

**The Role and Application of Human Social and Economic Rights
in Achieving African Union's Agenda 2063**

by

Abdullateef Olasubomi Abdul (LL.B., B.L.)*

**Being a paper presented at the Annual Conference of the African Bar Association held in
Nairobi, Kenya, 22 – 27 July 2018**

* Currently an Associate in Ikeyi & Arifayan, a top-tier Nigerian law firm with offices in Lagos, Abuja and Enugu. He represents indigenous and multinational clients on a broad range of legal advisory, tax advisory, regulatory, transaction support and dispute resolution matters. Contact: aabdul@ikeyiarifayan.com; abdullateef.abdul999@gmail.com.

Abstract

Africa is endowed with enormous human and material resources. Paradoxically, Africa is also the poorest and the most undeveloped continent in the world. The problems, which continue to undermine the continent's development potential, are numerous and range from insecurity and illiteracy to poverty and unemployment. Therefore, in Africa today, the realisation of human social and economic rights is pivotal to a meaningful actualisation of African Union's Agenda 2063. The prevalent notion of human social and economic rights as rights inferior to human civil and political rights therefore has no place in Africa. As Leopold Senghor aptly simplifies the point, 'human rights begin with breakfast'.

This paper does not deny the importance of civil and political rights in actualising the full dignity and value of the human being in modern society. It however contends that human social and economic rights are a category of rights geared towards the realisation of a minimum level of social and economic standard of living and that the realisation of human social and economic rights is a necessary precondition for the exercise of life and for even, the enjoyment of civil and political rights. This is because human social and economic rights focus on human well being and development; and consists of rights such as the right to an adequate standard of living, the right to work and social security, and the right to education, clean environment and healthcare which, when realised, would pave the way towards a meaningful life for many Africans, and ultimately, help attain the Africa of our dreams as formulated in Agenda 2063, to wit, a prosperous Africa based on inclusive growth and sustainable development.

Despite the importance of human social and economic rights to us as a people, there are continued impediments to the application of these rights in Africa. Apart from the non-enforceability clauses in the constitutions of most African countries designed to prevent the adjudication of these rights, there are also, amongst others, the challenges of awareness and political will to realise the rights.

It is against the foregoing background that this paper examines the role and application of human social and economic rights in achieving Agenda 2063. In doing so, this paper first examines the African Union's Agenda 2063 with a view to illustrating the strategic framework for the transformation of the continent over the next approximately 50 years. The paper afterwards examines, in depth, the meaning of human social and economic rights and the bundle of rights they contain. Afterwards, the paper appraises the role and importance of these rights in Africa towards the attainment of Agenda 2063 and thereafter, analyses the application and enforcement of these rights in Africa, the associated challenges; and the ways to overcome the challenges and secure the application of the rights. This paper contends that, ultimately, the realisation of these rights is a collective task on all stakeholders and not a task for the African Union and African governments alone.

Keywords: Agenda 2063, human rights, social and economic rights, Africa's future, Africa

1.0 Introduction

It's a cliché but remains true that the best way to predict the future is to create it. This is what Africans, under the aegis of the African Union (AU), did when we formulated Agenda 2063 to tackle the crippling problems of our continent and position our continent and its people towards genuine development and prosperity. Without doubt, this vision – Agenda 2063 – is a step in the right direction. But visions alone do not suffice. They must be accompanied with definite actions. One of such requisite definite actions, which form the thrust of this paper, is preserving human social and economic rights on the African continent.

It may be easy to assume that human social and economic rights have no cogent contribution to Agenda 2063 or to our continent. Indeed, it has been variously suggested that human social and economic rights are not really human rights¹ or are at best second-generation or inferior rights.² However, this notion is erroneous and simplistic. It has no place in our continent and indeed in current human rights jurisprudence. This paper demonstrates that human social and economic rights play critical roles in realising African Union's Agenda 2063.

2.0 Agenda 2063 – Africa's vision

Agenda 2063 is a strategic framework for the socio-economic transformation of the continent over the next 50 years.³ The guiding vision for Agenda 2063 is the AU Vision of "*an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in international arena*".⁴ Agenda 2063 leverages past and current continental initiatives such as the Lagos Plan of Action, the Abuja Treaty, the Minimum Integration Programme, the Programme for Infrastructural Development in Africa (PIDA), the Comprehensive Africa Agricultural Development Programme (CAADP), and the New partnership for Africa's Development (NEPAD) amongst others.

