public transportation practices (IPCC, 2022). Mitigation prevents future damage.

8 In human systems, adaptation refers to the process of adjusting to current or anticipated climate conditions and their effects to moderate harm or leveraging potential benefits. In natural systems, adaptation involves the process of responding to the actual climate and its impacts, with human intervention serving to facilitate adaptation efforts. They include a wide range of actions that can be classified as structural, institutional, ecological, or behavioral (IPCC, 2022). Adaptation prevents deterioration from causing further damage.

9 The ability of interconnected social, economic, and ecological systems to cope with hazardous events, trends, or disturbances by responding or reorganizing themselves in a manner that maintains their essential function, identity, and structure. Resilience is a positive trait when it maintains the ability to adapt, learn, and/or transform (IPCC, 2022). Being resilient enables one to adapt to adversity.

besides redistributive policies, it is essential to increase investments in adaptation and mitigation, accelerate technological innovation, and foster behavioral changes. Policies in this regard require a design rooted in the principles of climate justice, ensuring inter- and intra-generational equity and solidarity, acknowledging each country's historical responsibility for climate change, and promoting measures that safeguard human rights.

In this context, it is crucial to recognize the interconnected nature of community interests (human rights and the environment) and the imperative to promote internal initiatives capable of ensuring adherence to the aspirations outlined in international legal norms on human rights and the environment, surmounting the challenges stemming from existing deficiencies at both the normative level (such as the execution of these internal initiatives within the realm of international economic law) and the political-legal level (the adoption of social policies in an arena still dominated by neoliberal principles). In simpler terms, specific international legal standards for one must be adequately and seamlessly linked to corresponding international legal standards for the other to ensure a beneficial contribution to proper compliance (Bonet Pérez, 2021).

The relationship between international trade and climate change requires integration within the international legal framework, especially concerning trade in climate change mitigation and adaptation technologies that can bolster the resilience of impoverished populations, as highlighted by the IPCC (2022). The agricultural sector plays a pivotal role in poverty alleviation, with agriculture, particularly subsistence farming (where an estimated three-quarters of the impoverished population reside in rural areas), it being one of the sectors most heavily impacted by climate change.

Adaptation in this sector, along with technologies derived from traditional knowledge accumulated by local experience (such as sustainable natural resource management, crop diversification, and adaptive techniques in artisanal fishing), necessitate appropriate technologies to tackle a shifting climate and address the multifaceted dimensions of poverty, particularly in mitigating food insecurity, malnutrition, and health issues. In this regard, the use of labor-saving mechanisms, such as the traction plow, can reduce costs and improve production (UNEP, 2013), although their effects on employment can be perceived as negative. Traditional and modern biotechnologies, along with their transfer, can serve as tools to produce agricultural and livestock products that exhibit greater resistance to heat, pests, and other environmental stressors.

With this in mind, agroecology emerges as a multi-benefit approach to

building resilience to climate change. It fosters long-term productivity and ecosystem services, including pest control, soil health, pollination, and reduction of extreme temperatures, contributing to food security, nutrition, and livelihoods (IPCC, 2022).

Regarding mitigation efforts, the group of countries that managed to decouple their growth from Greenhouse Gas (GHG) emissions between 1995 and 2014 experienced a reduction in working-class poverty by an annual average of 4.6%. By contrast, the countries where growth was associated with increased GHG emissions saw a decrease at an annual average of 3.7% (OIT, 2018). This action is integral to the ecological transition process, representing international society's dedication to decoupling their growth from GHG emissions, and entails various measures, including the transition to carbon neutrality in energy, as well as combating deforestation. Furthermore, these data underscore the feasibility of implementing a just transition approach that simultaneously bolsters socioeconomic advancement while mitigating poverty and inequality.

However, poverty imposes significant constraints on adaptation, particularly for vulnerable groups such as women, youth, older adults, ethnic and religious minorities, Indigenous peoples, and refugees (IPCC, 2022). Indeed, there is still a limited understanding of adaptation strategies necessary to enhance resilience and mitigate the impacts of climate change for these groups. Moreover, investment in poverty alleviation does not automatically translate into adaptation to climate change, and even when adaptation measures are implemented, they do not always effectively reduce the vulnerability of the most marginalized (IPCC, 2022).

In tandem with the compliance mechanisms of the Paris Agreement aimed at transitioning towards a climate-neutral economy, it is imperative to ensure a just transition capable of encompassing the individuals and regions most susceptible to climate change, while also mitigating its exacerbating effects on poverty.

3 Just transition in the face of socioeconomic transformation: political-legal assumptions for its implementation

The escalating global concern over environmental issues has produced a growing, albeit not unanimous, awareness, regarding the responsibilities and genuine commitment of stakeholders involved in 21st-century socioeconomic development, as “Climate change and the depletion of natural resources render many economic activities unsustainable” (Sofroniou; Anderson, 2021, p. 23; free translation) Consequently, it seems indisputable that economic performance will

have to adapt, to varying extents, both on a global scale and in terms of its local implications, to a revised conception of the production and exchange of goods and services. A systemic approach underscores that these changes must impact the political and legal dimensions of human development policies, thus influencing the struggle to eradicate poverty.

This observation also signals, from both socioeconomic and legal-political standpoints, the importance of the reinforcement of a dual and rejuvenated understanding of the core tenets of sustainability (economic, environmental, and social). Firstly, there is a clear imperative for a “fundamental transformation, environmentally speaking, in the utilization of natural resources and modes of production [and consumption]” (Nieto, Sánchez, & Lobato, 2020, p. 117; free translation). In essence, this entails a shift towards a more environmentally conscious economy that fosters the fight against climate change, towards a green and circular economy. Thus, there emerges a consequential and rejuvenated focus on addressing poverty within a global context vastly different from that which initially conceptualized the notion of sustainability¹⁰. It is increasingly recognized that poverty “does not solely afflict developing countries and transitioning societies, but is a global phenomenon experienced to varying degrees by all States” (DESC Committee, 2001, para. 5; free translation). Consequently, given the ramifications of the prevailing paradigm of global economic governance, i.e., its adverse effects (Xó, 2021), poverty emerges as an international phenomenon stemming from global and regional factors, and to some extent, the dynamics of the “relationship between nation-states” (Kouchner, 2003-2004, p. 77). The progressive eradication of poverty, therefore, demands a more comprehensive socioeconomic perspective, one that is also interlinked with human rights, “the mainstreaming human rights approach should apply to their real-life job” (Costa, 2008, p. 82).

