

## The Legal Foundations for Fossil Fuel Phaseout:

An Open Letter to the Co-Hosts and Participants of the First Conference on Transitioning Away from Fossil Fuels

Santa Marta, Colombia

NAME	TITLE	ORGANIZATION	QUOTE
Nikki Reisch,	CIEL Climate & Energy Program Director	Center for International Environmental Law (CIEL)	"Legal experts around the world agree — phasing out fossil fuels is not just a scientific necessity, it's a legal obligation under multiple sources of international law. All States must act to prevent climate harm by rooting out its primary cause: fossil fuel production and use. As violent conflicts and unlawful military aggression deepen human suffering and unleash economic shocks globally, it's clear that ending reliance on oil, gas, and coal is crucial to protect human rights, safeguard the environment, and ensure peace and prosperity for present and future generations. With the law and science as their guide, governments gathered in Santa Marta must chart the course to a coordinated fossil fuel phaseout."
Rebecca Brown	President and CEO	Center for International Environmental Law (CIEL)	"For decades, fossil fuels have benefited from a kind of permission structure—treated as inevitable, negotiable, or too difficult to confront. That era is over. This letter makes clear that governments are not being asked to act—they are required to act. In Santa Marta, the question is no longer what is politically convenient, but whether leaders are prepared to meet their legal and moral responsibilities in a moment that demands both."
Paul Rink	Associate Professor of Law	Seton Hall Law School	"Courts and tribunals around the world have articulated States' significant legal obligations to address climate change. States can only meaningfully address climate change by phasing out fossil fuel energy sources. Thereby, States are legally required to transition away from fossil fuel use. It's as simple as that."
Harro van Asselt	Hatton Professor of Climate Law	University of Cambridge	"The law is clear. Governments must cooperate to phase out fossil fuels to help avert the worst impacts of climate change. The coalition of governments convening in Santa Marta should use the opportunity to take the next step and develop an international legal framework that moves the world beyond fossil fuels."
Daniel Galpern	General Counsel and Executive Director	Climate Protection and Restoration Initiative (CPRclimate.org)	"Last summer, the World Court's decision made clear that the legal duty to combat dangerous climate change through good faith international co-operation and prevention of significant harm attaches to each State irrespective of its continuing participation in any of the climate change treaties. There is no escape."
Alessandra Arcuri	Professor International Economic Law	Erasmus School of Law, Erasmus University Rotterdam	"The science is settled, and so is the law: fossil fuels must be phased out and states have an obligation to do so. This is about survival and security. What happens at the Santa Marta TAFF Conference will show which nations are ready to lead—and to define our shared future."
Patricia Galvão Ferreira	Associate Professor	Marine and Environmental Law Institute, Schulich School of Law, Dalhousie University, Canada	"We are witnessing a terminal mismatch between three global realities: the science that demands an immediate fossil fuel phase out, the law as codified by international courts which defines climate protection as a binding legal duty, and the political economy reality where fossil fuel production continues to expand under the weight of billions in subsidies. Santa Marta must be the place where a group of states will take the lead in bridging this growing gap."
Christopher Campbell-Duruffé	Assistant Professor	Lincoln Alexander School of Law, Toronto Metropolitan University	"The International Court of Justice's advisory opinion is just one of many rulings that clarify the legal duty to phase out fossil fuels. For countries in the Americas, the Inter-American Court of Human Rights' advisory opinion on the climate emergency does the same thing. The European Court of Human Rights has ruled favourably on a climate challenge, the International Tribunal for the Law of the Sea has established a "stringent" due diligence standard, and the African Court on Human and Peoples' Rights was recently asked for its own opinion on this issue. All of this signals a growing legal risk for states that decide to look the other way."
Margaretha Wewerinke-Singh	Associate Professor of Law; Member of the Permanent Court of Arbitration	University of Amsterdam	"International law is clear, and so is the science: States must move rapidly and fairly away from fossil fuels. Governments cannot meet their climate, human rights and environmental obligations while continuing to approve new oil, gas and coal projects. The Santa Marta conference is a critical opportunity to turn legal principle into collective action: ending fossil fuel expansion, aligning public finance with a livable future, and supporting a just transition for workers, communities and countries that have contributed least to the climate crisis but are already bearing its heaviest burdens."
William Snape	Professor, Director of Environmental and Energy Law	American University, Washington College of Law	"The legal authority exists. The question is whether our elected leaders understand the intelligence of getting off fossil fuels for literally every sector of society exist the fossil fuel industry itself."
Lily O'Neill	Senior Research Fellow, Melbourne Climate Futures	University of Melbourne, Director Protect Our Winters Australia	"In Australia, we have national legislation that says it protects the environment but doesn't address coal, oil or gas. Its like legislation that says it protects people from smoking but doesn't address tobacco."