Agenda 2063 is presented in the following three key documents:

¹ Maurice Cranston, "Human Rights: Real and Supposed," in *Political Theory and the Rights of Man*, ed. D. D. Raphael (Bloomington: Indiana University Press, 1967), pp. 43-51

² Karel Vasak, "Human Rights: A Thirty-Year Struggle: the Sustained Efforts to give Force of law to the Universal Declaration of Human Rights", *UNESCO Courier* 30:11, Paris: United Nations Educational, Scientific, and Cultural Organization, November 1977

³ "About Agenda 2063," African Union, accessed 13 June 2018, <https://au.int/en/agenda2063/about>

⁴ *ibid*

- (a) Agenda 2063 Framework Document which contains the vision for 2063, a comprehensive situational analysis of key issues, the goals, priorities, targets and indicative strategies, as well as proposals on implementation, monitoring and evaluation;
- (b) Agenda 2063 Popular Version presenting the Agenda in simple terms to facilitate ownership by the African citizenry; and
- (c) First 10-year Implementation Plan (2013-2023) which lays out the immediate priorities and is designed to kick-start the journey towards 2063.

The seven African Aspirations for 2063 are:

- (i) A prosperous Africa, based on inclusive growth and sustainable development;
- (ii) An integrated continent, politically united, based on the ideals of Pan-Africanism and the vision of Africa's Renaissance;
- (iii) An Africa of good governance, democracy, respect for human rights, justice and the rule of law;
- (iv) A peaceful and secure Africa;
- (v) An Africa with a strong cultural identity, common heritage, shared values and ethics;
- (vi) An Africa whose development is people driven, relying on the potential offered by people, especially its women and youth and caring for children; and
- (vii) An Africa as a strong, united, resilient and influential global player and partner.

In adopting Agenda 2063 as a collective vision, the Assembly of the African Union in its 24th Ordinary Session in January 2015 also committed to speed up actions to, among other things:

- (a) eradicate poverty in the coming decades;
- (b) provide opportunities for all Africans to have decent and affordable housing in clean, secure and well planned environments;
- (c) catalyse education and skills revolution and actively promote science, technology, research and innovation, to build knowledge, human capital, capabilities and skills to drive innovations;
- (d) transform, grow and industrialise our economies through beneficiation and value addition of natural resources;
- (e) consolidate the modernisation of African agriculture and agro-businesses;
- (f) act with a sense of urgency on climate change and the environment;
- (g) connect Africa through world-class Infrastructure;

- (h) support young people as drivers of Africa's renaissance;
- (i) silence the guns by 2020, through enhanced dialogue-centred conflict prevention and resolution;
- (j) strengthen domestic resource mobilization; and
- (k) set up an implementation, monitoring, evaluation system, underpinned by accountability and transparency, to ensure the attainment of the Agenda 2063 Aspirations.

Agenda 2063 also recognises that the critical enablers of our continental transformation are People's ownership and mobilization; African resources to finance its development; accountable leadership and responsive institutions; capable and democratic developmental states and institutions; changed attitudes and mind-sets; a Pan-African perspective; ownership of the African narrative and brand; and African approach to development and transformation.

Agenda 2063 resonates with the Africa of my dreams – a safe and self-reliant Africa which harnesses its enormous human and material resources for its prosperity and posterity. This Africa essentially harnesses its resources in a manner that, to borrow from the Brundtland Commission's definition of sustainable development⁵, "meets the needs of the present without compromising the ability of future generations to meet their own needs".

3.0 Why human social and economic rights matter in Agenda 2063

Human rights matter in all developmental agenda. The prime reason is that all developments are towards the elevation or advancement of the current state of human beings. The point of every development is to raise and better the standards of human lives; essentially, to raise human dignity and welfare. Since human rights derives from and seeks to preserve human dignity, human rights must therefore matter in all development agenda.

