

RECLAIMING ENERGY REPORT



# PART 3 — BEYOND THE STATE

## DECOLONISATION, JUST TRANSITION AND ENERGY DEMOCRACY





*This is Part 3 of the Reclaiming Energy publication. Read the full report and find out about the other public pathways to break the fossil fuel cycle: [tni.org/reclaimingenergy](https://tni.org/reclaimingenergy)*

The Reclaiming Energy report, the third in TNI's Public Power trilogy, aims to unpack key strategies to strengthen energy democracy struggles the world over.

With the climate crisis escalating, labour and environmental justice groups are searching for systemic solutions. These solutions must uproot the logic of private profit, which is keeping energy systems from phasing out fossil fuels and ramping up renewables. Public ownership of energy can be exactly this: an urgent, viable and bold alternative to the failures of profit-driven markets and multinationals.

By employing a decolonial lens, we call for deprivatising and decommodifying public power systems as a condition for shaping pathways towards democratic governance and public-community partnerships across scale and territories. This means approaching the right to clean energy as inseparable from the right to land and resource justice.

Far from a silver bullet, defending and expanding energy as a global public good requires ongoing social struggles towards a sustainable energy sector that is deeply democratic and decolonial by design.

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**The Transnational Institute (TNI)** is an international research and advocacy institute committed to building a just, democratic and sustainable planet. For 50 years, TNI has served as a unique nexus between social movements, engaged scholars and policy-makers. And for two decades, TNI has been working on public alternatives with a focus on public ownership of energy. The project towards establishing an international Public Power Observatory is embedded in this accumulated knowledge and expertise. <https://www.tni.org/en>

### 3.0 SUMMARY

**Part 3** of the report addresses initiatives towards a people's energy take-over from outside the state and public institutions.

**While fostering proactive government action on the energy transition is paramount, this will only be achieved through social struggle to shift the balance of power within the state and across society more generally.**

This part of the report focuses on four avenues through which this kind of social struggle is being articulated.

First, we consider endeavours to decolonise the energy system, which seek to tackle the colonial exploitation of Southern countries to service the energy demands of the global North. Here, we take a particular focus on the urgent case of Palestine and unpack Israel's role within the fossil fuel industry, looking at energy as part of the broader movement for Palestinian liberation.

Second, we explore just transition initiatives, which build solidarity between workers and marginalised peoples to push for justice and equity within the energy transition.

Third, we discuss Indigenous energy democracy initiatives. These projects see Indigenous communities developing energy systems that build social benefit. In particular, we explore the case of El Cua in Nicaragua, which brought affordable, clean electricity to the rural population.

Finally, we raise the importance of struggles for land and resource justice, which fight against the exploitative dispossession of land, metals and minerals within 'clean energy' supply chains. Here, we set out a set of five principles to build land justice from the ground up.

### 3.1 DEVELOPING A DECOLONIAL ENERGY AGENDA

**Decolonising our energy systems means recognising and addressing the inequalities baked into every element of these systems — from who is affected by extraction, transmission and distribution to who benefits the most from the infrastructures and services afforded by energy access.**

These inequalities exist globally and locally, cemented by centuries of colonial capitalism, revolving around elite capture of the means and fruits of production.<sup>1</sup> To envision decolonial energy systems requires us to rethink our relationships with our interconnected natural world, resources and people — and the ways in which the dominant model of political economy exploits them. This is a huge and long-term struggle, whose complexities go far beyond the reach of this report.

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<sup>1</sup> Lang, M., Manahan, M.A. and Bringel, B. (eds) (2024) *The Geopolitics of Green Colonialism Global Justice and Ecosocial Transitions*. London: Pluto Press; & Táíwò, O.O. (2022) *Reconsidering reparations*. New York: Oxford University Press; & Hickel, J. (2018) *The divide: a brief guide to global inequality and its solutions*. London: William Heinemann.

By unpacking the power relationships at play within our energy system and how people have been redressing these, we hope to assist affected communities and social justice movements in building counter-power. We aim to hone in on the collective capacities of people power for shaping our energy futures. This is about acknowledging the diverse struggles for self-determination, energy democracy and public ownership that are ongoing within the energy sector — and reflecting on how these struggles are connected.

A decolonised energy system is essential if we are to achieve universal energy access and a fair and equitable energy transition, within the limits of planetary boundaries. **758 million people globally are still living without electricity, with a further 2.6 billion having ‘no access to clean cooking fuels and technologies.’**<sup>2</sup> These inequalities of access to energy are tied up with a pervasive history of colonial extraction, which has seen the natural resources and human populations of poorer countries exploited for the benefit of wealthy countries.<sup>3</sup> This exploitation has gone hand in hand with the ‘underdevelopment’ of nations across the global South,<sup>4</sup> leaving many without the means to develop decarbonised electricity infrastructures for domestic benefit. This is (neo)colonialism.

**Colonialism is about power** — power over others, with the aim of controlling resources, people and cultures for the benefit of the oppressor and at the expense of the colonised. Through this lens we can see that colonialism, while often external — from one nation to another — can also be internal, from a governing or powerful entity towards a less powerful entity. We must also note the important relationships between colonialism and capitalism: the accumulation of capital within the wealthy ‘imperial core’ of the global North is dependent on the exploitation and extraction of people, resources and wealth from colonised countries.<sup>5</sup>

In an energy context, external colonialism might be about one country having control over access to an energy resource in another country or a financial body imposing loan conditions to the detriment of a particular country’s energy sector. Internal colonialism, meanwhile, might be about a state taking land from an Indigenous, peasant or otherwise impoverished population to build or access energy resources such as solar farms or oil reserves. This lens also enables us to examine the colonial elements and rhetoric implicit within much of global energy policy, and the behaviour of key actors such as states, multinational corporations and financial institutions.

We can understand how colonial logic is holding back a just and equitable global energy transition through three key areas:

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- 2 IRENA (2022) *World Energy Transitions Outlook 2022*. Available at: <https://www.irena.org/Digital-Report/World-Energy-Transitions-Outlook-2022> (Accessed: 30 October 2024).
  - 3 Pirani, S. (2018) *Burning up: a global history of fossil fuel consumption*. London: Pluto Press.
  - 4 Hickel, *The Divide*; & Rodney, W. (2018) *How Europe Underdeveloped Africa* [1972]. Brooklyn: Verso.
  - 5 Patnaik, U. and Patnaik, P. (2021) *Capital and imperialism: Theory, history, and the present*. New York: NYU Press.

- **Resources**

Many of the resources needed for the energy transition, such as metals and other minerals critical for renewable technologies, are located in countries of the global South. Countries of the global North, with support from local elites, have been using every tool at their disposal to gain unfettered access to these resources, including debt regimes, tax deals, (green) structural adjustment programmes, multilateral trade agreements and military interventions — to name but a few.<sup>6</sup>

Therefore, **poor countries are forced to export their raw materials at very low prices in exchange for the funds they need to service debt, while purchasing at a much higher cost the technologies and other manufactured goods that may contain their very own resources.**<sup>7</sup> While the exchange of resources in itself is not colonial, doing so at the expense of other countries and communities without real mutual benefit is.

- **Development**

All nations have agreed that universal access to energy should be achieved (as part of the Sustainable Development Goals).<sup>8</sup> For this to be achieved, real consideration needs to be made as to what is a fair level of consumption per country. Many nations have developed at the expense of others by exploiting vital resources and people in their own and other countries over centuries. It is, therefore, only fair that countries and elites whose development was based on imperial and domestic exploitation support the development of universal electrification.

**The international intellectual property regime has been used to block the development of local manufacturing in the global South.** The TRIPS (Trade-Related Aspects of Intellectual Property Rights) agreement by the World Trade Organization is one policy that restricts the equal advancement and use of technologies and knowledge.<sup>9</sup> In 2024, Colombia requested an amendment to the Agreement to address the discrepancies that inhibit technological and knowledge transfer and production.<sup>10</sup> Domestic production could enable Southern countries to develop technological autonomy and produce their own locally-appropriate renewable technologies.<sup>11</sup>

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6 Hickel, *The Divide*.

7 See Part 3.

8 Sustainable Energy for All (n.d.) 'SDG 7.1 — Access to energy'. Available at: <https://www.seforall.org/goal-7-targets/access> (Accessed: 19 July 2024).

9 World Trade Organization (n.d.) 'TRIPS — Trade-Related Aspects of Intellectual Property Rights'. Available at: [https://www.wto.org/english/tratop\\_e/trips\\_e/trips\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/trips_e.htm) (Accessed: 14 October 2024); & World Trade Organization (n.d.) 'Overview: the TRIPS Agreement'. Available at: [https://www.wto.org/english/tratop\\_e/trips\\_e/intel2\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/intel2_e.htm) (Accessed: 14 October 2024).

10 Thiru (2024) 'Colombia's birthday present to the World Trade Organization: a proposal to review the implementation of the TRIPS Agreement: Article 71.1', *Knowledge Ecology International*, 15 April. Available at: <https://www.keionline.org/39658> (Accessed: 14 October 2024).

11 Steinfert and Angel, *Energy Transition Mythbusters*. See Myth #3.

- **Environment**

Environmental degradation is created by the extraction of the critical minerals and metals needed for renewables, from the building of pipelines for transporting oil and gas to the extraction of land for renewable energy and from the generation of electricity in polluting power stations.<sup>12</sup> We need to assess the impacts on soil, water cycles and ecosystems holistically — and understand that long-term impacts for short-term gain may often be ill advised. A large number of energy projects are being developed in Indigenous people's territories, without their Free, Prior and Informed Consent, a right recognised in the UN Declaration on the Rights of Indigenous Peoples, as well as on the land of the rural poor,<sup>13</sup> causing displacement and the loss of livelihoods for thousands.<sup>14</sup>

Throughout this publication, we propose that there are multiple ways to rethink our energy systems, to question and limit the number of so-called compromises we need to make to ensure universal access to affordable clean energy as a global public good. **Decolonising our energy systems is a call to move towards energy systems that ensure global equity, while keeping environmental harm to an absolute minimum.**

Decolonial energy struggles can be conceptualised from a feminist lens. Indeed, a feminist lens and practice are essential to ensuring that public energy is rooted in justice, solidarity and democracy. This means more than endeavours to simply increase the number of women in decision-making positions. Rather, it is about transforming how power in the energy sector is conceived and practised — by moving from elite 'power over' towards people's collective and insurgent 'power to'. Further, **it is about advocating for the prioritisation of essential practices of social reproduction within energy provision — whether this is to keep hospitals, schools, water provision and public transport running, or to power the caring, cooking and cleaning work that is still predominantly done by women.**

Bell, Daggett and Labuski offer a comprehensive analysis of how we work towards equitable energy systems. Their vision is 'feminist in that it puts traditionally marginalised bodies at the centre of analysis; it is intersectional in that it is attuned to the many hierarchies through which power (and energy) operate'.<sup>15</sup> They offer **four crucial lenses through which to analyse energy system**

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<sup>12</sup> IEA (2022) *The Role of Critical Minerals in Clean Energy Transitions*. IEA Publications. Available at: <https://www.iea.org/reports/the-role-of-critical-minerals-in-clean-energy-transitions/sustainable-and-responsible-development-of-minerals> (Accessed: 30 October 2024); & Chatterjee et al. (2023) 'Green' Multinationals Exposed.

<sup>13</sup> Cariño, J. (2021) *Community Toolkit on Free, Prior and Informed Consent and Renewable Energy*. Indigenous Peoples Major Group for Sustainable Development. Available at: <https://rightenergypartnership.org/community-toolkit-on-free-prior-and-informed-consent-and-renewable-energy/> (Accessed: 6 November 2024).

<sup>14</sup> Kramarz, T., Park, S. and Johnson, C. (2021) 'Governing the dark side of renewable energy: A typology of global displacements', *Energy Research & Social Science* 74, 101902. Available at: <https://doi.org/10.1016/j.erss.2020.101902> (Accessed: 6 November 2024).

<sup>15</sup> Bell, S.E., Daggett, C. and Labuski, C. (2020) 'Toward feminist energy systems: Why adding women and solar panels is not enough', *Energy Research & Social Science*, 68, 101557. Available at: <https://doi.org/10.1016/j.erss.2020.101557> (Accessed: 6 November 2024).

