



# AFRICAN ENERGY & MINERAL management initiative

## APPLYING JUSTICE IN THE AFRICAN ENERGY SECTOR

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## **Applying Justice in the African Energy Sector**

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### **1. Introduction**

It has long been recognised that energy including fossil fuels and renewables are key in the economic and social development of a country. Indeed, energy is essential in addressing the challenges of the 21st century including poverty, climate change, famine just to mention but a few (Nalule, 2018). However, often a time, we fail to apply justice while developing, managing and governing the energy sector and as such many inequalities and injustices are experienced in not only using the energy resources but also in the process of establishing and maintaining the necessary energy infrastructure including electricity grids; oil and gas pipelines; energy storage infrastructure just to mention but a few.

### **2. Link between Energy and UN SDGs**

Before we explore the issue of justice in the energy sector, it is worth noting that access to modern energy is key in achieving most of the United Nations Sustainable Development Goals (SDG) in Africa (Nalule, 2018). Indeed SDG goal 7 emphasises the access to affordable, reliable, sustainable, and modern energy for all. Access to modern energy has a significant role to play in achieving all the other SDGs as briefly discussed below:

- **SDG Goal 1** on poverty eradication: access to modern energy is essential in the eradication of poverty as it plays a pivotal role in the transportation, industrialisation and all other economic activities which are likely to contribute in the eradication of poverty. However, it is worth noting that lack of access to modern energy in itself is not the main cause of poverty in developing countries. There are other factors that ought to be considered and tackled including corruption, poor governance, lack of economic

diversification, inequality in resource distribution, and many other factors some of which may be unique to a particular country in question, for instance political instability.

- **SDG Goal 2** is to end hunger, achieve food security and improved nutrition, and promote sustainable agriculture. The link between energy and agriculture is the ability of small-scale farmers in developing countries to use electricity and diesel for irrigation. Additionally, energy in the form of electricity is important in the refrigeration and preservation of food.
- **SDG Goal 3** is focused on ensuring healthy lives. The connection between energy and healthy living lies in the fact that lack of access to modern energy implies that many people in SSA will use traditional energy such as firewood for cooking and this definitely has various negative effects to the lives of the people especially due to the indoor air pollution. The International Energy Agency (IEA) report indicates that household air pollution due to over-reliance on traditional energy is responsible for 2.8 million premature deaths every year (IEA, 2017). Additionally, health care services such as hospitals require energy such as electricity to operate effectively, and as such it becomes hard to achieve the third goal of SDGs if majority of people have no access to modern energy.
- **SDG Goal 4** focuses on quality education. Having and obtaining quality education is considered to be essential in improving people's lives and sustainable development. However, UN estimates indicate that 57 million children remain out of school in developing countries and more than half of them are from SSA (UN, SDGs, 2015). Energy in the form of electricity is key in learning institutions as its used in libraries and laboratories.
- **SDG Goal 5** focuses on gender equality. The link between energy and gender equality is well documented especially considering the social roles of women such as cooking and other domestic work, which make them major users of energy resources in developing countries thus greatly exposing them to the negative effects of traditional energy such as in-door air pollution. IEA estimates indicate that women spend on average 1.4 hours a day collecting fuel wood and four hours for cooking (IEA, 2017).

As discussed above, there is indeed a strong connection between access to modern energy and the achievement of UN SDGs. This therefore makes access to modern energy a human right issue and as such we ought to apply justice in not only developing energy resources and infrastructure but also in the use of energy resources.

### 3. Justice in the Energy Sector

The challenges in the energy sector coupled with the differences and inequality in society have attracted new concepts and research focused on ensuring how these can be tackled with justice. For instance, literature has flourished discussing terms such as energy justice, climate justice and just transition. Climate justice takes into account the need to share the benefits and burdens of climate change from a human rights perspective; energy justice refers to the application of human rights across the energy life-cycle; and environmental justice aims to treat all citizens equally and to involve them in the development, implementation and enforcement of environmental laws, regulations and policies (Heffron et al., 2018). Given the link between energy and the environment specifically considering the negative effects of fossil fuels to the climate, there have been efforts in ensuring that countries transition to a low carbon economy. In this respect, scholars have advocated for the application of justice in the process when societies move towards an economy free of CO<sub>2</sub> emission (Heffron et al., 2018). It has been noted that justice is an important element to the transition, because often the rhetoric of governments, companies, institutions and researchers simply discuss 'a transition to low carbon economy' with no concomitant mention of 'just' (Heffron et al., 2018). Scholars have also expressed the need to have a united justice, i.e. a concept that aims to unify all the other concepts of justice including climate, energy and environment.

