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A Just Energy Transition Through the Lens of Third World Approaches in International Law

Sprawiedliwa transformacja energetyczna przez pryzmat podejść Trzeciego Świata do prawa międzynarodowego

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Abstract: The transition to green energy requires an all-hands-on-deck approach because of the effects of climate change felt by all. However, the nature and type of commitment or responsibilities required towards the transition are to be differentiated due to 'countries' different socioeconomic challenges and starting positions. This is the underpinning understanding of the United Nations Framework Convention on Climate Change (UNFCCC)'s energy transition strategy under the framework of the Paris Agreement (PA). Whether the PA's 'differentiation' representation and strategies, contributes to a 'just' energy transition is the goal of this paper. Arguably, embedded in the current UNFCCC energy transition strategy is the concept of a 'just' transition which recognises the importance of 'a fair and equitable energy transition process' (McCauley et al., 2018: 2). However, this paper, using the Third World Approaches to International Law (TWAIL), demonstrates how the PA's differentiation representations and soft approaches do not completely eliminate the problem of unjust energy transition (ET), or capture the multifaceted challenges of developing African contexts' capacity towards the transition. The paper argues that the current international law ET initiative and strategy, in a bid to exact more diversity, blurs the understanding of responsibility and accountability, when it comes to finances and investments towards the current transition as well as countries' economic capacities. Based on this background, the paper uses the Nigerian social context to exemplify what a just transition would mean for

a developing context, particularly in sub-Saharan Africa (SSA). The paper is divided into three sections. The first section is the introduction, and the second, unpacks the ET. The third section addresses the legal and policy framework of the ET - PA 2015, and finally problematises ET's strategy using the TWAIL lens. It concludes by offering recommendations for a 'just' transition that balances the socioeconomic development of developing contexts.

Keywords: green energy, climate change, international law

Streszczenie: Przechodzenie do zielonej energii wymaga podejścia absolutnego zaangażowania wszystkich podmiotów ze względu na fakt, że skutki zmian klimatycznych są odczuwane przez wszystkich. Jednakże charakter i typ zaangażowania czy odpowiedzialności, które są niezbędne do zaistnienia w tym procesie, muszą być zróżnicowane z powodu różnych społeczno-ekonomicznych wyzwań oraz pozycji na starcie, jakie zajmują poszczególne kraje. Powyższa myśl tworzy fundament rozumienia problemu, jakie znalazło się w strategii przejścia do nowej energii zapisanej w Ramowej Konwencji Narodów Zjednoczonych w sprawie zmian klimatu (UNFCCC) w ramach porozumienia paryskiego. Celem niniejszego artykułu jest odpowiedź na pytanie, czy przedstawienie i strategię „rozdzielenia”, jakie zawiera porozumienie paryskie, przyczyniają się do „sprawiedliwej” transformacji energetycznej. Zapewne w strategii UNFCCC jest osadzone pojęcie „sprawiedliwego” przechodzenia do nowej energii, które rozpoznaje wagę, jaką ma „sprawiedliwy i godziwy proces transformacji energetycznej” (McCauley et al., 2018: 2). Jednakże autor niniejszej pracy, wykorzystując Podejścia Trzeciego Świata do Prawa Międzynarodowego (TWAIL), ukazuje, jak przedstawienie rozdzielenia i miękkie podejścia porozumień paryskich nie usuwają problemu niesprawiedliwej transformacji energetycznej i nie ujmują wieloaspektowych wyzwań rozwijających się potencjałów państw afrykańskich w odniesieniu do tej transformacji. Autor stwierdza w pracy, że bieżąca inicjatywa i strategia transformacji energetycznej w ujęciu prawa międzynarodowego, w pogoni za uzyskaniem większej różnorodności, rozmywa rozumienie kwestii odpowiedzialności, gdy idzie o finanse oraz inwestycje w kierunku bieżącej transformacji oraz ekonomicznych wydolności krajów. Bazując na powyższym założeniu, autor wykorzystuje społeczny kontekst Nigerii, aby zilustrować, co oznacza sprawiedliwa transformacja energetyczna dla kraju rozwijającego się, szczególnie w Afryce Subsaharyjskiej. Artykuł podzielony jest na trzy części. Pierwsza stanowi wstęp, druga przedstawia ideę transformacji energetycznej, ostatnia zaś zajmuje się ramą prawną i polityką transformacji energetycznej zawartej w porozumieniu paryskim z 2015 r. i, ostatecznie, omawia problem strategii transformacji energetycznej z użyciem specyficznego prymatu TWAIL. W zakończeniu autor przedstawia zalecenia dla „sprawiedliwej” transformacji, która bilansuje społeczno-ekonomiczny rozwój krajów rozwijających się.

Słowa kluczowe: zielona energia, zmiany klimatyczne, prawo międzynarodowe

1. Introduction

Energy transition is a period when people go from dirty fuel to clean fuel, noting that a just transition for Africa may be completely different than in wealthy countries. In Africa, there is not

enough energy, and you are decarbonising 0.55 per cent (of emissions). What are you decarbonising? What does that mean in the average sub-Saharan country? (Ogunbiyi, 2022)

Climate change affects everyone differently and there is no one-size-fits-all pathway or just transition criteria that can be applied in every context or sector to achieve the ET goal. This paper discusses the importance of recognising and involving various contexts and sectors in the transition to green energy from the lens of what a just transition will entail for them. The Paris Agreement (PA), which outlines the ambitious goal of reversing climate change, provides for the varying differentiated responsibilities of states towards the climate change objective via their Nationally Determined Contributions (NDCs) Articles 2 (2), 3 PA; 2015. Embedded in the PA's provision of 'differentiated responsibilities' towards the transition (or decarbonisation as used interchangeably here), is a non-static concept of differentiation with undefined possibilities (Articles 2 (2), 3, 4 (1-6)). Theoretically, this framing could be perceived to mirror largely, the ideals of a 'just transition' in that it calls for a consideration of a context's circumstances in the transition's planning, mitigation and adaptation strategies, and processes.

However, because a 'just' transition would be context-specific and dependent on a multi-interrelated circumstance, this paper examines whether the current transition procedures in light of Articles 3, 4 (3) PA; 2015 and differentiation understandings, acknowledge, include, and respond to the developing countries' perspective of a 'just' transition. The paper demonstrates this analysis using Third World Approaches to International Law (TWAIL). The choice of TWAIL is informed by how it allows one to spotlight the historical injustice associated with international legal and institutional frameworks generally. Thus, the paper discusses how the current ET agenda and governance is approached without adequate consideration for the Third World countries, and how this lack of consideration fits into a historical pattern of socioeconomic inequality and Third World countries' disempowerment and powerlessness.

This paper stipulates that the goal of global decarbonisation is likely to be unsuccessful if the problem of equity and inclusion for developing countries is not addressed. This is especially crucial given these countries' expanding populations, the accompanying energy poverty or access issues, and the associated socioeconomic challenges. The paper is divided into three sections. It explains ET, then goes over the differentiation language and implications of the PA 2015, and finally problematises energy transition processes using the TWAIL lens. It concludes by offering recommendations for a 'just' transition that balances the socioeconomic development of developing contexts.

2. Conceptual Clarification

Below, the key concept of ET is explained and put in a proper context. This contextual explanation becomes imperative because of the different shades of meanings that the concept can acquire.

2.1. Unpacking Energy Transition

Energy transition (ET) has been defined as ‘the global energy sector’ shift from fossil-based systems of energy production and consumption — including oil, natural gas and coal — to renewable energy sources like wind and solar, as well as lithium-ion batteries’ (Global, 2020; Thomas et al., 2022: 1). ET is used interchangeably with decarbonisation in this paper. Although climate change has largely influenced the current transition, ET is much more than simply the switch to greener energy sources.

Holistically speaking, ET concerns the scope and depth of a transformative shift towards a more digitalised economy. This kind of economy calls for the use of low-carbon technologies made from critical minerals and renewable energy sources that are scarce and unequally distributed but necessary for development across all contexts and industrial sectors (Deloitte, 2023). The Intergovernmental Panel on Climate Change (IPCC) reports show that the largest human source of greenhouse gas emissions (GHG) is from the combustion of fossil fuels thus, requiring the global decarbonisation agenda (IPCC, 2014).

The complexities arising from this are enormous, coupled with the development implications these transitions reproduce. These complexities become even more challenging because they are strongly related to unfair historical institutions, structures, and procedures that have shaped state behaviour, impacted state disparities and influenced past developments and transitions. An example is the International Monetary Fund (IMF), which has carried out structural adjustment projects (lending), that have raised moral hazard concerns and postponed necessary social development in developing states. Additionally, IMF adjustments have frequently prioritised economic stability over social welfare, leading to local monopolies, stifled competition, and worsening interstate inequalities (Ferdinand, 2014). These adjustments have also occurred without adequate adjustment-related financing, without consideration for its adverse effects, political viability, or concern for sustainability (Dane and Graham, 2004).

Another example is the World Trade Organisation (WTO), whose trade agreements have led to labour reallocation, unemployment for certain products, unequal benefit distribution, and disadvantages to developing countries, perpetuating global economic disparities (Ajewole et al., 2022: 29). The com-

plexities and dilemmas are also influenced by historical indices and locked-in patterns of sociotechnical systems, as well as the delicate nature of energy and its essentiality for development for all. All of these portray multifaceted ways, intricacies and relations that must be unpacked and carefully analysed to ensure the ‘just’ actualisation of the decarbonisation goal without thwarting the socioeconomic realities of developing contexts.

There have been other transitions. For instance, energy use moved to coal from wood with the industrial revolution, a transition to a coal-based energy system (Grubler, 1998) and then from coal to crude oil, natural gas, and now renewables (Mitchell, 1998). Renewable Energy (RE) is energy from natural – replenishable sources like water, sun, wind, etc. They are termed renewables because they are not easily depleted when used. However, these energy sources are not useable in their natural state nor distributed evenly globally. To enjoy, use and develop these resources, adjustments will therefore be necessary for the development of technologies for their use and distribution. These adjustments will concern market forces, technology, investment and financing, laws and policies, soft law approaches, as well as the involvement of private investors and other non-state actors drawn from a variety of industries and contexts.

