

# **Challenges to Sustainability in Africa**

This document is available at ielrc.org/content/n1101.pdf

**Note**: This document is put online by the International Environmental Law Research Centre (IELRC) for information purposes. This document is not an official version of the text and as such is only provided as a source of information for interested readers. IELRC makes no claim as to the accuracy of the text reproduced which should under no circumstances be deemed to constitute the official version of the document.

### Challenges to Sustainability in Africa

Patricia Kameri-Mbote<sup>1</sup>

**Key words**: Africa, sustainability, environmental degradation, economic development, rule of law

#### Introduction

Sustainability as defined in the Report of the World Commission on Environment and Development<sup>2</sup> denotes development that meets the needs of current generations without compromising the ability of future generations to meet their needs. It has elements of equity among current generations and across successive generations.<sup>3</sup> The challenges to sustainability in African states are multi-faceted, cross-sectoral and multidisciplinary in nature. These challenges range from social, economic, political and environmental challenges. They cut across the different sectors in the countries with a few of them being unique to a specific sector.

### Pointers to Sustainability in Africa

There are some encouraging pointers to sustainability in Africa today. These include:

- More children in school with countries adopting the universal primary education policy;
- Remarkable improvements in malaria, HIV and AIDS control and measles immunization;
- Concern for environmental sustainability with about 43 countries promulgating framework environmental laws and a good number enshrining the right to a healthy environment in their constitution;
- Increased use of improved water sources;

\_\_\_\_

Professor of Law at Strathmore University. She previously worked as an Associate Professor of Law at the School of Law, University of Nairobi and is an Advocate of the High Court of Kenya. She studied law in Nairobi, Warwick, Zimbabwe and Stanford and has served as a Policy scholar at the Woodrow Wilson International Center for Scholars. She has published widely in the areas of international law, environmental law, women's rights and property rights.

Our Common Future, Report of the World Commission on Environment and Development, World Commission on Environment and Development, 1987.

Edith Brown Weiss, In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity (Innovation in International Law), (1989).

- Greater use of technology with the expansion of mobile telephony use in Africa for communication, data exchange and money transfer increasing rapidly;
- Political, legal and judicial sector reforms to promote the rule of law;
- Land reform embraced as a key agenda in many countries and as a regional initiative<sup>4</sup>;
  and
- Proliferation of Regional and sub-regional economic and development bodies in different parts of the continent.

Indeed, various countries African countries have in the recent past shown potential expansion in a number of their critical industries thus creating growth opportunities. Others have improved local investment conditions and thus attracted new players I their local economies.

#### **Challenges to Sustainability**

There are however some threats to sustainability which, if not attended to can negate the gains that have been made over the years. These include:

- Inequalities on the basis of class, age and gender;
- Claims for sub-national or ethnic citizenship that threaten national unity;
- Poor governance and non-adherence to the rule of law;
- Preponderance of intra-state conflict;
- Environmental degradation;
- High disease burden and absence of accessible health care; and
- Emphasis on primary goods (agricultural and environmental) in an age of technology and information goods.

4

<sup>&</sup>lt;sup>4</sup> AU Framework

A recent research<sup>5</sup> carried out in Egypt and Kenya on employment and entrepreneurial opportunities for women in export-processing zones revealed that the major challenges to sustainability include:

- Weak enforcement of labour law:
- Underdeveloped environmental standards policies and regulations:
- Lower labor standards in Kenya;
- Risk of migrant labor abuse; and
- Low status of women.

Businesses and enterprises also face various challenges. In a study carried out by Africa Practice Ltd<sup>6</sup> African Business and Sustainable Development, the companies were required to come up with a list of challenges they faced in the quest to achieve sustainability in their businesses. The survey generated the following challenges:

- Shortages of clean water
- Environmental challenges such as climate change evidenced by extreme weather events; loss of biodiversity; air water and waste pollution;
- Poverty
- Food insecurity and under nutrition
- Economic instability
- Political instability
- High disease burden

In this study, poverty was the most commonly cited challenge followed by disease and climate change and loss of biodiversity coming in at joint third.<sup>7</sup> According to the World Bank, in Sub-Saharan Africa, the \$1.25 a day poverty rate has shown no sustained decline between 1981 and 2005, at around 50%. In absolute terms, the number of poor people has nearly doubled, from 200

<sup>7</sup> ibid

Racheal Yeager "Growth Potential and Sustainability Challenges in Africa" Available at: <a href="http://blog.bsr.org/2010/06/growth-potential-and-sustainability.html">http://blog.bsr.org/2010/06/growth-potential-and-sustainability.html</a> (Accessed on 2/9/2010)

http://www.africapractice.com/pdf/uploads/African%20Businesses%20and%20Sustainable%20Development%20survey.pdf

million in 1981 to 380 million in 2005. The average life expectancy in the region is 54 years (2008 figures) with the leading cause of death being HIV/AIDS, followed closely by malaria.

