

# Right to Development

## 'Shining the Light' on Africa

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### Abstract

*Africa has been described as the 'dark continent'. The darkness comes from the fact that looking at Africa from the global satellite images, it is mostly surrounded by darkness compared to other continents of the world. It is also common knowledge that there is energy poverty in Africa. In fact, the World Bank president, Jim Yong, described the African situation of lack of energy as being equivalent to 'energy apartheid'. A term so difficult to contemplate in the circumstances, it depicts the developmental challenges facing the African continent. In the last decade, Africa has been making a significant shift towards dealing with its energy crisis, which is particularly of vital importance to development. In doing so, it has become imperative to underline the correlation between energy and development. At the core of this interface is people-driven development, a concept intricately linked to the right to development (RTD) that Africa specifically guarantees in the African Charter on Human and People's Rights (ACHPR, also referred to as the African Charter). The RTD has in the last 30 years of its adoption by the African Charter and the United Nations (UN) Declaration on the Right to Development moved from a controversial human right whose content is unclear to an African agenda significantly contributing to what may be referred to as a new development model on the continent. Currently, there is a shift led by the African Union's development model in the form of Agenda 2063, which makes a decisive shift from pure economic growth for the countries to a people-oriented development agenda, sustaining a theory of well-being in which core issues, such as energy, form a vital feature of the socio-economic development of the people.*

### Introduction

The Right to Development (RTD) as provided for in the African Charter on Human and People's Rights (ACHPR) places the obligation of ensuring the exercise of the right on all states in their individual capacity as well as collectively as a committee of nations.<sup>1</sup> Countries in Africa, individually and collectively, have committed themselves to highlighting and pursuing a developmental agenda that will promote their states as well as the continent. Key among such a development agenda is the African Union Agenda 2063, a 50-year plan of the continent's aspirations adopted in 2013 by all members of the African Union (AU).<sup>2</sup> The formulation of the aspirations enumerated

in Agenda 2063 serves as a continental blueprint intended to deal with the numerous challenges militating against the development of the continent and its people. One challenge, among the many challenges that consistently stifles Africa's development, is energy access. In fact, unreliable power supply is the main hurdle to achieving development.<sup>3</sup> Given this precarious position, it is the people of Africa that bear the brunt of this energy crisis that constantly keep their socio-economic development and well-being in jeopardy. The RTD, as guaranteed in Article 22 of the ACHPR provides in the first instance, for the right of the people to their economic, social and cultural development regarding their freedom and identity. Implicit in this is that socio-economic and cultural development are an integral part of the people and it cannot be separated from the RTD. This compounds the controversy that surrounds the RTD, for it cannot be categorically stated what forms the content of this right. As a result, few countries in Africa provide for this right in their constitutions and many more do not recognise the right as obligation *erga omnes* in which all have a legal interest to protect and fulfil.<sup>4</sup> Others have also called for its dissolution<sup>5</sup> as it does not provide any separate right worthy of protection over and above socio-economic rights.

One thing that has happened in the last five years is that Africa has finally embarked on a journey of developing its own development agenda that is people-driven and people-oriented. This article is divided into four sections. This paper highlights the developmental challenges facing the African continent as well as also examines possible areas of progress. It proceeds in the first instance, by discussing the energy poverty or crisis particularly in the context of exploring the role of energy as a critical resource to Africa's development. Secondly, the article discusses the RTD in Africa. Conceptually, the RTD presents several challenges, such as what exactly is the nature of this right? Is it for individuals alone or is it claimable by an individual within a group? Despite the conceptual challenges, the RTD is a right in Africa and, therefore, forms a fundamental backbone to matters of social, economic, political and cultural development of the African people. Hence, the RTD and its influence in contributing to a new development agenda that is people-driven point to new frontiers that Africa must embrace to deal with its developmental challenges maximally. Thirdly, in addressing the continental and the global outlook of the RTD, the article further examines the contribution of the RTD to Agenda 2063 where the two core elements that emanate from it are energy and a people-driven development. This confirms the correlation between energy and development. Before drawing on the conclusions, the article in the fourth instance explores the African architecture of the RTD and the prospects it nurtures for the continent. Finally, the article presents the importance of the RTD as pivotal to energy security as a development agenda of the continent and as such it must be promoted by all the countries on the continent.

