CHAPTER 2

Human Rights and Development in Africa
Assessing COMESA’s Experience

Adolphe Kilomba Sumaili

Abstract

States have always been considered sole duty-bearers of the right to development. Therefore, they often receive any kind of complaint from their respective citizens related to the implementation of such a right. Yet, states are not the only duty-bearer of this right. Besides states, this paper emphasizes that regional organizations are also duty-bearers of such right. The analysis of this paper is focused on COMESA’s experience. It assesses its experience in its various attempts to develop people’s rights in terms of food security, the right to good infrastructures, and gender mainstreaming within its geographical zone. This paper concludes that people originating from COMESA’s member states should henceforth know that they can also claim their right to development from regional organizations as they usually do from their respective states.

Keywords

right to development – regional organization – food security – trade issues – gender mainstreaming – COMESA

1 Introduction

The wellbeing of people irrespective of their country contributes to sustainable peace and stability. The respect of their fundamental rights allows them to have a high standard of living as well as pursue their highest ambitions. The International Covenant on Economic, Social and Cultural Rights (hereinafter ICESCR) provides that:

The states parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family including adequate food, clothing and housing, and the continuous improvement
of living conditions. The states parties will take appropriate steps to ensure the realization of the right, recognizing to this effect the essential importance of international cooperation based on free consent.1

The ICESR and International Covenant for Civil and Political Rights (hereinafter ICCPR) promotes the idea that human rights flow from the inherent dignity of every human being.2 The Declaration on Social Progress and Development adopted in 1969 enhanced such idea by affirming loudly that:

social progress and development shall be founded on respect for the dignity and value of the human being and shall ensure the promotion of human rights and social justice3

regardless of culture and religion. Elsewhere, all over the world, all religions and cultures seem not yet able to share such aspiration.4

To create a real viable relationship between human rights and development, the African Union has recently designed the New Partnership for Africa's Development (hereinafter NEPAD).5 NEPAD is “an African Union strategic framework for pan-African socio-economic development. It is both a vision and a policy framework for Africa in the twenty-first century.”6 NEPAD has been designed to address African contemporary challenges such as poverty, development, and Africa's marginalization internationally. This document is regarded the basic African document putting human rights as a stepping stone to development.

In assessing NEPAD and surveying human rights implementation in Africa, Wilfred Nderitu states that poverty constitutes a gross human rights violation.7 For him, the synergy between and among international organizations and states in the struggle against poverty should be enhanced for the purpose of

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1 ICESR, Article 11, paragraph 11.
3 UN General Assembly Resolution 2542(XXIV) of December 11, 1969, Article 2.
5 http://www.nepad.org/about accessed on September 7, 2013.
6 http://www.nepad.org/about accessed on September 7, 2013.