Alonso-Serna and Talledos-Sanchez (2023: 267) have perceived ET as “major historical shifts” that have had significant implications for societies. Jolink and Niesten (2021: 521-542) speak of the ET as a complex process in which the financing of new energy technologies plays its role, involving a range of actors from the government to private investors, termed in the chapter as “collaborative intervention space”. Arlota and Costa de Medeiros (2021: 385-391) address ET as a process of how humankind uses energy for its needs and how this process gets reconciled with social, environmental and economic interests. Regarding the social aspects of ET and the implication of overlooking social features of transitions, Mejia-Montero and colleagues (2020: 303-305) state that “ET are complex undertakings that encompass techno-economic features and social features of human existence.”

In addition, so many frames have been used to discuss the subject of ‘ET’. For instance, the multilevel perspective, the sociotechnical transition analysis approach, and the energy justice approach, to name but a few, have been used to study sociotechnical transitions. Mejia-Montero and colleagues speak of the top-down nature of public policies that seek to boost renewables and call to attention the role grassroots movements have played in the inducement of changes in the regulatory framework of renewables in Mexico (Mejia-Montero et al., 2020). Lessons learned from the study indicate that top-down policy frameworks for RE projects should take local/social contexts into account, and that transition plans for governments should not simply be copies of international policies

and strategies on states (Mejia-Montero et al., 2020). Instead, they should be tailored to the local, socioeconomic experiences, knowledge, affordability and participation of the context in which the policies are to be used.

For instance, evidence from the sustainability, inclusiveness and governance of mini-grids in Africa (UKRI-SIGMA) project of the United Kingdom research institute, suggests that giving priority to 'productive uses' of RE-based (mini-grid) electricity may be financially advantageous for developers and relatively successful business ventures (Sesan et al., 2022). However, this productive and profit-making viewpoint, which is essential to attaining broad-based rural development goals, has little to no advantage for the lower-tier customers in the agricultural and social sectors (Sesan et al., 2022). The rationale for this poor social welfare outcome is the user's lack of knowledge and capabilities in assessing these technologies. This example reflects the disconnection between NDC measures of states and social context. Therefore, the nexus between ET and social contexts is that shifting from fossil fuel to renewable energy aimed at a low-carbon economy can bring about an unequal and inequitable distribution of its costs and benefits to various actors. These underlying challenges must be understood and tackled in the ET process and policy planning of states for the transition to succeed.

There is therefore the need for ET's alignment with the context's need to assess electricity and investment, but also the empowerment of capabilities following the growing impact of global RE and trends on social contexts, and the interconnections of value chains. Sovacool has emphasised the need for research to become more applicable to solving problems in the real world and the significance of human-centred approaches in capturing the multifaceted influence that attitudes, habits and experience have in influencing energy use and transitions (Sovacool, 2014: 1-29). He further stated that focusing energy conversations back on people – rather than just resources, technology, or prices – can demonstrate how much the energy intensity of our societies and lifestyles varies (Sovacool, 2014: 1-29), thereby influencing the rules needed.

The varying frames of understanding and definitions of ET are due to the differences in the measurements of RE, characterised by different processes and involving various sectors, contexts and criteria. Olawuyi recognises the growing indirect impacts of clean energy and access projects on human rights as well as examines how national and international law could frame policies and legal frameworks to deal with these impacts (Olawuyi, 2016). Baptista has proposed considering historical and spatial dimensions in analysing energy systems and transitions, giving the importance of these considerations in understanding future ET (Baptista, 2018). Broto and Alves have described how ET should evolve to deal with the complex demands of ET within the global south. This implies

that “delivering of transformative change in developing societies, should take on the assessment of energy problem from multiple and integrated perspectives, adjusted to a context’s condition which shapes the outcome of strategies and policies” (Broto and Alves, 2018). Thus, a change of the whole energy system towards ‘the new’ (Grubler et al., 2016: 18-25) is the understanding of ET employed in this paper.

2.2. Key ET Drivers

Renewables were already expanding quickly, but the global energy crisis has kicked them into an extraordinary new phase of even faster growth as countries seek to capitalise on their energy security benefits... (IEA, 2022).

International Renewable Energy Agency (IRENA) (2022), alongside other scholars (Bass & Grogard, 2021: 807-823), see energy poverty, efficiency and the urgency of climate change as key drivers of the ET. ET is also influenced by social, technological, economic and governmental considerations. Other ET drivers are peak oil arising from scarce fossil fuel resources or its finite nature, environmental, health and safety concerns. It also includes the challenges of energy security arising from energy supply availability and scarcity issues, which have become particularly acute lately following the Russian invasion of Ukraine. These ET drivers have led to the development of regulatory and policy measures to achieve the transition. However, policy application differs depending on socioeconomic issues, contexts, and sectors; and here lies the problem of international law application in third world developing countries.

ET unravels some of TWAIL’s concerns and calls for addressing in an integrated manner the multifaceted complexities and development challenges that can result from the current transition. This is necessary to achieve a transition that is just without leaving anyone behind. For instance, the empirical record of the most recent IPCC report demonstrates that “developing countries lag in the adoption of large emission technologies.” (IPCC, 2022). The report cites several factors, including insufficient enabling legislation, funding, technological development and transfer, and capacity, contributing to the delayed uptake of large-scale RE technologies in developing nations (IPCC, 2022).

What is impressive in this recent report is that it addresses ET in relation to climate change mitigation, sustainable development, the multidimensional drivers and stakeholders, investments, and the role of capacity building and increased finances towards accelerating the transition objective (IPCC, 2022). Also, available evidence suggests that scarce critical minerals, as well as gas, renewables, hydrogen and sustainable biomass will be needed to drive this efficiency. Due to these transboundary ramifications, the achievement of this de-

carbonization exercise necessitates extensive international cooperation in terms of investments, climate finance, knowledge transfer and general enhancement of capabilities for sustainable development and transition (WEO 2022).

3. The Legal and Policy Framework's 'Differentiation' and Soft Compliance Strategy regarding the ET

International law-making operates on the twin principles of shared commitment to dealing with global (environmental) problems and sovereign equality, which predisposes a consensus decision-making approach towards legislative processes (Sands et al., 2018: 896). In response to the urgent need to address the challenges posed by climate change, numerous national, regional and global policy packages and laws have been advanced. These are mainly differentiated. Some of them are the Clean Energy for All Europeans Package (CEP), the Green Deal, the Kyoto Protocol and the Paris Agreement (PA) – Nationally Determined Contributions (NDCs). These varying policy packages, regulations and laws are geared towards reducing emissions and propelling action towards the shift to cleaner energy sources. To better assess the extent to which international law's ET strategy captures the dynamics between developed and developing countries as well as the various starting points and capabilities of countries towards the transition, the 'PA's' language and framing of 'differentiation' will be considered.

3.1. PA's 'Differentiation' Framing

The PA is the first international treaty on climate change adopted in 2015, which came into force in 2016. Building upon the UNFCCC, the PA 'aims to strengthen the global response to the threat of climate change by keeping a global temperature rise below 2 degrees Celsius (Article 2 (1) (a)) (PA, 2015). To reach this ambitious goal, the PA opted for a more dynamic qualification of UNFCCC's common but differentiated responsibility and respective capacity (CBDR RC) principle. The PA's differentiation is self-determined, requiring domestic mitigation measures and NDCs, assessed and scaled up every five years alongside a yearly report of state efforts towards reducing global temperature and adapting/mitigating climate change impacts (Articles 3 and 4 PA 2015). It also captures a differentiation that is based on highest possible ambition and progression over time and different national circumstances (Articles 2 (2), 4 (3) PA, 2015).

The PA's self-determination or self-differentiation is praised for pushing diverse measures towards decarbonisation, which theoretically corresponds to the

concept of a just transition. This is made clear in the mitigation and adaptation plans of states via their different NDCs. Evidence indicates that most developing nations are setting the bar high for the NDC ambition, especially with their second-generation NDCs becoming higher quality (NDC's Global Outlook Report, 2021). For instance, Nigeria's updated NDC now considers the waste sector in the ET strategies; however, even with this upgrade, finance remains a hurdle. When it comes to climate finance, investment and technology transfer, the crux of decarbonisation engagement particularly for developing countries under the PA's 'self-differentiation' becomes questionable.

For instance, the PA's inclusion of climate finance and ambition as a global effort, have made developing countries' decarbonisation goals, or NDCs, contingent on securing sufficient help from private companies and wealthy nations (Article 2.1; PA). In light of this, the PA's self-differentiation falls short of the ideals of a just transition in that it places the burden and responsibility of climate ambition on both developed and developing countries while failing to acknowledge that developing contexts lack the resources and technology to meet ET targets. Section 4 of the PA requires parties to prepare, communicate and maintain successive NDCs that it intends to achieve (Article 4(2)), and embodied in this requirement is the objective of self-differentiation.

According to Rajamani, the PA's differentiation is different from the UNFCCC's principled differentiation in that it demands greater and continuing an effort from both the developed and developing countries (Rajamani, 2016: 501). This is in contrast to the Kyoto Protocol (KP), which set the absolute emission reduction targets on industrialised nations (Rajamani, 2016: 494). It is argued here that the PA's differentiation, despite its wide diversity and possibilities on the one hand, reintroduces injustice on a number of layers because the targets are self-determined without enforced compliance mechanisms.

While "respective capacities" and "different characteristics" must be taken into account, the PA also stipulates that each "state party's" NDC "must reflect its highest possible 'aspiration'" (Articles 4 (3) PA 2015). This "ratchet up" component, with stepped-increased actions to combat climate change every five years means that actions must surpass the "party's" earlier contribution. In demonstrating progress from the prior promise and exhibiting a country's "highest possible ambition" (Articles 4 (3) PA 2015), the reference status of contexts is constantly shifting, and is lacking a static member qualification. This flexibility in criteria creates grounds for many distinct groupings to form at different points in time without reference to history, place, time, capacity or previous colonial/transition impacts on current starting positions of countries.

