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ON

**CALL FOR INPUT FOR SYNTHESIS REPORT ON JUST TRANSITION AND
HUMAN RIGHTS**

OF

**UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN
RIGHTS**

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Background

The African Journal of Climate Law and Justice (AJCLJ) is a peer-reviewed academic platform dedicated to advancing African scholarship on climate change law and justice. It is housed in the Ismail Mahomed Centre for Human and Peoples' Rights (IMCHPR), Faculty of Management Commerce and Law, University of Venda, South Africa and published by the Pretoria University Law Press. It addresses Africa's disproportionate vulnerability to climate change despite its minimal contribution to the crisis, focusing on key affected sectors like water resources, food security, biodiversity, and human health. As African states increasingly develop domestic legal frameworks for adaptation and mitigation, the journal provides a space to explore these efforts and their intersections with fairness, equity, and sustainable development.

By addressing the scarcity of African-centred climate law scholarship, the AJCLJ fosters critical research, including comparative legal analyses, to amplify African perspectives and promote legal and policy solutions tailored to the continent's unique challenges.

The AJCLJ welcomes the invitation from the Office of the United Nations High Commissioner for Human Rights to contribute to the synthesis report on just transition and human rights, with a particular focus on Africa as follow:

1. Opportunities, best practices, actionable solutions, challenges and barriers

A just transition in Africa is crucial for ensuring that human rights, including the rights to health, a sustainable environment, equality, decent work, and justice, are fully realized.¹ The continent's vast renewable energy potential, such as solar, wind, and hydroelectric power, combined with its rich reserves of resources like lithium, graphite, cobalt, nickel, and copper, offers a significant opportunity to shift towards a low-carbon energy future that supports sustainable development.² Here are some key examples, practices, solutions, and challenges across various sectors and countries:

South Africa's Just Energy Transition Investment Plan which created partnership with 5 industrialized nations,³ exemplifies a balanced approach to transitioning from coal dependency to renewable energy. This partnership promotes skill development for displaced coal workers, supports small and medium-sized renewable energy enterprises, and aims to establish a low carbon economy.⁴ These efforts reflect best practices that integrate social and economic equity with environmental objectives. Kenya is also making progress in increasing access to clean energy, with more than 90% of its electricity now coming from renewable sources.⁵ Kenya minimizes its carbon footprint, produces green jobs, minimizes its reliance on fossil fuels, and

¹ Just transition: A climate, energy and development vision for Africa https://justtransitionafrica.org/wp-content/uploads/2023/05/Just-Transition-Africa-report-ENG_single-pages.pdf (accessed 2 November 2024).

² Renewable energy offers Africa's best opportunity to achieve the Sustainable Development Goals <https://www.afdb.org/en/news-and-events/press-releases/renewable-energy-offers-africas-best-opportunityachieve-sustainable-development-goals-experts-say-63909>

³ South Africa's Just Energy Transition Investment Plan (JET IP) for the five-year period 2023-2027 <https://pccommissionflo.imgix.net/uploads/images/South-Africas-Just-Energy-Transition-Investment-Plan-JETIP-2023-2027-FINAL.pdf> (accessed 2 November 2024).

⁴ As above.

⁵ Kenya- energy ,electrical power 2024 <https://www.trade.gov/country-commercial-guides/kenya-energyelectrical-power-systems> (accessed 4 November 2024).

promotes economic stability through solar, wind, and geothermal initiatives. Through these programs, local communities are benefiting from long-term job possibilities and poverty

reduction.⁶ There has also been increasing investment in energy infrastructure across Africa, for example, there were investments in a wind farm in South Africa and a portable solar power project in Nigeria in 2023.⁷ Ethiopia's Green Legacy Initiative: Launched in 2019 which aims to combat deforestation and environmental degradation by planting billions of trees is another example.⁸ Djibouti's Ghoubet Wind Farm has also boosted energy capacity by 50%, reducing reliance on energy imports and enhancing renewable energy use.⁸ In East Africa, climate-smart agriculture initiatives promote sustainable farming techniques such as conservation tillage, agroforestry, and water-efficient irrigation. These practices help smallscale farmers adapt to climate change, safeguard their livelihoods, and secure food sources, while also protecting the right to food, decent work, and environmental health.⁹

