AN EXAMINATION OF THE NATURE, HISTORY AND JURISPRUDENCE OF SOCIO-ECONOMIC RIGHTS*

ABSTRACT

The concept of 'right' and the evolution of socio, economic and cultural rights (socio-economic rights) have had a chequered history; from the philosophical expositions of natural law and natural right, to the rights of man and now human rights, great philosophers of the seventeenth and eighteenth centuries have laboured to find a philosophical basis for the idea of 'right' and have developed many theories to explain the concept of right and the evolution of human society. These theories range from natural law, to natural right, to social contract and eventually to positive law theories. This paper will examine these theories and trace the nature and history of the idea of 'right' and its gravitation over the centuries to what is known today as human rights, and by extension, socio-economic rights. The paper adopts the doctrinal method of research by considering the opinion of authors, philosophers, conventions and treaties, and will argue that the modern concept of socioeconomic rights have become universally accepted as an integral and inseparable component of the more popular civil and political rights and should be equally enforceable through national legislative framework.

Keywords: Constitution, Treaties, Human Rights, Socio-Economic Rights, Jurisprudence

1.0. Introduction

The concept of human rights has gained universal acceptability, and socio-economic rights have come to be accepted globally as necessary and inseparable component of civil and political rights without which the latter lacks meaning and substance. It is for this reason that virtually all nations of the world, including Nigeria, have subscribed to major international human rights instruments, like the Universal Declaration of Human Rights of 1948,[1]the International Covenant on Civil and Political Rights (ICCPR)[2] and

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the International Covenant on Economic Social and Cultural Rights (ICESCR), both of 1966.[3]Other regional human rights instruments have also followed the trend;like the African Charter on Human and Peoples' Rights (African Charter),[4] the European Convention on Human Rights (European

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[1]Adopted on 10 December 1948, GA res 217A (III), UN doc A/180 (1948) 71. The UDHR represents a global road map for freedom and equality for everyone all over the world. It articulates 30 rights and freedoms that belong to every individual on earth which are inalienable. Drafted by representatives with different legal and cultural backgrounds from every part of the world, the UDHR, is a historic document in the history of human rights and was proclaimed by the UN General Assembly in Paris on 10 December 1948 (General Assembly Resolution 217 A) as a common standard of achievements for all nations. It outlines, for the first time, fundamental human rights to be universally protected and respected. So far, the UDHR has been translated into over 500 languages.
<https://www.un.org/en/universal-declaration-human-rights/> Accessed 17 July 2020.

[2]The ICCPR is a multilateral treaty adopted by the UN General Assembly Resolution 2200A on 16 December 1966, which came into force on 23 March 1976 in accordance with Article 49 of the Covenant which stipulates that the Covenant would enter into force three months after the date of the deposit of the thirty-fifth instrument of ratification or accession. The Covenant enjoins state parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. As of September 2019, the covenant has 173 parties and six more signatories without ratification.

[3] Adopted 16 December 1966 and entered into force in 1976, GA res 2200A (XXI) 21 UN GAOR supp (no 16) at 49, UN doc A/6316 (1966) 993 UNTS 3. The ICESCR was ratified by Nigeria on 29 July 1993, and it enjoins all state parties (160 countries as at 2019) to protect the economic, social and cultural rights of all individuals.
<https://www.who.int/hhr/Economic_social_cultural.pdf?ua=1> accessed 11 October 2019.

[4] Adopted in Banjul on 27 June 1981, OAU doc CAB/LEG/67/3 rev 5, 21 ILM 58 (1982). It came into force on 21 October 1986.Adopted by the Assembly of the Organization of African Unity (OAU) now known as African Union (AU) on 28 June 1981 in Nairobi, Kenya. See African Commission on Human and Peoples' Rights, 'History of the African Charter' < http://www.achpr.org/instruments/achpr/history/> Accessed 17 July 2020. The Charter came into force on 21 October 1986 after it was ratified by the absolute majority of the member States of the AU. As of 15 June 2017, all states in Africa have ratified the Charter except Morocco. See, 'African Union: List of Countries which have Signed, Ratified/Acceded to the African Charter on Human and Peoples' Rights.' https://au.int/sites/default/files/treaties/7770-sl-african_charter_on_human_and_peoples_rights_2.pdf> Accessed 17 July 2020. Nigeria ratified the treaty in 1983 in accordance with section 12 (1) of the then 1979 Constitution of Nigeria which provided that: 'No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.' The African Charter, having been ratified and domesticated by the National Assembly, is now part of our national laws and is now known as African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, Cap A9 Laws of the Federation of Nigeria (LFN) 2004.

Convention),[5] and the American Convention on Human Rights (American Convention),[6]all of which incorporate socio-economic rights in their provisions. Many national constitutions also make provisions for socio-economic rights couched, in most cases, as Fundamental Objectives and Directive Principles of State Policy.[7]In this paper, we shall examine the nature, history and jurisprudence of socio-economic rights, how it evolved over the years, and why it should be recognised and enforced as integral component of civil and political rights.

2.0. Literature Review on Natural Law and Natural Right

There exists a rich body of opinions and research works on the concept of natural law vis-à-vis natural rights. Many learned authors agree that the concept of human rights has its philosophical ancestry in the natural law

[5] Drafted in 1950 by the then newly inaugurated Council of Europe. The Convention entered into force on 3 September 1953. The European Convention on Human Rights (ECHR) was formed to protect the human rights of people in countries that are members of the Council of Europe. So far, 47 Countries have signed the Convention, including the United Kingdom. <https://www.equalityhumanrights.com/en/what-european-convention-human-rights> Accessed 16 May 2023.