The other side to this is that because of the global energy market transition away from fossil fuels, injustice is fostered or entrenched for historically underprivileged contexts that did not contribute to global warming, but still face growing issues with energy supply and security. Because of this, it is important to consider how the PA's differentiation frames are interpreted, how they impact decisions about responsibility and accountability, especially with regard to how renewable energy technology costs and services are distributed, and the detrimental effects of such interpretations on 'just' transitions. Additionally, the different national circumstances provision of the PA also furnishes the act with yet another differentiation perspective – one that is context-based with subtle shades of groupings based on blocs, regions, historical, geographical, spatial and social dimensions (Pauw, et al., 2019: 2). Some of such subtle differentiation contexts include the stance of least developing countries (LDCs) or small island developing states (SIDs) on specific issues like adaptation (Pauw, et al., 2019: 2).

It is the case that the PA's NDC exemplifies how the international legal framework seeks to uphold common but differentiated responsibilities of countries towards the transition. The NDCs strive to strengthen countries' capabilities to deal with climate change on an equitable basis by recognising the limited ability of developing nations to reach ET objectives given their specific circumstances. However, despite the non-static frames and language of the PA's differentiation, a closer look at the PA indicates that the PA's differentiation does not properly capture the challenges of developing countries, especially in the areas of local contexts participation, access to financing and investments, and technical capacity building towards the decarbonisation objective.

When it comes to the implementation and sustenance of the PA's various 'differentiation' frames in the planning and procedural strategies/processes towards the transition, the case, like other international law strategies, becomes much more about the dynamics of power and access than that of equity and fairness, and this fits well with TWAIL's assumptions. One could argue that the non-static frames of the PA's differentiation is fair because of the public nature of energy and its value chains. However, Darby points out that differentiated framings of this nature, may be diluting/limiting, but so may the alternatives because categorisations in executing multilateral arrangements provides the conceptual wire to discuss underlying concerns of power and access (Darby, 2004: 2-3).

The growing recognition of the environment as a stakeholder in the ET process and the ramifications of transboundary harm or the internationalisation of value chains, highlight the importance of having specific controls in place to work towards the goal of addressing climate change. The PA continues to allow concerns of justice and accountability to be determined by access and power

by using soft approaches and flexible differentiation framing, which trivialises the development of developing countries. Anand, seems to aptly put it when he argues that the importance of framing and strict compartmentalisations is its ability to overcome an undeniable diversity (Anand, 1987: 2). For instance, the language of the Glasgow Pact, following on from the PA, admits to the agreement of developed countries to increase financial support and renewable energy (RE) investments in developing countries. However, the pact disagrees with framing such obligations as reparations. This turned on debates between justice and assistance and the United Nations third option of a 'loss and damage' framing of such support.

3.2. The PA's Framing of Compliance Mechanism

The choice of words and use of language in the PA speaks of economic and social transformation with the condition to constantly "take into account different national circumstances" (Article 2 (2)). The phraseology depicts the importance of recognising social features and implications of the transitions (Mejia-Montero et al., 2020: 303-305). This is particularly important because the current transition strategies do not adequately frame investments and financial obligations from rich countries as a duty but as assistance (Article 9), thereby requiring also the developing contexts to equally make investments and build collaborative capacities necessary to contribute to the development, use and distribution of the technologies needed to enjoy these RE resources.

The voluntary nature of the NDCs has led to the argument that the PA has no effect under international law; however, it has now also been broadly accepted that the PA is indeed a treaty for the Vienna Convention, with an implication of enforceability against national governments (Mcgregor, 2021). Although NDCs have been acknowledged by international courts and tribunals as capable of creating legal obligations, the enforceability of NDCs is a matter that casts some doubt on the viability of NDCs-PA in ensuring an equitable transition. This is because these NDCs only have an obligation of conduct (Article 4.2), and as Bodansky puts it, the obligation here, constitutes nothing more than an obligation "to pursue [unspecific] measures in good faith" (Bodansky, 2017: 304). For instance, the NDCs of most developing nations are, without the litigation forums necessary to deliver enforcement of government's objectives or the legitimacy to enforce the NDCs. After all, according to most developing states' constitutions, most environmental protection and development goals or basic economic and social needs are not justiciable in themselves (Chapter II of Nigeria's Constitution). Therefore, the bottom-up approach to achieving a just transition in these contexts is to address the underlying socioeconomic problems.

The PA points to the importance of voluntary cooperation (Article 6), finance, technology and capacity-building support (Articles. 9, 10 and 11), as well as the need for climate change education, training, public awareness, access to information and participation (Article 12), transparency (Article 13), implementation and compliance in the attendance to this goal. It equally stipulates the need of a global stocktake every five years to assess collective progress towards the energy transition and decarbonisation goal (Article 14). All of these show the extent and implication of the international legal framework towards ET. However, the primary concern is how these provisions fare or apply in practice to developing contexts as there are merely prescriptive.

For instance, the sustainable finance working group (SFWG) have recorded that despite the voluntary commitments made by developed nations through financial institutions, emerging markets and developing economies (EMDEs); still lag behind in terms of ET goals (G20 SFWG, 2022). SFWG have highlighted the importance of monitoring and supervising financial institutions' commitments to sustainability to encourage more accountability and transparency in the transition financial sector (G20 SFWG, 2022). The significance of this points to the weakness of the PA's self-differentiation when placed side by side with developmental and industrialisation goals of states. A global decarbonisation agenda can be expedited where the ability of sectors or businesses to access financing is improved as well as a reduction of risks of a disorderly transition, such as the risks associated with the ET due to the environment, the limited access to affordable and dependable energy, unemployment and broader social implications (G20 SFWG, 2022).

Also, the complex nature of technologies, their locked-in pattern, their differentiated value chains, digitalised implication and the scarcity of the critical minerals needed to develop them, add another layer to the complexity of the transition for developing contexts. This existing economic model of the world shaped by past and enduring systems and structures of inequalities, when faced with a new transition, leaves developing contexts in a constant race to catch up, owing to the foundational and structural imbalances. The World Bank puts it well when it states that "developing countries face a triple penalty when transitioning to clean energy: paying more for electricity, cannot access clean energy projects and are locked into fossil fuel 'dependency'" (The World Bank, 2023). Thus, as a result of the framing of investments and financial obligations from rich countries as 'assistance', developed countries and multi-national corporations have failed to meet the number of resources necessary to adapt to climate change (Pill, 2021).

Pedersen and colleagues have mirrored the extent of the importance of treating investments from developed countries as a duty when they state that

“ET in sub-Saharan Africa is much more than mobilising finance and includes energy access and ‘security’” (Pedersen et al. and Renkens, 2022). They further argue that for achieving the energy transition, understanding domestic priorities, resource endowments and administrative capacity is key. To them, a careful country analysis of competing interests and working with the entire energy system is necessary when planning collaborative and support strategies (Pedersen et al. and Renkens, 2022). With a ‘context’s endowment and experience being the starting point for support, it is clear how the TWAIL lens fits this discourse as TWAIL scholarship seeks a re-interpretation or redefinition of international law approaches to ET. The TWAIL scholarship seeks to take in the developing “context’s perspective and issues, seeking to build capacities – co-production of knowledge in tandem with local experience, such that is workable in the context” (Okafor, 2008).

One of the major highlights of the PA is how national and regional actions towards decarbonisation add up to the global transition agenda. In enhancing cooperation supporting decarbonisation, blocs and regions with certain commonalities (like existing systems and institutions, trade and markets) capable of influencing, coordinating and supporting developments and distributing resources towards the transition have been formed. For instance, the European Union (EU) shares commonalities of a developed status, structures and objectives, as well as being major greenhouse gas (GHG) emitters which have enabled them to address climate change in a more coordinated manner. Also, for ease of effectiveness, NDCs have mostly become integrated into national legislative, regulatory and planning processes of countries and in many sectors, especially those connected to the energy transition, to ensure implementation.

For instance, the EU has the European Green Deal, while the UK government’s net zero strategy framework describes how the nation will commit to achieving zero emissions by 2050. These initiatives, which synergise with the country’s planning and development sectors, include decarbonising buildings, nuclear projects, private and public investments supporting businesses and consumers in switching to green energy (Gov. UK 2021). Additionally, energy-related multi-national corporations are equally lowering their investments in fossil fuels and setting up sustainability departments inside their businesses. The automotive industry is one illustration of this transformation, where several major automakers have started to make significant investments in the infrastructure and technology of electric vehicles while dumping their outdated gasoline-powered models (IEA, 2022). They have set up sustainability departments to develop environmentally friendly manufacturing processes, improve energy efficiency and reduce emissions throughout their product lifespan.

3.3. Nigeria's NDC Example

Nigeria is a developing country in Western Africa, with a lower middle-income level. Even though it has the largest economy in sub-Saharan Africa, the region struggles with serious development concerns like high unemployment and limited access to modern power. The country fits under the TWAIL framework and is eligible to be researched using the TWAIL assumption, since it is a developing country that struggles with industrialisation and developmental issues, and cannot provide the energy needs of its citizens. The Nigerian NDC and energy policy strongly emphasise rapid development and economic expansion. Nigeria has pledged to cut its emissions of greenhouse gases by 20% without condition and 45% with assistance from other countries (FGN NDC's, 2015). To reduce emissions, promote Nigeria's economic and social growth, raise the standard of living and guarantee energy access for all, the country initially created five sectoral action plans to help achieve this goal (FGN updated NDC, 2022).

