

EDITORIAL

Beyond Just Transition: Advancing Responsible and Rights-Based Business Practices in the Energy and Extractives Sector

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Abstract

The special issue brings together diverse academic and practitioner perspectives to explore the legal and governance aspects of implementing a just transition in practice. Recent studies have highlighted how efforts to advance clean energy transition programs in energy and extractive sectors have been increasingly linked to social exclusions, greenwashing, rising energy poverty levels and constraints to access to land and other resources in already vulnerable communities. While the need for a just transition is clear, an interdisciplinary and multijurisdictional examination of the practical challenges and gaps in the design and implementation of just transition programs has remained sparse. This special issue seeks to fill this gap in the existing literature. Through thematic and geographical case studies, the contributions herein critically examine the social, environmental and human rights implications of the clean energy transition, illuminating what a just transition should entail and how it can be realized in diverse contexts.

Keywords: extractives; human rights due diligence; just transition; net zero; United Nations Guiding Principles on Business and Human Rights (UNGPs)

1. Introduction

There is now increased consensus in the scientific community that climate change is one of the key planetary emergencies facing our world, and that the continuous anthropogenic (human-induced) emission of greenhouse gases (GHG) is a principal cause.¹ Therefore, the 2015 Paris Agreement expressly sets the target to reduce GHG emissions and limit global temperature increase to 1.5 °C above pre-industrial levels.² In response to this target, a growing number of countries, business enterprises and other stakeholders worldwide have declared a climate emergency, resulting in increased legislation and commitments to bring down emissions of GHGs that contribute to climate change to net zero by the year

¹ Preyadarshi R Shukla et al (eds.), *Climate Change 2022: Mitigation of Climate Change: Working Group III Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Intergovernmental Panel on Climate Change, 2022). See also J Richardson et al, 'Earth beyond six of nine Planetary Boundaries' (2023) 9 *Science Advances* 37.

² United Nations Framework Convention on Climate Change (UNFCCC), The Paris Agreement https://unfccc.int/sites/default/files/english_paris_agreement.pdf (accessed 1 March 2025).

2060 or earlier.³ Given the current and historical contributions of the extractive sector, i.e. all actors that ‘are involved in the production, processing, distribution and sale of oil, gas, solid minerals and rare earth metals,’ to global GHG emissions, transitioning to cleaner and less emission-intensive energy sources has become a central focus of energy and natural resources law.⁴ More than 60 per cent of extractive companies now have net zero commitments, mainly focused on promoting decarbonization across their entire value chain, while also accelerating investments in renewable energy sources, such as green hydrogen, hydropower, solar and wind energy infrastructure.⁵

However, despite the urgent importance of the clean energy transition, concerns have also emerged as to how the design and implementation of clean energy transition programs may further exacerbate social exclusion, worsen energy poverty levels and constrain access to land and other resources for communities, including the already vulnerable low-income communities.⁶ For example, energy transition projects have been linked to serious human rights abuses, such as modern slavery, child labour, discrimination, environmental pollution, land grabs and forced displacements of Indigenous Peoples from their ancestral lands.⁷ Furthermore, as the energy transition takes place across the world, the rush for minerals and raw materials – such as copper, lithium, nickel, manganese, cobalt, graphite, phosphate rock, zinc and rare earth metals – needed to manufacture renewable energy technologies and infrastructure raises significant questions on human rights gaps in the exploitation of such transition minerals.⁸ Lack of transparency and clarity in the design and implementation of transition programs have also raised concerns over the rise of deceptive or inaccurate reporting on energy transition programs, known as greenwashing.⁹

Several of these concerns raise serious human rights questions, especially on the duty of states to protect, and the responsibility of business enterprises to respect, human rights in energy transition programs. The Paris Agreement indeed emphasizes that ‘Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights.’¹⁰ As business enterprises and other stakeholders

³ Climate Emergency Declaration, ‘Climate Emergency Declarations in 2,364 jurisdictions and local governments cover 1 billion citizens,’ <https://climateemergencydeclaration.org/climate-emergency-declarations-cover-15-million-citizens/> (accessed 9 January 2025). More than 70 countries, including the top GHG emitting countries – Brazil, China, India, the United States, Russia and the European Union— have set a net-zero target, covering about 76% of global emissions.’ United Nations, ‘For a Livable Climate: Net Zero Commitments Must be Backed by Credible Action,’ <https://www.un.org/en/climatechange/net-zero-coalition> (accessed 9 January 2025). See also Damilola Olawuyi *et al.*, *Net Zero and Natural Resources Law: Sovereignty, Security, and Solidarity in the Clean Energy Transition* (Oxford University Press, 2024) 1–15.

