Examining Business Accountability for Gender Justice in the Context of Energy Transition in Africa

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Article Information:

In the context of the ongoing global energy transition, the responsibility for addressing gender justice cannot only be that of states but also of all actors whose activities are capable of fuelling unequal access to economic opportunities. This is especially so of business enterprises that contribute to gender injustice through various practices and policies that exacerbate existing gender disparities. As a result, this article seeks to clarify the role and responsibilities of businesses in fostering gender equality within the evolving landscape of energy production and consumption. Through a comprehensive analysis of corporate practices, policies, and initiatives, the research seeks to identify the mechanisms through which businesses can contribute to gender justice while navigating the challenges and opportunities presented by the transition to a more sustainable energy future in Africa. The analysis employs doctrinal methodology and a multidisciplinary approach that essentially integrate perspectives from business ethics, gender studies, and environmental sustainability to provide nuanced insights into the complex interplay between business actions, gender dynamics, and the imperative of a responsible energy transition. Ultimately, the article aims to contribute to the scholarly discourse on the ethical dimensions of corporate behaviour in the context of societal transformations, by advocating for increased business accountability and gender inclusivity in the pursuit of sustainable and equitable energy solutions.

1. INTRODUCTION

The global energy transition is an epoch-defining undertaking driven by the necessity to address the climate crisis and usher in a sustainable future. As nations strive to address the urgent need to decarbonize their energy systems, the spotlight is increasingly turning towards the social dimensions inherent in this transformative process.[1] Beyond the ecological imperatives, a paradigm shift is in motion that recognises the importance of social equity and justice in shaping the contours of the energy transition and access to economic opportunities.[2] At the heart of this fundamental change in global energy systems lie two pivotal concepts: business accountability and gender justice. Business accountability, within the context of the energy transition, encompasses the legal, regulatory, and ethical responsibility of corporate entities in navigating the complexities of sustainable energy production and consumption. It draws from the normative and institutional paradigms regulating the conduct of business in the process of transitioning away from dirty fuels into sustainable energy systems.

The notion of just transition is underscored by the need for fair, equitable and balanced distribution of opportunities in the exploitation of natural resources.[3] This is more so in the context of exploiting resources that facilitate decarbonisation and support sustainable energy production.[4] As such, whether the continent will attain a sustainable societal framework across countries will depend on the establishment of an equitable and comprehensive energy transition paradigm, founded upon the principle of inclusivity, which ensures that no individual, gender or community is marginalised in the process.

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[1]   Stuti Haldar, 'Towards a conceptual understanding of sustainability-driven entrepreneurship' (2019) 26(6) Corporate Social Responsibility and Environmental Management 1157-1170; CA Miller, A Iles & CF Jones, 'The social dimensions of energy transitions' (2013) 22 Science and Culture 135 136; Kolya Abramsky, Sparking a worldwide energy revolution: Social struggles in the transition to a post-petrol world (Oakland CA: AK Press 2010).

[2]   Terry Barker, Şerban Scrieciu & David Taylor, 'Climate change, social justice, and development' (2008) 51(3) Development 317-324.

[3]   BEK Nsafon, et al, 'The justice and policy implications of clean energy transition in Africa' (2023) 11 Frontiers in Environmental Science 1089391. Cf EG Pereira, C Liaw, EO Ekhator, DE Omukoro and A de Barros Gallo 'Fossil fuel and the global energy transition: regulation and standardisation as panacea for a more sustainable world energy order' (2022) 8(5) Brazilian Journal of Development 39838 39848.

[4]   R Hägele, GI Iacobuţă & J Tops, 'Addressing climate goals and the SDGs through a just energy transition? Empirical evidence from Germany and South Africa' (2022) 19(1) Journal of Integrative Environmental Sciences 85 90; K Löhr, CE Matavel, S Tadesse, M Yazdanpanah, S Sieber & N Komendantova, 'Just energy transition: Learning from the past for a more Just and sustainable hydrogen transition in West Africa' (2022) 11 Land 2193 2194.

Crucially, aligning Africa's energy transition with gender justice becomes imperative to ensure an equitable distribution of benefits and challenges among men and women.[5] This alignment involves acknowledging and addressing the specific roles, needs, and opportunities of women in the context of the energy transition. This is especially needed because women in Africa are commonly identified as one of the most susceptible demographic groups amidst the implementation of energy transition initiatives. This vulnerability is exacerbated by prevailing gender roles, which further compound the challenges faced by women engaged in energy transition projects across the continent. As articulated by Eghosa and Obani, these gender dynamics not only magnify the vulnerability of women, but also contribute to the exacerbation of adverse environmental impacts and inequities in the distribution and accessibility of environmental resources and benefits.[6]

By fostering inclusivity, promoting gender equality in employment and decision-making processes, and recognising the distinct responsibilities women often bear in energy-related matters, the transition can contribute to a more just and sustainable energy landscape across the continent. The right to equal treatment in the normal course of business activities requires that companies ensure that individuals who are vulnerable and disadvantaged enjoy the same rights, and take necessary special measures to prevent or mitigate conditions that exacerbate discrimination and inequality in the workplace. With regard to the rights of women in the workplace, the essence of substantive equality for women is not merely to ensure the equality of outcomes for women and men, but also to recognise that 'women are not all similarly situated.'[7]

The idea of business accountability considers the ways in which businesses contribute to, or mitigate, environmental impacts and social inequalities. This dimension of accountability extends beyond profit margins to consider the broader implications of corporate actions on individuals, communities, the environment, and society. Concurrently, gender justice – an often-contested

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[5] Bernard Kengni, 'Gender equality in the just energy transition agenda for the African extractives context: The rule of law' (2024) 10(4) KAS African Law Study Library 614-625.

[6] EO Ekhator & P Obani, 'Women and environmental justice issues in Nigeria: An evaluation' in J Dawuni (ed) Intersectionality and women's access to justice (2022) 259 262.

[7] Rebecca Brown & Judy Oder, 'The protection of women's economic, social and cultural rights in Africa' in DM Chirwa & L Chenwi (Eds), The protection of economic, social and economic rights in Africa: International, regional and national Perspectives (Cambridge 2016) 121 125.

concept - emerges as a crucial facet within the discourse of energy transition.[8] For the purpose of this analysis, it refers to the fair distribution of benefits and burdens associated with the transition from fossil fuels, in order to ensure that women and men enjoy equal opportunities to participate in and benefit from sustainable energy initiatives. Gender justice recognizes that historical inequalities often result in differential impacts of energy policies on various genders, and it calls for a deliberate effort to rectify these imbalances in the quest for a more sustainable and equitable energy future.[9]

The relevance of business accountability and gender justice within the context of energy transition becomes even more pronounced when considered through the lens of social transformations. Multinational corporations and regular business enterprises are key actors in shaping the energy landscape, their practices and policies. Their activities significantly influence not only the environmental sustainability of the transition but also the social fabric of communities. The nexus between these themes lies in the recognition that business actions, if unexamined and unchecked, can become a slippery slope, perpetuating gender disparities and exacerbating existing social inequalities. As such, by comprehensively considering corporate practices, policies, and initiatives, this research seeks to identify the mechanisms through which business enterprises can address based on their relevant capacity the issue of gender justice, while navigating the challenges and opportunities presented by the transition to a more sustainable energy future in Africa.