With specific reference to human social and economic rights, their importance can be fully appreciated in the light of the current developmental gaps in our continent. Without doubt, Africa is endowed with enormous human and material resources and is perhaps the world's fastest

⁵ World Commission on Environment and Development (Brundtland Commission), "Report of the World Commission on Environment and Development (Brundtland Commission)," *United Nations*, 1987, 41, <http://www.un-documents.net/our-common-future.pdf> accessed 25 March 2018

growing region with an annual average growth rate of 5% in about the last decade.⁶ Paradoxically, Africa is also the poorest and the most undeveloped continent in the world. The problems, which continue to undermine the continent's development potential, are numerous and range from insecurity and illiteracy to poverty and unemployment. Human social and economic rights focus on human well being and development; and consists of rights such as the right to an adequate standard of living, the right to work, social security, education, clean environment and healthcare which, when realised, would pave the way towards a meaningful life for many Africans, and ultimately, help attain the Africa of our dreams as formulated in Agenda 2063.

Therefore, in Africa today, the realisation of human social and economic rights is pivotal towards bridging the continent's developmental gaps and towards a meaningful actualisation of African Union's Agenda 2063.

4.0 Content of human social and economic rights

Human economic and social rights focus on human development and derive from the inherent dignity and freedom of the human being. Their content is found, in broad outline, in the International Bill of Human Rights, which in our context consists of the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the African Charter on Human and Peoples Rights (ACHPR). Human economic and social rights consist of rights such as the right to an adequate standard of living, the right to work and social security, and the right to education, clean environment and healthcare.

➤ The right to adequate standard of living⁷

In essence, this is the right to basic necessities of life. This right seeks to foster for everyone a standard of living adequate for the health and well being of individuals and their families. This right presupposes that everyone shall enjoy the necessary subsistence rights namely, right to food, clothing and shelter.

The right to food implies the right to adequate and good food, the right to food sovereignty, and freedom from hunger, starvation, food insecurity and malnutrition. It implies that people can feed

⁶ Li Yong, "How can Africa achieve sustainable industrial development?", *Weforum*, 8 September 2015, <<https://www.weforum.org/agenda/2015/09/how-can-africa-achieve-sustainable-industrial-development/>> accessed 25 March 2018

⁷ UDHR, Art 25; ICESCR, Art 11

themselves because food is available, accessible and adequate for dietary needs. A corollary of this right is the right to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.⁸

On its part, *the right to clothing* connotes the right to access to minimum clothing suitable to the climate and sufficient to offer protection against brute nature. The sections of society that suffer the greatest from a lack of clothing include the beggars, the homeless, the elderly, the mentally-ill, prisoners and the poor.

Next to food and clothing, shelter or housing is the most crucial human need. *The right to housing* denotes legal security of tenors; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; cultural adequacy; good location; and freedom from forced eviction.⁹

➤ **The right to work¹⁰**

The right to work includes the right to free choice of employment; to just and favourable conditions of work; to protection against unemployment; to freedom from forced and exploitative labour; to equal pay for equal work; to just and favourable remuneration; and to rest and leisure including reasonable limitation of working hours and periodic holidays. The right also extends to the right to form and join trade union for the protection of one's interests.

➤ **The right to social security¹¹**

This is a corollary of the right to work. The right is a system of providing necessary social services, income support and or social insurance to vulnerable people in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond their control.

⁸ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant), 20 January 2003, E/C.12/2002/11, available at: <http://www.refworld.org/docid/4538838d11.html>

⁹ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), 13 December 1991, E/1992/23, available at: <http://www.refworld.org/docid/47a7079a1.html>; UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, available at: <http://www.refworld.org/docid/47a70799d.html>

¹⁰ UDHR, Art 23 and 24; ICESCR, Art 6 – 8; ACHPR, Art 15

¹¹ UDHR, Art 22 & 25; ICESCR, Art 9

➤ **The right to education¹²**

This is the right to free and compulsory primary education for all; to accessible secondary education; to availability of technical and professional education; to tertiary education to all on the basis of merit; to adult literacy programmes; and to special education for physically-challenged people.

➤ **The right to health¹³**

Every individual shall have the right to enjoy the best attainable state of physical and mental health; to medical attention when sick; and to the prevention, treatment and control of epidemic, endemic, occupational and other diseases. The human right to health care also means that hospitals, clinics, medicines, and doctors' services must be accessible, available, acceptable, and of good quality for everyone, on an equitable basis, where and when needed.

➤ **The right to a decent environment¹⁴**

All peoples shall have the right to a general satisfactory environment favourable to their development as well as to the improvement of all aspects of environmental and industrial hygiene.

