

Bridging the Gap Between Socio-Economic Rights and Development in Africa: The Case of Zimbabwe's 2013 Constitution

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Abstract: It is the aim of this paper to explore the inextricable link between human rights and development in Africa, using the Zimbabwean 2013 Constitution as the prime case study. Comparisons were also drawn from different selected countries regionally as well as globally. Qualitative research through extensive desk research, involving the application of critical content analysis was the adopted methodology. Despite the widespread recognition and adoption of human rights-based approaches to development, including the Right To Development (RTD) in most developing states, a huge gap exists between principle and practice. More so, the RTD in particular, is a very much contested concept, both locally and internationally. However, for sustainable development to be achieved in Africa and other developing parts of the world, there is need to make human rights, and particularly, socio-economic rights, an integral component of the development process.

Key words: Development, human rights, Right to Development, socio-economic rights, Zimbabwean Constitution

I. INTRODUCTION

Since independence, the development trajectory of Zimbabwe has been marked by the crafting and implementation of various economic blueprints aimed at improving the economic performance of the country and ultimately uplifting the livelihoods of the general citizenry. Sadly, most of these blueprints which include, among others, Economic Structural Adjustment Programme (1991-1996), Millennium Economic Recovery Plan (2001-2002), Ten Point Plan based on Agriculture (2002), Macroeconomic Policy Framework (2005-2006), ZIMASSET (2013-2018) as well as the Interim Poverty Reduction Strategy Paper (2016-2018) have not yielded the expected outcomes. As Kanyeze, Chitambara & Tyson (2017) argue, experience shows that the government, just like most other governments in the developing world, have been long on planning and short on implementation. Socio-economic rights can be conceptualised as human rights which are related to the basic necessities of life such as the right to food, right to work, right to a decent home, right to health and right to education (Kondo, 2017). As such socio-economic rights have become an integral component of the human development discourse.

The paper will be structured as follows; the first part will centre on the human rights normative framework, internationally, regionally and locally. Special focus will be

on socio-economic rights and the RTD. The second section will be a critical analysis of the Zimbabwean Constitution and socio-economic rights. Much discussion will be on four socio-economic rights, namely; the right to property, right to health care, right to food and water as well as the right to education, while of course, acknowledging the indivisibility and interdependence of all human rights. More attention will be on the arguments for the inclusion of socio-economic rights in the 2013 Constitution, hence bringing out the nexus between human rights and development. The third section will explore on the operationalisation of the RTD, drawing cases from various countries in Africa and beyond. The fourth and final section will draw conclusions and offer recommendations on how socio-economic rights, through the RTD can form an integral component of development frameworks in order to realise sustainable development which protects and fulfils the human rights of the general population, through inclusive, participatory and equitable development processes.

1.1 Statement of the Problem

While fundamental human rights and freedoms are universally regarded as indispensable to any development initiative, evidence from different countries, especially in the developing world, reveal that a huge gap still exists in as far as integrating human rights in development policies and programmes is concerned. The enshrinement of human rights in constitutions appears to be an end in itself and this compromises the attainment of meaningful and sustainable development which addresses the real needs of the people in line with the provisions of regional and global frameworks such as the Agenda 2030. The paper, therefore, seeks to explore this gap by interrogating the Zimbabwean 2013 Constitution and the extent to which socio-economic rights have been embraced both in theory and in practice. Evidence from different selected countries will also be used for comparative purposes.

1.2 Understanding Development

Development has been defined in so many ways and the question of what development really is, still remains contentious. The Society for International Development (2018), defines development as a process that creates growth, progress and positive change. This definition appears to be very subtle when it comes to the human element of

development. The Human Development Report (HDR, 2015) tries to cover this gap, by defining human development as a process of enlarging human choices by concentrating on the richness of human lives and not only the richness of economies. It further illuminates the point that people are the real wealth of nations. Hasselskog (2018) supports this definition by advancing Amartya Sen's views on development that it is the enhancement of human capabilities which translates to the expansion of an individual's freedom of choice or an increase of alternatives from which he or she can choose from in order to enjoy a good life.