Nigeria's revised NDC has increased its conditional pledge to cut emissions to 47% from 45%. The revised NDC now includes the waste and water sectors alongside energy, oil and gas, agriculture and land use, and power and transport, bringing the total sectors targeted for emission reduction to seven (FGN updated NDC, 2022). One factor contributing to the revised NDC's higher mitigation ambition is the inclusion of the waste sector in the GHG mitigation assessment (FGN updated NDC, 2022). Similar to other developing countries, Nigeria emphasises capacity-building as a requirement for NDC implementation, connecting it to the fulfilment of sustainable development goals (SDGs). In its NDCs, Nigeria equally discussed the unique vulnerabilities of indigenous peoples, the value of utilising indigenous and local knowledge to strengthen climate efforts, as well as arrangements to enable greater participation and contributions from indigenous peoples to climate action along with other developing parties (UNFCCC/PA/CMA/2021/8:Section 65).

The NDC for developing countries (using Nigeria's example) illustrates how context-specific variations, varying fossil fuel and renewable energy endowments, varying energy market structures, varying environmental, socioeconomic and security concerns, all affect a country's legislative and policy objectives towards the ET (Crossley, 2019: 13). Therefore, ET transforms into a tool for promoting sustainable development in the country with the switch to cleaner energy use. The NDCs seek to address historical marginalisation by stimulating crucial investments in cleaner and more affordable energy access for these developing contexts.

According to Paww et al., the conditionality indicators linked to the NDCs of the states provide a foundation for equity (Paww et al., 2020: 469). What

this means is that it is the meeting of these conditions that will reflect whether the CBDR-RC principles or the PA's 'differentiation' frames facilitates a just transition or adequately captures the multifaceted challenges of developing African contexts. Consequently, these conditions pose a variety of objectives and responsibilities for developed states in terms of the transition, which raises several tensions between the viability of the transition goal and the demands for equity (Paww et al., 2020: 468). For the developing states, ET will therefore raise questions about people's engagement, capability, investments, access to safe and affordable electricity, and development.

3.4. ET Impact: The Third World Countries versus Developed Countries' Examples

The implication of achieving varying framed/themed ETs objectives reveals tensions and challenges, some of which are not far removed from the existing socioeconomic inequalities that are shaping the global world. Unpacking the conditionalities of the ET for developing countries when it comes to their NDCs, therefore, requires the consideration of the transition's drivers, implications, impacts and interconnections on contexts. A convincing narrative of these impacts is how the current transition strategy pays little to no attention to the continued reliance of contemporary global societies on historically ingrained fossil fuel production systems to meet developed countries' past and present energy needs (IEA, 2016). It is this continued reliance of the developed world on past fossils and the requirement for a shift away from these energy production forms for developing countries which are yet to be energy secure that cripples the ladder of development and access to modern electrical services for developing countries. Accordingly, what ET would mean for the developing world from this historical viewpoint will differ from what it means for the developed countries, and this is not without evidence.

For instance, the developing "countries' framing of ET – via their NDCs; speaks of energy poverty, lack of access to electricity, energy injustice and insecurity, and economic development. The inaccessibility and high cost of current energy services impact other development goals, emphasising how crucial it is for the ET to be as fair as feasible. This is because access to modern energy services and the ability to pay for these necessities is the lifeline to developing countries' economic transformation. The absence of these has led to the failure of many ET policies and programmes" (Tucho, 2020: 137). For example, Nigeria, a developing country, has about 60% of its population without access to grid electricity (Oseni, 2012: 990-995). 35% of this figure are people living in darkness in rural areas in Nigeria (Oseni, 2012: 993). The same is the case

for most of the countries in sub-Saharan Africa (SSA), with about 600 million people still living without access to electricity and nearly one million without access to clean energy for cooking (Kuhudzai, 2022).

The developed countries' idea of ET is depicted by the shift to clean energy due to the effects of climate change. Interestingly, recently in developed economies, the current energy transition also took the frame of affordability, cost and rising energy prices, owing to the impact of the Russia-Ukraine war. This has led to the reopening of coal plants in the UK, and support for ailing households due to issues of rising energy prices, especially during the winter of 2022 (Mcrae, 2023). Therefore, issues concerning ET are not far removed from social justice concerns. Bray and Ford have stated that the transition is a socioeconomic disruption that amplifies social and economic inequalities and is likely to disproportionately affect those in lower socioeconomic and minority groups, necessitating careful planning and policy-making (Bray et al., 2023).

Thus, the recent global energy crisis triggered by Russia's invasion of Ukraine has not only engendered rising fossil fuel prices worldwide, but has also sparked an unprecedented momentum for renewables, prompting many nations to seek to strengthen protectionist policies towards their energy security and RE development (Library of Congress, 2023). This example reinforces the importance of energy security for developing countries, highlighting the impracticalities of attaining any major decarbonisation agenda without ample development. Thus, the case for balancing development objectives with the transition is mirrored in most developing countries' (NDCs), and constant debate in the UNFCCC Conference of the Parties (CoP) on issues of accountability and responsibility.

Therefore, the inherent socio-ecological character of energy and climate restructuring efforts make the delivery of justice inherently pluralistic and multidimensional, bringing to the fore the roots of social and economic inequality and power dynamics that has shaped the global economy for a very long time. These socioeconomic inequalities in themselves affect and impair the accessing and effective participation of developing countries with the current transition, and this is heavily documented by reports. For instance, Cenevska discusses how CJEU acknowledged a breach of environmental obligations while sustaining Belgium's ability to maintain its current energy security policy in *Inter-Environnement Wallonie ASBL and Bond Beter Leefmilieu Vlaandersen ASBL v. Conseil des Ministres* (Case C-411/17, ECLI:EU:C:2019:622). Cenevska's analysis of this case raises the relationship between achieving core EU environmental objectives and ensuring the security of Belgium's electricity supply (Etty and Heyvaert, 2021: 197-204). Here, a local problem in Belgium that is related to a regional transition goal, illustrates the relationship between the socioeconomic develop-

ment and environmental/climate protection as well as a connection between energy security and a people's economic development.

3.5. Problematising Energy Transition Using the TWAIL Lens

TWAIL understands that transition to RE requires technological development of natural resources and critical minerals which are at the base of domestic and global value chains and economies, and this is where crucial issues of control, access and usage are involved (Natarajan, 2014: 213). Therefore, TWAIL problematises that the current transition comes with the concerns of climate responsibility and accountability. On this note, the consumer habits of developed countries, industrialisation and development in the past transitions is connected with the present environmental/climate change problems, necessitating the transition, and the attendant energy poverty, access and security challenges faced by developing countries in the current transition.

By addressing ET through the efforts and actions of differentiated contexts (NDCs), as well as removing the ceiling of definite possibilities to ensure that developed and developing countries scale alike towards attaining decarbonisation, the current ET through the PA's differentiation balances the climate ambition and differentiation. The balance here is struck by including both developed and developing countries' 'equally' in the endeavour to meet the climate objective and avoiding absolutes, strict rules and severe legal punishments as compliance mechanisms. TWAIL explains that approaches like these which promote new causes of transition on an equal or poorly defined footing without addressing the past, condone injustice because they expect, negotiate or aid developing countries in adopting an ET stance, even to their detriment, for the benefit of all (Argyrou, 2005: xi).

3.5.1. The Just Energy Transition Through the Lens of TWAIL

In order for ET to be effective and just, its transition strategies and procedures towards the restoration of the global earth, which industrialised nations have primarily harmed, must also be equitable (Dyke, 2021). A 'just' ET also means that renewable energy development and ET-related processes must be context-specific (Ghosh, 2018: 33). Using the TWAIL framework, this can be achieved by addressing questions such as "Energy transition: according to who? where? how? and with what implications?" (Ghosh, 2018; Mc Cauley, 2018: 3). Given that energy security concerns cannot be separated from the current energy transition, especially in developing countries where energy poverty and the lack of access to modern electricity services are already problems, ET could take

on different interpretations that call for various solution packages and measures. For instance, ET would call for different strategies for those who do not have access to electricity because they are not connected to the national grid and for those who have access to the grid but cannot afford to pay. Therefore, a just transition for developing nations will involve a restorative and whole ET policy framework that seeks to minimise or reverse culminative impacts of energy systems at local levels, including negative impacts on communities disproportionately burdened by energy production, distribution and consumption (Redgewell and Rajamani, 2020: 48-68).

Although the CBDR-RC calls for “a just transition” which is implemented through the NDCs, it is the case that the strategies and processes used to attain this are not just, at least not for the developing countries. The CBDR-RC principle clearly establishes the link between economic development and the environment, including natural resources, and articulates the developed world’s role in taking primary responsibility for environmental/climate goals. Natarajan puts it best when he says that international environmental law (in this case the PA) is characterised by a widening gap between the action that the developed world is required to take and the social justice narrative advocated by the South (Natarajan, 2014). This is evidenced in the non-compliance of both developed and developing countries towards these goals for multiple reasons. For developing countries, unmet goals are as a result of shortage of crucial minerals, unfair institutions and systems and energy capability vulnerabilities (lack of access, poverty and energy insecurity in SSA). Also, the use of renewable energy technologies, their high cost and limited availability, and the transnational nature of their value chains, all contribute to obscure and negatively affect the capacity of developing countries to participate fully in the global transition economy.

TWAIL is a theory that describes the behaviour of a related set of social phenomena towards the development of third-world countries (Okafor, 2008: 373). Drawing from the history of international law’s engagement with third-world peoples, TWAIL provides a predictive, logical and testable scholarship that predicts how international law behaves with the third world (Okafor, 2008: 371-378). For instance, in the area of international human rights law, Bhupinder Chimni notes that there are contradictions that characterise modern international law (Chimni, 2006: 2). To him, this body of law codifies several civil, political, social, cultural, and economic rights that can be used to advocate for the underprivileged and marginalised groups while also establishing the legitimacy of the internationalisation of property rights and hegemonic interventions (Chimni, 2006: 2). Badaru emphasises the importance of understanding the historical causes of the Third World’s socioeconomic rights’ current appalling

position, and of not primarily addressing human rights issues from the formal textual and institutional standpoints (Badaru, 2008: 381).

