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Towards a Feminist Energy Justice Framework

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Abstract

This article explores a feminist approach to energy justice. In business and human rights to date, there has been little attention to the gendered dynamics in energy transition, mirroring the lack of attention to the rights of women and girls within broader energy and energy transition discourses. Without this attention, there is a risk that energy transition efforts maintain, increase, or create new gendered inequalities, rather than diminish them. With a focus on the distributional, recognitional and procedural dimensions of energy systems, the concept of energy justice holds much potential for the field of business and human rights. Taking women's participation in energy transition policy-making in Sub-Saharan Africa as a concrete example, we argue that a feminist approach to energy justice could be one way of operationalizing a more gender-transformative energy transition.

Keywords: energy access; energy justice; feminism; participation; Sub-Saharan Africa

I. Introduction

This article explores a feminist approach to energy justice. Taking the participation of women in energy transition policy-making in Sub-Saharan Africa as a concrete example, we argue that a feminist interpretation of energy justice could be one way of operationalizing a more gender-transformative approach to energy transition in business and human rights (BHR).

Sub-Saharan Africa has the lowest energy access rate in the world.[1] In 2021, over 600 million people lacked access to electricity and 890 million still depended on unsafe, non-renewable traditional fuels.[2] Research shows that women and girls are deeply affected by energy systems, as they are in many societies responsible for critical energy-intensive activities in households and communities.[3] Despite this, women are often not involved in

[1] OECD, World Bank and UN Environment, *Achieving Clean Energy Access in Sub-Saharan Africa* (Paris: OECD, 2018).
[2] Ibid.
[3] See, e.g., Khayaat Fakier, 'Women and Renewable Energy in a South African Community: Exploring Energy Poverty and Environmental Racism' (2018) 19:5 *Journal of International Women's Studies* 165; Amita Makan, 'Power for Women and Men: Towards a Gendered Approach to Domestic Energy Policy and Planning in South Africa' (1995) 17:2 *Third World Planning Review* 183.

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energy-related decision-making, and the gendered dynamics and inequalities in energy transition discourses and frameworks lack attention.[4] Yet, without such explicit attention, energy transition efforts risk maintaining, increasing or even creating new gendered inequalities, rather than diminishing them and their subsequent socio-economic and environmental repercussions.[5]

The 'energy transition' concerns the transformation of the global energy sector, including the shift from fossil fuels to renewable energy sources to reduce carbon emissions. Focus on the energy transition in BHR to date has included attention to transition minerals, the human rights performance of renewable energy companies, indigenous peoples' rights, the role of the financial sector, and the links between the energy transition and climate change agendas.[6] There has been limited attention to gendered relations in energy systems, such as the adverse impacts on women and girls from renewable energy projects, and their participation in energy transition policies. This reflects a broader neglect of women's rights in energy systems and transition discussions.

In this article, we argue that if the BHR field wants to concern itself with the energy transition, attention to gendered dynamics and the rights of women and girls in energy systems and frameworks is imperative. With a focus on distributional, recognitional and procedural dimensions, the energy justice concept holds much potential for the BHR field, which is similarly concerned with power dimensions between stakeholders, North-South injustices, rights-holder voice, participation and accountability.[7] We, therefore, propose a feminist approach to energy justice as one of the strategies available to the BHR field in working towards a more gender-transformative energy transition.

The article is informed by academic and grey literature on BHR, energy justice and the gender-energy nexus in Sub-Saharan Africa, as well as the authors' project work on the energy transition in the region.[8] Prompted by these sources and engagements, we examine the following questions: What are the links between energy justice and BHR? What might a feminist approach to energy justice look like? Could a feminist energy justice framework be useful for guiding further BHR research and practice on energy transition in Sub-Saharan Africa to advance women's rights?

The article proceeds as follows. Section II contextualizes the concept of energy justice for the field of BHR. Section III provides some background on the gendered dynamics of the energy transition in Sub-Saharan Africa transitioning to Section IV, which explores what a feminist approach to energy justice might look like. Drawing together these framing sections, in Section V we examine how women's rights and participation are addressed in renewable energy policies and policy-making, using select examples from Sub-Saharan Africa. In

[4] Seema Arora-Jonsson, 'Virtue and Vulnerability: Discourses on Women, Gender and Climate Change' (2011) 21 *Global Environmental Change* 744; Fakier, note 3.

[5] Rebecca Pearl-Martinez and Jennie C Stephens, 'Toward a Gender Diverse Workforce in the Renewable Energy Transition' (2016) 12:1 *Sustainability: Science, Practice and Policy* 8.

[6] See, e.g., UN Secretary-General's Panel on Critical Energy Transition Minerals, *Resourcing the Energy Transition: Principles to Guide Critical Energy Transition Minerals Towards Equity and Justice* (New York: UN, 2024); Institute for Human Rights and Business, *Just Transitions for All: Business, Human Rights, and Climate Action* (Eastbourne: IHRB, 2020); UN General Assembly, 'Report of the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises: Extractive Sector, Just Transition and Human Rights,' A/78/155 (11 July 2023).

[7] Human Rights Council, 'Protect, Respect and Remedy: A Framework for Business and Human Rights,' A/HRC/8/5 (7 April 2008); UN Working Group on Business and Human Rights, *UNGPs 10+: A Roadmap for the Next Decade of Business and Human Rights* (Geneva: United Nations, 2021).

[8] See Danish Institute for Human Rights, *Women's Human Rights in the Energy Transition in Sub-Saharan Africa: Roundtable Event Outcome Report and Background Scoping Paper* (Copenhagen: DIHR, 2021); Danish Institute for Human Rights, 'Scoping Papers: Human Rights and Energy Transition' (4 March 2022), https://www.humanrights.dk/publications/scoping-papers-human-rights-energy-transition (accessed 20 January 2025).

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Section VI, we conclude and suggest areas for further BHR research and practice that could be undertaken to advance a more gender-transformative energy transition in the region.

II. Contextualizing Energy Justice for Business and Human Rights

Climate change presents one of the most pressing human rights issues of our time.[9] In many domains, also in the field of BHR, this has meant an increased focus on the role of energy systems, including through the framing of 'energy transition,' 'just transition,' 'green transition', or similar concepts. Essentially, these discourses are concerned with the shift towards a low-carbon economy while recognizing that social and environmental issues are interlinked, thereby broadening the focus from a purely technical discussion to one that considers the impacts on social justice, place and identity.[10] As such, access to energy and the rights of people and the environment in designing alternative energy systems are central considerations.[11] It is also important to situate energy transition approaches in the local context. Some stakeholders from the African region, for example, have argued that the pressing need for energy access must take precedence in energy transition discussions.[12] The scramble for transition minerals for export into value chains of renewable energy technology that are marked by environmental and human rights challenges, and ultimately end in Global North countries meeting their energy transition targets, has also been pointed out as hypocritical and paradoxical.[13] Furthermore, the development of large-scale renewable energy projects frequently prioritizes the needs of industry and foreign direct investors, rather than rights-holders locally.[14] Other authors bring attention to the

[9] See, e.g., Office of the High Commissioner for Human Rights (OHCHR), 'OHCHR and Climate Change,' https://www.ohchr.org/en/climate-change (accessed 27 May 2024).

[10] European Commission, 'The Just Transition Mechanism: Making Sure No One Is Left Behind,' https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/finance-and-green-deal/just-transition-mechanism_en (accessed 27 May 2024); International Labour Organization (ILO), *Guidelines For a Just Transition Towards Environmentally Sustainable Economies and Societies For All* (Geneva: ILO, 2015); African Development Bank Group, 'Just Transition Initiative to Address Climate Change in the African Context,' https://www.afdb.org/en/topics-and-sectors/initiatives-partnerships/climate-investment-funds-cif/just-transition-initiative (accessed 27 May 2024); IRENA, 'Just & Inclusive Energy Transition,' https://www.irena.org/How-we-work/Collaborative-frameworks/Just-and-Inclusive-Energy-Transition (accessed 27 May 2024).

[11] Columbia Center on Sustainable Investment, 'Enabling a Just Transition: Protecting Human Rights in Renewable Energy Projects,' https://ccsi.columbia.edu/content/enabling-just-transition-protecting-human-rights-renewable-energy-projects (accessed 20 January 2025); United Nations, 'Renewable Energy – Powering a Safer Future,' https://www.un.org/en/climatechange/raising-ambition/renewable-energy (accessed 19 June 2021).

[12] See, e.g., African Union, 'Africa Speaks with Unified Voice as AU Executive Council Adopts African Common Position on Energy Access and Just Energy Transition,' https://au.int/en/pressreleases/20220722/africa-speaks-unified-voice-au-executive-council-adopts-african-common (accessed 19 June 2023); Kingsley Ighobor, 'A Just Transition to Renewable Energy in Africa,' *UN Africa Renewal* (31 October 2022), https://www.un.org/africarenewal/magazine/november-2022/just-transition-renewable-energy-%C2%A0africa (accessed 19 June 2023); Edmund Kagire, 'President Kagame Says Tackling Imbalances in Global Energy Industry Key For Africa As Nuclear Option Beckons,' *KT Press* (13 April 2023), https://www.ktpress.rw/2023/04/president-kagame-says-tackling-imbalances-in-global-energy-industry-key-for-africa-as-nuclear-option-beckons/ (accessed 19 June 2023); African Development Bank Group, *African Economic Outlook 2022: Supporting Climate Resilience and a Just Energy Transition in Africa* (Abidjan: AfDB, 2022).