[6] Also known as 'Pact of San Jose.' Treaty Series, No. 36, Organisation of American States, 1969. It was signed and adopted by many countries in the Western Hemisphere at San Jose, Costa Rica, on 22 November 1969, and came into force on 18 July 1978. So far, 25 countries have ratified or assented to the Convention, these include: Argentina, Barbados, Bolivia, Brazil, Colombia, Costa Rica, Chile, Dominica Republic, Dominica, Ecuador, El Salvador, Granada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru , Suriname,etc.<https://www.oas.org/dil/treaties_b32_american_convention_on_human_rights.pdf> Accessed 16 May 2023.

[7] The 1999 Constitution of the Federal Republic of Nigeria provides for these socio-economic rights in its Chapter II which includes; right to conditions of work that are just and humane, with adequate facilities for leisure and for social, religious and cultural life [section 17(3) (b)]; right to adequate medical and health facilities for all persons [section 17(3) (d)]; equal pay for equal work without discrimination on account of sex, or in any ground whatsoever [section 17(3) (e)]; adequate protection of children, young persons and the aged against any exploitation whatsoever, and against moral and material neglect [section 17(3) (f)]; Equal and adequate educational opportunities at all levels which includes free university education and free adult literacy programme [section 18(1) (3) (a) – (d)]; protection and improvement of the environment which includes water, air, land, forest and wild life of Nigeria (section 20); protection, preservation, and promotion of Nigerian cultures which enhance human dignity and development of technological and scientific studies which enhance cultural values [section 21 (a) and (b)].

school,[8] and this explains why they argue that the expression, 'human rights' has been used synonymously with natural law and natural rights. Cranston,[9] defines human rights as a 'twentieth century name for what has been traditionally known as natural rights or, in a more exhilarating phrase, rights of man.'[10]Another author[11] asserts that natural rights are the more appropriate words, for natural law, and that the theory of natural law is the general normative proposition by various philosophers as principles to guide legislators and governments. These principles are not actual laws in any state or in international law, but mere principles of law; so, to call them 'natural rights,' more fully reflect their ethical rather than legal nature.[12] The idea of natural law is founded on the affirmation that there are objective moral principles which depend upon the nature of the universe for their validity and which can be discovered by reason.[13] This means that the theory of natural law is based on the reasoning that the rule of human conduct is an inference from the nature of man as it reveals itself in reason and free from any man-made or positive laws.[14] Paton,[15] argues that the essential thinking in the natural law school is that law is an essential foundation for the life of man in society, based on the needs of man as rational being and not based on the whim and caprice of the ruler. The huge task of natural law is therefore to regulate man-made law to be in sync with the demand of universal idea of moral standard of justice.[16] The natural law school thus believes that there is some connection between law and the natural values of freedom, equality and justice, at least in the sense that an oppressive and arbitrary rule over human beings is incompatible with human nature as envisaged by the creator who created man to be free.[17] Ogbu,[18] argues that the theory of natural law proceeds from the

[8] See, Paul Ricoeur (ed), *Philosophical Foundations of Human Rights* (Paris: UNESCO 1986); Karel
Vasak (ed), *International Dimensions of Human Rights* (Paris: Pendone 1981).
[9]Marice Cranston, *What are Human Rights?* (New York: Taplings Publishers 1973) 1.
[10] Ibid.
[11]Dowrick (ed), *Human Rights-Problems, Perspectives and Texts* (England: Teakfield Ltd 1979) 11. Quoted in Osita Nnamani Ogbu, *Human Rights Law and Practice in Nigeria: An Introduction* (Enugu: Cidjap Publishers 1999) 3.
[12] Ibid.
[13]D Lloyd and others, *Introduction to Jurisprudence* (London: ELBS 1985) 229.
[14]Ogbu (n 11) 3.
[15] Paton, *A Textbook of Jurisprudence* (Oxford: Claredon Press 1946) 100.
[16]Ogbu (n 11) 3.
[17] Ibid.
[18] Ibid.

basis that there is a law of nature from which all tenets and principles derive their legitimacy. As human nature is identical in all men and does not vary, so does its principles have universal application notwithstanding the diversity of man's conditions, civilizations, cultures, historical and geographical environments.[19] Agbede,[20] holds the view that the ancient Greek philosophers conceived natural law as a body of imperative rules imposed upon mankind by nature. The most systematic explanation of the concept of natural law was made by the Stoics after the breakdown of the city states when they contended that by the law of nature all men are equal and there was therefore no justification for any discrimination among men; that the most important thing which unite all men and make them equal is the ability to reason, and since all men have this power to reason, freely given to them by nature or the creator, then all men are all equal. Any difference between men could just be as a result of circumstance or convention.[21]

3.0. History of the Idea of Human Rights

From the onset, the idea of human rights is viewed asa device designed to shield mankind from 'random violence and neglect,'[22]being that human beings everywhere need protection from one another. Hume,[23]contends that mankind is an extremely vulnerable creature and 'there is none towards whom nature seems, at first sight, to have exercised more cruelty than towards man, in the context of the wants and necessities with which she has loaded him, and in the slender means which she affords to the relieving of these necessities.'[24] The solution to this problem then became the formation of a society because it is believed that man can cooperate more effectively than the animals.[25]However, the formation of society itself brings its own challenges; unlike other species, men need protection against their fellow men.[26] From the medieval times, the idea began to develop that, apart from the five sensory organs by which man can protect itself, human beings also possess invisible powers called 'rights'