Thus, TWAIL is asking how and why the suffering of some humans and certain types of suffering get pushed to the margins of human rights theory, practice, and politics (Pooja, 2008: 366). ET through the TWAIL's lens highlights the historical and structural injustice that affects developing countries in the ET processes. Understanding the differentiated contexts principle, expressed in the NDCs, shows how past transitional experiences, developmental needs and processes (investment, markets, cost, RE value chains, and energy needs), shape the present transition goals. An understanding of these past experiences provides a forecast of how various contexts will view or accept the current transition agenda on whether it is supported by justice or another value (Miller, 2001: 50).

Therefore, the argument here is that the experiences and energy requirements of contexts will only be just if it results in the change of international law's ET strategies towards development in developing countries. This is because a transition that leaves socioeconomic inequalities intact, will not deliver a result that is 'sustainable' (Swirling et al., 2012). The paper agrees that the transition to sustainable energy from the perspective of TWAIL, indicates a balance of interests, which does not correspond with an equitable allocation of resources, responsibilities, procedures, or investments (Redgwell & Rajamani, 2020: 51).

TWAIL speaks to the "importance of critical knowledge production for development of capacities in developing communities, due to the negative impact and implication of international law structures on indigenous communities to benefit transnational corporations and foreign states" (Badaru, 2008: 379-387). Though made about international human rights, this analysis can apply to the ET process. For instance, Munariz writes that "The World Bank lending programme, despite expanding corporate mining activities, has caused displacement and impoverishment of indigenous communities, culture destruction and the environment" (Munariz, 2008: 431-443).

The example of Nigeria's Niger Delta oil and gas environmental pollution mirrors the extent of this top-down international law approaches in terms of investment contracts that constrain, displace and marginalise indigenous communities. For instance, with the fossil fuel economy, most of these multi-national corporation activities in the Niger Delta were carried out without local communities' appropriate involvement or alignment with international environmental impact assessment standards. These activities did not come with commensurable benefits to the host communities and continue to sacrifice the wellbeing of vulnerable groups for profit and centralised development agendas.

It is argued here that access to clean energy may not be feasible in SSA (using Nigeria as a case study), unless the ‘customarily’ affected people, who are frequently the weak or the poor, have the opportunity to participate in the critical knowledge production of ‘energy transition’ for themselves as well as develop and profit from renewable energy technology and production businesses (Svarstad & Benjaminsen, 2020). Like with oil and gas, the value chain, expertise, capabilities, jobs, markets, technology, financing and RE transition/ decarbonisation plans, policies, and strategies are international and alien to the people in developing contexts, hence the importance of co-production of these technologies (ILO Press Release, 2022).

The only clear thing known to the people is their ownership of these natural resources, but how this gets translated to the version of ‘development’ that impacts a community of people when it comes to affordable electricity access, reflects the bane of ‘a just transition’. This is because while the developed country policy promotion or diffusion strategy lies in reorienting the scope and narrative of projects on global value chains and technologies for sustainable energy security, the developing contexts strategy lies in delivering access to those without access and improving the context’s socioeconomic standards and capabilities. This touches upon knowledge, access, use and participation necessary to ensure acceptability and to drive the decarbonisation agenda.

Thus, the TWAIL approach to the transition speaks to the importance of a critical ET knowledge production in resisting and decolonising approaches that do not reflect, recognise, or take into account the experiences of a people. Without stifling the voices or liberties of a people, a new ET frame can emerge through dialogue-based interaction with global RE trends or top-down approaches and support (finances, technology) in a formalised renewable energy transition process, which can help accelerate a ‘just’ transition (Green, 2022). ET cannot be achieved in these contexts by merely producing policies and regulations. The public engagement/policy element must be interwoven into the negotiation processes, culture, jobs, and capacity building towards decision-making and project implementation. Vulnerable contexts must not be excluded or displaced but engaged with a macro energy justice perspective.

For instance, protests demanding an end to electricity tariffs, increase in fuel pricing, subsidy removal and police brutality have taken place in towns and cities across Nigeria amidst increasingly disproportionate impacts of policy decisions and strategies on the vulnerable (World Africa, 2020). These issues are not novel but reveal the growing intersection of power relations and social justice within the environment, development, and energy transition as discussed. Therefore, it is crucial to empower and involve the local or vulnerable contexts in decision-making processes and provide them with the necessary

resources and education to participate in the energy transition actively. This approach will ensure equitable access to sustainable energy and promote social and economic development in SSA.

3.5.2. Loss and Damage – Who Bears the Cost of ET?

One of the significant challenges of ET, especially for developing countries, is the distribution of costs and benefits. The implications of the cost of the ET, given the current socioeconomic status of most developing contexts, turn on questions of affordability, capabilities, use, knowledge, access, human rights and government intervention, all of which come with varying implications. For instance, a recent UKRI-SIGMA study shows how affordability issues fundamentally hamper access to mini-grid electricity in the southwestern rural area of Nigeria (Sesan et al., 2021). In contexts that lack access to modern energy services, the case of ET becomes a more practical concern: “How to make renewable energy available, affordable, and useable to them?” This calls forth the important role of finance, capacity building and investments as depicted in Articles 9, 10 and 11 of the PA, 2015. For instance, studies reveal that an economic analysis measuring the direct effect of energy taxes in 21 countries found that taxes on energy are generally regressive – taking a toll more on the income of the ‘poor’ (Flues & Thomas, 2015). This reflects globally the socio-economic impact of the ET on developing countries.

TWAIL scholarship serves well in problematising the preceding because it describes a behaviour of a related set of social phenomena and a history that is a critical determinant of future behaviour (Okafor, 2008: 371-378). TWAIL is used here to represent power relations seeking to rewrite, in this case, what a just transition means from a third-world perspective (Okafor, 2008: 373). ‘TWAIL’ emerges from a context that considers a regime of international law as a predatory system that legitimises, reproduces and sustains the plunder and subordination of the third world by the ‘West’ (Makau, 2000: 31). This understanding, coupled with a general knowledge of a grouping of states, sharing a common history of subjection, colonialism, and marginalisation by the international ‘system’ (Chimni, 2006: 5) helps to spotlight the injustice associated with ET processes.

The overall perspective on the ET discourse is that “climate change has provided sub-Saharan Africa (SSA) the platform to cleanly develop their energy sector from down up without relying on highly polluting fuels” (RES4Africa, 2021). While this appears true, lessons from past transitions have revealed that the processes involved in embarking on a new transition are complex and highly technologically and economically demanding for economies that are highly de-

pendent on fossils. This is especially so, given the multi-sectoral impact that energy holds in the social and economic development of a country. Examples of challenges encountered during the previous transition to oil and gas included problems with cost, accessibility, financial and technological capacity, as well as job losses for indigenous people under the mechanical/coal regime. It also included the failure to comprehend the context (public policy) and to train, empower and integrate indigenous people into the new transition or use of local knowledge.

3.5.3. Lessons from the Past Transitions: Oil and Gas

After a three-year study of the Nigerian ET context and transitions, Human Rights Watch has captured well the impact of this state of affairs in the oil and gas regime. The study portrays that: “Despite the vast wealth produced from the energy (oil) resource found in the context, the region remained poorer than the other contexts, and the division between the rich and the poor was more evident in the areas where gas flares lit up the night sky” (Human Rights Watch, 1999: 8).

Uwakonye and Anucha have revealed that “Despite the revenues brought in from oil exports, the Nigerian government still held a large unemployment and poverty rate, because it is the “MNCs that glean the most from the oil export revenues as profit and as investment/oil development cost” (Uwakonye & Anucha, 2006: 61). About four decades after, the impacts of these investments are still yet to be felt in these contexts, despite the overwhelming cost of pollution, breach of fundamental rights and destruction of livelihood, deaths and economic devastation endured. For these contexts, even immediate access to electricity and its affordability continues to be issues faced on the verge of another transition. The above oil and gas example demonstrates the pressing TWAIL flashpoints for the political economy of developing countries.

In *Process & Industrial Developments Limited (P&ID) v. The Federal Republic of Nigeria* (2019 EWHC 2241), Nigeria was granted a stay of execution pending its appeal against the decision obtained by a company with which it had entered into gas supply and processing agreement. The stay was conditional on terms requiring Nigeria’s payment to P&ID the sum of \$250 million ([2019] EWHC 2541 Paras. 2-6, 31-34). The initial case began when P&ID filed an arbitration lawsuit in London against the Federal Government for failing to set up infrastructure and construct pipelines for the delivery of wet gas (natural gas) to P&ID’s anticipated gas processing facility in Nigeria as was agreed by parties. On the appeal for stay, the Federal Government of Nigeria (FGN) argued that the damages judgement was unreasonably exaggerated and punitive, and was

made against public policy. The Court ruled that the public policy encouraging enforcement of penalty provisions outweighed the public policy opposing it, and that it was important to take enforcement into account while deciding whether to reject an enforcement award on the grounds of public policy (2019 EWHC 2241 Paras. 89-103). This judgement emphasises the implication of unfair foreign investments strategies on developing countries especially regarding ET projects.

Interestingly, the public policy lens relied upon by the FGN in their claim depicts a TWAIL concern wherein international law's strategies, investments and decisions fail to take into account developing country's experiences and the attendant impact of costs/damages on the welfare of a people at the expense of profits of multinational corporations. In this case, Heffron and Bausch have drawn on the themes of energy injustice, public policy and economic development arising from an investment in a gas project (Heffron and Bausch, 2020). They have argued that the narrow ruling of the court on 'public policy' demonstrated a lack of knowledge and comprehension of the energy sector's multifaceted operations, as well as the implications of the ET cost on people's daily lives, national and international structures, and a variety of other sectors and contexts.

They further state that the public policy needs to be concerned about the ongoing ET and that rules around investor protection will have to change for a successful or just ET to happen (Heffron and Bausch, 2020). Following an analysis of the court's judgement on the impact of a just ET and public policy, Heffron suggests that the judgement is indicative of an existing pattern of unjust exploitation of developing countries for enrichment – which is synonymous with the pursuit of TWAIL. Interestingly, the issues leading to the grant and terms of the investment contract and the procedures flouted by the contracting parties, again fuel concern for the claim of international law's frequent inability to create and sustain fair strategies towards the development of developing countries, especially SSA ([2020] EWHC 2379, Paras 188-199, 200-225).