1.3 Conceptual Framework- Human Rights Based Approach to Development

Rights-based approaches first emerged within the development sector, before they transcended to wider areas. It is important to note that a Human Rights-Based Approach to Development (HRBAD) re-arranges the roles of the key players in the process of development. It does so by transforming the resource poor citizen from being a 'passive' recipient of assistance to being an 'active' rights holder with the power to make demands. Similarly, state authorities are accorded substantially changed roles from being parties to the development aid agreement, to becoming duty-bearers (Broberg & Sano, 2018). Thus, at its most primal level, it involves a shift in focus from meeting vital 'needs' to claiming and protecting 'rights' (Miller, 2010). As such, human rights approaches go beyond human development approaches as they recognise that for human development outcomes to be achieved, human rights must be realised by those whose development is concerned (Jonsson, 2003). The HRBAD focuses on accountability and identifying those responsible for the realisation of human rights. More so, a focus on human rights can ensure a safe space where the elite are not able to monopolise development processes, policies and programmes (Jonsson, 2003). The linking of human rights to development also has the effect of forcing development practitioners to address challenging aspects of their work which inter-alia, include, matters of power and politics, exclusion and discrimination, structure as well as policy (Uvin, 2004). Thus, it can be seen that over the years, human rights have become an integral component of the discourse of development, thereby cementing the interconnectivity of the two concepts.

Furthermore, the HRBAD advocates for a redefinition of the nature of the problem. It takes more of a 'root cause' approach which focuses mainly on matters of state policy and discrimination (Uvin, 2009). The approach advances the point that any process of change that is being driven through development aid should be 'participatory, accountable and transparent, with equity in decision-making and sharing of the fruits of the process' (Sengupta, 2000b, p. 21-22). In other words, development approaches ought to be based on the active involvement and advocacy of the poor and excluded peoples (Nelson & Dorsey, 2018). This means, therefore, that development has to respect the dignity and personal autonomy

of those it claims to assist, including the poorest and the most excluded such as minorities and vulnerable groups. The creation of opportunities for the participation of these people must be rooted in respective institutions and procedures (Uvin, 2007). Consequently, development analysis and programming should be grounded in rights standards and principles such as non-discrimination, universality and equality, while also observing the primary role of states as duty-bearers (Hamm, 2001). Thus following the rise of the human rights movement, from the mid-1990s going forward, many development actors, ranging from UN agencies, donor organisations, International Non-Governmental Organisations (INGOs), local NGOs and social movements began to adopt and promote HRBAD.

II. HUMAN RIGHTS AND DEVELOPMENT- THE NORMATIVE FRAMEWORK

The Right to Development (RTD) is one of the normative development frameworks in existence and it is grounded in the rights-based development agenda. The idea was launched by the Senegalese jurist 'M'Baye in 1972 during a period of radical debate about the New International Economic Order (NIEO). It is important to note that for decades, development and human rights approaches ran parallel to each other such that there was very limited interface between them. However, as normative approaches to development theory and practice were increasingly adopted, human rights became an integral part in the development discourse. The RTD seeks to undo the historical perceptions of development where the government through its associate institutions was seen as the sole architect of development through the top-down approaches of formulating, initiating and implementing development programmes and projects. The people were simply viewed as beneficiaries of development outcomes. The RTD, thus places the people at the centre of development and the right to development is regarded as a human right. According to Article 1 of the Declaration on the RTD, by definition,

"The RTD is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised" (Kirchmeier, 2006, p. 9).

Moreover, the RTD deeply entwined the right of people to self-determination and their right to exercise full sovereignty over all their natural wealth and resources. According to a Report by the UN Special Rapporteur on the RTD, the RTD addresses systemic issues and root causes of poverty, inequality and conflict. As such, its effective implementation will help to reduce poverty and inequality, as well as prevent conflict while at the same time promoting progress so that all people may live with freedom, equality, dignity and enjoy durable peace (Alfarargi, 2017). The RTD, therefore, recognises the symbiotic relationship that exists among the key concepts of development, human rights and sustainable peace.

