



Research Article

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Load-Shedding in South Africa: An Immediate Threat to the Right to Education, “Section 29 Inquiry”

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Abstract

The Constitution of the Republic of South Africa pledges in its preamble that “every citizen must equally be protected by the law, and further foster the quality of life of all citizens”. Thus, as a way of fostering the quality of life of all citizens, the Constitution in the Bill of Rights embodies a concoction of rights that enable citizens to exercise in nurturing their livelihood. In the midst of these rights, section 29 affords everyone the right to basic education. Against this backdrop, South Africa has failed for some time to resolve the electricity crisis infamously dubbed “load shedding”. Consequently, the load-shedding crisis confronting the country adversely impacts, and to some extent violates the Constitution in particular, section 29. In the same breath, media reports further ignite the reality that some learners during the examination period could not access, write or even attend to other educational activities due to load shedding. Therefore, the electricity crisis summonses the researchers to explore the degree of violation of section 29 and the effects that load shedding has on education and its infrastructure. Apart from that, the paper examines the role of load shedding apropos to the right to basic education by demonstrating that load shedding is severally and jointly liable for some challenges confronting the education sector. Finally, the paper establishes through judicial and legislative jurisprudence the State’s duty to afford everyone adequate access to basic education in South Africa.

Keywords: Electricity, Educational Pedagogics, Load shedding, Right to Education, Modern Education

1. Introduction

Nelson Mandela once said “Education is the great engine of personal development. It is through education that a daughter of a peasant can become a doctor, the son of a mineworker can become head of the mine, and the child of a farm worker can become the president of a great nation. It is what we make out of what we have, not what we are given, that separates one person from another” (Beiter, 2005: 1). Proceeding from this maxim, it is important to note that the right to basic education is classified under second generational rights that seek to foster socio-economic development (The Constitution, 1996: s 29). In accord, Churr submits that education since the beginning of time has and always been a way that a society passes its acquired knowledge from one generation to the next

(Churr, 2015: 2405). Further, Churr reiterates that education as a human right is justified and if the State fails to progressively realise it, the concerned and affected individuals may approach the court for remedial actions. Finally, Churr concludes that education is also about equipping the learners with the abilities and skills for a meaningful occupation and by so doing furnishes them with dignity, self-respect and self-assurance. In the immediate, it is noted that the right to basic education is not only exclusive to South Africa but is universally observed (Churr, 2015: 2406). Conversely, section 29 of the Constitution unequivocally affords everyone the right to access basic education. It provides that:

“(1) Everyone has the right:

a.to basic education, including adult basic education; and

b.to further education, which the State, through reasonable measures, must make progressively available and accessible”.

Undoubtedly, the provision of section 29 dictates to the States that the right to basic education is compulsory and guaranteed, hence, it must be afforded to everyone (The Constitution, 1996: s 29). This is underscored by the interpretation and language employed in crafting the provisions of section 29 which reinforces that a positive duty is entrusted to the State to ensure that there is realisation of the right to basic education at the State’s expense (The Constitution, 1996: s 29 (b)). In accord, the Universal Declaration of Human Rights (UDHR) bolsters section 29 in terms of article 26 which provides *inter alia* that everyone has the right to basic education and that such education shall be free at the elementary and fundamental phases (UDHR, 1948: article 26). In short, the UDHR is a reinforcement of section 29. Aptly, Churr cautions that although there is no explicit right to equal access to educational institutions, it can be understood that the right to basic education is absolute and protected in terms of the equality clause (The Constitution, 1996: s 9). Thus, this paper illustrates how load shedding adversely hinders adequate access to basic education as envisaged in the Constitution. Lastly, context must not be lost. In the immediate context of this paper, the right to education is limited to basic education since the right to education is a broad and multifaceted right that incorporates private education that does not rely on State sponsorship.