Apart from the fact that the contract in the P&ID case was obtained fraudulently, ([2020] EWHC 2379 Paras. 211-267), Heffron observes that the judgement demonstrates that such an excessive claim by P&ID raises a public policy issue, especially given the nature of a shell company registered in a tax haven with no prior experience, and one that did not conduct Environmental Impact Assessment (EIA) of the project (*P&ID v Nigeria* (2019) EWHC 2241 Para 98). Heffron and Basuch made clear the case of a just transition in the lens of TWAIL in this analysis when they stated: "The planned usage of tax havens and tax holidays (investment benefits) from the outset are issues that are a scourge in the energy sector in developing countries as they highlight

how these countries continue to receive less than they should be entitled to their energy resources” (Heffron & Basuch, 2020:101-103).

Concerning the qualification of this position to the current ET initiatives of international law regarding the investments and development of the abundant renewable energy resources and critical minerals in many developing countries, a report from the World Energy Transition Outlook 2022 states as follows:

Investments in energy transition technologies remain concentrated in a handful of regions and countries, with the Asia-Pacific region, led by China, accounting for almost half of the global investments in 2021. The rest of the Asia-Pacific region, including Southeast Asia, attracted less than 8% of global investments. In comparison, Europe accounted for around 28% of global investments, with more than half of these investments going to a handful of countries: Germany, the United Kingdom, France, and Spain. The Americas: especially the United States, drew over a quarter of all investments globally, while the rest of the Americas, including all Latin America, accounted for less than 4%, followed by the Middle East and Africa, which together account for no more than 2% of the total” (IRENA 2022: 49).

4. Conclusion

The efforts of TWAIL expand the grounds of reason, portraying the powerless status of the ‘Third World’ contexts in international legal order, in the face of another global law strategy of transition in the field of energy. The lessons from oil and gas have justified TWAIL’s hypothesis of how this poor treatment of developing countries in the international legal order endures even with the present transition. For the current RE transition, TWAIL’s assumption can be founded on the persistent challenges in getting the international community to understand increased finances as justice, the implications of the transition on developing countries’ inability to access modern energy services and the impact on development.

Also, TWAIL’s assumption is predicated on the persistent challenges in developing nations’ capacities to draw meaningful investments for the energy transition, which advocates for the role of politics, laws, contexts, business strategies and international governance in populating

‘just’ and progressive pathways, for the ET. Some things like the current energy and economic structure of the country, the financial status quo of its people, addressing the loss of jobs, new technologies, investment, policy, and market models are needed to make this transition possible. However, these things do not make up for how much this will hurt developing countries’ economies and development. For instance, in SSA alone, about 105 million people lack electricity (Nalule, 2022: 22), and about 118 million of the continent’s poorest people currently face climatic dangers from droughts, floods and high temperatures (UN Climate Action, 2022).

It is equally proven that given the amount of space left in the sky for carbon pollution, no nation can use or produce fossil fuels on the same scale as affluent nations in the past (IEA, 2017). Moreover, developing countries still need

fossil fuels to tackle energy access challenges and achieve the extent of their development goals. Thus, RE transition is indeed a fitting area of discourse to which the TWAIL scholarship ought to be applicable because the developing countries disagree with the international law's strategies on ET. This is especially so, given that the issue of energy is of great significance to the development of the countries and, further affects significantly, the livelihood, development and power of the Third World.

It is, therefore, these undeserved consequences/sacrifices of unprepared transition meted out on a few as a result of the activities of the developed countries, these different starting positions of countries in terms of energy efficiency and the attendant cost implication on those already without modern energy access or secure electricity that a just transition seeks to address and rebalance. This fits clearly with the purpose of TWAIL, whose primary goal is to eliminate or alleviate the harm or injury that the Third World would likely have suffered as a result of the unjust international legal, political and economic order (Mutua & Anghie, 2000: 31-40).

A just transition through the lens of TWAIL, therefore, reiterates the "importance of not continuing to sacrifice the wellbeing of vulnerable groups for the sake of advantaging others, as has been the norm in past transitions" (Pinker, 2020: 2). Through this lens, a just transition is seen where ET is balanced against the socioeconomic interests of developing contexts to prevent an entrenched marginalisation. The application of this TWAIL lens in the ET discussion of the developing countries is the realisation that the transition, regardless of the metric used, will manifest unintended consequences to people, economies, and even the environment and, as such, requires addressing of the status quo and the socioeconomic system. It emphasises the integration of sustainable ET plans into international, national and local economies and a constant procedural intervention of governments on all levels, to alleviate the effects of hardship and costs on the marginalised.

Thus, the relationship between TWAIL and ET is that TWAIL frames the inequity and indifference of the RE transition agenda towards the marginalised at the lowest rung of the development ladder. It equally seeks to translate the importance of considering social and context differences, their relationship with energy and the overlapping outcomes of these relationships in the transition process. ET is just where government and policymakers pay attention, not necessarily, to stopping the transition but to recognising who the losers and marginalised are/will be in the transition process. It also seeks to understand how people have been marginalised, how to balance out overlaps, and the unintended outcomes of the transition in different contexts and other development sectors. Therefore, the reading of TWAIL to ET for developing countries empha-

sises the importance of understanding the unique circumstances of developing contexts and how these circumstances influence energy transition policies and development. Thus, to achieve energy transition in developing countries, these developing contexts need to be analysed, and transition policies/strategies need not be divorced from these contexts' background.

ET through the lens of TWAIL should seek to know what a context's peculiar developmental challenges are, who pays for RE technologies, how this is connected to modern energy use, and what the electricity demand, costs and supply are like in these contexts. It should equally ask about the role governance structures play in the energy sector and who the major players, winners and losers in this sector are. Considering these issues will enable an understanding of the level of targeted support required to balance the market forces between supply and demand, and what is necessary to provide a fair balance to investors, developers, and consumers in the energy system. Understanding the unique nature of these contexts will also clarify the importance of the treatment of climate finance as responsibility and justice, rather than aid.

The TWAIL perspective, therefore, presents a re-imagined version of ET for developing countries. It shows how the ET process could also be a unifying concept, capable of accelerating a fair and just sustainable ET in SSA, while recognising the engagement of people/contextes as a decisive element. The NDC example and Nigeria's oil and gas experience offer evidence-based arguments that successful energy transitions in SSA must be designed to be different, yet integrated, with some level of mandatory approaches to its targets, especially for developed countries. These arguments demonstrate how the use of procedural/restorative justice can still be used to equitably achieve the sustainable energy transition in spite of different circumstances and multiple policy objectives. Engaging with issues surrounding developing or electricity-unserved/underserved communities' meaningful participation in the ET is exactly the kind of 'bottom-up' discussion that would not only validate the interdisciplinary/integrated nature of sustainable transitions, but also help to bridge the gap between 'just' transition 'as law' and 'as development'.

Abbreviations

CBDR-RC	– Common but differentiated responsibilities and respected capabilities
CEP	– Clean Energy for All European Package
CJEU	– Court of Justice of the European Union
CoP	– Conference of Parties
EIA	– Environmental Impact Assessment
EMDEs	– Emerging Developing Economies
ET	– Energy Transition

EU	- European Union
FDI	- Foreign Direct Investment
FGN	- Federal Government of Nigeria
GHG	- Greenhouse Gases
IEA	- International Energy Agency
ILO	- International Labour Organisation
IMF	- International Monetary Fund
IPCC	- The Intergovernmental Panel on Climate Change
IRENA	- International Renewable Energy Agency
MNCs	- Multinational Corporations
NDC	- Nationally Determined Contributions
OECD	- Organisation for Economic Co-operation and Development
PA	- Paris Agreement
P&ID	- <i>Process & Industrial Developments Limited v. The Federal Republic of Nigeria</i>
RE	- Renewable Energy
RET	- Renewable Energy Technologies
SSA	- Sub Saharan Africa
SFWG	- Sustainability Financial Working Group
TWAIL	- Third World Approaches in International Law
UKRI-SIGMA	- United Kingdom Research Institute Sustainability, Inclusiveness and Governance of Mini grids in Africa
UNFCCC	- United Nations Framework Convention on Climate Change
UK	- United Kingdom
WB	- World Bank
WTO	- World Trade Organisation

References

Treaties/Legislation

Conference of the Parties, Adoption of the Paris Agreement, Dec 12, 2015.

U.N. Doc. FCCC/CP/2015/L.9/Rev/1 (Dec. 12, 2015). Articles. 2–14.

Constitution of the Federal Republic of Nigeria, 1999 CH II.

Kyoto Protocol to the United Nations Framework Convention on Climate Change, Dec. 10, 1997, 37 I.L.M. 22 (1998); 2303 U.N.T.S. 148; U.N. Doc FCCC/CP/1997/7/Add.1.

United Nations Framework Convention on Climate Change, May 9, 1992 1771 U.N.T.S. 107, 165; S. Treaty Doc No. 102–38 (1992); U. N. Doc. A/AC.237/18 (Part II)/Add.1; 32 I.L.M. 849 (1992).

Judicial Decisions

Inter-Environnement Wallonie ASBL and Bond Beter Leefmilieu Vlaandersen ASBL v. Conseil des Ministres (Case C-411/17,ECLI:EU:C:2019:622).

Process & Industrial Developments Limited v. The Federal Republic of Nigeria.

[2019] EWHC 2541 Paras. 2–6, 31–34, (2019) EWHC 2241 Para 98.

[2019] EWHC 2241 Paras. 89–103.

[2020] EWHC 2379 Paras. 211–267.

[2020] EWHC 2379, Paras. 188–199, 200–225.

Secondary sources

Abocejo, Ferdinand Tesado. 2014. The Impact of International Monetary Fund (IMF) Structural Adjustment Policies (SAP) on the Philippines. *Recoletos Multidisciplinary Research Journal* 2(1): 19–24.