[13] Rebekah Shirley, 'Defining "Just Transitions" in the Africa Context,' *Energy for Growth Hub* (12 October 2021), https://energyforgrowth.org/article/defining-just-transitions-in-the-africa-context/ (accessed 27 May 2024).

[14] Tegan Blaine, 'Navigating Land Rights in the Transition to Green Energy,' *United State Institute of Peace* (7 October 2021), https://www.usip.org/publications/2021/10/navigating-land-rights-transition-green-energy (accessed 27 May 2024); Hansika Agrawal and Laura El-Katiri, 'Renewables Projects Must Respect Indigenous Peoples and Local Communities: Here's How,' *World Economic Forum* (11 May 2023), https://www.weforum.org/agenda/2023/05/renewables-indigenous-local/ (accessed 27 May 2024).

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historical context of Sub-Saharan African countries, which have and continue to shape socio-economic dynamics and how energy projects are 'developed, funded [and] implemented.'[15] This highlights the need to engage in stakeholder dialogue to understand local priorities and develop a contextually relevant understanding of what the energy transition in the African region should look like.

Within BHR, focus on the energy transition has mainly included attention to the role of transition minerals in global value chains, the human rights performance of renewable energy companies, indigenous peoples' rights, the role of investors and financial actors and linking energy transition and climate change agendas.[16] There has been little attention, however, to the distinctly gendered relations in energy systems, such as the disproportionate adverse impacts on women and girls from the development of renewable energy projects, or women's participation in the development of energy transition frameworks and policies.[17] This mirrors the lack of attention to the rights of women and girls within energy systems and energy transition discourses more broadly. Against this backdrop, in this article, we argue that a feminist interpretation of energy justice could be one way of operationalizing a more gender-transformative approach to energy transition in BHR.[18] Our approach is intersectional to account for the different lived experiences and discriminations faced by women by integrating other 'axes of power,' such as race, class, geographical context and socio-economic status.[19] Intersectionality also enables us to go beyond the established observation of multidimensional discrimination, in order to transform 'systems of intersectional disadvantage'[20] and address the power dynamics underlying public policy decisions, resource allocation and the design of participatory structures.

First of all, however, it is important to contextualize the links between energy justice and the field of BHR. Drawing on environmental justice and climate justice, the concept of energy justice has gained significant traction in the energy literature over the last ten

[15] Fumani Mthembi, 'Scaling the Just Transition for Community-Based and Community-Placed Projects,' *Knowledge Pele* (2022), https://www.tips.org.za/images/Scaling_the_Just_Transition_for_community_based_and_community_placed_projects_Fumani_Mthembi_Knowledge_Pele.pdf (accessed 24 September 2024), 4. See also Mark Swilling et al, 'Linking the Energy Transition and Economic Development: A Framework for Analysis of Energy Transitions in the Global South' (2022) 90 *Energy Research & Social Science* 1, 2.

[16] See, e.g., Elodie Aba, 'A Fast and Fair Energy Transition: How Community Legal Action and New Legislation are Shaping the Global Shift to Renewable Energy' (2023) 8 *Business and Human Rights Journal* 252; Business and Human Rights Resource Centre, 'Natural Resources,' https://www.business-humanrights.org/en/big-issues/natural-resources/ (accessed 24 October 2023); Danish Institute for Human Rights, 'Energy Transition,' https://www.humanrights.dk/projects/energy-transition-human-rights (accessed 24 October 2023); Institute for Human Rights and Business, 'Just Transitions,' https://www.ihrb.org/focus-areas/just-transitions/ (accessed 24 October 2023); Bart-Jaap Verbeek, 'The Modernization of the Energy Charter Treaty: Fulfilled or Broken Promises' (2023) 8 *Business and Human Rights Journal* 97.

[17] There are some exceptions, see, e.g., Danish Institute for Human Rights, note 8; European Commission, *Gender and Energy: The Effects of the Energy Transition on Women* (Luxembourg: Publications Office of the European Union, 2024); Paloma Marcos Morezuelas, 'Gender and Renewable Energy: Wind, Solar, Geothermal and Hydroelectric Energy,' *IDB* (November 2014), https://publications.iadb.org/en/gender-and-renewable-energy-wind-solar-geothermal-and-hydroelectric-energy (accessed 27 May 2024); EmPower, *Gender Integration in Renewable Energy Policy* (Bangkok: UNEP, 2020).

[18] Gender-transformative approaches to BHR have been called for, see, e.g., Human Rights Council, 'Gender Guidance for the Guiding Principles on Business and Human Rights,' A/HRC/41/43 (24 May 2019); Geneva Academy, *Gender-Responsive Due Diligence for Business Actors: Human Rights-Based Approaches* (Geneva: The Geneva Academy of International Humanitarian Law and Human Rights, 2018).

[19] Sumi Cho, Kimberlé Williams Crenshaw and Leslie McCall, 'Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis' (2013) 38:4 *Signs: Journal of Women in Culture and Society* 785, 787.

[20] Grace Ajele and Jena McGill, *Intersectionality in Law and Legal Contexts* (Toronto: Women's Legal Education and Action Fund, 2020) 5.

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years.[21] Energy justice can be defined as the 'equitable distribution of, and participation in, renewable energy systems on the back of social justice claims.'[22] It is 'a global energy system that fairly disseminates both the benefits and costs of energy services, and one that has representative and impartial energy decision-making.'[23] As such, it 'is a conceptual, analytical and decision-making framework for understanding when and where ethical questions on energy appear, who should be involved in their resolution and ultimately which solutions must be pursued to achieve a sustainable energy system underpinned by fairness and equity.'[24]

Energy justice can be understood as having three interrelated dimensions: *distributional*, *recognitional* and *procedural* justice.[25] *Distributional* justice 'is concerned with how the benefits and burdens of energy policy implementation are shared across society, i.e., who pays, who benefits, and why.'[26] Inbuilt is the recognition that the global energy system is fundamentally unequal, including in terms of where technologies and resources are located and who can access them.[27] The distributional dimension also includes taking a whole-of-system approach that considers energy justice in each activity in the energy lifecycle as well as paying attention to temporal variations, such as potential impacts on future generations.[28]

The second dimension, *recognitional* justice, requires identifying where inequalities emerge, including to 'identify groups who are misrepresented or discriminated against as a result of policy outcomes due to their views, social standing, cultural background or gender.'[29] Informed by Nancy Fraser's categories of misrecognition—cultural domination,

[21] Raphael J Heffron and Darren McCauley, 'The Concept of Energy Justice Across the Disciplines' (2017) 105 *Energy Policy* 658.

[22] Morven MacEwen and Darrick Evensen, 'Mind the Gap: Accounting for Equitable Participation and Energy Democracy in Kenya' (2021) 71:101843 *Energy Research & Social Science* 1, 6.

[23] Benjamin K Sovacool and Michael H Dworkin, 'Energy Justice: Conceptual Insights and Practical Applications' (2015) 142 *Applied Energy* 435, 436.

[24] Darren McCauley et al, 'Energy Justice in the Transition to Low Carbon Energy Systems: Exploring Key Themes' (2019) 233-234 *Applied Energy* 916, 919.

[25] In this article, we draw primarily on the 'three-tenets' energy justice framework: Darren McCauley et al, 'Advancing Energy Justice: The Triumvirate of Tenets' (2013) 32:3 *International Energy Law Review* 107. See also Andrew J Chapman, Benjamin C McLellan and Tetsuo Tezuka, 'Prioritizing Mitigation Efforts Considering Co-Benefits, Equity and Energy Justice: Fossil Fuel to Renewable Energy Transition Pathways' (2018) 219 *Applied Energy* 187; Raphael J Heffron and Darren McCauley, 'Achieving Sustainable Supply Chains Through Energy Justice' (2014) 123 *Applied Energy* 435; Max Lacey-Barnacle, Rosie Robison and Chris Foulds, 'Energy Justice in the Developing World: A Review of Theoretical Frameworks, Key Research Themes and Policy Implications' (2020) 55 *Energy for Sustainable Development* 122. It is worth noting that the additional dimensions of *cosmopolitan* and *restorative* justice have subsequently been elaborated by some authors: McCauley et al, note 24; Sovacool and Dworkin, note 23; Heffron and McCauley, note 21. We also like the energy justice conceptualization based on eight core principles—*availability, affordability, due process, transparency and accountability, sustainability, intragenerational equity, intergenerational equity* and *responsibility*—subsequently expanded to include *resistance* and *respect*: Benjamin K Sovacool and Michael H Dworkin, *Global Energy Justice: Problems, Principles, and Practices* (Cambridge: Cambridge University Press, 2014); Sovacool and Dworkin, note 23; Benjamin K Sovacool, Matthew M Lipson and Rose Chard, 'Temporality, Vulnerability, and Energy Justice in Household Low Carbon Innovations' (2019) 128 *Energy Policy* 495. See also Benjamin K Sovacool et al, 'New Frontiers and Conceptual Frameworks for Energy Justice' (2017) 105 *Energy Policy* 677, who articulate the 'respect' element more explicitly as 'intersectionality.'