**design**, 'the **political** (democratic, decentralised and pluralist); **economic** (prioritising human well-being and biodiversity over profit and unlimited growth); **socio-ecological** (preferring relationality over individualism); and **technological** (privileging distributed and decentralised fuel power and people power)'.<sup>16</sup>

These lenses contain principles that can be found at the core of Indigenous values, and in many of the examples of energy democracy projects led by frontline communities experiencing racial marginalisation. They cast a spotlight on the range of considerations that should be taken into account when transforming our energy system, and offer insight into the possible foundation for reaching a decolonial energy system. **Another way of understanding these lenses is by asking, for what is energy produced and used? For whom and by whom is energy produced and for whose benefits? And how is energy produced, meaning with what resources, techniques and at what cost is it being produced and used?**<sup>17</sup>

A key aspect of decolonising energy systems is decentring the interests and logics of wealthy colonising countries and moving towards the centring of demands, knowledge and solutions advanced by communities that experience racialised and class-based marginalisation. In this section we are focusing on examples from Indigenous peoples, Black and Brown people, and impoverished communities, to demonstrate the powerful alternatives and tools that are already being put into practice. We hope this will encourage public energy advocates and policy-makers, among others, to acknowledge and support these efforts as part of a greater push towards decolonial and democratic public energy systems.

We address several considerations that are often presented as obstacles to just energy systems. First, many localised solutions do not reach a scale that can ensure universal energy access. Second, centralised energy systems often fail to keep energy affordable or to reach rural areas. Third, the resources needed for the transition are often found in rural areas — and their extraction can result in environmental and social harms to local communities.

We explore different contexts in which energy transition solutions are being fought for — solutions that call for democratic decision-making across scales, collaboration between frontline communities and the state, and a commitment to universal energy access and democratic governance.

However, before turning to energy transition solutions, in order to pursue decolonial energy systems we need a deeper understanding of how fossil fuels have long been central to colonisation and militarism. To do so, we consider this question in relation to the struggle for Palestinian liberation.

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<sup>16</sup> Bell, Daggett and Labuski, *Toward feminist energy systems*.

<sup>17</sup> *Energy Democracy Declaration* (2023). Available at: <https://energydemocracydeclaration.org> (Accessed: 30 October 2024).

## DISMANTLING FOSSIL FUEL COLONIALISM: FROM PALESTINE AND BEYOND

Human ecology professor Andreas Malm sets out how in the first major global energy transition, coal allowed for the suppression of labour at home in Britain alongside the plunder and colonisation of people and territories abroad. The deployment of coal-powered steamboats in wartimes sparked the globalisation of steam power and, hence, large-scale fossil fuel combustion.<sup>18</sup> The second major transition, to oil, facilitated the expansion of US imperialism, making oil an essential resource for the function of 'Empire'. According to one 2018 study, the US military spends \$81 billion per year defending global oil supplies.<sup>19</sup>

Now, in the name of the renewable energy transition, the US, the UK and the European Union are rushing to secure supplies of critical minerals, while in fact employing these minerals for military production and digital technologies.<sup>20</sup>

**The energy and military industries, and their deep colonial tendencies, must be reckoned with together.**

The case of Palestine illustrates this clearly. At the time of writing, it has been more than eleven months since the start of Israel's genocidal war on Gaza, during which time more than 38,000 people have been killed according to official statistics,<sup>21</sup> and around 186,000 according to scientific estimates.<sup>22</sup> Israel's brutal onslaught on Gaza is a continuation of over 76 years of Zionist settler colonialism — politically and economically supported by Western powers in Europe and the US. From the beginning, Palestinians across historic Palestine, and abroad, have resisted Israel's apartheid regime.

Contextualising the struggles of the Palestinian people requires understanding Israel as a settler colony whose presence is vital for the maintenance of Western interests in North Africa and the Middle East. This dates back as far as 1840, with the British Empire first proposing the facilitation of Jewish settlements from Europe under the pretext of 'civilisation', in order to counteract Ottoman and Arab challengers of the British Empire by creating an ally in the region.<sup>23</sup>

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18 Malm, A. (2024) 'The destruction of Palestine is the destruction of the Earth', *Verso*, 8 April. Available at: <https://www.versobooks.com/blogs/news/the-destruction-of-palestine-is-the-destruction-of-the-earth> (Accessed: 13 August 2024).

19 Forsyth, K. and Kerr, F. (2022) *The Toxic Relationship between Oil and the Military*. Global Centre for Climate Justice. Available at: <https://www.climatejusticecenter.org/newsletter/the-toxic-relationship-between-oil-and-the-military> (Accessed: 30 October 2024).

20 Petitjean, O. and Verheeecke, L. (2023) *Blood on the Green Deal*. Corporate Europe Observatory. Available at: <https://corporateeurope.org/en/2023/11/blood-green-deal> (Accessed: 29 July 2024).

21 Rowlands, L., Gadzo, M. and Motamedi, M. (2024) 'Israel's war on Gaza updates: UNRWA headquarters in Gaza "flattened"', *Aljazeera*, 15 July. Available at: <https://www.aljazeera.com/news/liveblog/2024/7/15/israels-war-on-gaza-live-endless-massacre-in-gaza-as-israel-kills-17> (Accessed: 30 July 2024).

22 Khatib, R., McKee, M. and Yusuf, S. (2024) 'Counting the dead in Gaza: difficult but essential', *The Lancet*, 404(10449), 237–238. Available at: [https://doi.org/10.1016/S0140-6736\(24\)01169-3](https://doi.org/10.1016/S0140-6736(24)01169-3) (Accessed: 6 November 2024).

23 Malm, 'The destruction of Palestine is the destruction of the Earth'.



Settler colonialism, in this sense, is not only about the plunder of resources in territories abroad, but also seeks the establishment of global networks of trade, control and power.<sup>24</sup> Ever since the establishment of the State of Israel in 1948, access to oil has shaped much of the relationship between the West and the Middle East. By the end of the Second World War, the United States, the USSR and Europe were dominating the world's oil resources.<sup>25</sup> Then, in the fifties and sixties, with the discovery of more oil reserves in the Middle East, the region became the centre of global oil markets. Since then, attempts to nationalise energy resources and infrastructure and pursue democratisation across the region were thwarted as authoritarian figures and monarchies were propped up by the US and European powers for their own interests. **A free Palestine is therefore intricately tied to struggles across the region for sovereignty from the reins of global capital, imperial powers and national elites.**

Recent years have seen greater efforts from the US and Europe to pressure Arab countries to normalise relations with Israel and to consolidate Israel's economic position in the region. These efforts are not new, with Egypt having normalised relations with Israel in 1979 and Jordan in 1994, after signing the Oslo Accords. These efforts have been accelerating. Since 2020, the United Arab Emirates, Bahrain, Morocco and Sudan have followed suit with the signing of the Abraham Accords. Saudi Arabia is not far behind — in September 2023, Crown Prince Mohammed bin Salman told Fox News that Saudi-Israeli normalisation was getting closer.<sup>26</sup> Moves towards normalisation go against the general popular consensus in the Arab region, as the Palestinian struggle has always been a pan-Arab struggle. However, governments across the region continue to suppress political activity while being provided with additional trade benefits granted by the US. For example, following the Abraham Accords the UAE signed a \$23.37 billion arms deal with the US, which included F-35 fighter jets and Reaper drone systems.<sup>27</sup>

Gas has also become a key resource in the context of normalising relationships between Israel and the European Union. Following the discovery of gas reserves in the Mediterranean in the 2000s, Israel's gas production has risen 700 per cent in the past decade.<sup>28</sup> New gas reserves are also being explored in Palestinian maritime waters, as defined by international law. In October 2023, only weeks

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24 Englert, S. (2023) 'Settler colonialism and the birth of global capitalism', *rs21*, 7 November. Available at: <https://www.rs21.org.uk/2023/11/07/settler-colonialism-and-the-birth-of-global-capitalism/> (Accessed: 30 July 2024).

25 Hanieh, A. (2024) 'Framing Palestine: Israel, the Gulf states, and American power in the Middle East', *TNI*, 13 June. Available at: <https://www.tni.org/en/article/framing-palestine> (Accessed: 13 August 2024).

26 Al Jazeera Staff (2023) 'What's happening with normalising ties between Saudi Arabia and Israel?', *Al Jazeera*, 21 September. Available at: <https://www.aljazeera.com/news/2023/9/21/whats-happening-with-normalising-ties-between-saudi-arabia-and-israel> (Accessed: 1 August 2024).

27 Hawari, Y. (2024) 'The betrayal', *New Internationalist*, 6 March. Available at: <https://newint.org/politics/2024/betrayal-israel-arab-normalisation> (Accessed: 1 August 2024).

28 Chen, Y. (2023) 'Israel's fossil fuel boon becomes less clear-cut', *Reuters*, 19 October. Available at: <https://www.reuters.com/breakingviews/israels-fossil-fuel-boon-becomes-less-clear-cut-2023-10-19/> (Accessed: 1 August 2024).

after the start of the genocide, Israel's Ministry of Energy awarded six companies licences to explore for gas off the coast of the Gaza Strip.<sup>29</sup> While still only contributing less than 1 per cent of global gas production, surplus gas is being exported to Egypt, Jordan and Europe.<sup>30</sup> In 2022 the EU, Egypt and Israel signed a Memorandum of Understanding for gas to be exported to the EU via Egypt. Before the end of November 2023, the EU had imported 1.3 billion cubic metres of liquefied natural gas under the terms of the MoU,<sup>31</sup> while gas supplies to Egypt and Jordan rose by about 25 per cent in 2023.<sup>32</sup>

Israeli settler colonialism is therefore inseparable from the geopolitical situation in the region and the US-dominated global economic system. All the above, coupled with the 17-year-long Israeli blockade on Gaza, is the backdrop of the events of 7 October 2023.

**Resistance is rising against Israel's growing presence in the fossil fuel industry — as a key strategy towards a free Palestine.** In early 2024, a coalition of Palestinian organisations began calling for a total energy embargo of Israel to stop the genocide in Gaza.<sup>33</sup> Citing the International Court of Justice's ruling that Israel must halt its offensive in Gaza's Rafah, the coalition aims to challenge Israel's continuing impunity, as demonstrated by ongoing arms exports to Israel, particularly from the US and Germany. As a result of their campaign, in June 2024 Colombia announced a halt of exports of coal to Israel, which in 2023 accounted for 60 per cent of all Israel's coal imports.<sup>34</sup> This is a clear example of solidarity in action, bringing together mineworkers, the Wayuu and Yukpa Indigenous communities, and Palestinian organisers to push back against Israeli settler colonialism, extractivism and corporate impunity.

Prior to the Colombian government's decision, in November 2023, Colombia's mineworkers' union Sintracarbon called for a halt on all coal exports to Israel. Sintracarbon's statement referenced Israel's role in training Colombian paramilitaries and mercenaries, who participated in the extermination of the Colombian trade union movement and the numerous human rights violations during

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- 29 Rabinovitch, A. and Scheer, S. (2023) 'Israel awards gas exploration licences to Eni, BP and four others', *Reuters*, 30 October. Available at: <https://www.reuters.com/business/energy/israel-awards-gas-exploration-licences-eni-bp-four-others-2023-10-29/> (Accessed: 1 August 2024).
  - 30 Global Data (2024) 'Israel natural gas production: data and insights', *Offshore Technology*, 11 July. Available at: <https://www.offshore-technology.com/data-insights/israel-natural-gas-production/> (Accessed: 1 August 2024).
  - 31 Ni Bhriain, N. and Akkerman, M. (2024) *Partners in Crime: EU complicity in Israel's genocide in Gaza*. TNI. Available at: <https://www.tni.org/en/publication/partners-in-crime-EU-complicity-Israel-genocide-Gaza> (Accessed: 1 August 2024).
  - 32 Rabinovitch, A. (2024) 'Israel says gas exports to Egypt, Jordan rose 25% in 2023', *Reuters*, 26 February. Available at: <https://www.reuters.com/business/energy/israel-says-gas-exports-egypt-jordan-rose-25-2023-2024-02-26> (Accessed: 1 August 2024).
  - 33 Hearst, K. (2024b) 'Palestinian coalition calls for "total energy embargo" on Israel', *Middle East Eye*, 27 February. Available at: <https://www.middleeasteye.net/news/palestinian-coalition-calls-total-energy-embargo-israel> (Accessed: 1 August 2024).
  - 34 Hearst, K. (2024a) 'Bogota's Israel coal exports ban fuelled by Palestinian-Colombian coalition', *Middle East Eye*, 11 June. Available at: <https://www.middleeasteye.net/news/colombia-israel-coal-export-ban> (Accessed: 1 August 2024).

the social and armed conflict in Colombia.<sup>35</sup> The union also represents workers that suffer from labour repression in the Cerrejon coal mine. The Cerrejon mine in La Guajira was opened in 1984 and is one of the world's largest open pit coal mines. It is located on the lands of the Wayuu and Afro-descendant communities. Since then, communities have been struggling with the effects of land, water and air pollution, displacement, threats and violence. The Yukpa Indigenous leader is currently exiled in Paris after facing murder attempts for opposing the mine.<sup>36</sup> Working with Sintracarbon and Indigenous communities, including the Wayuu and Yukpa, the energy embargo coalition organised a global day of action against the commodity trading and mining corporation Glencore. This Swiss multinational supplies 90 per cent of Colombia's coal exports to Israel and owns the Cerrejon mine.<sup>37</sup> **Thus, we see that a decolonial energy agenda means strengthening solidarity in struggles that link workers, affected communities and colonised peoples from across the globe.** The concept of just transition can help foster this kind of solidarity, as explained further in Section 3.2.