Adebayo, Olohundare Jamiu. 2018. Oil and Gas Contracts: A Law in Context Analysis Using Nigeria As a Case Study, Thesis Paper, available at: Adebayo_PhD_Thesis.pdf (openrepository.com), last accessed 25.06.22.

Ajewole, Kayode, Jayson Beckman, Adam Gervail, William Johnson, Stephen Morgan, and Ethan Sabala. 2022. Do Free Trade Agreements Benefit Developing Countries? An Examination of US Agreements, Economic Information Bulletin No. (EIB-240) US Department of Agriculture, Economic Research Service, <https://www.ers.usda.gov/webdocs/publications/104855/eib-240.pdf?v=7305> (online library), last accessed 20.06.2023.

Alonso-Serna, and Edgar Talledos-Sanchez. 2023. Fossilising renewable energy: The case of Wind Power in the Isthmus of Tehuantepec, Mexico. In: M. Nadesan, M. Pasqualetti and J. Keahey (eds.), *Energy Democracies for Sustainable Futures*. Elsevier.

Anand, Ram Prakash. 1987. International Law and the Developing Countries: Confrontation or Cooperation? Martinus Nijhoff Publishers Co-publication with New Delhi: Banyan Publications, xii, 274.

Arlota, Carolina, and Katrina de Medeiros Costa, Hirdan (eds.). 2021. Climate change, Carbon Capture and Storage (CCS), energy transition, and justice: where we are now, and where are (should be) we headed? In: *Carbon Capture and Storage in International Energy Policy and Law*, Elsevier, 385–393.

Argyrou, Vassos. 2005. *The Logic of Environmentalism: Anthropology, Ecology and Postcoloniality*. New York: Berghahn Books, 195.

Badaru, Opeoluwa. 2008. Examining the Utility of Third World Approaches to International Law for International Human Rights Law. *International Community Law Review* 10(4): 379–387.

Baptista, Idalina. 2018. Space and Energy Transitions in Sub-Saharan Africa: Understand Historical Connections'. *Energy Research & Social Science* 36: 30–35.

Bass, Erin, and Birgitte Groggaard. 2021. The Long-term Energy Transition: Drivers, Outcomes, and the role of Multi-national Enterprise. *Journal of International Bus Stud.* 52: 807–823.

Bastida, Ana Elizabeth. 2020. *The Law and Government of Mining and Minerals: A Global Perspective*. Oxford: Hart Publishing, 45.

Bray, Rachel, and Rebecca Ford. 2021. *Delivering a just transition to Net zero: Whose role is it anyway?* Glasgow: University of Strathclyde. ISBN: 978-1-909522-93-0. DOI: 10.17868/78376, accessed 25.05.2023.

- Bray, Rachel, and Rebecca Ford. Centre for Energy Policy Who's Got the Power? Ensuring Energy Justice in the Transition to Net Zero. University of Strathclyde, Accessed 25.05.2023 (ongoing project).
- Broto, Vanesa Castan, Idalina Baptista, Joshua Kirshner, Shuan Smith, and Susan Neves Alves. 2018. Energy Justice, and Sustainability Transitions in Mozambique. *Applied Energy* 228: 645–655.
- Burns, Wil. 2016. How Should We Compensate Poor Countries for Loss and Damage from Climate Change? The Conversation, <https://theconversation.com/how-should-we-compensate-poor-countries-for-loss-and-damage-from-climate-change-55612>, last accessed 03.10.22.
- Chimni, Bhupinder. 2006. Third World Approaches to International Law: A Manifesto. *International Community Law Review* 8(1): 2–27.
- Ciplet, David. 2021. From Energy Privilege to Energy Justice: A Framework for Embedded Sustainable Development. *Energy Research & Social Science* 25:1.
- Crossley, Penelope. 2019. *Renewable Energy Law: An International Assessment*. Cambridge: Cambridge University Press., 103.
- Dane, Rowlands, and Graham Bird. 2004. Financing Balance of Payments Adjustment: Options in the Light of the Elusive Catalytic Effect of IMF – Supported Programmes. *Comparative Economic Studies* 46(3): 468.
- Darby, Philip. 2004. Pursuing the Political: A Post-colonial Rethinking of Relations International. *Millennium Journal of International Studies* 33(1): 1–34.
- Darren, McCauley, and Raphael Heffron. 2018. Just transition: Integrating climate, energy and environmental justice. *Energy Policy* 119.
- Edenhofer, Ottmar, Ramon Pico-Madruga, Ramon Sokona Youba, Kristin Seyboth, Patrick Matschoss, Susanne Kadner, Timm Zwickel, Patrick Eickemeier, Gerrit Hansen, Steffen Schloemer, Christoph Von Stechow (eds.). 2014. *Climate Change 2014: Mitigation of Climate Change. Contribution of Working Group III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge and New York: Cambridge University Press.
- Ejims, Okechukwu. 2013. The impact of Nigerian international petroleum contracts on environmental and human rights of indigenous communities *African Journal of International and Comparative Law* 21(3): 345–377.
- Emmanuel N., and Keyamo E. 2021. Analysis of Pollution Haven Hypothesis in Nigeria *International Journal of Humanities and Social Science Invention (IJHSSI)* 10(7): 16–23.
- Etty, Thijs, Veerle Heyvaert, Cinnamon Carlarne, Bruce Huber, Jacqueline Peel, Josephine Van Zeben. 2021. Energy Transition in a Transnational World. *Transnational Environmental Law* 10(2), 197–204.
- Eweje, Gabriel. 2006. Environmental Costs and Responsibilities Resulting from Oil Exploitation in Developing Countries: The Case of the Niger Delta of Nigeria. *J. of Bus. Ethics* 69(44).
- European Environment Agency. Perspectives on transitions to sustainability. EEA Report No 25/2017, available at: <https://www.eea.europa.eu/publications/perspectives-on-transitions-to-sustainability/file>, last accessed 08.05.2023.
- Federal Republic of Nigeria. 2003. National Energy Policy 8 & 9, available at: <http://rea.gov.ng/2017/09>, last accessed 06.09.2022.

- Federal Ministry of Environment. 2022. Department of Climate Change, NDC – Nigeria’s Commitment to Reduce GhG Emission, available at <https://climatechange.gov.ng/national-determined-contributions/> About Nigeria NDC, <https://www.ndc.climatechange.gov.ng/about>, last accessed 24.08.2022.
- Frynas, George. 2000. *Oil in Nigeria: Conflict and Litigation between Oil Companies and Village Communities*. LIT Verlag Muster.
- Gathii, James Thuro. 2011. TWAIL: A Brief History of Its Origins, Its Decentralised Network, and a Tentative Bibliography. *Trade L. & Dev.* 3(26): 27–64.
- Ghosh, Bipashyee. 2018. Transformation Beyond Experimentation: Sustainability Transitions in Megacities. DPhil thesis. University of Sussex, 33.
- Green, Marcus. 2002. Gramsci Cannot Speak: Presentations and Interpretations of Gramsci’s Concept of the Subaltern. *Rethinking Marxism* 14(3): 1–24.
- Grubler, Arnulf, Charlie Wilson, and Gregory Nemet. 2016. Apples, Oranges, and Consistent Comparisons of Temporal Dynamics of Transitions. *Energy Research and Social Science* 22: 18–25.
- Grübler, Arnulf. 1998. *Technology and Global Change*. Cambridge: Cambridge University Press.
- G20. 2022. Sustainable Finance Working Group, ‘G20 Sustainable Finance Report’, available at: <https://g20sfwg.org/wp-content/uploads/2022/10/2022-G20-Sustainable-Finance-Report-2.pdf>, last accessed 23.06.2023.
- Heffron, Raphael, and Ryan Bausch. 2020. Process & Industrial Developments Limited v The Federal Republic of Nigeria. *Global Energy Law and Sustainability* 1(1): 101–103.
- Hill, Antonio. 2022. Equity and Good Governance are Essential for the Energy Transition Natural Resource Governance Institute Blogpost, available at: <https://resourcegovernance.org/blog/equity-and-good-governance-are-essential-for-the-energy-transition>, last accessed 09.08.2022.
- Human Rights Watch. 1999. The Price of Oil Corporate Responsibility and Human Rights Violations in Nigeria’s Oil Producing Communities. New York: HRW, 8.
- International Energy Agency. 2022. Renewable Power’s Growth is Being Turbocharged as Countries Seek to Strengthen Energy Security. IEA Press Release, available at: <https://www.iea.org/news/renewable-power-s-growth-is-being-turbocharged-as-countries-seek-to-strengthen-energy-security>, last accessed 10.03.2023.
- International Labour Organisation. 2022. Renewable Energy and Jobs: Renewable Energy Jobs Hit 12.7 Million Globally. ILO Press Release, available at: https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_856515/lang-en/index.htm, last accessed 12.03.2023.
- IPCC, Climate Change. 2022. Key Vulnerability, Key Risks and Reasons for Concerns. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, H.-O. Portner, D.C. Roberts, M. Tignor, E.S. Poloczanska, K. Mintenbeck, A. Alegria, M. Craig, S. Langsdorf, S. Loschke, V. Moller, A. Okem, B. Rama (eds.). Cambridge and New York: Cambridge University Press, 1066–1079, available at: <https://www.ipcc.ch/report/ar5/wg2/>, last accessed 06.02.2023.
- IRENA. 2022. World Energy Transitions Outlook, 49, available at: file:///C:/Users/user/Downloads/IRENA_World_Energy_Transitions_Outlook_2022.pdf, last accessed 19.07.2022.