2. Conceptual Description

2.1 Load shedding

According to Eskom, “load shedding is a controlled process that responds to unplanned events to protect the electricity power system from a total blackout” (Eskom <https://loadshedding.eskom.co.za/LoadShedding/Description>). Briefly, the characterisation by Eskom of load shedding denotes that load shedding is a deliberate outage of electricity by the power supplier, “Eskom”.

2.2 Education

Education refers to the process of acquiring or imparting general knowledge which in turn develops the ability for one to exercise independent reasoning and judgment (Thesaurus dictionary, 2022). In sum, the concept of education can be expounded as either a formal and or informal transfer of knowledge.

2.3 Right to basic education

Taiwo articulates that the right to basic education is an unconditional entitlement that calls for the State to realise and also ensure that there are sufficient resources in terms of allocation of budget and other fundamental resources such as infrastructures. This obliges the State to provide adequate

school infrastructures, educators and support resources. The right entails that the State must offer free quality education up to a level of functional literacy. Otherwise, writing, reading and basic knowledge must be at the core of basic education. (Taiwo, 2012: 117). The right to education is also a human right captured in terms of the Universal Declaration of Human Rights, which pronounces that “Everyone has the right to education. Education shall be free at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all based on merit” (UDHR, 1948: article 26). Summarily put, the right to basic education refers to an entitlement that is granted *ex lege* to everyone in terms of the Constitution and must be provided by the State and failure, the concerned individual(s) can lodge a formal process to the court compelling the State to progressively fulfil the right like any other right in the Bill of Rights (*Mazibuko v City of Johannesburg*, 2009: 49).

3. Research Question

The paper demonstrates the existing pitfalls that are apparent between the electricity plague and the right to basic education in South Africa. In the immediate, the paper queries the adverse bearings that ensue due to load-shedding on the educational system. Similarly, the paper demonstrates as a matter of law that the right to access to basic education is provided for both in terms of the legislation and judicial jurisprudence domestically and internationally.

4. Methodology

The paper involves the application of the qualitative method of research. The traditional method of analysis of case laws, legislation and other academic contemporary legal scholarship are engaged.

4.1 Load shedding: Its Impact on the Right to Basic Education

Like corruption, load shedding is unfortunately part of the lives of many South Africans (Neves, 2021). Neves avers that load shedding has been in existence and a plague in South Africa for the past 14 years (Neves, 2021). Recently, the impact of load shedding has been reported to have allegedly infringed on adequate access to the right to basic education. Many media articles reported on the effects that load shedding has not only impacted on the economy but also on the education sector. Although Eskom argues that the impact of load shedding on examination is minimal, the media reports suggest otherwise. For instance, Democratic Alliance (DA) member of parliament submitted before the Portfolio Committee on Basic Education in parliament that load shedding is an immediate threat to the National Senior Certificate (NSC) and Matric examination (O'Regan, 2021). On behalf of the Department of Education, the spokesperson expressed that load shedding will not affect the actual examination since learners use minimal electricity while writing their examination (O'Regan, 2021). In other words, the department spokesperson suggests that the actual writing of examination is not affected simply because it is done during the day and there is minimal usage of electricity concerning the writing of examination at that time. On the contrary, the Chairperson of the Portfolio Committee of Basic Education posits that load shedding affects the preparation that needs to take place before the siting of the actual examination. In sum, the chairperson submits that load shedding hinders the effective preparation of learners before writing their matric and NSC examination. In accord with the Chairperson of the Portfolio Committee of Basic Education, Umalusi CEO has urged that there is a need for an urgent solution to the load shedding crisis as it does not only affect basic education but also affects institutions of higher learning since the majority of educational activities have been migrated online as a result of Covid-19. From a psychological frame of reference, Dlamini submits that load-shedding tempers with students' emotions causing anxiety and affecting the preparation timetable. Dlamini further alludes that lots of panic attacks are experienced during

examination sittings (Dlamini, 2021). The above submissions explicitly demonstrate the link that exists between the right to basic education and load shedding as a hindrance among other challenges.