### 3.2 ORGANISING TOWARDS JUST TRANSITIONS AND ENERGY DEMOCRACY

The term 'just transition'<sup>38</sup> has evolved and expanded over past decades. Fundamentally, the term speaks to a social and climate justice<sup>39</sup> approach to

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35 Ibarra, H.A. (2023) 'Mining workers in Colombia call the government to "suspend the shipment of Colombian coal, or any other metal or mineral to Israel"', *Workers in Palestine*, 1 November. Available at: <https://www.workersinpalestine.org/news/mining-workers-in-colombia-call-the-government-to-suspend-the-shipment-of-colombian-coal-or-any-other-metal-or-mineral-to-israel> (Accessed: 1 August 2024).

36 Grigelmo, C. (2023) 'Coal from this Colombian mine arrives in Europe "tainted with blood"', *euronews*, 21 October. Available at: <https://www.euronews.com/green/2023/10/21/lost-bones-dreams-and-water-life-and-death-at-the-foot-of-one-of-the-worlds-biggest-coal-m> (Accessed: 1 August 2024).

37 Hearst, K. (2024) 'Bogota's Israel coal exports ban fuelled by Palestinian-Colombian coalition', *Middle East Eye*, 11 June. Available at: <https://www.middleeasteye.net/news/colombia-israel-coal-export-ban> (Accessed: 1 August 2024).

38 Many people describe the term as first originating in America in the 1970s. Specifically, it is traced back to Tony Mazzocchi, then leader of the Oil, Chemical and Atomic Workers Union (now part of the United Steelworkers), who sought to unite the interests of workers and environmental activists around the closure of the Ciba-Geigy chemical facility in New Jersey. It was out of this struggle that labour groups, environmental groups and Indigenous leaders established the Just Transition Alliance. The Alliance worked to further expand the definition of just transition and focused on coordinating strategies to 'transition whole communities toward thriving economies within their control and that provided dignified, productive and sustainable livelihoods, democratic governance, and ecological resilience'. This kind of collaboration across diverse groups has since taken place the world over and is by no means isolated to North America.

Sources: Wilgosh, B., Sorman, A.H. and Barcena, I. (2022) 'When two movements collide: Learning from labour and environmental struggles for future Just Transitions', *Futures*, 137, 102903. Available at: <https://doi.org/10.1016/j.futures.2022.102903>; Sweeney, S. and Treat, J. (2018) *Trade Unions and Just Transition The search for a transformative politics*. TUED and the Rosa Luxemburg Stiftung. Available at: [https://rosalux.nyc/wp-content/uploads/2021/09/tuedwork-ingpaper11\\_web.pdf](https://rosalux.nyc/wp-content/uploads/2021/09/tuedwork-ingpaper11_web.pdf) (Accessed: 30 October 2024); Fairchild, D. and Weinrub, A. (2017) *Energy Democracy Advancing Equity in Clean Energy Solutions*. Washington, DC: Island Press.

39 The approach centres social and climate justice by finding solutions that meet multiple needs from affected labour, community and environmental interests.



transitioning away from a harmful industry or economic system — with the process being just as important as the final result.

Although some corporations and governments are trying to impose their own watered-down versions of the concept, a genuine just transition builds solutions outwards from those most affected and marginalised. **A recent study that compared just transition proposals across the world found that some of the most radical visions were being led by ‘women, communities of colour, Indigenous peoples, and the global south, reflect[ing] the systematic marginalisation of these groups in decision-making and through colonial relations over generations’.**<sup>40</sup> The convergence of people with a range of experiences, including trade unions, Indigenous perspectives, non-organised workers and civil society organisations, ensures visions and action towards just transition are as radical and transformative as possible.

### UNIONS PAVING THE WAY

For decades, unions have been paving the way for just transition plans, as workers tend to be the first affected by the phase-out of a specific industry. Today, there are countless struggles across the world where unions are proposing or creating transitions away from fossil-fuel intensive industries. In many instances, this means taking action before governments or business owners have even begun to make a plan. Other times, this means challenging government plans, which often lack the ambition required to use the energy transition as an opportunity to create a fairer world by simultaneously advancing workers rights and tackling climate change.<sup>41</sup>

In 2021, in Florence, Italy, a factory producing luxury car parts for British multinational GKN was threatened with closure.<sup>42</sup> A struggle emerged focused around a green industrial strategy for the factory, involving producing solar panels and cargo bikes. This has been a bastion of hope among the rise of far-right politics in Italy. The cry to protect workers and collectively shape our futures has resonated across sectors, with precarious university workers, environmental movements, artists, students, writers and activists new and old joining the cause.<sup>43</sup> In September 2021, 40,000 people took to the streets to support the workers’

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40 Wilgosh, Sorman and Barcena, *When two movements collide*.

41 Sweeney and Treat, *Trade Unions and Just Transition*; Denis, B. and Rodriguez, M.H. (2018) *A Guide For Trade Unions: Involving trade unions in climate action to build a just transition*. Available at: [https://www.etuc.org/sites/default/files/publication/file/2018-09/Final%20FUPA%20Guide\\_EN.pdf](https://www.etuc.org/sites/default/files/publication/file/2018-09/Final%20FUPA%20Guide_EN.pdf). (Accessed: 30 October 2024); TUC (2021) ‘Go green at work: the union effect’, in *The TUC Workplace Manual*. London: TUC. Available at: <https://www.tuc.org.uk/resource/go-green-work-union-effect> (Accessed: 31 October 2024); *Campaign against Climate Change Trade Union Group* (2023) ‘PCS union plan for a national climate and biodiversity service’, Campaign against Climate Change Trade Union Group, 25 October. Available at: [https://www.cacctu.org.uk/pcs\\_climate\\_jobs](https://www.cacctu.org.uk/pcs_climate_jobs) (Accessed: 1 August 2024).

42 Gabbriellini, F. and Gabbuti, G. (2022) ‘How striking auto workers showed Italy the way out of decline’, *Jacobin*, 8 October. Available at: <https://jacobin.com/2022/08/gkn-driveline-florence-factory-collective-strike> (Accessed: 1 August 2024).

43 Gabbriellini and Gabbuti, *How striking auto workers showed Italy the way out of decline*.

plans.<sup>44</sup> This energy has been sustained over time, with tens of thousands on the streets again in 2024, each iteration bringing in support from new groups.<sup>45</sup>

As documented by Reel News, the meeting between the factory workers and climate activists led to the development of their just transition plan — highlighting the essential nature of collaboration across struggles.<sup>46</sup> This is something that trade unions leading the struggle are well aware of, with histories of solidarity with migrants, Palestinian liberation and trans rights activists among others. Bypassing government indecisions over ownership, the workers are crowdfunding for a workers' take-over. People are invited to buy shares in what will become a workers' cooperative, enabling active participation in their green industrial strategy.<sup>47</sup>

In the UK, offshore oil and gas workers collaborated with climate justice organisation Platform to develop a worker-led just transition plan,<sup>48</sup> endorsed by a range of unions and environmental organisations. Together, they have been pushing the government to deploy a just transition based on workers' demands, which include retraining and public ownership. **With around 220,000 workers, the inevitable phase-out of this industry will have a huge impact if not properly planned.**<sup>49</sup>

In Trinidad and Tobago, the Oilfields Workers Trade Union (OWTU) is involved in an ongoing process to design a just transition for the country. Unlike other economies that might rely on multiple revenues, their economy is largely structured around the oil and gas industry. Accounting for around 40 per cent of their GDP, 80 per cent of exports and 58.2 per cent of total government revenue, a transition from oil and gas could lead to collapse of the country's national budget.<sup>50</sup> In response, OWTU is designing a just transition plan centred on TUED's public pathway approach,<sup>51</sup> not just for the oil and gas industry, but for the whole country.<sup>52</sup>

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44 Gabbriellini and Gabbuti, *How striking auto workers showed Italy the way out of decline*.

45 Reelnews (2024) 'GKN workers start hunger strike for a worker-led transition in the most important struggle in Europe — In the global war between rich and poor', *reelnews*, 14 June. Available at: <https://reelnews.co.uk/2024/06/14/all-reelnews-campaigns/environment/gkn-workers-start-hunger-strike-for-a-worker-led-transition-in-the-most-important-struggle-in-europe/> (Accessed: 1 August 2024).

46 Reelnews, *GKN workers start hunger strike*.

47 Insorgiamo (n.d.) '100x10.000 — #insorgiamo'. Available at: <https://insorgiamo.org/100x10-000> (Accessed: 1 August 2024).

48 Harris, R., Jeliakov, G. and Morrison, R. (2023) *Our power*. Platform. Available at: <https://platformlondon.org/resource/our-power-offshore-workers-demands-for-a-just-energy-transition/> (Accessed: 1 August 2024).

49 Offshore Energies UK (2023) *Economic Report 2023: Unlocking our Energy Future*. OE UK: Offshore Energies UK. Available at: <https://oeuk.org.uk/wp-content/uploads/2023/09/Economic-Report-2023-Offshore-Energies-UK-OEUK.pdf> (Accessed: 31 October 2024).

50 Mitchell, T. et al. (2024) *Power Switch: Building a just energy transition in an age of corporate and imperial power*. TNI. Available at: <https://www.tni.org/en/publication/energy-power-and-transition> (Accessed: 1 August 2024).

51 TUED's public pathway approach calls for a comprehensive reclaiming of the entire energy sector into public hands. The network argues that this is crucial to phase out fossil fuels and publicly benefit from the expansion of the renewable energy sector. This analysis centres energy as a public good, see Part 4 to read more on this. Source: Sweeney, *Towards a Public Pathway Approach to a Just Energy Transition for the Global South*.

52 Sweeney, *Towards a Public Pathway Approach to a Just Energy Transition for the Global South*.

OWTU Chief Education and Research Officer, Ozzi Warrick, said, '[OWTU's just transition plan for Trinidad and Tobago] looks to lay out a path that would extend public ownership of energy and build a new political economy consistent with the hopes and aspirations of many of us working in trade unions and social movements. This would mean the complete nationalisation of both the energy and power sectors. [...] **The struggle for energy can provide a clear focus for us in movements to strive for radical, systemic change.**'<sup>53</sup>

The trade union has a challenge ahead of it with the government increasingly privatising all utilities and initiating structural adjustment programmes in the name of a 'just transition'.<sup>54</sup> Yet it has a fantastic track record. OWTU has been a great influence in the shaping of Trinidad and Tobago's economy over the years. Born from labour riots in the 1930s, the union rallied the country towards achieving universal suffrage, and was pivotal in achieving independence from colonialism in 1962.<sup>55</sup>

Instrumental in the leveraging of workers' power over the decades, trade unions are fundamental to any transition plans that are truly just. **The renewable energy industry poses new challenges, given a less centralised and more precarious workforce.** In many countries, trade unions are banned or members are violently targeted, leading to fewer union members globally today than in previous decades. Yet, as shown in the UK example (see Section 2.1), coalitions with unionised and non-unionised workers, alongside other affected communities, can ensure just transitions are not just planned for but created through workers' skills and power. This will doubtless not be straightforward: the trade union movement is at times divided on the question of energy transition, with some unions opposing attempts to curb fossil fuel use due to an interest in protecting existing jobs.<sup>56</sup> That said, research shows that rank and file trade unionists within the fossil fuel industry are in favour of just transition measures. As such, **worker-led transition plans will be central in paving a fair and sustainable way forward.**<sup>57</sup>

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53 Mitchell et al., *Power Switch*.

