



JUST TRANSITIONS TO A NET ZERO WORLD · THIRD ANNUAL CONFERENCE

Just Transition and Compliance Minimalism

Lessons from Human Rights Cases

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Built on findings from the HRNUDGE project (ERC)

Two systems, one failure mode

Global consensus on obligations is not the hard part. Domestic implementation is.



JUST TRANSITION

Net-zero commitments, Paris Agreement / UNFCCC

- Broad theoretical consensus on the obligation
- Diffuse, long-horizon, multi-actor delivery
- Implementation pathway is contested and now politically challenged



HUMAN RIGHTS COMPLIANCE

ECtHR judgments under Committee of Ministers supervision

- Binding legal obligation on the state
- A single, trackable violation and remedy
- Six years of large-N data on how compliance actually happens

Six years inside the compliance process

25,000+

ECtHR judgments analysed

6 yrs

longitudinal fieldwork

5

stakeholder groups interviewed

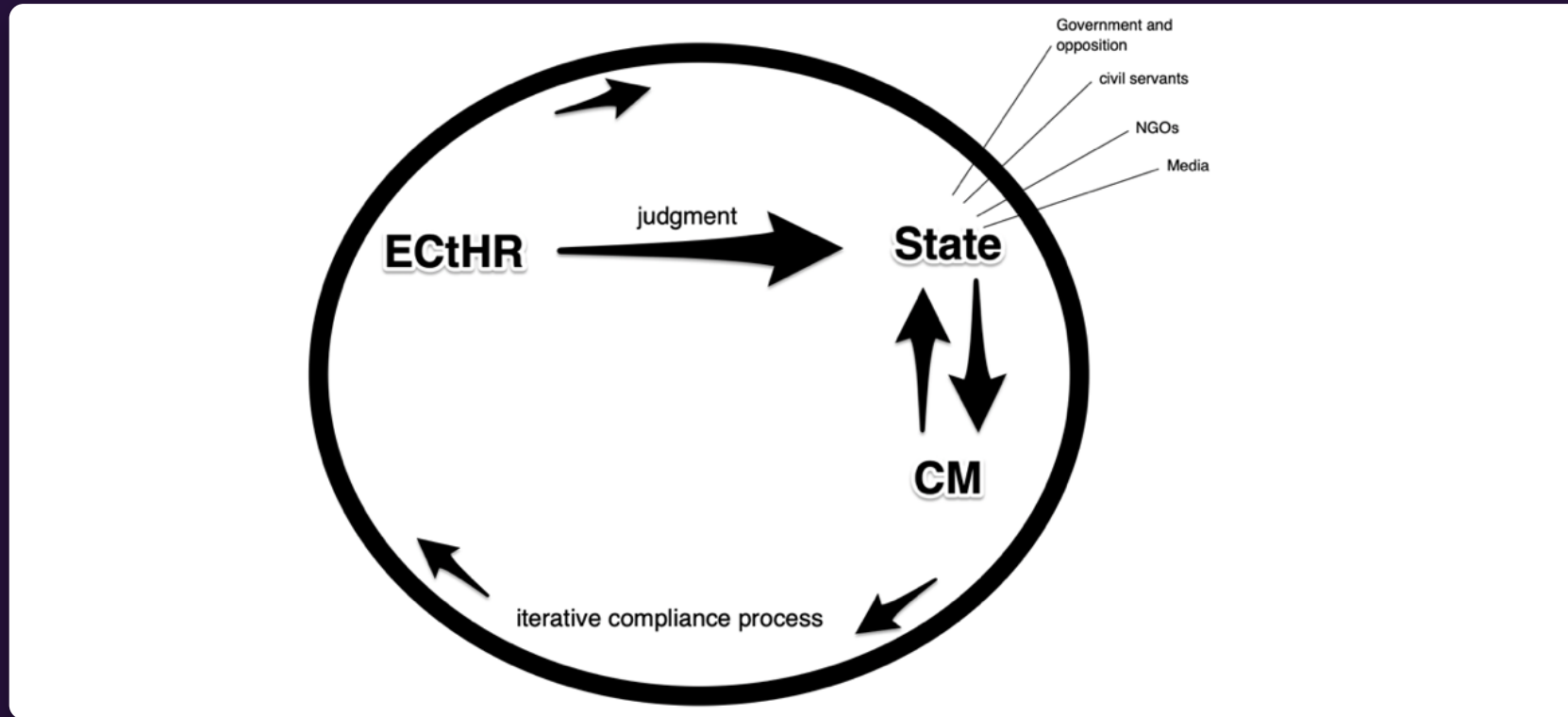
PUBLICLY AVAILABLE SOURCES

- State reports to the Committee of Ministers
- Government compliance & execution websites
- Parliamentary debates; domestic judicial practice
- Academic writing and media reporting

INTERVIEWS WITH STAKEHOLDERS

- Officials responsible for compliance internally
- State representation in Strasbourg
- NGOs & National Human Rights Institutions
- Parliamentary Ombudsman offices

A judgment is not an ending — it's a loop



Source: HRNUDGE (ERC project), V. Fikfak — “Six-Year Analysis, 25,000 judgments”

The compliance behaviour that matters is not the judgment — it's everything in this loop.