- Jenkins, Kirsten, Benjamin Sovacool, and Darren McCauley. 2018. Humanizing Sociotechnical Transitions through Energy Justice: An Ethical Framework for Global Transformative Change. *Energy Policy* (117): 66–74.
- Jolink, Albert, and Eva Niesten. 2021. Financing the Energy Transition: The Role of Public Funding, Collaboration and Private Equity. In: Alessandro Rubino, Alessandro Sapio and Massimo La Scala (eds.). *Handbook of Energy Economics and Policy*. Elsevier.
- Komendantova, Nadejda, Leena Marashdeh, Ahmed Al-Salaymeh, S. Al-twassi, Rasha Al-beek, and Kholoud Hassouneh. 2022. On the crossroad – Renewable Energy Sources or Shale oil? Understanding patterns of social attitudes in Jordan. *OPEC Energy Reviews* 46(1): 3–31.
- Nagashybayev, Gulnar. 2021. Trends in Globalisation-Globalisation: A Resource Guide. Library of Congress, available at: <https://guides.loc.gov/globalization>, last accessed 10.03.2023.
- Mabey, Nick, and Richard McNally. 1998. Foreign Direct Investment and the Environment: From Pollution Havens to Sustainable Development. A WWF-UK Report, p. 3.
- McGregor, Duncan. 2021. A Critical Discussion on the Strengths and Weaknesses of the Paris Agreement 2015 on Climate Change, available at <https://www.linkedin.com/pulse/critical-discussion-strengths-weaknesses-paris-2015-climate-mcgregor>, last accessed 20.06.2023.
- Miller, David. 2001. *Principles of Social Justice*. Harvard University Press, p. 50.
- Mutua, Makau, and Anthony Anghie. 2000. Proceedings of the Annual Meeting. *American Society of International Law* 94: 31–40.
- Nalule, Victoria. 2021. How to Respond to Energy Transitions in Africa: Introducing the Energy Progression Dialogue. In Nalule V. (ed.). *Energy Transition and the Future of the African Energy Sector: Law, Policy and Governance*. Palgrave Macmillan.
- Natarajan, Usha. 2017. Third World Approaches to International Law (TWAIL) and the Environment. In: Philippopoulos-Mihalopoulos A., and Brooks V. (ed.). *Research Methods in Environmental Law*. Elgaronline.
- Nationally Determined Contributions (NDCs) Global Output Report, The State of Climate Ambition 2021, available at https://climatepromise.undp.org/sites/default/files/research_report_document/State%20of%20Climate%20Ambition.pdf.
- Norwine, Jim., and Alfonso Gonzalez. 1988. *The Third World: States of Mind & Being*. Boston: Urwin Hyman, p. 2.
- OECD. 2002. Foreign Direct Investment for Development: Maximising Benefits, Minimizing Costs P 3, available at <https://www.oecd.org/invest>, last accessed 06.09.2022.
- Ogbonna & Ekweozor. In: Emmanuel N., and E. Keyamo. 2021. Analysis of Pollution Haven Hypothesis in Nigeria. *International Journal of Humanities and Social Science Invention (IJHSSI)* 10(7): 16–23.
- Ogunbiyi, D. 2021. Ending energy poverty saves lives and the planet. Interview with UNSG of Sustainable Energy for all, available at: <https://www.un.org/en/climatechange/damilola-ogunbiyi-ending-energy-poverty>, last accessed 21.02.2022.
- Oil for Nothing. 2000. Multi-National Corporations, Environmental Destruction, Death and Impunity in the Niger Delta, Essential Action and Global Exchange, available at https://www.essentialaction.org/shell/Final_Report.pdf, last accessed 20.04.2023.

- Okafor, O.C. 2008. Critical Third World Approaches to International Law (TWAIL): Theory, Methodology, or Both? *International Community Law Review* 10(10): 37–378, 373.
- Okafor, O.C. 2006. Poverty, Agency and Resistance in the Future of International Law: An African Perspective. *Third World Quarterly* 27(5): 799–814.
- Olawuyi, D. 2016. *The Human Rights-Based Approach To Carbon Finance*. Cambridge University Press 14(63): 75–77, 141.
- Osei Opoku E., and A. Alex Acheampong. 2023. Energy justice and economic growth: Does democracy matter? *Journal of Policy Modeling* 45(1): 160–86.
- Oseni, M. 2012. Households' Access to Electricity and Energy Consumption Pattern in Nigeria. *Renewable and Sustainable Energy Reviews* 16(1): 990–995, 993.
- Pauw, Pieter, Kennedy Mbeva and Harro van Asselt. 2019. Subtle differentiation of Countries Responsibilities under the Paris Agreement. *Palgrave Commun* 5: 86.
- Pill, M. 2021. Glasgow COP26: Climate Finance Pledges from Rich Nations are Inadequate, and Time is Running Out. The Conversation, available at <https://theconversation.com/glasgow-cop26-climate-finance-pledges-from-rich-nations-are-inadequate-and-time-is-running-out-169686>, last accessed 03.10.2022.
- Pinker, A. 2020. Just transitions: A Comparative Perspective. The James Hutton Institute & SEFARI (A Report), p. 2, available at <https://www.gov.scot/binaries/content/documents/govscot/publications/independent-report/2020/08/transitions-comparative-perspective2/documents/transitions-comparative-perspective/transitions-comparative-perspective/govscot:document/transitions-comparative-perspective.pdf>, last accessed 03.10.2022.
- Pooja, P. 2008. TWAIL: An Epistemological Inquiry. *International Community Law Review* 10(4): 363–370.
- Redgwell, C., and L. Rajamani. 2020. And Justice for All? Energy Justice in International Law. In: Inigo del Guayo and Others (eds.). *Energy Justice and Energy Law*. Oxford, online edn., Oxford Academic), 48–63.
- RES4Africa. 2022. 10 Years of Promoting the Sustainable Energy Transition in Africa Enelgreenpower.com, available at <https://www.enelgreenpower.com/stories/articles/2022/05/sustainable-energy-transition-africa>, last accessed 11.08.2022.
- Sands, P. *et al.* 2018. *Principles of International Environmental Law* (3rd edn, CUP), 896.
- Sarpong, Hammond Antwi, and Debora Ley. 2021. Renewable Energy Project Implementation in Africa: Ensuring sustainability through community acceptability. *Scientific African Volume* eo0679 (11): 1–10.
- Selznick, P. 2003. Law in Context Revisited. *Journal of Law and Society* 30(2): 177–186.
- Sesan T., U. Uduka, I. Faleye, and D. Yusuf. 2022. Who benefits from mini grids in rural African Communities? Evidence from Southwest Nigeria (Nigeria; September, 19 2022), available at <https://www.sigma-gcrf.net/blog/who-benefits-from-mini-grids-in-rural-african-communities-evidence-from-southwest-nigeria>, last accessed 02.02.2023.
- Sovacool, B. 2014. What are We Doing Here? Analysing Fifteen Years of Energy Scholarship and Proposing A Social Science Research Agenda. *Energy Research & Social Science* (1): 1–29.
- Svarstad, H., and Tor Benjaminsen. 2020. Reading radical environmental justice through a political ecology lens. *Geoforum* (108): 1–11 at 2.

- Thomas, Melanee, Brooks DeCillia, John B. Santos, and Lori Thorlakson. 2022. Great expectations: Public opinion about energy transition. *Energy Policy* 162.
- Tucho, G.T. 2020. The Impacts of Policy on Energy Justice in Developing Countries. In: Bombaerts G., Jenkins K., Sanusi Y., Guoyu W. (eds.). *Energy Justice Across Borders*. Springer, Cham, available at <https://doi.org/10.1007/978-3-030-24021-9-7> (e-book).
- UN Press Release on its Seventy-seven Meeting. 2022. Developed Countries Must Deliver on Climate Change. Developed Countries Must Deliver on Climate Change, Finance Commitments, Delegates Stress, as Second Committee Continues Its General Debate, available at: <https://press.un.org/en/2022/gaef3566.doc.htm>, last accessed 20.11.2022.
- United Nations Framework Convention on Climate Change (UNFCCC). 2021. Nationally Determined Contribution (NDC) to the Paris Agreement: Nigeria FCCC/PA/CMA/2021/8/Rev.1.
- UNFCCC. 2016. The Paris Agreement, available at: <https://unfccc.int>the-paris-agreement>, last accessed 25/08/22, Article 4, paragraph 2 Paris Agreement.
- UNFCCC. Key Aspects of the Paris Agreement, at <https://unfccc.int>key-aspects-of-the-paris-agreement>.
- UNFCCC. 2021. Nationally Determined Contributions under the Paris Agreement Synthesis Report by the secretariat. UNFCCC/PA/CMA/2021/8 Sec 65.
- UK's Path to Net Zero set out in landmark Strategy, October 2021, available at: <https://www.gov.uk/governmentz/news/uks-path-to-net-zero-set-out-in-landmark-strategy>, last accessed 06.09.2022.
- UNFCCC. 2019. Unprecedented Impacts of Climate Change Disproportionately Burdening Developing Countries, Delegate Stresses, as Second Committee Concludes General Debate GA/EF/3516, available at <https://press.un.org/en/2019/gaef3516.doc.htm>, last accessed 25.08.2022.
- Uwakonye, M., G. Osho, and H. Anucha. 2006. The Impact of Oil and Gas Production on the Nigerian Economy: A Rural Sector Econometric Model' *International Business & Economics Research Journal* 5(2): 61–76.
- Valentini L. 2009. Justice and Assistance: Three Approaches and a Fourth One, CSSJ Working Paper Series: SJ009 P4, available at: https://www.politics.ox.ac.uk/sites/default/files/inline-files/SJ009_Valentini_Justice%26Assistance.pdf, last accessed 02.10.22.
- Verbruggen, A., and V. Volkmar Lauber. 2012. Assessing the Performance of Renewable Electricity Support Instruments. *Energy Policy* (45): 635–644.
- World Bank. 2023. Breaking Down Barriers to Clean Energy Transition. Available at [Breaking Down Barriers to Clean Energy Transition \(worldbank.org\)](https://www.worldbank.org), last accessed on 19.06.2023.
- World Africa. 2020. Nigeria: Protests Erupt against Power, fuel Price Hike Electricity Tariff Set to Increase After Petrol Prices in Oil-Rich Country Have Risen for 3 Straight Months, available at <https://www.aa.com.tr/en/africa/nigeria-protests-erupt-against-power-fuel-price-hike/1963122>, last accessed 13.02.23.