From an operational and capacity outlook, Lee articulates that load shedding may leave a permanent scar on the progress of the educational system if not attended to (Lee, 2021). Also, Lee submits that the electricity capacity is needed now more than ever, as it is a critical component of the 4th industrial revolution that requires electricity to operate properly. Lastly, Lee remarks that due to Covid-19 the need for digital learning is inevitable, and that the right to education cannot be successfully realised if the load shedding crisis is not resolved (Lee, 2021). Unequivocally, Lee's view upon assessment supports the trajectory which is more yielded or premised on the stance that education is intertwined with electricity and in order to successfully realise it, there is an urgent need to find a durable solution to curb the hindrances that ensue due to load shedding.

4.2 *Lack of Electricity Facilities*

Electricity is an important source of energy and without it, life would not be the same. It remains one of the most significant facilities not only in educational institutions but also in all organisations, workplaces and homes (Polyoak Packaging v Eskom, 2011: 1). Through the accessibility of electricity, people feel comfortable within their ecological conditions and carry out their responsibilities and activities in a convenient manner (Kapur, 2019). In most parts of the world, electricity is generated through power stations and then disseminated through networks of transmission power lines to residential homes, offices and factories including schools. The availability of electricity ensures the provision of social services such as lighting, operating technology, cooking, cooling and heating systems and so forth. However, it is extremely difficult to store the huge quantities of electricity that people need, which means there is a need for continuous generation of large quantities sufficient for people's ever-increasing demands (Polyoak Packaging v Eskom, 2011:1).

Therefore, in the educational sector, lack or deficient provision of electricity in schools inhibits the smooth running of academic activities. For this reason, Kapur asserts that the lack of electricity in schools impedes learners' concentration on their studies and equally precludes educators from proactively discharging their pedagogical duties and responsibilities (Kapur, 2019). The government need to ensure the provision of electricity throughout all the schools running without electricity facilities. It is important to highlight that in the modern existence, learners and educators use technology to deliver various tasks including teaching and learning responsibilities which to a major extent rely on electricity. This means that in times of load shedding the scholastic responsibilities cannot be delivered. Moreover, this calls for the supplementary provision of energy from other sources such as generators, inverters and solar energy to ensure an uninterrupted power supply throughout the working day. The reason for the supplementary power supply is that in the event of load shedding the pedagogical activities should continue.

4.3 *Electricity and the Provision of Modern Education*

It is important to record that electricity plays a major role in the provision of education in this modern era. This notwithstanding, Thom posits that the modern educational system makes provision for the role of technology in teaching and learning which requires all schools and educational institutions to have access to electricity in order to meet their respective educational objectives (Thom, 1997:15). Furthermore, the World Economic Forum recognises electricity as key in the digital high technology of the fourth industrial revolution which combines technologies leading to unprecedented paradigm shifts in the economy, business, society, individual life and most importantly, the provision of education (WEFA, 1996:19).

A crucial part of the modern educational system is the modification of curriculums using approaches such as Outcome-Based Education (OBE) including Adult Basic Education and Training (ABET) (Thom, 1997:16). This is to note that the central point of the modern educational system is

the use of scientific apparatus and high technology. Conversely, to achieve this objective and to keep abreast with modern educational systems, there is a need for the provision of sustainable electricity to enable uninterrupted utilisation and operation of all the equipment and devices requiring regular electrical power supplies (Thom, 1997: 16). Equally, classes of programs such as ABET require lighting as it sometimes takes place during night and the use of Technology Enhanced Learning (TEL) which relates to the use of computers and audio-visual devices also operates with electricity. The paper therefore argues that, if a school is not electrified, hardhited by load shedding or alternatively, is not fortified with supplementary power supplies, it will not be possible to use technological devices such as computers and as such, compromises the modern educational pedagogics.