[26] Chapman, McLellan and Tezuka, note 25, 188.

[27] McCauley et al, note 24; Kirsten Jenkins, 'Energy Justice, Energy Democracy, and Sustainability: Normative Approaches to the Consumer Ownership of Renewables,' in Jens Lowitzsch (ed.), *Energy Transition: Financing Consumer Co-Ownership in Renewables* (Cham, Switzerland: Palgrave Macmillan, 2018) 79, 79.

[28] McCauley et al, note 24; Heffron and McCauley, note 25; Kirsten Jenkins et al, 'Energy Justice: A Conceptual Review' (2016) 11 *Energy Research & Social Science* 174.

[29] Chapman, McLellan and Tezuka, note 25, 188. See also Jenkins, note 27.

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non-recognition and disrespect, which are embedded in social structures[30]—recognition requires going beyond merely acknowledging that parts of society will unfairly suffer from the distribution of energy system inequalities to demanding that decision-makers identify where precisely these injustices occur and who may be marginalized and excluded, underlining the need for transformative solutions.[31] Intersectionality, which provides a way to recognize and respond to different lived experiences and potential marginalization, is therefore fundamental to achieving the recognitional aims of energy justice.

The third dimension, *procedural* justice, is concerned with the right to a fair process.[32] According to Benjamin Sovacool and Michael Dworkin, procedural justice demands that four key elements be reunited: access to information, access to and meaningful participation in decision-making, lack of decision-maker bias and access to legal processes for achieving redress.[33] It has also been suggested that the focus must go beyond decision-making, to include demands for more equitable outcomes of such decision-making.[34] This requires changes in culture, norms and values.[35]

Energy justice focuses on 'what it does' rather than 'what it is.'[36] This is in response to the growing recognition that 'routine energy analyses do not offer suitable answers' to issues such as energy-related pollution, scarcity and other risks and harms to people and the environment.[37] Instead, energy-related decision-making involves enduring questions of equity and morality that are seldom explicitly considered in contemporary energy planning and analysis.[38] Energy justice could help reframe energy projects in ethical terms, thereby helping producers and consumers to be more aware, accountable and responsible for their decisions.[39] As such, the transformative potential of energy justice is its ability to counter the dominance of current technical-economic analysis in energy decision-making.[40] Concerned with the political aspects of energy transitions, energy justice examines '*how* power is distributed and manifested in political and energy systems,'[41] including by 'democratising energy through public participation and ownership.'[42] According to this view, problems associated with energy access, efficiency and distribution, are viewed as political and ethical issues, rather than purely technical or economic ones.[43] We, therefore, argue that the concept of energy justice has significant potential for guiding BHR engagement on the energy transition, provided that energy justice is interpreted through a feminist lens.

[30] Nancy Fraser, 'From Redistribution to Recognition? Dilemmas of Justice in a "Post-Socialist" Age,' in *Justice Interruptus: Critical Reflections on the 'Postsocialist' Condition* (New York: Routledge, 1997) 58; Nancy Fraser, 'Rethinking Recognition' (2000) 3 *The New Left Review* 107.

[31] McCauley et al, note 24; Jenkins, note 27; Fraser (1997), note 30.

[32] McCauley et al, note 24; Chapman, McLellan and Tezuka, note 25.

[33] Sovacool and Dworkin (2014), note 25.

[34] McCauley et al, note 24.

[35] Ibid.

[36] Ibid, 436.

[37] Sovacool and Dworkin, note 23, 435.

[38] Ibid.

[39] Ibid.

[40] Jenny Lieu et al, 'Three Sides to Every Story: Gender Perspectives in Energy Transition Pathways in Canada, Kenya and Spain' (2020) 68:101550 *Energy Research & Social Science* 1.

[41] MacEwen and Evensen, note 22, 3, emphasis added. See also Lacey-Barnacle, Robison and Foulds, note 25.

[42] MacEwen and Evensen, note 22, 3.

[43] Kirsten Jenkins, 'Setting Energy Justice Apart from the Crowd: Lessons from Environmental and Climate Justice' (2018) 39 *Energy Research & Social Science* 117; Heffron and McCauley, note 21. For similar arguments specifically in relation to energy democracy, see, e.g., Amollo Ambole et al, 'A Review of Energy Communities in Sub-Saharan Africa as a Transition Pathway to Energy Democracy' (2020) 13:2128 *Sustainability*; Seroala Tsoeu-Ntokoane, Moeketsi Kali and Zavier Lemaire, 'Energy Democracy in Lesotho: Prioritising the Participation of Rural Citizens' (2022) 8:1 *Cogent Social Sciences* 2012973.

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While there are strong links and synergies between climate, environmental and energy justice, scholars have posited that energy justice gives more specificity.[44] As demonstrated in the literature, both climate and environmental justice discourses and practices already have a firm foothold within the field of BHR.[45] The links between energy justice and BHR, however, are much less developed, despite the strong relevance of the energy justice framework for BHR.[46] Increasingly, scholarship and practice are articulating the fundamental importance of energy for human rights. At a minimum, there is broad agreement that lack of access to energy can have profound negative human rights impacts, such as on the rights to health or a clean environment, and that access to energy is a necessary condition for the realization of many human rights.[47] This has included explicit recognition of the relationship between access to energy and human rights requirements of substantive equality and non-discrimination, as women and indigenous peoples are often particularly adversely affected.[48] Some go further, arguing towards articulating an actual 'right to energy.'[49] The focus on energy from human rights and development perspectives is also reflected clearly in Sustainable Development Goals 7 and 13, which, through their respective focus on 'affordable and clean energy' and 'climate action,' reiterate the intrinsic links between energy, environment and climate

[44] For issues of space, this article does not examine the relationship between energy justice, environmental justice and climate justice in detail, and the ongoing debate about how precisely these concepts relate to each other (for a summary see Lacey-Barnacle, Robison and Foulds, note 25). Many scholars consider energy justice to have grown from earlier discourses of environmental justice and climate justice, to develop a more specific focus while still retaining many of the central elements of these movements and framings (see, e.g., Heffron and McCauley, note 21). Others propose that energy justice offers distinct and novel advantages when compared with environmental and climate justice, in particular, its explicit focus on policy relevance (see, e.g., Jenkins, note 27, 79; Jenkins, note 43). More recently, the framing of 'just transition' has provided a space for some authors under which to assert deeper forms of collaboration between climate, energy and environmental justice (see, e.g., Darren McCauley and Raphael J Heffron, 'Just Transition: Integrating Climate, Energy and Environmental Justice' (2018) 119 *Energy Policy* 1).

[45] For the connection between climate justice and business and human rights see, e.g., Sara L Seck, 'A Relational Analysis of Enterprise Obligations and Carbon Majors for Climate Justice' (2021) 11:1 *Climate Justice in the Anthropocene* 254; Sara L Seck and Michael Slattery, 'Business, Human Rights and the IBA Climate Justice Report' (2016) 34:1 *Journal of Energy & Natural Resources* 75; Damilola S Olawuyi, 'Climate Justice and Corporate Responsibility: Taking Human Rights Seriously in Climate Actions and Projects' (2016) 34:1 *Journal of Energy & Natural Resources Law* 27. For the connection between environmental justice and business and human rights see, e.g., Sumudu Atapattu, 'Extractive Industries and Inequality: Intersections of Environmental Law, Human Rights, and Environmental Justice' (2018) 50 *Arizona State Law Journal* 431; Joanne Bauer, 'Business and Human Rights: A New Approach to Advancing Environmental Justice in the United States' in Shareen Hertel and Kathryn Libal (eds.), *Human Rights in the United States: Beyond Exceptionalism* (New York: Cambridge University Press, 2011) 175.

[46] See, e.g., Kaisa Huhta, 'Conceptualising Energy Justice in the Context of Human Rights Law' (2023) 41 *Nordic Journal of Human Rights* 378. For an examination of the usefulness of the UNGPs for advancing energy access in Africa see, e.g., Peter Oniemola, 'Business Enterprises in Renewable Energy Project in Africa and the Human Rights Questions Arising From the Duty to Protect' in Damilola S Olawuyi and Oyeniyi Abe (eds.), *Business and Human Rights Law and Practice* (Cheltenham, UK: Edward Elgar Publishing, 2022) 191.

[47] Huhta, note 46; Allison Silverman 'Energy Justice: The Intersection of Human Rights and Climate Justice' in Sébastien Duyck, Sébastien Jodoin and Alyssa Johl (eds.), *Routledge Handbook of Human Rights and Climate Governance* (London: Routledge, 2018) 251; Oniemola, note 46; McCauley et al, note 24.

[48] Silverman, note 47; Damilola S Olawuyi, 'The Search for Climate and Energy Justice in the Global South: Shifting from Global Aspirations to Local Realization' (2023) 14 *George Washington Journal of Energy and Environmental Law* 98; Damilola S Olawuyi, 'Gender, Indigeneity, and the Search for Environmental Justice in Postcolonial Africa' in Sumudu Atapattu, Carmen Gonzalez and Sara Seck (eds.), *The Cambridge Handbook of Environmental Justice and Sustainable Development* (Cambridge: Cambridge University Press, 2021) 208.