Patricia Chand	Lecturer of Law, Regional Gender Consultant	The University of Fiji, Senior Fellow - Ecological and Climate Crises Legal Institute (ECCLI)	"The endeavor towards a fossil fuel free world is an opportunity for course correction in the interest of present and succeeding generations who must benefit from the tremendous political will of all humankind. No region is more committed to fossil fuel phase-out than the Pacific which leads from the very frontlines of the climate crisis."
Sumeyra Arslan	Policy Advisor	Child Rights International Network (CRIN)	"As the most widely ratified treaty in the world, the Convention on the Rights of the Child is clear: States have a binding duty to put children first, yet those most affected by the planetary crisis continue to be overlooked. Governments cannot expand and subsidise fossil fuels while claiming to protect human rights; they must stop new expansion and phase out existing production. This week, the Council of the EU decided that its climate and energy diplomacy must align with the right to a clean, healthy and sustainable environment and human rights obligations; now it's time to put its money where its mouth is."
Param Pandya	Quadrature Climate Foundation Fellow in Climate Change and Corporate Law	Asia-Pacific Centre for Environmental Law, National University of Singapore	"A whole of the government approach is required to address the climate impacts of the fossil fuel industry. The state as the 'owner' of state-owned enterprises (SOEs) (particularly, in case of carbon majors) must lead the way to be a 'responsible owner'. This demands that states put in place a robust governance framework to align strategic objectives, capital allocation, and operational mandates of SOEs with national and international climate goals."
Stephanie Triefus	Researcher	Asser Institute	"The law is clear: states not only should, but must, act to phase out fossil fuels in line with their climate obligations. Legal frameworks, including investment protections, should not be used to delay or deter that transition. Investor-state dispute settlement (ISDS) cannot be allowed to make compliance prohibitively expensive or to constrain governments in fulfilling their duties under international law. Santa Marta presents a crucial opportunity for states and civil society to work together on removing ISDS as a barrier to climate action."
Robi Ginting	Policy Advisor, Indonesia	E3G	"In the absence of an adequate legal framework for the transition, crisis responses may favor fossil fuel expansion, leading to new facility construction and increased fuel procurement, thereby deepening dependence in the Global South and skewing state obligations on fossil fuel phase-out."
Fe Esperanza Trampe	Legal Officer	Environmental Legal Assistance Center, Inc., Philippines	"Moving away from fossil fuel-based energy systems is a must now as we in the Philippines see our islands sinking and our least-responsible communities dying. Sectors traditionally marginalized must be put at the center of climate decision-making—and these decisions and frameworks must be advanced by all. There can be no excuses. No one is to be left behind as the global community works to overcome the worst of the climate crisis. Just transition means we should all be able to move forward."
Fergus Green	Associate Professor	University College London	"Many of the world's governments continue to approve new coal, gas and oil projects. Yet, such approvals - especially in the case of rich countries - violate international law. Governments convening in Santa Marta must stop pouring fuel on the fire and commit to 'No New Fossil Fuel Projects'."
Gillian Moon and Maria Nawaz		Australian Climate Accountability Project	"Just ten of the world's wealthiest countries are responsible for nearly half of global fossil fuel export emissions. Australia, Norway, Canada, the US, the UK and their peers cannot claim climate leadership while deliberately expanding the global supply of coal, oil and gas. The ICJ has made clear that States have binding legal obligations to prevent foreseeable climate harm. International law requires the ten to take the lead in phasing out fossil fuel exports. Where are their plans, their credible timelines and targets, and their urgent collective action to promote a rapid and just transition?"
Sandrine Maljean-Dubois	Research Director	CNRS and Aix-Marseille University, France	"The science and the law are clear: phasing out fossil fuels is no longer an option, but a legal and moral obligation. Guided by the rulings of international and domestic courts and scientific evidence, governments must act without delay to phase out fossil fuels, protect human rights and ensure a safe future."
Zoe Huang	Attorney at Law	Environmental Rights Foundation	"Taiwan is not a party to climate change treaties; therefore, the ICJ's interpretation of customary international law in its advisory opinion is particularly important to Taiwan. Not only parties to climate change treaties, but all states- including those that are unable or unwilling to participate in such treaties-are obligated to phase out fossil fuels in order to prevent significant harm to the climate system."
Bjørn-Oliver Magsig	Senior Lecturer; Associate Dean (International)	Victoria University of Wellington	"The age of sovereign solitude is over. The ICJ has confirmed that no State can lawfully drill, dig, or burn its way through our shared climate system. Santa Marta must be where governments finally treat cooperation not as a political gesture, but as the binding legal obligation it is. And where the fossil fuel era begins to end."
Maikel van Wissen	Founder and Director, climate lawyer	Advocates for the Future	Fossil fuel dependence is already devastating lives today, while placing an ever greater debt on future generations. Around the world, courts have been clear that governments have a legal obligation to move away from fossil fuels. The law is not neutral in the face of a climate breakdown. It requires action to prevent harm. Santa Marta could mark a turning point towards accountability, climate justice and a livable future for present and future generations.
Hermann E. Ott	Hon. Prof. Global Sustainable Strategies and Governance	University of Sustainable Development Eberswalde	"The history of the UNFCCC process has shown that unfortunately a transformation to a climate friendly economy cannot be achieved by consensus. There are enormous economic benefits at stake and those who profit from the use of fossil fuels will not give them up, Therefore those states that are determined to move must establish a parallel treaty regime. This must contain rules that establish criteria for joining and allow for majority voting. Because, as stated above: transformation does not happen by consensus."

