

EDITORIAL COMMENTS

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We are pleased to present Volume 16 Issue 2 of the Journal of Sustainable Development Law and Policy. Our Editorial Committee and Board have worked tirelessly over the last months to bring you this Special Issue on the subject *Gender Justice and Energy Transition in the Global South*. It is composed of nine articles interrogating various topical legal, policy and governance dimensions of gender, justice and the energy transition discourse within the global south context.

1. INTRODUCTION

Gender justice is a dynamic concept that has evolved significantly over the past few decades. It centres on addressing the systemic inequalities and historical and structural imbalances that places people at a disadvantage based on their gender. The gender justice discourse highlights the power differentials between men and women and widespread discrimination in social, economic, and environmental governance structures, including laws, policies and processes, which limit women's access to rights and opportunities for development. Women make up almost half of the world's population. Yet, they are underrepresented in leadership and decision-making in various sectors of the economy and development. This undermines their ability to influence outcomes that directly affect their livelihoods, safety, and wellbeing. Despite the advances in global efforts to drive human development through human rights and the global development frameworks, such as the Millenium Development Goals and the post-2015 Sustainable Development Goals, there is minimal data on the gender dimensions. On one hand, it is widely acknowledged that women and girls experience development challenges differently from men, and often bear a disproportionate burden of the adverse impacts.

The idea of gender equality therefore lies at the heart of achieving inclusive and sustainable development. The Sustainable Development Goal (SDG) 5 is dedicated to achieving gender equality. There is limited data on the level of progress with the goal. Notwithstanding, the reports on the status of the development goals at the global, regional, and national levels are often not disaggregated to delineate the gender dimensions. The result is that the true extent of gender inequality remains underestimated or at best uncertain due to lack of data. All the available evidence suggests that the world is off track and unlikely to achieve gender parity by the next century. The historical complexities of gender inequality have been exacerbated by rising geopolitical conflicts, poverty, climate change, and public health emergencies such as the COVID-19 pandemic. The current data shows a gloomy picture in which gender inequality is perpetuated in laws and legal systems that prevail against women and girls. It is estimated that it will take the world 137 years to eliminate poverty among women and girls and 286 years to eliminate “discriminatory laws and close prevailing gaps in legal protections for women and girls”. At the same time, there is little or no investment in understanding and addressing the gender dimensions of poverty, conflict, and other complex human security challenges.

One area where lack of gender equality is evident is in the access to and allocation of energy resources. Lack of access to energy adversely affects women's livelihoods and wellbeing, particularly in the global South. There is also the risk of perpetuating the existing patterns of gender inequality if the energy transition process does not mainstream feminist perspectives and gender justice as a priority. The intersections between gender justice and energy transition are multidimensional and complex. It is widely accepted that gender and related roles significantly affects the impacts of climate change on people. Similarly, gender affects access to energy and other resources. However, most energy transition policies adopt a primarily technocratic approach which does not account for the significant nuances resulting from gender and other social constructs. This creates a misfit between the energy transition policies and the real challenges women and girls face in addressing the energy trilemma (reliability, affordability, and sustainability).

Remarkably, most of the emphasis on reforms and monitoring on the gender dimensions of the energy transition and other key development priorities are situated in the global south context and cut across various aspects of law, policy, and governance. However, the subject of gender justice in the energy transition is still emerging and there are few scholars working in this area from a limited number of countries, mostly in Africa. This is reflected in the significant number of articles in the special issue from Africa. There is a case study of Brazil which also underscores the paucity of

literature on the gender dimensions of the energy transition at the national and regional level. The contributions to this special issue are therefore timely and an important step towards addressing the gap in knowledge on the intersections between gender equality and the energy transition. The papers are wide-ranging and cover topical issues relating to the law and policy frameworks and governance processes which impact on women's experiences in the energy transition process and the prospects for gender justice.