Similarly, the potential consequences of this new paradigm are pivotal for a dynamic and transformative outlook that evokes the concept of transition—defined by the *Merriam-Webster*, in its primary sense, as “a change or shift from one state, subject, place, etc. to another” (Transition, 2024;). Translated into the realm of social sustainability (an essential dimension in the political and legal terms shaping global governance profiles), it aims to ensure a fair distribution of the

10 While “significant references to the social and labor dimensions concerning environmental issues emerged as early as 1972, during the Stockholm Conference”, and were reiterated “twenty years later at the Rio Summit on Environment and Development in 1992, and the Rio+10 in Johannesburg” (alongside the Summit on Social Development in 1995), it was not until the 21st century (Nieto, Sánchez, & Lobato, 2020) that the severity of the climate crisis and its foreseeable impacts began to underscore the necessity of promoting a transition process that, among other imperatives, must be fair and equitable.

process in social terms, known as a just transition¹¹.

This perspective finds validation in the political and legal conclusions drawn at the United Nations Conference on Sustainable Development Rio+20, as articulated in its Final Document (ONU, 2012): (1) The eradication of poverty is identified as the most significant global challenge and an “indispensable requirement for sustainable development” (para. 2)¹². In which “poverty eradication, changing unsustainable patterns and promotion sustainable patterns of consumption and production and protecting and managing the natural resource base of economic and social development” (para. 4) are the overall objectives; (2) There is a recognized necessity to establish a global framework, particularly within each nation, to foster a green economy. States are urged to formulate policies in this direction, “to apply them for the transition towards sustainable development” (para. 59)¹³; (3) This process requires a “just transition, including programmes to help workers” (para. 152); and (4) “poverty eradication, full and productive employment and decent work for all, and social integration and protection are interrelated and mutually reinforcing, and that enabling environments to promote these need to be created at all levels” (para. 147).

Subsequent progress in this political and legal understanding led to the inclusion of a similar perspective in the Preamble of the Paris Agreement, adopted as a result of the United Nations Conference on Climate Change (COP21) on December 12, 2015, which acknowledges a dual dimension within the context of measures to combat the serious threats posed by climate change: (1) The intrinsic relationship between action to address climate change and its impacts on sustainable development and poverty eradication, including specific mention of the impact of climate change on food security. (2) The recognition that the fight against climate change calls for “a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities and strategies”.

While the trinomial approach of climate change/sustainability/poverty remains prevalent, the concept of a just transition is increasingly emphasized, particularly in anticipation of forthcoming productive transformations aimed at

11 The next section will delve into its apparent significance within the context of this work.

12 Previously, Principle 5 of the Rio Declaration on Environment and Development (1992).

13 The transition toward a sustainable society has been an idea present for some time, evident in initiatives such as the call for a “general process of transition to economic and ecological policies that are complementary and mutually reinforcing” (Point 8.30 of the Agenda 21, adopted at the United Nations Conference on Environment and Sustainable Development in Rio de Janeiro, June 3-14, 1992).

addressing the challenge of climate change, with a focus on dealing with the workforce in affected countries¹⁴. In short, a significant socioeconomic transformation is imperative, encompassing both the methods and resources employed in production, including labor, and a normative shift in the internal structure of work relations. It is also evident that such a reconversion requires a period of adaptation or transition in line with the principles of social justice; a concept integral to the International Labor Organization's (ILO) mandate.

The very title of Resolution 70/1 of the United Nations General Assembly, dated September 25, 2015 (ONU, 2015b), which delineates the political and legal strategy underpinning the Sustainable Development Goals (SDGs), evokes the concept of a society transitioning towards alternative economic and productive relations, which can contribute to the eradication of poverty, "Transforming our world: the 2030 Agenda for Sustainable Development". The Preamble further upholds the political and legal commitment to "take the bold and transformative steps which are urgently needed to shift the world on to a sustainable and resilient path", with a pledge to leave no one behind. This entails environmental, social, and economically viable measures. Above all, it is the 17 Sustainable Development Goals (SDGs) and their specific goals that collectively shine some light on the urgent need for an energy and productive transition towards sustainable development, reinforcing efforts to combat climate risks and poverty while adhering to principles of justice and equity. In this regard, it is crucial to highlight that the SDGs integrate these endeavors with progress towards decent work for all and the reduction of inequalities (SDGs 8 and 10).

This interconnectedness and mutual influence¹⁵ cannot be overlooked, considering not only the values involved but also the conceptual framework of the Sustainable Development Goals (SDGs) themselves. Moreover, the framing of development cooperation around the right to development and the human rights-based perspective of the United Nations (UN)¹⁶ underscores that this political-

14 Indeed, this approach finds support in the technical-legal framework provided by the general principles for the interpretation of international treaties outlined in the Vienna Convention on the Law of Treaties, dated May 23, 1969, which is now part of the General International Law (Johansson, 2023).

15 In essence, it is about providing a unified and interconnected perspective on the principal threats to human security, acknowledging that the author's view may seem overly optimistic. The United Nations "has taken the lead in countering the existing threats to human security by formulating policies and goals to ensure an adequate level of human security globally" (Qureshi, 2020, p. 384).

16 For instance, in 2015, the Action Agenda adopted during the Third International Conference on Financing for Development (Addis Ababa, Ethiopia, July 13 to 16, 2015) calls to "commit to a new social compact", whereby state intervention "will provide fiscally sustainable and nationally appropriate social protection systems and measures for all, including floors, with a focus on those furthest below

-legal approach extends beyond mere climate change mitigation measures. It is intricately tied to broader human rights principles, including labor law. In both contexts, there is a well-established international framework for recognition and protection.

As observed by Chatterjee (2002, p. 165,):

Offenses against the rights to life, food, and housing also raise questions of environmental justice, though for these rights the concern is rooted in distributive justice. The violation of each of these human rights is, in a very real sense, a cost that individuals and their state representatives must bear due to the actions of others. For example, extreme weather events and rising sea levels have the potential to kill countless individuals worldwide.

Ultimately, the struggle to attain the political-legal goals outlined and encapsulated as the pursuit of a more sustainable economy, both environmentally and socially, facilitating climate mitigation, adaptation, resilience, and poverty eradication, stands as a primary aim of good governance, which inherently encompasses the complete realization of human dignity and human rights (Kuhner, 2003-2004).

The presumption of urgency (or, rather, urgencies) that now stands out concerning some of the vectors of the sustainability/climate change/poverty trinomial highlights the importance of initiating rational and orderly processes of transformation of models of production and distribution of goods and services and, therefore, to effectively initiate just transitions.

