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Energy transition and the ILO Guidelines on just transition: A comparative analysis of Nigeria and South Africa

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Abstract: Climate change has prompted several nations, including Nigeria and South Africa, to legislate renewable energy laws to facilitate the transition from fossil fuels. In Nigeria and South Africa, however, this transition presents challenging socio-economic variables, particularly the possible displacement of workers in the fossil fuel industry. The International Labour Organisation (ILO) Guidelines on Just Transition emphasise the protection of workers through initiatives that encourage job security, social dialogue and the rights to organise and bargain collectively, thereby cushioning the adverse effects of the energy transition. Against this backdrop, questions arise regarding Nigeria's capacity to simultaneously achieve its net-zero emissions target by 2060 and safeguard the interests of fossil fuel workers. South Africa is also phasing out coal and transitioning to renewable energy. For this energy transition to be just, the lives and communities dependent on high-emission energy industries must not be left behind. In view of the ILO's just transition imperatives, this article undertakes a comparative doctrinal analysis of the energy transition legal frameworks of Nigeria and South Africa to assess their regulatory readiness for a just transition.

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The article concludes with lessons to reinforce both Nigeria and South Africa's regulatory frameworks, thus enhancing their capacity to deliver a just and equitable energy transition.

Key words: fossil fuel workers; just transition; ILO Guidelines; Nigeria; South Africa; regulatory framework

1 Introduction

The global race towards decarbonisation has produced an increasing body of academic literature on energy transition law, climate governance and labour protection.[1] Global South energy transition scholarship has focused on the distributive effects of net-zero, elite state capture of green energy investments, low youth engagement in developing green economies, and the alienation of vulnerable groups from decision-making and benefit-sharing agreements.[2] The International Labour Organisation (ILO) established a framework, known as Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All (ILO Guidelines), in 2015. This framework has subsequently been approved by governments, employers and workers' institutions,[3] indicating a normative reinforcement of the 'just transition' principle, a theory that consolidates labour standards, social dialogue and social protection in environmental reform.[4] However, implementing this framework is not always simple.

For instance, at the United Nations Framework Convention on Climate Change (UNFCCC)'s Conference of the Parties (COP26) in Glasgow, Scotland, in November 2021, Nigeria announced its commitment to achieving net-zero greenhouse gas emissions by 2060.[5] This commitment is rooted in a transition framework anchored on the Constitution of the Federal Republic

1 D Gribkova & Y Milshina 'Energy transition as a response to energy challenges in post-pandemic reality' (2022) 15 *Energies* 3; T Acheampong & M Tyce 'Navigating the energy transition and industrial decarbonisation: Ghana's latest bid to develop an integrated bauxite to aluminium industry' (2024) 107 *Energy Researach & Social Science*103337; AO Jegede 'Should they "just" leave? Global energy transition, climate change and the protection of workers' rights in South Africa' (2021) 19 *Oil, Gas and Energy Law Journal* 1.

2 KW Mohammed, E Sefah & SA Paalo 'Africa's just energy transition: Political economy, marginalisation, and human security' (2026) *Energy Policy* 214.

3 International Labour Organisation 'The MNE declaration and a just transition to environmentally sustainable economies and societies' 12 December 2024, https://www.ilo.org/mne-declaration-and-just-transition-environmentally-sustainable-economies (accessed 21 May 2026).

4 International Labour Organisation 'Guidelines for a just transition towards environmentally sustainable economies and societies for all' 2015, https://www.ilo.org/publications/guidelines-just-transition-towards-environmentally-sustainable-economies (accessed 24 April 2026).

5 Department of Climate Change, Federal Ministry of Environment, Nigeria '2050 Long term vision for Nigeria (LTV 2050) – Towards the development of Nigeria's long term low emissions development strategy (LT LEDS)' 2021, https://unfccc.int/sites/default/files/resource/Nigeria_LTS1.pdf#:~:text=At%20COP26%20in%20Glasgow%2C%20Nigerian%20President%20Muhammadu,Nigeria%20can%20achieve%20its%20new%20climate%20ambition (accessed 24 April 2026); Energy Transition Plan 'Reducing emissions and powering development' 2024, https://energytransition.gov.ng/ (accessed 24 April 2026).

of Nigeria (1999) (CFRN), which serves as the foundation for environmental rights protection;[6] the Petroleum Industry Act (PIA), which administers the decarbonisation of the oil and gas industry;[7] and the Climate Change Act (NG-CCA), which prescribes standards towards achieving net-zero emissions.[8] Nevertheless, Nigeria's economy remains unduly reliant on oil and gas exports, accounting for 80 to 90 per cent of export income and over half of federal income.[9] Additionally, the oil sector in Nigeria is an employer of labour, which will be discussed in the next part of this article.

In South Africa, likewise, only about 16,22 per cent of electricity is derived from renewable sources, with solar power contributing 11,28 per cent and wind power accounting for 4,94 per cent.[10] Hence, the news of the closure of five of its power stations elicited negative reactions, primarily due to the imminent loss of jobs.[11] This structural dependence reflects South Africa's historical investments in coal-fired infrastructure and its generous coal reserves.[12] Statistics from the first quarter of 2024 show that 45,5 per cent of people aged 15 to 34 years are unemployed.[13] The interplay of these statistics raises doubts about energy stability and inclusion. Regardless of these challenges, South Africa has positioned the 'just transition' at the heart of its climate policy and regulatory framework, most conspicuously through the adoption of a Just Transition Framework (JTF) and the Just Energy Transition Investment Plan (JET-IP) (2023-2027),[14] among other policy frameworks.

Consequently, employing a doctrinal research methodology and a comparative approach, this article questions the normative and institutional consistency of relevant laws in Nigeria and South Africa with the ILO Guidelines, particularly whether they can successfully deliver a labour-friendly transition. It argues that although Nigeria has established a new legal framework for decarbonisation, it is largely climate-oriented rather than worker-oriented, offering little protection for workers who will bear the social and economic costs of the transition. The article further asserts that tensions between Nigeria's climate commitments and

