

## **Preparing Just Transition in a Developing World**

**“Preparing Just Transition in a Developing World,”** held at the National University of Singapore Faculty of Law (NUS Law) on 6 November 2024, concluded the three-part Indonesian series organized by the Asia-Pacific Centre for Environmental Law (APCEL). This event, co-organized by APCEL at NUS Law and the Centre of International Law (CIL) at NUS, attracted over 250 participants, including legal practitioners, industry experts, academics, and students, both online and in-person.

The welcome address was delivered by Jolene Lin, Director of APCEL and Associate Professor at NUS Law, who explored the evolving interpretations of "Just Transition". Originating in the 1980s with American trade unions, the term now embodies principles of climate justice. Jolene emphasized the definition provided by the Intergovernmental Panel on Climate Change (IPCC): *“A set of principles, processes, and practices that aim to ensure that no people, workers, places, sectors, countries, or regions are left behind in the transition from a high-carbon to a low-carbon economy”*.

Building on this perspective, Nilufer Oral, Director of CIL, stressed the need to view "Just Transition" beyond environmental considerations alone. She highlighted the broader impact on economics, finance, and infrastructure, noting that the transition will affect livelihoods and could potentially exacerbate inequalities. Nilufer likened the ongoing transition to the Industrial Revolution, where "Just Transition", she suggested, presents a unique opportunity to balance climate action with justice and equity. The challenge is "Just Transition" has to take into account many issues and balance multiple concerns but the world today has the ability to plan and manage which it did not have during the Industrial Revolution. While Indonesia was the focus, the discussion offered insights applicable across the ASEAN region.

The rest of the conference was organized into two sessions: "Understanding Just Transition" and "The Indonesian and ASEAN Context".

## **Session 1: Understanding Just Transition**

**Moderator:** Denise Cheong, Head of Energy Law and Policy, CIL, NUS

### **Session 1A: Just Transition in the UN Climate Regime**

**Speaker:** Railla Puno, Associate Lead, Climate Change Law and Policy, CIL, NUS

Railla Puno highlighted the evolving concept of “Just Transition” within the UN Climate framework. Just transition is first mentioned in the text of the Paris Agreement in the preamble: “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.” Building on this, parties have deliberated on Just Transition pathways at the COP27 and COP28 meetings to achieve the Paris Agreement’s goals. Further progress was noted during the inaugural Just Transition Work Programme (JTWP) Dialogue in Bonn 2024, where discussions centered around implementing the Paris Agreement through Nationally Determined Contributions (NDCs), Long-Term Low Emissions Development Strategies (LT-LEDS), and National Adaptation Plans (NAPs). The latest dialogue, held in Egypt in October 2024, underscored the importance of a people-centered, equitable approach, advocating a “whole of society” perspective to ensure an inclusive workforce transition aligned with the Paris Agreement. A recurring theme across these discussions was the critical need for international cooperation and partnership to achieve these goals.

Despite these discussions, Railla pointed out that full implementation remains a challenge. Currently, only 38% of NDCs and 57% of LT-LEDS reference Just Transition principles. With over 78 million workers expected to be affected by the low-carbon transition, she emphasized the need for diverse stakeholder engagement and the integration of context-specific solutions within the broader policy framework.

### **Session 1B: Human Rights and Energy Transition in Indonesia**

**Speaker:** Sandra Moniaga, Former Commissioner of the National Commission on Human Rights of the Republic of Indonesia

Sandra Moniaga began her session by examining how Just Transition energy policies impact human rights in Indonesia, drawing on case studies related to renewable energy projects, coal power plants and mines, and the nickel industry. She highlighted the serious consequences these industries have on people’s lives, health, water sources, homes, and livelihoods.

While there has been some discussion on addressing these issues, Moniaga noted that Indonesia’s national energy policy remains largely unchanged. She emphasized that, although Indonesia has a strong foundation of human rights laws—rooted in its

Constitution, domestic legislation and supported by various UN Human Rights conventions—implementation remains weak. Moniaga urged that simply integrating human rights principles into policy is not enough; there must be comprehensive human rights impact assessments for every project and a stronger commitment by businesses including those from the energy sector to ensuring that human rights are protected.