## Energy Crisis in Africa

There is energy poverty in Africa as many of the countries on the continent struggle to light up their communities. For example, in South Africa, the biggest economy in Africa, with about 55 million people, only about five million people have been connected to electricity. KwaZulu-Natal with about 34 per cent and Eastern Cape with 40 per cent being the least remaining un-electrified.<sup>6</sup> In fact, in the Southern African Development Community (SADC), overall access to electricity stands

at a mere 40 per cent. In most rural areas on the continent, accessibility and affordability are huge contributors to the energy crisis. In June 2016, the Chairperson of SADC, President Ian Khama of Botswana confirmed the vast challenge that the lack of access to electricity, which is placed at below 10 per cent, presents to the economic growth and the socio-economic development of most member states of SADC. The same is also found in Western Africa where, for example in Chad, access to energy or electricity is a mere eight per cent. In the same category are also countries, such as Cameroun, at seven per cent and; Burundi at eight per cent. In Ethiopia, for example, only 30 per cent of households have access to electricity, making it the second highest access deficit in Sub-Saharan Africa.<sup>7</sup>

The energy crisis in many ways sustains the traditional approaches to energy that do not in any way improve the socio-economic conditions of most of the people. For instance, nearly 730 million people rely on the dangerous and highly inefficient use of solid biomass such as firewood and coal for their energy consumption. Access to modern forms of energy is, therefore, crucial for the greater socio-economic development of the people.

Accessibility of energy in Africa for domestic and industrial uses is limited due to several factors: poverty, lack of energy conversion equipment, poor generation capacity and infrastructure, as well as governance issues. For these reasons, there is a huge reliance on the traditional forms of energy derived mainly from biomass such as fuel and coal, rather than the demand for modern energy sources. The reason for the poor economic growth in Africa could be attributed to its lack of access to modern energy sources and other technologies necessary for driving growth. For instance, the amount of time used by a woman using coal and firewood to preserve fishes in a rural area is thrice more if she had access to modern fish-drying equipment. The energy access–poverty nexus was already envisaged as having an adverse impact on women, and for this reason, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) explicitly provided for the right to electricity among others as a prerequisite for the enjoyment of adequate living conditions.<sup>8</sup> Although the focus of this provision is on rural women, it can be argued that urban people equally suffer the same fate. However, the rural people are often forgotten, that is why they were specifically mentioned as people who have a need for electricity. Evidently, in sub-Saharan Africa, more than half per cent of the urban areas are not electrified and only seven countries out of about 48 countries have rural electrification rate of more than 50 per cent.<sup>9</sup> Access to electricity in Africa is dire, with two-thirds of the population being without electricity and even those that do have access to electricity consume much less than one-fifth of Europe's consumption. Clearly, the development of the region suffers considerably due to poor energy infrastructure. Implicated in the problem of access to energy is also effective use, implying that the impact of the energy crisis on the continent is deep on many levels. Take South Africa for example, most of the people do not have access to basic services such as electricity, water and sanitation, mainly in the informal settlements in peri-urban areas. So, for the majority, the indignity persists. In the Western Cape, for instance, there are about 191 668 households containing almost half a million people (75 per cent of household) living in shacks around the City of Cape Town and having concerns regarding electricity water and sanitation.<sup>10</sup> Although, since 2001, there has been a significant increase in the number of households with electricity in the province, from 88 per cent of all households in 2001 to 93 per cent in 2011. Notwithstanding the apparent progress, in terms of electricity for household

purposes such as lighting, heating and cooking, affordable access remains a huge challenge for the majority in the Western Cape Province of South Africa. The challenge is further exacerbated by illegal connections by people in their strive to be connected to electricity. For many in South Africa it is unimaginable that they are still without energy in the form of electricity today after having been denied access for so long due to the discriminatory policies of the apartheid regime that was in place before 1994. For example, in mostly informal settlements across the country there are about 578 000 households that illegally or informally access electricity. Many have also lost their lives by electrocution due to illegal connections<sup>11</sup> and sadly, this results not only in the loss of human lives but also in the high costs to the municipalities in terms of revenue and maintenance.