Three takeaways — read across to just transition

01



Internal State Structures & Execution

Who inside government is in charge of implementation — and how it's organised.

02



Imitation & Learning — Good and Bad Practice

States copy each other's remedies. Not all copying is good news.

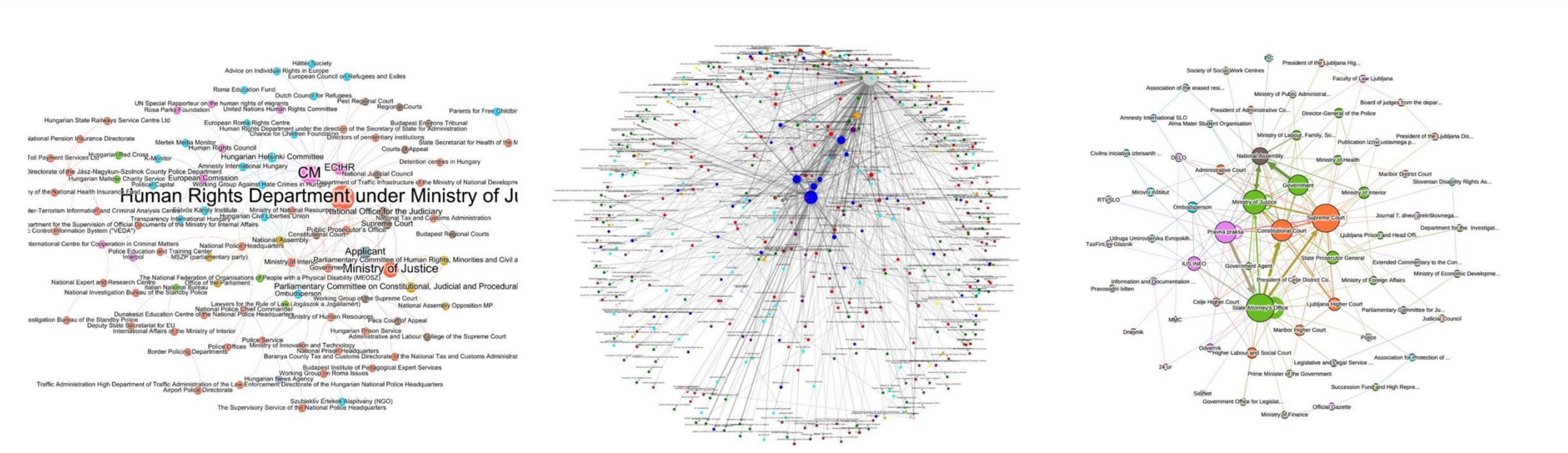
03



From Risk of Contagion to System-Wide Ambition

Minimalism spreads faster than good practice does — so the system has to be designed against it.

Mapping who actually delivers compliance



Source: HRNUDGE (ERC project), V. Fikfak — social network analysis of domestic compliance actors

Centralised, blue-hub networks move faster; distributed networks are slower but harder to unpick — the same choice just-transition delivery bodies face.



Internal State Structures & Execution

HRNUDGE FINDING

- Compliance speed and durability track internal architecture
- Centralised structures move faster; decentralised structures are slower but more resistant to rule-of-law challenges
- Essential ingredients: a law that clearly allocates domestic responsibility, and functioning working relationships between the organs involved

JUST TRANSITION PARALLEL

This is exactly the “agents in the delivery of a just transition” question. Does the state have a named, legally anchored transition-delivery body — or is responsibility diffuse across ministries?