Additionally, it underscores the importance of bearing in mind during this struggle for a just transition, and to guarantee its fairness, the political-legal and juridical frameworks of international human rights protection and International Human Rights Law.

An initial and general examination of its political-legal parameters shows the significance of acknowledging that poverty, in itself and as a manifestation of a condition that deprives individuals of a range of human rights, is not only “a form of structural oppression” (Modiri, 2015, p. 260) but also inflicts significant harm to human dignity and results in the violation of internationally recognized human rights (poverty as a deprivation of rights). In this context, it can be argued that within the international community, aligned with the incremental yet notable shifts in the perception of global governance conditions, there exists a discernible

the poverty line and the vulnerable, persons with disabilities, indigenous persons, children, youth and older persons “(§§ 1, 12). It is noteworthy that this approach signifies a subtle shift in the guiding principles of global economic governance.

inclination to address a longstanding deficiency in the practical application of human rights in assessing situations of poverty, as there is an

[...] emerging awareness of human rights law's silence on radical inequality and on positive obligations of redistribution (distributive equality). That is particularly problematic, given the strong emphasis on redistribution in post-growth and doughnut economics (Vandenhole, 2018, p. 260).

In more specific legal terms, apart from the reference to norms of international labor law, it is crucial to highlight the increasing legal treatment of poverty as a challenge impacting the effective observance of human rights at both the universal and regional levels. This is evident from the perspective of the existence of norms within general international law recognizing human rights, as well as the application of international human rights treaties addressing policies or circumstances that perpetuate poverty. Thus, and without delving into an analysis of universal and regional practices that assess and monitor compliance with international legal obligations Article 30 of the revised European Social Charter (1996) is worthy of mention. It explicitly mandates States Parties to safeguard individuals against poverty and social exclusion¹⁷.

However, it is essential to recognize that the potential consensus reflected in the political and legal guidelines described, regarding the global and state management of the sustainability/climate change/poverty trilemma may not easily translate into international and state practices, not only due to its inherent flexibility but also because: (1) This consensus lacks a deeply ingrained and uniform conviction that would generate widely shared reactions to influence international cooperation and/or unilateral decisions by States; (2) Despite their gradual decline, neoliberal principles still hold preeminence in economic governance, potentially influencing state actions and causing hesitation in decision-making processes; and (3) The ambiguous stance of influential international private economic actors, such as multinational companies, towards the advancement of these political and legal guidelines further complicates the situation. Furthermore, it is evident that within the realm of human rights, the failure of countries to fulfill their international legal obligations raises doubts about their real universality and practical effectiveness.

17 "With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake: (a) to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance; (b) to review these measures with a view to their adaptation if necessary".

4 The material scope of policies and actions for a just transition

The Preamble of the Paris Agreement seemingly advocates for a just transition¹⁸ for workers (Johansson, 2023), within the context of the productive restructuring aimed at fostering a greener economy, which is essential for urgently confronting the impacts of climate change. Hence, it has become apparent that politically and legally (given the non-prescriptive nature of the Preamble of the Paris Agreement), a scenario is unfolding wherein significant economic transformations (essential for ecological imperatives) must be accompanied by the implementation of policies and decisions aimed at mitigating the effects this process will inevitably have on employment and workers at the national level. Simultaneously, it is crucial to facilitate the adjustment of labor relations to this evolving landscape. In terms of terminology, it might be more accurate to refer to this as a just ecological transition (Galgóczy, 2021).

The concept of a just transition is not new and originated from union movements in response to state industrial restructuring processes (Galgóczy, 2021). Therefore, the issue of effects on the workforce and labor relations cannot be avoided. Indeed, while the notion of a just transition seemingly centers on a particular objective from a political-legal standpoint, the ILO, whose mandate extensively affects this domain, has garnered particular influence in delineating its parameters. This influence has been notably pronounced since the adoption of its “Political Guidelines for a Just Transition Towards Environmentally Sustainable Economies and Societies for All” in 2015.

A close examination and analysis of these guidelines unveils the true extent of the ILO’s political-legal commitment to the States, which aligns with the central idea of its mandate, rooted in social justice and framed within the context of pursuing the SDGs and fostering a green and circular economy: (1) The essential integration of decent work into State policies and programs, a principle also embedded within the SDGs, including the implicit consideration of gender dimensions, as a means to ensure the sustainability of economic growth (par. 10 and 19,c); (2) Ensuring that the economy remains productive and society remains inclusive “to provide decent work opportunities for all, reduce inequalities, and

18 According to the ILO, “A Just Transition means greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind. A Just Transition involves maximizing the social and economic opportunities of climate action, while minimizing and carefully managing any challenges – including through effective social dialogue among all groups impacted, and respect for fundamental labour principles and rights” (OIT, [20--?]).

effectively eradicate poverty” (para. 11); and (3) Recognizing the diverse spheres of implementation for government policies, “which must simultaneously address environmental, economic, and social sustainability” (para. 20.3). Ultimately, these policies should create “an enabling environment for companies, workers, investors, and consumers to embrace and drive the transition towards inclusive and environmentally sustainable economies and societies” (19.e).

From a social and human perspective, the ILO advocates for a comprehensive vision of a just ecological transition. This vision extends beyond mere decarbonization efforts and the promotion of alternative energies, acknowledging that productive and economic transformations should encompass more than just reducing reliance on fossil fuels. The ILO’s approach to a just ecological transition goes beyond addressing potential job losses and protecting dismissed employees. It encompasses ensuring sustainable human and social development by advancing the green and circular economy, contributing to poverty eradication, and preventing social exclusion¹⁹. Moreover, the elements of decent work—fundamental rights at work, employment, social protection, and social dialogue—transcend the limited realm of safeguarding labor rights, which could impede productive transformation. For instance, in terms of comprehending social protection, aligning with the ILO’s mandate for social justice, as observed in its legal and programmatic instruments mentioned in the Annex to the ILO Guidelines as “pertinent to a framework of just transition”²⁰. As articulated in Section I. (C) of the ILO Centenary Declaration on the Future of Work dated June 21, 2019, the “future of work is fundamental for sustainable development that puts an end to poverty and leaves no one behind”—it does not, however, stand as a sole determinant.