There was an increase in energy use of just above 60 per cent, mostly in the use of energy for lighting and cooking, while energy used for heating remains under 40 per cent. According to the Western Cape Research Report on Informal Settlements, use of energy for other domestic purposes, such as heating, is still relatively low, an indication that available energy is not optimally used due to affordability issues and lack of expertise in its usage for high industrial use. It can be argued that access to electricity has direct implications for the protection of equality and dignity. Clearly, the situation requires an urgent human rights-based intervention anchored in a developmental model that is specific to the African continent. The situation in the Western Cape is not much different from many countries on the continent. For example, in Kenya, access to energy in the form of electricity is 47,5 per cent in the urban areas and only 4,3 per cent in the rural areas. Kibera, which is the largest urban poor slum in that country, uses mainly kerosene (biomass) as a source of energy, at 74,6 per cent, while electricity usage is a mere 5,9 per cent.<sup>12</sup> Nigeria is widely known as a producer of crude oil, yet access to energy in 2016 was only about 59,3 per cent. The high energy poverty in that country is such that there is a huge disparity in energy well-being between the north and south.<sup>13</sup> The impact of the lack of access to energy in most African countries is an indication of the challenges faced by most people in living without adequate standard of socio-economic development. Given the current poor access to energy in Africa, there is no doubt that electricity is intricately linked to human dignity and the enjoyment of all other human rights.

## Right to Development in Africa

The RTD, first proposed by the Senegalese jurist Keba M'baye at the time when many African countries were still shedding off the vestiges of colonialism, while many more were still under colonial domination, has come full circle more than 30 years since its adoption by the then Organisation of African Unity (OAU).<sup>14</sup> The RTD provided for in Article 22 of the African Charter has been significant in providing the pathway for a new development agenda that is participatory and people-driven. Obviously, this was the plan of the proponent, even though the enabling instrument did not expatiate on how to realise this right or its content. There has been controversy regarding the RTD for many years. For many, particularly those in the northern hemisphere, the RTD is viewed as 'a human right without content, definitive right holders and duty holders'.<sup>15</sup> It was also seen as a solidarity right in the category of rights such as the right to peace, the right to environment, rights which are set apart from the traditional and the widely accepted human right of the individual

person.<sup>16</sup> With the RTD also being a group right, it stands to be rejected as it does not properly fit the concept of human rights as it is generally known. This position of many in western countries is in my view considered a rejection of a legally binding RTD. Development assistance, according to them, should be voluntary and must contain certain conditions as usually imposed by donor countries such as the United Kingdom (UK) and the United States of America (US). Although Germany on her part agreed in principle with the concept of the RTD, she failed to acknowledge the right as such. In consequence, the development course of many countries in Africa progressed rather slowly. It is common knowledge that Africa is naturally endowed with a wealth of natural and mineral resources such as gold, platinum, crude oil and coal. Despite the natural endowments in Africa, the continent relies on direct foreign investments and development assistance from developed nations. Due to this dependence on development assistance, the anxiety of developed countries increased tremendously in that the RTD could be seen as 'the right to everything', allowing states or individuals to sue wealthy nations for fulfilment. Thus far, the fears of developed nations that the RTD would entail an unwanted demand from developing nations have not materialised, except in the circumstance of partnerships or cooperation agreements made between countries.

Africa gave the world the RTD and, by so doing, provided a blueprint for its realisation as a right.<sup>17</sup> The total emancipation of the people can only be achieved if they are free from poverty or anything that hinders their development in all spheres. Clearly, it was evident to African leaders who at the time believed that the continent possesses the resources capable of accelerating the growth of both its people and the economy. Referring to these resources as 'the common heritage of mankind' is an indication of the global importance attached to the right and how the obligation towards its realisation must be set. In other words, the conceptualisation of the RTD at that time projected to the world the core essentials required for the promotion of equality and justice on the continent.