The RTD also emphasises on the right of all peoples, regardless of gender, race, ethnicity etc., to participate in and enjoy the fruits of economic, social, cultural and political development. According to the UN Human Rights Council (2017), the increased awareness of gender rights due to these International frameworks and women's movements, international organisations, civil societies and the Human Rights system are promoting gender equal rights over land and natural resources so as to achieve food security which is a vital factor in the realization of sustainable development and peace. More so, the UN Committee on Economic, Social and Cultural Rights (CESCR) in its interpretive General Comment on the right to adequate food, points out that States have obligations to guarantee full and equal access to economic resources, particularly for women, including the right to inheritance and the ownership of land and other property rights, credit, natural resources and appropriate technology (UN CESCR 1999, no.12). Thus, it can be seen that the recognition of people's rights in all aspects of development is quite essential if sustainable development is to be realised.

2.1 *The African Charter and Socio-Economic Rights*

In the case of Africa, the rights framework is anchored on the African Charter on Human and Peoples' Rights of 1981. The African Charter is informed by the African experience such that greater weight is put on economic, cultural and social rights which directly influence human development (Sano, 2000). As observed by Kondo (2017), the African Charter is significant as it acts as the African vanguard for the promotion of fundamental freedoms and rights. The Charter makes it clear that without socio-economic rights, human dignity is endangered. It is inspired by other international human rights instruments protecting socio-economic rights such as the ICESCR. Among the socio-economic rights entrenched in the African Charter are; the right to property, the right to work, the right to education, the right to social security, the right to education, the right to health, the right to food and the right to water and sanitation. The Charter imposes obligations on member states to respect, promote, protect and fulfil socio-economic rights (Tunis Reporting Guidelines, 2011). However, as noted by Kondo (2017), Zimbabwe has not domesticated the African Charter and the ICESCR and as a result citizens cannot claim rights or protections which are provided for by these treaties as they have not been made part of national law through an Act of Parliament, as required by Section 327 of the Constitution.

2.2 *Provisions of the RTD*

By integrating a human rights based approach, RTD is guided by the following human rights principles;

- i. Equality and non-discrimination
- ii. Participation and empowerment
- iii. Accountability
- iv. Indivisibility and universality of human rights (CHRnet, 2006).

The Declaration stated that 'Human rights and fundamental freedoms are the birth right of all human beings, their protection and promotion is the first responsibility of government' (Sengupta, 2000, p.1-2). It also tasked the international community the obligation of cooperation in actualising these rights (Offenheiser & Holcombe (2003). The Declaration establishes a holistic concept of participation. The RTD calls for states to promote popular participation in development as well as in the realisation of all human rights.

The right to participation stresses the inclusion and active involvement of the beneficiaries at all stages of the development process. It calls for the reformation of state institutions in order to make them more accountable and their performance as well as outcomes of development more transparent (Iqbal, 2007). Thus, the rights-based approach perceives the poor as actors with the ability to determine their own destiny and defines poverty as social exclusion that prohibits such action (Offenheiser and Holcombe (2003). In essence, therefore, the RTD seeks to unearth the key systemic challenges that prevent the poor from getting opportunity and uplifting their own lives (Centre for Economic and Social Rights, 1995). As such, from the outset, the main point of focus is on structural barriers that hinder communities from exercising rights, enhancing capabilities and having the capacity to choose. An intimate link is therefore, established between the RTD and the Social Contract theories. The state has the obligation to enforce the people's natural rights. The basic ideas underlying the Social Contract are still in existence and are codified within state constitutions (Sengupta, 2000). Given these provisions of the RTD as a concept of development it, therefore, becomes clearly evident that human rights are indeed central to development and equality of opportunity in the process of development should be given top priority by both the state as well as the citizens as they are the key stakeholders.