The political-legal parameters derived from the Preamble of the Paris Agreement are clear: (1) It is imperative, and time-sensitive, to undertake a transition that intertwines two inherently linked objectives: transitioning towards a more sustainable economy (ecological dimension) while ensuring fairness in the process (social dimension); and (2) To integrate, within the framework of regulatory development and implementation of the Paris Agreement, a political-legal approach that not only safeguards labor rights but also prioritizes the overall wellbeing of humanity, encompassing provisions for sufficient social protection within States.

19 In exploring the concept further, it becomes evident that “transition-focused design offers a comprehensive approach capable of fostering and nurturing the skills and collective changes necessary for promoting sustainable systemic shifts” (Juri; Zurbriggen, 2022, p. 116, free translation).

20 For instance, in Convention No. 117 on social policies (objectives and core principles) dating back to 1962, there is a commitment to “promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, condition of employment, the remuneration of wage earners and independent producers, the protection of migrant worker, social security, standards of public service and general production” (Preamble).

This approach is explicitly articulated through the interpretative role fulfilled by the Preamble, as well as its political-legal function of “amplifying the recognition of terms or ideas or further legitimising their use” (Johansson, 2023, p. 239), which impacts state practices and shapes future international agreements²¹.

At COP24 in Katowice in 2018, the Heads of State and Government endorsed the Silesia Declaration on Solidarity and Just Transition, affirming the integration of decent work into the concept of a fair climate transition and recognizing that:

[...] just transition of the workforce and the creation of decent work and quality jobs are crucial to ensure an effective and inclusive transition to low greenhouse gas emission and climate resilient development, and to enhance the public support for achieving the long term goals of the Paris Agreement (Point 6)²².

COP 26 in Glasgow aimed to elucidate the meaning and extent of just transition as outlined in Decision 1/C26 (FCCC, 2021)²³, to attain a more comprehensive understanding of the social aspect of just transition. In alignment with this objective, Decision 1/CM4 of COP 27 (FCCC, 2022) calls for the development, in its 53rd article, of a “Work Programme on Just Transition Pathways”, to draft paragraphs 51²⁴ and 52²⁵. During the meeting of the Subsidiary Body for

21 “From this perspective, the preambular reference to just transition in the Paris Agreement is substantially significant as it—together with the reference to human rights, the rights of particular groups, gender equality and inter-generational equity—broadened the scope of terms and ideas explicitly acknowledged as relevant within international climate law” (Johansson, 2023, p. 239).

22 As per Decision 7/CM.1 (FCCC, 2018), which restricts the forum’s capacity to provide recommendations regarding the effects of implementing response measures, it is imperative that the forum’s work plan encompasses critical aspects. These include evaluating the impact of response measures from the perspective of intergenerational equity, gender considerations, and the needs of local communities, indigenous peoples, young individuals, and other vulnerable populations (Point 9, Annex 2 of Decision 4/CP.25, FCCC, 2019)).

23 In its § 20, the document specifies a mitigation measure that entails adopting policies geared towards fostering a green and circular economy, inclusive of the associated technological aspects, with the aim of assisting “to the poorest and most vulnerable in line with national circumstances”, in line with “the need for support towards a just transition”, while further recognizing the necessity, within the proposed implementation measures, to “promote sustainable development and eradication of poverty, and the creation of decent work and quality jobs, including through making financial flows consistent with a pathway towards low greenhouse gas emission and climate-resilient development, including through deployment and transfer of technology, and provision of support to developing country Parties”.

24 “Affirms that sustainable and just solutions to the climate crisis must be founded on meaningful and effective social dialogue and participation of all stakeholders and notes that the global transition to low emissions provides opportunities and challenges for sustainable economic development and poverty eradication”.

25 “Emphasizes that just and equitable transition encompasses pathways that include energy, socioeconomic, workforce and other dimensions, all of which must be based on nationally defined development priorities and include social protection so as to mitigate potential impacts associated with the transition, and highlights the important role of the instruments related to social solidarity and protection in mitigating the impacts of applied measures”.

Scientific and Technical Advice (SBSTA, 2023), a document was circulated outlining the agenda items for this just transition (SBSTA, 2023), and “the specific mandate of the new work programme” is expected to be addressed at COP 28 (Johansson, 2023, p. 245).

During COP 28 in Dubai, approval seems to have been granted for the initiation of this new program, the Work Programme on Just Transition Pathways outlined in the paragraphs of Decision 1/CMA.4 (FCCC, 2023). The establishment of a just transition here seems to rely on two key parameters: (1) Providing an in-depth analysis of its content or social dimension that extends beyond the scope defined in the Preamble and even surpasses the initial social objectives outlined for the just transition; and (2) Regarding the specific parameters outlined in this program to delineate and guide the proposal for a just transition, it appears to broaden its focus to include not only the adoption of specific decarbonization measures and their socio-labor impacts but also broader concerns. For instance, there is mention of poverty eradication as an objective, indicating a more comprehensive approach. However, it is acknowledged that, from a human rights-based perspective, the program presents inherent limitations in its objectives²⁶.

The sense of ambiguity is evident from the outset of the inaugural ministerial meeting on just transition, where a comprehensive yet inconclusive assessment of national and international challenges and opportunities was conducted,

Just transition strategies emphasize the need for equitable socioeconomic development, which involves creating policies that not only mitigate climate change but also address poverty and inequality and ensure sustainable economic growth” (FCCC, 2023a).

In summary, COP 28’s contribution to the notion of just transition has evolved from a narrow focus on labor issues to a more expansive concept (Johansson, 2023) potentially lacking in scope yet, ultimately, more encompassing.

²⁶ Included in this Program are: “(a) Just transition pathways to achieving the goals of the Paris Agreement outlined in Article 2, paragraph 1, in the context of Article 2, paragraph 2; (b) Just and equitable transition, which encompasses pathways that include energy, socioeconomic, workforce and other dimensions, all of which must be based on nationally defined development priorities and include social protection so as to mitigate potential impacts associated with the transition; (c) Opportunities, challenges and barriers relating to sustainable development and poverty eradication as part of transitions globally to low emissions and climate resilience, taking into account nationally defined development priorities; (d) Approaches to enhancing adaptation and climate resilience at the national and international level; (e) Just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities, including through social dialogue, social protection and the recognition of labour rights; (f) Inclusive and participatory approaches to just transitions that leave no one behind; (g) International cooperation as an enabler of just transition pathways towards achieving the goals of the Paris Agreement” (FCCC, 2023, p. 2-3).