Despite the explicit recognition of the RTD in the African Charter, there was no further guidance on how the socio-economic development of the people could be achieved. It can be argued that the intention of the drafters at the time, by including this provision, was based on several factors: the need to include the requisite resources, technology advancement and, above all, an equitable partnership in ensuring the realisation of the right. Thus far, more than 35 years since the adoption of the RTD in Africa, the realisation of the socio-economic development of the people is less than desirable. There is still enormous inequality, poor quality of life, unemployment, illiteracy and poverty to a large extent in Africa. Two reasons for this are inadequate and inefficient industrialisation and manufacturing and the other being the inadequate methodologies used for the realisation of the RTD. It is commonly known that without industrialisation and manufacturing there will be very little or no growth for both the people and the economy. In other words, people are intricately linked to the economy, which cannot grow sustainably where one part of the equation is excluded. For this reason, it is highly improbable to sustain the proposition that the RTD can be subsumed into other human rights guaranteed in other instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic and Social and Cultural Rights (ICESCR) as suggested by Vandenbergard when he called for the dissolution of the RTD.<sup>18</sup> The RTD is a human right on its own merits in Africa, confirmed by the United Nations Declaration on the Right to Development (UNDRD). The United Nations (UN) adopted the

Declaration on the Right to Development in terms of Resolution 41/128 (1986), which has thus far supplemented the shortcomings of Article 22 of the African Charter regarding the content of the RTD. There has been a consistent reaffirmation of the RTD that has gradually moved from generalities to stating specifics that underline what the author argues to be the theory of human well-being as a prerequisite for the realisation of the RTD.

Article 1 of the UNDRD provides that:

the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized [emphasis added].

The importance of the well-being and freedoms of the human person, as well as their abilities are underlined by this provision. It stands to reason then that no development is complete or even sustainable without the active and effective input by persons in the process. This is because the nature of development is a process that requires active participants.<sup>19</sup> Therefore, to ensure that the process of development is not truncated in any way, Article 2 of the UNDRD enjoins states to aim at formulating appropriate development policies. Therefore, the formulation of development policies provides a view on how governments seek to realise the RTD. In many instances, particularly in Africa, the approach is against human beings. Often, the people are not involved in the process and, therefore, do not have the opportunity or choice to benefit from the process. This was the position in the Rift Valley of Kenya when the government decided to 'develop' the pastoral area of the people of Endorois to make way for a game reserve according to the communication 276/03 to the African Commission on Human and People's Rights (referred to as the African Commission). In that case, brought on behalf of the Endorois people by the Centre for the Minority Rights Development (Kenya) and Minority Rights Group (on behalf of the Endorois Welfare Council), it was decided at the African Commission that the process of development in the Rift Valley lacked all the necessary ingredients of development. The people neither participated nor were allowed to make a choice in the process. The case highlights the critical issues of the practical understanding of the RTD as a right to a process as well. It is the very nature of development in the twenty-first century that necessitated this change in thinking about the theory of the well-being of persons. To further drive this home, the world through the Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs), highlighted the vital missing link to development. Goal 7 of the SDGs points to the issue of clean and affordable energy. For people in Africa, energy in the form of electricity constitutes development without which the quality of life of many remains threatened. The author will examine the issue of the correlation between energy and development in the next section.

## Energy and Development

Energy is one crucial development factor constraining Africa's development and the crisis has succeeded in stifling socio-economic development, which is a core component of the RTD. Traditional sources of energy, such as firewood, are still being used, thereby exacerbating and sustaining the poverty of many.<sup>20</sup> For example, in many rural areas of the African continent, the dependence on coal remains high with its associated health hazards. According to the World Health Organisation (WHO) referred to by the National Coordinator for Renewable Energy Programme in Nigeria, about 98 000 women and children die annually due to smoke inhalation from cooking with firewood.<sup>21</sup> Biomass, such as wood and kerosene, form the bulk as a source of energy for the majority in Africa. It is common knowledge in South Africa that during the winter season (May to July), many lose their lives to fire because they use candle or paraffin lamps to keep warm in the shacks in the cold weather. Obviously, the well-being of the people is in jeopardy given the horrendous impact of this crisis. It has equally noted that if a woman cooks with firewood for breakfast, lunch and dinner, it amounts to smoking between 3 to 20 packets of cigarettes a day, thereby contributing to 10 per cent of global annual deaths.<sup>22</sup> This amounts to more deaths than those caused by tuberculosis, malaria and HIV/AIDS combined and, therefore, jeopardises the theory of well-being embedded in the RTD. It bears worth emphasising that it is inconceivable in Africa, which gave the world the RTD, suffers from such a debilitating crisis that inhibits development. Undoubtedly, it is clear to most in Africa that energy in the form of electricity is crucial to development. The availability of energy is of paramount essence for the economic growth and social and political development of every nation. No continent should know this better than the government and people on the African continent who are well aware of this fact. Particularly where the investment gap created by the untenable situation is worth US\$55 million, it is evident that without universal access to energy in the form of electricity and other services, countries cannot sustain growth, build more inclusive societies and accelerate progress towards eradicating poverty. For this reason, it is pertinent that the RTD shines the light on Africa. There are efforts at continental level that underscore this view.