A major challenge faced is the insufficient climate financing available for African countries to implement their Nationally Determined Contributions (NDCs).¹⁰ Additionally, political instability, corruption at multiple levels, a large informal workforce, and high youth unemployment further hinder progress toward climate goals.¹²

To address these challenges, governments should implement planning and policy frameworks for just transitions that align with African values and reflect the continent's context.¹¹ Mobilizing capital and attracting sustainable financing are crucial, alongside partnerships with the private sector and developed nations to create investment opportunities, build financial capacity, and develop innovative investment vehicles. A human rights-centred approach is

⁶ As above.

⁷ Africa: the continents sparking clean energy future https://www.globalcompliancenews.com/2024/07/16/https-insightplus-bakermckenzie-com-bm-energy-mininginfrastructure_1-africa-the-continents-sparkling-clean-energy-future_07052024/ (accessed 4 November 2024). ⁸ Daily Sabah 2024, <https://www.dailysabah.com/opinion/op-ed/untold-story-of-ethiopias-endeavor-incombating-climate-change> (accessed 4 November 2024)

⁸ Djibouti's first wind farm <https://tractebel-engie.com/en/news/2023/djibouti-inaugurates-its-first-wind-farm> (accessed 4 November 2024).

⁹ East African climate smart agriculture <https://openknowledge.fao.org/server/api/core/bitstreams/d6c327dde353-4ca3-85ba-f8bb9129f109/content> (accessed 4 November 2024).

¹⁰ Climate Policy Initiative (2022). Climate Finance Needs of African Countries <https://www.climatepolicyinitiative.org/publication/climate-finance-needs-of-africancountries/#:~:text=Africa's%20USD%202.5%20trillion%20of,12%25%20of%20the%20amount%20needed.> (accessed 6 November 2024) ¹²As above.

¹¹ Climate finance in Africa https://au.int/sites/default/files/documents/44101-docClimate_Finance_in_Africa_Report.pdf (accessed 6 November 2024)

essential to ensure inclusivity, emphasizing social protections, fair labour practices, and meaningful community participation, especially for vulnerable groups. By integrating human

rights into climate policies, a just transition can be achieved, fostering sustainable, equitable growth that respects the dignity and rights of all.¹²

2. Relevant legislation, policies, and strategies promoting human rights in the context of just transition

Renewable energy projects and access to clean energy are essential for many sectors across Africa.¹³ To prepare for an energy transition, countries across the continent are updating policies, revising legal frameworks, and submitting Nationally Determined Contributions (NDCs), which outline each country's commitment to reducing greenhouse gas emissions.¹⁴ These updates emphasize the importance of a renewable, decarbonized, and decentralized energy system that aligns with climate change mitigation goals and Africa's commitments under the Paris Agreement.

For instance, South Africa has developed a comprehensive just transition framework.¹⁵ Given its reliance on coal, South Africa is shifting toward renewables while focusing on minimizing impacts on coal industry workers. Programs include worker reskilling, economic diversification, and creating green jobs.¹⁸ South Africa's Nationally Determined Contributions (NDC)¹⁶ also explicitly integrates social and labour protections, aiming for a fair transition with minimal job losses in high-carbon sectors.

¹² As above.

¹³ Empowering Africa: enhancing access to electricity through renewable energy <https://www.nepad.org/blog/empowering-africa-enhancing-access-electricity-through-renewable-energy> (accessed 7 November 2024).

¹⁴ Status of submission of NDC in Africa <https://www.statista.com/statistics/1311387/status-of-ndcsubmissions-in-africa/#:~:text=Status%20of%20NDC%20submissions%20in%20Africa%202022&text=As%20of%20May%202022%2C%2045,the%20increase%20in%20global%20temperature>. (accessed 7 November 2024)

¹⁵ A frame work for a just transition in South Africa <https://pccommissionflow.imgix.net/uploads/images/A-JustTransition-Framework-for-South-Africa-2022.pdf> (accessed 4 November 2024). ¹⁸ As above.