6 The Constitution of the Federal Republic of Nigeria, 1999 (as amended up to 2023) (Act 24).
7 Petroleum Industry Act (2021) (Act 6).
8 Climate Change Act (2021) (Act 11).
9 EITI 'Nigeria' 2015, https://eiti.org/countries/nigeria (accessed 24 April 2026).
10 Department: Forestry, Fisheries & the Environment, Republic of South Africa 'Minister Dion George welcomes decline in coal share and growth in renewables in South Africa's electricity mix' 2 April 2025, https://www.dffe.gov.za/mediarelease/george_welcomeingdeclineincoashare#:~:text=Breadcrumb,technologies%20in%20our%20energy%20system (accessed 16 April 2026).
11 C Strambo, J Burton & A Atteridge *The end of coal? Planning a 'just transition' in South Africa* (2019).
12 S Erdogan and others 'On cutting coal dependency for establishing a cleaner energy mix: A proposal for energy transition strategy in South Africa' (2025) *Energy Strategy Reviews* 58.
13 Department of Statistics 'South Africa' 27 January 2025, https://www.statssa.gov.za/?p=17266#:~:text=South%20Africa%2C%20like%20many%20countries,3%2C5%25%20in%202021 (accessed 10 April 2025).
14 Presidential Climate Change Commission 'South Africa's Just Energy Transition Investment Plan (JET IP)' (2022), https://www.climatecommission.org.za/south-africas-jet-ip. (accessed 9 March 2025).

its continued dependence on hydrocarbon development weaken the coherence of its transition strategy. In the case of South Africa, it questions its legislative and regulatory competence in delivering a just transition aligned with the normative purpose of the ILO Guidelines, particularly in labour protection, social dialogue, institutional coherence and enforceability.[15] This article critically examines gaps in both states' laws and policies and situates the issues within a comparative perspective.

2 Energy workers' dilemma in Nigeria and South Africa

Reports as of 2022 indicate that Nigeria's oil and gas sector employed approximately 65 000 workers directly and 250 000 indirectly.[16] Nigerian workers are highly susceptible to poverty, unemployment and underemployment as a result of employers' refusal to provide contracts to their workers in order to avoid financial and contractual obligations.[17] In the Ogoni area of Nigeria's Niger Delta,[18] reports indicate poor wages and toxic work environments, with incidences of workers earning less than US $100 monthly and the non-confirmation of appointments. This leaves them without terms of service, social protection coverage or formal procedures for engagement,[19] resulting in severe labour insecurity. The effect of this casualisation of jobs is that workers are forced to accept dangerous conditions without hazard pay, health care or pensions, and the absence of systems that address grievances incites bloody communal clashes.[20] These systemic incompetencies highlight the importance of introducing just transition protections into Nigeria's energy transition framework. Already disadvantaged workers in the unstable energy market will likely suffer disproportionately unless legal frameworks for social protection, retraining and meaningful participation are integrated into Nigeria's transition governance.

South Africa, a fossil-fuel-dependent,[21] middle-income economy,[22] is one of the most carbon-intensive energy systems in the world.[23] It is currently contending

15 A Sheehama and others *How does South Africa's just transition framework compare to the International Labour Organisation Just Transition Guidelines?* (2023).
16 P Tarfa and others 'Oil and Gas Sector Impact Assessment Report. Review Report, MRV System' 2024, https://climateactiontransparency.org/sites/default/files/uploads/2024/06/Deliverable-3a.-Final-Oil-and-Gas-Sector-Impact-Assessment-Report-210524.docx.pdf (accessed 25 April 2026).
17 Thomson Reuters Foundation & Trust Law *A guide to workers' rights in Nigeria* (2023).
18 The Niger Delta produces some of the largest, and highest quality, oil deposits in the world and doubles as the centre of Nigeria's oil production. See M Watts, I Okonta & DV Kemedi *Economies of violence: Petroleum, politics and community conflict in the Niger Delta, Nigeria* (2004).
19 GU Ojo & H Mustapha *Just transition in Nigeria: Case of agricultural and oil sectors* (2019).
20 B Aye *NUPENGASSAN: Combatting precarious work in the Nigerian oil industry* (2017).
21 C Magazzino and others 'Modeling the dynamic nexus among coal consumption, pollutant emissions and real income: Empirical evidence from South Africa' (2020) *Environmental Science and Pollution Research* 27.
22 World Bank Group 'Data for South Africa, upper middle income' 2026, https://data.worldbank.org/?locations=ZA-XT (accessed 3 April 2026).
23 P Mirzania and others 'Barriers to powering past coal: Implications for a just energy transition in South Africa' (2023) *Energy Research & Social Science* 101.

with decarbonisation and structural socio-economic inequalities, including a widespread unemployment rate of over 40 per cent and regional inequalities evident in coal-mining provinces such as Mpumalanga.[24] Coal accounts for 74,31 per cent of electricity, mainly through the state-owned utility Eskom.[25] South Africa's coal mining sector employs an estimated 82 000 workers, while Eskom employs nearly 50 000 workers in its coal-fired power stations,[26] with some hundred thousand added jobs indirectly contingent on the sector.[27] The workforce, however, is split with permanent and unionised workers benefiting from moderately comprehensive labour protections and collective bargaining agreements;[28] contractual workers experiencing insecure employment, weaker protections and lower wages;[29] and artisanal/illegal miners, being mostly neglected in formal labour negotiations.[30]

Failure to embed just transition protections in regulatory frameworks may mean that the transition in Nigeria and South Africa overlooks and exacerbates existing workforce challenges in the fossil fuel sector. This article addresses the possibility of transitioning without inclusion using the ILO Guidelines as a framework for assessment.

3 The normative framework of ILO Guidelines

The ILO Guidelines typically refer to a comprehensive policy framework to guide countries' transition to low-carbon, environmentally sustainable economies. It is intended to protect jobs, lower inequality and highlight social justice as the focus of climate action.[31] They espouse nine policy areas, including social protection and social dialogue.[32] These policy areas are established by binding ILO conventions, such as collective bargaining (No 98) and social security (No

24 J Hanto and others 'South Africa's energy transition – Unraveling its political economy' (2022) *Energy for Sustainable Development* 69.

25 Energy Council of South Africa 'Our ongoing coal dependency' 2026, https://energycouncil.org.za/mzansi/coal/#:~:text=South%20Africa%20has%20an%20extensive,and%20indirectly%20employed%20in%20Coal (accessed 16 April 2026).

26 Strambo and others (n 11).

27 S Pai & JL Broadhurst 'South Africa is moving away from coal – How mines and power stations could be used for green energy and farming' *The Conversation* (web blog) 16 February 2026, https://theconversation.com/south-africa-is-moving-away-from-coal-how-mines-and-power-stations-could-be-used-for-green-energy-and-farming-274249 (accessed 16 April 2026).

28 Bomkazi 'SA Power utility workers negotiate 15% salary demand' *Channel Africa* (web blog) 3 November 2025, https://www.channelafrica.co.za/channelafrica/news/sa-power-utility-workers-negotiate-15-salary-demand/#:~:text=South%20Africa's%20(SA)%20National%20Union,frustrate%20wage%20talks%20at%20Eskom (accessed 16 April 2026).

29 MJ Cole, E Canpolat & B Sijapati 'Profiling risk in South Africa's just transition: Who is left behind?' (2025) *Energy Research & Social Science* 129.