III. METHODOLOGY

The paper is exploratory in nature and therefore adopts the qualitative methodology and design. Critical content analysis and review of secondary documents is used to examine the extent to which human rights based approaches have been embraced in selected countries in Africa.

IV. THE ZIMBABWEAN CONSTITUTION AND SOCIO-ECONOMIC RIGHTS

Socio-economic rights are enshrined in Chapter 4 of the 2013 Zimbabwean Constitution, the Declaration of Rights and they include; freedom of profession, trade or occupation, labour rights, property rights, rights to agricultural land, right to education, right to health care and the right to food (Constitution of Zimbabwe). Moyo (2019) further notes that the Declaration of Rights also protects select socio-economic rights of vulnerable groups such as the elderly, children, women, persons with disabilities as well as veterans of the liberation war. Nevertheless, as aptly observed by Kondo (2017), while the Zimbabwean Constitution provides for the

constitutional protection of socio-economic rights, more has to be done in terms of enforcement to ensure the realisation of these rights. In Zimbabwe, two main institutions that enforce human rights are the Zimbabwe Human Rights Commission and the courts. The significance of the 2013 Zimbabwean Constitution is also underscored by Tsabora (2019) who argues that the Constitutional system set up by the 2013 Constitution has created immense opportunities for the promotion and protection of human rights. He further points out that Section 56 of the Constitution entrenches the equality of 'all persons' before the law as well as the equality of men and women and the right of both sexes to equal treatment and equal opportunities in political, economic, cultural and social spheres. However, it is important to note that while these Constitutional provisions appear quite attractive, the issue of enforcement still remains a huge challenge as shall be revealed in later sections.

The inclusion of socio-economic rights in the 2013 Zimbabwean Constitution is a significant milestone as socio-economic rights are essentially empowerment rights. This is because they enable those at the lower end of society, who possess neither political nor material power to have access to adequate socio-economic conditions (Kondo, 2017). Consequently, the incorporation of socio-economic rights in the Constitution was meant to ease the effects of poverty and the lack of opportunity among the aforementioned vulnerable groups. Admittedly, the combination of poverty and limited opportunity significantly erodes socio-economic conditions.

4.2 The Link Between Human Rights and Development in Zimbabwe- a Critical Analysis

A deeper and inherent causality relationship exists between human rights and poverty. According to Rukooko (2010), human rights violations result in poverty and poverty is an encapsulation of violations of human rights. The lack of accountability on the part of the duty bearer-the state, prevents people from claiming their rights and this becomes a major challenge to poverty reduction (Haug & Rauan, 2002). The Zimbabwean case provides prime evidence to this scenario. As Machakanja (2010) aptly observes, since Zimbabwe's independence, the country's realization of sustainable development has remained a huge challenge due to lack of holistic approaches to issues of human rights violations. For instance, such political events as the violent land seizures of 2000, locally known as '*hondo yeminda*', the violent elections of June 2000, March 2002, March 2005 and March 2008 have attracted international censure due to gross human rights violations and this has resulted in targeted sanctions for the ruling elite (Machakanja, 2010). The impact of the sanctions has been much stronger on the generality of the population who continue to sink deeper into poverty, leading to a situation of negative peace and structural violence. Thus, it can be seen that when the state fails to guarantee and protect the rights of the people, socio-economic development is negatively affected and this also compromises the realization of sustainable peace.

The effects of the execution of Operation Murambatsvina in 2005 also bears testimony to the anti-developmental impact of human rights violations on socio-economic development. Romero (2007) observes that the unplanned and chaotic implementation of the Operation caused immense human suffering for more than half a million of Zimbabwe's most vulnerable population. In fact, 570 000 people were deprived of their socio-economic rights which interalia include; the right to decent shelter, food, clean water and health care. As such, the inclusion of socio-economic rights in the 2013 Zimbabwean Constitution was long overdue and even with their incorporation, a lot still has to be done in as far as their enforcement is concerned.