➤ **The right to culture and science¹⁵**

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts to share in scientific advancement and its benefits; and to the promotion and protection of morals and traditional values recognized by the community.

5.0 Role of human social and economic rights in Agenda 2063

In order to appreciate the role of human social and economic rights in realising Agenda 2063, it is pertinent to consider some of the objections or reservations to human social and economic rights. The argument has been purveyed that human social and economic rights are not “human” rights at all or in some quarters that they are an inferior category of rights – the so-called second

¹² UDHR, Art 26; ICESCR, Art 13 & 14; ACHPR, Art 17(1)

¹³ UDHR, Art 25; ICESCR, Art 12; ACHPR, Art 16

¹⁴ ICESCR, Art 12(2)(b); ACHPR, Art 24

¹⁵ UDHR, Art 27(1); ICESCR, Art 15(1)(a); ACHPR, Art 17(2)

generation human rights. In fact, some commentators argue that these rights simply represent an attempt to cloak political goals in the language of rights.¹⁶ The questions are thus worth considering – are human social and economic rights human rights or other rights? Are they human rights or human ideals? Are they not better labelled as policy goals than human rights? Does referring to them as human rights not dilute the force of the concept of human rights? Are we not stretching human rights beyond its elasticity?

It must be appreciated that these queries or objections challenge the integrity of these social and economic rights as human rights or in some cases, as rights at all. The reasoning often is that unlike civil and political rights that serve negatively to protect the individual from excesses of the state and other individuals in encroaching on aspects intrinsic to the human; economic and social rights impose positive obligations on the state whose attainment depends on the availability of resources and so these rights, whilst they are ideal, are not human rights. Hence, that there is need for humility in our aims to avoid falling victim to a utopian tendency to press for an ever increasing - and debatable - set of ‘human rights’ which diminish respect for core human rights and divert attention away from actual rights enforcement.¹⁷ These objections appear to sound a death knell on the idea of human social and economic rights. But how are we to dislodge these objections?

Firstly, it is largely agreed that human rights flow from the intrinsic dignity and freedom of every human being.¹⁸ Thus, human dignity and freedom confers human rights, not vice versa. Unlike many other rights, human rights are not conferred by law but attaches to every individual by virtue of being human. Whilst states and non-state actors may recognise or preserve this right; it should not be mistaken that they thereby grant the rights. Hence, if we are agreed that human rights are rights which flow from the inherent dignity of every person, we may then consider the content of the “second-generation human right” to discern if they flow from human dignity.

The foremost human social and economic right is right to adequate standard of living comprising the right to food, clothing and shelter. These are basic necessities of life that no human from

¹⁶ Charles Kesler, "Charles Kesler on the Grand Liberal Project" Interview by Peter Robinson, Uncommon Knowledge. May 28, 2009. Audio 37:13

<https://web.archive.org/web/20090715094108/http://www.hoover.org/multimedia/uk/47825927.html>

¹⁷ Jeffrey Brauch, "The Human Rights Movement and the Confrontation of Evil: A Look Inward as Well as Out," in *Abstract Book: 14th Annual International Conference on Law 10-13 July 2017*, ed. Gregory T. Papanikos (Athens, Greece, 2017) 16. <https://www.atiner.gr/abstracts/2017ABST-LAW.pdf>

¹⁸ UDHR, 1st sentence of the Preamble as well as Art 1

primitiveness to civilization may survive without. The right to health is equally important and basic. In a state of illness or disease, life is almost meaningless and human dignity is often eroded. Another human social right is the right to work. Work is central to basic human well-being. It is the means through which life is sustained. As Jackson and Crooks noted, 'you don't live when you are unemployed – you exist'.¹⁹ What Jackson and Crooks really mean to say is that work for human beings is entrenched in our human dignity. The same applies for instance to the right to education and social security.

Hence, human social and economic rights are human rights. Whilst civil and political rights are concerned to secure the civil and political liberty of a person, social and economic rights are to secure good conditions of life to the person. This way, his life and liberty would attain more meaning to him. They would be worth living and exercising. It is conceded that social and economic rights may not be a live issue in many developed countries where development means that the intrinsic vitality of these rights may be taken for granted. With under- or un-development, poverty and starvation, high unemployment and illiteracy, the same cannot be true for Africa. Hence whilst we do not deny the importance of civil and political rights in actualising the full dignity and value of the human being in modern society; we however contend that human social and economic rights are a category of rights geared towards the realisation of a minimum level of social and economic standard of living and that the realisation of human social and economic rights is a necessary precondition for the exercise of life and for even, the enjoyment of civil and political rights.