[19] Ogbu (n 11) 4.
[20] I O Agbede, 'Legal Implications of Civil Disobedience' *The Guardian* (Lagos, 29 June 1993) 26
[21] G Ezejiofor, *Protection of Human Rights Under the Law* (London: Butterworths 1964) 3.
[22] Walter Laqueur and Barry Rubin, *The Human Rights Reader* (New York: First Meridian Printing 1979) 19.
[23] David Hume, *Treatise of Human Nature* (London: Dents 1911) 191.
[24] Ibid.
[25] Ibid.
[26] Ibid.

that morally protect them from the violence of their fellow men, and in modern times, from the power of the state under which they live. This idea grew very popular and spread even though it throws up many other intellectual debates.[27] For instance, the expression, 'no one deserves to be killed,' is more understandable than to say that somebody has a 'right' to life. The idea of 'right to life' becomes a very controversial idea because of the conceptual problems associated with the word 'right.'[28] These problems arise from attaching 'right' to a universal class such as 'man,' because if a right means the legitimate powers of a sovereign or powers that may be exercised by someone holding a special position, then it is as old as the institution of human society,[29] but when ascribed to a single unit or individual, it raises some conceptual issues of construction and contextualisation. After much philosophical brainstorming, it was resolved that human rights are thoseset of standards that allow people to live with freedom, justice, equality, peace and dignity, and that everyone has these rights by virtue of the fact that they are humans.[30] It was further resolved that these set of rights are guaranteed for all people without discrimination on grounds of race, colour, gender, religion, language, political affiliation, nationality, social or other status, andthey are essential to the full development of man and his communities.[31]

3.1. The Natural Law Theory

As already discussed, the idea of 'rights' first originated in the concept of natural law; the principles of natural right and wrong or 'natural justice' in the broader sense.[32] The Greeks viewed natural law as a body of imperative rules imposed on mankind by nature.[33] At various times, natural law was called 'divine law,' 'law of reason,' 'unwritten law,' 'universal or common law,' and

[27] F N Ndubuisi and O C Nathaniel, *Issues in Jurisprudence and Principles of Human Rights* (Lagos: Foresight Press Ltd 2002) 5.
[28] MDA Freeman ,*Lloyd's Introduction to Jurisprudence* [8th edn, London: Sweet and Maxwell 2008) 152.
[29] Ibid.
[30] Ibid.
[31]The Advocates of Human Rights, <https://www.theadvocatesforhumanrights.org/human_rights_basics> Accessed on 21 August 2020.
[32]K M Mowoe, *Constitutional Law in Nigeria* (Lagos: Malthouse Press Limited 2008) 267.
[33]Ibid.

'eternal moral law.'[34] Many writers have expressed different ideas about natural law down the ages. For instance, Cicero[35] wrote:

> *There is indeed a true law, right of reason, agreement with nature, diffused among all men, unchanging, everlasting. It is not allowable to alter this law, or to derogate from it, nor can it be repealed. We cannot be released from this law … nor is any person required to explain or interpret it. Nor is it one law at Rome and another at Athens, one law today and another hereafter, but the same law, everlasting, unchangeable, will bind all nations at all times, and there will be one common Lord and ruler of all, even God , the framer and proposer of this law.*[36]

Before the idea of human rights was accepted as a universal idea, the concept had existed at varying degrees and for many centuries in both national and international legal instruments.[37]It first started as natural rights which evolved to create a kind of universal status that would constitute the framework from which all other forms or status would ultimately derive their legitimacy, but the problem was then how to provide a convincing argument to show that a right was not merely an idea conveyed in moral language.[38] To overcome this problem in the early modern period was to associate rights with things given to man which was the prevailing philosophy for many centuries.[39]'Nature' itself describes the proper ordering of the universe, and it is believed that man has knowledge of nature because of his ability to reason which separates him from other animals.[40]

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[34] Mark Murphy, 'The Natural Law Tradition in Ethics' in Edward N Zalta (ed) *The Stanford Encyclopedia of Philosophy* (Summer 2019 edn) <https://plato.stanford.edu/archives/sum 2019/entries/natural-law-ethics/>Accessed 22 August 2020.

[35] Cited in Mowoe (32) 268.

[36]Ibid.

[37]There was the Magna Carta, 1215; Virginia Bill of Rights, 1776; Declaration on the abolition of Slave Trade 1815; Convention for the Amelioration of the Condition of the Wounded Armies in the Field, founded in Geneva in August 1864.

[38] Ndubuisi and Nathaniel (n 27) 6

[39]Ibid.

[40]John W Carroll, 'Laws of Nature' in Edward N. Zalta (ed), *The Stanford Encyclopedia of Philosophy* (Fall 2016 edn) <https://plato.stanford.edu/archives/fall2016/entries/laws-of-nature/>Accessed 22 August 2020.

A claim to a universal concept of 'right' would very easily be misunderstood as mere adherence to some sort of moral dogma, but when linked to the original conception of natural law could very easily be understood from the standpoint of long-standing tradition of thought and reason.[41] In the early modern period the talk about 'natural' rights was in vogue, but more recently, it has become the practice to talk about 'human' rights. The use of the word 'human' has a certain force that indicates that the rights in question are attributable to human beings and not some inanimate objects.[42]As already discussed, in the ancient time, man was viewed as a dangerous bully likely to do much harm to his fellow man unless confined to some moral code or rules of conduct. The moral concept to do this is called duty, which connotes a moral obligation, something that must be performed,[43] while a right is something that is due to a person by just claim,[44] which may or may not be enforced by one who has it. Duty therefore sets limits to the perceived wickedness of man and restricts his inordinate desire or unbridled ambition,[45]