⁴ See United Nations Working Group on Business and Human Rights (UN WGBHR), ‘Extractive Sector, Just Transition and Human Rights,’ A/78/155 (11 July 2023).

⁵ See Olawuyi *et al.* (n 3); Net Zero Tracker, ‘Net zero targets among world’s largest companies double, but credibility gaps undermine progress’ (12 June 2023) <https://zerotracker.net/insights/net-zero-targets-among-worlds-largest-companies-double-but-credibility-gaps-undermine-progress> (accessed 1 March 2025).

⁶ UN WGBHR (n 4).

⁷ This is explored in this special issue by Morfea. See also UN WGBHR (n 4); Clean Energy Council, ‘Addressing Modern Slavery in the Clean Energy Sector’ <https://www.cleanenergycouncil.org.au/resources/resources-hub/addressing-modern-slavery-in-the-cleanenergy-sector> (accessed 14 December 2024).

⁸ UN WGBHR (n 4); Amnesty International, ‘Democratic Republic of Congo: “This is What We Die For”: Human Rights Abuses in the Democratic Republic of the Congo Power the Global Trade in Cobalt’ (2016) <https://www.amnesty.org/en/documents/afr62/3183/2016/en/> (accessed 1 May 2023). See also UN Security Council Resolution on the Democratic Republic of Congo, Resolution 1952 (2010) <https://www.documents-dds-ny.un.org/doc/UNDOC/GEN/N10/655/23/PDF/N1065523.pdf?OpenElement> (accessed 1 May 2023), calling on all companies purchasing, processing, and consuming minerals in the DRC to apply and implement rights-based due diligence standards.

⁹ UN WGBHR (n 4).

¹⁰ Paris Agreement (n 2), ‘Preamble.’

implement clean energy transition programs, the importance of placing human rights at the heart of such efforts cannot be overemphasized.

Against this backdrop, recent studies, including a report of the United Nations Working Group on Business and Human Rights, have explored how the holistic implementation of existing international human rights norms and standards, particularly the UN Guiding Principles on Business and Human Rights (UNGPs), could advance a just and human rights-based energy transition.¹¹ However, an interdisciplinary and multijurisdictional examination of the practical challenges and gaps in the design and implementation of just transition programmes in energy and extractive sectors has remained sparse. This special issue seeks to fill this gap in the existing literature.

A collection of ten articles and four ‘developments in the field’ (DiF) pieces in this special issue brings together diverse academic and practitioner perspectives to explore the legal and governance aspects of implementing the just transition in practice. Just transition is understood here as ‘the transition to a green and zero-carbon economy that is fair and inclusive, creates decent work opportunities and upholds the human rights of affected communities, in particular Indigenous Peoples and populations affected by energy poverty, through social dialogue and meaningful participation, particularly in decision-making on the use of land and natural resources.’¹² The diverse contributions explore legal and institutional challenges in designing and implementing transition programs through thematic and geographical case studies, assessing how governments, private sector actors, civil society and affected stakeholders drive, achieve or hinder a just transition in the energy and extractives sector. Together, these contributions engage with three key interconnected themes: (i) the nature and scope of a just transition and the roles and responsibilities of states, businesses, and civil society organizations in achieving it; (ii) the shortcomings of existing regulatory frameworks with respect to advancing a just transition; and (iii) innovative and multi-stakeholder approaches for advancing a just transition in practice.

II. Business, Human Rights and Just Transition: Normative Frameworks

Two key elements emerge from the above definition of just transition. First, it highlights the intrinsic interconnection between the protection of the environment and the realization of human rights. That interconnection was recently recognized by the United Nations General Assembly, which affirmed that the right to a clean, healthy and sustainable environment is a human right in and of itself.¹³ Second, it underlines the importance of considering the implications of both the environmental degradation arising out of climate change and the energy transition programmes put in place to address it on rightsholders, especially Indigenous Peoples and affected communities.