Basing on the Millennium Development Goals (MDGs), Zimbabwe has yielded a mixed bag of results. According to the Zimbabwe Country Analysis Document (2014), the country registered meaningful progress on Goal 2 (achieving universal primary education), Goal 3 (promoting Gender Equality and Women Empowerment) and Goal 6 (Combating HIV and AIDS, Malaria and other diseases). However, the biggest challenge remains on MDG 1 (eradicating extreme poverty and hunger) as well as MDG 5 (Improving maternal health). Indeed, Zimbabwe is experiencing unprecedented levels of poverty and inequality, thereby compromising the realization of socio-economic rights of the majority of the people. ZIMSTAT (2013) revealed that 62.6 percent of Zimbabwean households are poor as displayed by the per capita consumption expenditures below the Total Consumption Poverty Line (TCPL). Again, using the Food Poverty Line (FPL), 16.2 percent of Zimbabwean households are experiencing extreme poverty. Thus, it can be argued that socio-economic rights have remained an elusive goal in as far as their attainment in Zimbabwe is concerned.

The right to health has also been compromised due to the deteriorating socio-economic conditions. The current strike due to the incapacitation of medical doctors and other health workers has dealt a huge blow to the country's health sector. As reported by Phyllis Mbanje in a *Newsday* article of 11 October 2019, doctors in public hospitals have been on strike for over two months due to poor working conditions and remuneration. More so, several wards at public health institutions have been abandoned due to shortages of critical medicines. Resultantly, many people have unnecessarily lost their lives due to them being denied their basic right to health care. Indeed, Zimbabwe is dealing with its worst economic crisis in a decade characterized by shortages of fuel, cash and basic goods and services. This scenario, thus, clearly depicts the direct link between human rights and development. In fact, one cannot be realised without the other, they are two sides of the same coin.

Property rights are also a key determinant factor in any country's development. According to Tsabora (2016), in Zimbabwe, property rights law has been a contested space dating back to colonial times. For instance, politically motivated land dispossession has led to inequitable property

distribution patterns. Oosterom (2019) confirms this point when he argues that the ZANU PF government failed to demonstrate commitment to the rule of law and protection of private property rights, yet foreign investors prefer countries where property rights are respected and the judiciary is independent. Consequently, the country has witnessed a decline in foreign investment which has impacted negatively on overall development and human well-being. Furthermore, Tsabora & Dhliwayo (2019) cite the case of the land reform and the economic indigenization policy as well as the consolidation of diamond companies which resulted in the compulsory acquisition, distribution, redistribution and transfer of private property rights in favour of government interests or under the guise of public interests. More so, the interests and land rights of indigenous communities that hosted such investments such as mining have largely been disregarded. As such, the balancing of the conflicting interests of the host communities and those of the foreign investors has been a huge challenge for the Zimbabwean government and this has consequently compromised basic service delivery and the investment climate for the private sector.

V. EMPIRICAL EVIDENCE

Operationalisation of the RTD in Africa and Beyond- a Comparative Analysis

Africa as a region has embraced the RTD concept. Through institutions such as the African Union (AU), formally Organisation of African Unity (OAU) and regional organisations such as the Southern African Development Community (SADC), the Common Market for East and Southern Africa (COMESA) as well as the Economic Community for West African States (ECOWAS), the RTD doctrine has gained currency. Human development and the promotion as well as protection of human rights is at the heart of the operational framework of these institutions. For instance, the New Partnership for Africa's Development (NEPAD) reflects the adoption of the human rights-based approach to development at the regional level. Nowosad (2006) observes that NEPAD is a pledge by African leaders to consolidate and optimise the positive gains in the protection of human rights and people-centred development. NEPAD places huge emphasis on the social, economic and cultural rights as well as the RTD provisions of the African Charter. However, NEPAD, has to give attention to marginalised and vulnerable groups as it happens to adopt a gender-neutral approach (Nowosad, 2006). There is indeed, the need for the equal inclusion of both men and women as beneficiaries and as organisers of development programmes so that their needs can be addressed. NEPAD, therefore, has to reinforce the principle of equality of opportunity for development which is clearly enshrined in the RTD Declaration. As Nowosad further notes, the RTD not only assesses the 'What' (the right being claimed), it rather asks 'Who' is entitled to the right and is not benefiting from development and also who owes the duty corresponding to unrealised rights. As such, the issue of

obligation on the part of the individuals as well as the state in the realisation of the RTD also becomes very pertinent.