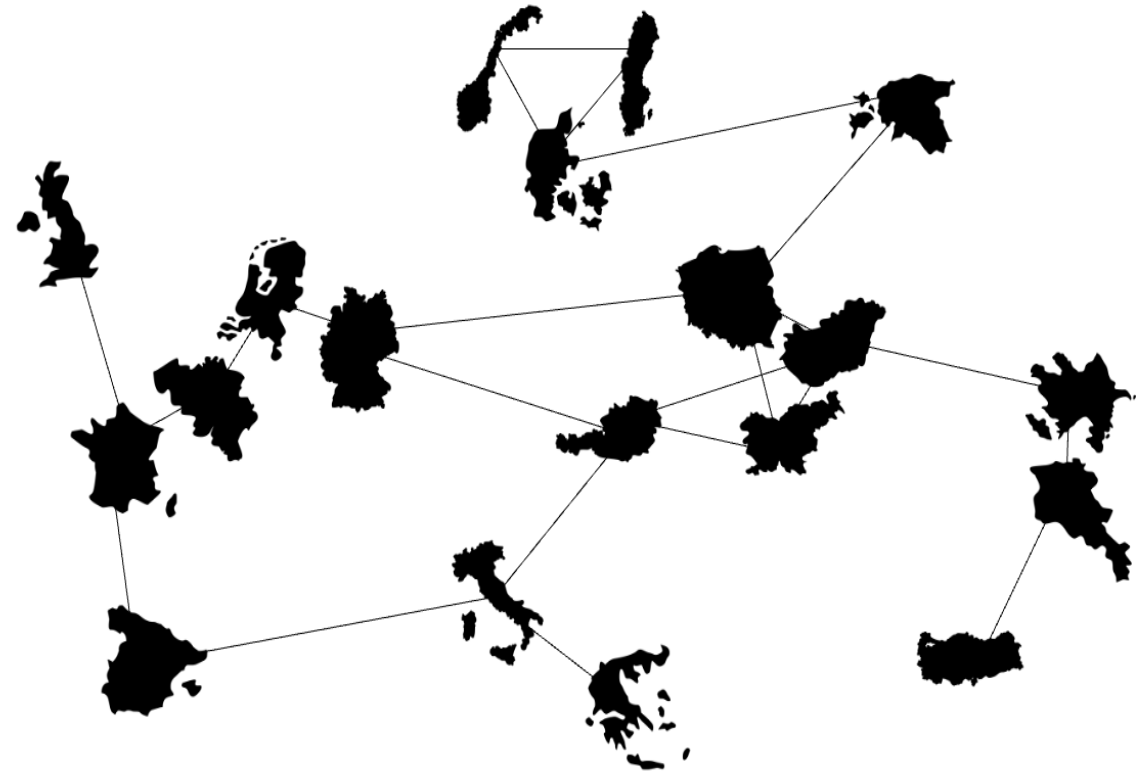
Map transition-governance actors the same way we map human rights compliance actors: who talks to whom, and who is missing from the network.



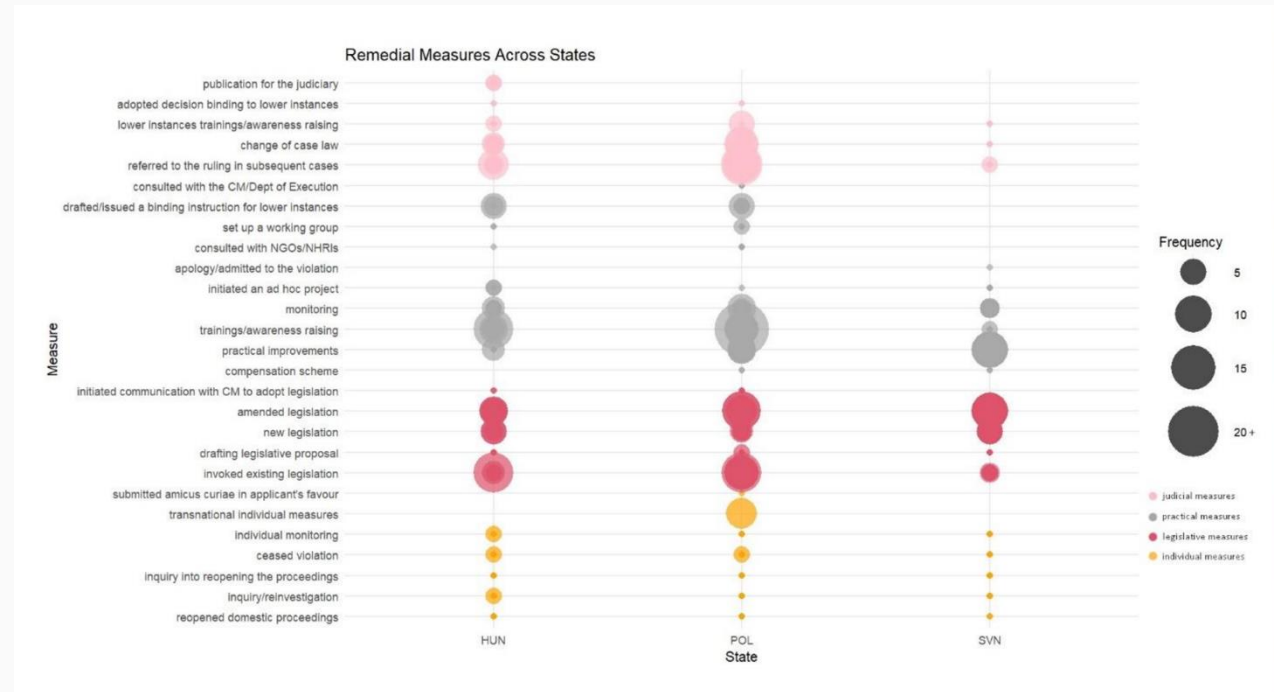
Imitation & Learning — Good and Bad Practice

