

Africa



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African [Banjul] Charter on Human & Peoples' Rights

The African [Banjul] Charter on Human and Peoples' Rights is an important legal instrument for Africa that was adopted in 1981. It entered into force in 1986 (African Charter 1986).

Part I: Rights and Duties

Chapter I: Human and Peoples' Rights

Article 1

“The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Chapter and shall undertake to adopt legislative or other measures to give effect to them.”

Article 4

“Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.”

As RF/microwave radiation is categorised as a Class 2B carcinogen (WHO/IARC 2011), respect for life and integrity of person may be infringed by some Smart Meter regimes (*Smart Metering alternatives are available that may avoid this risk – present author's comment*).

In particular, the potential detrimental health effects already noted abroad with Some Smart Meters (EMFSN 2011, KCRA 2011, Milham 2011), right to life issues - as related to the effects of increased RF/microwave exposures (Cherry 2000), and privacy issues that could damage integrity (Quinn 2009, Cuipers & Koops 2008), might be pursued by African citizens unless suitable best practice measures are taken.

Article 5

“Every individual shall have the right to the respect of the dignity inherent in a human being ... All forms of ... degradation of man particularly ... cruel, inhuman or degrading punishment and treatment shall be prohibited.”

The symptoms exhibited by some individuals exposed to RF/microwave regimes from some types of Smart Meters, and related technologies, can make them feel degraded as a human being.

It may be worthwhile for utilities and those developing smart technologies to investigate the use of more potentially ‘biologically-friendly’ options, such as fibre-optics, to prevent potential claims that they may be breaching this right.

Article 6

“Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. ...”

The liberty and security of those who are electrohypersensitive (EHS) may be compromised by some Smart metering regimes which can inadvertently inhibit/prevent individuals going where they wish, even within their own homes (EMFSN 2011), in order to avoid electromagnetic exposure from such devices.

Article 12

1. *“Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.”*

Freedom of movement and residence may be compromised by emissions from some types of Smart Meters and related smart technologies, as discussed above in the commentary for Article 6.

The threat of exposure to such emissions can, in some instances, prevent vulnerable members of the public from going where they wish within their own country without the risk of becoming unwell as a result of inappropriate EMF exposure.

Article 13

3. *“Every individual shall have the right of access to public property and services in strict equality of all persons before the law.”*

Inappropriate RF/microwave regimes can prohibit EHS individuals from accessing public property. It is important to ensure that Smart Metering, smart appliances and related technologies avoid contributing to this potential problem in Africa.

Article 15

“Every individual shall have the right to work under equitable and satisfactory conditions, ...”

The field regimes created by some Smart Meters and related smart technologies in the workplace may compromise the right to work of vulnerable EHS individuals by creating unsatisfactory work conditions, or conditions where they cannot work without becoming unwell.

Article 16

1. *“Every individual shall have the right to enjoy the best attainable state of physical and mental health.”*
2. *“States parties to the present Charter shall take the necessary measures to protect the health of their people ...”*

As indicated by anecdotal evidence from overseas (EMFSN 2011), the physical and mental health of a number of individuals may become compromised by some Smart Meter regimes.

As it is the duty of African States parties to *“take necessary measures to protect the health of their people,”* it would appear wise to check the scientific validity of the claims made related to health effects, and ensure that options used for smart meter rollouts and related smart technologies are ‘biologically friendly’.

Article 18

1. *“The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.”*
3. *“The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.”*
4. *“The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.”*

Claims might be brought that as some RF/microwave regimes are linked with increase risk of infertility, miscarriage and damage to human offspring (Cherry 2000); there is a possibility that emissions

from some types of Smart Meters and related devices may cause similar damage, thereby hindering individuals' right to found a family.

Claims might also be brought that if some types of Smart Meter regimes are adopted there may be risk of increased ill health to individuals.

Anecdotal evidence already exists from abroad concerning the risk of Smart Meters to health (EMFSN 2011). It is the State's duty to protect against such risks if proven real, particularly for those considered most vulnerable to such regimes.

Article 20

1. *"All peoples shall have the right to existence. ..."*

Cherry (2000) indicates that some human embryos/fetuses may be (inadvertently – *present author's comment*) deprived of life as a result of inappropriate RF/microwave regimes raising the risk of miscarriage.

There also appears a very real risk that some Smart Meter regimes may shorten individuals' lives (plus reduce the quality of their lives and length of time they are able to work productively).

Article 23

1. *"All peoples shall have the right to national and international peace and security. ..."*

It is predicted by NASA that the Sun is entering a particularly vicious solar maximum over the period 2012-2014 (Moskowitz 2011, NASA 2010). Upcoming solar flares could severely disrupt national grids and infrastructures unless suitable precautions are taken (Birnbach 2011).

"As Smart Meters are more vulnerable to stray high-energy electrical fields that can be caused by EMP than the units they replace. A delayed rollout till after 2014 (when the risk of solar EMP subsides) may be worth considering for this reason alone. The design of more robust units should also be considered." – Dr Isaac Jamieson.

It is already predicted that for the USA, under current states of preparedness, such an event might cause two-thirds of its population to die as a result of starvation and societal collapse (Cogan 2011). It appears that no assessments have been undertaken to date for Africa on the effects of such an event.

Article 24

“All peoples shall have the right to a general satisfactory environment favorable to their development.”

Some installations have been indicated as creating unsatisfactory environmental conditions for individuals’ development both in health terms (EMFSN 2011, Sage Associates 2011), and in terms of the security of their environment, as there may be increased risk of burglary (SGIP 2010) if third parties obtain data on the types of electrical equipment individuals hold and building occupancy patterns.

Article 25

“States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.”

It may prove prudent, as part of the promotion of the need to respect the rights and freedoms contained within the Charter being discussed, for the needs of those thought particularly vulnerable and/or likely to be adversely affected by electromagnetic pollution (such pregnant women, young children, the elderly and those with EHS) to become better known.

Article 26

“States parties to the present Charter shall ... allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.”

It is suggested that in order to further promote and protect the rights and freedoms guaranteed by the present Charter there should be the establishment and improvement of appropriate national institutions to better evaluate the benefits and risks of smart grid employments so that the best choices can be made for the good of all.

Chapter II: Duties

Article 27

“... The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.”

Smart grid security issues have to be properly addressed – Refer to section on ‘Security of Supply’ in this present document.

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