30 'South Africa's informal miners fight for their future in coal's twilight' *Africa News* (web blog) 17 November 2022, https://www.africanews.com/2026/01/07/south-africas-informal-miners-fight-for-their-future-in-coals-twilight/#:~:text='Artisanal'%20or%20'illegal'?,to%20stamp%20out%20the%20activity (accessed 16 April 2026).

31 International Labour Organisation (n 4).

32 L Olsen & C la Hovary *User's manual to the ILO's guidelines for a just transition towards environmentally sustainable economies and societies for all* (2021).

102).[33] The ILO Guidelines emphasise decent work as the primary objective of the transition, advocating that environmentally sustainable economies be characterised by quality jobs, reduced inequality and poverty alleviation, so that no one is left behind.[34] This is a reflection of the ILO's broader mandate. Rather than remaining peripheral to climate policy, labour protection is integrated into the decent work agenda, positioning it as the focus of climate policy governance.[35] By highlighting the importance of coherence and coordination in economic, environmental and social policy frameworks, it encourages an inclusive approach to integrating climate action into broader development strategies, such as the United Nations (UN) Sustainable Development Goals (SDGs).[36]

Social dialogue is another focal point and central feature of the ILO Guidelines. It defines social dialogue as the engagement between governments, employers and workers' organisations on economic and social policy concerns.[37] As prerequisites for a just transition, it prescribes the participation of workers and trade unions in policy design and implementation, the respect for collective bargaining mechanisms and inclusivity in negotiated transition policies.[38] This positions social dialogue as both a procedural requirement and an institutional strategy for achieving equity in the energy transition. The ILO Guidelines further advocate inclusive social protection programmes, such as unemployment benefits, income support, pensions and social security, in order to mitigate the downsides of structural economic change and associated risks across all life cycles.[39] The purpose is to manage the fair distribution and/or redistribution of the costs and benefits of the transition, thereby preventing social exclusion and perpetuating existing inequalities.[40]

Additionally, the ILO Guidelines feature anticipatory labour market policies such as reskilling and upskilling strategies, education and training for green jobs, and employment services to enable labour mobility to maximise employment opportunities and minimise decarbonisation-related job losses

33 International Labour Organisation 'Social security convention, 1952 no 102' 2011, https://www.ilo.org/resource/ilo-social-security-minimum-standards-convention-1952-no-102 (accessed 27 April 2026); Olsen & La Hovary (n 32).
34 International Labour Organisation (n 3).
35 International Labour Organisation 'Just transition towards environmentally sustainable economies and societies', https://www.ilo.org/topics-and-sectors/just-transition-towards-environmentally-sustainable-economies-and-societies#:~:text=The%20world%20of%20work%20is,social%20dialogue%20and%20stakeholder%20engagement (accessed 19 April 2026).
36 International Labour Organisation (n 3); United Nations Department of Economic and Social Affairs 'The 17 goals', https://sdgs.un.org/goals (accessed 22 April 2025).
37 International Labour Organisation 'Social dialogue and tripartism', https://www.ilo.org/topics-and-sectors/social-dialogue-and-tripartism#:~:text=What%20is%20social%20dialogue?,87%25%20of%20ILO%20Member%20States (accessed 19 April 2026).
38 Olsen & La Hovary (n 32).
39 International Labour Organisation 'Social protection', https://www.ilo.org/topics-and-sectors/social-protection#:~:text=ILO%20calls%20for%20stronger%20social,See%20all%20events (accessed 19 April 2026).
40 C Behrendt, M Bierbaum & V Schmitt *Thematic brief – Social protection* (2021).

simultaneously.[41] The ILO Guidelines embody the importance of merging economic adjustment with employment outcomes. It does this by promoting sector-specific and enterprise-level policies to administer structural change, assisting sustainable enterprises, promoting green industries, and ensuring that industrial transformation produces decent work.[42] The Guidelines also address new workplace hazards presented by the green energy transition, such as heat stress, extreme weather events, exposure to hazardous chemicals, air pollution and infectious diseases.[43] This is done by highlighting the maintenance and improvement of occupational safety and health standards,[44] and addressing unanticipated threats posed by new technologies and industries.[45] This guarantees the reliability of labour protections in several evolving economic scenarios.

While the ILO Guidelines constitute soft law,[46] they acquire normative weight from their alliance with binding conventions. They are also recognised in climate dialogues under the Paris Agreement, which champions 'the imperatives of a just transition of the workforce'.[47] As a result, the ILO Guidelines serve as necessary performance indicators to inform local climate law and policy tools.[48] Alignment with the ILO Guidelines demands institutionalised dialogue in transition policy, legal coverage of workers' rights during structural reforms, social protection and retraining schemes, and a harmonised industrial policy that links decarbonisation to job creation.

3.1 Legal significance of ILO Guidelines

Generally, because the ILO Guidelines are non-enforceable, they are therefore non-binding recommendations to member states.[49] They are also categorised under the non-binding umbrella of soft law, which includes recommendations, declarations and opinions.[50] Although similar to legal provisions, they are not established on any legal basis or connected to any institutional frameworks

41 International Labour Organisation *Just transition policy brief – The role of active labour market policies for a just transition* (2023).
42 International Labour Organisation *Sectoral policies department, 2020-21 highlights* (2021).
43 International Labour Organisation *Just transition policy brief – Occupational safety and health in a just transition* (2023).
44 International Labour Organisation 'Promotional framework for occupational safety and health convention' 2006 (No 187)' (2006), https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C187. (accessed 20 April 2026).
45 As above.
46 L Hennebel & H Tigroudja 'The place of soft law standards in international human rights law' in L Hennebel & H Tigroudja (eds) *International human rights law: A treatise* (2025) 92.
47 Paris Agreement to the United Nations Framework Convention on Climate Change, TIAS No 16 – 1104 (2015).
48 International Labour Organisation 'ILO guidance note – Integrating skills for just transition in nationally determined contributions (NDCs) 3.0' 2025, https://www.ilo.org/sites/default/files/2025-03/ILO%20Internal%20Guide_Integrating%20skills%20for%20just%20transition%20in%20NDCs_Final%20Version_27032025%20%282%29.pdf (accessed 1 May 2026).
49 Hennebel & Tigroudja (n 46).
50 European Industrial Relations Dictionary 'Soft law', https://www.eurofound.europa.eu/en/european-industrial-relations-dictionary/soft-law (accessed 16 May 2025).

responsible for their adoption. However, they may have both practical and legal force.[51] They are quasi-legal instruments with a prescriptive capacity to influence legal practice, occupying an indeterminate space between law and politics.[52] Soft law possesses moral and political power to influence states' consent, which is necessary for establishing binding international law, thereby transforming it into hard law.[53] It is also a vehicle for direct normative answers on hard topics, such as environmental or human rights issues, where affected parties are incapable of negotiating binding agreements.[54] It can facilitate the interpretation of treaties, aid the development of customary international law and provide an evidentiary foundation for *opinio juris*.[55]