Employing a multidisciplinary approach that integrates perspectives from business ethics, gender studies, and environmental sustainability,[10] the article offers nuanced insights into the complex interplay between business actions, gender dynamics, and the imperative of a responsible energy transition. The article explores the intricate relationship between business accountability, gender justice, and the ongoing energy transition, with a specific focus on the African context. It seeks to elucidate the role and responsibilities of businesses in fostering gender equality within the evolving energy landscape and identify mechanisms through which businesses can contribute to gender justice while navigating the challenges and opportunities presented by the transition to a more sustainable energy future in Africa. The article's essence lies in its potential to inform policy

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8   Anca Gheaus, 'Gender justice' (2011) 6(1) Journal of Ethics and Social Philosophy 1 4-6. Also see Alaka Lugonzo & Kennedy Chege, 'Gender justice in the energy transition era: Exploring gender and technology in the extractives sector' in VR Nalule (ed), Energy transitions and the future of the African energy sector: Law, policy and governance (2021) 371-396; Geraldine Terry, 'No climate justice without gender justice: An overview of the issues' (2009) 17(1) Gender & Development 5-18.

9   Ekhator & Obani (n   6) 259 261-263. Cf Gheaus (n9) 5.

10   See section 2 below.

formulation and corporate practices that can lead to a more inclusive and equitable energy sector.

The argumentations will be developed into five sections. This section has introduced and laid the foundation for considering the nexus between gender justice, business accountability and the global energy transition in the research article. The next section delves into gender justice and business accountability in energy transitions. Thereafter, I will scrutinize current corporate practices in the energy sector. In the fourth section, I will explore the challenges and opportunities that enhanced business accountability brings to gender justice. Through the rigorous analysis in this section, the article will contribute actionable insights for policymakers, businesses, and advocacy groups, advocating for increased accountability and inclusivity in the pursuit of sustainable and equitable energy solutions in Africa. The last section will conclude the article.

2. GENDER AND BUSINESS ACCOUNTABILITY IN ENERGY TRANSITIONS

The linkages between gender justice and business accountability in the context of energy transition are nuanced and require appropriate theoretical framings to ensure a proper understanding of the impacts of business operations in the energy sector. This section explores the relevant theoretical underpinnings and key frameworks for business accountability.

2.1 Understanding historic gender injustices
In the realm of business ethics, the social utility of business actions can be employed to determine adherence to ethical principles and conduct based on notions of utilitarianism and deontology.[11] Utilitarianism, developed by philosophers such as Jeremy Bentham and John Stewart Mills, evaluates actions based on their overall societal utility, while deontology – based on Immanuel Kant's philosophy of duty and moral obligation – emphasizes adherence to ethical principles. When companies prioritise the general effect of their business actions on society (that is, their utilitarian impact or contribution to society), they are considered to be applying consequential ethics principles and Kantian deontological philosophy, which are based on 'the greatest good for the greatest number of people'.[12] By probing the utilitarian value of business actions and their

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[11]   Irene Van Staveren, 'Beyond utilitarianism and deontology: Ethics in economics' (2007) 19(1) Review of Political Economy 21 22-23.

[12]   See, for example, Roe Fremstedal, 'The concept of the highest good in Kierkegaard and Kant' (2011) 69 International Journal for Philosophy of Religion 155-171; PR Brahmananda, 'Ethics, utilitarian and Kantian, and economics' (1994) 41(4) The Indian Economic Journal 142-171.

altruistic or adverse impacts on society, we can better evaluate whether business practices in the energy sector prioritise societal well-being and adhere to ethical norms.

Historically, women and girls have been at the receiving end of the social and economic ladder.[13] They have had unfavourably disproportionate access to economic opportunities and are subjected to social and economic disparities in the workplace on a regular basis. In comparison to their male counterparts, they are more likely to suffer discrimination and bias, lopsided pay, occupational segregation or exclusion, glass ceilings and lack of representation in corporate leadership. Women, more than men, may also face subtle but impactful microaggressions, including sexist remarks, sexual harassment and hostile work environment, stereotyping, or exclusionary actions from their line managers. Women also face challenges in balancing between work and family responsibilities and with maternal and family leave policies. The situation is not any different in the extractive industries as women have faced and continue to face economic exploitation and gender-based violence, which ultimately lead to their impoverishment.[14]

While utilitarianism and deontology can help decipher the social utility of business actions in the energy sector in Africa, I argue that the accountability of business for gender justice in the context of energy transition can also be better appreciated from a stakeholder perspective. This view suggests that business enterprises are considered to have responsibilities to a broader range of stakeholders beyond their shareholders, including male and female employees, communities, and the environment. Applying the stakeholder view in the context of gender justice ensures that the rights and interests of diverse groups are responsively considered in energy transition initiatives. The stakeholder perspective of gender justice which seeks to advance the principles of equality and non-discrimination is also strongly connected with feminist ethics because it considers the importance of care, relationality, equality and justice in the evaluation of business practices.[15] As stakeholders to whom business actions in the

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[13] UN Working Group on Business and Human Rights, 'Gender lens to the UNGPs' https://www.ohchr.org/en/special-procedures/wg-business/gender-lens-ungps (accessed 4 April 2024).

[14] Bonita Meyersfeld, 'Integrating gender in NRM in Africa' in Hany Besada, Cristina D'Alessandro & Tefsi Golla (eds), Routledge Handbook of Natural Resource Governance in Africa (Routledge 2024) 290-302.

[15] AC Wicks, DR Gilbert Jr. & RE Freeman, 'A feminist reinterpretation of the stakeholder concept' in SD Dmytriyev & RE Freeman (eds), R. Edward Freeman's Selected Works on Stakeholder Theory and Business Ethics (Issues in Business Ethics, Springer 2023) 33–155; Kate Grosser & Jeremy Moon, 'CSR and feminist organization

era of energy transition should be more circumspect, women and men operating within and outside the business environment – whether as employees, customers, or clients – face various gendered experiences and have specific needs and concerns that need to be met.

Regarding environmental sustainability, strong ethical considerations should guide industry practices in the way they affect the sexes. For instance, workplace policies on recruitment and remuneration, conditions of work for men and women, and initiatives for acquiring new expertise and skills in the renewable energy sector should be based on the principles of equality and non-discrimination. Even so, affirmative action policies may be undertaken to enable historically marginalized populations such as women to access fledging opportunities in the renewable sector in the wake of the global energy transition, where doing otherwise could potentially accelerate and entrench historic gender inequalities. Ethics is particularly relevant to guide the evaluation of business practices based on their impact on vulnerable segments of society and the environment. This perspective emphasizes the interconnectedness of business actions with a just energy transition that leaves no one behind and affirms the moral responsibility of businesses to adopt corporate policies and initiatives that empower women and men alike, as well as preserve biodiversity and ecosystem health for the wellbeing of all stakeholders. Applying ethics ensures that energy transition initiatives are aligned with principles of equality, non-discrimination and sustainability and do not compromise the well-being of individuals and ecosystems.[16]

2.2 Frameworks for business accountability and gender justice
Human rights standards and development indices such as the United Nations (UN) Sustainable Development Goals (SDGs) underpin legislation and national action plans on the implementation of business obligations for human rights in the energy sector. International human rights standards and development indices provide a comprehensive framework for business accountability, particularly measuring gender justice and assessing business responsiveness to human rights obligations and gender equality in the context of energy transitions in Africa.