HRNUDGE FINDING

- States bargain within the Committee of Ministers, producing a menu of remedies — judicial, practical, legislative, individual — that looks strikingly similar across states
→ Clear imitation and learning



The menu of remedies, side by side



Source: HRNUDGE (ERC project), V. Fikfak — remedial measures across states, by category and frequency

Hungary, Poland and Slovenia converge on the same handful of measures — imitation in action. The open question is always whether the copied measure was the effective one.



Imitation & Learning — Good and Bad Practice

HRNUDGE FINDING

- States bargain within the Committee of Ministers, producing a menu of remedies — judicial, practical, legislative, individual — that looks strikingly similar across states
 - Clear imitation and learning
- Seeking to do as little as possible: states make the “isolated case” argument
 - Such minimal compliance does not prevent recurrence; these cases resurface later as new violations
- Fix: judge remedies by impact, share negative practice too, prioritise quality of state-to-state relationships over quantity

JUST TRANSITION PARALLEL

Net-zero commitments are already being imitated across jurisdictions — carbon pricing, ESG frameworks, transition funds.

The same question applies: are states copying substantive, impact-tested measures — or copying the appearance of ambition?



From Risk of Contagion to System-Wide Ambition

HRNUDGE FINDING

- Imitation cuts both ways — any behaviour is contagious, but compliance minimalism or non-compliance is more contagious than good practice
 - Eg Normalising early case closure erodes the credibility of the whole system
- Thus system has to be geared against both: Proposed FIX
 - 1. System-Wide Ambition and Commitment: shared responsibility (states, execution bodies, scholars, NGOs)
 - 2. A maintained depository of good and inefficient practice, with indicative timeframes
 - 3. A trackable set of recommendations (minimum standards), renewed on a fixed cycle (HRNUDGE proposes every 5 years)

JUST TRANSITION PARALLEL

This is close to a ready-made template for this conference's own closing “Just Transition Roadmap” session.

Proposal: a shared, renewable depository of just-transition measures, tagged by impact — with a standing body responsible for tracking whether ambition is rising or flattening.

Naming the risk: compliance minimalism



Compliance minimalism — minimal, formally-compliant action taken to close a case or commitment without addressing the underlying structural problem. Legally defensible; substantively insufficient.

Why it's a system-level risk, not just an individual failure:

1

Tolerated once, copied widely

One accepted “isolated case” lowers the bar every other state measures itself against.

2

Diffuse targets hide it best

Just transition commitments are long-horizon and multi-actor — easier to minimally comply with, harder to detect.

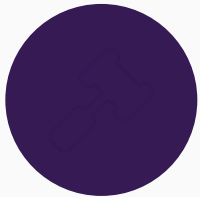
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Detection lags harm

By the time minimal compliance resurfaces as a new violation, years of drift have already happened.

Three asks for just transition governance

Mirrored directly off HRNUDGE's "System-Wide Ambition" proposal



1

Anchor delivery in law

Legally allocate domestic responsibility for transition delivery — don't leave it institutionally diffuse.

Make clear who is internally responsible and for what.

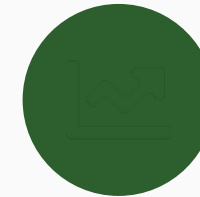


2

Build a shared depository

Cross-jurisdictional record of just-transition measures rated by impact — including documented failures.

Centralise collection of good and bad practices. Supervisory body that has power to feature practices by “rewarding” and “naming and shaming”.



3

Fix a review cycle

Test on a set schedule whether ambition is actually rising and whether the threshold of expectation/performance is higher, not simply whether it looks good on paper.

System wide ambition can get ahead of the compliance-minimalism problem the human rights system took decades to name – if it borrows some of the fixes that have been proven to work.



Thank you

Questions and discussion welcome

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HRNUDGE project (ERC) — publications freely available:

cordis.europa.eu/project/id/803981/results



How slowly transparency measures actually diffuse



Source: HRNUDGE (ERC project), V. Fikfak — publication/dissemination measures by year

Even simple transparency remedies (translation, publication) take years to become standard practice — a caution against assuming disclosure norms will spread quickly on their own.