

ISDS is a threat to our collective future

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[EU Investment Policy](#)

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Investor-state dispute settlement (ISDS) threatens a just transition from fossil fuels and the urgent need for a social and ecological transformation for people and the planet. We welcome the recognition and inclusion of this risk within the thematic pillars of the First Conference on Transitioning Away From Fossil Fuels.

We call on governments to begin building a coalition of countries committed to freeing themselves from ISDS.

ISDS mechanisms are written into many trade and investment agreements. They entitle transnational corporations to sue governments in secretive tribunals outside of the national legal system over law and policy changes that they fear could reduce their profits. ISDS grants privileges to foreign investors that are unavailable to local businesses or ordinary citizens – especially the peoples and communities most affected by their investments.

The impacts of ISDS are felt in all areas of society and economy, from health care and public services to national security and chemical safety regulation. It is a profoundly anti-democratic system that undermines rights and constrains sovereignty and self-determination.

For many years, extractive firms in the oil, gas, and mining industries and energy corporations have brought hundreds of ISDS cases against countries, and this is increasing. Fossil fuel and mining companies have used ISDS to rake in more than \$87bn in public money since 1998.¹

On top of this, in recent years we have seen a growing number of cases that directly challenge the transition away from fossil fuels. Corporations are suing over matters including coal phase out,

refusal to license new coal mines or extend existing ones, windfall taxes on excess energy profits, a ban on offshore oil drilling, fracking regulation and closure of a gas field.²

Communities at the frontlines of the climate crisis are often at the heart of ISDS claims through struggles against destructive mining and other extractive projects, including from rising demand for minerals.

Key risks from ISDS for a fossil fuel phase out and truly just transition are a prohibitive increase in the cost from payouts to polluters and a chilling effect on necessary law and policy changes. Corporations can claim vast amounts of taxpayer money through ISDS, often far higher than in domestic courts. Recent claims have been in the billions, which surpasses the ability of many countries to pay and undermines the capacity to support a just transition. As a result, the fear of being sued may cause countries to delay or decide against taking needed action on fossil fuels and other extractive industries. Countries have already admitted that this is happening.³

UN bodies have raised fundamental concerns over ISDS, including the 2022 IPCC report and reports by Special Rapporteurs.⁴ The International Court of Justice has emphasised that investment treaties must not be interpreted in isolation, but in harmony with international climate law and that countries have obligations under multiple sources of international law to prevent, mitigate and remedy climate change and its resultant harms.⁵ The Baku to Belém Roadmap of the COP29 and 30 presidencies identifies ISDS as a systemic barrier.⁶

We call on governments to begin building a coalition of governments committed to freeing themselves from all forms⁷ of ISDS. This alliance would explore:

- Cancelling treaties with ISDS, or renegotiating to remove ISDS, between the governments involved, in ways that address ‘sunset clauses’
- Collective engagement with other countries to support further potential for stepping away from ISDS
- Committing to not signing any new ISDS agreements
- Including provisions on cancelling ISDS in a future Fossil Fuel Treaty
- Initiating negotiations for a multilateral treaty to bring about a world free from ISDS

Signatories

(The statement remains [open for signature](#) by civil society organisations)

Global and regional

1. 350.org

2. Amigos de la Tierra América Latina y el Caribe (ATALC)
3. Amnesty International
4. bilaterals.org
5. CAN Europe
6. CANLA (Climate Action Network Latin America)
7. Caritas Europa
8. Center for International Environmental Law (CIEL)
9. Centroamérica Hub de Finanzas Sostenibles
10. CIDSE
11. Corporate Europe Observatory (CEO)
12. E3G
13. European Environmental Bureau
14. European Trade Justice Coalition
15. Financial Transparency Coalition
16. Focus on the Global South
17. Friends of the Earth Europe
18. Friends of the Earth International
19. Global Forest Coalition
20. GRAIN
21. Greenpeace
22. IBON International
23. JASS – Just Associates
24. JESC–Jesuit European Social Centre
25. Natural Justice: Lawyers for Communities and the Environment
26. Nordic Climate Justice Coalition
27. Oxfam International
28. Pacific Network on Globalisation
29. Peace Brigades International (PBI)
30. Plataforma América Latina y el Caribe Mejor Sin TLC
31. Protección Internacional Mesoamérica
32. Red Europea Oficina Internacional de Derechos Humanos – Acción Colombia
33. Resource Justice Network