## African architecture of the RTD: Nurturing the prospects

The RTD in the African Charter is not explicit, therefore the governments, as duty holders of the RTD on the continent, must look inwards because the crisis has been fueled by energy issues, among other things. This is instructive, given that Article 6 (3) of the UNDRD provides that 'states should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights as well as economic, social, and cultural rights'.

The first steps taken by African leaders in the twenty-first century developmental process was to launch Agenda 2063. Launched in 2013, Agenda 2063 is a 50-year plan aimed at developing the aspirations of the continent and, by implication, the right to development. In its preamble, Agenda 2063 aptly captured the crux of the challenges facing the continent's development and in doing so, highlighted the prospect of establishing 'flourishing, inclusive and prosperous societies'.<sup>25</sup> Against this backdrop, the agenda envisages the future of Africa to be one underscored by a people-centred

development agenda that must be inclusive (or as the author would argue, participatory) and sustainable. Following this developmental pathway created by leaders of the African continent, it is important to identify the most serious challenges to development: access to infrastructure such as energy, water and sanitation, and achieving people-centred development. It is important to use the energy resources of the continent to 'ensure modern, efficient, reliable, affordable and environmentally friendly energy to all African households, business, industries and institutions'.<sup>24</sup> Topping the list of priority areas is access to energy, water and sanitation, emphasised by the vital importance of the human person to development. It follows, therefore, from this aspiration that Africa can and should be a prosperous continent with the resources to propagate its own development. Yet, the statistics tell a different story, contradicting hugely the prospect to promote and protect the well-being of the people of the continent.

Further, allegations of the lack of accountability and transparency that invariably nurture corruption; in addition to the lack of political leadership required to develop the content of the RTD extensively contribute to the challenges associated development agenda. Nevertheless, Aspiration 6 of Agenda 2063 further envisages 'an Africa where development is people-driven, unleashing the potential of its women and youth'.<sup>25</sup> In other words, it aims to create the opportunity to eradicate poverty and change the narrative of African women and children as the worldwide face of poverty.

The prospects derivable from this quintessential African development blueprint, which is particularly relevant to the RTD, is that it shines the light mainly on driving a people-centred development and the urgent need to deal with the energy crisis on the continent. Hence, as a collective vision, Agenda 2063 has identified two vital ingredients necessary towards transforming the African continent: a focus on the unreliable power supply as a core factor that undermines development, and recognising the centrality of the people as key participants in the transformation agenda of the continent to build caring and inclusive societies. Taking a cue from the continental plans, governments at the national level are also taking persuasive steps. For example, the President of Botswana, Ian Khama, in an address to African science researchers in Kasane, Gaborone challenged African researchers to develop requisite technologies that deal with challenges of energy and water.<sup>26</sup> According to the President of Botswana, for development to succeed in Africa, modern infrastructure such as electricity is required urgently.<sup>27</sup> This statement was made against the backdrop of noting that SADC faces multiple challenges related to energy and water availability, access, affordability and delivery. In his view, President Khama affirmed the importance of Agenda 2063 by stating that it is pertinent for Africa to develop its own model of development and not mirroring that of developed countries. Further, Botswana, just like South Africa, has a National Development Plan aimed at crystallising issues specific to it and by so doing, draws on the UN Agenda 2030. Many countries of the world, including those of the African continent, subscribe to the UN Agenda 2030 initiative which has access to clean and affordable energy as one of its objectives, as stated in Goal 7. The UN Agenda is extremely important to Africa to the extent that it underscores the RTD and the multifarious issues that threaten its realisation on the continent.