Moreover, this also encumbers the smooth running of teaching and learning, since learners' environment falls short of the necessary comfort to enhance learning activities. Educators too would find it difficult to discharge their day-to-day pedagogical duties and responsibilities without electricity because most of their teaching aids such as computers, audiovisual equipment and other information technology devices use electricity. Likewise, both learners and educators need to have their teaching and learning activities and programs in a conducive and welcoming classroom equipped with proper cooling and heating systems. This means that it will be difficult for both learners and educators to effectively deliver the subject matter without electricity, particularly the use of science and technology. Since educators enhance their teaching methods by use of electrical teaching aids such as computers, it becomes easier for learners to relate the information from the book with what is being displayed before them (Thom, 1997: 16).

The paper argues that learners stand to gain substantive knowledge through participation during practical experiments or the use of visual aids. Hence, it is hard for learners to cope without electricity, particularly when preparing for examinations. This has a negative impact on the overall school performance, particularly for the previously disadvantaged schools mostly located in rural areas which do not have electricity and cannot afford the use of generators for lighting or even other teaching and learning apparatus. This also goes for schools located in places that are hardhited by constant and perpetual load shedding. As a result, these poor schools ultimately produce a poor performance which compromises the quality of education and the learners' right to education (Thom, 1997: 16).

4.4 The Role of the State in Fostering the Right to Education

It is important to highlight that States have a responsibility to protect the fundamental rights of their citizens. Some of the State's responsibilities include the responsibility to protect, respect, and fulfill fundamental human rights. This is substantiated by Orentlicher's contention that "States have an obligation to respond positively to any form of violation aimed at any of the fundamental rights, inclusive of the right to education (Orentlicher, 1994: 2537). This means that, in cases where there is an infringement of a fundamental right, the State concerned is bound to take reasonable measures to redress the injustices and imbalances caused by such a violation. For this reason, if a violation of a right has occurred, the State assumes liability in the event of failure to provide an effective remedy for such violation. In the context of this paper, the State has an obligation to protect the right to education. In the foremost, the paper argues that in fostering the right to education, the State has to ensure that it addresses all the dares and shortcomings that could impede and or delay the State in bringing the right to education to fruition.

4.5 The Constitutional and Statutory Protection on the Right to Education

The 1996 Constitution was promulgated with an aim to develop the value of life for all the people and free the potential of every individual through the introduction, promotion and realisation of the rights enshrined in the Bill of Rights, which include the right to education. It provides that "everyone has the right to basic education, including adult education; and to further education which the state

through reasonable measures must make progressively available and accessible". The Constitution further provides that "everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable" (The Constitution, 1996: s 29 (1) (a) and (b)). The paper stresses that the spirit and purpose of the Constitution should be promoted and protected to empower learners and equip them with skills that will capacitate them for better employment and business opportunities to realise the objective of the Constitution. The paper contends that the realisation of the constitutional objectives will not be achieved if the country continues to experience load shedding at this alarming rate.

Even if the Constitution does not have a specific provision that provides for the endowment of electricity, it requires national and provincial laws to be enacted to control the electricity supply within their specified jurisdiction (The Constitution, 1996: Schedule 4 Part A & B). The South African government has set up a National Energy Regulator of South Africa (NERSA) to control the supply and pricing of electricity to different customers (NERSA. 2005). While NERSA was promulgated to influence the availability of energy, the reality clearly shows that electricity is not completely accessible and where it is accessible, it is often interrupted by consistent and perpetual load shedding. Consequently, this tempers with adequate provision of education.

The South African Schools Act (SASA) was promulgated in 1996, aiming to redress the past apartheid inequalities in the provision of education, previously founded on racial discrimination and educational segregation. The Act is also aimed at affording learners with an education of high quality and standard, therefore laying a strong foundation for the improvement of people's skills, aptitudes and proficiencies to advance and accelerate the transformation of the general public (South African Schools Act, 1996: preamble). Amongst its objectives, the Act seeks to invest in communities and their educational institutions to transform societies by establishing amongst them frameworks that enable easy access to education (South African Schools Act, 1996; s 21). Section 3 of SASA assists the state in realising the right to education in line with section 29 of the Constitution by causing parents and caregivers to take responsibility for ensuring that their children attend school. This section provides that "every parent or guardian has an added responsibility to ensure that children of school-going age that they are responsible for, enrol and attend their basic education until they complete it". The Act further provides that, "the State must fund public schools from public revenue on an equitable basis in order to ensure the proper exercise of the rights of learners to education and the redress of past inequalities in education provision" (South African Schools Act, 1996; s 34 (1)). The current paper contends that access to basic education and to educational facilities that are not fortified with electricity or are often hardhited by load shedding is as good as no access at all. This is because learners will not be able to meaningfully take part in the teaching and learning since modern pedagogics use technological devices that in turn require electricity to effectively operate. Consequently, learners will not be able to exercise their right to basic education meaningfully if load shedding persists.