As Jeremy Waldron puts the point;

“...the argument from first-generation to second-generation rights was never supposed to be a matter of conceptual analysis. It was rather this: if one is really concerned to secure civil or political liberty for a person, that commitment should be accompanied by a further concern about the conditions of the person's life that make it possible for him to enjoy and exercise that liberty. Why on earth would it be worth fighting for this person's liberty (say, his liberty to choose between A and B) if he were left in a situation in which the choice between A and B meant

¹⁹ Alison McClelland and Fiona Macdonald, “The social consequences of unemployment,” *the Business Council of Australia*, July 1998.
http://library.bsl.org.au/jspui/bitstream/1/266/1/social_consequences_of_unemployment_AMcClelland.pdf

nothing to him, or in which his choosing one rather than the other would have no impact on his life?”²⁰

This therefore leads us to the first role human social and economic rights play in realising Agenda 2063 – that of bringing us towards more urgency in bridging the current developmental gaps in our continent. These rights re-engineer in us the awareness that issues of poverty and starvation, issues of illiteracy and unemployment and our general underdevelopment are not mere social or governance issues but issues which violate and until remedied continue to violate our individual and collective dignity and humanity. Whilst limited resources is a challenge and enforcement may therefore be an issue with realising the rights (a point we shall come to shortly), we however still need to use (or retain the use of) the language of human rights for these rights.

Human social and economic rights also serve to improve general efficiency of labour / human power in the value chain. It is trite that labour is the most important element in the value chain as it manages and coordinates the other factors in the value chain. Labour is human and humans spend the bulk of their lives in the workplace. Preserving the social and economic rights of labour would boost morale and efficiency of workforce and our continent. The question which is then forthcoming in the workplace is this – is the human being to be treated as a mere tool to be used and replaced at will or is (s)he to be regarded as an inviolable being with dignity? At present, many employers in Africa treat their workforce as no more than tools to be used and replaced at will. Unknown to these employers, they short-change themselves as the employees may in turn be useful to the organisation or employer as no more than a tool. However, when employers, government and the law recognise that the human being in a workplace is clothed with dignity and treats him as such, this would hold the key to a spirited workforce and our continental development.

Human social and economic rights would also render stakeholders – be they government, non-state actors and individuals – more accountable towards the attainment of Agenda 2063. As can be seen from the discussion of Agenda 2063, the agenda revolves by and large around the attainment of social and economic objectives. There is therefore a direct correlation between Agenda 2063 and these human rights. Consequently, human social and economic rights provide a strong avenue towards the realisation of Agenda 2063 by tasking stakeholders to uphold and

²⁰ Jeremy Waldron, *Liberal Rights: Collected Papers 1981 - 1991*, (Cambridge University Press, 26 Mar 1993) 7

realise the Agenda being embodiments of human rights. It therefore also provides a concrete yardstick to test the realisation of Africa's agenda.

Actualising human social and economic rights would also boost the morale of the people, enable the enjoyment of life, offer a clear notion of duty as a correlative to right, and fast track the realisation of Agenda 2063.

6.0 Application of human social and economic rights in Africa

Despite the importance of socio-economic rights in Africa and their recognition in the African Charter and the international bill of rights, the rights have not blossomed to full force and application in Africa. A number of factors account for this. These include: weak enforcement mechanisms of these rights; practicability of enforcement; misconceptions of the rights and their importance; limited resources; the nature of the definition and obligations attached to the rights; and political will to give force to the rights. We will briefly discuss some of these challenges.

Weak enforcement mechanisms

At the international level, the UDHR has no particularly binding force. As much as 50 African countries are state parties to the ICESCR. The ICESCR assigns the United Nations Economic and Social Council (ECOSOC) monitoring functions²¹ towards the enforcement of the rights and the ECOSOC in turn established the Committee on Economic, Social and Cultural Rights (CESCR) to monitor implementation of the International Covenant on Economic, Social and Cultural Rights by its States parties. Whilst the Committee now take complaints from individuals,²² however, no adequate sanction is imposed on defaulting states. At the national level, the constitutions of a good number of African countries contain clauses making the rights unenforceable in court. In some cases, they are completely unrecognised.