[49] Stephen Tully, 'The Human Right to Access Clean Energy' (2008) 3:2 *Journal of Green Building* 140; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1249 UNTS 13 (adopted on 18 December 1979, entered into force 3 September 1981) art 14(2)h; Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (adopted 16 November 1999) art 11(1).

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agendas.[50] Both human rights law and energy justice are concerned with issues of equity and fairness, as well as sharing a normative purpose to inform, guide and change practices such as law, policy-making and judicial decision-making.[51] A further strong connection between energy justice and BHR is that both speak to state duties, corporate responsibilities and access to remedy.

Building on these synergies, we are of the view that further articulating the connections between energy justice and BHR could make a valuable contribution towards building approaches to energy transition in BHR that more holistically contribute to human rights protection and realization. Firstly, bringing together energy justice and BHR perspectives gives increased attention to the role of different duty-bearers and their accountability towards specific rights-holders. While energy justice articulates the important role of the state, for instance in developing justice-oriented energy policies and frameworks, BHR centres the need to integrate human rights norms into such policies and clearly articulates the role of the state as a duty-bearer, thereby giving additional impetus to accountability within the recognitional dimension of energy justice.[52] Similarly, energy justice can provide guidance for the way businesses conduct human rights and environmental due diligence and approach stakeholder engagement to inform their decisions, as is expected of them in BHR frameworks.

Secondly, both energy justice and BHR share a focus on not only substantive but also procedural considerations, highlighting the importance of access to information, public participation and access to remedy.[53] From a human rights perspective, both substantive and procedural considerations contain distinct legal obligations and responsibilities. As explained by Kaisa Huhta, human rights law could therefore 'provide energy justice with a legal framework for its operationalization, rather than a purely academic or policy-focused framework.'[54] As such, imbuing energy justice with human rights has the potential to concretize the content and obligations underpinning both substantive and procedural dimensions of energy justice.[55] For example, procedural rights in relation to the environment could helpfully guide the development of the procedural expectations in energy justice, thereby ensuring that it is firmly underpinned by human rights principles.[56]

Thirdly, both energy justice and BHR focus on vulnerable groups. Within energy justice, however, the specific focus on gender discrimination from an intersectional perspective is arguably underdeveloped.[57] Taking a human rights-based approach could therefore bolster attention to gender in energy justice, including from intersectional perspectives. In this way, connecting energy justice and BHR could serve to strengthen the recognitional and distributional dimensions of energy justice. Energy justice can serve as a guiding framework for BHR by thoroughly integrating substantial and procedural rights concerns, and by focusing on achieving social justice results. We believe that further research and

[50] Godswill A Agbaitoro and Kester I Oyibo, 'Realizing the United Nations Sustainable Development Goals 7 and 13 in Sub-Saharan Africa by 2030: Synergizing Energy and Climate Justice Perspectives' (2022) 15 *Journal of World Energy Law and Business* 223. The authors also present an interesting discussion on the paradoxes between seeking to achieve both goals simultaneously in the African context and propose energy justice as a framework for reconciling these.

[51] Huhta, note 46; Silverman, note 47.

[52] Oniemola, note 46; Olawuyi (2023), note 48.

[53] Huhta, note 46; Silverman, note 47; Olawuyi (2023), note 48.

[54] Huhta, note 46, 380.

[55] Huhta, note 46; see also Aba, note 13; Oniemola, note 46.

[56] Human Rights Council, 'Framework Principles on Human Rights and the Environment,' A/HRC/37/59 (24 January 2018).

[57] Benjamin K Sovacool et al, 'Pluralizing Energy Justice: Incorporating Feminist, Anti-Racist, Indigenous, and Postcolonial Perspectives' (2023) 97 *Energy Research & Social Science* 1.

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articulation in energy justice and BHR scholarship on these re-enforcing intersections could make a valuable contribution towards a more just energy transition underpinned by human rights. In this article, we explore the topic of women's rights in energy transition as one example.

Looking at women's participation in energy transition policy-making in Sub-Saharan Africa as a concrete example, we propose that energy justice has significant potential for advancing a more gender-transformative energy transition agenda in BHR. However, we also caution that this can only be the case if energy justice is interpreted and applied through a feminist lens that includes a strong focus on exposing and transforming the power relations currently at play in the energy transition. By 'feminist approach' we mean something broader than simply incorporating 'women' as a homogenous 'vulnerable' or 'marginalized' group into existing, unequal institutions and structures. Instead, we understand a feminist approach to also involve observing and reconceptualizing purportedly immutable frameworks and disrupting and reimagining the unequal power relations created and perpetuated in the energy transition.[58] Without this, women's participation risks being relegated simplistically to the recognitional dimension of energy justice and opportunities for more transformative potential are lost.

III. Gender Dynamics in the Energy Transition in Sub-Saharan Africa

The topic of energy in Sub-Saharan Africa is deeply gendered. For the purposes of this article, we use the terminology of women and men because it is commonly understood. Our analysis focuses primarily on the situation and positionality of those who identify or are viewed as women and girls, rather than exploring issues related to sexual orientation and gender identity or interrogating the concept of gender itself. While these are important endeavours, they are not the focus of this article. We understand gender to be distinctly relational, where the distribution of power and resources among people is critical for understanding how their gendered social and biological roles and responsibilities are constructed and exercised.

Research shows that women bear the brunt of environmental destruction and the adverse impacts of climate change.[59] In many Sub-Saharan African communities, women are caretakers, domestic workers and subsistence providers responsible for gathering traditional fuels, such as charcoal and firewood, for household chores and cooking.[60] As such, they are frequently at the frontline of energy insecurity and the health and safety risks related to traditional energy sources.[61] Despite this, women are often excluded from environmental management and energy-related decision-making, be this at the local, national or regional level.[62] Research shows that women may be decision-makers where food and fuel options are

[58] Our definitions of gender and feminism for the purpose of this article are informed by the understandings summarized in Nora Götzmann et al, 'From Formalism to Feminism: Gender, Business and Human Rights' (2022) 7:1 *Business and Human Rights Journal* 1 and Nora Götzmann and Nicholas Bainton, 'Embedding Gender-Responsive Approaches in Impact Assessment and Management' (2021) 39:3 *Impact Assessment and Project Appraisal* 171, both of which draw on a variety of gender and feminist literature.

[59] See, e.g., Kemi Mildred Hughes, 'Climate and Gender Justice in Sub-Saharan Africa: Emerging Trends Post-Paris 2015' (2021) 38:2 *Wisconsin International Law Journal* 197; Fakier, note 3.

[60] Fakier, note 3; Adélia Filosa Francisco Chicombo and Josephine Kaviti Musango, 'Towards a Theoretical Framework for Gendered Energy Transition at the Urban Household Level: A Case of Mozambique' (2022) 157:112029 *Renewable and Sustainable Energy Reviews* 1; Adélia Filosa Francisco Chicombo and Josephine Kaviti Musango, 'Urban Households Energy Transition Pathways: A Gendered Perspective Regarding Mozambique' (2024) 190:113973 *Renewable and Sustainable Energy Reviews* 1.

[61] Makan, note 3.

[62] Arora-Jonsson, note 4; Fakier, note 3. Chicombo and Musango (2022), note 60; Chicombo and Musango (2024), note 60.

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concerned, but not, for example, when it comes to project-level agreement-making or energy policy design, which are important components of the corporate responsibility to respect and the state duty to protect in BHR.[63] Furthermore, energy transition discourses often fail to take the necessary intersectional feminist lens, which underlines the diversity of experiences of different women.[64] Existing gender inequalities are thus reproduced in energy governance.[65] For example, in 2018 only four out of 56 (or seven per cent) positions of lead energy sector ministers in Sub-Saharan Africa were women.[66] At the project level, adverse impacts of renewable energy projects have different implications for women and men. For example, women's labour in Sub-Saharan Africa is often informal and/or unpaid, while men are more likely to have formal, paid jobs.[67] This means that women's labour and loss of economic livelihood are usually not properly accounted for, if at all, in compensation schemes put in place by government authorities and energy companies. Female-headed households and elderly women are particularly at risk of energy poverty.[68] The development of renewable energy infrastructure can also be accompanied by a rise in sexual and gender-based violence, influenced by the in-migration of a (usually) male-dominated workforce, as well as other changes in the social fabric associated with large-scale infrastructure development.[69] Despite this, and paradoxically, the energy transition is frequently conceived as gender-neutral and therefore not warranting gender-responsive initiatives.[70]

IV. A Feminist Approach to Energy Justice

Focus on gender in the academic literature on energy justice and the energy transition in the Sub-Saharan African region remains scarce. To the extent that gender considerations are advanced, these tend to have a narrow focus on energy poverty,[71] specifically household-level considerations such as clean cooking, solar home systems and energy access, rather than evincing more explicitly feminist aims of analysing and transforming power relations that underpin current energy decision-making at policy, community, household or individual

[63] Arora-Jonsson, note 4; Katharina Wiese, 'Energy 4 All? Investigating Gendered Energy Justice Implications of Community-Based Micro-Hydropower Cooperatives in Ethiopia' (2020) 33:2 *Innovation: The European Journal of Social Science Research* 194; Mariëlle Feenstra and Gül Özerol, 'Energy Justice as a Search Light for Gender-Energy Nexus: Towards a Conceptual Framework' (2021) 138:110668 *Renewable and Sustainable Energy Reviews* 1.