4.6 Judicial Framework

As a point of departure, the judiciary plays a significant role not only in interpreting and giving the content meaning of the right to education but also in the protection of the right through its thoughtful pronouncements and judgements. To some degree, these considerate pronouncements became important guiding principles in influencing and compelling compliance in relation to the protection of the right to education. The judicial pronouncements articulate the importance of having books, school furniture including ample infrastructural amenities and socio-economic services such as water and adequate facilities just to name a few, for the realisation of education.

For example, in the case of *Section 27 v Minister of Education*, (Section 27 v Minister of Education, 2013) an application was brought before the North Gauteng High Court on an urgent basis requesting a declaratory order that failure by the Department of Basic Education to deliver textbooks to schools across Limpopo Province constituted an infringement on the right to basic education. The

court observed that “education is critical in both freeing and unlocking the potential of each person and it also found that textbooks are an essential component of quality learning and teaching and as such, ordered the respondents to deliver textbooks to schools across the Province” (Section 27 v Minister of Education, 2013: 22). Similarly, in the case of *School Governing Body of Dalaguba Junior Secondary School v MEC for Education, Eastern Cape* (School Governing Body of Dalaguba Junior Secondary School v MEC for Education, Eastern Cape, 2019) the provincial department of education failed to provide proper sanitation facilities and clean water supply to schools in the Province thereby breaching its constitutional obligation. The court ordered the respondents to appoint contractors to erect dignified sanitary facilities (School Governing Body of Dalaguba Junior Secondary School v MEC for Education, Eastern Cape, 2019: 2.1 - 2.2). Concerning the provision of clean water, the court ordered the respondent to ensure that a service provider is appointed to determine if water could be accessed through a borehole in the school premises and if so, the said service provider must embark on the drilling process (School Governing Body of Dalaguba Junior Secondary School v MEC for Education, Eastern Cape, 2019: 2.3.1.1 - 2.3.1.2). While in the process, said the court, the respondents must supply the school with potable bottled water and the costs of such procurement must be paid by the Eastern Cape Department of Education. Thus, the latter case highlights the infringement on the right to basic education emanating from the poor and sometimes lack of sanitation and clean drinking water in public schools. In contrast, this paper exposes the violation of section 29 “the right to basic education” as a result of load-shedding.

Lastly, this paper submits that although the courts deliberated on issues that serve as stumbling blocks for the realisation of the right to education if not addressed, such as lack of proper water supply, poor infrastructure and sanitation facilities, the provision of electricity in schools remains important for the provision of education. Therefore, the paper contends that even if there could be scholastic, infrastructural and socio-economic facilities but no electricity, the realisation of the right to education will not be achieved. Insistently, this is so because the modern educational system makes use of technology in pedagogics which necessitates all educational institutions to have access to electricity in order to respond positively to the educational objectives (Thom, 1997:15).