In this context, various authors of this special issue have called for a human rights-based approach to the energy transition.¹⁴ Under the first pillar of the UNGPs, states are required to protect against human rights abuse within their territory and jurisdiction by third parties, including businesses.¹⁵ The UNGPs clarify that states must take appropriate steps

¹¹ UN WGBHR (n 4).

¹² UN WGBHR (n 4) 4. See also United Nations Human Rights Office of the High Commissioner and International Labour Organization, ‘Human Rights and a Just Transition,’ <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/information-materials/v4-key-messages-just-transition-human.pdf> (accessed 1 March 2025).

¹³ United Nations General Assembly, ‘The Right to a Clean, Healthy and Sustainable Environment Resolution,’ A/76/L.75 (26 July 2022).

¹⁴ This is explored by Abe in this special issue.

¹⁵ United Nations Human Rights Office, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (2011) (UNGPs), Principle 1.

to fulfil that obligation, notably through effective policies and legislation. In relation to the just transition, this notably requires states to address the regulatory gap arising from the fact that human rights and climate change are often treated separately and governed by separate laws, and instead, adopt a holistic regulatory framework on energy transition that is human-rights based.¹⁶ Several articles of this special issue underline the crucial role that domestic laws and regulations can play in ensuring a just transition which is aligned with international human rights law, whilst also highlighting their limitations.

Under the second pillar of the UNGPs, extractive sector businesses have a responsibility to respect human rights in their activities and throughout their value chains.¹⁷ This responsibility applies to all companies, regardless of their size, and goes beyond complying with national laws since companies are expected to respect all internationally recognized human rights.¹⁸ The UNGPs set out that carrying out human rights due diligence (HRDD) is the way for business enterprises to meet that responsibility in practice as it allows them to continuously identify and address human rights issues in their activities and across their value chains.¹⁹ The concept of HRDD was subsequently enlarged to integrate the environmental and climate change dimensions – under the expression ‘risk-based due diligence’ – in the OECD Guidelines, as a way to promote responsible business conduct that upholds respect for human rights, decent work and environmental standards throughout global value chains.²⁰ In addition, one of the key updates of the 2023 revision of the OECD Guidelines was to spell out the expectation for companies to align with internationally agreed climate change and biodiversity goals.²¹ The concept of risk-based due diligence is a cornerstone of the just transition, as it can serve a dual purpose. First, it can enable extractive sector companies to identify and address the climate-related human rights and environmental impacts arising out of their activities as well as those of their business partners. Second, risk-based due diligence can enable extractive sector operators to evaluate the human rights implications of their energy transition plans.²² This is particularly relevant with regard to the growing number of mandatory HRDD laws that have been adopted over the past few years to crystalize the expectations under international business and human rights (BHR) standards. Legislative developments in that respect have taken place in various countries such as France, Germany, Norway and Switzerland.^{23,24} Other countries such as Brazil, Canada, Colombia, Mexico, South Korea, and Thailand are also considering adopting mandatory risk-based due diligence laws.²⁵

At the European level, the Corporate Sustainability Due Diligence Directive (CSDDD) was adopted on 13 June 2024. In its adopted version – leaving aside the changes that are currently being discussed as part of the omnibus ‘simplification package’ – the CSDDD imposes

¹⁶ UN WGBHR (n 4) 8.

¹⁷ UNGPs (n 15) Principle 11.

¹⁸ *Ibid*, Principle 12.

¹⁹ *Ibid*, Principle 15.

²⁰ OECD, *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct*, OECD Publishing (Paris 2023), <https://doi.org/10.1787/81f92357-en> (accessed 1 March 2025).

²¹ UN WGBHR (n 4).

²² Claire Bright and Karin Buhmann, ‘Risk-based Due Diligence, Climate Change, Human Rights and the Just Transition’ (2021) 13:18 *Sustainability* 10454. This is also explored in this special issue by Bailey and Lavite.

²³ See, for example, the contributions in this special issue by Mofea and Bijlmakers.

²⁴ See also, UNGPs (n 15) Principle 11.