It provides direction for Paris Agreement implementation from a perspective grounded in equity and justice, largely shaped by negotiation and consensus among the Parties rather than solely by the Preamble itself. Based on the above, three fundamental concepts emerge: (1) Even when considering only the social aspect of the just transition, it should be interpreted within the framework of the Paris Agreement as a comprehensive set of measures tied to the transformative processes of the state, extending beyond solely labor-related concerns; (2) Just transition is increasingly acknowledged as a guiding principle for climate action, prompting inquiries into its correlation with other guiding principles outlined in the Paris Agreement (Johansson, 2023); and (3) It is crucial to develop regulatory frameworks for combating climate change, whether under the auspices of the Paris Agreement or external initiatives like the ILO Guidelines, which should guide implementing measures that can be evaluated, at least to some extent, as part of nationally determined contributions (NDCs).

In the context of the European Union a Green Deal (CE, 2019) has been championed since 2020 to spearhead a strategy for growth, emphasizing its participatory nature and the paramount importance placed on achieving widespread acceptance, aiming to,

[...] transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and here economic growth is decoupled from resource use. It also aims to protect, conserve and enhance the EU's natural capital, and protect the health and well-being of citizens from environment-related risks and impacts. At the same time, this transition must be just and inclusive (CE, 2019, p. 2).

The concept of just transition is also found in the European Climate Legislation (UE, 2021), in addition to being repeatedly emphasized in the preamble. Ensuring a fair and socially equitable transition for all is recognized as a crucial aspect concerning the EU's climate target for 2040 (Article 4.5.c). Furthermore, there is a recognition of the necessity to engage “with all parts of society to enable them to take action towards a just and socially fair transition to a climate-neutral and climate-resilient society” (Article 9).

The EU's technical and financial mechanisms for facilitating a just transition seem to concentrate their efforts on the regions and sectors most impacted by the shift to a low-carbon economy; namely, the Just Transition Mechanism and the Just Transition Fund (UE, 2021)²⁷. It does not initially appear that these mechanisms outline a transformative action as comprehensive as that implied by the

²⁷ Article 1 stipulates that its purpose is “to support the population, economy, and environment of territories facing significant socioeconomic challenges resulting from the transition process towards the objectives”.

Green Pact, nor do the proposed policies seem to plan for “long-term strategies in Europe, involving radical changes in production mechanisms and structures aiming to achieve fair and sustainable outcomes across all nations” (San Martín Rodríguez, 2021, p. 611-612; free translation). Setting aside both internal and external factors such as shifts in the global order that could hinder its successful implementation (Lasheras Merino, 2021), it is undeniable that community action in this realm must be aligned with the endeavors of the European Pillar of Social Rights and its Action Plan. This alignment ensures a cohesive interpretation of the EU’s commitment to addressing the challenges of fostering “competitive sustainability”, a concept central to the European social market economy, as emphasized by the European Commission (CE, 2021, p. 3).

The emphasis on a comprehensive approach contains a crucial consideration: the ecological transformation of production (green and circular economy) must not only focus on the territories and sectors most reliant on carbon but also catalyze a broader transformation within the country’s economic system toward a green economy, calling for the development of policies that extend beyond addressing the needs of vulnerable territories and sectors, fostering a process of greening production and employment.

It is imperative to address the labor-related aspects arising from the productive transformation. The ILO highlights that changes in energy production and use by 2030 “will result in the loss of approximately 6 million jobs and the creation of around 24 million jobs” (OIT, 2018, p. 1). This includes assistance for those displaced by transition measures and investment in retraining and updating professional skills. As “somewhat higher qualifications and new sets of skills” will be needed (OIT, 2019, p. 31) for green jobs through education and vocational training, proactive measures are required to anticipate future trends, “ensuring that States can mitigate both inequality, poverty, and labor shortages” (Álvarez Cuesta, 2022, p. 326, free translation).

However, social concern should not solely revolve around employment and assistance for those affected by transformative measures. It should also encompass a broader aspiration to foster a sustainable job market and society, where decent work prevails, inequality (including gender inequality) is addressed, and the protection of the most vulnerable is prioritized, ultimately aiming to eradicate poverty and social exclusion. From this perspective, we must acknowledge that the just transition must align with other factors influencing and continuing to impact productive transformation; the repercussions on living standards stemming from the consequences of climate change (ILO, 2023, p. 27) and the effects

of digitalization (the 4th Industrial Revolution), which are likely to present both employment challenges and solutions.

The second and concluding consideration in this context builds on the preceding suggestions. To a considerable degree, states undertake international (and domestic) legal commitments regarding human rights that not only inform this just transition but also have the potential to advance this comprehensive approach:

- The concept of decent work advocates, among other principles, for the universal realization of five fundamental rights at work²⁸, which are legally binding for at least the 187 member states of the ILO. Additionally, beyond the imperative of social dialogue, the normative efforts of the ILO have reinforced the idea, proposed years ago, of a social protection basis. This concept was further endorsed within the United Nations system through the SPF1 Initiative adopted by the Executive Board of the United Nations System (2009) and through Recommendation No. 202 on social protection floors (2012).
- Beyond the specific provisions of treaties addressing the fight against poverty and social exclusion (notably Article 30 of the revised European Social Charter), it can be argued that safeguarding against poverty and social exclusion, including, if necessary, addressing disproportionate and unjustifiable inequalities, can be inferred from the provisions of the International Covenant on Economic, Social and Cultural Rights and other international treaties. This is in line with the guidance provided by competent international bodies and institutional actions, such as the Principles and Guidance on Extreme Poverty and Human Rights. Moreover, the principle of human dignity is inherently intertwined with safeguarding individuals in situations where the State fails to meet their most basic needs or where social exclusion is prevalent²⁹.

Final considerations

Just transition policies and processes, grounded in the greening of the economy

28 (1) Freedom of association and the effective recognition of the right to collective bargaining; (2) The eradication of all forms of forced and compulsory labor; (3) The effective abolition of child labor; (4) The elimination of discrimination in employment and occupation; and (5) Ensuring a safe and healthy work environment. The latter addition stemmed from the adoption by the General Conference of the Resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, on 6 June 2022.

29 This would likely encompass the fundamental rights at work identified by the ILO, as well as the core principles of economic, social, and cultural rights highlighted by the Committee on Social and Cultural Rights. Alternatively, a closely related proposal involves recognizing the basic core of human rights, which, unlike when the initial proposal was formulated, is now integrated into the SDGs (Alston, 2005).

and human rights, the creation of decent jobs, adequate social protection, and sustainable growth policies, serve as a crucial link between addressing the adverse effects of climate change and the eradication of poverty and inequality. In addition to this, the principles that no one size fits all and no one should be left behind are paramount, as well as understanding the multidimensionality of poverty and its most challenging aspect to make tangible: poverty as a deprivation of rights.