2. LEGAL AND POLICY DIMENSIONS OF GENDER JUSTICE IN THE ENERGY TRANSITION

There is a widespread understanding that energy poverty significantly affects women, increasing their vulnerability and impacting their ability to engage in productive and recreative activities. Nonetheless, there are few studies dedicated to unpacking the gender dimensions of the energy transition and formulating strategies for improving gender justice in the energy transition in various contexts. In 'Gender Equality in the Brazilian Energy Transition', Grubba, Pereira, and Castelar de Miranda Reis conduct a systematic literature review to understand the intersection of gender equality and energy transition in the Brazilian context and highlight relevant gaps in knowledge and related implementation challenges. The authors argue that it is essential to mainstream gender equity in the energy sector, to advance innovation and sustainability in the energy sector and improve women's development opportunities. Despite the advanced development of Brazil's energy sector and the advances in the legal protection of women's rights including through the recognition of women's rights in the Brazilian constitution, there are still significant challenges to gender equity that are exemplified in the energy sector. More so, there is a paucity of scholarly literature which examine that gender dimensions of Brazil's energy transition and the related prospects for advancing a cleaner and more sustainable future for all. The article identifies STEM education as a critical tool for promoting the greater inclusion of women in the energy sector. It also reiterates that the legal framework for the energy sector in Brazil does not directly address gender equality issues and this is not dissimilar to other countries around the world. Therefore, there is a need for further research to interrogate how energy sector laws and policies can be (re-)formulated to promote gender equality.

Obani's article, 'Making a Case for (En)Gendering Energy Transition: Legal Basis and Levers for Change' further buttresses the legal justifications for advocating for a gender inclusive energy transition process. The article emphasises the interlinkages between climate change, energy poverty, and other complex human development challenges, with reference to the international sustainable development framework. First the paper explores these interlinkages within the context of the Millennium Development Goals as well as the Sustainable Development Goals. This underscores the critical role of women for advancing a just energy transition process. The article draws on feminist legal theories to analyse the key initiatives for mainstreaming gender inclusion in global climate change governance, particularly the UNFCCC reporting framework and initiatives for strengthening women's leadership in climate change governance and uncovers key challenges that persist in relation to vulnerability and capacity gaps. The analysis reveals a modest improvement in women's participation and leadership in the energy transition which corresponds with liberal feminist approaches and elevation of gender inclusion as a priority issue in high-level policy instruments such as the national climate action plans (Nationally Determined Contributions) of several countries. Further, the article proposes four levers of change to mitigate the prevailing challenges and strengthen gender inclusion in the energy transition process, namely: promoting worker's rights and safety; education; gender inclusiveness; and intersectionality.

Similarly, in 'Decolonizing Power: Integrating Gender Justice in Sustainable Energy Frameworks in Sub-Saharan Africa', Adenike Akinsemolu illustrates the causes, effects, and potential options for addressing the high level of gender inequality in critical sectors, including energy, in Sub-Saharan African countries. The article draws on several feminist theories, including the matrix of domination framework, and the black feminist thought theory, and frameworks. The article explores Namibia as a case study to illustrate the potential for successful universal gender mainstreaming in energy governance policies. Building on the findings from the case study, the article argues that Sub-Saharan African countries can integrate gender justice in the energy transition process through tackling the social, cultural, and political power dynamics that lie at the heart of women's exclusion from the

energy governance process. The article titled, 'Gender, Feminism and Energy Transition in the Global South' by Anthony S. Aladekomo further interrogates the need and strategies for enhancing the active participation of women in the energy transition in the Global South through the lens of environmental justice and ecofeminism. These theoretical underpinnings reflect women's significant contributions to environmental protection and sustainability in various parts of the global south and around the world. The article argues for the establishment of an integrated policy framework that links the various levels of governance, from the global to the local levels, and incorporates inclusive growth in the energy transition agenda.

3. ENABLERS OF GENDER JUSTICE IN THE ENERGY TRANSITION

In addition to regulatory frameworks and institutions, technological instruments also play an important role in enabling gender inclusion in the energy transition process. In 'Electricity and ICT in West Africa: Implication for Female Employment', Omowumi Omodunni Idowu investigates the importance of electricity and ICT access in promoting gender equality and sustainable development, including through creating opportunities for women's participation in social, political and economic processes. The article analyses empirical data on female access to electricity and ICT in sixteen (16) West African countries from 1990 to 2020. It examines the correlation with female employment in three sectors, namely; agriculture, industry and service using data from the World Bank Data Bank for both static analysis (Pooled Effect) and dynamic analysis using Panel ARDL procedures of Mean Group (MG), Pooled Mean Group (PMG) and Dynamic Fixed Effect (DFE) having confirmed the stationarity of variables. The results establish that electricity and ICT access impact female employment in West Africa. While access to electricity discourages female employment in agriculture, ICT diffusion has the opposite effect. Conversely, electricity access and ICT diffusion enable female employment in the service sector. The analysis also suggests that education is a negative determinant of female employment in the three sectors of the economy in the long run. This needs to be further investigated to understand the relationship between women's education and the highlighted sectors. In the short term, fertility has a strong and negative impact on female employment which also justifies strengthening the protections for women's sexual and reproductive health rights to encourage their active participation in the economy. This points to the role of businesses and employers as critical stakeholders in promoting gender inclusion in the energy transition process and the need for related accountability processes.