[64] Shannon Elizabeth Bell, Cara Daggett and Christine Labuski, 'Toward Feminist Energy Systems: Why Adding Women and Solar Panels Is Not Enough' (2020) 68:101557 *Energy Research & Social Science* 1; Oliver W Johnson et al, 'Intersectionality and Energy Transitions: A Review of Gender, Social Equity and Low-Carbon Energy' (2020) 70:101774 *Energy Research & Social Science* 1.

[65] Arora-Jonsson, note 4.

[66] Maria Prebble and Ana Rojas, *Energizing Equality: The Importance of Integrating Gender Equality Principles in National Energy Policies and Frameworks* (Washington DC: IUCN, 2018) 13.

[67] ILO, 'ILO Calls for Urgent Action to Prevent Looming Global Care Crisis,' https://www.ilo.org/africa/media-centre/pr/WCMS_633460/lang–en/index.htm (accessed 6 December 2022).

[68] European Institute for Gender Equality (EIGE), 'Energy,' https://eige.europa.eu/gender-mainstreaming/policy-areas/energy (accessed 4 April 2022).

[69] Daniel O'Neil et al, *Building a Safer World: Toolkit for Integrating GBV Prevention and Response Into USAID Energy and Infrastructure Projects* (Rockville, MD: USAID, 2015) 10; Andrea A Eras-Almeida et al, 'Lessons Learned from Rural Electrification Experiences with Third Generational Solar Home Systems in Latin America: Case Studies in Peru, Mexico, and Bolivia' (2019) 11:24 *Sustainability* 1.

[70] Lieu et al, note 40.

[71] Energy poverty can be defined as 'the lack of access to sustainable modern energy services and products,' including where there is a lack of 'adequate, affordable, reliable, quality, safe and environmentally sound energy services to support development.' Energy poverty therefore not only relates to the lack of physical access but also encompasses the systemic inequalities that endure through that impossibility to access energy. Habitat for Humanity, 'What Is Energy Poverty?,' https://www.habitat.org/emea/about/what-we-do/residential-energy-efficiency-households/energy-poverty (accessed 13 December 2022).

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level. As pointed out by gender and feminist scholars, focusing solely on the household is problematic.[72] Empirical research from several Sub-Saharan African countries on renewable energy projects targeting households, for instance, demonstrates that the design of such projects often fails to account for women's needs, despite the assumption that increased access to electrification benefits women, as they are the ones responsible for most of the household chores.[73] While reduced time for cooking due to access to electricity may be welcomed, it does not necessarily translate into reducing women's work time, with some research showing that increased access to electricity can extend women's domestic work to after dark, whereas men have been more likely to use the additional time gained for recreation or business activities.[74]

Such findings illustrate the necessity of addressing gender relations, the gendered division of labour and women's empowerment as an integral part of energy interventions.[75] Furthermore, while a focus on energy access in households is of course critical, a correlative focus on gender and women's participation in energy governance is lacking.[76] To the extent that arguments in favour of increasing women's participation in energy transition governance and decision-making are made, these often rest on essentialist notions, such as that women's participation should be increased because they make more sustainable and ethical decisions in energy governance.[77]

This is problematic from a feminist perspective. Such arguments neglect the fact that our current economic system continues to be divided into the productive sphere and the reproductive sphere. This means that the gendered distribution of care work and the extensive care work performed by women is not sufficiently recognized, which also plays into why women may be unable to participate in decision-making or may benefit less from renewable energy projects. Perpetuation of such neoliberal discourses does little to expose and challenge gender relations and associated power structures more fundamentally.[78] Notable also, is that important connections between people and nature, raised for instance in different environmental feminisms, are arguably under-addressed in current energy transition literature.[79]

[72] Feenstra and Özerol, note 63; Fakier, note 3; Makan, note 3; Annemarije Kooijman-van Dijk, 'ENERGIA's Gender and Energy Research Programme: Findings and Experience from Research for Policy' (2020) 51:1 *Institute of Development Studies Bulletin* 91; Romy Listo, 'Gender Myths in Energy Poverty Literature: A Critical Discourse Analysis' (2018) 38 *Energy Research & Social Science* 9.

[73] See, e.g., Wiese, note 63; Feenstra and Özerol, note 63; Fakier, note 3; Makan, note 3; Chicombo and Musango (2022), note 60; Chicombo and Musango (2024), note 60; Nathanael Ojong, 'The Rise of Solar Home Systems in Sub-Saharan Africa: Examining Gender, Class, and Sustainability' (2021) 75:102011 *Energy Research & Social Science* 1; Norbert Edomah, 'Rural Electrification in Africa: A Case Study of Yebu Community Solar Minigrid' (2022) 2:045001 *Environmental Research Infrastructure and Sustainability*.

[74] Wiese, note 63; Kooijman-van Dijk, note 72; Ojong, note 73; Makan, note 3.

[75] Chicombo and Musango (2022), note 60; Oliver W Johnson, Vanessa Gerber and Cassilde Muhoza, 'Gender, Culture and Energy Transitions in Rural Africa' (2019) 49 *Energy Research & Social Science* 169.

[76] Feenstra and Özerol, note 63; Makan, note 3; Chicombo and Musango (2022), note 60; Chicombo and Musango (2024), note 60.

[77] Eric Evans Osei Opoku, Nana Kwabena Kufuor and Sylvester Adasi Manu, 'Gender, Electricity Access, Renewable Energy Consumption and Energy Efficiency' (2021) 173:121121 *Technological Forecasting and Social Change* 1.

[78] Listo, note 72; Bell, Daggett and Labuski, note 64; Adebayo Gbenga Majekolagbe, 'Towards a Just Transition Impact Assessment Framework,' *Dalhousie University, Schulich School of Law* (2023), https://digitalcommons.schulichlaw.dal.ca/phd_disserations/27/ (accessed 23 September 2024) 356–8.

[79] Environmental feminisms relevant to explore for energy justice include, e.g., Wangari Muta Maathai, *The Green Belt Movement: Sharing the Approach and the Experience* (New York: Lantern Publishing, 2003); Devendraraj Madhangagopal, Patrick Bond and Manuel Bayon Jimenez, 'Eco-Feminisms in Theory and Practice in the Global South: India, South Africa and Ecuador' in D. Madhanagopal et al (eds.), *Environment, Climate, and Social Justice* (Singapore: Springer Nature, 2022) 275; Karijn van den Berg, 'Environmental Feminisms: A Story of Different Encounters' in Christine Bauhardt and Wendy Harcourt (eds.), *Feminist Political Ecology and the Economics of Care*

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Within the literature on energy justice specifically, we found only very few examples of authors focusing on gender, or examples of articles adopting a feminist analysis.[80] To the extent that gender is addressed, this is usually in relation to the recognitional dimension, with significantly less attention to distributional and procedural dimensions.[81] This is a critical shortcoming in energy justice theory and practice. That being said, some interesting exceptions are worth highlighting. For instance, taking an empirical approach, Katharine Wiese applied a gendered reading of energy justice in the context of community-based micro-hydropower cooperatives in Ethiopia to expose the need to delve deeper into procedural justice.[82] Studying four cooperatives, she found that even where women participated in the projects, they had limited opportunity to actually influence the decisions being made due to cultural norms and practices that influenced their willingness and ability to speak and access information about the decisions being taken.[83] Wiese concludes that energy justice was a helpful framing to reveal who is benefitting and to what extent, who is participating and who is being recognized, but that the concept still needs to be further conceptualized and linked with other justice issues to account for gendered and intersectional aspects of energy justice.[84]

Also focusing on the community level, Carelle Mang-Benza et al looked at how rural women in Benin, Senegal and Togo experience energy justice principles. Drawing on empirical research, the authors demonstrate that women are disproportionately adversely affected by the availability and affordability of energy sources. To address these concerns, they demonstrate that the design of appropriate solutions to meet energy needs must be embedded in local contexts and take the perspectives of women into account, emphasizing the necessity to make gender equity a cross-cutting dimension in operationalizing energy justice.[85]

Looking at gender in the context of energy policy, Mariëlle Feenstra and Gül Özerol observe that gender-energy nexus research lacks the conceptual basis to analyse energy policies from a justice perspective. Inter alia, the authors propose that power asymmetries in decision-making need to be addressed by moving beyond numerical representation to focus on actual influence in decision-making.[86] Furthermore, they suggest that a gender-just energy policy must acknowledge that women and men may have different needs, create access to energy technologies and services that match those realities and recognize women's and men's rights in policy processes by providing them with an enabling environment for equal participation.[87] Similar to Wiese, they suggest that a gendered energy justice framing could help expose gender injustices, in their case in the space of energy policy-making but also note that further application in practice is needed as well as the development of indicators to assess energy policies from an integrated gender justice and energy justice perspective.[88]

(London: Routledge, 2018); Asanda Benya, 'The Invisible Hands: Women in Marikana' (2015) 42:146 *Review of African Political Economy* 545.

