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Editorial

Just transition has emerged in global discussions and normative development on climate change, particularly in the areas of the energy transition, decarbonisation, the green economy, climate finance and climate justice. Increasingly, state and non-state actors are making energy transition pledges and commitments at the global stage. The term is used by various international institutions, from the United Nations (UN) to the World Bank, which now have policy statements, initiatives or task forces dedicated to just transition. Regarding its normative development, the UN has established a global architecture, starting with the International Labour Organisation (ILO) Just Transition Guidelines (2015). Building on the guidelines, the ILO adopted a resolution in 2023 to strengthen global commitments to decent work and social justice in the context of the green transition. Under the auspices of the United Nations Framework Convention on Climate Change (UNFCCC), the Paris Agreement, a pillar instrument in climate governance, urges parties to consider a just transition in line with nationally defined development priorities. In 2025, the UNFCCC Katowice Committee of Experts (KCI) produced a Technical Paper titled 'Just transitions in national climate frameworks and climate policies: Experiences in alignment, planning and progress tracking'. This important document examines how countries integrate just transition into their nationally determined contributions (NDCs) and long-term strategies (LT-LEDS).

Just transition also forms part of Resolutions of the UN Human Rights Council, including on the right to work (A/HRC/RES/55/9 of 2024); human rights and climate change (A/HRC/RES/53/6 of 2023); and the right to development (A/HRC/RES/54/18 of 2023). It features in General Comment 26 (2023) of the UN Committee on the Rights of the Child; and reports produced by the Office of the High Commissioner for Human Rights on climate change and the right to food (A/HRC/55/37 of 2024); rights of older persons and climate change (A/HRC/47/46 of 2021); and persons with disabilities and climate change (A/HRC/44/30 of 2020).

Despite the foregoing, the fairness of applying the concept of just transition at a time when Africa faces energy insecurity, poverty, global financial injustices, stranded-asset risk and developmental challenges is sometimes contested and often problematic. The African Union (AU) Climate Change Strategy, the African Common Position on Energy Access and Just Energy Transition, and the African Continental Free Trade Area (AfCFTA), among others, are prominent instruments for a just transition in the context of climate action at the continental level. Also, the African Commission on Human and Peoples' Rights (African Commission), a leading mechanism within the AU system, affirms the legal obligation of states to take appropriate measures, individually and collectively, on climate change, especially the obligation of countries that contribute most to greenhouse gas emissions. It calls for a scale-up of financial flows between states and for ensuring agreement on modalities for a just energy transition. It also prioritises the needs of populations in vulnerable situations. At the domestic level in Africa, climate laws, climate policies and legal frameworks that focus on or feature a just transition are emerging, adding to the growing normative attention to the concept. Climate policy and legal framework may clarify just transition and human rights due diligence standards and measures required of all participating actors.

However, the potential of the foregoing development for the agency of law to enhance understanding of the meaning, nature and application of just transition remains undeveloped. Scholarship on Africa is limited on how the existing normative framework may help clarify the meaning, position and limits of law regarding the nature of commitments and obligations arising from just transition and climate change across different levels of governance. In addition, there is a dearth of academic scrutiny focused on how existing barriers test the adequacy of the regulatory approach to just transition and climate change in Africa. Some such barriers, which are real, particularly in Africa, and may interface with different regimes of law, are listed in a report of the Secretary-General to the Human Rights Council. These include continued reliance on and dependence on fossil fuels; instability and conflicts over critical energy transition minerals; inadequate labour rights and social protection; and inequalities and marginalisation of populations in vulnerable situations (A/HRC/60/52 of 2025).

While solutions to issues arising from the application and process of just transition and climate change may be found within and beyond the courtroom, the interaction between just transition and climate litigation, particularly the emerging trend, needs conceptual clarity. Climate change litigation scholars have recently defined just transition litigation as a particular sub-class of cases. Scholarly engagement with the framing and nature of lawsuits concerning the justice and fairness of the just transition between developed and developing states remains in flux. Also, with a particular focus on Africa, it merits academic scrutiny to define, explore and engage with whether potentials exist in international, regional and national human rights law or its overlap with other branches of law in advancing

just transition in the context of how it may be done, who benefits from it, who bears the cost and burden and who is included in or excluded from the process.