The twin aspects of gender equity and equality are key elements in the fulfilment of the RTD concept as they reaffirm the significance of the provision of equality of opportunity for development as a precondition for development. As Machakanja (2017) observes, the 1995 Copenhagen Declaration gave recognition to women's full participation informed by the principles of equality and equity as a top priority and a fundamental element of economic and socio-political development. Machakanja further notes that in most African countries such as Uganda, Zimbabwe, Nigeria and Kenya, policies, laws and constitutions on women's rights have been crafted so as to guarantee women's rights as well as to ensure their equality with men. The Human Development Report (2014) supports this point as it cites the cases of Namibia, Rwanda and Tanzania as among the African countries that have instituted land reforms that observe gender parity in ownership of communal land. Many other countries have adopted joint ownership and spousal consent on property issues. In Maharashtra, India, the Laxmi Mukti programme transferred property to women or instituted joint ownership. All these are major achievements in the upholding of women's rights as women participation is key any development process. As such, it can be argued that the RTD with its thrust on the protection and promotion of human rights has indeed been embraced in many states both in the developing and developed world.

At the international level, though opposition to the full adoption of the RTD is still pronounced, efforts are being made to gradually acknowledge the importance of adopting the principles of RTD when planning and implementing development programmes. As Nankani, Page & Judge (2006) argue, since 1999, the World Bank (WB), the International Monetary Fund (IMF) and the development community in general have increasingly adopted a new strategy of doing business in less developed countries using a Poverty Reduction Strategy Paper (PRSP) as the basis for getting concessional loans and other related forms of development assistance. A PRSP is a national document that is supposed to give a comprehensive analysis of poverty by exploring the macro-economic and structural barriers to poverty alleviation. The document should thus present a budgeted prioritised action plan that the government as the duty bearer, will implement to fight poverty. The PRSP, therefore, takes on board some of the core principles of the RTD as the PRSP strategy also involves a number of process conditionalities, most notably that the government should generate the PRSP through a participatory process. This involves discussing the strategies with relevant stakeholders such as the beneficiaries and taking their views into account (Nankani et al, 2006). The PRSP approach thus, acknowledges the usefulness of RTD which calls for recognising each person's dignity and worth without discrimination through its promotion of equal opportunities and choices. It also places obligations on both

the citizens and the state for the realisation of human development through poverty reduction.

For the RTD to be fully realised, a more holistically inclusive approach has to be adopted. Disabled people and particularly disabled women are among those who are most likely to remain trapped in poverty. According to Harris & Enfield (2003), many development agencies are often guilty of discriminating against people with physical and mental impairments such that people with disabilities are less likely than others to realise benefits from development interventions hence they remain poor. However, on a more positive note, and perhaps through the mounting influence of the RTD doctrine, a more inclusive approach is evolving from a community development approach to Community-Based Rehabilitation (CBR) which is designed to avail rehabilitation services through more accessible and affordable mechanisms (Harris & Enfield, 2003). Henceforth, some successful CBR programmes have been implemented with the full involvement of disabled people, their families and their communities. As Harris & Enfield further argue, the principles of rights, equal participation and inclusion have now been given due recognition in some CBR programmes. The recognition, however, needs to be reinforced as the principles often appear as add-on extras as opposed to integral principles from which the whole approach is grounded.