Drawing from the discussion above, we note the importance of applying justice in the energy sector including in the decarbonisation efforts (Nalule et al., 2019). As such it is worth exploring what justice means in the African energy sector. The Oxford Dictionary defines 'just' to mean behaving according to what is morally right and fair. At this juncture, it is worthwhile to briefly explore the energy access challenges in African developing countries. Globally, it is estimated that approximately 1.2 billion people have no access to modern energy such as electricity and nearly 3 billion people rely on traditional biomass (such as wood and charcoal) for cooking and heating (IEA, 2017). This number is high in SSA with over 290 million people having no access to modern energy such as electricity. This is despite the region's richness in energy resources with an estimated 65 billion barrels of proven oil reserves, equivalent to around 5% of the world total (IEA, 2017). These energy challenges have made it hard for countries to swiftly achieve economic and social development and there have been efforts to tackle common energy challenges in Africa and other parts of the globe through among other regionalism and regional cooperation (Nalule, 2018).

#### 4. Conclusion and way forward

Taking stock of the discussion above, a question arises: is it morally right and fair to have massive energy resources such as oil and gas and at the same time have over 200 million people lacking access to electricity in Africa? The answer to this question is definitely in the negative. In this respect, it becomes imperative for all African policy makers, lawyers, legislators and other stakeholders to apply justice and fairness in the development, management and governance of the energy sector. Of course, when applying justice, we have to ensure that majority of the people benefit from energy resources such as oil and gas; we have to ensure that local people are involved in the development of these resources and this is through the enforcement of local content provisions; we also have to ensure that foreign companies develop the local communities where they operate from and this can be achieved through corporate social responsibility. However, we also need to apply justice in the development of energy infrastructure such as electricity grids to ensure that majority of people especially in rural areas have access to modern energy.

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# About the author

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Victoria is a lawyer and holder of a PhD in International Energy Law and Policy. She is involved in various initiatives aimed at ensuring that various people acquire knowledge in energy, oil, gas and mining laws. These include among others her active YouTube channel; publication of articles in journals and Newspapers such as the Uganda New Vision; giving guest lectures at universities; book publications; involvement of local people just to mention but a few.

Victoria offers extensive experience in the Energy and Mining sectors having worked with various organisations including assignments for: The Queen Mary University of London (EU Energy Project) in the United Kingdom; The African Energy and Minerals Management Initiative (AEMI) in Uganda; The Columbia Center on Sustainable Investment in New York; the East African Community Secretariat (EAC) in Tanzania ; the University of Dundee in Scotland; the Southern African Development Community (SADC) in Botswana; Extractive Resource Hub in the UK and the Energy Charter Secretariat in Belgium.

She has also worked with both the private and public legal sectors of Uganda including Kakuru & Co. Advocates and the Anti-Corruption Court of Uganda.

Victoria is the founder and Executive Director of The African Energy and Minerals Management Initiative (AEMI), an NGO aimed at among other reaching out to artisanal miners and ensuring that the resources benefit the local people. AEMI is also involved in a legal aid project aimed at educating people about energy and mining laws. Victoria is also the founder and CEO of NEM a consultancy firm dealing in energy and mining. Victoria is an author and has published on topics relating to oil, gas, renewable energy, energy transition, climate change and mining in Africa. Her latest book being “Energy Poverty and Access Challenges in Sub-Saharan Africa: The Role of Regionalism. She has also been invited as a guest speaker and panellist in several forums and conferences discussing topics concerning oil and gas; climate change, renewable energy, energy poverty and access just to mention but a few.

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