Academic literature observes that soft law reduces the gap between political commitments and binding obligations, which facilitates the advancement of international law.[56] It addresses the weaknesses of the bilateral nature of treaties and customs by drawing on unconventional normative sources, but with a lower status than hard law.[57] In contrast to the potential threat it poses to the clarity of legal boundaries, it is characterised by lower financial and sovereignty burdens, speed, flexibility and legitimacy.[58] Thus, it has been suggested that one way by which soft law can become legally binding is through its metamorphosis into hard law, based on the presumption that state usage has transformed the status of the principles[59] and, in this case, the ILO Guidelines. States can achieve this by adding soft law principles to treaties intended to legislate hard law, or by consistently applying them, together with *opinio juris*, to transform soft law into customary law.[60] The implication is that the state believes it is legally bound to adhere to such a principle or guideline. Obligation is described as an injunction to act in a particular way or to refrain from acting in a particular way.[61] While soft law is ordinarily non-binding, courts have defined it as persuasive authority. On the Declaration on the Rights of Indigenous Peoples, the Norwegian Supreme Court in *Finmark Estate Agency & Others v Nesseby Regional Society & Others* (*Nesseby*) reflected on international law principles and state support, by holding

51 E Korkea-Ahor 'EU soft law in domestic legal systems: Flexibility and diversity guaranteed?' (2009) 3 *Maastricht Journal of European and Comparative Law* 271.
52 ZM Khil 'Theoretical foundations of soft law: Conceptual boundaries, normative distinctions and taxonomic feasibility' SSRN Working Paper, 1 December 2024).
53 M Olivier 'The relevance of soft law as a source of international human rights' (2002) 2 *Comparative and International Law Journal of Southern Africa 289*.
54 P-M Dupuy '*Soft law and the international law of the environment*' (1991) 12 *Michigan Journal of International Law 420*.
55 M Goldmann' We need to cut off the head of the king: Past, present and future approaches to international soft law' (2012) 25 *Leiden Journal of International Law* 335.
56 A Ahmed & MJ Mustofa 'The role of soft law in environmental protection: An overview' (2016) 2 *Global Journal of Politics and Law Research* 1-18; Khil (n 52).
57 Olivier (n 53).
58 C Lipson 'Why are some international agreements informal?' (1991) 45 *International Organisation* 495; F Sindico 'Soft law and the elusive quest for sustainable global governance' (2006) 3 *Leiden Journal of International Law* 829; KW Abbott & D Snidal 'Hard and soft law in international governance' (2000) *International Organisation* 421.
59 Olivier (n 53).
60 CM Chinkin 'The challenge of soft law: Development and change in international law' (1989) 38 *The International and Comparative Law Quarterly* 850.
61 Abbott & Snidal (n 58).

that the declaration, although non-binding, was 'a central document within the law of indigenous Peoples'.[62]

4 Energy framework and ILO Guidelines: Nigeria and South Africa

This part addresses the extent to which strategic energy-related instruments in Nigeria and South Africa are compatible with the ILO Guidelines. These instruments are Nigeria's Constitution (1999); the Climate Change Act (2021); the Petroleum Industry Act (2021); the National Adaptation Plan Framework (2020); the National Climate Change Policy (2021-2030); and the Energy Transition Plan (2022). National statutes to be considered for South Africa are its Constitution (1996); the Climate Change Act (2024); the Just Transition Fund (2023-2027); the Just Energy Transition Partnership (2021); the Just Energy Transition Investment Plan (JET IP); and the National Development Plan (2030), to ascertain their regulatory capacity to achieve a just transition.

4.1 Constitutional foundations of Nigeria and South Africa

In assessing the regulatory capacity of Nigeria's just transition frameworks to achieve net-zero emissions while protecting workers' rights, the Constitution of the Federal Republic of Nigeria (1999) (CFRN), an essential document that encapsulates the highest ambitions of the state, is critical. Chapter II of the CFRN, particularly sections 17 and 20, itemises socio-economic objectives, including social justice and environmental protection, respectively. These provisions, however, are unenforceable under section 6(6)(c).[63] While section 40 protects workers' rights to form or join any political party, trade union or other association to protect their interests, the right to bargain collectively for better working conditions remains uncertain.[64] Nonetheless, this is a vital element of the ILO Guidelines. Furthermore, the complex nature of Nigeria's constitutional framework presents difficulties for the enforcement of the transition criteria set out in the ILO Guidelines. This is primarily because Nigeria observes a dualist strategy, as stipulated in section 12, requiring legislative assimilation before international instruments, including soft law such as the ILO Guidelines, can apply.

Comparatively, the Constitution of the Republic of South Africa, 1996 (SA Constitution), guarantees justiciable socio-economic rights in Chapter 2, including the rights to fair labour practices,[65] equality[66] and access to adequate

62 HR-*2018*-456-P (Case 2017/860).
63 Constitution of the Federal Republic of Nigeria (n 6).
64 As above.
65 Sec 23 South African Constitution.
66 Sec 9.

housing.[67] It also provides the directive principles in section 24, which confer on the state the responsibility for protecting the environment for present and future generations.[68] Even though section 24 is directly justiciable, its broader interpretation in climate governance remains undeveloped. Conversely, unlike exclusively aspirational directives, fundamental rights, such as the right to fair labour practices and collective bargaining, set forth a constitutional basis for unifying labour mandates in climate policy.[69] The justiciability of these rights implies that the courts can hold the state accountable when taking steps toward their fulfilment, thereby opposing the submission that such judicial actions violate the separation of powers.[70] The SA Constitution, thus, provides a reliable normative foundation for just transition claims that protect workers' rights. Furthermore, section 233 of the SA Constitution mainly adopts a qualified dualist approach to treaties, requiring parliamentary action for domestic impact.[71] It mandates that courts consider international law when interpreting the Bill of Rights, indicating openness to international standards, particularly human rights norms. An instance of this is highlighted in *S v Makwanyane & Another*, where the Constitutional Court relied on international law to defend the abolition of the death penalty.