54 Mitchell et al., *Power Switch*.

55 Mitchell et al., *Power Switch*.

56 Bright, S. (2024) 'Energy policy shouldn't be in hands of politicians, British gas boss tells Labour minister', *DeSmog*, 22 September. Available at: <https://www.desmog.com/2024/09/22/energy-policy-should-not-be-in-hands-of-politicians-british-gas-boss-chris-oshea-tells-labour-minister> (Accessed: 11 October 2024).

57 Friends of the Earth Europe (2023) 'UK oil workers demand just energy transition', 3 June. Available at: <https://friendsoftheearth.eu/press-release/uk-oil-workers-demand-just-energy-transition> (Accessed: 11 October 2024).



### BOX 3.1

#### HOW THE ENERGY TRANSITION IS HIJACKED BY 'GREEN' MULTINATIONALS

**Corporations have been co-opting just transition struggles for decades, greenwashing<sup>58</sup> their own initiatives, often with generous support from governments, to continue and even expand business as usual.<sup>59</sup>** TNI's survey of 'green' multinationals shows how transnational corporations investing in renewable energy are relying on public funds to secure their returns — whether through government subsidies or sky high energy bills. The 15 companies profiled in TNI's research, some of the world's biggest energy firms, paid a combined \$130.77 billion in dividends and \$24.80 billion in share buybacks between 2016 and 2022 — all while still relying on public money to invest in new projects. In total, they made \$175.86 billion profit in those years. This is more than seven times the real financial support that rich countries have provided to poor nations to tackle and adapt to climate change (despite pledging \$100 billion a year in 2009).<sup>60</sup> As detailed in our *'Green' Multinationals Exposed* report, these returns were preceded by land grabbing, human rights violations and destruction of communities.

#### COALITION BUILDING ACROSS MOVEMENTS

The greenwashing of the just transition discourse means we have to be explicit about the type of just transition that we stand for. At a meeting that brought together labour unions and environmental groups, co-facilitated by TNI, participants agreed that 'a robust and radical vision of just transition sees environmental destruction, capitalist extraction, imperialist violence, inequality, exploitation, and marginalisation along the axes of race, class, and gender (among others) as simultaneous effects of one global system which must be transformed'.<sup>61</sup> This is a process to move away from all forms of exploitation and towards a regenerative, restorative system,<sup>62</sup> in which economic and social power are equally distributed, ecosystems sustained, and meaningful and collective governance and government realised. In an energy context, a just

58 'Greenwashing' refers to the practice of falsely promoting an organisation's environmental efforts or spending more resources to promote the organisation as green than are spent actually engaging in environmentally sound practices. Thus, greenwashing is the dissemination of false or deceptive information regarding an organisation's environmental strategies, goals, motivations and actions. Source: Becker-Olsen, K. and Potucek, S. (2013) 'Greenwashing', in S.O. Idowu et al. (eds) *Encyclopedia of Corporate Social Responsibility*. Berlin, Heidelberg: Springer, pp. 1318–1323. Available at: [https://doi.org/10.1007/978-3-642-28036-8\\_104](https://doi.org/10.1007/978-3-642-28036-8_104) (Accessed: 6 November 2024).

59 Chatterjee et al., *'Green' Multinationals Exposed*.

60 Chatterjee et al., *'Green' Multinationals Exposed*, p. 3.

61 Burke, D. (2020) *Just Transition: How environmental justice organisations and trade unions are coming together for social and environmental transformation*. TNI. Available at: <https://www.tni.org/en/publication/just-transition> (Accessed: 6 August 2024).

62 Climate Justice Alliance (n.d.) 'Just transition: a framework for change'. Available at: <https://climatejusticealliance.org/just-transition> (Accessed: 6 August 2024).

transition will serve as a means to build energy democracy, integrate multiple forms of public-community ownership and serve as a mechanism for building sustainable economies.

Before Israel's ongoing genocide, just transition efforts of this kind were witnessed in Gaza. The Clean Energy Initiative<sup>63</sup> by PENGON (Friends of the Earth Palestine) seeks to address electricity scarcity caused by Israeli blockades and occupation through shifting to a clean energy solution for the whole region.<sup>64</sup> The project has sought to provide solar panels in collaboration with local collectives, working towards ensuring that services can be delivered and wealth kept within the community. This has involved targeting 900 Gazan families, 6,000 students, 20 female-led community organisations, and a further 25 Palestinian organisations.<sup>65</sup> One project has brought solar energy to women-run kitchens that provide and sell food to the local community. Alongside this, women are trained to become more politically active in lobbying and advocacy spaces for gender laws and energy policies.<sup>66</sup> **This just transition project is decolonial in that it strengthens the capacities of women and other workers marginalised by Israel's settler colonialism, builds local economic power within planetary boundaries and directly benefits local communities.**

Just transition manifestos and policy interventions demonstrate how action that centres social and environmental justice can transform society as a whole. In early 2023, the Manifesto for an Ecosocial Energy Transition from the Peoples of the South was released.<sup>67</sup> Spanning eight demands, this manifesto is a passionate challenge to the global systems of extraction that are enabling the 'capitalist centres [...] to extract natural wealth and rely on cheap labour from countries on the periphery'. The Manifesto critically reflects on how legacies of colonialism created this imbalance of power, arguing that the neocolonial, privatised energy model is deepening this inequality. Additionally, the Manifesto makes concrete proposals for the ways in which Southern actors can better resist neocolonialism, and how rich countries can support these efforts.

Such wide-reaching statements demonstrate that calls for popular sovereignty at international, national and local levels are inextricably linked to struggles for just transition and energy democracy. This kind of intervention is essential, given that much of the discussion at a global level fails to meaningfully address the systems that are preventing countries, especially those with fewer financial resources, from addressing climate change through an energy transition that benefits and is led by

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63 Transformative Cities (n.d.) '100% renewable energy for Gaza', *Transformative Cities*. Available at: <https://transformativecities.org/atlas/energy10> (Accessed: 6 August 2024).

64 Almeghari, R. (2022) 'Gaza's electricity shortages powering a renewable energy revolution', *RFI*, 17 October. Available at: <https://www.rfi.fr/en/international/20221017-gaza-s-power-shortages-drive-a-renewable-energy-revolution> (Accessed: 31 October 2024)..

65 Almeghari, *Gaza's electricity shortages powering a renewable energy revolution*.

66 Almeghari, *Gaza's electricity shortages powering a renewable energy revolution*.

67 Pacto Ecosocial e Intercultural del Sur (2023) 'Manifesto from the peoples of the South: for an ecosocial energy transition', 9 February. Available at: <https://pactoecosocialdelsur.com/manifesto-for-an-ecosocial-energy-transition-from-the-peoples-of-the-south> (Accessed: 6 August 2024).

the public. Importantly, the Manifesto was developed in collaboration with people from all over Latin America, including Indigenous representatives, social movements, academics and NGOs. Moreover, the Manifesto has been pivotal in left-wing Colombian president Gustavo Petro's call on the international community to swap debt forgiveness for climate actions, such as leaving fossil fuels in the ground.<sup>68</sup>

The Manifesto for an Ecosocial Energy Transition from the Peoples of the South was a crucial stepping stone for the 2023 Energy Democracy Movement Declaration,<sup>69</sup> co-developed with a host of representatives from trade unions, Indigenous populations, ecofeminist collectives, and trade, debt and environmental justice groups from all over the world. **This effort further encourages us to address the unequal power dynamics at the heart of the energy system by asking, 'energy for what, for whom, by whom and how'.** The authors make calls for energy sufficiency as a way of uniting around equitable distribution in relation to energy use, demand and production across scales. Importantly, this declaration brings together perspectives from a range of movements, to synthesise what we have in common and can collectively organise towards.

Both statements pay homage to and are inspired by the principle of Free, Prior and Informed Consent (FPIC).<sup>70</sup> FPIC is a specific right granted to Indigenous Peoples recognised in the UN Declaration on the Rights of Indigenous Peoples. As laid out by the Right to Energy Partnership with Indigenous Peoples,<sup>71</sup> it outlines the ways in which participation by Indigenous communities around economic activities should be organised in order to defend their self-determination and avert resource grabs.

Complementary to FPIC, human rights bodies are increasingly recognising that populations who live on and from the land have specific rights and should be involved in democratic decision-making around their territories. The 2018 UN Declaration on the Rights of Peasants and Other People Working in Rural Areas is one such instrument.<sup>72</sup> A radical implementation of these agreements that

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68 Chavez and Peñaranda, *State-Run Oil Companies And The Energy Transition*.

69 *Energy Democracy Declaration*.

70 'Free: They are given the freedom, time and space to conduct their internal and collective decision-making process without interference or coercion; Prior: They are consulted before any project is planned in their territory and before the start of any project-related activities; Informed: They are provided with accurate and complete information regarding the proposed policy, program or project affecting them and the companies involved, in a language and manner they understand; and, Consent: Their collective decision to consent or not to consent in accordance with their customary or chosen decision-making processes is recognized and respected.'

Source: Cariño, J. (2021) *Community Toolkit on Free, Prior and Informed Consent and Renewable Energy*. Right Energy Partnership with Indigenous Peoples. Available at: <https://right-energypartnership.org/community-toolkit-on-free-prior-and-informed-consent-and-renewable-energy/> (Accessed: 13 August 2024).

71 Right Energy Partnership with Indigenous Peoples (n.d.) 'About us'. Available at: <https://right-energypartnership.org/about> (Accessed: 13 August 2024).

72 La Via Campesina (2021) *United Nations Declaration on the Rights of Peasants: Introductory booklet*. Available at: [https://viacampesina.org/en/wp-content/uploads/sites/2/2021/12/LVC-EN-Booklet-UNDROP-RGB\\_lowres.pdf](https://viacampesina.org/en/wp-content/uploads/sites/2/2021/12/LVC-EN-Booklet-UNDROP-RGB_lowres.pdf) (Accessed: 31 October 2024); Defending Peasants' Rights (2024) 'Home page'. Available at: <https://defendingpeasantsrights.org/en/home> (Accessed: 11 October 2024).



goes beyond the minimum protections of human rights legislation is key to building more just and democratic energy systems.

There have been many instances where governments and corporations have done no more than pay lip service to these declarations — without the due diligence of conducting these processes thoroughly. This can lead to environmental degradation and social, cultural and economic hardship for Indigenous and other local communities. This happened in Chiloé, Chile, following the government's decision to roll out a new large-scale wind farm. Residents claimed that the consultation process was limited, that their concerns were disregarded in the final proposals,<sup>73</sup> and that proposed mitigations and repair only benefited the wind farm and not the community.<sup>74</sup> Concerns were raised about the impact on the water stored in peat bogs, on which the wind turbines were planned to be built, alongside the local fauna and natural monuments.<sup>75</sup> These concerns were proved justified when dynamite used to clear the land damaged the delicate peat bogs, which are a key source of water and an essential component of natural carbon capture.<sup>76</sup>

**Consultation without proper information sharing and participation avenues can result in limited change.** As highlighted in a recent TUED report,<sup>77</sup> 'social dialogue proponents often maintain the existing systems of production and consumption, focusing on the so-called 'green growth' agenda as a solution to potential job losses that workers can face through transition to a lower carbon economy'. This highlights, again, the need for a range of perspectives to push the boundaries of what forms of energy democracy we conceive possible.

Declarations and mechanisms like FPIC are important starting points for resetting our energy and climate policy. The Indigenous Environmental Network's Principles of an Indigenous Just Transition directly refer to the type of technologies and processes that will secure truly just transitions.<sup>78</sup> Building from this, Indigenous Climate Action,<sup>79</sup> based in Canada, addresses the need for

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73 Ávila-Calero, S. (2022) 'Chiloé wind power project in Mapuche territory, Chile', *Global Atlas of Environmental Justice*. Available at: <https://ejatlas.org/conflict/chiloe-wind-power-project-in-mapuche-territory> (Accessed: 13 August 2024).