This third issue of the *African Journal of Climate Law and Justice* (*AJCLJ*) aims to generate rigorous contributions on the debate and improve understanding of the relevance and role of law in various issues related to just transition in the context of climate change in Africa. In his contribution, Nkrumah highlights that, although the livestock industry is a substantial emitter of greenhouse gases, it is rarely mentioned in just transition debates and policy discourse. Through a social justice lens, the author explores avenues to support Africa's transition to a sustainable livestock industry as part of a just transition. In another article, Fagoyinbo argues that while emerging regional and international frameworks establish normative standards for a human rights-centred transition, their weak implementation creates a gap in the delivery of justice for affected communities. The author then reconceptualises 'just transition' as a legal obligation, not a policy aspiration, anchored on participation, equitable benefit sharing and environmental remediation for host communities.

In their work, Adeniyi, Musindo and Chibwe argue for and apply a gendered energy justice framework to assess whether the energy transitions in South Africa and Zimbabwe distribute benefits and burdens equitably, recognise women's differentiated energy needs and contributions, and enable their meaningful participation as users, workers, entrepreneurs, owners and decision makers. They view a gender-just energy transition as requiring enforceable participation mechanisms, gender-responsive financing, equitable access to productive opportunities, recognition of unpaid care and household energy labour, and gender-disaggregated monitoring and accountability. They argue that increasing renewable energy capacity will not, by itself, produce a just transition.

Mastaki and Mulumeoderhwa focus on the marginalisation of people displaced by climate change in Africa, arguing that this is a manifestation of environmental and climate injustice. They further contend that the absence of a fully operational universal legal status should not preclude the establishment of effective protection measures, and propose a functional recognition of climate-displaced persons based on human rights. The authors conclude that, in Africa, a just transition should not be limited to energy or economic transformation, but must also be a project of justice that fully integrates the protection of populations displaced by climate change.

In his contribution, Bello argues that current just transition frameworks suffer from 'procedural drift'. Drawing on doctrinal legal analysis, political economy critique and comparative case studies of Nigeria and South Africa, his contribution examines whether the current international, regional and domestic frameworks can deliver substantive labour justice to African workers and communities. It demonstrates that each framework fails, in distinct but related ways, to operationalise one or more of these dimensions for labour markets characterised

by informality, fiscal constraint and limited social protection infrastructure. The author concludes that achieving labour justice in Africa's energy transition requires not better implementation of existing norms, but a fundamental reconstitution of legal instruments toward substantive redistribution and accountability.

Oladipo-Ologundudu undertakes a comparative analysis of the energy transition legal frameworks of Nigeria and South Africa to assess their regulatory readiness for a just transition. Her article concludes with lessons to strengthen both Nigeria's and South Africa's regulatory frameworks, thereby enhancing their capacity to deliver a just and equitable energy transition. In their contribution, Aladeitan, Ater and Toriola argue that Nigeria's principal challenge is not the absence of transition-related laws and institutions, but the fragmented and poorly coordinated manner in which they operate. The authors conclude that a coherent, predictable and adequately resourced governance architecture is essential for translating Nigeria's energy transition commitments into sustained implementation. It recommends harmonising existing laws and institutional mandates, strengthening inter-agency coordination and technical capacity, expanding dedicated financing mechanisms, and addressing policy and security constraints that impede energy development.

Lastly, in this edition, Bouwer examines the United Kingdom judicial review of export finance for gas development in Mozambique: *R (Friends of the Earth) v UK Export Finance*. The article focuses in particular on two aspects of the judgments: the discussion of the assessment of Scope 3 emissions; and the determination of whether and how affording public funding for a gas project abroad could be consistent with article 2(1)(c) of the Paris Agreement, which required flows of finance to be consistent with a pathway towards low carbon development. The author contends that assessments of this nature must properly account for historical responsibility, current inequities in emissions attribution, and the development pathways set out in states' own NDCs. The contribution concludes that litigation illustrates a broader challenge in how domestic courts might operationalise differentiation in transnational climate cases.

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