(a) The UN's framework on business accountability
Business accountability for human rights was – for a long time a highly contested issue, splitting scholars along ideological and geo-normative lines (that is, between

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studies: Towards an integrated theorization for the analysis of gender issues' (2019) 155 Journal of Business Ethics 321-342.

[16] MA Warren, SI Donaldson, JY Lee & SI Donaldson, 'Reinvigorating research on gender in the workplace using a positive work and organizations perspective' (2019) 21(4) International Journal of Management Reviews 498-518.

Euro-America or the West and the rest of the world or between the Global North and Global South). The international bill of rights[17] outlines the human rights duties and responsibilities of 'organs of society' and recognises that its provisions may also not be 'interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for'.[18] Yet, for many decades after adoption of the international bill of rights, debates about the 'obligations' of business enterprises for human rights and politics on the global scene led to various initiatives that fell through the cracks.[19]

It was only until 2008 that the United Nations Protect, Respect and Remedy Framework (UN Framework) was adopted and subsequently followed by the United Nations Guiding Principles on Business and Human Rights (UNGPs) in 2011. The UN Framework – which is based on the three pillars of the state duty to protect, the corporate responsibility to respect, and access to remedies – noted that business operations virtually affected the entire spectrum of internationally recognized rights. Hence, the corporate responsibility to respect human rights was conceived to apply 'to all such rights'; notwithstanding that some rights typically could be more at risk than others in particular contexts.[20] For an authoritative list of internationally recognized rights, the Framework urged businesses to look to the international bill of rights, and the core conventions of the International Labor Organization.

Nevertheless, it is the framework of the UNGPs that more clearly establishes the responsibility of businesses to respect human rights, including gender equality.[21] The UNGPs were endorsed by the UN Human Rights Council in 2011 and outline the respective obligations of states and responsibilities of businesses in

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[17] The international bill of rights is made up of the Universal Declaration of Human Rights 1948 (UDHR), the International Covenant on Civil and Political Rights 1966 (ICCPR) and the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR).

[18] UDHR art 30; ICCPR art 5(1); ICESCR art 5(1).

[19] Andreas Rasche, Sandra Waddock, & Malcolm McIntosh, 'The United Nations global compact: Retrospect and prospect' (2013) 52(1) Business & Society 6-30; Nina Seppal, 'Business and the international human rights regime: a comparison of UN initiatives' (2009) 87 Journal of Business Ethics 401-417.

[20] United Nations Human Right Council, 'Protect, Respect and Remedy: a Framework for Business and Human Rights - Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie' A/HRC/8/5 7 April 2008 para 52.

[21] Commentaries on Principles 3 and 12 of the UNGPs.

upholding human rights.[22] In the context of gender justice and energy transition, the UNGPs are particularly relevant and applicable in several material respects.

First, the responsibility of business enterprises to respect human rights includes the rights of women and other marginalized groups. The UNGPs advocate for the integration of human rights considerations, including gender equality, into corporate policies and strategies. For businesses involved in energy transition, this means developing and implementing policies that explicitly address gender justice, both internally within the organization and in relation to external stakeholders.

Second, the UNGPs underscore the principle of non-discrimination in business operations. Gender discrimination in the business environment risks perpetuating historic prejudices especially against women in the face of new sustainable energy projects. In the context of energy transition, the prevention of discriminatory business practices is crucial for ensuring that women have equal opportunities in employment, decision-making, and benefit-sharing related to new energy projects.[23]

Third, the UNGPs advocate for human rights due diligence, which involves identifying, preventing, mitigating, and accounting for the adverse human rights impacts of business activities.[24] This process requires that businesses should be gender-responsive in assessing how their operations affect women and men differently. In energy transition projects, business due diligence ensures that potential negative impacts on gender equality are identified early on and addressed immediately. Businesses' responsibilities for human rights due diligence requires that they undertake human rights impact assessments together with environmental and social impact assessments to ensure their new energy projects or business services associated with such projects are consistent with international human rights standards.[25] The UNGPs emphasize the importance of transparency and reporting on human rights impacts which could include gender-related

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[22] The UNGPs were adopted pursuant to Human Rights Council Resolution 17/4 of 16 June 2011.

[23] Charlotte Kabaseke, 'Women's right to participation in environmental decision-making in Uganda' in M Addaney & AO Jegede (eds), Human Rights and the Environment under African Union Law (2020) 287–314.

[24] United Nations Human Right Council, 'Protect, respect and remedy: A Framework for Business and Human Rights - Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie' A/HRC/8/5 7 April 2008 para 58. Also see the OECD Guidelines for Multinational Enterprises, the OECD Due Diligence Guidance for Responsible Business Conduct, the OECD Principles on Corporate Governance 2004, and the EU Corporate Sustainability Due Diligence Directive.

[25] As above, para 61.

impacts in their operations and supply chains, contributing to accountability and public awareness.

Fourth, the UNGPs highlight the importance of engaging with and seeking the input of affected stakeholders, including women, local communities and other marginalized groups.[26] In the context of energy transition, meaningful consultation with women and taking into account their perspectives ensures that project design and implementation processes promote gender justice.

Last, the UNGPs establish the right of those adversely affected by business activities to access effective remedies.[27] Women who experience negative impacts from energy transition projects, such as loss of livelihood or displacement, should have access to appropriate and effective mechanisms for seeking redress.

(b) The African Union's framework on business accountability

At the regional level in Africa, under most articles of the African Charter on Human and Peoples' Rights (African Charter), it is states that are expressly attributed with the obligation to promote, protect and fulfil the fundamental rights and freedoms enshrined in the document. Though there is no express reference to the duty or 'responsibility' of business for human rights, some provisions under the African Charter may be regarded as containing implied obligations of businesses to respect human rights and guarantee gender justice. In particular, article 27(2) of the African Charter provides that '[t]he rights and freedoms of each individual shall be exercised with due regard to the rights of others'. This provision arguably imposes horizontal obligations on businesses, in respect of the rights enshrined in the African Charters, including the right of women and girls to be protected from every discrimination.[28] As Okoloise argues:[29]

> Under the African Charter on Human and Peoples' Rights (African Charter), for example, the rights of every individual are neither exclusive nor only correlatively applicable to the state. Rather, they are exercisable with due regard to the rights of others, collective security, morality and common interest. The African Charter arguably exemplifies the horizontal application of international human rights obligations.