Building on the theme of multi-stakeholder responsibility for promoting gender inclusive energy transition, Chairman Okoloise's article titled 'Examining Business Accountability for Gender Justice in the Context of Energy Transition in Africa' posits that all actors whose operations affect economic access should bear the responsibility for addressing gender justice alongside the state. The article particularly focuses on the role and responsibilities of businesses in this regard. The article establishes a strong ethical basis for its arguments, drawing on theories of utilitarianism, deontology and a stakeholder perspective. It further interrogates the United Nations Framework for business accountability – United Nations Protect, Respect and Remedy Framework, the recognition of business responsibilities in the African Union legal framework and jurisprudence, the Sustainable Development Goals and the Equator Principles. The analysis highlights a general recognition of the role of business and mechanisms for promoting accountability at the global and regional levels, which could also strengthen national and subnational approaches. The article advocates for increased business accountability to promote sustainable and equitable energy solutions.

Multilateral institutions and states continue to play a vital role in strengthening accountability processes, as demonstrated in the widespread influence of the United Nations Guiding Principles. At the regional level, Muluken Kassahun Amid's article titled 'Mainstreaming the Gender Dimension of Climate Change under the African Commission on Human and Peoples' Rights Mandate' delves deep into the African Commission on Human and Peoples' Rights (African Commission) reporting process. The African Commission is one of the two main human rights organs of the African Union, together with the African Court on Human and Peoples' Rights. The African Commission is responsible for protecting and promoting human and peoples' rights in Africa and interpreting the African Charter on Human and Peoples' Rights. The African Commission also reviews state reports on the implementation status of the African Charter and the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol). Based on an analysis of state reporting guidelines, state reports, and the African Commission's concluding observations and recommendations, the

article argues that states and the African Charter and Maputo Protocol frameworks do not directly acknowledge the disproportionate climate impacts and vulnerability experienced by African women. The article further advocates for the African Commission to address this gap through its resolutions and guidelines, reviewing state reports, and jurisprudence, and calls for the integration of climate change and women's rights issues in state reporting guidelines and state reports.

4. LAW AND POLICY REFORMS

The existence of enabling multilateral institutions, including accountability structures, provides a strong impetus for national and subnational policy reforms to advance gender inclusion in the energy transition of countries. Opeyemi Gbadegesin in the article titled 'Gendered Implications of Climate Change: Empowering Women in Climate Law and Policy-making in Nigeria' analyses women's under- in Nigeria's climate policy and decision-making processes and the related implications for effective climate governance. The article explores Nigeria's legal and institutional frameworks *vis-à-vis* relevant international laws. A major finding is that the under-representation of women leadership at the national level further undermines their participation in climate change governance institutions and this needs to be addressed the establishment of effective legal and policy frameworks to facilitate women's participation, representation, leadership and agency in climate change governance. The article recommends strategies such as developing gender-responsive climate policies, enhancing women's leadership and capacity, and fostering inclusive networks and partnerships.

No doubt, the reform of national laws and policies will also present unique challenges for each context that would need to be effectively addressed for a successful outcome. Hilary Okoeguale, in the article titled 'Constitutional Design in Nigeria: An Imperative for Eliminating Energy Poverty of Women' writes about the peculiar challenges facing women in Nigeria who largely remain side-lined in decision-making for energy transition and are not adequately protected by the energy sectors laws and policies. Okoeguale highlights the dilemma of the women who are forced to continue the use of biomass even with the resulting health risks and the failed attempt of a constitutional amendment to increase women's representation in Nigeria's National Assembly. Drawing on the examples of the constitutional reforms processes in Rwanda and Zimbabwe, the article highlights lessons for constitutional drafting and affirmative action for women in governance as an effective approach for improving gender inclusion in the energy transition of countries.

CONCLUSION

The contributions in this Issue provide invaluable insights into the complexities of integrating gender in the energy transition and the need to prioritise this goal, despite the challenging processes. The examples of levers, enablers, and good practices for multistakeholder actions and accountability provide a good starting point for further research, knowledge building, practice and advocacy on the theme, to inform legal and policy reforms on gender inclusion in the energy transition process in the Global South. We are pleased to share the wealth of knowledge in this Issue with you and invite you to enjoy reading and engaging with all the contents.

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