¹⁶ South Africa's first nationally determined contribution under the Paris agreement 2021 <https://unfccc.int/sites/default/files/NDC/2022-06/South%20Africa%20updated%20first%20NDC%20September%202021.pdf> (accessed 4 November 2024)

Ghana has implemented National Green Jobs Strategy and programs that encourage green job creation in sectors like waste management, sustainable agriculture, and renewable energy. which also includes labour rights protections for workers in these emerging sectors.¹⁷ Ghana

also implements a national determination contribution (NDC)¹⁸ which highlights plans to increase resilience among communities vulnerable to climate impacts and establish social safety nets to protect those affected by economic shifts due to climate action and developed 19 policy actions in 10 priority areas to achieve nationally determined contribution goals.²² Ghana's Cocoa & Forests Initiative is also another example which aims to preserve biodiversity by preventing cocoa farming encroachment on protected forests by focuses on community engagement and social inclusion, with a particular focus on women and youth.²³

Kenya's Energy Act of 2019 and national determination contribution (NDC) establishes extensive regulations governing the production, distribution, and transmission of energy as well as its sale.¹⁹ It regulates the use of coal, petroleum, and renewable energy sources and clarifies the roles and responsibilities of several government agencies. It includes important laws and reforms that were intended to enhance rural electrification initiatives, encourage private investment, and strengthen the renewable energy sector.²⁵ Rwanda's Green Growth and Climate Resilience Strategy demonstrates effective climate adaptation through sustainable agriculture, integrated water resources management, Corbon reduction and urban resilience.²⁶

As part of the Great Green Wall Initiative (GGWI) of African Union, Nigeria has implemented key policies, including a National Strategic Action Plan, to address land degradation, drought, and desertification, particularly in its northern regions.²⁰ This plan incorporates social

¹⁷ National green jobs strategy of Ghana 2021-2025

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@africa/@ro-abidjan/@iloabuja/documents/publication/wcms_776631.pdf (accessed 4 November 2024)

¹⁸ Ghana updated nationally determined contribution under the Paris agreement 2020-2030

https://unfccc.int/sites/default/files/NDC/2022-06/Ghana%27s%20Updated%20Nationally%20Determined%20Contribution%20to%20the%20UNFCCC_2021.pdf (accessed 5 November 2024) ²²As above. ²³As above.

¹⁹ R. Janho 'Renewable energy in Kenya: An examination of the legal instruments and institutional changes that successfully attracted foreign investment,' *Energy Central* 2021. ²⁵As above. ²⁶Rwanda's revised green growth climate resilience 2022

https://www.rema.gov.rw/fileadmin/user_upload/Rwanda_Green_Growth_Climate_Resilience_Strategy_06102022.pdf (accessed 5 November 2024)

²⁰ The legislative and institutional framework of GGWI in Nigeria <https://www.agora->

inclusivity by aiming to improve the livelihoods of communities across the Sahel through job creation, poverty reduction, and support for sustainable agriculture.²⁸

3. Ensuring the inclusion of vulnerable groups

Just transition in Africa can provide inclusive opportunities, respect traditional practices, and empower vulnerable groups. By addressing the specific needs of diverse communities, Africa's just transition policies can build a resilient, fair, and sustainable future for all.²¹

A good example of this could be the government of Nigeria working with oil and gas companies and civil society organizations on the Ogoni Clean-Up Project, which is part of the Hydrocarbon Pollution Remediation Project (HYPREP) which aimed at cleaning up the Niger Delta and includes provisions for community health and employment opportunities for local residents impacted by pollution.²² The Great Green Wall Initiative also promotes reforestation and agricultural initiatives that boost local employment and food security in the Sahel, where migration is fuelled by desertification.²³ South Africa's Climate Justice Charter, created by community and youth groups, emphasizes the protection of environmental and social rights for future generations.²⁴ It outlines commitments to renewable energy, food security, and access to clean air and water as essential elements of sustainable development.²⁵ Overall NGOs, Indigenous communities, women, youth, government agencies, and environmental defenders are among the numerous groups encouraged to participate by multistakeholder platforms like the African Climate Change Resilience Development strategy and Action plan and the African union agenda 2063.²⁶

parl.org/sites/default/files/agoradocuments/GGW_Diagnostic%20Study%20of%20the%20Legislative%20and%20Institutional%20Framework%20of%20the%20Great%20Green%20Wall%20Initiative%20in%20Nigeria.pdf (accessed 7 November 2024). ²⁸As above.