The RTD is indeed gaining popularity and acceptance through the efforts of non-governmental organisations which uphold the principle of the sanctity of human rights. ActionAid Kenya is one such organisation. Since 2001, ActionAid has introduced a process of Participatory Review and Reflection which starts with Kenyan communities and community-based organisations at the country programme level and feeds into a regional and interregional reflection process (Nyamu-Musembi & Cornwall, 2004). The organisation has made a decision that awareness of rights and involvement in processes of claiming rights would be the focal point in the evaluation of the effectiveness of its operations. ActionAid thus evaluates its work in terms of gains in rights, the extent to which marginalised groups which had been previously marginalised have become aware of their rights, are able to participate actively in the process of claiming them and are able to positively impact on public accountability (ActionAid, 2001). As such, ActionAid has been very strong about attributing poverty to unequal power relations and hence pronouncing it as a violation of rights and seeing a rights-based approach as a powerful instrument for challenging those unequal power relations (Nyamu-Musembi & Cornwall, 2004). It is, therefore, evident from the operational framework of ActionAid that the principles of the RTD, especially the recognition of human rights as well as the equality of opportunity to development have been fairly embraced and put into practice. Of greater significance is the fact that the organisation has come out so boldly in challenging the denial of human rights by empowering poor people and their representative organisations to claim their rights. According to the organisation, any poverty reduction and development

initiative should be grounded in the discourse of promoting and protecting human rights.

Danish development institutions such as the Danish International Development Agency (DANIDA) have also adopted the RTD to a relatively greater extent. As Sano (2000) argues, in 1993, DANIDA considered human rights and democracy perspectives for the first time. The organisation stressed political and civil rights as essential for economic and social development. Less emphasis was, however, put on social, cultural and economic rights. DANIDA's 1996 annual report stresses that human rights and democratisation are key aspects in the fight against poverty in developing countries (Sano, 2000). However, it has to be pointed out that in most cases, the intentions to integrate human rights and development only apply to the higher level of setting goals while the practical implementation remains very low.

The debate on the principles of the RTD can also be highlighted in the different country positions on the RTD concept. Germany for instance, supports the RTD approach but, however, emphasises the point that the RTD does not necessarily focus on international cooperation and that it is the primary duty of the developing countries themselves to create an enabling environment (Kirchmeier, 2006). As such, it concurs with the RTD provision that it is the prerogative of the state and the individuals to ensure that the human rights approach to development is adopted and implemented. The German position is that the RTD and a rights-based approach to development attach importance to both development outcomes and processes of development. In that respect, coordinating human rights, trade and development policies could make a meaningful contribution to the realisation of human rights, development as well as the RTD (Kirchmeier, 2006). As the case with other European countries, it can, however, be deduced that Germany policy follows RTD principles without acknowledging them much.

The European Union (EU) is also promoting a new approach to development and the approach is largely informed by the RTD framework of development. The basic ideas of this new development approach are laid down in its paper 'Rethinking Conditionality' which calls for a shift from the classic notions of conditionality to a broader understanding of partnership which involves leaving decisions concerning the development process largely up to partner countries (DFID, 2005). This principle is in line with the RTD concept, though it is not guided by the principle of this right. This is because, while an action taken may be in line with the RTD demands, the donor states prefer to maintain their commitments on a voluntary basis, thereby avoiding the thinking that their approach is based on the RTD (Kirchmeier, 2006). This appears as a well calculated strategy by the European states in general to shield themselves from potential further demands by the less developed countries. This, therefore, appears as a contradiction to the provisions of the RTD Declaration which places an obligation on the international community to ensure

that individual states protect and promote human rights in the process of pursuing their development.

The AU and the Non Aligned Movement (NAM) have also voiced their views on the RTD. Of importance to note is the fact that the 1981 African (Banjul) Charter on Human Rights and Peoples' Rights, considers the RTD as a right of peoples and not individuals (AU Charter, Art. 22). The AU and NAM see a gap between official commitments to the RTD and its absence in policies of cooperation. This is so because many fundamental RTD principles appeared in development partnership agreements yet the agreements lacked a clear RTD-based approach. According to the AU and NAM, the current narrative dwells too narrowly on the national dimension of the RTD and downplays the international aspect. The African Union, therefore, calls for a holistic adoption and adherence to the RTD principles where the international community observes its obligation in as far as the realisation of the RTD is concerned.