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[26] As above, paras 52, 54, 66 and 71.
[27] As above, paras 82-99.
[28] African Charter art 18(3).
[29] Chairman Okoloise, 'Contextualizing the corporate human rights responsibility in Africa: A social expectation or legal obligation?' (2017) 1 African Human Rights Yearbook 191 205.

Despite the explicit omission of business enterprises from the provisions of the African Charter, the human rights obligations of businesses have been affirmed in its supplementary Protocols and are currently being considered in AU policy circles.[30] For example, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) recognises the right of working women to receive sufficient and paid maternity leave,[31] and the shared responsibility of both the government and private businesses for the welfare and upbringing of children in Africa.[32] This suggests that private businesses have an obligation to respect the rights of women.

Also, the African Committee of Experts on the Rights and Welfare of the Child (Committee) has noted that, in the context of the energy sector, 'children's interaction with business frequently has a bearing on their enjoyment of the right to protection from physical or mental injury, and can involve degrading and inhuman treatment.'[33] For instance, commenting on the State Party report of the Republic of Benin, the Committee noted with concern that 'the rate of child labour in the State party stands at 53% which makes it the second highest in the continent.' The Committee also highlighted that Child labour is deeply ingrained within family and community structures in Benin, which exerts a significant influence on the educational and health outcomes of children. A notable consequence is the stark statistic that nearly half of children engaged in child labour are deprived of access to formal schooling. The Committee therefore called upon the government to address the 'factors that lead to child labour such as poverty, lack of access to education; harmful practices against girls.'[34]

The African Commission has also given clarity to the human rights obligations of businesses within the context of the extractive industries, which is relevant to a just energy transition in Africa. In 2018, the African Commission adopted the State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter on Human and Peoples' Rights (SRGPs) specifically related to the extractive industries.[35] The SRGPs clarified that article 27 of the African Charter

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[30]   See for instance the draft AU Policy Framework on Business and Human Rights 2016. Also see Oyeniyi Abe, 'The state of business and human rights in Africa' (2022) 45 https://library.fes.de/pdf-files/bueros/fes-ua/19589-20221107.pdf (accessed 4 April 2024).

[31]   African Women's Protocol art 13(i).

[32]   African Women's Protocol art 13(l).

[33]   African Children's Committee, 'Study on children's rights and business in Africa' (2023) 20 http://www.acerwc.africa/en/resources/publications/study-childrens-rights-and-business-africa (accessed 4 April 2024).

[34]   As above, 20-21.

[35]   The SRGPs were adopted on 30 October 2021 See African Commission, 'Resolution 364: Resolution 364: Resolution on developing reporting guidelines with respect to the extractive industries – ACHPR/Res. 364(LIX) 2016'; African Commission, 'Resolution

recognition of the duties of individuals and its sub-article 2, which lays down the obligation to exercise rights with due regard to the rights of others provides 'an even stronger moral and legal basis for attributing these obligations to corporations and companies.'[36] The SRGPs set forth a framework for corporate accountability for human and peoples' rights within the extractive industries in Africa.[37] These guidelines, while constituting soft law and operating only to provide authoritative guidance, underscore the responsibility of both states and corporations to uphold human and peoples' rights in the extractive industries.

As the region undergoes a shift towards sustainable energy practices, corporate accountability for human rights within the SRGPs framework will be crucial in the context of energy transition in Africa. The SRGPs are predicated on the principles of non-discrimination and equal opportunities in the workplace.[38] This suggests that, under the African Charter, businesses have an implied obligation to adhere to principles of non-discrimination and ensure that both men and women have equal opportunities for employment, training, and career advancement within the energy sector.[39] Discrimination against women, whether in hiring practices or workplace policies, goes against the principles outlined in the African Charter and other allied regional and international human rights standards.

The SRGPs urge businesses to undertake human rights due diligence. In the context of gender justice, this means assessing and addressing the potential negative impacts of business activities on women. From workplace conditions to community relations, a gender-specific lens will be crucial in identifying and rectifying human rights violations. The SRGPs advocate for thorough environmental and social impact assessments.[40] In the context of energy transition, these assessments should explicitly consider gender-specific impacts. This involves identifying, preventing and mitigating potential adverse effects on women in communities where energy projects are implemented. The SRGPs emphasize meaningful community engagement and consultation. This also actively involving

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367: Resolution on the Niamey Declaration on ensuring the upholding of the African Charter in the extractive industries sector – ACHPR/Res. 367 (LX) 2017'; African Commission, 'Resolution on business and human rights in Africa – ACHPR/Res.550 (LXXIV) 2023'.

36   SRGPs para 56.
37   Elsabe Boshoff, 'The role of human rights soft law instruments in clarifying the obligations of fossil fuel companies for climate change interventions in Africa' in AO Jegede and O Adejonwo (eds), Climate change justice and human rights: An African perspective (2023) 2 29. Also see Sarah Joseph & Joanna Kyriakakis, 'From soft law to hard law in business and human rights and the challenge of corporate power' (2023) 36(2) Leiden Journal of International Law 335-361.
38   SRGPs para 7.
39   SRGPs para 56.
40   SRGPs paras 20, 23, 30, 33, 58 64.

women in decision-making processes related to natural resource-benefit distribution and energy projects.[41] Businesses should seek the input of women in affected communities, recognizing their unique perspectives and concerns.

Transparency is a key principle in the SRGPs.[42] Businesses are expected to transparently report on their human rights practices, including gender-related metrics. This not only fosters accountability but also allows stakeholders to assess the real impact of corporate activities on gender justice in the energy sector. In essence, the ACHPR's guidelines and principles provide a robust framework for business accountability for human rights within the extractive industries, including the evolving landscape of energy transition in Africa. Aligning business practices with these guidelines ensures that the energy transition is not only environmentally sustainable but also socially just.

In Resolution ACHPR/Res.224 (LI) 2012, the African Commission affirmed the obligations of states not only to ensure respect for human rights throughout the processes of natural resources exploration, extraction, toxic waste management, development and governance, but also to ensure this in investment agreements, and trade regulation. The Commission noted that this responsibility includes setting up independent monitoring and accountability mechanisms that ensure that human rights are justiciable and extractive industries and investors are 'legally accountable'.[43] In ACHPR/Res.262 (LIV) 2013, the African Commission considered that women's access to, control over and use of land and productive resources advance gender equality and create a solid foundation for improving women's economic, social and political status. Hence, the Resolution urged states to not only provide legal protection to women against dispossession of and forced evictions from land for use by public and private actors, but also ensure that financial and microloan institutions incorporate the specific needs of women into their policies and practices, including access to income-generating activities and credit, especially for women heads of households and poor women.[44]

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[41] In ACHPR/Res.190 (XLIX) 2011: Resolution on the protection of the rights of indigenous women in Africa, adopted at its 49th Ordinary Session, held in Banjul, The Gambia, from 28 April - 12 May 2011, the African Commission recognized 'the crucial role played by indigenous women in the protection and preservation of natural resources and in the protection, development and transmission of indigenous knowledge and culture'. The Commission also noted that 'the expropriation of indigenous populations' ancestral lands and the prohibition of their access to the natural resources on these lands has a particularly serious impact on the lives of indigenous women'.