### **Session 1C: Preparing for Just Transition in a Developing World**

**Speaker:** Danielle Yeow, Lead Climate Change Law and Policy, CIL, NUS

Danielle Yeow discussed the UN's recent Guiding Principles for a *Just Transition in Critical Mineral Value Chains*, launched in September 2024. She explained that as demand for clean energy continues to rise, there will be a significant increase in the need for critical minerals essential to energy transition. This growth presents an opportunity to create jobs and lift people out of poverty in resource rich developing countries. However, meeting this demand must be balanced with ensuring equity, sustainability, and respect for communities affected by mineral extraction activities. This led to a call for globally agreed guidance to ensure responsible, fair and just value chains.

To address this, the UN report outlines seven guiding principles and five actionable recommendations for fairness, transparency, investment, sustainability and human rights along the entire minerals value chain. The guiding principles emphasize: development with respect for human rights at the core; safeguarding the integrity of the planet, its environment and biodiversity; mineral value chains underpinned by justice and equity; fostering development through benefit sharing, value addition and economic diversification; responsible and fair investments, finance and trade; good governance; and multilateral and international cooperation. The five actionable recommendations serve to operationalize and support implementation of the guiding principles. While non-legally binding in nature, the guiding principles and recommendations are nonetheless potentially impactful in the long term depending on the level of acceptance and implementation by Governments and industry adoption.

### **Session 1D: Energy Transition Challenges**

**Speaker:** Jun Arima, Senior Policy Fellow for Energy and Environment, Economic Research Institute for ASEAN and East Asia (ERIA)

Jun Arima highlighted several energy challenges particularly from the perspective of developing countries. First, he pointed out that in order to achieve the 1.5-degree consistent pathway, significant linear emission reductions are needed globally but actual NDCs do not reflect this. He also shared that the mechanisms used by the IPCC, such as integrated assessment models, which project global energy and emissions trajectories, fail to account for the disparities between countries in terms of energy

consumption, historical and current emissions. These scenarios are built on the assumption of permanent inequality between developed and developing countries across multiple variables. Second, within the context of the International Energy Agency's scenario of an ideal energy mix for achieving carbon neutrality by 2050, certain drastic changes are required including how power is generated (from fossil fuels to renewables). Jun queried whether such changes were possible or feasible or probable, when considering that many parts of the world still suffer from energy poverty and that there continues to be rich coal reserves globally. Furthermore, he pointed out the challenge of the SDG priority gap between developed and developing countries, resulting in such countries prioritising climate action differently. Other challenges include energy security; heavy reliance on sectors like cement and steel, being pillars of modern civilization; definition of "energy transition" is also different between the Global North and Global South and supply-demand crunch of critical minerals.

The Asia Zero Emission Community (AZEC) has proposed six major pillars for a pragmatic energy transition: diversifying energy sources, maximizing renewable energy integration through interconnectivity, decentralized and distributed systems, utilizing local resources, maximizing energy efficiency, and fostering public-private partnerships.

### **Session 1: Question and Answer Segment**

The discussion during Q & A focused on three areas: (i) assessing the progress that has been made in respect of the Just Transition Work Programme and whether it will fulfil its function of informing the second global stocktake; (ii) whether "Just Transition" should be regulated by international law; and (iii) what opportunities might be available to provide further input on the work of the UN Secretary General's Panel on Critical Energy Transition Minerals.

### **Session 2: The Indonesian and ASEAN Context**

**Moderator:** Linda Yanti Sulistiawati, Senior Research Fellow, APCEL, NUS Law

### **Session 2A: Just Energy Transition in ASEAN**

**Speaker:** Adilla Noor Rakhiemah, Senior Officer of Power, Fossil Fuel, Alternative Energy and Storage (PFS) Department, ASEAN Centre for Energy

Adilla Rakhiemah centered her discussion on the ASEAN context, emphasizing the region's commitment to a just and inclusive energy transition. She noted that during the 42nd ASEAN Ministers on Energy Meeting (AMEM), ASEAN officially adopted this theme as the focus of the ASEAN Plan of Action for Energy Cooperation (APAEC) 2026–2030. With energy demand and job creation expected to rise significantly in the

region, ASEAN must take proactive steps to implement equitable energy transition strategies.