Katherine Robinson	Head of Policy & Advocacy	Natural Justice	"Choosing whether to transition away from fossil fuels or to continue business as usual is a simple policy choice: one that hastens our plight toward climate catastrophe with disastrous implications for people and their human rights, the other resists fossil fuel fundamentalism and false solutions, saving people and planet. Now more than ever, global south governments must work in solidarity to safeguard and expand international law to facilitate policy choices that guarantee a liveable planet."
Alice Venn	Senior Lecturer in Climate Law	Centre for Environmental Law and Sustainability, University of Bristol Law School	"Climate action is both a legal and moral imperative. The sustained efforts of communities and environmental groups around the globe to hold governments to account for climate harms before the courts has resulted in significant legal advancements to better protect our fundamental human rights, restore nature, and consider the rights of future generations to a liveable planet. Now is the time for ambitious leadership in the transition away from fossil fuels, with the legal backing of the International Court of Justice. The transition away from fossil fuels must also be an inclusive one, creating space for a wide range of underrepresented groups and knowledges to shape a more sustainable, accessible, and inclusive future for all."
Anthony Burke	Professor of International Relations	UNSW Sydney	"As the world passes the last safe climate guardrail, states must reject the Paris agreement stalemate and make binding treaties in the general assembly to phase out fossil fuels. Now we know it's their responsibility under international law."
Juan Samper	Lawyer and Researcher	Lund University	Every day that passes without governments discussing the most important climate change mitigation strategy, which is phasing out fossil fuels, is one more day in long geopolitical history of knowing what the solution to mitigate climate change is based on scientific evidence and not facing it. Every day the fossil fuel phase out is not discussed as a key objective in international politics is another day living in the current dystopia.
David R. Boyd	Professor, former UN Special Rapporteur on human rights and the environment	University of British Columbia	"The world desperately needs a pragmatic and equitable plan to phase out the combustion of coal, oil, and gas. To fulfil everyone's right to a healthy environment, governments must cooperate to develop this plan. Their failure to do so would be unlawful, unethical, and unthinkable."
Laura Clarke	CEO	ClientEarth	"The past few weeks have confirmed – yet again – that we need to move away from the current fossil fuel regime, which is driving instability and dangerous climate change, and harming lives and livelihoods across the world.  "The case for phasing out fossil fuels is irrefutable. It is not a question of political discretion: it is a legal obligation. The International Court of Justice made it clear last year that failing to curb fossil fuel production and consumption, approving new projects, or continuing to subsidise fossil fuels could constitute internationally unlawful acts.  "Santa Marta is an opportunity for a 'coalition of the willing' to focus on how, and not if, the world can leave fossil fuels behind and accelerate the transition to a better, fairer and more stable future."