[42] SRGPs part III (pages 14-15).

[43] African Commission, 'ACHPR/Res.224 (LI) 2012: Resolution on a human-rights based approach to natural resources governance' para iv.

[44] African Commission, 'ACHPR/Res.262 (LIV) 2013 Resolution on Women's right to land and productive resources' para 6(i)(iv). Also see African Commission's Working

In 2017, the African Commission also adopted ACHPR/Res. 367 (LX) 2017 on the Niamey Declaration on the implementation of the African Charter in the extractive industries sector. By the terms of this Resolution, states must ensure that exploration and mining licences to extractive industries are negotiated and granted in accordance with internationally accepted transparency and human rights laws and standards.[45] The Resolution also declares that States must ensure that the residents of the areas designated for prospecting and natural resource development are properly consulted, receive all relevant information relating to exploration and development activities from the very inception and are assured that exploration and development activities are undertaken with due respect to the agreed terms protecting their rights in the African Charter.[46]

Notable cases have emerged that either deal with business accountability for human rights violations or credit the normative propositions of the UNGPs.[47] In the case of Institute for Human Rights and Development in Africa v Democratic Republic of the Congo (DRC) (Kilwa massacre case),[48] the issue centred on the accountability of the DRC for the massacre of several civilians in Kilwa and Anvil Mining's alleged complicity in the human rights violations perpetrated by the security forces of the DRC. The African Commission found that the DRC violated various provisions of the African Charter due to its failure to provide adequate protection to the victims of the Kilwa massacre, which occurred in connection with Anvil Mining's operations. The African Commission also held that the DRC failed in its obligation to conduct an effective investigation and provide reparations to the victims, including women and children. While decisions of the Commission are considered to be recommendatory, this case highlights the

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Group on Extractive Industries, Environment and Human Rights Violations in Africa 'Statement on the negotiation of a UN treaty on business and human rights' 12 December 2017 https://achpr.au.int/en/news/press-releases/2017-12-12/statement-negotiation-un-treaty-business-and-human-rights (accessed 21 December 2023); African Commission 'ACHPR/Res.300 (EXT.OS/XVII) 2015: Resolution on the obligations on the right to water'.

45 African Commission, 'Resolution 367: Resolution on the Niamey Declaration on ensuring the upholding of the African Charter in the extractive industries sector – ACHPR/Res. 367 (LX) 2017'; VR Nalule, RJ Heffron, & DS Olawuyi, 'Energy transition risks in contracts for the extractive industries' in VR Nalule, RJ Heffron, DS Olawuyi (eds) Renegotiating Contracts for the Energy Transition in the Extractives Industry (2023) 11-49.

46 African Commission, 'ACHPR/Res. 367 (LX) 2017: Resolution on the Niamey Declaration on Ensuring the Upholding of the African Charter in the Extractive Industries Sector' para 1(b)-(e).

47 See Ekhator & Obani (n 6); Kengni (n 5).

48 Communication 393/10, Institute for Human Rights and Development in Africa (IHRDA) v Democratic Republic of Congo (DRC) (2016) 20th Extraordinary Session 9-18 June 2016 (Kilwa massacre case) para 154(i).

importance of holding corporations accountable for human rights violations committed in the context of their operations, as well as the responsibility of states to protect their citizens from such abuses.

In the case of Ligue Ivoirienne des Droits de L'homme (LIDHO) and Others v Republic of Cote d'Ivoire (Trafigura toxic waste dumping case),[49] the African Court on Human and Peoples' Rights (African Court) found that the Ivorian government violated the human rights of its citizens by failing to adequately regulate and monitor the activities of a state-owned oil company, which resulted in environmental degradation and harm to local communities. The African Court's decision in this case underscored the importance of states' obligation to protect human rights in the context of business activities. This decision aligns with the principles outlined in the UNGPs and the need for effective mechanisms to hold both states and corporations accountable for human rights abuses arising from corporate activities.[50]

(c) Gender mainstreaming in the Sustainable Development Goals (SDGs)

Gender mainstreaming in the Sustainable Development Goals (SDGs), particularly Goal 5 (gender equality), is highly relevant and applicable for addressing gender justice and ensuring business accountability in the context of energy transition. Gender mainstreaming involves integrating a gender perspective into the design, implementation, monitoring, and evaluation of policies, programmes, and projects. Across African countries, gender mainstreaming in the context of a just energy transition faces several significant barriers. First, entrenched gender norms and stereotypes perpetuate traditional roles and power dynamics that result in women being marginalised from decision-making processes related to energy policies and projects.[51] This exclusion is further exacerbated by limited access to education and resources for women, hindering their capacity to engage meaningfully in the energy sector. Additionally, structural inequalities such as unequal land rights and limited access to financial services disproportionately affect women, constraining their ability to participate in renewable energy entrepreneurship or benefit from energy-related employment opportunities.

Moreover, inadequate gender-disaggregated data and a lack of gender-sensitive policies and regulations undermine efforts to address gender disparities in the energy sector effectively. The pervasive influence of patriarchal systems and institutionalized discrimination perpetuates gender inequalities, impeding the realization of inclusive and equitable energy transitions in African countries.

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[49] Application 041/2016) [2023] AfCHPR 21 (5 September 2023).
[50] Trafigura toxic waste dumping case (n 49) para 142 and fn 46.
[51] Kabaseke (n 23) 287-314.

Overcoming these barriers requires comprehensive efforts to challenge gender norms, enhance women's participation and leadership in decision-making processes, address structural inequalities, and integrate gender considerations into energy policies and programs at all levels of governance. As such, Goal 5 on gender equality, provides a comprehensive framework for integrating gender considerations into various aspects of development, including energy transitions. As Rosa argues, the SDGs focus, in a major way, on equality between men and women to 'ensure the right of all women to be compensated fairly for their work.'[52] Consequently, the SDGs framework ensures that gender justice is not treated as a standalone issue, but also integrated across all goals and targets.[53] By aligning with Goal 5, the comprehensive approach to development espoused in the SDGs recognizes that gender justice is not a standalone issue, but an integral part of achieving holistic and sustainable development.[54] Gender mainstreaming in the SDGs recognizes the intersectionality of gender with other social factors, such as nationality, race, class, and ethnicity, that can affect women access to resources, employment opportunities and spheres of influence.[55] This inclusive approach is essential for understanding and addressing the unique challenges faced by diverse groups of women in the context of energy transition, ensuring that interventions consider multiple dimensions of identity and inequality.

In relation to business, the SDGs provide a global standard for accountability – including business accountability - in sustainable development. From an ethical perspective, businesses involved in energy transition are accountable not only for their economic performance but also for their contributions to societal goals, including gender equality, as outlined in the SDGs.[56] ESG regulations also

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[52] William Rosa, 'Goal 5. Achieve gender equality and empower all women and girls' in William Rosa (ed), A new era in global health: Nursing and the United Nations 2030 agenda for sustainable development (2017) 301.