South Africa, in Chapter 13 of the National Development Plan 2030 (NDP 2030), has adopted the main targets of ensuring that South Africa is a 'development state'.<sup>28</sup> Given the widespread inequality and poverty in the country, it seeks to achieve the minimum standard of living by focusing on key capabilities such as electricity, water, housing, sanitation, education and skills. Despite



this grand idea, there are questions on South Africa's ability to be a developmental state. Roger Southall posed the question in the State of the Nation 2005-2006 publication by identifying three challenges the country must address to transform to a development state.<sup>29</sup> Among the challenges are a skewed human resources pattern, erosion of the economic system due to the high globalised production system and lack of high popular mobilisation, all set to undermine development and democracy. Put differently, to realise its vision of being a development state, South Africa must ensure that such an agenda is people-centred because it is only skilled professional personnel who can enable state agencies to discharge its developmental responsibilities. The author argues in the circumstances that the South African National Development Plan is commendable in so far as it advances the RTD and the theory of well-being already canvassed here.

At the continental level and indeed also globally, Kenya, Nigeria and Malawi are the only countries affording a double support to the RTD.<sup>30</sup> These countries are parties to the foremost continental development agenda, the African Charter. They also have specifically provided for the RTD in their respective constitutions. Section 30 of the Malawian Constitution addresses the RTD and requires that women, children and persons with disabilities, in particular, are given special consideration in the application of this right. In effect, this section calls for equality of opportunity for all people in their access to basic resources, education, health services, food and shelter, as well as employment and infrastructure. To further ensure realisation, Section 30 (3) enjoins the state to take measures to introduce reforms aimed at eradicating social injustice and inequality. Therefore, eliminating such elements that inhibit the capabilities of people to live decently and thereby promoting an adequate standard of well-being remain paramount for governments on the continent. Hence, there is a need to develop strong institutions. For the greater part, many in Africa suffer tremendously from the lack of strong and effective institutions, mainly because the capabilities required to sustain these institutions that support the realisation of the RTD are constantly under threat. For a country like Nigeria, the institutions supporting the realisation of the RTD are relentlessly threatened by deep-rooted conflict and poor governance.<sup>31</sup> The rise of different militant groups in Nigeria is due to high unemployment and poverty among young people who seek equality of opportunity and socio-economic development.<sup>32</sup> It is common knowledge that the people of Ogoni in the Niger Delta, although they are the poorest of people in the country, chased Shell Petroleum Development Company (SPDC) off their land because Shell was viewed as plundering the oil and gas found in their land. In fact, for the people of that region, despite the huge natural endowments, poverty remains the bane of their lives, even though Nigeria, in terms of the Enforcement and Ratification Act, incorporated in full the African Charter into the Nigerian Constitution. By being a state party to several international instruments supporting the RTD, the legal basis for the realisation of the RTD exists. Notwithstanding such legal basis, the Socio-Economic Rights Action Centre (SERAC), in the seminal case against the Federal Government of Nigeria, could not rely specifically on the RTD to bring their matter to the African Commission. Although the African Commission found against the Federal Republic of Nigeria, just as it did against the Government of Kenya in the Endorois case, it highlighted the infringement of the RTD by the governments of these countries as their activities endangered peoples' lives. The countries, however, have taken strides to address the challenges that militate against the realisation of the RTD in their various countries by aligning it with global standards. They are doing so by ensuring that resources are channeled

towards renewable energy. For example, Ethiopia has poor access to energy, yet it is one of the few countries in the world whose grid power is 100 per cent renewable energy-based. Chad is a country with a mere 8 per cent access but has done remarkably well in working towards cleaner energy by having about 89 per cent renewable energy.<sup>53</sup> Undoubtedly, Africa's Agenda 2063 is a remarkable new development model for the continent, but it should also be aligned with the global vision of the UN Agenda 2030 that seeks to 'leave no one behind'. Underlined in this vision for Africa is the fact that people-centred development is sacrosanct, particularly where two-thirds of the energy infrastructure that should be in place by 2030 are yet to be built. Armed with the knowledge that the RTD remains out of reach for millions on the continent who are indeed trapped in an unending cycle of abject poverty, Africa seeks resources to promote sustainable development. For example, Botswana and Kenya are taking the lead in aligning both regional and national development plans with the global sustainable development agenda. In Article 10 (1) (d) of its constitution, Kenya included sustainable development as one of its national values and principles of governance. By so doing, the country has set the standard for leaving no one in deplorable poverty conditions that undermine socio-economic development. Botswana too has sought to mainstream Agenda 2030 into its National Development Plan and Vision 2063. It is worth emphasising that for Africa to accelerate development, it must pay critical attention to dealing with the energy deficit without which the RTD will not be realised.