²⁵ OECD, ‘Mandatory Due Diligence: Taking Stock and Looking Forward’ <https://mneguidelines.oecd.org/Session-note-2021-OECD-Garment-Forum-Mandatory-due-diligence-legislation-design-perspectives-from-the-garment-and-footwear-sector.pdf> (accessed 1 March 2025). See also OHCHR, ‘National Action Plans on Business and Human Rights.’ <https://www.ohchr.org/en/special-procedures/wg-business/national-action-plans-business-and-human-rights> (accessed 1 March 2025).

obligations for in-scope companies to conduct risk-based human rights and environmental due diligence.²⁶ In addition, it contains a dedicated provision (Article 22) on ‘combating climate change’ which requires in-scope companies to adopt and put into effect a transition plan for climate change mitigation ‘which aims to ensure, through best efforts, that the business model and strategy of the company are compatible with the transition to a sustainable economy and with the limiting of global warming to 1.5 °C in line with the Paris Agreement and the objective of achieving climate neutrality [...] including its intermediate and 2050 climate neutrality targets, and where relevant, the exposure of the company to coal-, oil- and gas-related activities.’

Although Article 22 does not explicitly mention human rights, it could be argued that companies are implicitly required to take into account the implication of their transition plans on rightsholders given the overarching goal of the CSDDD to achieve a just transition, as explicitly mentioned in its recitals,²⁷ and companies’ overall obligation to conduct risk-based human rights and environmental due diligence. If adequately crafted, mandatory risk-based due diligence laws can provide a useful framework for a human-rights-based approach to the just transition. However, as contributions in this special issue demonstrate, practical challenges such as weak capacity, limited rule linkages, institutional limitations and resource constraints continue to limit the application of HRDD in practice.

In addition to states’ duty and corporate responsibility toward human rights, access to remedy (third pillar) is one of the remarkable contributions of the UNGPs. According to the UNGPs, ‘States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to an effective remedy.’²⁸ This notion of *procedural justice* is an important element of just transition. However, there are other elements of a just transition which were not fully elaborated in the UNGPs. Just transition should include all elements of justice and be introduced as ‘a fair and equitable process of moving towards a post-carbon society.’²⁹

Five key principles of justice should guide the path to a net zero era, namely procedural, distributive, restorative, recognition and cosmopolitan justice.³⁰ The contributions in this special issue demonstrate how the lack of a careful integration of these five elements in energy transition programs is replicating some of the perennial human rights concerns in the energy and extractive sector.³¹ Procedural justice is crucial for distributive justice, the second element of just transition.³² While in procedural justice, ‘affected parties are meaningfully and continually consulted,’ distributive justice intends to share ‘costs and benefits of the transition fairly and equitably.’³³ Moving toward decarbonization requires

²⁶ Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859, Articles 5 and 7–16.

²⁷ Ibid, Recitals 3 and 11.

²⁸ UNGPs (n 15) Principle 25.

²⁹ Darren McCauley and Raphael Heffron, ‘Just Transition: Integrating Climate, Energy and Environmental Justice’ (2018) 119 *Energy Policy* 1.

³⁰ Hasan Qaraman et al, ‘Stepping into the Just Transition Journey: The Energy Transition in Petrostates’ (2024) 113 *Energy Research & Social Science* 103553. See also Xinxin Wang and Kevin Lo, ‘Just Transition: A Conceptual Review’ (2021) 82 *Energy Research & Social Science* 102291.

³¹ This is explored in this special issue by Cambou and Buhmann as well as by Burcu and Jackson.

³² Peter Newell, Jon Phillips and Dustin Mulvaney, ‘Pursuing Clean Energy Equitably’ (2011) *Human Development Research Papers*, https://eprints.soas.ac.uk/36249/1/Newell%2C%20Phillips%2C%20Mulvaney_Clean%20Energy%20Equity_Human%20Development%20Report.pdf (accessed 21 February 2025).

³³ Simone Abram et al, ‘Just Transition: A Whole-Systems Approach to Decarbonisation’ (2022) 22:8 *Climate Policy* 1033, 1036.

changing the energy system and building new infrastructure, and distributive justice is an essential matter.³⁴ Recognition of justice is essential to consider major inequality issues built under colonialism legacies, which are overlooked by concentrating on the financial objects of the energy transition.³⁵ If these historical inequalities are recognized, restorative justice concentrates on the insurance of providing these injustices in the future. It includes methods and mechanisms such as compensating workers working in the fossil fuel industry or compensating vulnerable island communities.³⁶ Cosmopolitan justice, more linked to human rights, is paying attention to the global consequences of energy transition, such as carbon emissions.³⁷

To enable better integration of the just transition principles in the energy transition, this special issue brings together scholarly insights on the practical challenges and gaps in the design and implementation of just transition programs in energy and extractive sectors.