[53] Diana Reckien, Felix Creutzig, Blanca Fernandez, Shuaib Lwasa, Marcela Tovar-Restrepo, Darryn Mcevoy & David Satterthwaite, 'Climate change, equity and the Sustainable Development Goals: An urban perspective' (2017) 29(1) Environment and urbanization 159-82.

[54] Suneeta Dhar, 'Gender and sustainable development goals (SDGs)' (2018) 25(1) Indian Journal of Gender Studies 47-78.

[55] FK Donkor & RK Mazumder, 'Women and the environment: Southern perspectives and global implications' in W Leal Filho, A Marisa Azul, L Brandli, A Lange Salvia, & T Wall (eds), Gender Equality. Encyclopedia of the UN Sustainable Development Goals (Cham: Springer International Publishing, 2021) 1118-1129; SK Pathania, 'Sustainable development goal: Gender equality for women's empowerment and human rights' (2017) 5(4) International Journal of research 1-15; Shahra Razavi, 'The 2030 Agenda: challenges of implementation to attain gender equality and women's rights' (2016) 24(1) Gender & Development 25-41.

[56] David Littlewood & Diane Holt, 'How social enterprises can contribute to the Sustainable Development Goals (SDGs) – A conceptual framework' (2018) 8

mainstream ethical business operations and alignment with international standards such as the SDGs, including Goal 5.

(d) The Equator Principles and gender impact assessment

The Equator Principles provide a framework for financial institutions to prevent and manage environmental and social risks associated with their project financing activities.[57] Much like the UNGPs, the Equator Principles can be extended to include a gender impact assessment. This adaptation ensures that projects related to energy transition consider and mitigate gender-specific risks and opportunities. The application of the Equator Principles to include a gender impact assessment is highly relevant and applicable for addressing gender justice and ensuring business accountability in the context of energy transition. This is because integrating gender impact assessment allows for a more comprehensive risk management approach. By considering gender-specific risks and opportunities, financial institutions and businesses involved in energy transition projects can identify and address potential social impacts that may disproportionately affect women.

The Equator Principles, when extended to include gender impact assessment, provide a mechanism for ensuring gender equality and mitigating gender-based harms.[58] A gender impact assessment will help businesses identify risks that could disproportionately affect women in communities where energy transition projects are implemented. Such an assessment not only ensures that energy transition projects actively contribute to reducing gender disparities, fostering economic opportunities for women, and supporting their meaningful participation in decision-making processes, but also helps businesses to address risks related to displacement, changes in livelihood patterns, or unequal access to project benefits. In this way, the inclusion of gender impact assessment ensures that measures are put in place to prevent or address adverse impacts on women, such as loss of income, displacement, or disruptions to community structures.

Furthermore, the Equator Principles encourages robust stakeholder engagement, by ensuring that the perspectives and concerns of women are taken into account

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Entrepreneurship and the Sustainable Development Goals 33–46 https://doi.org/10.1108/S2040-724620180000008007 (accessed 20 December 2023).

[57] Manuel Wörsdörfer, 'The equator principles and human rights due diligence – Towards a positive and leverage-based concept of corporate social responsibility' (2015) 14 Philosophy of Management 193-218.

[58] SI Azubuike, S Nakanwagi & SC Dike, 'Utilizing sustainability assessment framework to obtain a social license to operate in renewable energy projects: The case of Murchison Hydropower Project in Uganda' in Geoff Wood, Jędrzej Górski & Gökçe Mete (eds), The Palgrave Handbook of Social License to Operate and Energy Transitions (2023) 1-24.

in the decision-making processes related to energy transition projects.[59] Such a paradigm in business operations will contribute to more inclusive and participatory project planning and implementation. It will also contribute to enhanced social performance in energy transition processes. By incorporating gender impact assessment in their operations and the voices of women in the process, business enterprises will be able to better apply the principles of responsible financing, emphasizing that projects should contribute positively to the well-being and rights of all community members, irrespective of gender.

Incorporating gender impact assessment in the move towards sustainable energy productions aligns financial institutions and businesses with global standards on gender equality and sustainable development. This alignment and consistency with global standards enhance the credibility and reputation of business entities as it reinforces their commitment to responsible business practices. Further, the disclosure of information on gender-specific impacts and mitigation measures contributes to accountability and public awareness. This can also attract socially responsible investors and clients, contributing to long-term business success.

3. CORPORATE PRACTICES IN ENERGY TRANSITION

Businesses play a pivotal role in shaping the transition in the global energy sector. Amidst the ongoing transformative shift towards sustainability, corporate practices in the energy sector have increasingly come under scrutiny to determine how they impact women and other vulnerable groups.[60] This section of the article evaluates the effectiveness of business accountability framework, particularly focusing on gender inclusivity. By examining current practices, the analysis aims to uncover areas where improvements are needed and highlight exemplary cases that demonstrate a commitment to a just and inclusive energy transition.

First, the social dimensions of corporate practices in the energy transition demand careful scrutiny, especially regarding gender inclusivity. Exceptional cases highlight corporations implementing gender-sensitive policies, promoting equal opportunities, and actively involving women in decision-making processes. For instance, Safaricom, a telecommunications company in Kenya, has been steadily increasing its female workforce representation, particularly at the managerial

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[59]   Wörsdörfer (n 57).
[60]   Lugonzo & K Chege (n 8).

level.[61] Furthermore, since 2015, Nestlé, in collaboration with the Fair Labor Association, has initiated a programme in Côte d'Ivoire that is dedicated to enhancing the working conditions of women in the cocoa supply chain. Through training in agriculture, finance, and leadership, the initiative aims to empower women, enabling them to actively participate in income-generating activities and assume leadership roles.[62] Relatedly, the Treaty Establishing the Common Market for Eastern and Southern Africa has fostered the creation of the Federation of National Associations of Women in Business. This initiative aims to cultivate women entrepreneurship, by facilitating their effective and equitable engagement in trade and development activities across the Common Market region.[63] This shows that these businesses recognise the importance of diversity in fostering innovation and ensuring a sustainable future. By promoting gender inclusivity within their workforce and services, they implement policies that ensure equal opportunities for women, fair compensation, and mechanisms for career advancement.

Second, corporate practices in the energy transition also extend to meaningfully engaging with the communities where businesses operate in order to obtain their social licence to operate. Some companies, more than others, excel in community engagement by prioritizing gender-sensitive approaches to holding meaningful stakeholder consultations that take into account the specific needs and concerns of women in local communities.[64] They actively involve women in decision-making processes related to energy projects, recognize and address gender-specific challenges, and implement initiatives that economically empower women within local communities. Initiatives that empower women economically, involve them in decision-making processes, and address gender-specific challenges contribute to gender justice. These efforts contribute to gender justice by acknowledging and mitigating existing disparities.

Even so, there is the potential for unintended consequences of well-intentioned initiatives to occur. For instance, promoting women's economic empowerment

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[61] Laura Cheptarus, 'Safaricom moulds female staff for leadership roles' The Star 4 February 2020 https://www.the-star.co.ke/business/kenya/2020-02-04-safaricom-moulds-female-staff-for-leadership-roles/ (accessed 4 April 2024).