The nature of the definition of and the obligations attached to the rights

Aside the challenge of weak enforcement mechanisms, there are also challenges associated with the nature of the definition of the rights and the obligations attached to the rights. Firstly, the rights are usually couched as policy statements as distinct from definite rights. Secondly, the

²¹ ICESCR, Part IV

²² Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, entered into force on 5th May 2013, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCESCR.aspx>

obligations imposed on state parties with respect to the rights are usually not of immediate application. They are based on the concept of progressive realisation rather than outright guarantee. Also, the implementation of the rights directly tasks the resources of the state. Hence, the obligations are positive – often requiring the state to do certain things or ensure certain state of affairs, in contrast with civil and political rights which merely requires the state to abstain and does not directly charges the resources of the state. Finally, in some of the documents preserving the rights, the rights are not couched as rights conferred on individuals but as generic duties or guides imposed on governments.

Misconceptions of the rights and their importance

Another challenge associated with the enforcement of the rights is misconception of the rights and their importance. We have dealt with the misconception of the rights as inferior rights, non-human rights or non-rights. There are however misconceptions of the actual content and scope of the rights too. These misconceptions have also caused some reluctance and impediments to the application of the rights. For instance, the right to food may be misunderstood generally to mean the right to be fed or that government has a direct obligation to start preparing food for citizens. This is a common misconception. As the Food and Agriculture Organization of the United Nations stated;

“The right to food is not a right to a minimum ration of calories, proteins and other specific nutrients, or a right to be fed. It is about being guaranteed the right to feed oneself, which requires not only that food is available – that the ratio of production to the population is sufficient – but also that it is accessible – i.e., that each household either has the means to produce or buy its own food.”²³

Practicability of enforcement

The rights are often couched in generic and imprecise terms. This, coupled with the resource requirements of the rights, makes the enforcement of the rights less practical.

Political will

²³ Food and Agriculture Organization, “Right to Food Knowledge Centre,” *Food and Agriculture Organization of the United Nations*, 6 June 2012, <http://www.fao.org/right-to-food>

There is also the question of political will to give effect to these rights. Since the rights are in the form of obligations imposed on governments and with the current unenforceability status that attaches to them based on the constitutions of most states, it remains to be seen that political actors in the executive and legislative arm would take direct steps to give adequate legal force to securing the rights.

➤ **Way forward**

The first path to actualising socio-economic rights towards Agenda 2063 is to make the rights justiciable by removing the constitutional or legal impediments to their enforcement. Also, the rights should be couched in clearer and precise language. South Africa has been able to make continuous progress in the effort to realize socio-economic rights, because the rights have been couched in more specific manner and entrenched in the Constitution. Also, governments may consider putting in place laws that advance or codifies these rights so that once this is done, those rights become enforceable by virtue of these laws. A classic example of this is the African Charter which has been ratified and domesticated in Nigeria pursuant to the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act.²⁴

Judicial activism together with the concept of the universality, indivisibility, interdependence and interrelatedness of human rights offers another window. This approach is most notable in India where the courts are proactive in construing human social and economic rights from civil and political rights. In *Francis Coralie v. Union of India*,²⁵ the court held that the right to life cannot be restricted to mere animal existence. It means something much more than just physical survival. It includes the right to live with dignity and all that goes with it, namely the bare necessities of life such as adequate nutrition, clothing and shelter. Also, in *Olga Tellis v. Bombay Municipal Corporation*,²⁶ the Indian Supreme Court construed the right to livelihood from the right to life. The integrative approach to the interpretation of these rights in Africa can be strengthened by adopting a liberal approach to the interpretation of the relevant rights in the constitutions and laws of African countries. This approach has been followed in some significant cases in Nigeria where the Supreme Court of Nigeria construed other constitutional provisions

²⁴ Cap. A9 Laws of the Federation of Nigeria 2004

²⁵ 1981 AIR 746, 1981 SCR (2) 516

²⁶ 1985 SCC (3) 545

together with those on human social and economic rights so as to make the provisions on those rights justiciable.²⁷

There is also need for increased awareness and reorientation on these rights. And much more fundamental, we must reject the notion of inferiority or un-importance of human social and economic rights and like the Vienna Declaration and Programme of Action, proclaim and uphold it that "all human rights are universal, indivisible, interdependent and interrelated".