4.7 International Instruments

The Constitution in terms of section 39 (1) (b) captures that when interpreting the Bill of Rights international law and foreign law must be considered (The Constitution, 1996: s 39 (1) (b)). Against this context, it is recognised that the right to education is not unique to South Africa as it is also observed internationally. In terms of article 26 of the Universal Declaration of Human Rights 1948 (UDHR) “everyone has a right to education and that such education shall be free at elementary and fundamental phases”. For this reason, education must be made accessible based on merits as per individuals (UDHR, 1948: article 26). In concurrence, the International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR) captures in article 13 (2) (a) that the signatory State parties to the present Covenant recognise that achieving the full realisation of this right “primary education shall be compulsory and available free to all” (ICESCR, 1966: article 13 (2) (a)). The crafting of the text in article 13 of ICESCR gives further reinforcement to section 29 of the Constitution as it obliges all the signatories to the Covenant to provide free basic education to its citizens. This right is further expounded in subsection (b) of the latter. It states that although secondary education varies in nature from the elementary phase of education, the State generally has a duty to ensure that it is available and accessible to all. Additionally, the state must through progressive and adequate means ensure that the right to education is ultimately free (ICESCR, 1966: article 13 (2) (b)). Similarly, article 14 of the same Covenant compels the signatory State to the Covenant to ensure free education to all and if at the time the signatory State joined the Covenant does not have the facilities to provide free education, it is then afforded 2 years to produce and adopt a plan of action that will lead to a progressive implementation and realisation which will be a step towards the principle of compulsory free education for all (ICESCR), 1966: article 14).

Lastly, the Convention on the Rights of the Child (CRC) stipulates in article 28 *inter alia* that primary education must be made free and compulsory (CRC, 1989: article 28). Where the need arises, the State need to financially intervene (CRC, 1989: article 28 (1) (B)). Accordingly, article 28 encourages international cooperation or companies to contribute towards ensuring that free education is delivered, because this will expeditiously eliminate ignorance and illiteracy throughout the world (CRC, 1989: article 28 (3)). In sum, article 28 although not mandatory, denotes that international corporations or companies are entrusted with a duty to assist the State in safeguarding the adequate access and realisation of free quality education.

5. Recommendations

The South African government need to craft policies that primarily strive to regulate and ensure that academic and educational activities at all phases are not hindered as a result of the ongoing load shedding. Therefore, this paper makes the following recommendations:

- The State must invest in solar power and fossil-fuel-powered generators in State owed schools to mitigate the load shedding crisis. This will reduce the reliance on grid power for essential equipment required to run the basic administration of the school (Anderson, 2015).
- The State must invest for instance in RISO Africa school types of equipment, such as Risograph printer or duplicator. This is self-contained equipment that uses two panels of solar and it can produce 90 pages per minute only relying on the sun's energy (Anderson, 2015).
- The State needs to also invest in Battery Banks to use during the blackout (Anderson, 2015).
- The State led by the department of education must draft programs that will assist students who have been impacted by load shedding, i.e State-funded tutorial classes or/and programs.
- The State must further provide psychological counselling to the learners who suffered or were affected by load shedding prior, during, and post the examination period.
- The state must establish a committee with powers to ensure and monitor the electrification program of all public schools, in response to e-learning.
- Lastly, the private sector has a patriotic responsibility to deliberately support through funding, skills and other resources to educational programs and activities.

6. Conclusion

There can be no doubt that the electricity plague infamously dubbed load shedding in South Africa creates an atmosphere that is not conducive to adequate access to basic education and education generally. For this reason, load shedding has proven to be *inter alia* the challenges that hinder adequate access and realisation which consequently violates section 29 as captured in terms of the Constitution of the Republic of South Africa. It therefore, follows that the State needs to introduce various electrical alternatives to ensure that amid load shedding, teachers are still able to discharge their pedagogical responsibilities and learners have a conducive learning environment that includes sustainable and reliable power supply. It is noteworthy to point out that the State must ensure that there is sufficient electrical capacity during the period of pedagogical activities in order to adequately realise the right to basic education. Finally, legislative and judicial jurisprudence demonstrates that the State is entrusted with a duty to safeguard the realisation and implementation of section 29. With that said, to have an adequate and functional educational system, the above recommendations are hereby endorsed by the researchers hereof.