III. Implementing a Just and Rights-based Transition in Practice

The contributions in this special issue navigate the complex terrain of implementing a just and rights-based transition in the extractive and energy sectors. Moving beyond theoretical aspirations, they grapple with the practical realities and trade-offs involved. Written by scholars from both the Global South and the Global North, representing the different disciplinary lenses that make up the BHR field, these contributions challenge simplistic narratives of just transition as merely the greening of energy systems. Instead, they critically examine the social, environmental and human rights implications of such transitions, illuminating not only *what* a just transition should entail and the limits of current accountability standards, but also *how* it can be realized in diverse contexts.

The special issue begins with perspectives from the African continent offering conceptual and empirical insights from a region where the imperatives of development through natural resource extraction, access to clean energy and corporate accountability for human and environmental rights harms often collide. Abe's article, 'Towards a Human Rights-based Approach to Energy Transition in Africa,' establishes a fundamental premise: just energy transitions *must* prioritize the human rights of affected communities. Framing the issue through the lens of community engagement, gender equality and other rights-based approaches, the author deconstructs the ways in which failing to embed these principles risks perpetuating existing inequalities and effectively barring vulnerable populations from access to cleaner energy futures. This article's core contribution lies in highlighting the need to fundamentally reshape energy delivery systems to address historical and ongoing discrimination.

Building upon this normative foundation, the article by Agbaitoro and Ekhatior, 'Just Energy Transition in Africa: Towards Social Inclusion and Environmental Rights-based Imperatives,' offers a concrete roadmap, focusing on actionable pathways through social inclusion and the operationalization of environmental rights. By advocating for empowering local communities and embedding these imperatives within governance and legal frameworks, they address potential injustices arising from energy infrastructure development, offering a framework for participatory and accountable energy development projects.

³⁴ Darren McCauley and Raphael Heffron (n 29).

³⁵ See Abram *et al* (n 33). See also Raphael J Heffron and Darren McCauley, 'Achieving Sustainable Supply Chains through Energy Justice' (2014) 123 *Applied Energy* 435. The authors applied recognition justice to the energy system.

³⁶ Abram *et al* (n 33).

³⁷ B K Sovacool, DJ Hess and R Cantoni, 'Energy Transitions from the Cradle to the Grave: A Meta-Theoretical Framework Integrating Responsible Innovation, Social Practices, and Energy Justice' (2021) 75 *Energy Research & Social Science* 102027.

The article by Götzmann and Dicalou, ‘Towards a Feminist Energy Justice Framework,’ refines the discussion further by exposing a common critical blind spot in both BHR and just transition, namely, gender. The authors challenge the assumption that energy transitions are gender-neutral, arguing that such policies can perpetuate and even exacerbate existing inequalities. They contribute by developing a feminist energy justice policy framework, attentive to distributional, recognitional and procedural dimensions of energy systems. This framework provides a policy tool for ensuring that energy transitions actively contribute to gender equality in Sub-Saharan Africa, moving beyond non-discrimination to gender-transformative change.

Focusing on South Africa, Kilimcioğlu’s article, ‘Leave No One behind? What Can We Learn from South Africa to Make Our (Just) Energy Transitions More Just?,’ uses South Africa as a case study to examine the challenges of inclusivity and equity in a context heavily reliant on coal. By analyzing the country’s specific experiences, the article offers broader insights into ensuring the genuine participation of affected parties at all levels of the transition process.

Having defined what a just transition based on inclusive and participatory human, gender and environmental rights approaches requires on a continent struggling with historical inequalities exacerbating the effect of climate change, the next set of articles engages with BHR responsibilities, institutions and tools available to rights-holders affected by green transition corporate activities. Karamanian’s article, ‘International Investment Agreements, Human Rights, and the Path to Net Zero: What Role for Corporate Codes?,’ examines a critical tension within the transition itself: the potential conflict between international investment law, corporate obligations and the achievement of net-zero emissions. The article’s contribution lies in interrogating the ability of corporate codes and policies to bridge this gap and in establishing guiding principles for assessing their effectiveness, pushing beyond aspirational language to demand concrete accountability mechanisms.