7.0 Conclusion

At present, there is a developmental gap in Africa which Agenda 2063 seeks to bridge. Human social and economic rights play critical roles in realising African Union's Agenda 2063. The contention that these rights are insignificant is discredited especially within African context. There is need for concerted efforts on the realisation of these rights towards actualising Agenda 2063. However, the realisation of these rights and the actualisation of Agenda 2063 are collective tasks incumbent on all stakeholders and not a task for the African Union and African governments alone.

²⁷ *AG Ondo State v. AG Federation* (2002) 9 NWLR (Pt.772) 222

Bibliography

African Union. "About Agenda 2063." accessed 13 June 2018, <https://au.int/en/agenda2063/about>.

Ahmed, Dawood and Bulmer, Elliot. *Social and Economic Rights*. Stockholm: Internal IDEA, 2017. <https://www.idea.int/sites/default/files/publications/social-and-economic-rights-primer.pdf>.

Bilchitz, D. *Poverty Reduction and Fundamental Rights: The Justification and Enforcement of Socio-Economic Rights*. Oxford: Oxford University Press, 2007.

Brauch, Jeffrey. "The Human Rights Movement and the Confrontation of Evil: A Look Inward as Well as Out." in *Abstract Book: 14th Annual International Conference on Law 10-13 July 2017*, edited by Gregory T. Papanikos, 16. Athens, Greece, 2017. <https://www.atiner.gr/abstracts/2017ABST-LAW.pdf>.

Cranston, Maurice. "Human Rights: Real and Supposed." in *Political Theory and the Rights of Man*, edited by D. D. Raphael (Bloomington: Indiana University Press, 1967), 43-51.

International Covenant on Economic, Social and Cultural Rights, Resolution 2200A (XXI), adopted 16 December 1966, entered into force 3 January 1976 <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

Kesler, Charles. "Charles Kesler on the Grand Liberal Project." Interview by Peter Robinson, *Uncommon Knowledge*. May 28, 2009. Audio 37:13 <https://web.archive.org/web/20090715094108/http://www.hoover.org/multimedia/uk/47825927.html>.

Leijten, I. "Who Needs Justiciable Socio-Economic Rights?." *Leiden Law Blog*, 12 October 2012. <http://leidenlawblog.nl/articles/who-needs-justiciable-socio-economic-rights>.

McClelland, Alison and Macdonald, Fiona. "The social consequences of unemployment." *the Business Council of Australia*, July 1998. http://library.bsl.org.au/jspui/bitstream/1/266/1/social_consequences_of_unemployment_AMcClelland.pdf.

Odusote, Abiodun. "Addressing the Impediments to the Realization and Enjoyment of Socio-Economic Rights under the ICESCR." *Acta Universitatis Danubius. Relationes Internationales*, Vol 7, No 2 (2014), <http://journals.univ-danubius.ro/index.php/internationalis/article/view/2691/2825>.

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, entered into force on 5th May 2013, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCESCR.aspx>.

UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant), 20 January 2003, E/C.12/2002/11, available at: <http://www.refworld.org/docid/4538838d11.html>.

UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), 13 December 1991, E/1992/23, available at: <http://www.refworld.org/docid/47a7079a1.html>.

UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, available at: <http://www.refworld.org/docid/47a70799d.html>.

United Nations General Assembly, Universal Declaration of Human Rights, Resolution 217A, 10 December 1948. <http://www.un.org/en/universal-declaration-human-rights/>.

Vasak, Karel. "Human Rights: A Thirty-Year Struggle: the Sustained Efforts to give Force of law to the Universal Declaration of Human Rights." UNESCO Courier 30:11, Paris: United Nations Educational, Scientific, and Cultural Organization, November 1977.

Waldron, Jeremy. *Liberal Rights: Collected Papers 1981 - 1991*, Cambridge University Press, 26 Mar 1993.

World Commission on Environment and Development (Brundtland Commission). "Report of the World Commission on Environment and Development (Brundtland Commission)." *United Nations*, 1987, 41. <http://www.un-documents.net/our-common-future.pdf>, accessed 25 March 2018.

Yong, Li. "How can Africa achieve sustainable industrial development?" *Weforum*, 8 September 2015. <https://www.weforum.org/agenda/2015/09/how-can-africa-achieve-sustainable-industrial-development/> accessed 25 March 2018.