In Zimbabwe, the RTD has received partial acceptance. On the affirmative side, Section 14 of Chapter 4 of the Constitution of Zimbabwe boldly states that, 'The State and all institutions and agencies of government at every level must endeavour to facilitate and take measures to empower, through appropriate, transparent, fair and just affirmative action, all marginalised persons, groups and communities in Zimbabwe.' Additionally, Section 20 (1) (c) of the same Constitutions stipulates that, 'The State and all institutions and agencies of government at every level must take reasonable measures including affirmative action programmes to ensure that the youth, between the age of 15 and 35 years, are afforded opportunities for employment and other avenues to economic empowerment (Constitution of Zimbabwe, 2013). These Constitutional provisions have been the basis for the controversial Zimbabwean Indigenisation policy which has invited a lot of criticism and has been labelled as a political gimmick used by the ruling ZANU-PF led government. The implementation of the policy has resulted in programmes such as the Community Share Ownership Trusts (CSOTs) which have seen rural communities gaining a stake in the ownership as well as enjoyment of benefits from natural endowments in their localities. Given such developments, it can be argued, as observed by Kurebwa, Ngwerume & Massimo (2014) that the Constitution of Zimbabwe provides for socio-economic rights that were missing in the old Lancaster House Constitution of 1979 and the state is acknowledging its obligatory role in the realisation of these rights.

However, a number of factors have curtailed the full realisation of the RTD in Zimbabwe. According to the Zimbabwe Country Analysis Working Document (2014), the current poor performance by Zimbabwe's public institutions and the widespread corruption within local institutions are an indication of limited participation in local democracy. The report further notes that the citizens and other non-state actors lack legal means and advocacy space to claim their rights from duty bearers (Zimbabwe Country Analysis Working

Document, 2014). Given such a scenario, it can be argued that Zimbabwe has not yet fully established viable institutions that ensure participatory democracy, effective service delivery as well as the respect of human rights. As such, it can be argued that there is urgent need for advocacy and awareness building country-wide to enable the people to fully realise the human rights dividends that are latent in the Zimbabwean Constitution.

A number of challenges confront the full realisation of the RTD concept. As observed by Offenheiser and Holcombe (2003), human rights relate only to individuals and are thus based only on negative freedoms such as the right to life, freedom of speech and liberty which the state is expected to guarantee. Contrastingly, economic and social rights which are regarded as positive freedoms to be promoted, protected and secured by the state have budget implications and are as such not viewed as natural rights. Secondly, the economic and social rights must be coherent and this implies that each right holder must have some corresponding duty-holder responsible for delivering the rights. So it is essential for both the state and the people themselves to have full commitment to the attainment of the RTD. Last but not least, another challenge is that a right only exists if it can be enforced by law and adjudication. Economic and social rights upon which the RTD is built upon are not legally adjudicative and as such they cannot be universally accepted as human rights (Offenheiser and Holcombe, 2003). However, there are contestations to this proposition and no consensus has so far been reached as to the extent to which human rights can be defined.

VI. SUMMARY OF FINDINGS AND RECOMMENDATIONS

The paper has revealed that despite the widespread adoption of the RTD, socio-economic needs remain a huge challenge in most African countries, including Zimbabwe. Indeed, an inextricable link exists between development and human rights. While the Constitution of Zimbabwe provides for socio-economic rights, there is need for a paradigm shift in development thinking which should entail foundational factors based on national values, principles and ethos that promote humane and people-centred development. The discussion has revealed that according to the human rights approach to development, people, including the poor and marginalized people, are subjects of rights and as such it is prudent to recognize poor people as key actors in their development by empowering them to claim their rights. It is important for governments to work with the civil society so that the poorest people, persons with disabilities, older people, women, ethnic and religious minorities and other previously marginalized groups participate in the political, economic, social and cultural development processes on a more equitable basis as stipulated in the RTD Declaration. The successful implementation of the SDGs and the Agenda 2030 will only be realised if a human rights-based framework is used as a guide.

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