²¹ Towards just transition for workers and affected communities

<https://www.iej.org.za/wpcontent/uploads/2022/08/IEJ-JustTransition-PP-Aug2022.pdf> (accessed 9 November 2024).

²² Monitoring the Ogoni clean up <https://www.stakeholderdemocracy.org/projects/monitoring-the-ogoni-cleanup/> (accessed 9 November 2024).

²³ African development bank group <https://www.afdb.org/en/topics-and-sectors/initiatives-and-partnerships/great-green-wall-initiative> (accessed 8 November 2024)

²⁴ Climate justice charter 2020 https://www.safsc.org.za/wp-content/uploads/2020/08/Final-Climate-JusticeCharter_EN_August2020.pdf (accessed 9 November 2024).

²⁵ As above.

²⁶ ACCRA2022-2932 <https://au.int/sites/default/files/documents/42276-doc->

4. Mechanisms for justice, equity, and accountability

Achieving a sustainable and inclusive transition to renewable energy and sustainable economies in Africa requires systems that prioritize justice, equity, transparency, and accountability within the context of a just transition. Such systems are essential for ensuring a fair and transparent process and encompass legal safeguards, robust policy frameworks,

participatory mechanisms, and well-structured financial strategies.²⁷ The African Development Bank's Strategy for Addressing Fragility and Building Resilience, alongside the African Union's Agenda 2063, underscores the importance of social inclusion, economic diversification, and environmental sustainability as fundamental principles.²⁸ Countries are embedding these principles into national policies for instance, Ghana's Renewable Energy Act sets clear targets for renewable energy development, and South Africa's Just Transition Framework defines social and environmental protections to guide the transition.³⁷ Transparency and accountability are further supported by regular reporting and monitoring through mechanisms like the African Union's African Peer Review Mechanism (APRM), which evaluates the environmental and social impacts of member countries' policies.²⁹

Financing a just transition in Africa necessitates leveraging resources from global climate funds, regional development banks, government budgets, and public-private partnerships.³⁰ However, the process faces significant obstacles, including limited access to international financing, elevated investment risks, and constrained institutional capacity. To overcome these challenges, efforts should concentrate on simplifying access to funding, enhancing local investment opportunities, attracting private capital by mitigating risks, and prioritizing

[CC Strategy and Action Plan 2022-2032 23_06_22_ENGLISH-compressed.pdf](#) (accessed 9 November 2024).

²⁷ A Oyeniya & A Victor 'Re-examining the intersection between energy justice and energy transition in Africa' (2024) *journal ENRL*.

²⁸ Bank group's strategy for addressing fragility and building resilience in Africa (2022-2026).

³⁷ Ghana's national energy transition framework and south Africa's just transition framework.

²⁹ African peer review mechanism <https://au.int/en/organs/aprm> (accessed 9 November 2024).

³⁰ Financing just transition in Africa https://www.afdb.org/sites/default/files/2022/12/09/financing_a_just_transition_in_africachallenges_and_opportunities_final_1_2.pdf (accessed 9 November 2024).

assistance for vulnerable populations.³¹ These measures collectively aim to promote an inclusive and sustainable transition tailored to Africa's unique challenges and opportunities.

5. Role of social dialogue

Social dialogue in Africa, guided by ILO principles, ensures workers' rights are protected while aligning economic development with social equity.³² It fosters collaboration among workers, employers, and governments to shape inclusive policies on job security, skills development, and health, particularly benefiting vulnerable groups during climate transitions.⁴² An example

is South Africa's Just Transition Framework, developed through consultations with unions and civil society to safeguard workers' rights during the shift to a low-carbon economy.³³ By addressing retraining, health, and community resilience, the framework demonstrates how social dialogue can balance environmental sustainability with social justice, offering a model for equitable transitions across Africa.