74 Burgos, E. (2015) 'Aprueban parque eólico Chiloé en polémica sesión', *La Estrella*. Available at: <https://www.laestrellachiloe.cl/impresas/2015/09/29/full/cuerpo-principal/2> (Accessed: 13 August 2024); Fundación Chile Sustentable (2015) 'Aprueban parque eólico Chiloé en polémica sesión'. Available at: <https://chilesustentable.net/2015/09/aprueban-parque-eolico-chiloe-en-polemica-sesion> (Accessed: 13 August 2024).

75 Global Energy Monitor (2022) *Unjust Transition: Environmental Justice Issues Surrounding Wind Energy in Latin America*. Available at: <https://globalenergymonitor.org/wp-content/uploads/2022/03/Environmental-Justice-Issues-surrounding-Wind-Energy-in-Latin-America.pdf> (Accessed: 31 October 2024).

76 Burgos, 'Aprueban parque eólico Chiloé en polémica sesión'; Fundación Chile Sustentable. 'Aprueban parque eólico Chiloé en polémica sesión'.

77 Sweeney and Treat, *Trade Unions and Just Transition*.

78 Indigenous Environmental Network (2017) *Indigenous Principles of Just Transition*. Available at: <https://www.ieneearth.org/wp-content/uploads/2017/10/IENJustTransitionPrinciples.pdf>. (Accessed: 31 October 2024).

79 Indigenous Climate Action (n.d.) 'Our story'. Available at: <https://www.indigenousclimateaction.com/our-story> (Accessed: 13 August 2024).

decolonial energy policy. They have been working to skill up local people to be able to participate in policy discussions and self-develop renewable energy projects. This helps foster advocacy for Indigenous-led solutions towards climate justice, which come with the understanding that practising principles of ‘reciprocity and respect’ for the natural world will be essential for meeting the challenges ahead. This reimagining of who has power in key decision-making spaces is a key part of decolonial energy systems. Indigenous rights and climate activist Eriel Tchekwie Deranger says: **‘This work envisions a world where Indigenous-led climate solutions are the standard and where colonial structures are doing the work to figure out where their resources and knowledge can offer support to existing Indigenous systems, not the other way around.’**<sup>80</sup>

The inequalities created by our energy system look different globally, nationally, regionally and locally. Consequently, there is no one-size-fits-all energy transition. What can be streamlined are the methodologies for working towards energy transitions. Democratic participation and continued engagement are key components. Yet much of the energy system is obscured through corporate secrecy, trade agreements and complicated supply chains, inhibiting people’s ability to co-design and participate. **The first step in just transition work in the southeast of Morocco was ‘democratising knowledge about extraction and local governance’,<sup>81</sup> including the legal frameworks that were legacies of French colonisation of Morocco and now being used against those resisting large scale renewable energy projects that are negatively affecting local communities.** This intervention enabled local people to understand and engage in active opposition to projects that were advertised as delivering local benefit, but in fact were destroying livelihoods.

### 3.3 INDIGENOUS ENERGY DEMOCRACY EFFORTS IN ACTION

Energy democracy projects are a key way of facilitating a just transition. Many projects are localised, and therefore do not achieve full energy democracy across an entire country or nation. However, they show how **a decentralised and participatory model can be part of state-led energy transitions.** Such approaches are often conceptualised as part of a decolonial energy transition, as they move us away from centralised models of power distribution that can be more susceptible to neocolonial and capitalist capture (see also Part 2 of this report).<sup>82</sup>

Authors Denise Fairchild and Al Weinrub summarise energy democracy as ‘a critical framework for addressing the economic and racial inequalities that a decarbonized economic system would otherwise continue to perpetuate. [...it]

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80 Indigenous Climate Action, Our story.

81 Rignall, K. (2021) *What can an old mine tell us about a just energy transition?* TNI. Available at: <https://www.tni.org/en/article/what-can-an-old-mine-tell-us-about-a-just-energy-transition> (Accessed: 13 August 2024).

82 Rignall, *What can an old mine tell us about a just energy transition?*

seeks to reframe energy from being a commodity that is commercially exploited to being part of the commons, a natural resource to serve human needs, but in a way that respects the Earth and the ecosystem services provided to the biosphere'.<sup>83</sup>

**A common criticism of publicly owned energy, when steered by a traditional top-down government, is that communities can be excluded from or sacrificed for state-led infrastructure development.** Due to decades, if not centuries, of injustice, this disproportionately affects rural, racialised, working class and low-income people.<sup>84</sup> This has led to communities taking action into their own hands to develop energy democracy projects.

### BOX 3.2

#### **EL CUA, NICARAGUA: ENERGY DEMOCRACY POWERED BY COLLECTIVE DECISION-MAKING**

El Cua, in the Northern highlands of Nicaragua, is a great example of decolonial energy systems. The region was left out of national plans for electrification, so, in 1985, communities in the town of El Cua organised to form a collective of citizens and builders, supported by a North American engineer, Benjamin Linder, called the Association for Rural Development Workers Benjamin Linder (ATDER-BL).<sup>85</sup> Their aim was to bring electricity to the areas that had repeatedly been left out of state electrification plans. This lack of access was symptomatic of structural underdevelopment in the area — residents had no access to roads and municipal services, creating high levels of poverty across the population.

The many Indigenous inhabitants in the area, and the commitment to democratic engagement and ownership, meant that the project was designed with principles of interconnection and dependency on ecosystems. The energy generation and transmission lines are all owned by the community, and decisions on tariffs are made collectively. Any profit generated goes straight back to the local community, and is mainly used for purchasing land for conservation and revitalisation.

83 Fairchild and Weinrub, *Energy Democracy Advancing Equity in Clean Energy Solutions*.

84 This criticism was expressed by Indigenous representatives participating in the Public Futures 2022 energy sector conference and informed the nuances around a state-owned energy sector as expressed in the Energy Democracy Movements Declaration. Available at: <https://www.energydemocracydeclaration.org>.

85 It was named after Benjamin Linder, a North American engineer who used his skills to benefit the local population in Nicaragua. Linder was murdered by the US-backed contra movement in 1987. Source: Marcetic, B. (2017) 'The American that Reagan killed', *Jacobin*, 5 February. Available at: <https://jacobin.com/2017/05/reagan-ben-linder-nicaragua-contras-sandinistas> (Accessed: 11 October 2024).



From start to finish, the project plan was developed in community decision-making meetings, with a committee elected to take on the main administrative tasks. These spaces continued to be used following project completion to make decisions on how any revenue should be used for collective benefit. By scheduling meetings around local agricultural commitments, they are able to ensure high levels of participation, with input from young and old members of the community. Fluctuations in agricultural income are considered, with tariffs being set on the basis of what people are able to pay, with those who can be expected to pay more doing so. **The trust and collective decision-making processes developed through these spaces ensures that difficult decisions and compromises, such as the impact of hydroelectric infrastructure on access to land and water, can be made with ease.** Additionally, by training community members to become local energy workers, maintenance costs are kept low and sustainable employment is created.

By offering skills and capacity, the community of El Cua was able to create a system of localised energy democracy. The success of the first project led to other communities in the area reaching out to ATDER-BL for support with setting up their own projects. The same principles of solidarity and equity are used, with the collective meeting spaces being the primary tool to enable this. Local economies are able to flourish through this model and since the development of this project, El Cua has evolved from a population of 3,000 to 40,000 residents.<sup>86</sup>

**This project is an example of the benefits of equitable technological exchange** (a component reflected in both the Manifesto for an Ecosocial Energy Transition from the Peoples of the South and the Energy Democracy Declaration).

**Calls for energy democracy at the national level often focus on affordable tariffs and improving energy access. Indigenous energy democracy efforts link these demands to the preservation of land, resources and ecosystems, in addition to democratic and participatory governance.**<sup>87</sup> As such, they take on more of a 'climate justice' approach.

We can learn a lot from such examples. Consider, for instance, the utility-scale<sup>88</sup> solar project constructed by the Navajo Nation in North America, initiated in 2016. Following a process of collective and democratic decision-making, the Navajo Nation decided to develop a large photovoltaic solar farm on their

86 Colbert, *El Cua, Nicaragua*.

87 Cariño, *Community Toolkit on Free, Prior and Informed Consent and Renewable Energy*.

88 'Utility-scale' refers to electricity generation that is not merely for self-consumption but feeds power back into the grid so that it can be transported to supply communities and economic activities elsewhere.

reservation land. The project was carried out through collaboration with the Navajo Tribal Utility Authority, their subsidiary KGI-Kayenta and Isolux Corsan (the contractor who would build the plant). This partnership ensured the project could be developed in alignment with Indigenous principles of cooperation, sustainable development and Free, Prior and Informed Consent. Around 200 Indigenous workers were employed and given training to build and maintain the solar photovoltaic farm, knowledge they can share with future generations. The success of the initial project led to a second phase in 2018, with the farm now having enough capacity to supply around 36,000 homes. **In 2024 the project was granted long-term federal financing to support expansion, as 14,000 Navajo Nation homes were still not connected to the grid.<sup>89</sup> This case demonstrates that collective decision-making and community control can be incorporated within larger-scale transitions at the regional and national levels.**

In Canada, Indigenous people's capacity to benefit from renewable generation has historically remained relatively superficial, centring around consultation and, at times, including measures such as ecological remediation or education. However, after years of social struggle, the past decade has seen policy-makers finally responding to proposals from Indigenous communities through innovative policy that mandates Indigenous ownership or financing. In 2009, the Ontario authority introduced the 'Aboriginal Price Adder', which outlined a minimum percentage for First Nation ownership of new renewable projects and an increased contract price. This was shortly followed by an Aboriginal Loan Guarantee Programme, to support equity investments from Indigenous peoples for renewable generation projects in the area. Other approaches have centred around Indigenous groups becoming equity partners, rather than just receiving benefits, meaning they are actively involved at all stages of a project. This could benefit communities tenfold. Other regions have followed suit, with British Columbia introducing similar policies to Ontario.<sup>90</sup>

**These examples demonstrate the added benefit that a radical application of Free, Prior and Informed Consent can bring, especially when integrated across all stages of a project, including design, planning and implementation, as the Right Energy Partnership with Indigenous Peoples advocates.<sup>91</sup> Such practice builds capacity for shared learning and project expansion, if wanted.**

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89 Vandennack, T. (2024) 'Navajo Nation solar power plant, meant to help with electrification, gets federal financing', *KSL.com*, 30 March. Available at: <https://www.ksl.com/article/50965108/navajo-nation-solar-power-plant-meant-to-help-with-electrification-gets-federal-financing> (Accessed: 13 September 2024); US Department of Transportation (n.d.) 'Center for Innovative Finance Support — Navajo Nation Kayenta solar program (Phase I & II), Arizona'. Available at: [https://www.fhwa.dot.gov/ipd/project\\_profiles/az\\_navajo\\_nation\\_kayenta\\_solar\\_program.aspx](https://www.fhwa.dot.gov/ipd/project_profiles/az_navajo_nation_kayenta_solar_program.aspx) (Accessed: 13 September 2024).

90 Sax, S. (2024) 'Indigenous communities make clean energy drive work for, not against, them', *Mongabay Environmental News*, 3 June. Available at: <https://news.mongabay.com/2024/06/indigenous-communities-make-clean-energy-drive-work-for-not-against-them> (Accessed: 13 August 2024).

91 Right Energy Partnership with Indigenous Peoples, About us.

**The case of Canada, in particular, highlights that policy is key to obtaining the decision-making rights that generations of Indigenous activism has fought for.**

At the same time, FPIC has often been used as a coercive tool to legitimise projects in the territories of Indigenous Peoples. According to the Indigenous Peoples Major Group on Sustainable Development, one way to avert this is to develop one's own community FPIC protocols building from the specific context and needs.<sup>92</sup> Learnings from decolonial and, more specifically, Indigenous energy systems can enable democratic decision-making at all stages of rebuilding our energy systems.

## COUNTRY CASE

### DEFENDING POPULAR SOVEREIGNTY AND INDIGENOUS PEOPLES' RIGHTS IN MEXICO

After three decades of neoliberal reforms, Mexico's energy sector is now plagued by privatisation, fossil fuel dependency and exploitative 'green' energy projects. Public opinion and media portrayals are highly polarised. While many media sources paint a picture of privatisation as a modern solution to Mexico's problems, trade unions, Indigenous leaders and activists point to escalating crises rooted in the for-profit energy system.