[80] Listo points to a similar gap in terms of feminist analysis in research and practice on the gender-energy nexus overall: Listo, note 72.

[81] Wiese, note 63; Feenstra and Özerol, note 63.

[82] Wiese, note 63.

[83] Ibid.

[84] Ibid.

[85] Carelle Mang Benza et al, 'Making Energy Justice Work for Women in Sub-Saharan Africa: A Qualitative Diagnostic from Benin, Senegal and Togo' (2023) 173:113345 *Energy Policy*.

[86] Feenstra and Özerol, note 63.

[87] Ibid.

[88] Ibid.

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While not framed explicitly under the ambit of energy justice, Shannon Bell, Cara Daggett and Christine Labuski's article on 'feminist energy systems' also makes an interesting contribution.[89] The authors point out that to date in energy studies, gender-related research has focused narrowly on 'women's issues,' such as women's access to energy, representation in the workforce or disproportionate harm women experience; sometimes extending to consideration of how gender norms can influence perceptions pertaining to these domains.[90] They explain that while these aspects are critical, they miss a broader approach as the focus on women represents just one dimension of what feminism can bring to the study of energy.[91] They posit that the critical contribution of feminist theory is that it 'also offers *expertise in the study of power* more broadly,' which could apply to the full spectrum of energy research.[92] They suggest that a feminist approach could offer a paradigm for designing truly just energy systems, across political, economic, socio-ecological and technological domains.

Addressing the gender-energy nexus, Romy Listo presents a critical discourse analysis of energy poverty literature to problematize 'gender myths' found therein.[93] She points to compelling examples, such as a focus on female-headed households obscuring focus on structural causes of poverty, or how constructions of women and gender make particular technical energy interventions such as cookstoves or electricity provision seem logical, denying the complexities of existing evidence around such interventions and the need for more holistic or alternative approaches.[94] Sovacool et al point out the gaps in energy justice literature and contend that feminist, anti-racist, indigenous and postcolonial perspectives, for example, must be integrated into energy justice research and practice. Only by integrating these perspectives in an intersectional manner can energy justice have the transformative effect it strives for.[95]

Building on these feminist insights, we propose that while an energy justice framing certainly has the potential for guiding further BHR engagement on the energy transition, this can only be the case if energy justice is interpreted, further developed and applied through an explicitly feminist lens. A strong focus on exposing and transforming the gendered power relations at play must be integral to such an approach.

An intersectional feminist interpretation of energy justice could embark from the starting point of centralizing the importance of attention to gender relations, including layers of discrimination, within each dimension of the energy justice framework, thereby making transformations in gender relations an integral part of the overall objective of energy justice. Further recognizing the deep connections between people and nature from feminist perspectives would likewise be integral to such an approach.[96] Interpreting energy justice through such explicitly intersectional feminist aims could open possibilities for analysing and transforming power relations that underpin current energy decision-making at the policy, community, household and individual levels.[97] Focusing on gender relations within the household, individual empowerment and women's participation at the policy level would be given more attention, incidentally opening the possibility to shed light on the root causes of gender injustices. The instrumental focus on women's participation, by which

[89] Bell, Daggett and Labuski, note 64.
[90] Ibid. See also Listo, note 72.
[91] Bell, Daggett and Labuski, note 64, 2.
[92] Ibid, 1, emphasis original.
[93] Listo, note 72.
[94] Ibid.
[95] Sovacool et al, note 57.
[96] See, e.g., Madhangagopal, Bond and Bayon Jimenez, note 79; van den Berg, note 79; Benya, note 79.
[97] Bell, Daggett and Labuski, note 64.

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increased access to energy for women at the household level is equated simplistically to women's empowerment, would be brought into question. Relatedly, the existing neoliberal paradigm in which enhanced energy access is primarily seen as a precondition for economic growth rather than social justice, would be challenged.[98] An intersectional feminist interpretation of energy justice could contribute to addressing critiques whereby 'the dominant jobs-centric, and distributive justice-based operationalization of just transition through laws, policies, and programmes does little in improving the state of communities and persons for whom they are meant.'[99]

To contribute to visioning what a feminist approach to energy justice might look like, we have mapped the three-tenets energy justice framework against the gender gaps identified in the literature and have proposed initial reflections on how a feminist framing of the different justice dimensions might be developed and integrated into energy policy-making and business practice (see Table 1, below).[100]

V. A Feminist Energy Justice Analysis of Women's Participation in Energy Transition Policy-Making in Sub-Saharan Africa

In this part of the article, we look at how gender and women's participation are addressed in renewable energy policies and policy-making in Sub-Saharan Africa, to identify gaps and explore how a feminist approach to energy justice might contribute to addressing these. Our analysis is based on the literature review and our exploratory feminist approach to energy justice outlined above, through which we identified select examples of policies at the regional and national level that address gender in the context of the energy transition. As such, our observations are illustrative rather than conclusive, and more comprehensive research into a broader set of energy transition policies and policy-making processes in the region would be beneficial.

A. Women in Energy Policy-Making

The lack of representation of women in the energy workforce, including in decision-making spaces and governance institutions, is consistently pointed to as a persistent challenge. Analysis of gendered power dynamics in energy policy-making must be a first step in challenging gendered disparities and lack of attention to systemic issues of discrimination and exclusion. In Sub-Saharan Africa, in 2018 women occupied only seven per cent of lead energy sector positions as ministers.[101] This means women are not only under-represented but also that there is a lack of female role models and mentors, which has been identified as critical

[98] This is also proposed in Sovacool et al, note 57.

[99] Majekolagbe, note 78, 356.

[100] Column 1 summarizes the three-tenets energy justice framework elaborated by scholars, column 2 includes some of the key gender gaps identified in the energy justice and gender-energy nexus literature and column 3 presents our analysis building on these sources, in particular the nascent literature addressing gender and feminism in the context of energy justice. In our earlier working paper we presented a longer version of the table that also includes synergies with the eight-principles energy justice framework: Nora Götzmann and Mathilde Dicalou, 'Towards a Feminist Energy Justice Framework: Women's Participation in the Energy Transition in Sub-Saharan Africa,' Danish Institute for Human Rights, Matters of Concern Human Rights Research Papers, 1/2023, https://www.humanrights.dk/publications/towards-feminist-energy-justice-framework (accessed 24 October 2023).

[101] Prebble and Rojas, note 66.

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Table 1. Developing a feminist approach to energy justice

Three tenets of energy justice	Gender gaps	Developing a feminist approach
Distributional justice is concerned with how the benefits and burdens of energy policy implementation are shared across society, i.e., who pays, who benefits and why.	- Gender dynamics in terms of energy use and access are insufficiently considered in energy transition governance frameworks at local and national levels. - Women's reliance on energy at household and community levels is not addressed at root cause. - Gender dynamics within households (including unequal distribution of care work) are insufficiently considered. - Gendered power dynamics in community-company negotiations warrant further attention. - Gendered aspects of North-South dynamics in the energy system warrant further attention, broadening analysis of energy poverty to system analysis. - Disconnect between mini-/microgrid agendas and international energy transition/just transition discourses.	A feminist approach to distributional justice would: - Include greater consideration of gender dynamics within households and a focus on women's empowerment and agency at the individual level, as well as challenging gender dynamics, e.g., initiatives providing communities with clean cooking equipment would prompt questions about and challenge the gendered division of labour and care. - Demand thorough gender analysis to inform energy transition governance frameworks, such as energy policies, ministries and initiatives, to ensure proper consideration of potential differentiated impacts on diverse women and men in energy-related decision-making, e.g., such as decisions regarding whether to focus on large-scale renewable energy efforts (which might be more likely to benefit large-scale industry), compared with small-scale renewable energy efforts (which might be more likely to reach rural populations, in which those that are most marginalized may be located). - Challenge the common narrative that the transfer of Global North renewable energy technologies, in particular in the form of large-scale infrastructure through foreign direct investment, per se contributes to the reduction of energy poverty in the Global South, relatedly challenging the narrative that women are the greatest beneficiaries. - Require mapping of gender-related risks and opportunities at each stage of the renewable energy lifecycle and situate gender impacts as a core risk factor for the promotion/demotion of specific renewable technologies/projects in different national and

(*Continued*)

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Table 1 *Continued*

Three tenets of energy justice	Gender gaps	Developing a feminist approach
		geographic locations, e.g., women workers in factories producing solar panels, sexual and gender-based violence in rare earth minerals mining communities, indigenous women's access to cultural heritage on lands used by a windfarm, environmental pollution during decommissioning of a geothermal plant.
Recognitional justice requires identifying where inequalities emerge, including identifying groups who are misrepresented or discriminated against as a result of policy outcomes due to their views, social standing, cultural background or gender.	- Women insufficiently involved in energy transition governance frameworks at local and national levels. - Women insufficiently engaged by companies in the context of renewable energy projects. - Discourse and practice on 'women' in the energy transition by and large fail to take an intersectional approach and sometimes even contribute to building and perpetuating 'gender myths' that essentialize and instrumentalize women and their participation in the energy transition.	A feminist approach to recognitional justice would: - Demand greater involvement of diverse women, women's organizations and their representatives in the development and implementation of energy governance frameworks, such as energy policies at the national level, in the ministries that have responsibilities for implementing such policies or measuring their effectiveness, or in the negotiation teams and investment centres that grant rights to renewable energy foreign direct investments; this could include developing targets and quotas to increase women's participation in specific decision-making roles and structures. - Demand greater engagement by companies with diverse women, women's organizations and representatives in negotiations and arrangements regarding the development of renewable energy infrastructure in different locations, to ensure that their views and rights are properly considered in location selection, project design and implementation; this would necessarily involve attention to the unequal distribution of care and domestic work shouldered by women, as part of enabling their greater participation. - Require thorough, participatory gender-responsive analysis and stakeholder mapping to inform any policy or project-level energy transition decision-making, to