6. Recommendations for actions at different levels

To ensure a just transition in Africa, local actions should focus on community engagement, capacity building, and social protection for vulnerable groups. Nationally, governments should create inclusive policies, enforce legal protections for workers, and invest in renewable energy and green jobs.³⁴ Regionally, Africa should strengthen cooperation through the African Union and develop cross-border infrastructure for renewable energy. Internationally, climate finance and technology transfer from developed countries are crucial for supporting Africa's green transition.³⁵ Legal reforms should ensure workers' rights and sustainable practices, while

³¹ As above.

³² African social protection strategy 2021-2025 https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@africa/@roabidjan/documents/publication/wcms_828423.pdf (accessed 10 November 2024). ⁴² As above.

³³ A framework for just transition in south Africa <https://pccommissionflow.imgix.net/uploads/images/A-JustTransition-Framework-for-South-Africa-2022.pdf> (accessed 10 November 2024).

³⁴ Just transition policy brief https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/@emp_ent/documents/publication/wcms_867426.pdf (accessed 11 November 2024).

³⁵ The renewable energy transition in Africa https://www.irena.org/-/media/Files/IRENA/Agency/Publication/2021/March/Renewable_Energy_Transition_Africa_2021.pdf (accessed 11 November 2024).

economic changes should prioritize investments in green industries. Social dialogue, labour protections, and equitable job creation should be at the heart of transition strategies.³⁶

7. Relevant data, analysis, and assessments

Given that climate change disproportionately affects vulnerable populations like women, children, and indigenous peoples, it is imperative that the nexus of human rights and a just transition be addressed in Africa.⁴⁷ Data emphasizes how crucial inclusive policies, green job growth, and social protection are to protecting workers and marginalized populations.³⁷ Inclusion and social discourse are encouraged by regional programs such as the African Union's

Agenda 2063 and AU green recovery and action plan.³⁸ Nations are encouraged to give decent work and sustainable growth a priority by international guidelines such as the SDGs and the ILO.³⁹ Engagement with civil society organizations including academic NGO such as the Ismail Mahomed Centre for Human and Peoples' Rights is essential in promoting the rights of impacted populations, ensuring a fair transition requires robust legal safeguards, active participation, and accountability for corporations. Also, the United Nations should create a data base for relevant works/journals/publications in this area as a valuable resource platform for the themes.

8. Additional information

As additional information just transition in Africa should reflect the diverse culture, the value and the economic background of Africa in general and indigenous people in particular as they have a special relation with the land and environment.⁴⁰ Africa's low-carbon transition involves more than just adopting clean technologies; it requires addressing complex social and

³⁶As above. ⁴⁷Environment, climate change and women and children's right

<https://environmentalmigration.iom.int/sites/g/files/tmzbd11411/files/documents/2023-10/report-6-sept.conference.pdf> (accessed 12 November 2024).

³⁷Gender equality and inclusion for a just transition in climate action <https://www.ilo.org/sites/default/files/202407/EN%20GENDER%2C%20EQUALITY%20AND%20INCLUSION%20FOR%20A%20JUST%20TRANSITION.pdf> (accessed 13 November 2024).

³⁸AU green recovery and action plan (2021-2027).

³⁹(n 49) above.

⁴⁰Indigenous peoples principles and protocols for just transition <https://www.culturalsurvival.org/news/indigenous-peoples-principles-and-protocols-just-transition> (accessed 12 November 2024).

political factors.⁴¹ This includes managing the economic impact on fossil fuel-reliant communities, reducing energy poverty, ensuring equitable access to renewable energy, and securing financing within resource-constrained governments. The transition demands careful policy alignment and international cooperation to balance environmental goals with pressing social and economic needs.⁵³

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⁴¹(n 1) above.

⁵³(n 1) above.