34. Society for International Development (SID)
35. Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI)
36. Third World Network
37. Transnational Institute
38. We Don't Have Time
39. Yes to Life No to Mining

National

40. 350 Aotearoa, Aotearoa New Zealand
41. Campaign Against Foreign Control of Aotearoa, Aotearoa New Zealand
42. Coal Action Murihiku, Aotearoa New Zealand
43. Coal Action Network Aotearoa, Aotearoa New Zealand
44. Greenpeace Aotearoa, Aotearoa New Zealand
45. Livestock inc Ltd, Aotearoa New Zealand
46. Ngā Toki Whakarururanga, Aotearoa New Zealand
47. Sustainable North Trust, Aotearoa New Zealand
48. Zero Waste Aotearoa, Aotearoa New Zealand
49. Armenian Environmental Front volunteer initiative, Armenia
50. AidWatch, Australia
51. Australian Conservation Foundation, Australia
52. Australian Fair Trade and Investment Network, Australia
53. Australian Forests & Climate Alliance (AFCA), Australia
54. Australian Manufacturing Workers Union, Australia
55. Australian Religious Response to Climate Change, Australia
56. Bushfire Survivors for Climate Action, Australia
57. Climate Action Burwood/Canada Bay, Australia
58. Climate Action Monaro, Australia
59. Climate Action Network Australia, Australia
60. Climate Emergency Australia, Australia
61. Climate Reality Project Australia & Pacific, Australia
62. Combined Retired Union Members Association (CRUMA), Australia
63. Currie Country Social Change Aboriginal Corporation, Australia

64. Darebin Climate Action Now, Australia
65. Friends of the Earth Australia, Australia
66. GeneEthics, Australia
67. Jubilee Australia, Australia
68. Lighter Footprints, Australia
69. Migrante Australia of New South Wales, Australia
70. Nature Conservation Council of NSW, Australia
71. New South Wales Nurses & Midwives' Association, Australia
72. NSW Retired Teachers' Association, Australia
73. Parramatta Climate Action Network, Australia
74. Peoples Climate Assembly, Australia
75. SEARCH Foundation, Australia
76. Social Responsibilities Committee Anglican Church Southern Queensland, Australia
77. South Coast Labour Council, Australia
78. Sutherland Shire Environment Centre, Australia
79. Tax Justice Network Australia, Australia
80. Union Aid Abroad – APHEDA, Australia
81. Uniting Church in Australia, Synod of Victoria and Tasmania, Australia
82. Victorian Trades Hall Council, Australia
83. Vote Earth Now, Australia
84. AK Europa, Austria
85. Anders Handeln Austria, Austria
86. Attac Austria, Austria
87. GLOBAL 2000, Austria
88. Informationsgruppe Lateinamerika – IGLA, Austria
89. Transform! at, Austria
90. 11.11.11, Belgium
91. achACT, Belgium
92. ACV-CSC, Belgium
93. ATTAC Belgium, Belgium
94. Broederlijk Delen, Belgium
95. Centre Tricontinental (CETRI), Belgium

96. CNCD-11.11.11, Belgium
97. Entraide & Fraternité, Belgium
98. Fédération des services sociaux, Belgium
99. Les Amis de la Terre – Belgique asbl, Belgium
100. Solsoc, Belgium
101. vzw Climaxi, Belgium
102. Fundación Internet Bolivia, Bolivia
103. Fundación Solón, Bolivia
104. Programa de Asistencia Agrobioenergetica al Campesino PAAC, Bolivia
105. SOMOS SUR, Bolivia
106. TerraJusta, Bolivia
107. Instituto EQUIT – Gender, Economy and Global Citizenchip, Brazil
108. REBRIP – Rede Brasileira pela Integração dos Povos, Brazil
109. Dukingire Isi Yacu (DIY), Burundi
110. Association for Solidarity through Humanitarian Imperative Action International, Cameroon
111. Green Development Advocates (GDA), Cameroon
112. Association québécoise des organismes de coopération internationale (AQOCI), Canada
113. Atlantic Regional Solidarity Network, Canada
114. Attac Québec, Canada
115. BC Casa Vancouver Island, Canada
116. Black Environmental Initiative, Canada
117. Canadian Association of the Club of Rome (CACOR), Canada
118. Canadian Centre for Policy Alternatives, Canada
119. Canadian Interfaith Fast For the Climate, Canada
120. Centre québécois du droit de l'environnement (CQDE), Canada
121. Citizens Climate Lobby Canada, Canada
122. Climate Action Network Canada (CAN-Rac), Canada
123. Common Frontiers, Canada
124. Grandmothers Act to Save the Planet (GASP), Canada
125. Guatemala Research Group, University of Northern British Columbia, Canada
126. Legal Advocates for Nature's Defence, Canada
127. Maquila Solidarity Network, Canada