The implementation of just transition processes is contingent upon a multitude of hard law and soft law instruments, encompassing environmental, social, and economic policies. Together, they seemingly reflect the intrinsic workings of the international legal system—a dynamic interplay between various realms of international regulation, culminating in a closer alignment with human rights principles. Consequently, state intervention through a comprehensive agenda is imperative, one that effectively addresses and prioritizes the challenges of sustainable development advocated nearly four decades ago, particularly SDG 1 – ending poverty, SDG 8 – promoting decent work and economic growth, SDG 10 – reducing inequalities, and SDG 13 – climate action. The agenda should also encompass the foundational pillars for implementing the objectives of the Paris Agreement, namely adaptation, mitigation, and resilience.

References

- ALSTON, P. Ships Passing in the night: the current state of the human rights and development debate seen through the lens of the millennium development goals. *Human Rights Quarterly*, v. 27, n. 3, p. 755-829, 2005.
- ALTMIR, O. *La dimensión de la pobreza en América Latina*. Santiago de Chile: Cuadernos de la Cepal, 1979.
- ÁLVAREZ CUESTA, H. La lucha contra la crisis climática en la ley de cambio climático en España: ¿una verdadera apuesta por una transición justa? *Revista Internacional y Comparada de Relaciones Laborales y Derecho del Empleo*, v. 10, n. 1, p. 315-333, 2022.
- BANCO MUNDIAL. *La pobreza y la prosperidad compartida*. Corregir el rumbo. Washington: BM, 2022. Available from: <https://openknowledge.worldbank.org/server/api/core/bitstreams/972eca5c-861c-5e4c-9962-717f4cd22e58/content>. Access on: June 12, 2023.
- BONET PÉREZ, J. Transformaciones contemporáneas del derecho internacional público. In: ESTÉVEZ ARAÚJO, José (ed.). *El derecho ya no es lo que era: las transformaciones jurídicas en la globalización neoliberal*. Madrid: Editorial Trotta, p. 245-276, 2021.
- BONET PÉREZ, J. La pobreza como vector de inseguridad global e interna: una aproximación regulatoria. *Revista de estudios en seguridad internacional*, v. 8, n. 2, p. 1-21, 2022.
- BU, X. Leaving No one behind: reflections on global poverty eradication. *China International Studies*, n. 88, p. 5-19, 2021.
- CHATTERJEE, C. Climate change, poverty and human rights: an emergence without precedent.

Indian Journal of Law and Justice, v. 11, n. 1, p. 159-176, 2020.

COMISSIÃO EUROPEA. *El pacto verde europeo*. Bruselas: CE, 2019. Available from: https://eur-lex.europa.eu/resource.html?uri=cellar:b828d165-1c22-11ea-8c1f-01aa75ed71a1.0004.02/DOC_1&format=PDF. Access on: Aug. 15, 2023.

COMISSIÃO EUROPEA. *Plan de Acción del pilar europeo de derechos sociales. Comunicación de la Comisión al Parlamento Europeo, al Consejo Europeo, al Comité Económico y Social Europeo y al Comité de las Regiones*. Bruselas: CE, 2021. Available from: https://eur-lex.europa.eu/resource.html?uri=cellar:b7c08d86-7cd5-11eb-9ac9-01aa75ed71a1.0004.02/DOC_1&format=PDF. Access on: Aug. 20, 2023.

COMITÉ DE DERECHOS ECONÓMICOS, SOCIALES Y CULTURALES. *La pobreza y el pacto internacional de derechos económicos, sociales y culturales*. Ginebra: Comité DESC, 2001.

COMITÉ DE DERECHOS HUMANOS. *Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo*. Ginebra: CDH, 2008. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/111/59/PDF/G0811159.pdf?OpenElement>. Access on: July 13, 2023.

COMITÉ DE DERECHOS HUMANOS. *Principios rectores sobre la extrema pobreza y los derechos humanos, presentado por la Relatora Especial sobre la extrema pobreza y los derechos humanos*. Ginebra: CDH, 2012. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/154/63/PDF/G1215463.pdf?OpenElement>. Access on: July 12, 2023.

COMITÉ EUROPEO DE DERECHOS SOCIALES. *Digest of the case law of the European Committee of Social Rights*. Ginebra: CEDS, 2022. Available from: <https://rm.coe.int/digest-ecsr-prems-106522-web-en/1680a95dbd>. Access on: Sep. 13, 2023.

CONSEJO ECONÓMICO Y SOCIAL. *Substantive issues arising in the implementation of the international covenant on economic, social and cultural rights: poverty and the international covenant on economic, social and cultural rights*. Nueva York: ECOSOC, 2001. Available from: <https://www2.ohchr.org/english/bodies/cescr/docs/statements/e.c.12.2001.10poverty-2001.pdf>. Access on: Aug. 15, 2023.

CONSEJO ECONÓMICO Y SOCIAL. *Progresos realizados para lograr los Objetivos de Desarrollo Sostenible*. Nueva York: ECOSOC, 2022. Available from: <https://unstats.un.org/sdgs/files/report/2022/secretary-general-sdg-report-2022--ES.pdf>. Access on: Aug. 1, 2023.

CORTINA, A. *Aporofobia, el rechazo al pobre: un desafío para la sociedad democrática*. Barcelona: Paidós, 2017.

COSTA, F. Poverty and human rights: from rhetoric to legal obligations a critical account of conceptual framework. *Sur International Journal on Human Rights*, v. 5, n. 9, p. 81-108, 2008.

FRAMEWORK CONVENTION ON CLIMATE CHANGE. *Informe de la Conferencia de las Partes en calidad de reunión de las partes en el Acuerdo de París sobre la tercera parte de su primer período de sesiones, celebrada en Katowice del 2 al 15 de diciembre de 2018*. Bonn: FCCC, 2018. Available from: https://unfccc.int/sites/default/files/resource/CMA2018_3a02S.pdf. Access on: Sept. 2, 2023.

FRAMEWORK CONVENTION ON CLIMATE CHANGE. *Informe de la Conferencia de las Partes sobre su 25º período de sesiones, celebrado en Madrid del 2 al 15 de diciembre de 2019*. Bonn: FCCC, 2019. Available from: https://unfccc.int/sites/default/files/resource/cp2019_13a01S.pdf. Access on: Sept. 3, 2023.