Hobbes,[46] conceives the state of nature as a hostile environment in which life of man was solitary, poor, nasty, brutish and short, and examines man's attitude to the issue of good and evil, and states that 'whatever a man desires he calls good, and whatever he is averse to he calls evil; so that good and evil are not qualities inherent in things but are only signs revealing how the persons who use the signs feel about the things they apply them to.'[47] He postulates that man is a rational being who has the powers to discover the best means of satisfying his desires, but that what leads to conflict in the state of nature is the fact that man can never have too much power; there is always competition between him and other men for this power which results in enmity and violence.[48] Plamenatz,[49] describes this as 'competition of riches, honour, command or other power, enclineth to contention, enmity and war, because the

[41]Ndubuisi and Nathaniel (n 27) 6.
[42] Ibid.
[43] Freeman (n 28) 394.
[44] Bryan A Garner (ed), *Black's Law Dictionary* (9th edn, Texas: West Publishing Company 1999) 1436.
[45]Ndubuisi and Nathaniel (n 27) 8.
[46] Cited in Freeman (n 28) 102.
[47]See also, J Plamenatz, *Man and Society* (Hong Kong: Wah Cheong Printing Press Ltd 1981) 118.
[48] Ibid.
[49] Ibid.

way of one competitor to attaining his desire, is to kill, subdue, supplant and repel the others.'[50]

In his early writings, Locke[51] creates a demarcation between the rulers and the ruled in which he sees the 'ruled' as beast that must be tamed. But in his later work, he advocates some kind of resistance to unjust authority or oppressive government, and argues that all human beings (except children and the mentally ill) have capacity to reason and therefore are equal, and that God desires all men in the state of nature to live according to principles of natural law. It is this man's capacity to reason that enables him to understand this law of nature or natural law.[52] He examines the rights and duties of man under this natural law, one of which is to confront others and hold them accountable when they offend the law, and suggests that to be a member of the civil society means ceding power to the sovereign, and that society was from the beginning made possible by the consent of its members.[53]

The idea of duty in the medieval times later gave way to the idea of right in our modern day which influenced the way Europeans reasoned and behaved.[54]With the philosophical basis of duty then gravitating to right, the Europeans Kings began to assert their rights as Kings showing their discomfort over being under the tutelage of the Pope. This eventually led to a revolt against the ecclesiastical authority of the Pope; in both Catholic and Protestant lands, ordinary men learned to exercise their rights to freedom of thought and conscience and asserted these over that of the Church and its traditional authority over them. Merchants broke free of the laws forbidding usury,[55] and then emerged all manner of people seeking to make profit at the expense of others. Over the centuries, society passed through a crucible, and it soon became clear that what was happening was the emergence of a new world, a new type of civilisation.[56] One of the remarkable indices of this new civilisation was the aggressive assertion of 'rights.' Kings claimed they had divine right to rule without any deference to the Popes and went on to claim more powers over their subjects over whom they claimed divine right to rule.

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[50]Ibid.
[51] Cited in Plamenatz (n 47) 61.
[52]See also, Ndubuisi and Nathaniel (n 27) 63.
[53] Ibid.
[54]Laqueur and Robin (n 22) 2.
[55]An exorbitant rate of interest, in excess of any legal rates or at least immorally.
[56]Laqueur and Rubin (n 22) 2.

The subjects in turn grew more restive and aggressive in their resistance of the King's over-bearing influence and dominion.[57] Eventually in England, the King and his subjects fell out in 1642 which resulted to a long bitter civil war that was not resolved until 1688 when King James II[58]was forced to flee to France.[59]That year it became clear that, as far as England was concerned, natural rights had defeated divine right, and philosophers like John Locke celebrated and propounded this victory, turning it into a universal message.[60]

This victory of natural law over divine law in England was ironic in two ways: first, although the idea of natural law was a common subject of political discussion in England during the civil war of the 1640s, these discussions were conducted in historical and legal, rather than philosophical terms, and although the second of John Locke's *Two Treatises on Civil Government*[61]was considered the most famous and influential treatise of the seventeenth century, it did not set the tone for English political discussion in the 18th Century.[62]Second, the philosophical credibility claimed by proponents of the idea of natural rights emanated from the idea of natural law, yet the latter was not a welcome idea in England at the time.[63] The idea of natural law was first propounded by Stoics who relied on Aristotelian idea of nature that was later taken up by the Christian Scholastics and later found its classic expression in the *Summa Theologica of St. Thomas Aquinas*.[64] In the 16th century, this idea of natural law was already common in Spain and Germany, and was also propounded in Richard Hooker's *Laws of Ecclesiastical polity*, which was widely believed to have influenced Locke's writings.[65]

3.2. The Social Contract Theory

By the seventeenth and eighteenth century, the natural law and natural right theories had gravitated into political liberalism which had as its centre piece,

[57] Ibid.
[58] Son of Charles I who had been executed in 1649.
[59] Laqueur and Rubin (n 22) 3.
[60] Ibid.
[61] Published anonymously in 1690.
[62] Laqueur and Rubin (n 22) 3.
[63] Ibid.
[64] First published in 1593.
[65] Laqueur and Rubin (n 22) 3.

the theory of individualism.[66] It was the seventeenth and eighteenth century philosophers who developed the conception of natural law as meaning natural rights.[67] Arguably, the most prominent of these philosophers are Thomas Hobbes, Jean Jacques, Baron de Montesquieu, and John Locke whose works inspired, directly or indirectly, the modern concept of human rights. They developed the social contract theory by postulating that the movement of man from the state of nature into society was based on social contract.[68] Hobbes,[69] does not believe that evil in society is natural but that it was the desire and consent of man that made civil society possible. He believes that the key issues and lessons of natural law is self-preservation; as man craves life and self-preservation, law and government became necessary to ensure peace, order and personal security for all. To achieve this, absolute and unconditional obedience to law by all citizens is necessary. Hobbes, in the tradition of Hugo Grotius[70] hides under the theory of social contract to justify authoritarian government;[71]and rejects rebellion and civil war which he sees as the greatest evil.[72]