Shifting to the frontier activity of deep-sea mining, Macchi’s article, ‘Corporate Responsibility and Deep Seabed Mining (DSM): The Limits of Due Diligence,’ provides a critical assessment of the regulatory landscape developed by the International Sea Association. The author examines contractor obligations as they emerge from the current version of the ‘Mining Code’ and finds that the current version of the regulations does not devise sufficiently stringent due diligence obligations considering the persisting scientific uncertainty and the high-risk profile of DSM activities. In doing so, Macchi’s analysis highlights a critical regulatory gap, arguing for the urgent need to strengthen human rights and environmental due diligence requirements to protect vulnerable marine environments.

Moving from the level of governance to realities on the ground, the next four articles focus on the vulnerabilities and agency of different groups of rightsholders affected by resource extraction and renewable energies. The tensions inherent in promoting renewable energy development and upholding Indigenous rights are brought into sharp focus by the article of Cambou and Buhmann, ‘Responsibility of Wind Energy Developers Concerning the Rights of Indigenous Peoples.’ Applying a rights-based approach and drawing on three landmark court rulings – *Fosen* (Norway), *Turkana* (Kenya), and *Gunaa Sicarú* (Mexico) – involving the struggle of Indigenous communities against the development of wind energy projects, the analysis explores the insights provided by the cases for clarifying the responsibility of business actors involved in the development of wind energy projects. This article clearly articulates the legal and ethical obligations of wind energy developers to respect Indigenous rights, demonstrating that these rights cannot be marginalized or overlooked in the pursuit of renewable energy development, thereby bringing much-needed clarity on how businesses can carry out responsibilities to protect these rightsholders.

Moving from legal to policy focus, the article by Burcu and Jackson, ‘China’s Solar Dominance: Worker Rights in the Pursuit of a Just Transition,’ reveals a troubling paradox: the pursuit of a low-carbon future may be inadvertently fuelled by exploitative labour practices. Applying a ‘policy currents framework’ to the case study of solar panel supply chains originating in China, they analyse states, international organizations and civil society organizations’ framing of challenges and solutions at the nexus of forced labour and climate change and provide a series of recommendations for various stakeholders.

Bringing our attention to the complex dynamics of engagement between communities and businesses in the extractive sector, the articles by Symington and Aspinwall highlight both opportunities for collaboration and the power of social resistance in shaping corporate behaviour in the context of Latin America. Based on extensive fieldwork in South America’s lithium triangle, Symington’s article, ‘What are the Success Factors for a Just Transition in Critical Mineral Extraction? Analysis from the Lithium Triangle,’ explores the social and environmental impacts of critical mineral extraction. The paper examines a variety of factors and their interactions to understand the drivers of successful engagement between mining companies and communities. Symington’s analysis reveals that empowering communities and rebalancing power dynamics are essential ingredients for ensuring that the benefits of extraction are shared, while the harms are mitigated, contributing important insight into shifting power dynamics at the community level. Complementing this contribution, Aspinwall’s article, ‘Human Rights, Social Resistance, and Mining Firm Behaviour in Latin America,’ examines the behaviour of multinational mining companies in two Latin American countries in the face of social resistance. The research finds that domestic institutional capacity and legal mobilization have an important effect on company decisions and actions as litigators interacting with competent institutions have a far greater ability to hold firms to account. Aspinwall argues that company practices adjust to the country’s institutional and legal context, and behaviour varies according to host country conditions, pointing to the critical role of strong legal frameworks in shaping corporate accountability.

The special issue concludes with four DiF pieces, each offering insight into recent legal developments (or need thereof) in the BHR field to guide just transition efforts. The piece by Saskam and Agbaitoro, ‘Mapping Human Rights Violations Connected to Renewable Energy Development in India,’ pierces the optimistic narrative of India’s energy transition agenda. By presenting a case study of the Oran Land in the Thar desert, affected by the country’s energy transition agenda, the authors demonstrate that even renewable energy development can infringe human rights, particularly those of communities reliant on traditionally protected lands. This piece discusses the need to mainstream human rights into business practice and further strengthen compliance with the UNGPs within India’s renewable energy sector, exposing a tension between ‘clean’ development and business conduct.

