

ENERGY JUSTICE IN EXTRACTIVE INDUSTRIES IN AFRICA

Heleen van Niekerk¹

¹University of Cape Town, DST/NRF SARChI Research Chair: Mineral Law in Africa

ABSTRACT

Goal 7 of the UN's Sustainable Development Goals is to ensure access to affordable, reliable, sustainable and modern energy for all. In many ways, Goal 7 is an expression of the ideal of 'energy justice': it honours the purpose of providing 'all individuals, across all areas, with safe, affordable and sustainable energy'. But access to sufficient energy is not enough to realize the complex objectives of justice in the energy context. Realising energy justice requires grappling with questions about distribution of the ills and benefits associated with energy systems (distributive justice), recognizing the needs of vulnerable groups and communities in procedures relating to energy decision-making (recognition justice), as well as procedures that treat all stakeholders with dignity and respect (procedural justice). In Africa, the practicalities of the philosophical notions of distributive justice, recognition justice and procedural justice are often strikingly illustrated by problems arising in extractive industries, particularly coal and oil.

In this presentation, I engage with what 'energy justice' means for the African context, honing in on the distinctive difficulties that Africa faces in industries where coal and oil are extracted. For example, the prevalence of the resource curse in (especially) Sub-Saharan Africa, highlights the continent's battle with distributive injustice. Furthermore, Africa's experience with colonialism and its modern-day responses thereto is a distinctive feature of its attempts at realising recognition justice and procedural justice. These attempts manifest among others in the extractive sectors, such as in the rise of the notion of 'social licence to operate' and the emphasis on 'free prior informed consent' of communities affected by extractive activity.

I argue that many of the justice concerns in Africa's extractive industries can be overcome by creating strong regulatory frameworks that promote transparency, accountability and the rule of law. I further argue that regulatory frameworks that have these attributes, coupled with measures that show empathy for the interests of marginalised and vulnerable communities, may contribute strongly to realising energy justice in extractive industries in Africa.