(*Continued*)

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Table 1 *Continued*

Three tenets of energy justice	Gender gaps	Developing a feminist approach
		identify how different social groups and individuals are likely to be impacted by a certain energy transition decision, policy or project.
Procedural justice is concerned with an open and fair decision-making process through a demand for both formal and informal forms of involvement in energy decision-making.	- Nepotism and corruption driven by elites continue to have a powerful influence on energy transition decision-making and governance. - Problematic power dynamics (across and within gender and race specifically) in international interactions in the energy transition. - Limited integration into energy transition of non-Western philosophical thinking that may be more aligned with some women's perspectives and experiences, e.g., indigenous feminist perspectives on human relations to the natural world and natural resources. - Limited focus on access to remedy when compared with environmental justice and climate justice discourses.	A feminist approach to procedural justice would: - Include greater attention to the role and impact of nepotism, corruption and political elites in global energy transition dynamics and decision-making, including in North-South relations, as a part of demanding more transformative changes that identify and challenge current patriarchal and neoliberal structures underpinning global energy systems. - Involve innovation in the development and implementation of equitable gender-responsive procedures for sharing information and making decisions regarding the energy transition, e.g., identifying and exposing gender biases in existing decision-making processes, drawing on different philosophical thinking for the development of decision-making procedures, developing measures to meaningfully engage different types of women in decision-making, providing the necessary support to marginalized or under-represented women to participate in decision-making. - Develop alternative possibilities for structuring and exercising energy infrastructure ownership, e.g., different models of benefit sharing and community ownership. - Involve significantly strengthening the focus on access to remedy in relation to energy transition decision-making, including in relation to the impacts of specific renewable energy projects; this increased focus on remedy could be usefully informed by developments from the BHR field as well as climate justice space.

for strengthening women's participation in policy-making.[102] That women are insufficiently involved in energy transition governance is a key concern for realizing recognitional justice. Exclusion of women from policy-making has the consequence of failing to reflect the lived realities of women in the energy transition and integrate valuable input to foster inclusive and responsive policies, thereby implicating distributional and procedural justice dimensions. This is not to essentialize or instrumentalize women's participation as constituting gender-transformative action in energy justice. However, there are positive indications that stronger representation of women with diverse lived experiences in energy policy-making can make significant contributions to generating more equitable distribution of benefits and outcomes.[103] This strengthens distributional and procedural justice dimensions.

B. Gender in Energy Policies

Attention to gender in energy policies in Sub-Saharan Africa is significant. In 2017, the International Union for Conservation of Nature (IUCN) conducted a worldwide study of energy policy frameworks to analyse whether they included gender considerations. It found that, out of the 192 analyzed frameworks, the majority of those including gender were from Sub-Saharan Africa (32 frameworks, representing 56 per cent).[104] For example, at the regional level, the Economic Community of West African States (ECOWAS) Centre for Renewable Energy Efficiency adopted the first gender-responsive energy policy on the continent in 2017. The ECOWAS Policy for Gender Mainstreaming in Energy Access acknowledges the gendered impacts of climate change and energy governance and recognizes the existing gaps in the energy (renewable and non-renewable) sector at the policy, supplier and consumer levels.[105] The policy also has an implementation strategy with guiding principles to ensure gender-responsiveness and maps the relevant stakeholders to drive implementation.[106] Drawing lessons from the ECOWAS Gender Policy, the Clean Energy Solutions Center developed the Blueprint Guide for Creating Gender-Sensitive Energy Policies in 2019.[107] The guide aims to support governments wishing to make the energy sector more gender-responsive by learning from the ECOWAS Gender Policy process.[108] At the country level, Nigeria's 2013 National Energy Policy brings attention to gender-specific energy-related needs in the household, underlining women's role in the sector.[109] The Senegalese Renewable Energy Policy included women as a target group as a direct consequence of the Minister for Renewable Energy having been a member of the gender audit team.[110] The Kenyan Ministry of Energy launched its Gender Policy

[102] Pearl-Martinez and Stephens, note 5.

[103] See, e.g., Johnson, Gerber and Muhoza, note 75; Pearl-Martinez and Stephens, note 5.

[104] Prebble and Rojas, note 66.

[105] ECOWAS Policy for Gender Mainstreaming in Energy Access (2017) 9–11.

[106] Ibid, 29–31.

[107] Ellen Morris, Jennye Greene and Victoria Healey, *Blueprint Guide for Creating Gender-Sensitive Energy Policies* (Pittsburgh: Clean Energy Solutions Center, 2019).

[108] Monica Maduekwe et al, 'Gender Equity and Mainstreaming in Renewable Energy Policies—Empowering Women in the Energy Value Chain in the Economic Community of West African States (ECOWAS)' (2019) 6 *Current Sustainable/Renewable Energy Reports* 13.

[109] Lauren Clark, 'Powering Households and Empowering Women: The Gendered Effects of Electrification in Sub-Saharan Africa,' *Princeton University Journal of Public & International Affairs* (5 May 2021), https://jpia.princeton.edu/news/powering-households-and-empowering-women-gendered-effects-electrification-sub-saharan-africa (accessed 29 September 2024).

[110] Joy S Clancy and Nthabiseng Mohlakoana, 'Gender Audits: An Approach to Engendering Energy Policy in Nepal, Kenya and Senegal' (2020) 62:101378 *Energy Research & Social Science* 1.

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in 2019,[111] making it the first African country to adopt a national policy on gender mainstreaming and gender responsiveness in the energy sector.[112] These developments are commendable but opportunities to strengthen all three energy justice dimensions can also be identified.

C. Distributional Justice

Increased participation of women has the potential to generate policies that demonstrate a better understanding of the gender-related dynamics of the energy transition, thereby contributing to fulfilling the distributional dimension of energy justice. Here, the involvement of relevant women's organizations providing education on gender and discrimination within social and cultural norms could be particularly relevant. Conversely, the failure to undertake more advanced gender analyses of projects and policies on the access and use of renewable energies could mean that the transition will not be accompanied by a shift in the way women access energy and in gender dynamics at the household or community level. For example, the emphasis put on solar cookstoves as a simple means of achieving energy access for women across Sub-Saharan Africa is often refuted by practitioners who provide evidence that such projects do not actually benefit women as users if the beneficiaries are not involved in the project design.[113] Similarly, the interpretation that electrification per se will lead to women's empowerment and contribute to their autonomy has been refuted if it is not accompanied by gender-responsive energy policies and project design.[114] Strengthening attention to gendered dynamics within households, including the gendered division of labour, could be an invaluable contribution to a feminist framing of the distributional justice dimension.

Relatedly, questions of distribution more broadly could lead to more gender-responsive decision-making regarding how to balance focus on large-scale, small-scale, on-grid and off-grid renewable energy efforts in terms of gendered access, availability and development implications. The dominant focus on the rapid deployment of large-scale renewable technologies may need to be nuanced, in particular its ability to contribute to the equitable reduction of energy poverty. Furthermore, a feminist framing of the distributional dimension of energy justice would demand attention to gender implications at each stage of the energy lifecycle. For instance, increasing attention to women beyond impact assessment to also consider women's participation and rights in areas such as company-community negotiations, investment decision-making and women's access to remedy for harms caused by renewable energy projects.

D. Recognitional Justice

The above policy examples can satisfy recognitional justice requirements in that they acknowledge women as a group that has been left out of renewable energy governance, both in terms of policy content and policy-making processes. However, while women and/or gender are considered the object of these policies, the policies do not consistently address the issue of women's participation in the design process. Ministries and government agencies specializing in women's issues or gender may be designated as implementing

[111] Ministry of Energy Gender Policy 2019 (Kenya).

[112] ENERGIA, 'Kenyan Ministry of Energy Launches First National Gender Policy in the Energy Sector Ever,' (11 November 2019), https://www.energia.org/kenyan-ministry-of-energy-launches-first-national-gender-policy-in-the-energy-sector-ever/ (accessed 29 September 2024).

[113] Wiese, note 63.

[114] See, e.g., Johnson, Gerber and Muhoza, note 75.

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entities but frequently these are not headed by or constituted by many women. Sometimes, women's organizations are targeted as additional entities for facilitating implementation, but the degree of involvement, participation and decision-making in the implementation phase is not detailed.