128. Maritimes-Guatemala Breaking the Silence Network, Canada
129. Mining Injustice Solidarity Network, Canada
130. MiningWatch Canada, Canada
131. National Union of Public and General Employees (Canada), Canada
132. Trade Justice Network, Canada
133. Chile Mejor sin TLC, Chile
134. Censat Agua Viva Amigos de la Tierra Colombia, Colombia
135. Colectivo de Abogados y Abogadas José Alvear Restrepo (CAJAR), Colombia
136. Comité para la defensa del Agua y el Páramo de Santurbán, Colombia
137. LazosTech, Colombia
138. Magazin de la Amazonía y Moviccapp, Colombia
139. Observatorio Ambiental Ciudadano – Veeduría Ciudadana, Colombia
140. Shambala, Colombia
141. Youth Council – La Primavera – Vichada, Colombia
142. Shujaa-Initiative, Congo DRC
143. Colombia Solidarity, Denmark
144. CRAC, Denmark
145. Den Grønne Ungdomsbevægelse, Denmark
146. Fossilfri Fremtid, Denmark
147. Frie Bønder Levende Land (Danish La Via Campesina), Denmark
148. NOAH – Friends of the Earth Denmark, Denmark
149. Amigas de la Tierra, España
150. ATTAC España, España
151. Colectivo Sur Cacarica, España
152. Confederación General del Trabajo, España
153. Departamento de Ecología Integral, Conferencia Episcopal Española, España
154. Ecologistas en Acción, España
155. Ingeniería sense Fronteres, España
156. Ingeniería sense fronteres de les Illes Balears, España
157. Fundación Vida Sostenible, España
158. Intersindical Solidària, España
159. La Coordinadora de Organizaciones para el Desarrollo-España, España

160. Medicusmundi Spain, España
161. Observatori del Deute en la Globalització (ODG), España
162. Recortes Cero, España
163. REVO Prosperidad Sostenible, España
164. Salva la Selva, España
165. Unión Universal Desarrollo Solidario, España
166. Austrian Trade Union Federation, Europe
167. Development Alternatives with Women for a New Era (DAWN), Fiji
168. Amis de la Terre France / Friends of the Earth France, France
169. Attac France, France
170. BLOOM, France
171. CliMates, France
172. Confédération paysanne, France
173. France Amérique Latine, France
174. France Nature Environnement, France
175. GAFE-France, France
176. MABD, France
177. Notre Affaire A Tous, France
178. Reclaim Finance, France
179. Veblen Institute, France
180. Association for Farmers Rights Defense (AFRD), Georgia
181. Andy Gheorghiu Consulting, Germany
182. Attac Berlin, Germany
183. Attac Germany, Germany
184. BUND Regionalverband Nordschwarzwald/ D, Germany
185. CADEHO Menschenrechtskollektiv, Germany
186. FDCL – Center for Research and Documentation Chile-Latin America, Germany
187. German NGO Forum on Environment and Development, Germany
188. Hamburger Energietisch e. V., Germany
189. Hondurasdelegation, Germany
190. Konstanzer Bündnis für gerechten Welthandel, Germany
191. Misereor, Germany