However, Adilla acknowledged several challenges to this transition, including gender disparities, a lack of expertise, insufficient data to guide policymaking, and limited funding and resources. In response to these issues, the ASEAN Centre for Energy is preparing to release a comprehensive Guide to Just and Inclusive Energy Transition. This guide will provide actionable policy recommendations for governments and propose integrated energy-climate pathways tailored to the next cycle of APAEC, offering a roadmap for addressing these pressing needs.

### **Session 2B: Case Studies of Successful Inclusive Transition**

**Speaker:** Paul Butarbutar, Head of Indonesia Just Energy Transition Partnerships (JETP) Secretariat

Paul Butarbutar's presentation focused on the Just Energy Transition Partnership (JETP) for Indonesia and its role in advancing the country's power sector transformation. He highlighted the recent publication of the Comprehensive Investment and Policy Plan (CIPP) 2023, which outlines policy recommendations, financing mechanisms, and strategies for equitable implementation.

Paul explained that the JETP Secretariat operates through five dedicated working groups—Technical, Policy, Financing, Just Transition, and Electrification and Energy Efficiency (E3)—to develop and execute a comprehensive Just Transition Framework. He also detailed the phased approach to implementation, emphasizing that the JETP process has been conducted transparently, with extensive consultations involving experts, key stakeholders, and the public.

### **Session 2C: Access to Justice in Just Transition, Case Study: the Philippines**

**Speaker:** Tim Guanzon, Energy Transition, Lawyer, Client Earth

Tim Guanzon opened her presentation by defining key concepts such as Just Transition, Forms of Justice, and Access to Justice. She then focused on the Philippine context, highlighting policies, laws, and legal remedies aimed at advancing Just Transition. Notable examples include the Strategic Lawsuit Against Public Participation (SLAPP) and the Writ of *Kalikasan*—mechanisms uniquely available in the Philippines to protect environmental and public interests.

To illustrate the gap between policy and practice, Tim presented two case studies. The Public Utility Vehicle (PUV) Modernization Program, which aims to transition public transport to sustainable energy, has faced challenges due to limited stakeholder

consultation and insufficient support for workers and operators, raising concerns about inclusivity. Similarly, the Upper Tabuk Hydropower Project, while intended to meet energy demands sustainably, has been criticized for potential environmental and social impacts on local communities.

Tim emphasized that these examples highlight the need for stronger implementation mechanisms to ensure that progressive legal frameworks translate into equitable outcomes in practice.

### **Session 2D: Lesson learned for Just Transition in Developing Countries (Indonesian and ASEAN Context)**

**Speaker:** Martua Sirait, Director for Indonesia Operation the Samdhana Institute

Martua Sirait discussed three ongoing projects in Indonesia, highlighting challenges related to indigenous peoples' rights and natural resource management. The projects included the North Kalimantan Hydropower Dam, the West Kalimantan Energy Timber Plantation (HTE), and the North Maluku Nickel Mining Project.

For the North Kalimantan Hydropower Dam, he noted the persistent issue of flooding, which threatens indigenous communities' rice plantations, with no clear relocation solutions provided. Additionally, there has been a lack of transparency in discussions with the affected indigenous peoples, further endangering their livelihoods. In the West Kalimantan Energy Timber Plantation project, similar concerns arose, with insufficient consultation with the Kualan indigenous peoples, risking potential conflicts between the community and the company. In contrast, the North Maluku Nickel Mining Project showed some progress, as local residents have been provided jobs by the mining company. However, this has led to debt traps for many workers, creating new economic vulnerabilities.

Drawing from these case studies, Martua emphasized the critical need to recognize indigenous peoples' rights over natural resources and to strengthen partnerships with these communities to ensure equitable and sustainable development.

### **Session 2: Question and Answer Segment**

The second Q & A segment explored several key topics. First, participants discussed the recruitment process at JETP, highlighting the need for diverse expertise to address complex transition challenges. Second, the issue of data decentralization was raised, with concerns about how fragmented data systems create analytical difficulties and hinder effective policymaking. Finally, the discussion turned to whether existing international laws and policies are adequate to support a "Just Transition", emphasizing the need for stronger frameworks to ensure equity and inclusivity in implementation.