African countries are well endowed with numerous mineral resources which have the potential of promoting economic growth of these countries if those minerals are properly harnessed. However, the mining industry faces challenges such as corruption, environmental degradation as well as unscrupulous and destructive mining activities leading to considerable environmental problems. Such problems include chronic soil degradation, chemical contamination and air pollution. The entry of actors such as China in the mining and oil exploration sectors in African countries has implications for sustainability given that environmental standards in such countries are not stringent.

Environmental degradation is also a major setback to Africa's sustainability. Climate change resulting from negative environmental trends poses a great threat to the continent's sustainability and its food supplies, even though Africa has contributed little to the global greenhouse gas emissions. Global warming will act as a threat multiplier for many African countries. For instance, there is evidence that climate variability has significant economic costs in *Kenya* with aggregate models indicating that additional net economic costs could be equivalent to a loss of almost 3% of GDP each year by 2030 and estimating immediate needs for addressing current climate and preparing for the future as \$500 million / year for the year 2012. It is also estimated that the cost of adaptation by 2030 is likely to increase to the range of \$1 to 2 billion. This is likely impact on the availability and allocation of resources for other pressing needs such as health, education, infrastructure development and maintenance and overall development of the country.

Related to environmental degradation is the issue of land grabs. The *Financial Times*<sup>11</sup> highlighted a growing trend in sub-Saharan Africa in which land concessions are negotiated between foreign investors and African Governments or private African companies that are often closely tied to African Government leaders. Countries cited in the report are Madagascar and

World Bank website (accessed 2/9/2011 ) - <a href="http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/EXTPA/0,,contentMDK:201538">http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/EXTPA/0,,contentMDK:201538</a> 55~menuPK:435040~pagePK:148956~piPK:216618~theSitePK:430367,00.html

Government of Kenya, National Climate Change Response Strategy, April 2010

<sup>10</sup> Ibid

Financial Times Weekend, 10-11 January 2009, p. 1

Sudan but there are other examples across the continent such as Angola, Ethiopia, Ghana, Kenya, Mozambique, Nigeria, Togo, United Republic of Tanzania and Zambia. The land is leased for the production of food stuff mainly for export as well as to generate biofuels and feedstocks (cane sugar, jatropha, palm oil and soybeans). These leases must be considered with the context of land tenure insecurity for many small holder farmers in the countries involved as well as the need for food security.

Economic instability is also a significant challenge to sustainability in Africa. Like the rest of the world, Africa has had to deal with effects of the global economic crisis. Many African countries have western countries as the markets for their products and the reduced buying power in these countries affects their exports. The generally weaker state of African countries' economies affects their capacity to withstand economic and ecological crises.

Governance and adherence to the rule of law are other challenges to sustainability. Governance is undergirded by the rule of law which is critical for the economy and for prudent ecological stewardship.

The rule of law provides the necessary predictability and order thus guaranteeing social rights and government accountability. More specifically, it ensures that there is freedom from arbitrary governmental actions in the management of national affairs and resources; sets the rules of the game in investments, property, contracts and dispute resolution and makes governments transparent and accountable. The rule of law can stem grand corruption in development projects; patronage in the allocation of project contracts; privatisation of public resources by those in power and abuse of human rights to stem opposition.

While many countries in Africa have laws that are clear and written, the major problem is that these laws are not obeyed by all and in some cases official action is not consistent with the declared rules. The issue of some persons operating above the law is common in many countries and has led to revolts in some countries with the people demanding the end of impunity.

## **Way Forward**

To fully address challenges to sustainability in Africa, we must address the economic, social, political, economic, cultural, legal conceptions of development and grant to all as is due to them. The right to development needs to be realised by not only states but also groups and individuals.

We must revisit the concept of sustainable development as not just growth however obtained but growth tempered with indicators that ensure that it is realised for all in the present and does not diminish the prospects for future generations. We must remove sources of 'unfreedom' by targeting the poor, marginalized and underprivileged in society since inequity can erode development gains. Different of actors, structures and institutions need to be brought together to ensure that development is sustainable. For instance, political leadership, legislatures and law enforcement agencies need to work together to ensure that declared rules are implemented. Additionally, there is need to enlist cooperation from traditional governance institutions that are closer to the people while ensuring that the norms they carry do not result in further marginalization of the youth and women.

<sup>&</sup>lt;sup>2</sup> Amartya Sen, *Development as Freedom*, Oxford, Oxford University Press, 1999.