The concept of consent was invoked to explain how it is possible for a free individual to become the subject of a legitimate state,[73]and the social contract theory explains the position of the citizens in their government especially as it relates to their voluntary submission to the exercise of political authority over them. It is this consent of the citizens to the authority of state that gives the state legitimacy. Social contract theorists however, have different understanding of the nature of this theory and the structure of the government that is the subject of the social contract.[74] Locke,[75]for instance, uses the doctrine of social contract to construct a natural rights theory; and does not see the state of nature that preceded the formation of human society as brutal or

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[66] I G Shivji, *The Concept of Human Rights in Africa* (London: CODESRIA Book Series 1989) 16. Cited in
Ogbu (n 11) 4.
[67] Ibid.
[68] Freeman (n 28) 105 -112.
[69] Ibid.
[70] Ibid 105.
[71] Ndubuisi and Nathaniel (n 27) 62.
[72] Ibid.
[73] Freeman (n 28) 107.
[74] Ndubuisi and Nathaniel (n 27) 66.
[75] Freeman (n 28) 108- 111.

nasty but as a golden age, an 'Eden' before the fall.[76]According to him, what was absent in this near paradise was the security of property, and to achieve this, man had to abandon his natural condition and by contract gave up part of his liberty to a sovereign who exists to provide security and protection of property.[77] In that state of nature, every man was entitled to protect his property the best he could. Locke believes that in the state of nature, property was common in that everyone was entitled to draw sustenance from whatever nature had to offer, and that man had natural right to that in which he had laboured to acquire.[78]Government therefore came into being, with the consent of the people, to protect these rights to property.[79] This social contract theory dominated the philosophical thoughts down to the time of Rousseau,[80] whose philosophical expositions were so novel that it sparked much controversy, so much that he was described as 'a philosopher and an enemy of philosophy, a rationalist and a romantic, a sensualist and a puritan, an apologist for religion who attacked dogma …an admirer of the natural and uninhibited and the author of an absolutionist theory of the state.' [81]

In his first treatise on social contract, Rousseau[82] dismisses natural law as nonsensical and sees social contract as a mystical concept 'by which the individual merges into the community and becomes part of the general will'.[83] He postulates that the ideal thing is for the people to govern themselves, but since it is not possible for the whole people to devote themselves to public service, then there should be some sort of specialisation called 'elective Aristocracy.'[84] He sees law as the register of the general will and argues that government is to be tolerated only as long as it reflects the general will in all its actions, and that whoever refuses to abide by the general will shall be forced to do so by the entire people.[85] Although Rousseau's postulations could look or sound contradictory on a cursory look, a proper examination

[76] Ibid.
[77] See also, Thomas Hobbes, 'Social Contract'https://oregonstate.edu/instruct/phl201/modules/Philosophers/Hobbes/hobbes_social_contract.html> Accessed 22 August 2020.
[78] Ibid.
[79] Freeman (n 28) 111.
[80] Cited in Plamenatz (n 47) 62.
[81] Quoted in Ndubuisi and Nathaniel (27) 64.
[82] See also, Freeman (n 28) 111.
[83] Ibid.
[84] Ibid 112.
[85] In his words, 'he will be forced to be free'.

would reveal that he actually presented a different perspective to the theory of social contract. Freeman[86] points out that what Rousseau is saying is that 'disobedience is morally illegitimate because it constitutes a failure to discharge a moral obligation a citizen incurred when acting as a citizen'.[87] Rousseau makes no effort to distinguish between law and morality, but rather sees the 'general will' as the 'moral will' of each citizen.[88] He criticises legislative representation and scorns the English political experience, ridiculing the average English man who thinks he is free because he is allowed to elect his leader; alluding to the fact that as soon as election is over 'tyranny' or 'slavery' takes over.[89]Rousseau's doctrine of general will tends to displace the notion of higher law standard that natural law portends;[90]he rather believes that man becomes a moral being only in the process of adapting himself to life in society so that he will be acceptable. It is only in the process of living together that man came to conceive of himself as having rights and duties, developing capacities that make him a moral person.[91]

It is widely believed that it was the writings of Locke[92]that influenced or probably ignited the English Puritan Revolution of 1688-1689,[93]which gave birth to the English Bill of Rights of 1689, both of which sparked the wave of revolutionary agitations that swept through America and France. After excessive taxation by the English Crown without their consent, the American colonies united against the crown, successfully seceded from the British Empire, and founded a Republic of their own anchored on the view that government derives its authority from the people, and not the King. Thomas Jefferson asserted that his countrymen were a 'free people claiming their rights as derived from the laws of nature and not as the gift of their government,'[94] and articulated the theory of social contract in the Declaration

[86]Freeman (n 28) 112.
[87] Ibid.
[88] Ndubuisi and Nathaniel (n 27) 68.
[89] Freeman (n 28) 112.
[90] Ndubuisi and Nathaniel (n 27) 69.
[91] Ibid.
[92] Freeman (n 28) 107-111.
[93] Locke wrote that the purpose of government is to protect the members of the society in their lives, liberties and possession, and so long as government fulfills this purpose, its laws should be obeyed. But when it ceases to protect these rights and begins to encroach on these natural rights, it loses its legitimacy and may be overthrown. See Ndubuisi and Nathaniel (n 27) 69.
[94] Ogbu (n 11) 6.

of Independence proclaimed by the thirteen American colonies on 4 July 1776 in the following words:

> *We hold these truths to be self-evident that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are; life, liberty and the pursuit of happiness. That to secure these rights governments are instituted among men deriving their just powers from the consent of the governed; that whenever any form of government became destructive of these ends, it is the right of the people to alter or to abolish it and to institute new government.*[95]

Notwithstanding this eloquent declaration, the American Constitution as adopted in 1787 did not contain any fundamental rights provisions but later incorporated the bill of rights in 1791 by way of the first ten Amendments to the Constitution.[96] The French in 1789 followed the American example when the representatives of the people stormed the National Assembly, dismissed the King of France, took control of the state and assumed sovereignty.[97]They then agreed to make a solemn declaration of the natural and inalienable rights of man, which includes a declaration that, 'Men are born, and always continue free and equal in respect of their rights … The end of all political associations is the preservation of the natural and imprescriptible rights of man and these rights are liberty, property, security and resistance of oppression…'[98]

In Great Britain, with its lack of written Constitution, the same result was achieved through the enactments of the Magna Carta in 1215,[99] the Petition of

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[95] Quoted in BH Weston, 'Human Rights – Questions for Reflections and Discussion' in R P Claude (ed), *Human Rights in the World Community: Issues and Action* (Pennyslvania: Pennyslvania Press 1989) 13.

[96] Ibid 7.

[97] Ibid.

[98] Quoted in Weston (n 96) 15.

[99] Magna Carta Libertatum, commonly called Magna Carta, English Great Charter, or Charter of English Liberties, is a royal charter of rights granted by King John on 15 June 1215, under threat of civil war and reissued, with amendments, in 1216, 1217, and 1225. It promised the protection of church rights, the barons from illegal imprisonment, access to quick justice, and limitations on feudal payments to the Crown, to be implemented through a council of 25 barons. By declaring the sovereign to be subject to the rule of law and documenting the liberties held by 'free men,' the charter provided the foundation for individual rights in Anglo-American jurisprudence.<https://www.bing.com/search?q=the+Magna+Carta+in+1215 &qs=n

Right in 1628,[100] the Bill of Rights,[101] and Acts of Settlement in 1689.[102] The Magna Carta declares that, no freeman may be taken or imprisoned or denied

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&form=QBRE&sp=-1&pq=&sc=0-0&sk=&cvid=C1B11E04D94A4F4E91FDA9D506F2CA7B> accessed 15 November 2020.

[100] The Petition of Right was passed on 7 June 1628 as an English constitutional document which set out specific individual protections against the state. It was considered of equal value to Magna Carta and the Bill of Rights 1689. It was considered part of a wider conflict between Parliament and the Stuart monarchy that led to the 1638 to 1651 Wars of the Three Kingdoms, ultimately resolved in the 1688 Glorious Revolution. https://www.bing.com/search?q=the+petition+of+rights&qs=n&form=QBRE&sp=-1&pq=&sc=0-0&sk=&cvid=C1B11E04D94 A4F4E91FDA9D506F2CA7B> accessed 15 November 2020.

[101]Bill of Rights is formally an Act Declaring the Rights and Liberties of the subject and settling the succession of the Crown **(1689)**. It was one of the basic instruments of the British constitution and the result of the long 17th-century struggle between the Stuart kings and the English people and Parliament. The English Bill of Rights was signed into law in 1689 by William III and Mary II, who became co-rulers in England after the overthrow of King James II. The bill made provisions for specific constitutional and civil rights which ultimately gave Parliament power over the monarchy. Some experts believe the English Bill of Rights to be the primary law that set the stage for a constitutional monarchy in England. Others give it credit as being an inspiration for the US Bill of Rights.<https://www.history.com/topics/british-history/english-bill-of-rights> accessed 15 November 2020.

[102]The Act of Settlement is an Act of the Parliament of England, passed in 1701 to settle the issue of succession to the English and Irish crowns on Protestants only. The effect of this was the deposing of all the descendants of Charles I as the next Protestant in line to the throne was the Electress Sophia of Hanover, a granddaughter of King James VI and I. After her, the crowns would descend only to her non-Catholic heirs. The Act was necessitated by the failure of King William III & II and Queen Mary II, as well as of Mary's sister Queen Anne, to produce any surviving children, and the Roman Catholic religion of all other members of the House of Stuart. The line of Sophia of Hanover was the most junior among the Stuarts, but consisted of convinced Protestants. Sophia died on 8 June 1714, before the death of Queen Anne on 1 August 1714. On Queen Anne's death, Sophia's son duly became King George I and started the Hanoverian dynasty in Britain. The Act was instrumental to the formation of the Kingdom of Great Britain. Before then, England and Scotland had shared a monarch since 1603, but had remained separately governed countries. The Scottish parliament was more reluctant than the English to abandon the House of Stuart, members of which had been Scottish monarchs long before they became English ones. English pressure on Scotland to accept the Act of Settlement eventually led to the parliamentary union of the two countries in 1707. Under the Act of Settlement anyone who became a Roman Catholic, or who married a Catholic, became disqualified to inherit the throne. The Act also placed limits on both the role of foreigners in the British government and the power of the monarch with respect to the Parliament of England. However, some of those provisions have been amended.
<https://www.bing.com/search?q=act+of+settlement+1701&form=EDGEAR&qs=HS&cvid=a573a15b46b341d4801f270c2807917c&cc=NG&setlang=en-US&plvar=0> accessed 15 November 2020.