192. Netzwerk gerechter Welthandel, Germany
193. PowerShift e.V., Germany
194. Stiftung Asienhaus, Germany
195. Umweltinstitut München e.V., Germany
196. Weltladen Hailer, Germany
197. Zukunftsrat Hamburg, Germany
198. NatureFriends Greece, Greece
199. Residencia Pacífica La Puya, Guatemala
200. Instituto para el Futuro Común Amerindio IFCA, Honduras
201. Red de abogadas defensoras de derechos humanos, Honduras
202. National Society of Conservationists – Friends of the Earth Hungary, Hungary
203. Association for Promotion Sustainable Development, India
204. Samata, India
205. The Future We Need, India
206. Aceh Wetland Forum, Indonesia
207. Coalition Against Mining in Aceh, Indonesia
208. Ekologi Maritim Indonesia, Indonesia
209. Indonesia for Global Justice (IGJ), Indonesia
210. Koalisi Rakyat untuk Keadilan Perikanan (KIARA), Indonesia
211. KRuHA – people’s coalition for the right to water, Indonesia
212. Puanifesto, Indonesia
213. Publish What You Pay (PWYP) Indonesia, Indonesia
214. Think Inc Indonesia Legal Office, Indonesia
215. Afri (Action from Ireland), Ireland
216. Christian Aid Ireland, Ireland
217. Comhlámh, Ireland
218. Communities Against the Injustice of Mining (CAIM network), Ireland
219. Earth Restore, Ireland
220. Financial Justice Ireland, Ireland
221. Friends of the Earth Ireland, Ireland
222. Green Greystones, Ireland
223. National Council for People with Disabilities (NCPD), Ireland

224. Trócaire, Ireland
225. ATTAC Italia, Italy
226. Fairwatch, Italy
227. Rinascimento Green, Italy
228. Community Action For Health And Development (CAHED), Kenya
229. Action Solidarité Tiers Monde (ASTM), Luxembourg
230. Mouvement Ecologique, Luxembourg
231. Seniors for Climate Luxembourg, Luxembourg
232. Consumers' Association of Penang, Malaysia
233. Sahabat Alam Malaysia (Friends of the Earth Malaysia), Malaysia
234. Friends of the Earth Malta, Malta
235. GeoComunes, México
236. MIRA Feminismos y Democracias, México
237. Otros Mundos Chiapas, México
238. Procesos Integrales para la Autogestion de los pueblos, México
239. Proyecto sobre Organización, Desarrollo, Educación e Investigación (PODER), México
240. Red de Información y Acción Ambiental de Veracruz, México
241. Red Mexicana de Afectadas y Afectados por la Minería (REMA), México
242. Rizoma Entretejiendo la Defensa de los Bienes Comunes, México
243. Justiça Ambiental JA!, Mozambique
244. Both ENDS, Netherlands
245. Centre for Research on Multinational Corporations (SOMO), Netherlands
246. Handel Anders! (Dutch Trade Justice Coalition), Netherlands
247. Milieudefensie – Friends of the Earth Netherlands, Netherlands
248. OECD Watch, Netherlands
249. Platform Duurzame en Solidaire Economie, Netherlands
250. Working group Food Justice, Netherlands
251. Nigerian Women Agro Allied Farmers Association, Nigeria
252. Policy Alert, Nigeria
253. Renvlyn Development Initiative, Nigeria
254. Handelskampanjen, Norway
255. Colectivo Voces Ecológicas COVEC, Panamá

256. Ecological Society of the Philippines, Philippines
257. Legal Rights and Natural Resources Center – Friends of the Earth Philippines, Philippines
258. Sibuyanon Against Mining, Philippines
259. Polish Zero Waste Association, Poland
260. Campo Aberto, Portugal
261. CIDAC – Centro de Intervenção para o Desenvolvimento Amílcar Cabral, Portugal
262. Ecomood Portugal, Portugal
263. Extinction Rebellion Minho, Portugal
264. GEOTA – Grupo de Estudos de Ordenamento do Território e Ambiente, Portugal
265. Palombar – Associação de Conservação da Natureza e do Património Rural, Portugal
266. TROCA – Plataforma por um Comércio Internacional Justo, Portugal
267. ZERO – Associação Sistema Terrestre Sustentável, Portugal
268. ActionAid International Senegal, Sénégal
269. ONG Solidarité Ci Sutura, Sénégal
270. Umanotera, Slovenia
271. Alternative Information & Development Centre (AIDC), South Africa
272. Jordens Vänner / Friends of the Earth Sweden, Sweden
273. Alliance Sud, Switzerland
274. Pro Natura / Friends of the Earth Switzerland, Switzerland
275. Public Eye, Switzerland
276. Sustainable Holistic Development Foundation (SUHODE Foundation), Tanzania
277. TATIC, Tanzania
278. Baloos Foundation, Timor Leste
279. Network of Rural Women Producers Trinidad and Tobago, Trinidad and Tobago
280. Centre for Citizens Conserving Environment & Management (CECIC), Uganda
281. ABColombia, United Kingdom
282. Action for Southern Africa (ACTSA), United Kingdom
283. Balanced Economy Project, United Kingdom
284. CAFOD, United Kingdom
285. Campaign against Climate Change, United Kingdom
286. Compassion in World Farming, United Kingdom
287. Corporate Justice Coalition, United Kingdom