4.2 Nigeria and South Africa Climate Change Acts

Nigeria's Climate Change Act (2021) (NG-CCA) provides for a 2050-2070 net-zero target window, creates a carbon budget for its achievement,[72] and establishes the National Council on Climate Change (NCCC) in section 3(1).[73] The NG-CCA, however, fails to provide specific just transition or labour protection clauses.[74] Section 3 further enumerates the functions of the NCCC, including coordinating climate policy, but it lacks statutory provisions for labour union representation, thereby making the NG-CCA climate-centred rather than labour-centred. This is inconsistent with the ILO Guidelines, which advance 'effective social dialogue' as the foundation of a just transition.[75] Hence, Nigeria's social protection framework remains incoherent, relying on *ad hoc*, small-scale programmes rather than an integrated legal framework.[76]

67 Sec 26.
68 The Constitution of the Republic of South Africa, 1996, (8 April 2026), https://www.gov.za/documents/constitution/constitution-republic-south-africa-1996-04-feb-1997 (accessed 1 May 2026).
69 M Conradie 'The constitutional right to fair labour practices: A consideration of the influence and continued importance of the historical regulation of (un)fair labour practices pre-1977' (2016) *Fundamina (Pretoria)* 22.
70 G Allsop 'Chapter 12: Socio-economic rights' in *Constitutional Law for Students: Part 2* (2020); *Certification of the Constitution of the Republic of South Africa* 1996 (4) SA 744 (CC).
71 Constitution of the Republic of South Africa (n 68).
72 Department of Climate Change (n 5).
73 Climate Change Act (n 8).
74 As above.
75 International Labour Organisation *Just transition policy brief – The role of social dialogue and tripartism in a just transition towards environmentally sustainable economies and societies for all* (2022); Olsen & La Hovary (n 32).
76 J Hagen-Zanker & R Holmes *Social protection in Nigeria – Synthesis report* (2012).

South Africa's Climate Change Act (2024) (SA-CCA) is a landmark statute that explicitly establishes a legislative framework for climate action and energy transition planning.[77] The Act, in its objects, aims to 'enable the development of an effective climate change response and a long-term just transition to a low-carbon and climate-resilient economy and society'.[78] SA-CCAs' definition of just transition is commendable because it signals a departure from strict policy-level commitments and places a legal responsibility on the government to promote justice and equity as integral components of transition planning.[79] However, SA-CCA indicates lapses in the implementation of critical provisions, as vital clauses central to the operationalisation of the just transition may be deferred or subject to supporting regulation, leading to uncertainty about enforceability.[80]

4.3 Nigeria Petroleum Industry Act and South Africa Just Transition Framework

Section 53 of Nigeria's Petroleum Industry Act (PIA) restructures Nigeria's oil sector by incorporating Nigeria's national oil company, the Nigerian National Petroleum Company Limited (NNPC Ltd), as a commercial entity. It also establishes Host Community Development Trusts (HCDTs) under section 235 for local development, alongside new licensing and tax regulations in sections 71 to 73.[81] Section 4 provides a comprehensive legal and fiscal framework for Nigeria's oil sector, including the creation of new regulatory bodies, such as the Nigerian Upstream Petroleum Regulatory Commission (NUPRC) and the Nigerian Midstream and Downstream Petroleum Regulatory Authority (NMDPRA), in section 29.[82] Although it focuses on communal benefits, PIA is largely silent on workforce transition, redundancy protections, or retraining responsibilities. Nigeria's undue reliance on fossil fuel income creates political resistance to rapid decarbonisation. The removal of fuel subsidies, for instance, a prerequisite for transitioning to renewables, generated strong social and political resistance because fuel prices directly impacted livelihoods and transportation

77 JustSA 'Climate Change Act 2024' (web blog), 2024, https://www.justsaportal.org.za/resources/climate-change-act-2024#:~:text=Summary:%20The%20Climate%20Change%20Act,for%20present%20and%20future%20generations (accessed 9 April 2026).

78 Government Notice 5050, *GG*, 23 July 2024, 50966 (Climate Change Act).

79 S Mzwakali 'South Africa's Climate Change Act – A legal milestone with implementation challenges' *Daily Maverick*, *Maverick Earth* (web blog) 2024, https://wwwmdailymaverick.co.za/article/2024-08-13-south-africas-climate-change-act-a-legal-milestone-with-implementation-challenges/#:~:text=South%20Africa's%20Climate%20Change%20Act%20establishes%20a%20comprehensive%20framework%20aimed,rather%20helps%20to%20rectify%20them. (accessed 9 April 2026).

80 Department of Forestry, Fisheries and the Environment, Republic of South Africa 'Appendix: Deferred Provisions of the Climate Change Act, 2024 (Act No 22 of 2024)' 2025, https://www.dffe.gov.za/sites/default/files/legislations/cca_deferredprovisions_g52319pn251.pdf (accessed 9 April 2026); N Schimdt 'SA's Climate Change Act comes into effect but key provisions delayed' *Energise* (web blog) (2025), https://www.energize.co.za/article/sas-climate-change-act-comes-into-effect-but-key-provisions-delayed#:~:text=Without%20clear%20financial%20incentives%20and,proclamations%20can%20be%20accessed%20here (accessed 9 April 2026).

81 Petroleum Industry Act (n 7).

82 As above.

costs.[83] The lack of safety nets due to insufficient public funds also contributed to public tensions.[84] To further complicate Nigeria's regulatory landscape, PIAs fiscal reforms incentivise continuous hydrocarbon development,[85] and may conflict with carbon budgets under section 19 of its CCA.[86] This internal normative incoherence raises doubts about the state's genuine direction in the energy transition.

South Africa's JTF, with the supporting JET IP (2023-2027) was launched in 2022 to operationalise the just energy transition strategy based on energy justice. It envisions the protection of affected workers and communities; improvement of energy security and access; industrial growth, innovation, and economic diversification; and inclusivity.[87] JET IP integrates South Africa's nationally determined contribution (SA-NDC) under the Paris Agreement,[88] to facilitate a low carbon transition roadmap in phases, mitigate the social and economic effects of decarbonisation while welcoming the attendant economic opportunities, among others.[89] Different from other policy statements,[90] JET IP positions the just transition within a multi-stakeholder governance structure made up of the Presidential Climate Commission (PCC), labour representatives, communities and private sector stakeholders. It outlines six implementation portfolios, including electricity infrastructure; new energy vehicles; green hydrogen; Mpumalanga just transition; skills; and municipalities.[91] Despite these landmarks, JET IP, rather than being a binding statute, remains just a policy instrument whose effectiveness depends on the feasibility of related programmes

83 IA Adekunle & IO Oseni 'Fuel subsidies and carbon emission: Evidence from asymmetric modelling' (2021) *Environmental Science and Pollution Research International* 28; BS Ajibola 'From Covid-19 to fuel subsidy removal in Nigeria: Assessing the political opportunities for local grievance' (2024) *Urban Governance* 4.

84 J Lain & T Vishwanath 'The Covid-19 crisis in Nigeria: What's happening to welfare? New data call for expanded social protection in Africa's most populous country' World Bank (web blog) (2021), https://blogs.worldbank.org/en/africacan/covid-19-crisis-nigeria-whats-happening-welfare-new-data-call-expanded-social-protection (accessed 2 May 2026).