Mexico's energy sector is currently highly dependent on fossil fuels, with oil and gas constituting 85 per cent of the energy mix.<sup>93</sup> **With imported gas providing as much as 70 per cent of the country's energy needs, Mexico's energy market is built on foreign dependency, which upholds the country's colonial legacy.** At the same time, over one-third of Mexican households suffer from energy poverty thanks to the continued prioritisation of private profits over energy access.<sup>94</sup> Sixty years after the initial nationalisation of the electricity industry, attempts at reforming the sector to achieve greater independence, public control and energy sovereignty have been shut down by supporters of the private oligarchy. The struggle for public ownership and a just energy transition continues.

#### PRIVATISATION AND ITS AFTERMATH

Over the past 90 years, Mexico's energy sector has experienced substantial transformation. After the Mexican Revolution, the new Mexican Constitution (1917) stipulated that ownership of natural resources such as land and water would be granted to the Mexican state, making way for comprehensive

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92 Cariño, *Community Toolkit on Free, Prior and Informed Consent and Renewable Energy*.

93 Sweeney, S. (2021) 'Mexico's wall of resistance: why AMLO's fight for energy sovereignty needs our support', *New Labor Forum*, 17 May. Available at: <https://newlaborforum.cuny.edu/2021/05/17/mexicos-wall-of-resistance-why-amlos-fight-for-energy-sovereignty-needs-our-support> (Accessed: 13 August 2024).

94 Soriano-Hernández, P., Mejía-Montero, A. and Van Der Horst, D. (2022) 'Characterisation of energy poverty in Mexico using energy justice and econophysics', *Energy for Sustainable Development* 71, 200–211. Available at: <https://doi.org/10.1016/j.esd.2022.09.005>.

nationalisations throughout the 1930s.<sup>95</sup> Under the leadership of the social democratic PRI (Partido Revolucionario Institucional), the energy sector was first reorganised in the 1930s. In 1937, the federal electricity commission (CFE), a state-owned and state-financed enterprise, was created. CFE's main tasks were the generation and distribution of electricity to Mexican households.

In 1960, the electricity industry was nationalised, giving the government exclusive responsibility for electricity generation, transmission and distribution. The nationalisation effectively created a monopoly on electricity for CFE and ended a decade-long dispute over foreign-owned electric power firms that controlled nearly 70 per cent of the market.<sup>96</sup> By 1992, CFE achieved an electrification rate of over 93 per cent.<sup>97</sup> As of 2020, according to official documents, access to electricity in Mexico was as high as 99 per cent — although this figure is challenged by civil society organisations.<sup>98</sup>

With the growing rise of neoliberalism and large-scale privatisations in many countries, and under pressure from the United States, Mexican politicians began to adopt a similar mentality in the 1990s. Between 1990 and 1992, essential sectors were privatised, such as the telecommunications sector, with the sale of Telmex for \$6 billion in 1990.<sup>99</sup> In 1992, a law was passed allowing the participation of private corporations in energy generation. The law remained heavily debated for a decade and, in 2002, the Mexican Supreme Court eventually ruled that it may have been unconstitutional, though no clear-cut ruling was presented. Further attempts at unbundling the energy sector were made in the late 1990s and early 2000s, with the goal of rebranding energy as a commercial rather than a public service and allowing independent power producers to sell directly to industrial customers and CFE under long-term contracts. However, both attempts failed and, as required by the constitution, the electricity sector remained federally owned, with CFE in control.

In 2013, President Peña Nieto made another attempt at privatisation, this time amending the constitution to promote private sector participation in the energy market. Between 2013 and 2014, Peña Nieto's administration made 20 legislative changes and three constitutional amendments that opened the Mexican energy market to private companies, both national and foreign.<sup>100</sup> In effect, this pushed Mexican energy policies back to pre-nationalisation days,

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95 Clifton, J. (2003) 'Privatisation, nationalisation and mexicanisation: the case of the telecommunications sector', *Annales historiques de l'électricité* 1(1), 155–173. Available at: <https://doi.org/10.3917/ahel.001.0155>.

96 Cypher, J. (2014) 'Energy privatized: the ultimate neoliberal triumph', *NACLA*, 2 April. Available at: <https://nacla.org/article/energy-privatized-ultimate-neoliberal-triumph> (Accessed: 13 August 2024).

97 Ritchie, H. and Roser, M. (2020) 'Mexico: energy country profile', *Our World in Data*. Available at: <https://ourworldindata.org/energy/country/mexico> (Accessed: 13 August 2024).

98 Sanchez, S.F., Flores Segovia, M.A. and Rodríguez López, L.C. (2023) 'Estimating a national energy security index in Mexico: A quantitative approach and public policy implications', *Energy Strategy Reviews* 45, 101019. Available at: <https://doi.org/10.1016/j.esr.2022.101019>.

99 Clifton, *Privatisation, nationalisation and mexicanisation*.

100 Sweeney, *Mexico's wall of resistance*.



making it possible for private companies to extract and handle resources on behalf of the State, to generate energy and sell this on to CFE, and to own and invest in renewable energy projects.

Since then, CFE has been hollowed out, its functions reduced to that of an administrative entity, with private corporations now owning and controlling energy generation.<sup>101</sup> An independent operator, the National Center for Energy Control (CENACE), was introduced to coordinate a marketised energy sector, where private companies and CFE compete to generate and sell power.<sup>102</sup> As a consequence of the reforms, electricity prices increased by 35 per cent between 2015 and 2017.<sup>103</sup> Meanwhile, CFE and PEMEX (the Mexican state-owned petroleum company founded in 1938), which were considered strategic entities with a social orientation prior to the liberalisation of the energy sector, have been turned into for-profit state-owned entities.

### RECLAIMING PUBLIC CONTROL

Elected in 2018 on the promise of reducing Mexico's dependence on foreign imports and improving social and economic well-being, President Andrés Manuel López Obrador (known by his initials AMLO) of left-wing party Morena took on the task of reversing the country's energy privatisation. In September 2021, AMLO introduced a plan to annul the 2013 energy reforms, undoing energy liberalisation and increasing energy sovereignty.<sup>104</sup> Proposed reforms included the cancellation of contracts with private energy generators and increasing the share of energy generation contracts reserved for CFE from 38 per cent to 54 per cent. However, in April 2022, he could not win the two-thirds congressional majority required to approve the reforms, as private interest groups lobbied against the plan. Of the 334 votes necessary to amend the constitution, only 275 were obtained.

Just days after this vote, President AMLO secured a partial win in nationalising the country's lithium industry, one part of the reform package. The amendment to the National Mining Law was given fast-track treatment and approved by both chambers of the Mexican Congress in late April 2022. The reform of the Mining Law declares lithium resources a public utility, limiting exploration and exploitation rights to the Mexican state. A new decentralised public body, a state-owned company called LitoMx (Litio para Mexico), was created in August 2022 to oversee this.<sup>105</sup> However, **public ownership of lithium resources will only benefit Mexico's people if the government uses its power to resist**

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101 Cypher, *Energy privatized*.

102 Rojas, J.D. (2022) 'AMLO and Mexico's Fourth Transformation', *American Affairs* 6(4): 151–72, <https://americanaffairsjournal.org/2022/11/amlo-and-mexicos-fourth-transformation> (Accessed: 13 August 2024)

103 Solís, A. (2021) 'Tarifas eléctricas aumentaron 35% con la reforma energética: CFE', *Forbes México*, 12 February. Available at: <https://www.forbes.com.mx/economia-tarifas-electricas-35-reforma-energetica-cfe> (Accessed: 13 August 2024).

104 Cullell, J.M. (2022) 'El Congreso mexicano rechaza la reforma eléctrica de López Obrador', *El País*, 17 April, <https://elpais.com/mexico/2022-04-18/la-camara-de-diputados-rechaza-la-reforma-electrica-de-lopez-obrador.html> (Accessed: 13 August 2024).

105 Bond, D. (2022) 'Mexico nationalizes lithium; sets up state-owned company', *White & Case*, 9 September, <https://www.whitecase.com/insight-alert/mexico-nationalizes-lithium-sets-state-owned-company> (Accessed: 13 August 2024).

**excessive export-oriented extraction and to promote a just transition led by and for the Indigenous and Mexican populations.**

AMLO's proposed energy reform has received harsh criticism from governments across the global North, in particular the US, who claim that preferential treatment for state-owned enterprises would violate Mexico's free trade agreements.<sup>106</sup> Additionally, energy multinationals claim that the nationalisation of energy will raise energy costs. Strong criticism also comes from environmental groups, who assert that the AMLO government is favouring fossil-fuel-based electricity and aims to shut down privately developed renewable energy projects, such as solar farms and wind parks. This is a vast simplification of reality.<sup>107</sup>

In January 2022, 76.4 per cent of electricity generation was based on fossil fuels, causing Mexico to import large quantities of oil and gas.<sup>108</sup> While the country exports crude oil, domestic production and refining are limited, so Mexico is a net importer of refined petroleum products. Given that the current structure of the energy sector ultimately depends on fossil fuels, reducing domestic production and refining further would require increased imports to meet energy demand. Alternatively, the country can produce and refine more oil domestically, decreasing international dependencies. By renationalising the energy sector, these processes can take place under public control rather than for a profit motive. This gives the state the capacity to move forward with an economy-wide electrification of transport, heating and cooling systems — a decades-long process that is necessary to transition to renewable energies and leave fossil fuels behind.<sup>109</sup> In this light, in April 2023, AMLO announced the \$6 billion purchase of the bulk of Spanish private firm Iberdrola's Mexican generating assets, including 12 combined cycle generation gas-fired power plants and one wind farm. AMLO described this move as a 'new nationalisation', which will increase CFE's market share from 40 per cent to 55.5 per cent.<sup>110</sup>

**AMLO's proposal is better understood as an urgent tool for a pro-public energy transition, rather than an attack on renewable energy.** Indeed, Mexico's privately owned renewables sector has produced much more electricity than there was demand for. As a result of the privatisation policies of the previous president, Peña Nieto, the Mexican Regulatory Commission (CRE), a new body created in the early nineties for the benefit of independent power producers, has granted private energy generators permits to increase energy supply to

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106 Barrera, A. (2021) 'Mexico launches reform to put state in charge of power market', *Reuters*, 2 October, <https://www.reuters.com/world/americas/mexico-president-says-electricity-reform-has-been-sent-congress-2021-10-01> (Accessed: 13 August 2024).

107 Weiss, S. (2021) 'Mexico's 'step backwards' on energy – and the environment', *Deutsche Welle*, 15 October, <https://www.dw.com/en/mexicos-huge-step-backwards-on-energy-and-the-environment/a-59510451> (Accessed: 13 August 2024).

108 Godoy, E. (2022) 'Explainer: Why is Mexico reforming its energy sector — again?', *Diálogo Chino*, 24 February, <https://dialogochino.net/en/climate-energy/51387-explained-why-is-amlo-mexico-energy-reform-electricity>. (Accessed: 13 August 2024).

109 Sweeney, Mexico's wall of resistance.

110 Jopson, B. Stott, M. and Murray, C. (2023), 'Mexico hails "new nationalisation" as Iberdrola sells \$6bn of power assets and pivots to US', *Financial Times*, 5 April, <https://www.ft.com/content/c239c211-a327-4eb7-bedf-95ce81c2bd96> (Accessed: 13 August 2024).

84 GWh.<sup>111</sup> However, the holding capacity of the transmission grid lies at 47 GWh, and national demand for energy has never exceeded that volume, giving no reason to almost double energy supply. Although electrification will require the grid to be expanded, for the moment, these additional renewables are simply going to waste while lining the pockets of private investors. **If electricity generation and transmission were both in public hands and integrated, an increase in renewable production could be planned in conjunction with expanding the grid and reducing fossil fuel power.**

In this context, in early 2024, AMLO introduced a reform bill to dissolve CRE. When passed, CFE, the federal electricity commission, will have more policy room to prevent these for-profit producers from entering Mexico's power sector and to manage the nation's grid with the aim of energy sufficiency and sustainability.<sup>112</sup>

### **MOBILISING AGAINST PRIVATISATION**

For decades, Indigenous groups have highlighted the problems of private renewable energy projects in Mexico. Among the most well-known and contested projects are the wind farms in the Isthmus of Tehuantepec, a natural wind corridor between the Gulf of Mexico and the Pacific Ocean. 28 wind farms have been set up on the isthmus, which together generate 62 per cent of Mexico's wind energy.<sup>113</sup> The largest, the Oaxaca wind farm, opened in May 2019, with 132 new turbines. This added renewable energy capacity comes at a cost, threatening the livelihoods of several Indigenous groups who live in the area.<sup>114</sup> As established in international law, Indigenous peoples have a right to consultation prior to the establishment of projects on their land. However, Indigenous communities affected by the Oaxaca project report that they were not consulted and were not given the chance to voice their concerns before construction began. With the wind farm now up and running, land used for traditional agricultural practices is being polluted, and wildlife driven away.