of his freehold or liberties or free customs or be outlawed or exiled or in any way molested nor judged or condemned except by lawful judgment or in accordance with the law of the land. It also prohibits justice to be sold or denied or delayed to any subject, and that the crown or its ministers may not imprison or coerce the subject in any arbitrary manner. Also, everyone was permitted to leave the kingdom and return at will except in war time with the exception of prisoners, outlaws and alien enemies.[103] Obaseki[104] is of the view that the Bill of Right was passed by English Parliament in December 1689 as part of the Revolution Settlement; to declare the rights and liberties of the subject and settle the succession to the Crown.[105] Ever since the latter part of the 18th Century,[106] various civilisedstates have begun to recognise and provide for the protection of human rights in their national Constitutions, even communist states.[107] The communist states include economic and social rights in their Constitutions with equivalent duties of the citizens, however these appear to be mere manifestoes rather than legally enforceable rights.[108]

3.3. The Positive Law Theory

By the end of the 18th century the theory of natural law had begun to give way to the emerging historical and evolutionary theories of law which challenged the universality and immutability of natural law principles and rather tended to explain law by reference to certain evolutionary forces. Legal positivists thus emerged to deconstruct the long-held principles of the nature and purpose of law, and interpret law to be only that prescribed and enforced by the

[103] These rights encapsulated in the Magna Carta was however not granted to all, but were rights reserved by King John of Great Britain for the barons, the knights and other land owners. But it however marked the beginning of concessions made by the King to his subjects in terms of rights. The Petition of Right was passed in 1628 which represented the first restriction of the powers of the king.

[104] A O Obaseki, 'The Judiciary and Human Rights' in Akpamgbo (ed), *Perspectives on Human Rights* (Lagos: Federal Ministry of Justice 1992) 253.

[105] Ibid.

[106] With the Virginia Declaration of Rights of 1776, the American Declaration of Independence and Bill of Rights in the form of the first ten Amendments to the Constitution, and the Declaration of the Rights of Man and the Citizen adopted in 1789 by the French National Assembly. See Ogbu (n 11) 9.

[107] Oppenheim, *International Law: A Treatise* (London: Associated Companies 1955) 736-737.

[108] Ogbu (n 11) 9.

state.[109]They argue that law has nothing to do with morality; that law as prescribed by the state is autonomous, and should not be compared with or subjected to any moral standard or scrutiny. They contend that the arguments of natural law theorists that positive laws are subject to natural law principles for their validity is untenable in that law is rather a neutral entity to morality and, once promulgated by the appropriate authority of state, it cannot be adjudged immoral or unjust by any standard extraneous to the law in question.[110] In other words, there is no unjust law, and once made by a competent state authority, be it ever so oppressive, the citizens have unconditional obligation to obey it without the luxury of considering whether it is just or unjust.[111] The Positivists are convinced that natural law principles are speculative and unscientific because they are not predicated on empirically verifiable facts but a product of baseless metaphysical thinking and that, any theory of law that is anchored on metaphysics is void.[112]Thus, such theories as natural rights, human rights, natural justice, including moral ideals that are not found in any positive law are to be viewed as nonsense and unrealistic; theyare metaphysical ideas which are unnecessary in the study of law. Conversely, the proper and valid law is law as it is (enacted by the state) not law as it ought to be (natural or moral law).[113]

Before the Charter of the United Nations in 1945, international law did not expressly recognise natural rights of man despite various developments pointing in that direction; probably because states, not individuals are subjects of international law. Though, the Treaty of Versailles[114] of 1919 laid down the first foundation for the internationalization of human rights. This peace treaty guaranteed to the minority groups, 'full and complete protection of life and liberty without distinction as to birth, nationality, language, race or religion,'[115]The citizens of the countries under the treaty were guaranteed rights to freedom of thought, conscience, religion or belief, whether in public or private, as long as the practices were not inconsistent with public order or

[109] Ibid.
[110] Ndubuisi and Nathaniel (n 27) 114.
[111] Ogbu (n 11) 9.
[112] Freeman (n 28) 255.
[113] Ibid. See also, HLA Hart, 'Positivism and the Separation of Law and Morals' [1958] (71) *Harvard Law Review* 593.
[114] The Treaty was the most important of the peace treaties that brought World War 1 to an end. It ended the state of war between Germany and the Allied Powers. See Ogbu (n 11) 10.
[115] Ibid.

morals'.[116]Yet, the onset of the Second World War gave rise to the worst kind of carnage and bestiality ever known to man; under state laws massive genocide and all forms of unimaginable atrocities were perpetrated. Naturally, arguments in favour of natural law and natural rights returned to the front burner primarily because of the shattering effects of the First and Second World Wars and the concomitant decline in socio-economic standard of life with growing insecurity of life and property. These naturally threw up a new search for a moral standard that would stem the tide. There was also the alarming surge of totalitarian regimes across the world which aroused an ideological quest that could stop the legal cloak being cast around such egregious human rights abuses.[117] The atrocities of the Second World War committed against the Jews, reinforced by a perceived superiority complex of one race above another shocked the world and forced the international community to see the need for the internationalisation of human rights.[118] The disastrous atomic bombing of Japanese towns of Hiroshima and Nagasaki in August 1945[119] were clear signals that mankind faced a possible extinction. It therefore became imperative that only respect for human rights across the globe could guarantee democratic institutions, making the possibility of another war of such international scale a remote possibility.

