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## **Editorial: Energy Justice Discourse: Global South Perspectives**

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## Journal of Energy & Natural Resources Law

### Special Issue Editorial: Energy Justice Discourse: Global South Perspectives

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#### Introduction

Energy justice has evolved as a framework for understanding the justice implications of decisions across energy systems.<sup>1</sup> Scholars have also explored how to apply environmental and human rights norms to energy systems.<sup>2</sup> However, injustices in energy systems also tend to exacerbate energy challenges, particularly manifesting through different countries' legal, policy, and regulatory frameworks. In the real world, energy challenges often stem from justice issues and can manifest in various contexts, including laws and policies that inadvertently cause injustices instead of resolving them. As a result, there are different interpretations of the concept of energy justice and its framework among scholars from the Global North and South. These diverse interpretations have contributed to mixed reactions on how energy justice is understood and implemented in energy systems, partly due to the failure to fully consider the different aspects of energy access and poverty challenges underpinned by justice concerns, especially in how they manifest in different countries. For example, energy challenges differ in Global North and South countries. Countries in the north are often faced with energy poverty linked to unaffordability, while countries in the south must grapple with the challenges of poor energy access and security before even considering affordability. This observation highlights the importance of any interpretation and implementation approach taking into account different socio-economic challenges.

#### The objective of this special issue

This special issue aims to chart a course towards appropriate interpretations and applications of energy justice for the Global South, specifically focusing on each nation's unique context. The submissions examine the socio-economic hurdles that countries in the region encounter and investigate how energy justice intersects with other energy concepts like the (just) transition, while scrutinising governance, legal, and policy

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<sup>1</sup> Darren McCauley and others, 'Energy justice in the transition to low carbon systems: Exploring key themes in interdisciplinary research' (2019) *Applied Energy*, 229, 233–270; See Gordon Walker and others, 'Necessary energy uses and a minimum standard of living in the United Kingdom: Energy justice or escalating expectations' (2016) 18 *Energy Research & Social Science* 129–138

<sup>2</sup> Raphael Heffron, *The Concept Energy Justice* (Palgrave Macmillan 2022). See also Thoko Kaime and Godswill Agbaitoro, 'An Energy Justice Approach to Resolving the Conflict Between the Development of Energy Access Projects and Human Rights Risks and Violations in Africa: Can a Balance be Struck?' (2023) 3(1) *Global Energy Law and Sustainability* 39.

strategies for implementation. The goal is to explore this concept's legal aspects and demonstrate how it can be implemented to establish just and equitable energy systems.

### **In this issue**

This special issue represents one of the first comprehensive explorations of energy justice from the perspective of the Global South, with a focus on moving the concept from theory to practice. This contribution is achieved through a thorough review of the concept of energy justice, comparing it to other close concepts, and evaluating the use of energy studies in different jurisdictions.

After a rigorous peer-review process, nine submissions were selected from the numerous contributions received. Each article addresses energy justice from a different angle. The chosen contributors, leveraging their expertise, offer insightful perspectives to shape future energy justice interpretations and applications. The articles, therefore, present a range of strategic approaches and opportunities for interpreting and implementing energy justice across various jurisdictions.

The special issue is organised into five parts and features in-depth discussions on energy justice. The first part comprises three articles exploring the connections between energy justice and other concepts, including the crucial role of energy transition in the discourse on climate change. It begins with the first article, 'Climate Change, Energy Transition, and the Global South: Learnings from the International Framework on the Ozone Layer' by Smith Azubuike, Engobo Emeseh and David Amakiri. In this article, the authors argue for a delayed energy transition for Global South countries by using the Rawlsian justice concept that recognises the peculiar nature and different circumstances of these countries. The argument emphasised integrating international law principles, such as Common but Differentiated Responsibilities from climate treaties, into energy transition research and policies. This integration, they argued, can help achieve energy justice for countries in the Global South. The second article, 'Re,' Examining the Intersections between Energy Justice and Energy Transition in Africa' by Oyeniyi Abe and Victor Azubike, explores the application of energy justice principles to steer and influence the energy transition in Africa. The objective is to guarantee that the transition is all-encompassing, enduring, and advantageous for all sectors of society. It underscores the necessity for comprehensive policy frameworks harmonising developmental considerations and market establishment. Energy transition practices in Global South countries such as India, Nepal and Bhutan were discussed in more detail by Saksham Misra and Chhaya Bhardwaj in the third article entitled 'Analysing Just Energy Transition Practices in India, Nepal and Bhutan Using A Trilogy Framework of Decarbonization, Decentralization, Democratization'. Here, the authors discuss the trilogy framework of decarbonization, decentralization, and democratization and its relevance in implementing just energy transition agendas in rural communities of Global South Countries. The implementation of the just energy transition agendas, as argued by the authors, should be based on developing nationally independent but locally-driven renewable energy projects. This argument was

expanded using case studies of India's Panchayat institutions, Nepal's community renewable projects, and Bhutan's hydro projects to corroborate the trilogy framework with recommendations that the framework be implemented in the Global South through the 'Energy Prosumer Communities' concept.