Indigenous populations have organised themselves to stop the construction of these exploitative wind projects, for example by blocking access to the area or taking matters to the Supreme Court. When the Zapotec community sued private energy multinational Energía Eólica del Sur due to the lack of prior consultation, the Supreme Court initially ruled in favour of the Indigenous group but ended up reversing a temporary suspension of the project.<sup>115</sup> **Indigenous peoples**

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111 Sweeney, 'Mexico's wall of resistance'.

112 TUED (2024) 'Mexico: Energy unions welcome shutdown of key neoliberal institutions', 6 September. Available at: <https://www.tuedglobal.org/bulletins/mexico-energy-unions-welcome-shutdown-of-key-neoliberal-institutions> (Accessed: 13 September 2024).

113 Schatzberg, S. (2019). 'New 132-turbine Oaxaca wind farm is largest in Latin America', *Mexico News Daily*, 29 May, <https://mexiconewsdaily.com/news/wind-farm-is-largest-in-latin-america/> (Accessed: 13 August 2024).

114 Martínez-Mendoza, E., Rivas-Tovar, L.A. and García-Santamaría, L.E. (2021) 'Wind energy in the Isthmus of Tehuantepec: conflicts and social implications', *Environment, Development and Sustainability* 23(8), 11706–11731. Available at: <https://doi.org/10.1007/s10668-020-01136-8> (Accessed: 6 November 2024).

115 *Mexico News Daily*, (2018), 'Court orders halt to Juchitán wind farm', 11 January. Available at: <https://www.wind-watch.org/news/2018/01/12/court-orders-halt-to-juchitan-wind-farm/> (Accessed: 6 November 2024).

**standing up to private investors have repeatedly reported harassment, threats of violence, and persecution by private corporations and local police.**

In an attempt to provide an alternative to privately-owned wind parks, the Ixtepec community of Oaxaca developed its own community-owned wind farm.<sup>116</sup> In collaboration with Yansa Group, an overseas foundation, the community designed the project through a participatory and democratic process, involving several community meetings and inclusive decision-making. However, the previous government refused to grant permission for the project, stating that government requirements were not fully met. Instead, private company Enel Green Power was granted permission for the construction of a wind farm. The unwillingness of the previous AMLO government to support Indigenous communities' renewable energy projects undermined the democratic legitimacy of the Mexican State.

### **TOWARDS A JUST TRANSITION?**

**A democratically organised and publicly owned energy sector, alongside popular sovereignty over lithium and other transition-related resources, is crucial to enable Mexico to move towards renewable energies.** However, reclaiming public control must go hand in hand with a clear commitment to a timely and just energy transition. As of today, transparent action is still lacking from the Morena government. While the AMLO administration repeatedly assures the public that a return to state ownership will offer social and environmental benefits and enable the government to reach its climate targets, the population is still waiting for these promises to be fulfilled. At the same time, despite severe opposition, AMLO has been taking steps towards producing public renewable energy.

At the state level, Mexico's first large-scale public renewable energy projects were initiated in recent years, most notably the \$1.68 billion solar plant in Puerto Peñasco, which stretches over 2,000 hectares.<sup>117</sup> The solar plant, set to be the biggest in Latin America, symbolises an important step towards publicly owned renewable energy generation. Additionally, it sets a precedent for large-scale public-public partnerships as a partnership between CFE and the Sonora state government underpins the project. The project was authorised in July 2021 and construction is expected to be finalised by 2027. The joint venture will be co-owned by CFE (54 per cent) and the Sonora state government (46 per cent) and will be financed entirely through debt.<sup>118</sup> The debt financing will be initiated

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<sup>116</sup> Carino, J. and Sriskanthan, G. (2018) *Renewable Energy & Indigenous Peoples: Background Paper to the Right to Energy Partnership*. Indigenous Peoples Major Group for Sustainable Development. Available at: <https://www.indigenouspeoples-sdg.org/index.php/english/all-resources/ipmg-position-papers-and-publications/ipmg-submission-interventions/93-renewable-energy-indigenous-peoples/file> (Accessed: 31 October 2024).

<sup>117</sup> Moreno, G. (2022) 'Gobernador Alfonso Durazo presenta proyecto de planta solar en Puerto Peñasco', *El Sol de Hermosillo*, 18 January, <https://www.elsoldehermosillo.com.mx/local/gobernador-alfonso-durazo-presenta-proyecto-de-planta-fotovoltaica-en-puerto-penasco-7748110.html> (Accessed: 13 August 2024).

<sup>118</sup> Ramos, J.L. (2021), 'CFE's photovoltaic megaplant will be financed mostly with debt', *El Sol de México*, 6 November, <https://www.elsoldemexico.com.mx/mexico/sociedad/megaplanta-fotovoltaica-de-cfe-se-financiara-en-su-mayoria-con-deuda-7441977.html> (Accessed: 13 August 2024).



through export credit agencies, most of which will be issued in the form of a 14-year, below-market-interest-rate loan from Sweden's export credit agency, EKN. The plant will have a generation capacity of 420 megawatts, sufficient to meet the energy needs of northwestern Mexico, and will be essential to avoid energy rationing, according to CFE. However, to promote rather than undermine the interests of Indigenous and other frontline communities, the public venture must go beyond mere community consultation. It must radically apply human rights mechanisms such as Free, Prior and Informed Consent and the Declaration on the Rights of Peasants and Other People Working in Rural Areas in ways that ensure affected populations can really co-design the entire process.<sup>119</sup>

**To transcend a centralised model of public ownership and further embrace the democratisation of the energy sector throughout the country, trade unions and some environmental activists point to the need for more comprehensive constitutional reforms.**<sup>120</sup> Reforms pertaining to the rights of Indigenous Peoples and Afro-Mexicans are necessary to recognise these communities as 'sujetos de derecho público' (bearers of public rights). This, in turn, would constitutionalise autonomous forms of government, communal landholding and the right of Indigenous peoples to co-govern the natural resources and mineral wealth of their lands. The recognition of these diverse forms of governance are necessary to move beyond the neoliberal and exploitative structure of Mexico's energy market and achieve a just energy transition for all its inhabitants.

In June 2024, Claudia Sheinbaum was elected as the new president of Mexico with a sweeping majority. She is a climate scientist with a PhD in energy engineering, giving hope to trade unions and movements alike that she will accelerate a just energy transition. Her campaign commitments included the promise to increase renewable generation and investment, and strengthen state-owned companies, all in line with international climate goals.<sup>121</sup> Sheinbaum has also stressed the importance of extending Indigenous rights, but how this will intersect with her ambitions for the energy sector is yet to be seen.<sup>122</sup>

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119 Cariño, *Community Toolkit on Free, Prior and Informed Consent and Renewable Energy*.

120 Hackbarth, K. (2021) 'ANLO is nationalizing Mexico's lithium supply', *Jacobin*, 19 October. Available at: <https://jacobin.com/2021/10/amlo-morena-cfe-federal-commission-lithium-nationalization-energy-independence> (Accessed: 13 August 2024).

121 TUED (2024) 'Mexico: New president to accelerate the energy transition by strengthening public control', 4 June. Available at: <https://www.tuedglobal.org/bulletins/mexico-new-president-public-energy> (Accessed: 13 September 2024). <https://mailchi.mp/unionsforenergydemocracy/sheinbaum-pro-public-energy-transition?e=4cc84540cc>

122 Diaz, L., Martinez, A. and Morland, S. (2024) 'Mexico's Sheinbaum says Indigenous rights a priority for constitutional reforms', *Reuters*, 18 June. Available at: <https://www.reuters.com/world/americas/mexicos-sheinbaum-says-indigenous-rights-priority-constitutional-reforms-2024-06-18/> (Accessed: 13 August 2024).

### 3.4 MOVING FROM GREEN COLONIALISM TOWARDS LAND AND RESOURCE JUSTICE

A decolonial approach to the energy transition is vital because of the host of resource conflicts that the transition entails. These conflicts centre on the question of access to the critical metals and other minerals required for clean energy manufacturing, transmission and storage — alongside the land and water necessary for renewable generating projects. The green credentials of renewable energy are being used to legitimise the expropriation and extraction of ‘natural assets’ from people whose livelihoods, homes and ecosystems are subsequently threatened. In the words of activist and researcher Hamza Hamouchene, ‘green colonialism’ is the ‘extension of colonial relations of plunder and dispossession [...] to the green era of renewable energies, [alongside] the displacement of socio-economic costs onto the peripheral countries and communities’.<sup>123</sup> **Under the guise of an ‘energy transition’, land and resources are increasingly being grabbed from poorer nations and populations to benefit and greenwash continuous over-consumption by elites and wealthy colonial states.**<sup>124</sup>

#### BOX 3.3

##### GREEN COLONIALISM TO SECURE CRITICAL MINERALS AND METALS

Green colonialism is taking place through mechanisms that allow high-income countries to leverage control over access to metals and other minerals needed for the energy transition such as through international trade agreements, which usually favour wealthy countries’ interests. Indonesia provides an example of how this works. Indonesia holds huge nickel reserves and almost 50 per cent of global nickel production, an essential metal needed for renewable energy storage and batteries. Indonesia passed legislation in 2009 ruling that all processing and refining of minerals should take place domestically in order to secure national economic benefits.<sup>125</sup> In response, the European Union filed a lawsuit against Indonesia, stating that this law was inconsistent with the World Trade Organization’s (WTO) General Agreement on Tariffs and Trade (GATT). The WTO backed the EU’s claim and in 2022, the government of Indonesia appealed the ruling, but at the time of writing an outcome has not yet been reached.<sup>126</sup>

<sup>123</sup> Hamouchene, H. (2022) ‘The energy transition in North Africa: Neocolonialism again!’ TNI, 14 October. Available at: <https://www.tni.org/en/article/the-energy-transition-in-north-africa> (Accessed: 13 August 2024).

<sup>124</sup> This extractivism must also be contextualised in the centuries of human disconnection to the land, where the land is seen as something to be extracted from, instead of to live in harmony with. While this logic is applied to the energy transition, there is collective prioritisation of ‘human development’ at the expense of our natural environment. So we overlook the environmental harms that are caused by such extraction, despite it happening under the guise of taking climate action.

<sup>125</sup> Hertanti, R. (2023) ‘Between a mineral and a hard place: Indonesia’s export ban on raw minerals’, TNI, 15 June, <https://www.tni.org/en/article/between-a-mineral-and-a-hard-place> (Accessed: 31 October 2024).

<sup>126</sup> Hertanti, *Between a mineral and a hard place*.