85 ENR Advisory *The Petroleum Industry Act, 2021. What next for upstream players?* (2021).

86 Climate Change Act (n 8).

87 Just Energy Transition 'Implementing South Africa's Just Transition' (2022), https://justenergytransition.co.za/#:~:text=In%20November%202022%2C%20at%20COP27,2024:%20Moving%20Forward%20with%20Implementation (accessed 9 April 2026).

88 The Presidency, Republic of South Africa 'Just Energy Transition Implementation Plan 2023-2027' (2023), https://justenergytransition.co.za/wp-content/uploads/2024/10/JET-Implementation-Plan-2023-2027-1.pdf (accessed 9 April 2026).

89 Just Energy Transition 'Empowering just energy transition in South Africa' (2022), https://justenergytransition.co.za/our-approach#:~:text=International%20Support%20and%20Core%20Principles,energy%20access%20and%20improving%20livelihoods (accessed 9 April 2026).

90 The Netherlands, Japan, the US, Germany and Italy with their 'Energy Transition Policy', 'Green Growth Strategy', 'Federal Energy Policy', 'Energywendie' and 'Energy Transition Governance' respectively, are examples of nations that have faced criticisms for adopting top-down approaches without robust, formalised multi-stakeholder frameworks or social dialogue platforms, often resulting in worker resistance, public distrust, and an unequitable transition. See J Radtke & O Renn 'Participation in energy transitions: A comparison of policy styles' (2024) *Energy Research & Social Science* 118.

91 Just Energy Transition 'Resource hub' (2022), https://justenergytransition.co.za/resource-hub#:~:text=The%20Just%20Energy%20Transition%20Implementation,JET%20PMU%20in%20the%20Presidency. (accessed 9 April 2026).

and on the influence of labour and community leaders on policy implementation, not just on consultative roles.[92]

4.4 Nigeria National Adaptation Plan Framework and South Africa Just Energy Transition Partnership

Nigeria's National Adaptation Plan Framework (2020) (NAPF) strongly reflects the imperatives laid out by the ILO Guidelines, particularly social dialogue, even though the term is not exactly used. Relevant ministries, departments and agencies (MDAs) and stakeholders from government, civil society organisations (CSOs), academia and the international community were consulted during the development of the NAPF.[93] Thus, the NAPF provides for stakeholder engagement as one of its guiding principles, stating that it will adopt a comprehensive approach in its implementation, engaging all stakeholders from all backgrounds and specialities,[94] signifying that the process of the National Adaptation Plan (NAP) will be inclusive, transparent and participatory. In launching the NAP process, NAPF guarantees the conduct of policy briefings and grassroots mobilisation with youth and women's groups, the private sector, local knowledge networks and other important stakeholders, to create awareness.[95] It also promises to serve as a platform for wider climate change governance institutional arrangements, suited for sub-national and community inclusion, merging several sectoral adaptation planning and decision-making levels, such as national, state and local governments.[96] This aligns with the *inclusive* and *participatory* elements of the ILOs social dialogue, projecting the voices of workers, employers, CSOs and vulnerable communities. While NAPF contains no stipulations on forced labour, collective bargaining or workers' health and safety, which are all elements of social protections, it guarantees social equity on gender-based issues. This includes access to vital resources so that female farmers, for instance, will be prioritised in nationwide adaptation efforts and provided with sufficient health information to protect themselves and their families from health disasters.[97] Although it mentions the SDGs, particularly in the context of economic, social and environmental sustainability issues,[98] all other aspects of social protection, particularly in the context of workers' rights, seem less developed, making the NAPF more focused on climate risks, vulnerability and adaptation than on labour law protections.

In alignment with the ILO Guidelines, especially the concept of social dialogue, South Africa's Just Transition Energy Partnership (2021) (JETP)

92 COSATU *Submission to the Presidential Climate Commission on the Just Energy Transition Investment Plan (JET IP)* (2023).
93 Federal Ministry of Environment *Nigeria's National Adaptation Plan Framework* (2020) v.
94 Federal Ministry of Environment (n 93) 15 & 18.
95 Federal Ministry of Environment (n 93) 33.
96 Federal Ministry of Environment (n 93) vii, viii & 4.
97 Federal Ministry of Environment (n 93) ch 4 19.
98 Federal Ministry of Environment (n 93) ch 5 23.

guarantees the involvement of organised labour and business stakeholders in the transition process for reskilling and upskilling, job creation and other related actions, ensuring that workers are the primary beneficiaries. This affirms the ILO's principle of including those who are directly affected.[99] JETP also includes the PCC in its design to administer stakeholder engagement, an inter-ministerial committee, and an inclusive task force comprising South African and international partners for coordination, consensus building and oversight.[100] These are institutionalised platforms that facilitate ongoing dialogue, patterned after the ILO Guidelines, which view institutional bodies as spaces for social partners to interact.[101] Furthermore, JETP identifies three priority areas for job creation and future economy support: the electricity sector, NEV and Green Hydrogen.[102] These are indicative of the ILOs social protection imperative. JETPs Political Declaration emphasises benefiting from transition opportunities and protection against the energy transition through a just, equitable and inclusive transition for workers and affected communities where no one is left behind.[103] It acknowledges the need for the full involvement of organised labour and business stakeholders in structured programmes of reskilling and upskilling, job creation, and the provision of related support, ensuring that workers are the primary beneficiaries in the transition to a greener future.[104] These incidents demonstrate respect for workers' rights to employment, to have a say, and not to be left behind in transition policies, signalling a commitment to decent work.

4.5 Nigeria National Climate Change Policy and South Africa Just Energy Transition Investment Plan

Nigeria's National Climate Change Policy (2021-2030) (NCCP) explicitly provides for *multi-stakeholder engagement to facilitate sustainable development and climate-proof* the economy in adherence to the ILO Guidelines' social dialogue.[105] It also declares that its ultimate goal is to ensure that Nigeria achieves low-carbon, climate-resilient and gender-responsive sustainable socio-economic development.[106] Consequently, its implementation measures include developing and implementing strategies for partnership and stakeholder involvement to improve climate change management.[107] NCCP also integrates Nigeria's

99 The Presidency, Republic of South Africa 'South Africa establishes a historic international partnership to support a just transition' 2 November 2021, https://www.thepresidency.gov.za/south-africa-establishes-historic-international-partnership-support-just-transition (accessed 17 September 2025).
100 As above.
101 The Presidency, Republic of South Africa (n 99).
102 Presidential Climate Commission 'South Africa's Just Energy Transition Investment Plan (JET-IP)' https://www.climatecommission.org.za/south-africas-jet-ip (accessed 21 September 2025).
103 The Presidency, Republic of South Africa (n 99).
104 As above.
105 Federal Ministry of Environment Department of Climate Change *National Climate Change Policy for Nigeria* (2021-2030) 15.
106 As above.
107 Federal Ministry of Environment Department of Climate Change (n 105) 47.

