

Global Science & Policy Conference on Transitioning Away from Fossil Fuels, Santa Marta, Colombia, April 24-25, 2026

Legal Obligations, Barriers, and Pathways

Work Stream Concept Note & Agenda

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Co-conveners: Cambridge, CIEL, CLN

Background

In its July 2025 Advisory Opinion on climate change, the International Court of Justice affirmed that multiple sources of international law require States to protect the climate system, using all means at their disposal to prevent climate harm, including by curtailing the fossil fuel activities known to be driving it: fossil fuel production, consumption, licensing, and subsidies.

The First Conference on the Transition Away from Fossil Fuels in Santa Marta, Colombia presents an opportunity for States to come together and act collectively to take the scientifically necessary and legally required steps to phase out fossil fuels. The legal obligations to transition away from oil, gas, and coal underpin the discussions in Santa Marta and should form the foundation for all the Conference pillars, including action to address economic dependence on fossil fuels, to transform supply and demand, and to cooperate internationally toward those ends.

The Legal Obligations, Barriers, and Pathways workstream of the Science and Policy Pre-conference seeks to ground the implementation of fossil fuel phaseout in the law. Specifically, it aims to mainstream understanding of the legal duties to avoid climate-destructive activities and to cooperate in preventing significant harm to the climate system, including by removing legal barriers to such action. While participants in the workstream will seek to infuse attention to legal obligations into all the thematic discussions during the pre-conference, the workstream co-conveners will host a focused discussion around Pillar 3 of the Conference (Advancing international cooperation and climate diplomacy), highlighting ways to address cooperation and governance gaps, and options for removing legal barriers. The session will also shed light on the shared but differentiated responsibilities discussed under Pillar 1 (Overcoming Economic Dependence on Fossil Fuels).

Agenda

[Full conference agenda](#)

The Legal Obligations workstream is meeting only during Session 2, on Friday, April 24, 13:30-16:00. The expectation is that participants will attend other workstreams for Sessions 1, 3, and 4 and share perspectives related to States' international climate obligations.

Session 1-Attend another workstream's session

Friday, April 24, 10:00-12:00

Session 2 - Joint session with ISDS workstream - see *description below (*detailed agenda subject to change)*

Friday, April 24, 13:30-16:00

Session 3-Attend another workstream's session

Saturday, April 25, 9:30-12:30

Session 4-Attend another workstream's session

Saturday, April 25, 14:00-16:30

LEGAL OBLIGATIONS

Session 2 (a joint session with the ISDS workstream)

Friday, April 24, 13:30-16:00

The legal foundations of phasing out fossil fuels: cooperative pathways for implementing duties and overcoming barriers

Drawing on the conclusions of the historic International Court of Justice Advisory Opinion on climate change (ICJ AO) and other relevant international jurisprudence, this session will explore the legal obligations to phase out the production and use of oil, gas, and coal, and to cooperate internationally toward that end. The discussion will be grounded in concrete observations related to domestic and regional court decisions and policy, to understand where implementation of legal obligations is gaining traction and where key obstacles remain. Participants will examine the current governance gap around international coordination on phasing out fossil fuels and unpack why collective action is: (i) necessary to effectively dismantle the legal barriers to a fossil-free future, such as investor-state dispute settlement (ISDS); (ii) essential to ensuring a fair and equitable phaseout; and (iii) advantageous to lower the costs and maximize the benefits of transition away from fossil fuels.

The discussion will explore potential legal pathways for a coordinated fossil fuel phaseout, as a complement to the UNFCCC/Paris Agreement and consistent with legal duties under multiple sources of international law, and these duties in light of common but differentiated responsibilities and respective capabilities (CBDR-RC) and equity.

Some specific questions the session may address include:

- If the ICJ AO clarified the legal obligations to phase out fossil fuels, what are five priority things governments should do to start putting those duties into action?
- What types of international cooperative action on phasing out fossil fuels would fulfil the legal obligations of States affirmed in the ICJ AO?
- What legal pathways are available to eliminate the threat of ISDS, and why is the absence of a plurilateral approach to ISDS part of the fossil fuel governance gap?
- What lessons do previous approaches to plurilateral action on environmental governance offer for international cooperation on fossil fuel phaseout, including through a new legal instrument like a Fossil Fuel Treaty, to help States implement their legal obligations under the UNFCCC, Paris Agreement, and other sources?
- How do the principles of CBDR-RC and equity qualify States' international legal obligations with respect to phasing out fossil fuels, if at all?
- What international legal principles should guide international cooperative action on fossil fuel phaseout, and how can it ensure fairness and equity, including in any commitments and implementation mechanisms?
- What are common baseline legal requirements for the implementation of fossil fuel phase out - both substantive and procedural - that should ground international cooperative action and domestic enforcement efforts?

The discussion will kick off with brief invited contributions by a few participants, including a presentation by Elizabeth Donger, Climate Litigation Network, on domestic court-imposed limitations on fossil fuels and relevant regulations, including requirements to include Scope 3 emissions in EIAs, corporate obligations, and more.

Workstreams Poster Session

Friday, April 24, 16:00-17:30