References

- Anderson S, "School and Load shedding: 10 questions (and answers) to consider" 15 March 2015.
- Beiter KD, (2005). *The Protection for the Right to Education by International Instruments: Including a systematic Analysis of Article 13 of International Covenant on Economic, Social and Cultural Rights*. Martinus Nijhoff Publishers/ Boston, P 1-738).
- Churr C, "Realisation of a child's right to basic education in the South Africa School System: Some lessons from Germany" 2015 (18) 7 PER/ PELJ.p 2405-2455.
- Dlamini P, "During an already difficult year, load shedding adds matric' anxiety" (9 November 2021)<https://www.news24.com/citypress/news/during-an-already-difficult-year-loadshedding-adds-to-matrics-anxiety-> (accessed 2022/02/23).
- Eskom <https://loadshedding.eskom.co.za/LoadShedding/Description> (2021/12/22).
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966.
- Kapur R, (2019). *Leadership Role in Educational Institution*. available at www.researchgate.nethttps://www.researchgate.net/publication/336639860_Leadership_Role_in_Educational_Institutions (accessed 2022/3/8).
- Lee N, "Load-shedding affects education as modern learning relies on electricity" (17 November 2021)<https://www.sowetanlive.co.za/opinion/columnists/2021-11-17-load-shedding-affects-education-as-modern-learning-relies-on-electricity/> (accessed 2021/12/23).
- Mazibuko and Others v City of Johannesburg and Others (CCT 39/09) [2009] ZACC 28,2010 (3) BCLR 239 (CC), 2010 (4) SA 1(CC) (8 October 2009).
- National Energy Regulator of South Africa <https://www.nersa.org.za/> (accessed 2022/2/28)
- Neves J, "Dark History: The real reasons behind load shedding in South Africa". https://www.biznews.com/energy/2021/07/05/load-shedding-sa-history_(accessed 2021/12/23).
- Neves J, "Load shedding: It can be stopped, says Chris Yelland-here's how" (7 June 2021). <https://www.biznews.com/global-citizen/2021/06/07/load-shedding-stopped-yelland> (accessed 2021/12/23).
- O'Regan V, "Load shedding an "immediate threat" to the 2021 NSC exam, with far-reaching implications for matrics" (9 November 2021) <https://www.dailymaverick.co.za/article/2021-11-09-load-shedding-an-immediate-threat-to-the-2021-nsc-exams-with-far-reaching-implications-for-matrics/> (accessed 2021/12/23).
- Orentlicher D, *Settling Accounts: The Duty to Prosecute Human Rights Violations of Prior Regime*, 100 *Yale Law Journal*, 2537 and also in her *Addressing Gross Human Rights Abuses: Punishment and Victim Compensation in Human Rights: An Agenda for the Next Century*, Louis Henkin and John Hargrove, eds., ASIL, 1994. See further Naomi Roht-Arriaza, *Impunity and Human Rights in International Law and Practice*, Oxford University Press, New York, 1995.
- Polyoak Packaging (Pty) Ltd v Eskom Ltd (21218/08) [2011] ZAWCHC.
- School Governing Body of Dalaguba Junior Secondary School v MEC for Education, Eastern Cape, Bisho Case No: 645/19, unreported.
- Section 27 v Minister of Education 2013 2 SA 40 (GNP).
- South African Schools Act 84 of 1996.
- Taiwo A "Implementation of the right to education in South Africa and Nigeria Vol 33, No 1 (Part 1)", p 93-120.
- The Constitution of the Republic of South Africa, 1996.
- The Convention on the Right to the Child (CRC), 1989.
- The Universal Declaration on Human Rights, 10 December 1948. <https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf> (Accessed 2021/12/22).
- The World Economic Forum Agenda 2017, Forum: The future is bright for the electricity sector. <https://www.weforum.org/agenda/2017/01/why-the-future-is-bright-for-the-electricity-industry/> (accessed 28/04/2020).
- Thesaurus.com <https://www.dictionary.com/browse/education> (accessed 2021/12/22).
- Thom C, *A development framework for rural electrification: Some preliminary findings*, Energy & Development Research Centre, University of Cape Town May 1997.