nationally determined contributions (NG-NDCs).[108] Furthermore, NCCP, as part of its policy goals, aims to enhance Nigeria's resilience in the social, cultural, economic and ecological spheres,[109] and adopts gender equality and social inclusion as guiding principles.[110]

Its adoption of *gender-responsive measures and the inclusion of vulnerable communities is indicative of a commitment to* social justice and protection. It acknowledges the need for investment decisions that promote water security, resilient growth, and development by supporting employment and job sustainability, as well as social stability.[111] NCCP also guarantees the development of gender-responsive, socially inclusive and climate-resilient water and sanitation facilities as a policy measure to create jobs.[112] While this aligns with the decent work agenda of the ILO Guidelines, NCCP, however, does not explicitly operationalise labour rights, such as collective bargaining, workers' safety or the prohibition of forced labour, nor are there clear provisions on workers' health and safety. Also, it fails to outline specific procedural requirements, such as time frames and formal procedures for employer-labour input for social dialogue in many scenarios. Additionally, the generic nature of the term 'stakeholder' may not always allow for inclusion of affected or labour-specific actors. These details, therefore, are insufficient to command adequate compliance with ILO standards.

By contrast, the unveiling of JET IP was accompanied by broad public discussion through the cabinet, the inter-ministerial committee and the PCC, whose mandate is to facilitate dialogue among various societal stakeholders.[113] JET IP's consultation process appears to align with the ILO Guidelines, which emphasise that dialogues must not just be symbolic but also meaningful.[114] It involves public consultation through a 'JET Grants Register' that allows for an accessible tracking system for grants under the JET IP, which is updated every quarter.[115] The JET IP provides for institutional transparency, a focal element of the ILO's social dialogue, enabling stakeholders and affected persons to identify and leverage available resources.[116] The Political Declaration provides for the protection of affected communities, coal miners, women and the youth, with reference to an equitable and just transition.[117] This reflects the ILO standard on the inclusion of vulnerable/marginalised people, ensuring that their voices

108 Federal Ministry of Environment Department of Climate Change (n 105).
109 Federal Ministry of Environment Department of Climate Change (n 105) 15.
110 Federal Ministry of Environment Department of Climate Change (n 105) 45-46.
111 Federal Ministry of Environment Department of Climate Change (n 105) 30.
112 As above.
113 The Presidency, Republic of South Africa 'President Ramaphosa outlines the Just Energy Transition Investment Plan' 2022, https://www.presidency.gov.za/president-ramaphosa-outlines-south-africas-just-energy-transition-investment-plan?/ (accessed 17 September 2025).
114 The Presidential Climate Commission (n 102).
115 Just Energy Transition 'About the JET investment register', https://justenergytransition.co.za/jet-investment-register (accessed 17 September 2025).
116 The Presidency, Republic of South Africa (n 113).
117 As above.

are heard, and the equitable distribution of benefits and burdens.[118] Moreover, JET IP supports South Africa's objective of achieving a low-carbon economy and a climate-resilient society by creating good jobs in emerging sectors, such as electric vehicles, green hydrogen, renewable energy and manufacturing.[119] It also highlights elements of skills development and training in the new value chain, job creation and employment in addressing poverty, and worker support in transitioning out of the coal industry.[120] The JET Grants Register serves the purpose of ensuring the alignment of the JET grant funds utilisation with South Africa's low-carbon economy, just energy transition objectives, particularly job creation and driving rapid and inclusive economic growth.[121] It presents a comprehensive view of the allocated funds to support JET IP through the supply of grant finance.[122] The grants register serves as an indicator of accountability in the application of investments for the benefit of workers and implicitly signifies respect for fair treatment rights in the workplace, thereby operationalising components of decent work and social protection in the energy transition.

4.6 Nigeria Energy Transition Plan and South Africa National Development Plan

Conducted by the Nigeria Energy Transition Office, Energy Transition Plan's (ETPs) 'Stakeholder Engagement Learnings' objectively assesses sectoral stakeholder engagements and partnerships to broaden understanding of ETP, extract insights, identify gaps, nurture connections and build confidence in the ETPs targets and objectives, while also identifying obstacles to its successful implementation.[123] ETP also emphasises 'fair, inclusive and equitable energy transition', thus indirectly referencing social dialogue and fairness.[124] It is, however, uncertain whether compulsory institutionalised social dialogue, for instance, is legally enforceable or whether CSO oversight roles are stipulated. Also, the systematic engagement of labour/employer organisations remains ambiguous. The 'learned' engagements may be retrospective rather than binding in policy formation. In pursuit of its net-zero ambitions and alignment with the ILO Guidelines' goal of creating decent jobs, ETP projects that approximately 340 00 jobs will be created by 2030 and around 840 000 jobs by 2060, primarily in the power, cooking and transport sectors of the economy.[125] Although ETP can provide more clarity on how these job opportunities align with ILO's minimum standards, it objectifies stakeholder engagements through its 'stakeholder

118 International Labour Organisation ILO Flagship Report *Social dialogue report 2024: Peak-level social dialogue for economic development and social progress* (2024).
119 Presidential Climate Commission (n 102).
120 The Presidency, Republic of South Africa *South Africa's Just Energy Transition Investment Plan (JET IP) for the initial period 2023-2027* (2022).
121 The Presidency, Republic of South Africa *Purpose of the grants register*.
122 As above.
123 Nigeria Energy Transition Office *Stakeholder Engagement Learnings (Jan-June 2023)*.
124 Nigeria's Energy Transition Plan 'Key objectives', https://www.energytransition.gov.ng/objectives/ (accessed 29 September 2025).
125 Nigeria's Energy Transition Plan (n 124).

engagement learnings',[126] which is indicative of the ILOs social dialogue element in creating decent jobs. While its emphasis remains on facilitating a *just transition*, job creation and the protection of workers and communities affected by the transition from fossil fuels,[127] it fails to guarantee actionable workplace rights, such as collective bargaining, safe working conditions or protections against discrimination. Also, much of its emphasis is aspirational.