In the second part, the issue dissects the energy justice concept through specific dimensions, particularly its manifestations within energy systems in different jurisdictions. The fourth article in this part, entitled 'Procedural (in)justice in Regulating Shale Gas as a Transitional Fuel in India' by Shashi Kant Yadav, delves into the procedural aspect of energy justice within the Indian context in this relatively new but controversial area of fracking. The article investigates explicitly whether India's transition to fracking-based energy ensures procedural justice for its citizens by evaluating the regulatory framework in terms of three key aspects: information, inclusion, and influence. The author argues that procedural rights should be considered constitutionally guaranteed fundamental rights. The fifth article is entitled 'Future-Proofing for Green Hydrogen in the Global South: A Procedural Justice Perspective' by Halima Hussein *et al.*, The article focuses on emerging developments in green hydrogen as an alternative energy source and, specifically, the role of procedural justice in advancing legal frameworks for green hydrogen in the Global South. The article provided a valuable comparative analysis across Asia-Pacific, South America, and African countries. The article proposes policy solutions to ensure the resilience of green hydrogen legal frameworks aimed at policymakers in these regions.

The third part of the issue focused on discussing remedies for different forms of energy injustice in the Global South. The sixth article, 'Legal Remedies for Energy Injustice in the ECOWAS Sub-region: The Role of the ECOWAS Court' by Muyiwa Adigun, examines the important but yet underdeveloped role that the ECOWAS court can play in granting legal remedies for energy injustice. In this article, the author argues that energy justice can be comprehensively integrated into human rights law as outlined in the African Charter on Human and Peoples' Rights and can be effectively upheld within the jurisdiction of the ECOWAS Court. The seventh article, entitled 'Collaborative Renewable Development in Chile: A New Path Forward for the Mapuche' by Elizabeth Stephani and Emiliano Castillo, examines the just transition approach with a focus on Chile and with particular consideration for restorative and recognition justice in Mapuche's historical and current claims to the ancestral lands in Chile. Highlighting the devastating impacts on the rights of the Mapuche people by the hydroelectric power development projects along the Bio-Bio River, the authors recommend a series of corrective actions. The authors also advocate reassessing Chilean laws and court rulings related to hydroelectric power development projects, focusing on addressing energy inequality and fostering cooperation among the Chilean government, the Mapuche community, and energy companies.

The fourth part of the special issue focuses on implementation strategies for energy justice, particularly looking at different ways the concept can be moved from theory to practice. Yu Cheng and Weiming Yang discuss the implementation of energy justice

within China in the eighth article, 'A Reflective Analysis of China's Energy Policy from the Perspective of Systemic Energy Justice Principles'. Cheng and Yang examine the existing energy injustices in China's energy life cycle and then apply energy justice principles as an implementation strategy to optimise China's future energy policies. Part of the arguments advanced is to introduce energy justice to achieve sustainable development of China's energy system and policy transformation, thus providing insights for stakeholders on how to address complex and interrelated energy production and acquisition issues. In the final article, entitled 'Implementing Energy Justice through Corporate Social Responsibility (CSR) of Multinational Corporations (MNCs) in Energy and Extractive Industries: Old Body in New Robes', Godswill Agbaitoro examines how MNCs in energy and extractive industries could implement energy justice through an interpretative framework drawn from CSR. The article emphasizes that various stakeholders, including MNCs and governments in energy and extractive industries, can use CSR as an interpretative tool to achieve different dimensions of energy justice.

This special issue also includes a book review by Chitzi C. Ogbumbada. The review examines the *Handbook on Energy Justice* edited by Stefan Bouzarovski, Sara Fuller, and Tony G. Reames.

## **Conclusion**

The articles in this special issue offer a range of perspectives and examples from the current energy justice scholarship and research from the viewpoints of the Global South. The contributors delve into a wide range of issues of implementation, interpretation, and the intersection of energy justice with other concepts, while exploring its manifestations in specific jurisdictions.

We extend our sincere gratitude to the contributors for their submissions, the Editor-in-Chief and the editorial team of the *Journal of Energy and Natural Resources Law*, and our external reviewers for their dedication to this project. We hope these articles stimulate further dialogue and research on advancing energy justice in the Global South and beyond.