[62] Nestlé, 'Nestlé Action Plan on Women in the Cocoa Supply Chain' (2015) https://www.nestle.com/sites/default/files/asset-library/documents/creating-shared-value/responsible-sourcing/women-cocoa-supply-chain-progress-report-jan-2015.pdf (accessed 4 April 2024).

[63] Common Market for Eastern and Southern Africa (COMESA), 'COMESA in brief' (2018) https://www.comesa.int/wp-content/uploads/2020/05/COMESA-in-brief-FINAL-_web.pdf (accessed 4 April 2024).

[64] JG Frynas, 'The false developmental promise of corporate social responsibility: Evidence from multinational oil companies' (2005) 81(3) International affairs 581 588.

without addressing underlying power structures may result in tokenism or reinforce existing inequalities.[65] A nuanced approach involves continuous evaluation and adaptation of strategies to ensure positive impacts.

By contrast, however, critical scrutiny reveals instances where community engagement lacks a gender-sensitive approach.[66] Women's voices may be marginalized or excluded in decision-making processes related to energy projects, leading to projects that do not address their unique needs. Additionally, the lack of gender-responsive policies may exacerbate existing social inequalities within communities, particularly concerning women's access to resources and benefits. Businesses must recognize the intersectionality of gender with other social factors and adopt strategies that promote equity and justice within the communities they operate. They must actively work towards creating more equitable and just community engagement practices.

Undoubtedly, corporate practices in the energy transition era reveals a complex landscape where businesses are navigating the dual objectives of environmental sustainability and gender inclusivity. While exemplary cases showcase a commitment to cleaner energy sources and gender-sensitive policies,[67] challenges persist, requiring focused attention. Businesses must be held accountable for addressing environmental impacts beyond carbon reduction and promoting gender inclusivity in the workforce. A nuanced understanding of the role of businesses in the energy transition is essential to guide improvements, ensuring a sustainable and just future for all, regardless of gender.

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[65]   J Lieu, AH Sorman, OW Johnson, LD Virla & BP Resurrección, 'Three sides to every story: Gender perspectives in energy transition pathways in Canada, Kenya and Spain' (2020) 68(101550) Energy Research & Social Science 1-10.

[66]   Elizabeth Bryan, Quinn Bernier, Marcia Espinal, & Claudia Ringler, 'Making climate change adaptation programmes in sub-Saharan Africa more gender responsive: Insights from implementing organizations on the barriers and opportunities' (2018) 10(5) Climate and Development 417-431; Nathalie Holvoet & Liesbeth Inberg, 'Gender sensitivity of Sub-Saharan Africa National Adaptation Programmes of Action: Findings from a desk review of 31 countries' (2014) 6(3) Climate and Development 266-276.

[67]   Timothy Rangongo, 'Africa's biggest fund manager to grow green energy book beyond $854 Million' Bloomberg 3 October 2023 https://www.bloomberg.com/news/articles/2023-10-03/africa-s-top-fund-manager-to-grow-renewable-energy-investment-beyond-854million (accessed 5 April 2024); Miller, Iles & Jones (n2) 136; USAID, 'Power Africa private sector partners' https://www.usaid.gov/powerafrica/privatesector (accessed 5 April 2024).

4. CHALLENGES AND OPPORTUNITIES FOR ENHANCED BUSINESS ACCOUNTABILITY

Although pivotal in the global pursuit of sustainability, the energy sector is at a crossroads as calls for gender justice gain increasing prominence. While strides have been made, the complexities and nuances embedded in the industry demand a closer look at the specific challenges and opportunities for businesses aiming to be accountable for gender justice. One persistent challenge within the energy sector is the underrepresentation of women in decision-making roles. Leadership positions, boardrooms, and key decision-making forums continue to be dominated by men, perpetuating a gender gap in shaping the sector's direction.[68] Limited representation translates to a lack of diverse perspectives, hindering comprehensive strategies that consider the needs and experiences of women. This gap in decision-making exacerbates gender disparities in policy formulation and implementation.

Workplace discrimination and bias persist in the workplace, manifesting in unequal pay, limited career advancement opportunities, and a hostile work environment. Stereotypes about gender roles further entrench inequality, making it challenging for women to thrive. These discriminatory practices create barriers for women to fully participate in the sector, limiting their potential contributions to sustainable development processes. It also fosters a culture that is unwelcoming and excludes women from key roles and projects. In other respects, the energy sector remains characterized by occupational segregation, with certain roles and industries within the sector being heavily male-dominated.[69] This limits the opportunities available to women and contributes to the perpetuation of gender-based occupational stereotypes. Occupational segregation reinforces the notion that certain roles are inherently suited to one gender, restricting women from accessing a full range of opportunities within the sector. This perpetuates gender inequality both horizontally and vertically.

Businesses in the energy sector have the opportunity to champion diversity and inclusion policies. This involves proactive measures to attract, retain, and promote women within the workforce, with a focus on creating an inclusive culture. Increased diversity fosters innovation, creativity, and problem-solving within the sector. Businesses that prioritize diversity are better equipped to address the multifaceted challenges associated with the energy transition. Furthermore,

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[68] TVTK Sreevas & PV Kulkarni, 'Women leaders in environmental management' in PG Aquino, Jr, RC Jalagat Jr & MSM Justin (eds), Opportunities and challenges for women leaders in environmental management (IGI Global, 2024) 173-191.

[69] SG Bishu, & AM Headley, 'Equal employment opportunity: Women bureaucrats in male-dominated professions' (2020) 80(6) Public Administration Review 1063-1074.

inadequate family-friendly policies, including maternity leave and flexible working arrangements, pose challenges for women in the energy sector.[70]

The lack of supportive policies can lead to women leaving the workforce or facing challenges in career progression, contributing to a leaky pipeline of female talent within the sector. Investing in capacity building and skill development programmes tailored for women can bridge the gender gap in technical and leadership roles.[71] Providing training opportunities enhances the pool of qualified women in the sector. A skilled and diverse workforce ensures a more comprehensive approach to tackling complex challenges in the energy transition. It also contributes to a more equitable distribution of opportunities within the sector. Businesses can also create a supportive workplace culture by actively addressing discrimination, bias, and harassment. Establishing a culture that values diversity and inclusion encourages women to participate fully and contribute their expertise. A positive workplace culture enhances employee satisfaction, productivity, and retention. It also positions businesses as employers of choice, attracting diverse talent and fostering a more dynamic and resilient workforce.

Conversely, businesses in the energy sector can leverage their influence to advocate for policy changes that support gender justice. This includes advocating for family-friendly policies, equal pay, and initiatives that promote diversity in leadership. Proactive engagement in policy advocacy not only contributes to a more supportive regulatory environment but also aligns businesses with global standards for responsible and ethical practices. Consequently, in navigating the terrain of gender justice within the energy sector, businesses can drive positive change by promoting diversity and inclusion, investing in capacity building, strengthening workplace culture, and advocating for policy changes, including through the opportunities considered below.