Authors such as Monica Maduekwe et al commend the share of women in relevant ministries,[115] while others, like Njeri Wamukonya, warn against practices such as favouritism, nepotism and 'rubber stamps.'[116] The belief that increasing women's participation in policy-making will necessarily positively affect women is overly simplistic. While clearly not constituting a silver bullet, greater participation of diverse groups of women with diverse interests and lived experiences, including women's organizations and their representatives, in the development and implementation of energy policies is an essential component of living up to the recognitional expectations of energy justice, as the greater representation of stakeholder groups can more effectively inform policy- and decision-making.

Looking at intersectional diversity is a further integral component of recognitional justice, understanding that women's participation faces issues of socio-cultural domination in patriarchal societies; and non-recognition of their concerns but also considering other potential layers of marginalization and misrecognition through stereotyping and/or homogenization.[117] In terms of delving deeper into recognitional justice dimensions, the ECOWAS Gender Policy is interesting as it looks precisely beyond recognizing inequalities to focus specifically on identifying where those injustices occur and who may be marginalized and excluded. For example, the policy recognizes that poor and rural women are more affected by discrimination in energy governance and addresses how policies can positively influence patriarchal social norms that have excluded women from policy and project design as well as the workforce.[118]

E. Procedural Justice

Procedural justice concerns remain with regard to who is involved and who is allowed to meaningfully participate in all stages of policy-making. The Blueprint Guide for Creating Gender-Sensitive Energy Policies, for instance, while useful in terms of gender-sensitive content of energy policies, says little to nothing about women's participation in the policy development process. Indeed, a concern that has only grown with the increasing demand for gender responsiveness and women's participation in energy policy-making is the evaporation of gender in those documents, wherein policy commitments to gender equality tend to disappear or not manifest once they reach the implementation stage because of a lack of financial and technical capacity.[119] This focus on procedural justice, including the focus on decision-making, decision-makers and actual outcomes, was also reflected in the 2017 IUCN study, which described the Sub-Saharan African region as leading

[115] Maduekwe et al, note 108.

[116] Njeri Wamukonya, 'A Critical Look at Gender and Energy Mainstreaming in Africa,' Draft paper distributed at the 'Gender Perspectives in Sustainable Development' side event organized by UNDESA/DAW and WEDO at Prep Com III (April 2002), https://www.un.org/womenwatch/daw/forum-sustdev/Njeri-paper.pdf (accessed 6 December 2022).

[117] Kimberlé Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) 1989:1 *University of Chicago Legal Forum* 139; Handl, Seck and Simons, note 19, 207; David Schlosberg, *Defining Environmental Justice: Theories, Movements, and Nature* (New York: Oxford University Press, 2007) cited in Jenkins, note 27, 87.

[118] ECOWAS Policy for Gender Mainstreaming in Energy Access (2017), 14–15.

[119] Gill Allwood, 'Gender Mainstreaming and Policy Coherence for Development: Unintended Gender Consequences and EU Policy' (2013) 39 *Women's Studies International Forum* 42, cited in Maduekwe et al, note 108, 3.

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in terms of integration of gender into national energy frameworks, but also suggested that countries should 'develop gender action plans specific to their energy sector policies, include clear targets and objectives, and elaborate on the steps a country can take ... to ensure gender mainstreaming is tangible in a country's energy work.'[120]

Strengthening women's participation in a just energy transition demands fair, non-discriminatory approaches that foster meaningful participation opportunities throughout the entire policy-making process. As part of this, the structures for making decisions about the energy transition could be further examined and adjusted to become more gender-responsive by, for example: identifying and exposing gender biases in existing decision-making processes; drawing on different philosophical thinking for the development of decision-making procedures; and developing measures to meaningfully engage different types of women in decision-making, including providing the necessary support to marginalized or under-represented women to participate in decision-making. Lastly, to satisfy the procedural justice dimension, the focus on open and fair decision-making would need to include a clearer focus on access to remedy and redress, not currently well covered in the policies. Increased attention to benefit-sharing models and opportunities for community ownership could also be explored as part of strengthening procedural justice.

F. Summary

In conclusion, applying a feminist energy justice reading of women's participation in energy policy-making and the content of these policy examples points to persistent gaps in terms of recognizing the gender dynamics of the energy transition and fostering women's participation in the energy transition. More comprehensive gender analysis and application of a feminist approach to all three energy justice dimensions could make a valuable contribution to further exposing and understanding the gendered power relations behind these gaps and provide innovative solutions for addressing them.

VI. Conclusion

In this article, we have argued that an intersectional feminist interpretation of energy justice could be one way of operationalizing a more gender-transformative approach to energy transition in BHR. As we highlighted in Section II, energy justice aligns with BHR principles through its focus on addressing power imbalances, ensuring meaningful stakeholder participation and accountability for duty-bearers. Likewise, integrating energy justice into BHR discourse and practice can support the implementation of *distributional, recognitional* and *procedural* energy justice dimensions through a human rights-based approach. In summary, if the BHR field were to frame its attention on energy transition in energy justice terms, this could increase the focus on: viewing energy questions and systems as distinctly political and ethical issues, rather than technical-economic issues; practical application to drive actual change to reach more socially just outcomes; and the transformative potential of renewable energies to address injustices and drive empowerment in energy access and delivery. Therefore, we have suggested that the concept of energy justice has significant potential for guiding BHR engagement in the energy transition, provided that energy justice is interpreted through a feminist lens.

Concretely, we have contributed to envisioning what such a feminist approach to energy justice might look like by mapping the gender gaps identified in the literature against the

[120] Prebble and Rojas, note 66, 13.

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three-tenets energy justice framework and based on this proposed a feminist framing of the different energy justice dimensions. A feminist approach to energy justice would involve integrating gender analysis into energy policies and projects to transform gendered power relations and inequalities. This approach calls for addressing gender dynamics within households and communities, and challenging gendered divisions of labour. It also involves the active participation of diverse women and women's organizations in energy governance, recognizing the intersectional nature of gender discrimination, and ensuring women's voices are heard in policy and project design. Additionally, it advocates for fair and inclusive decision-making processes, addressing issues like nepotism and corruption.

It is also critical to appraise the utility of a feminist approach to energy justice in terms of its ability to provide a practical guiding framework for policy-makers and other stakeholders. To explore an example, we looked at women's participation in energy transition decision-making in Sub-Saharan Africa. Overall, we found that while 'women's issues' and 'gender' have been addressed as topics in the substance of policy documents, gender has yet to be mainstreamed throughout processes. This partially answers to the recognitional dimension of energy justice, though a deeper focus on intersectionality would be desirable. Distributional justice issues, however, such as those relating to access, benefits and persisting burdens shouldered by women, are far from being corrected. To properly account for women's participation and other rights, energy transition policy-making must also answer to distributional justice challenges, whereby women and women's organizations must be involved in a fair and non-discriminatory way. Likewise, the procedural dimension of energy justice warrants much more attention, as current decision-making processes work to exclude women and do not sufficiently account for gender analysis. Relatedly, as patterns of nepotism, corruption and political elitism often remain unchallenged, energy justice demands for more equitable outcomes remain unrealized. The integration of a feminist approach to energy justice in BHR has the potential to bring gaps such as these to the forefront of the energy transition agenda.

However, given the current Global North biases in the energy justice literature, further research and theorizing from the Sub-Saharan African region is necessary to better understand the potential relevance of energy justice. In collaboration with different relevant stakeholders, BHR scholars and practitioners working with energy transition in the region could play a role in this regard. Below, we have suggested some potential areas for further research and practice.

As a first step, multi-stakeholder dialogues could be held bringing together relevant government, civil society and academic actors with the objective of further appraising the potential of energy justice as a framework for the energy transition in the region. This could include examining how energy justice might be further developed through feminist framings. Building on this, pilot projects could test the implementation of feminist energy justice approaches and their effects. This could be at the project or policy level, with comparative case studies from one or multiple countries. Developing and utilizing more locally-contextually defined understandings of energy justice could be a key aim. It could also involve the development of an AAAQ (availability, accessibility, acceptability and quality) model for access to energy that strongly integrates gender from the start. As part of driving initiatives to realize Sustainable Development Goal 7 (affordable and clean energy), as well as moves to develop a human right to energy, the utility of an AAAQ framing for defining and implementing such initiatives might usefully be explored. Driving such an agenda from Sub-Saharan Africa could contribute to ensuring that the objectives and targets fed into global agendas better represent the lived realities of women and gender dynamics in the region.

Further exploration, evaluation and implementation of existing gender and energy policy frameworks could also yield invaluable insights. For example, empirical studies

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into the implementation and effects of leading examples such as the ECOWAS Gender Policy or country-level gender energy policies would be beneficial to better understand what works in practice, what the barriers are and how they can be addressed. Such empirical work could include a particular focus on the participation of women and women's organizations, as well as accountability aspects such as independent monitoring of policy implementation. An aim could be to feed into the design of targets and indicators for tracking implementation, which, according to the literature, still need to be developed for some of these policies. Such practical learning could inform further refinement of important guidance, such as the Blueprint Guide for Gender-Sensitive Energy Policies, to strengthen the focus on process, as well as provide further practice examples on what works for actors engaged in energy transition policy-making. The studies could also inform regional-level peer learning, with a focus on strengthening the participation of women and women's organizations in energy transition decision-making.

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