Wealthier nations see laws to ensure the sovereignty of lower-income countries as a threat to their own capacity to develop. This is highly hypocritical, given the role of protectionist policies around industry and food in building the economies of wealthy nations, for example after the Second World War. Indeed, we are now seeing a global turn towards protectionist policies. Many countries are taking similar action to protect their natural resources, with Mexico and Chile recently nationalising their lithium industry and several African countries seeking to better control their natural resources.<sup>127</sup>

One clause within most international trade agreements that illustrates the colonial dynamics of these agreements is the Investor–State Dispute Settlement (ISDS) mechanism. ISDS enables foreign investors to sue governments for loss of potential profit. For example, if a government decides to go 100 per cent renewable, oil and gas investors within the country can sue the government via private ISDS courts. In the aforementioned case of Indonesia’s nickel, several US-based companies, who were also registered in the Netherlands, used the ISDS clause contained in a Dutch-Indonesian bilateral agreement to attempt to sue the Indonesian government.<sup>128, 129, 130</sup>

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- 127 Lifton, J. (2023) ‘Lithium and resource nationalization: how countries are taking control of critical minerals’, *InvestorNews*, 29 April. Available at: <https://investornews.com/critical-minerals-rare-earths/lithium-and-resource-nationalization-how-countries-are-taking-control-of-critical-minerals> (Accessed: 13 August 2024).
- 128 The case was eventually withdrawn in favour of a renegotiation of terms.
- 129 Hertanti, *Between a mineral and a hard place*.
- 130 While ISDS cases are also brought against richer nations, with Spain in particular being attacked through the Energy Charter Treaty, these cases are disproportionately brought against poorer nations. Research by TNI found that across African states, 106 ISDS cases had been brought against governments by the end of 2019. Meanwhile, in 2023, Colombia has faced a record number of ISDS challenges from multinational companies, despite being in relatively few investment protection treaties. Regardless of the outcome of ISDS cases, poorer countries are less able to afford the lengthy legal proceedings involved, let alone the fines following the rulings. As expected, in 2021, UN Trade and Development found that the trend for poorer countries to be excessively hit by ISDS cases continued, with 75 per cent of new cases against ‘developing and transition economies’. Fossil fuel companies have repeatedly used this mechanism to sue governments for regulatory changes to transition their energy systems away from fossil fuels or other climate-related measures. This can create a ‘regulatory chill’ effect: a situation in which trade deals are keeping a government from introducing necessary environmental policy out of fear of multi-million dollar claims. Sources: Bárcena, L. (2022) ‘From Solar Dream to Legal Nightmare’, TNI, 31 May. <https://www.tni.org/en/publication/from-solar-dream-to-legal-nightmare> (Accessed: 31 October 2024); Ghiotto, L. (2023) ‘Investor-state arbitration claims@ threats to communities and the environment in Colombia’, TNI, 14 June. <https://www.tni.org/en/article/investor-state-arbitration-claims> (Accessed: 31 October 2024); Müller, B. and Olivet, C. (2019) ‘Impacts of investment arbitration against African states’, TNI, 8 October. <https://www.tni.org/en/publication/impacts-of-investment-arbitration-against-african-states> (Accessed: 31 October 2024); UNCTAD (2021) *Investor-State-Dispute Settlement Cases: Facts and figures 2020*, September. [https://unctad.org/system/files/official-document/diaepcbinf2021d7\\_en.pdf](https://unctad.org/system/files/official-document/diaepcbinf2021d7_en.pdf) (Accessed: 31 October 2024); Global ISDS (n.d.) Tracker ‘How corporate courts threaten our future’. Available at: <https://www.globalisdstracker.org> (Accessed: 13 August 2024); Santiago, C. (2015) ‘ISDS and regulatory chill’, TNI, 5 November. Available at: <https://www.tni.org/en/article/isds-and-regulatory-chill> (Accessed: 20 September 2024).

The Sahara desert is often conceptualised as a vast and barren expanse, ready to be used for limitless renewable energy. This has led to international support for a range of energy projects that involve various North African states. These projects fail to address, in the words of Hamouchene, 'questions of ownership and sovereignty' by masking 'ongoing global relations of hegemony and domination that facilitate the plunder of resources, the privatisation of commons and the dispossession of communities'.<sup>131, 132</sup>

Take the Desertec initiative, originally formed in 2009 with the idea of bringing solar energy from the Sahara to Europe. This public-private partnership project proposed huge land grabs with no consultation and to the detriment of local populations. In 2014, in part due to its neocolonial implications, the venture was stalled.<sup>133</sup> However, the initiative did not stop there. By 2021, Desertec was once again a key player in the European pursuit to push Middle Eastern countries to produce and export hydrogen — with little regard for the environmental and economic impacts that such production would have on local communities, let alone the limited economic benefit.<sup>134</sup> These colonial power dynamics reinforce an exclusionary and deeply undemocratic energy transition.<sup>135</sup>

In Morocco, another green grab took place as part of the Ouarzazate solar power plant. Funded through public-private partnerships and huge loans from the World Bank and the European Investment Bank,<sup>136</sup> the project has created dispossession and destitution for the agro-pastoralist communities surrounding the site. They did not give consent for this development, and the water being used to cool and clean the solar system severely affects the limited water supply, which they need for farming and drinking.<sup>137</sup>

**It can seem as though these examples harm only local communities. But the reality is starker, as the outcomes can be felt globally.** For example, depleting the groundwater resources in the Sahara has grave impacts on the rising desertification of the area. This affects crop growing and food production potential, and forces people to migrate. It is essential that we start to consider our energy systems, and their impacts, holistically — to limit future environmental

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131 Hamouchene, *The energy transition in North Africa: Neocolonialism again!*

132 The labelling of traditionally used and managed land as empty or vacant ('terra nullius') is a common strategy for dispossession. See further discussion of this in Myanmar in Springate-Baginski, O. (2019) *There is No Vacant Land: Primer on Defending Myanmar's Customary Tenure Systems*. Yangon and Amsterdam, TNI. Available at: <https://www.tni.org/en/publication/there-is-no-vacant-land> (Accessed: 11 October 2024).

133 Hamouchene, H. (2021) 'Green hydrogen: the new scramble for North Africa', *Al Jazeera*, 20 November. Available at: <https://www.aljazeera.com/opinions/2021/11/20/green-hydrogen-the-new-scramble-for-north-africa> (Accessed: 13 August 2024).

134 Barnard, M. (2022) *Assessing EU Plans to Import Hydrogen from North Africa: The cases of Morocco, Algeria and Egypt*. Corporate Europe Observatory and TNI. Available at: <https://www.tni.org/en/publication/assessing-eu-plans-to-import-hydrogen-from-north-africa> (Accessed: 13 August 2024).

135 Barnard, *Assessing EU Plans to Import Hydrogen from North Africa*.

136 Hamouchene, *The energy transition in North Africa: Neocolonialism again!*

137 Rignall, *What can an old mine tell us about a just energy transition?*



catastrophes while ensuring public benefit across scales. This kind of holistic multi-scalar planning requires public ownership and democratic governance as a means to steward ecological wealth to the best of our human abilities.

### LAND AND AGRARIAN JUSTICE MOVEMENTS POINTING THE WAY

The land and agrarian justice movements offer important lessons on how to tackle the root causes of the grave injustices described above. Over a ten year period, in close alliance with working peoples from Myanmar, TNI has developed an analytical lens called the '5Rs': recognition, restitution, redistribution, regeneration and representation (see box).<sup>138</sup> The five principles are highly interdependent: when one of them is discarded, justice is compromised. For example, we should not simply *recognise* and defend the right of rural working people who are currently dependent on the land to remain and flourish. It is through *restitution* and *redistribution* that we can ensure that those people who were once at home on a body of land can recover access to it — for economically productive as well as socially reproductive usages. Even more broadly, this is about making land available to the working class rather than concentrating it in the hands of the few. Taken together, these principles can strengthen working people's capacities to organise for practices and policies that deliver deep social change.<sup>139</sup>

**A key facet of the 5Rs approach is its ability to highlight and navigate the multiple rights to land that various working people face, combining both class-based and identity-based struggles.** TNI scholar activist Jenny Franco states that "indigeneity — its content, philosophy and aspirations — is not self-evident", and limiting FPIC [to Indigenous peoples] can have divisive impacts and risks legitimising the political exclusion of poor, vulnerable and marginalized groups and individuals, who might not (self-)identify as indigenous but who would be prioritised if a comprehensive human rights approach was fully applied'.<sup>140</sup> This is not to dismiss FPIC (far from it), but to argue for a more expansive use in which racialised and otherwise impoverished communities defend each other's demands for justice so that a stronger, broader and more equitable social movement can coalesce. Hence, Indigenous, peasant and other frontline communities must be involved in project design and planning all the way to implementing and running energy infrastructure — whether a solar park or the mining of critical minerals. In this way, meeting the energy needs of surrounding populations will no longer be an afterthought, but part of an energy project's core mission.

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138 While there are many different ethnic, cultural and class identities in Myanmar, the term working peoples has been chosen to make visible the common economic and social challenges that many who traditionally live on and from the land face.

139 Franco, J. and Borras, J. (2021) *The 5Rs in Myanmar*. TNI. Available at: <https://www.tni.org/en/publication/the-5rs-in-myanmar> (Accessed: 13 August 2024).

140 Jenny Franco, referring to Sawyer, S. and Gomez, E.T. (2008). *Transnational Governmentality and Resource Extraction: Indigenous Peoples, Multinational Corporations, Multilateral Institutions and the State*. Identities, Conflict and Cohesion Programme Paper Number 13. Geneva: United Nations Research Institute for Social Development, p.3] in Franco, J. (2014) Reclaiming Free Prior and Informed Consent (FPIC) in the Context of Global Land Grabs. TNI and Hands off the Land Alliance. [https://www.tni.org/files/download/reclaiming\\_fpic\\_0.pdf](https://www.tni.org/files/download/reclaiming_fpic_0.pdf) (p. 14) (Accessed: 1 November 2024).

Two concrete measures are essential companions to the 5Rs; these are **guaranteed minimum access to land** and a **society- and system-wide land ceiling** on the maximum amount of land an individual or corporation can own.<sup>141</sup> When applied to energy, this could be seen as the minimum and maximum amount of energy that should be available globally, per capita and per corporation. The knock-on impact here could be a far fairer distribution of the resources needed for the energy transition globally.

This speaks, first, to the proposal raised in the Energy Democracy Declaration around energy sufficiency — the concept that we should have enough energy to live sustaining, nourishing lives, but not a free pass to consume at the expense of others' access to clean, affordable energy. And, second, it makes explicit the need to tackle the concentration of corporate power over who is able to dictate and benefit from the energy transition. Our proposal is that **through universal provision of public services, we could better manage and reduce energy consumption, while ensuring everyone has access to the resources they need.**

#### BOX 3.4

##### 5Rs: FIVE PRINCIPLES TO BUILD LAND JUSTICE FROM THE GROUND UP

The 5Rs have been developed in the context of a future federal democratic system for Myanmar and should be read together with the two measures of establishing both a minimum and a maximum land access.

- **Recognition** — Defending rural working people's right to remain on the land they need to survive, both financially and culturally, and enshrining this in statutory rights. This goes alongside practising the following principles of restitution and redistribution so that those who were forced to leave can regain access.
- **Restitution** — Acknowledging historic and current displacement and dispossession of people from their land, and restoring access for both production and social reproduction. Restitution should not just cover farmland and house lots but encompass complete access to an array of land and resources, including the systems of provisioning (such as health care, education etc.) that are necessary to benefit from such access.
- **Redistribution** — Recognising that many people need access to land for their social, economic and cultural livelihoods, and yet either do not have land or have too little. This principle seeks to redistribute public and private land to those who are farming, inhabiting or living from it, and to continuously review who has access and ownership for widespread social equity.

• **Regeneration** — This requires interactions that strengthen our ecological foundation, nurturing a human–nature relationship on the basis of co-production, reciprocity and reproduction of the land and natural resources used. This means stopping and rolling back practices that harm our ecosystems while expanding land uses that ensure ecological well-being of current and future generations.

• **Representation** — This is about taking into account the perspectives and knowledge of different kinds of rural working people, including the civil society organisations and customary authorities that represent them. Ensuring democratic representation and participation at all levels allows for better and more legitimate outcomes.

While the 5Rs should always be approached in conjunction, the power of these principles also lies in their practice and the act of questioning any missing R. This way, the 5Rs can spur communities to enlarge and persist in their struggle for justice.

When working towards a just transition, **the 5R package can help us understand how energy transition activities that are contingent on access to land and natural resources are only as *just* as the extent to which they prefigure land solutions by and with affected people.** This begs the question: how to ensure that the right to land (and its implication for access to so-called natural resources) and the right to clean energy are mutually reinforcing, instead of pitted against each other? For public energy advocates, this means joining forces with land defenders to unpack how public ownership and democratic governance of the energy sector can be organised to defend people's right to land and ultimately, live up to the 5Rs.

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This is Part 3 of the Reclaiming Energy report, which aims to unpack key strategies to strengthen energy democracy struggles the world over.

With the climate crisis escalating, labour and environmental justice groups are searching for systemic solutions. These solutions must uproot the logic of private profit, which is keeping energy systems from phasing out fossil fuels and ramping up renewables. Public ownership of energy can be exactly this: an urgent, viable and bold alternative to the failures of profit-driven markets and multinationals.

By employing a decolonial lens, we call for deprivatising and decommodifying public power systems as a condition for shaping pathways towards democratic governance and public-community partnerships across scale and territories. This means approaching the right to clean energy as inseparable from the right to land and resource justice.

Far from a silver bullet, defending and expanding energy as a global public good requires ongoing social struggles towards a sustainable energy sector that is deeply democratic and decolonial by design.