The piece by Bailey and Lavite, ‘Litigating Climate Justice in Renewable Energy Projects: Reflections from *Unión Hidalgo v EDF*,’ provides an important analysis of legal mobilization in the context of renewable energy projects. Reflecting on the civil claim filed in France under the French Duty of Vigilance Law by members of the Union Hidalgo community in Mexico against the energy company EDF, the authors demonstrate how lawsuits like this one create avenues for communities affected by harmful corporate practices to access transnational legal avenues for redress.

Morfea’s piece, ‘The Norwegian Transparency Act, Renewable Energy and Extractive Industries: Towards a Just Transition for Indigenous Sámi People,’ turns attention to how the Norwegian Transparency Act – a mandatory HRDD law – can mitigate the adverse impacts of renewable energy and extractive developments on Sámi rights. By outlining the human rights risks posed by these industries to Sámi communities and assessing the HRDD obligations under the Act, this contribution highlights both the potential and the

limitations of national legislation in addressing the human rights paradox inherent in the energy transition, ultimately offering insights into its role in advancing an equitable energy transition in Norway.

Finally, the piece by Bijlmakers and Jägers, 'A Just Transition in the Energy and Extractive Industries: A Perspective from the Netherlands,' examines Dutch legal and policy approaches to just transition. Set against the background of the recently adopted CSDDD, this piece analyses two draft Dutch due diligence laws and their potential in the context of a just energy transition, with a particular focus on their ability to protect the rights of Indigenous Peoples.

IV. Conclusion

Taken together, the contributions in this special issue offer a critical and empirically grounded perspective on the complex realities of achieving a just and rights-based transition in the extractive and energy sectors. By engaging with diverse geographies, regulatory frameworks and rightsholders' experiences, these contributions illuminate both the barriers to justice and the pathways to greater accountability and inclusion. The special issue underscores that a just transition cannot be reduced to a mere technological or economic shift; rather, a just transition demands a fundamental rethinking of power dynamics, corporate responsibilities and the role of legal and institutional frameworks in safeguarding human and environmental rights.

The contributions demonstrate that without a human rights perspective, the ongoing global energy transition risks replicating and exacerbating preexisting inequities and unjust practices in the energy and extractive industries. The special issue thus makes an important contribution by advancing the discourse on how justice, equity and human rights can be meaningfully integrated into energy governance. Business enterprises must seize the momentum of this transition to dismantle legal and institutional challenges that hinder responsible, rights-based practices across their value chains. Governments at all levels should provide clear, comprehensive legislation and guidelines – especially regarding HRDD in the design, financing and implementation of energy transition programmes – to guide responsible business conduct. Furthermore, as disputes related to clean energy transition programmes are expected to intensify, the evolving role of alternative dispute resolution mechanisms such as arbitration, alongside capacity development initiatives in higher education, will be crucial to ensuring that just transition principles are fully realized. Equally important is the role of affected communities in shaping transition processes. Several contributions highlight how rebalancing power dynamics and fostering meaningful engagement between companies and communities can lead to more equitable outcomes, while strong domestic institutions and legal mobilization are essential to holding firms accountable and ensuring that just transition efforts are embedded within broader governance frameworks.

At the same time, while the special issue offers broad coverage of legal and policy issues and solutions in different geographies, there is a need for further research from perspectives underrepresented in the BHR scholarship to deepen our understanding of just transition challenges and opportunities. Future research could benefit from a more nuanced examination of management and organizational perspectives, as well as empirical investigations into business practices that underpin a human rights-based transition. There is also scope to engage more directly with extractive and energy companies, explore alternative business models and critiques of existing HRDD frameworks, and conduct comparative analyses of national, regional and international legal regimes. Additionally, the role of sustainable finance, the dynamics of global trade and supply chains, the integration of Indigenous governance systems, enhanced social

protection for workers in fossil fuel-dependent economies and the safeguarding of civic space and human rights defenders all require further inquiry. By addressing these gaps, future research can build on the foundation established by this special issue, further strengthening the just transition agenda and its implementation in diverse contexts.

Competing interests. One of the authors, Damilola Olawuyi, is a member of the UN Working Group on Business and Human Rights, which authored the report, 'Extractive Sector, Just Transition and Human Rights.' Other authors declare no conflict of interest.

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