## Conclusion

The RTD is pivotal in Africa because it sheds light on the critical challenges that inhibit the continent's progress in social, economic, political and cultural development. Energy is a critical resource for the continent and the persistent crisis that has even been tagged as constituting 'energy apartheid' leaves a lot to be desired. The current situation only serves to exacerbate the well-being of the people, thereby undermining their dignity and development. One of the critical factors that governments have yet to deal with appropriately is the correlation between energy and development. Several countries on the continent continue to depend on traditional sources of energy and, despite the abundance of natural resources, appropriate technologies to develop them remain distant.

The region has taken measures to confront the diverse developmental challenges it must overcome through its creation of a new development model based on the theory of well-being and people-centred development. The continent has also aligned itself with a global vision of creating development that is sustainable (UN Agenda 2030) in a bid to stem the vicious cycle of poverty experienced by the majority. In other words, the 'darkness' that surrounds Africa must certainly give way to light for any meaningful impact on the well-being of the people. Establishing a development model that highlights the centrality of the human person is undoubtedly a step in the right direction. It equally indicates a radical shift from the belief that the RTD is to be achieved solely in terms of international development aid. By focusing on energy as pivotal to Africa's development, the continental efforts are set to yield great dividends.

## Notes and References

- 1 Art 22 (2) of the African Charter on Human and People's Rights (ACHPR) provides for the Right to Development and places the obligation on states to individually and collectively ensure the exercise of the Right to Development.
- 2 The Agenda 2063 of the African Union envisages an Africa that is prosperous, peaceful and people-oriented with a view of developing the 'Africa we want' mantra.
- 3 Unreliable power supply is common knowledge in Nigeria that the shouts of "UP NEPA" by children rent the air because these children rarely experience steady power supply. 'NEPA' refers to the defunct National Electric Power Authority that was charged with the supply and distribution of power in Nigeria.
- 4 Bunn, I. D., 2012. *The Right to Development: International Economic Order: Legal and Moral Dimensions*. . Bloomsbury Publishing. p.137.
- 5 Vandenbogaerde, A, 2013. The Right to Development in International Human Rights Law: A Call for Its Dissolution. *Netherlands Quarterly of Human Rights*, 31(2), p.209.
- 6 International Energy Agency. 2014. World Energy Outlook Factsheet. Available at [www.worldenergyoutlook.org](http://www.worldenergyoutlook.org) [Accessed 17 February 2017].
- 7 The Energy Progress Report: Tracking SDG 7. Available at <http://trackingsdg7.esmap.org> [accessed 04 May 2018].
- 8 Article 14 (2) (h) of CEDAW provides for adequate standard of living with provision for water, electricity, and sanitation. Article 14 (2) (a) equally provides for women "to participate in the elaboration and implementation of development planning at all levels.
- 9 Castellano, A, Kendall, A., Nikomarov, M., and Swemmer, T., 2015. Brighter Africa: The growth potential of the sub Saharan Electricity Sector. Available at [www.mckinsey.com/brighter\\_africa\\_the\\_growth\\_potential\\_of\\_subsaharan\\_electricity\\_sector.pdf](http://www.mckinsey.com/brighter_africa_the_growth_potential_of_subsaharan_electricity_sector.pdf) [Accessed 20 November 2017].
- 10 Western Cape Informal Settlement in the Western cape Research Report on Energy. 2013. Available at: [www.thedha.co.za/uploads/files/HDA\\_Western\\_Cape-Report.pdf](http://www.thedha.co.za/uploads/files/HDA_Western_Cape-Report.pdf) [Accessed 20 November 2017].
- 11 South African Broadcasting Corporation (SABC) Prime Time News 25 September 2017.
- 12 Kaerekezi, S., Kimani, J. and Onguru, O., May 2008. Draft report on Energy Access among the Urban and Peri-Urban Poor in Kenya. Global Network on Energy for Sustainable Development (GNESD) Urban and peri-Urban Energy Access Working Group. Available at: [www.kenyaonline.com](http://www.kenyaonline.com) [Accessed 03 May 2018].
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