288. Debt Justice UK, United Kingdom
289. Earth Thrive, United Kingdom
290. EcoNexus, United Kingdom
291. Encountering Existence Ltd, United Kingdom
292. Environmental Justice Foundation (EJF), United Kingdom
293. Environmental Network for Central America (ENCA), United Kingdom
294. Faith for the Climate, United Kingdom
295. Fire Brigades Union, United Kingdom
296. Fresh Eyes, United Kingdom
297. Friends of the Earth England, Wales and Northern Ireland, United Kingdom
298. Friends of the Earth Scotland, United Kingdom
299. Fuel Poverty Action, United Kingdom
300. Gaia Foundation, United Kingdom
301. Global Justice Now, United Kingdom
302. Global Witness, United Kingdom
303. Green New Deal Rising, United Kingdom
304. Greenpeace UK, United Kingdom
305. Labour Behind the Label, United Kingdom
306. London Mining Network, United Kingdom
307. Mothers Rise Up, United Kingdom
308. Oxfam GB, United Kingdom
309. PCS Union, United Kingdom
310. Positive Money, United Kingdom
311. Stamp Out Poverty, United Kingdom
312. Tipping Point UK, United Kingdom
313. Trade Justice Movement, United Kingdom
314. War on Want, United Kingdom
315. Weald Action Group, United Kingdom
316. 350 Bay Area Action, United States
317. 350 Wisconsin, United States
318. Alliance for Global Justice, United States
319. Center for Economic and Policy Research (CEPR), United States

320. Cross Border Network for Justice & Solidarity, United States
321. Denver Justice and Peace Committee, United States
322. Earth Ethics, Inc., United States
323. Earthworks, United States
324. Global Justice Ecology Project, United States
325. Indigenous Research Center of the Americas, United States
326. Institute for Agriculture and Trade Policy, United States
327. Institute for Policy Studies – Global Economy Project, United States
328. Latin America Solidarity Coalition, United States
329. Local Futures, United States
330. Network in Solidarity with the People of Guatemala (NISGUA), United States
331. NETWORK Lobby for Catholic Social Justice, United States
332. Nicaragua Solidarity Coalition, United States
333. Portland Central America Solidarity Committee (PCASC), United States
334. Public Citizen, United States
335. Rethink Trade, United States
336. Rochester Committee on Latin America, United States
337. SAFES, United States
338. Sierra Club, United States
339. Sisters of Mercy of the Americas – Washington DC Justice Team, United States
340. Trade Justice Education Fund, United States
341. United Church of Christ, United States
342. Cross border organizing working group / line 5 coalition, United States and Canada
343. REDES-Amigos de la Tierra Uruguay, Uruguay
344. NatureWize Vietnam, Vietnam
345. Yemeni Observatory for Human Rights, Yemen
346. Climate Action Network Zimbabwe, Zimbabwe

Photo by [Yohei Shimomae](#) on [Unsplash](#)

Notes:

1) [Global ISDS Tracker](#)

- 2) See for example: [AET v Germany](#); [Woodhouse Investment and West Cumbria Mining v UK](#); [Zeph v Australia](#) [2](#), [3](#) & [4](#); [Glencore v Colombia](#) [3](#); [Rockhopper v Italy](#); [Ascent v Slovenia](#); [ExxonMobil v Netherlands](#) and [Shell v Netherlands](#).
- 3) Elizabeth Meager, "[Cop26 targets pushed back under threat of being sued](#)" *Capital Monitor*, 2022
- 4) IPCC [Climate change 2022: mitigation of climate change](#), 2022, p14-72 & p14-81; [A/78/168: Paying polluters](#), 2023; [A/80/187](#), 2025 p8.
- 5) ICJ, Advisory Opinion, [Obligations of states in respect of climate change](#), July 2025.
- 6) [Report on the Baku to Belém roadmap to 1.3T](#), 2025, p52
- 7) Including ICS, MIC or a permanent tribunal for international investment disputes.

Comments are closed.



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ISSUES

- EU Free Trade Agreements

EU trade strategy

EU Investment Policy

Alternatives

Climate

Digital trade

Labour rights

Raw materials

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