On the other hand, South Africa's National Development Plan (2030) NDP guarantees the active participation of citizens and all sectors in its development, fostering societal partnerships, building capable institutions and establishing local and international partnerships.[128] NDP was designed for every South African, across all strata, to facilitate government accountability.[129] The government's partnership with sectors, provinces and municipalities enables its implementation via medium-term strategic frameworks. Also, environmental sustainability, a focal point in chapter 5 of the NDP, necessitates engagement with the environmental, business and labour sectors.[130] Underpinning all the climate-related policies, the NDP is characterised by partnerships, civil society participation, scientifically proven monitoring and evaluation, and constitutional alignment via sections 23 and 39, thus strengthening institutional social dialogue.[131]

NDP was designed to address poverty *reduction, unemployment and inequality*, identifying economic growth, employment and skills development as the focal points of its strategies.[132] Some of its milestones include increasing employment from 13 million in 2010 to 24 million by 2030, skills development, and promoting inclusive growth, particularly by considering marginalised groups based on gender and disability.[133] The Plan calls for broader *partnerships across society, expanding the* roles of state-owned enterprises in artisan training, developing 30 000 qualified artisans annually to mitigate extreme poverty, and advocating stronger inclusion of the right to work and skills development.[134] Although NDP is not a labour-related policy, its commitments closely mirror fundamental workplace rights such as employment, non-discrimination, inclusive participation and decent work. It also embodies many decent work elements, including income and labour standards, and acknowledges that growth must be inclusive. It contends that infrastructure and public works policies must

126 As above.
127 As above.
128 National Planning Commission, Department: The Presidency, Republic of South Africa 'National Development Plan: Vision 2030' https://www.nationalplanningcommission.org.za/National_Development_Plan/?/ (accessed 18 September 2025).
129 National Planning Commission, Department: The Presidency, Republic of South Africa (n 128).
130 National Planning Commission, Department: Presidency, Republic of South Africa *Chapter five: Ensuring environmental sustainability and an equitable transition to a low carbon economy.*
131 As above.
132 *South Africa's Low Emissions Development Strategy 2050* (2020).
133 As above.
134 Executive Summary *National Artisan Development Programme*.

provide, beyond just jobs, meaningful work.[135] NDP's Vision 2030 repeatedly emphasises 'decent work and sustainable livelihoods', highlighting job creation, especially in labour-intensive sectors, reducing inequality and improving the quality of life.[136] As part of its objectives, it aims to reduce unemployment, increase the employment-to-population ratio and promote work that provides dignity, among others.[137]

5 Conclusion and way forward

The article assesses how Nigeria's and South Africa's energy transition frameworks are normatively and institutionally aligned with the ILO Guidelines, and their capacity to support a labour-friendly transition from the fossil fuel sector. The analysis demonstrates that Nigeria's framework is only partially compatible with the ILO Guidelines and remains primarily focused on climate governance rather than worker protection. In contrast, South Africa's energy transition framework represents an ambitious effort to integrate justice into climate and transition planning. Its regulatory recognition of just transition multi-actor and cross-sectoral administrative systems also indicates significant progress. Six principal findings are indicated in this article. First, while the dualist nature of the CFRN prevents the automatic assimilation of ILO Guidelines into domestic law, the SA Constitution embraces their direct assimilation, thereby guaranteeing the justiciability of workers' rights. Second, both the NG-CCA and PIA lack enforceable provisions on labour protections such as worker participation, retraining, reskilling, social protection and transition planning. The opposite, however, is the case for SA-CCA and JTF, with fairly reasonable integration of environmental and labour protections. Third, while Nigeria's NAPF strongly embodies the ILO Guidelines' social dialogue themes, it appears to be more focused on climate risks, vulnerability and adaptation than on the protection of workers' rights.

By contrast, South Africa's JETP demonstrates an unqualified commitment to and respect for workers' rights by embodying decent work, social dialogue and social protections, ensuring that they are not left behind in transition policies. Fourth, Nigeria's NCCP fails to operationalise labour rights, nor does it provide clear clauses on workers' health and safety or even stakeholder engagement. Also, in terms of outlining specific procedural requirements, such as time frames and formal procedures for various employer-labour input in social dialogue, it can only boast of partial compliance with ILO standards. By comparison, South Africa's JET IP operationalises various components of decent work and social protection in the energy transition, particularly through its grants register. Fifth, even though Nigeria's ETP seeks to guarantee a just transition through job creation and

135 National Planning Commission, Department: Presidency, Republic of South Africa (n 130).
136 As above.
137 As above.

worker protection, much of its emphasis remains aspirational. For South Africa's NDP, its commitments mirror the ILO's fundamental workplace rights, such as employment, non-discrimination, inclusive participation and decent work. Finally, a fundamental disconnect is evident between Nigeria's commitment to decarbonisation and the progressive legal and fiscal encouragement of hydrocarbon development, creating uncertainty about the overall direction of the transition process. South Africa's energy regulatory instruments, on the other hand, reveal strong themes of just energy and legislative connectivity.

Nigeria's energy regulatory challenges, however, can be addressed. It must take a cue from South Africa by integrating the ILO Guidelines into its regulatory frameworks to facilitate a just transition, enabling retraining/reskilling/upskilling and ensuring general respect for workers' rights amid the transition from the fossil sector. Civil society may utilise the ILO Guidelines in their activism on the rights and welfare of workers in the Nigerian fossil sector. Also, in deserving cases, the Court may treat the ILO Guidelines as persuasive authority to fill policy and legal gaps regarding just transition. In the case of South Africa, the government must demonstrate strong political will to implement these frameworks and not leave workers behind. Although South Africa's integration of social protection into policy frameworks is moderately aligned with the ILO Guidelines, a statutory just transition fund dedicated to coal-dependent regions can be created, while the correlation between retraining initiatives and real job engagement can be enhanced.[138] Furthermore, fragmented labour protection measures should be integrated into a unified, just-transition labour protection regime. Stronger integration between environmental and labour law is recommended to ensure that climate-induced job losses and skills transition are comprehensively addressed. Barring such an approach, Nigeria and South Africa's energy transition regulatory frameworks risk recreating and reinforcing inequities under a 'green' veil, thus transitioning without the inclusion of energy workers, who are the most vulnerable in the transition.

138 S Lowitt, *Finance and the just transition* (2021); Partnership for Action on Green Economy 'From framework to practice: Translating South Africa's just transition vision into action' / (2026), https://www.un-page.org/news/framework-practice-translating-south-africa-just-transition-vision-action/#:~:text=In%20South%20Africa's%20northeastern%20province,voice%20in%20shaping%20the%20future (accessed 12 April 2026); J Bohlmann and others 'South Africa's move to greener energy is creating new jobs, but benefits aren't evenly spread' (2026), https://www.up.ac.za/news/south-africas-move-greener-energy-creating-new-jobs-benefits-arent-evenly-spread#:~:text=Our%20research%20findings%20show%20that,new%20opportunities%20are%20broadly%20accessible (accessed 12 April 2026).