Florencia Librizzi	Deputy Director	Earth Insight - Fordham University	"The International Court of Justice has made clear that States must use all means at their disposal to prevent significant harm to the climate system. Yet today, over 179 million hectares, or 21% of tropical moist forests now overlap with oil and gas blocks threatening nature, people and the climate. Meeting States' legal obligations requires urgently halting expansion and advancing a rapid phaseout of fossil fuels."
Brad Adams	Executive Director	Climate Rights International	"Fossil fuels are choking lungs, overheating the planet, and fueling human rights abuses. The law has finally caught up to the science and the reality faced by people all over the world: governments cannot meet their legal obligations without rapidly phasing out fossil fuels."
Juliana Kariri	Lawyer	self actor	"The continued expansion of fossil fuels, in full knowledge of its harm, is not just bad policy, it is a breach of legal duty. Responsible states, financial institutions, and corporations cannot continue to profit while shifting the costs and consequences onto vulnerable nations. This is a matter of liability, not charity. A credible phaseout demands enforceable timelines, an end to new fossil fuel approvals, and scaled, predictable finance delivered as obligation, not goodwill. Where governments and companies fail to act, legal accountability including litigation will increasingly follow. The era of impunity must end."
Leezola Zongwe	Critical Minerals Policy Researcher	Enzi Ijayo Africa Initiative	"A just transition cannot mean that Africa, a continent where over 600 million people still lack electricity, is asked to forgo development in the name of a global climate agenda shaped by those who industrialised on the back of fossil fuels for generations. Santa Marta must confront this intergenerational injustice head-on. Transitioning away from fossil fuels is urgent and necessary, but it must be decolonial, adequately financed, and grounded in the realities of developing countries; not another framework where our resources fuel someone else's clean future while our own communities are left in the dark."

Florencia Ortúzar	Director of the Climate Program	Interamerican Association for Environmental Defense (AIDA)	For thirty years, a handful of countries have blocked any meaningful agreement to phase out oil, gas and coal. Santa Marta is an opportunity to break the gridlock. The current war and the closure of the Strait of Hormuz should give this coalition of the willing even greater urgency: the world is watching, in real time, how devastating fossil fuel dependence can be. This is not the moment to double down on extraction, but to lay the first stone of a new era. International law and the science are clear: ending fossil fuels is what we must do. What Santa Marta can deliver is a coalition with a concrete plan and the political will to carry it forward.
Johanna Gusman	Senior Attorney, Legal Pathways to Fossil Fuel Phaseout	Center for International Environmental Law (CIEL)	"In my role I am always asked: 'But how do we do this?' And there is no better place to start than the International Court of Justice Advisory Opinion and how it so clearly lays out the legal foundations for doing the inevitable: phasing out fossil fuels. This letter builds upon that and is a strong showing of some of the best legal minds imaginable to demonstrate how this foundation builds up to the how. I am excited to see where countries take cooperative, actionable steps here in Santa Marta to bring this into fruition."