FRAMEWORK CONVENTION ON CLIMATE CHANGE. *Glasgow Climate Pact*. Bonn: FCCC, 2021. Available from: https://unfccc.int/sites/default/files/resource/cop26_auv_2f_cover_decision.pdf. Access on: Sept. 26, 2023.

FRAMEWORK CONVENTION ON CLIMATE CHANGE. *Draft decisions 1/CP.27 and 1/CMA.4*. Bonn: FCCC, 2022. Available from: https://unfccc.int/sites/default/files/resource/Decisions_1CMA4_1COP27.pdf. Access on: Sept. 13, 2023.

FRAMEWORK CONVENTION ON CLIMATE CHANGE. *Programa de trabajo sobre las trayectorias hacia una transición justa a que se hace referencia en los párrafos pertinentes de la decisión 1/CMA.4*. Bonn: FCCC, 2023. Available from: https://unfccc.int/sites/default/files/resource/cma2023_L14s.pdf. Access on: Sept. 10, 2023.

FRAMEWORK CONVENTION ON CLIMATE CHANGE. *First annual high-level ministerial round table on just transition*. Informal note by the President. Bonn: FCCC, 2023a. Available from: https://unfccc.int/sites/default/files/resource/JTWP_HLMRT_informal_note.pdf Access on: March 18, 2024.

GALGÓCZI, B. La transición justa sobre el terreno: aspectos sectoriales específicos, el papel de los sindicatos y los derechos sociales. *Gaceta Sindical: reflexión y debate*, n. 36. p. 17-38, 2021.

HALLEGATTE, S.; ROZENBERG, J. Climate change through a poverty lens. *Nature Climate Change*, v. 7, n. 4, p. 250-256, 2017.

INTERGOVERNMENTAL PAINEL ON CLIMATE CHANGE: *Cambio climático 2014: Informe de síntesis*. Contribución de los Grupos de trabajo I, II y III al quinto informe de evaluación del Grupo Intergubernamental de Expertos sobre el Cambio Climático. Ginebra: IPCC, 2014. Available from: https://www.ipcc.ch/site/assets/uploads/2018/02/SYR_AR5_FINAL_full_es.pdf. Access on: Sept. 15, 2023

INTERGOVERNMENTAL PAINEL ON CLIMATE CHANGE. *Calentamiento global de 1,5°C*. Informe especial del IPCC sobre los impactos del calentamiento global de 1,5 °C con respecto a los niveles preindustriales y las trayectorias correspondientes que deberían seguir las emisiones mundiales de gases de efecto invernadero, en el contexto del reforzamiento de la respuesta mundial a la amenaza del cambio climático, el desarrollo sostenible y los esfuerzos por erradicar la pobreza. Resumen para responsables de políticas. Ginebra: IPCC, 2019. Available from: https://www.ipcc.ch/site/assets/uploads/sites/2/2019/09/IPCC-Special-Report-1.5-SPM_es.pdf. Access on: July 26, 2023.

INTERGOVERNMENTAL PAINEL ON CLIMATE CHANGE. *Climate Change 2022: Impacts, adaptation and vulnerability*. Contribution of Working Group II to the sixth assessment report of the Intergovernmental Panel on Climate Change. Cambridge, UK; New York, NY, USA: Cambridge University Press, 2022. Available from: report.ipcc.ch/ar6/wg2/IPCC_AR6_WGII_FullReport.pdf. Access on: May 30, 2023

JOHANSSON, V. Just transition as an evolving concept in international climate law. *Journal of Environmental Law*, v. 35, p. 229-249, 2023.

JURI, S.; ZURBRIGGEN, C. Motivando transiciones hacia futuros sostenibles y resilientes. SARAS T-LAB en América Latina. *Cuadernos del Centro de Estudios en Diseño y Comunicación*, n. 157, p. 115-139, 2022.

KUHNER, T. K. International poverty law: response to economic globalization. *Buffalo Public Interest Law Journal*, n. 22, p. 75-100, 2003-2004.

LASHERAS MERINO, M. Geopolítica del pacto verde: órdago de la UE. *Energía y Geoestrategia*, n. 8, p. 111-190, 2021.

LIU, L. Environmental poverty, a decomposed environmental Kuznets curve, and alternatives. Sustainability lessons from China. *Ecological Economics*, v. 73, p. 86-92, 2012.

MARTINEZ ALIER, J. La pobreza como causa de la degradación ambiental. Un comentario al Informe Brundtland. *Documents d'Analisi Geografica*, v. 18, p. 55-73, 1991.