First, an inclusive energy transition presents a significant opportunity for women's economic empowerment. Businesses can contribute by actively involving women in decision-making processes, supporting women-led entrepreneurship, and ensuring equitable access to training and employment opportunities. Empowering women economically not only benefits individuals but also contributes to the overall economic development of communities.

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[70] CL Williams, 'The gendered discourse of work-family balance in the oil and gas industry' (2018) 5(2) Social Currents 120-139.

[71] Hyuntak Roh & Eugene Kim, 'The business case for gender diversity: Examining the role of human resource management investments' (2016) 55 Human Resource Management 519–534.

Second, diversity in the workforce, including gender diversity, fosters innovation. Businesses can leverage diverse perspectives to address complex challenges in the energy sector. Including women in decision-making processes and research and development initiatives can lead to more comprehensive and effective solutions, driving innovation in sustainable energy practices. Implementing and enforcing gender-inclusive policies is essential for improving gender justice in the energy sector. This includes policies related to recruitment, promotions, and work conditions. Businesses should prioritize developing and communicating clear policies that foster an inclusive and supportive workplace culture.

Third, businesses can enhance their CSR initiatives by prioritizing gender justice in their practices.[72] Supporting educational programs for women in science, technology, engineering and mathematics (STEM), investing in community development projects that empower women, and transparently reporting on gender-related metrics contribute to a positive corporate image and social impact. Investing in educational initiatives that encourage girls to pursue STEM education is crucial for addressing the pipeline issue in the energy sector. Businesses can collaborate with educational institutions to create scholarship programs, workshops, and outreach efforts that inspire and support girls and women in STEM fields.

Fourth, opportunities for gender justice in the energy sector lie in collaborative efforts with various stakeholders. Engaging with governments, NGOs, and advocacy groups can create a collective approach to address historic gender disparities in favour of women. Partnerships that focus on policy advocacy, skills development, and community engagement amplify the impact of individual businesses. As Ovadia poignantly states, in relation to the opportunities for women in Tanzania's emerging oil and gas industry, fostering direct employment and facilitating opportunities for Micro, Small, and Medium Enterprises (MSMEs) to provide goods and services to the burgeoning gas industry necessitates more than just the implementation of economic empowerment policies. It entails the establishment of mandates and the establishment of targets aimed at enhancing women's participation within Tanzania's evolving legal framework for promoting local content.[73] Additionally, Ovadia suggests that the gas industry requires the integration of strategies within the country's vocational education and training

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[72]   MAL Agudelo, L Johannsdottir & B Davidsdottir, 'Drivers that motivate energy companies to be responsible. A systematic literature review of Corporate Social Responsibility in the energy sector' (2020) 247(119094) Journal of cleaner production https://doi.org/10.1016/j.jclepro.2019.119094 (accessed 21 December 2023).

[73]   JS Ovadia, 'Addressing gender inequality through employment and procurement: Local content in Tanzania's emerging gas industry' (2022) 9 Extractive Industries and Society https://scholar.uwindsor.ca/cgi/viewcontent.cgi?article=1017&context=poliscipub (accessed 4 April 2024).

(TVET) programmes and MSME development initiatives to ensure equitable access for women. Perhaps to make progress, it is important to have transparency in reporting gender-related metrics. This is a key aspect of accountability. Businesses should commit to disclosing data on gender diversity in their workforce, pay equity, and the implementation of gender-inclusive policies on production processes, services and contracts. Transparent reporting holds businesses accountable and allows stakeholders to monitor progress over time.

Lastly, businesses can establish mentorship and training programs to support women in the energy sector. Providing mentorship opportunities for career development, leadership training, and technical skill-building can help address the lack of representation and provide a pathway for women to advance in their careers.

The challenges and opportunities for achieving gender justice in the energy sector are multifaceted. Nevertheless, it is essential to underscore that the implementation of these recommendations on an operational scale necessitates the establishment of comprehensive energy transition legislation at the national level that mandate business enterprises to integrate more inclusive and human rights-centric methodologies into their operational frameworks. In Uganda, the Ugandan Constitution and statutory provisions such as the National Environment Act of 2019 already guarantee the inclusion of women in environmental governance or management endeavours.[74] This underscores the imperative for African nations to promulgate legislation concerning energy transition that is sensitive to gender considerations.[75] Moreover, it necessitates the cultivation of political resolve by African governments to ensure the effective implementation and enforcement of such legal frameworks.

While gender-based discrimination, unequal access to opportunities, and cultural barriers persist as major challenges in business enterprises in relation to gender justice, economic empowerment, diverse perspectives for innovation, CSR initiatives, and collaboration with stakeholders present avenues for positive change. In particular, prospects for improving the conditions of women in the business environment lie in the implementation of gender-inclusive policies, mentorship and training programs, educational initiatives, and transparent reporting by business enterprises. As businesses play a central role in shaping the energy transition, fostering gender justice requires a collective and sustained effort

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[74] Ekhator & Obani (n6) 274-276; Kabaseke (n 23).

[75] Pedi Obani, 'Women battle when trying to take climate change cases to court – South Africa and Nigeria study shows why' The Conversation 7 March 2024 https://theconversation.com/women-battle-when-trying-to-take-climate-change-cases-to-court-south-africa-and-nigeria-study-shows-why-224784 (accessed 4 April 2024).

from policymakers, businesses, and civil society. By addressing these challenges and embracing opportunities, the energy sector can contribute to a more equitable and sustainable future.

5. CONCLUSION

In conclusion, the interconnectedness of ecological and social considerations is pivotal in shaping a sustainable future. The examination of business accountability for gender justice in the context of Africa's energy transition underscores the essential interplay between ecological responsibility and social equity in business operations. The synthesis of analytical findings reveals a landscape where challenges, such as underrepresentation and discrimination, coexist with opportunities for transformative change. In this regard, a key recommendation for businesses involves implementing comprehensive diversity and inclusion initiatives that prioritize inclusive workplace cultures and equal opportunities for career advancement. Furthermore, businesses' and policy-makers' support for local women-owned enterprises through CSR initiatives, integrating gender impact assessments into project evaluations, and championing gender-inclusive policies will collectively contribute to fostering a more equitable and sustainable energy transition.

Ultimately, achieving gender justice in Africa's energy sector requires a shared commitment and collaborative efforts, recognizing the integral role that women play in driving transformative change and ensuring a harmonious coexistence between environmental preservation and social justice. The future of energy transition in Africa hinges on the commitment to these principles, paving the way for a resilient and gender-inclusive energy landscape. If properly considered by businesses, the proposals made in this article can serve as a roadmap for stakeholders to collectively forge a path toward a resilient, gender-inclusive, and sustainable energy landscape in Africa. By addressing both environmental and gender-related challenges simultaneously, businesses, in collaboration with policymakers and advocacy groups, can forge a path towards a more inclusive and sustainable energy sector. Together, they can contribute to a more inclusive, sustainable, and equitable energy sector that empowers women and ensures a harmonious coexistence between environmental preservation and social justice.