- MODIRI, J. J. Law's poverty. *Potchefstroom Electronic Law Journal*, v. 18, n. 2, p. 223-273, 2015.
- NIETO, J.; SÁNCHEZ, A. B.; LOBATO, J. Transición justa: la dimensión sociolaboral del cambio climático. *Papeles de Economía Española*, n. 163, p. 117-129, 2020.
- ORGANIZACIÓN DE LAS NACIONES UNIDAS. Asamblea General. *Extrema pobreza y derechos humanos*. Nueva York: ONU, 2021. Available from: <https://documents.un.org/doc/undoc/gen/n21/197/50/pdf/n2119750.pdf?token=R7kDxeVUXZD2TKG5MS&fe=true>. Access on: July 16, 2023.
- ORGANIZACIÓN DE LAS NACIONES UNIDAS. Asamblea General. *Resolución aprobada por la Asamblea General el 27 de julio de 2015*. Agenda de acción de Addis Abeba de la tercera conferencia internacional sobre la financiación para el desarrollo (Agenda de Acción de Addis Abeba). Nueva York: ONU, 2015a. Available from: https://unctad.org/system/files/official-document/ares69d313_es.pdf. Access on: June 16, 2023.
- ORGANIZACIÓN DE LAS NACIONES UNIDAS. Asamblea General. *Resolución aprobada por la Asamblea General el 25 de septiembre de 2015*. Transformar nuestro mundo: la Agenda 2030 para el Desarrollo Sostenible. Nueva York: ONU, 2015b. Available from: <https://www.mdsocialesa2030.gob.es/agenda2030/documentos/aprobacion-agenda2030.pdf>. Access on: Sept. 15, 2023.
- ORGANIZACIÓN DE LAS NACIONES UNIDAS. *Acuerdo de París*. Nueva York: ONU, 2015c. Available from: https://unfccc.int/sites/default/files/spanish_paris_agreement.pdf. Access on: March 22, 2024.
- ORGANIZACIÓN DE LAS NACIONES UNIDAS. Documento A/CONF.216/L.1. *El futuro que queremos*. Documento Final de la Conferencia de las Naciones Unidas sobre desarrollo sostenible. Río +20 (Río de Janeiro, 20 a 22 de julio 2012). Río de Janeiro: ONU, 2012. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/LTD/N12/381/67/PDF/N1238167.pdf?OpenElement>. Access on: Aug. 12, 2023.
- ORGANIZACIÓN INTERNACIONAL DEL TRABAJO. *Preguntas frecuentes sobre transición justa*. Ginebra: OIT, [20--?]. Available from: https://www.ilo.org/global/topics/green-jobs/WCMS_824947/lang-es/index.htm Access on: Sept. 12, 2023.
- ORGANIZACIÓN INTERNACIONAL DEL TRABAJO. *Convenio núm. 117 sobre política social* Ginebra: OIT, 1962. Available from: https://www.ilo.org/dyn/normlex/es/?p=NORMLEX-PUB:12100:0:NO:P12100_ILO_CODE:C117. Access on: Aug. 25, 2023.
- ORGANIZACIÓN INTERNACIONAL DEL TRABAJO. *Perspectivas sociales y del empleo en el mundo*. Tendencias. Tendencias 2018. Ginebra: OIT, 2018. Available from: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_631466.pdf Acceso: May 14, 2023.
- ORGANIZACIÓN INTERNACIONAL DEL TRABAJO. *Competencias profesionales para un futuro más ecológico*. Conclusiones principales. Ginebra: OIT, 2019. Available from: https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_709122.pdf. Access on: July 23, 2023.
- ORGANIZACIÓN INTERNACIONAL DEL TRABAJO. *Perspectivas sociales y del empleo en el mundo*: tendencias 2023. Ginebra: OIT, 2023. Available from: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_881012.pdf. Acceso: May 15, 2023.
- ORGANIZACIÓN PARA LA COOPERACIÓN Y EL DESARROLLO ECONÓMICOS. *Índice de pobreza*. Ciudad de México, DF: OCDE, [2022?]. Available from: <https://www.oecd.org/espanol/estadisticas/indice-pobreza.htm>. Access on: March 21, 2024.

OXFORD COMMITTEE FOR FAMINE RELIEF. *Confronting carbon inequality: putting climate justice at the heart of the COVID-19 recovery*. Nairobi: OXFAM, 2020. Available from: <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621052/mb-confronting-carbon-inequality-210920-en.pdf>. Access on: Aug. 15, 2023.

OXFORD COMMITTEE FOR FAMINE RELIEF. *La ley del más rico Gravar la riqueza extrema para acabar con la desigualdad*. Nairobi: OXFAM, 2023. Available from: <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621477/bp-survival-of-the-richest-160123-es.pdf>. Acceso: May 14, 2023.

PLAN DE LAS NACIONES UNIDAS PARA EL DESARROLLO. *Global Multidimensional Poverty Index (MPI): Unstacking global poverty: Data for high impact action*. New York: PNUD, 2023. Available from: <https://hdr.undp.org/system/files/documents/hdp-document/2023mpireportenpdf.pdf> Access on: June 14, 2023.

PLAN DE LAS NACIONES UNIDAS PARA EL MEDIO AMBIENTE. *Tecnologías de adaptación al cambio climático*. Sector agropecuario. Nairobi: PNUMA; 2013. Available from: <https://kneamazon.net/Documents/Publications/Virtual-Library/Adaptacion-Riesgo/16.pdf>. Access on: July 12, 2023.

QURESHI, W. A. The response of international law to the challenges to human security. *California Western International Law Journal*, v. 50, n. 2, p. 341-386, 2020.

SAN MARTÍN RODRÍGUEZ, S. La seguridad social como pilar básico para la transición justa. La salida para los trabajadores más perjudicados. In: V CONGRESO INTERNACIONAL Y XVIII CONGRESO NACIONAL DE LA ASOCIACIÓN ESPAÑOLA DE SALUD Y SEGURIDAD SOCIAL. SEGURIDAD PARA TODAS LAS PERSONAS, 5.,18., 2021, Madrid. *Anales [...]*. Murcia: Laborum, 2021. p. 611-618. Available from: www.aesss.es/wp-content/uploads/2021/10/LIBRO-CONGRESO-AESSS-2021.pdf. Access on: Oct. 17, 2024.

SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL ADVICE. *Informal note by the co-facilitators*. Matters relating to the work programme on just transition pathways referred to in decision I/CMA.4, paragraphs 50–52. Version 3 at 13 June 2023 (22:10). Bonn: SBSTA, 2023. Available from: https://unfccc.int/sites/default/files/resource/JTWP_Draft_CFs_Informal_Note.pdf Access on: Sept. 12, 2023.

SEN, A. *Desarrollo y libertad*. Barcelona: Planeta, 2000.

SOFRONIOU, N.; ANDERSON, P. El factor ecológico: desglosando el crecimiento del empleo verde. *Revista Internacional del Trabajo*, v. 140, n. 1, 2021. p. 23-46.

TRANSICIÓN. In: DICCIONARIO de la lengua española. Madrid: Real Academia Española, 2023. Available from: <https://dle.rae.es/transici%C3%B3n>. Access on: Aug. 25, 2023.

UNIÓN EUROPEA. *Carta social europea (revisada)*. Bruselas: UE, 1996. Available from: <https://rm.coe.int/168047e013>. Access on: July 14, 2023.

UNIÓN EUROPEA. *Reglamento (UE) 2021/1119 del Parlamento Europeo y del Consejo de 30 de junio de 2021 por el que se establece el marco para lograr la neutralidad climática y se modifican los Reglamentos (CE) n. 401/2009 y (UE) 2018/1999*. Legislación europea sobre el clima. Bruselas: UE, 2021. Available from: <https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=celex%3A32021R1119>. Access on: Sept. 24, 2023.

UNIÓN EUROPEA. *Reglamento (UE) 2021/1056 del Parlamento Europeo y del Consejo de 24 de junio de 2021 por el que se establece el Fondo de Transición Justa*. Bruselas: UE, 2021. Available from: <https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=CELEX%3A32021R1056>. Access on: Sept. 15, 2023.

VANDENHOLE, W. De-growth and sustainable development: rethinking human rights law and poverty alleviation. *Law and Development Review*, v. 11, n. 2, 2018. p. 647-676.

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