4.0. The Evolution of the Modern Concept of Human Rights

The expression, 'human rights' finally came into common parlance after the Second World War in 1945 replacing the term 'natural rights' which had become controversial because of its predication on natural law that was largely misunderstood. It also replaced the earlier phrase 'the rights of man' which inherently raised questions as to whether 'the rights of women' were excluded.[120] The Charter of the United Nations (UN) of 1945[121] therefore

[116] Ibid.
[117]Agbede (n 20) 26.
[118]History.com Editors, 'The Holocaust' <https://www.history.com/topics/world-war-ii/the-holocaust> Accessed 22 August 2020.
[119]The United States dropped two nuclear weapons over the Japanese cities of Hiroshima and Nagasaki on August 6 and 9 1945 respectively. These two bombings killed between 129,000 and 226,000 people, most of whom were civilians, and remain the only uses of nuclear weapons in armed conflict till date.<https://www.history.com/this-day-in-history/american-bomber-drops-atomic-bomb-on-hiroshima> Accessed 22 August 2020.
[120] I Brownlie, *Treaties and Indigenous People: The Robb Lectures* (Brook Field: Clarendon Press: 1992) 35.

begins by reaffirming 'faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.'[122] The Charter provides that the purpose of the UN are, inter-alia, to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to achieve international co-operation in promoting and encouraging freedom for all without distinctions as to race, sex, language, or religion;[123]and that all members 'pledge themselves to take joint and separate action in co-operation with the organization for the achievements of these and related ends.' [124]Attempts to include a Bill of Rights in the UN Charter were resisted, but it was agreed that it would be considered for adoption at a later date.[125]It was not until 10 December 1948 that the General Assembly of the UN finally recognized human rights by its adoption of the Universal Declaration of Human Rights (UDHR)[126] thereby bringing to fulfillment the prayers and dreams of Thomas Paine.[127] Although the UDHR, being a mere Declaration, is not a legally binding instrument, its adoption is however symbolic in that it constitutes aspirations or goals to which member states are to strive to attain. After the ground breaking adoption of the UDHR, it took the world 18 years to adopt other bill of rights due to ideological differences over whether or not socio-economic rights should be recognised as integral part of civil and political rights.[128]

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[121] The Charter of the United Nations (UN) was signed on 26 June 1945 in San Francisco, at the conclusion of the UN Conference on International Organisation. It came into force on 24 October 1945. According to the Introductory Note to the Charter, the Statute of the International Court of Justice is an integral part of the Charter.

[122] Preamble to the UN Charter of 1945.

[123] Ibid. Article 1.

[124] Ibid.

[125] See Ogbu (n 11) 13.

[126]Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948) The UDHR has been translated into 384 languages. U.N. OFFICE OF THE HIGH COMMISSIONER FORHUMAN RIGHTS(OHCHR), *Universal Declaration of Human Rights,* <http://www.ohchr.org/EN/UDHR/Pages/Introduction.aspx.> accessed 13 March 2022.

[127] In dedicating 'The Rights of Man' to George Washington, Paine had prayed … 'that the rights of man may become as universal as your benevolence may wish and that you may enjoy the happiness of seeing the New World regenerate the old….' Quoted in Ogbu (n 11) 13

[128] While the United States (US) and her allies [representing the Western (Capitalist) bloc] rejected the idea of elevating socio-economic and cultural rights to the same pedestal with the civil and political rights, the former Soviet Union and her allies [representing the Eastern (Communist) bloc] insisted that the two set of rights should be at par since they are mutually

5.0. International Recognition of Socio-Economic Rights

The history of the recognition of socio-economic rights can be traced to the early 20th century when the International Labour Organization (ILO)[129] formulated several conventions aimed at enhancing global labour standards.[130]Thus, after the Second World War, several international treaties and conventions adopted and integrated this class of rights. As already discussed, the first was the UN Charter of 1945, then the UDHR of 1948 and ICESCR of 1966. There is also the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) of 1965[131] and the United Nations Convention on the Rights of the Child (CRC) of 1989[132]which include provisions on socio-economic rights. Many regional

complementary and inter-related [See Ezejiofor (n 21) 154]. To resolve these ideological impasse, member states agreed to create two covenants - one adopting the civil and political rights, and the other encapsulating economic, social and cultural rights, so that member states could choose whichever one they wish to ratify. Eventually on 16 December 1966, two sets of international human rights instruments were born – the International Covenant on Economic, Social, and Cultural rights (ICESCR) [a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966 through GA. Resolution 2200A (XXI), and came in force from 3 January 1976. See, Karina Weller, 'What is the International Covenant on Economic, Social and Cultural Rights' [7 January 2019].<https://eachother.org.uk/what-is-the-international-covenant-on-economic-social-and-cultural-rights/>Accessed 22 August 2020], and the International Covenant on Civil and Political Rights (ICCPR) [another multilateral treaty adopted by United Nations General Assembly Resolution 2200A (XXI) on 16 December 1966, and in force from 23 March 1976 in accordance with Article 49 of the Covenant]. Since then, a plethora of other human rights instruments have been churned out at both international and regional levels.

[129]Then an agency of the League of Nations

[130]Dawood Ahmed and Elliot Bulmer, *Social and Economic Rights* (2nd edn, Sweden: International Institute for Democracy and Electoral Assistance 2017) 8.

[131] The international Convention on the Elimination of All Forms of Racial Discrimination is a United Nations Convention adopted and opened for signature and ratification by General Assembly Resolution 2106 (XX) of 21 December 1965. It entered into force on 4 January 1969 pursuant to article 19 of the Convention.<https://ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx> accessed 3 November 2020.

[132]The United Nations Convention on the Rights of the Child (abbreviated as the CRC or UNCRC) is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation. The Committee on the Rights of the Child (CRC) is made up of independent experts and it serves to monitor the implementation of the Convention by State parties. The Committee also monitors implementation of the two optional protocols to the Convention on the involvement

human rights instruments followed, incorporating socio-economic rights in their provisions.[133] These international and regional human rights instruments have had great normative influence on many national Constitutions,[134]as similarity exists between the rights contained in the UDHR and those of other national Constitutions and regional treaties which clearly shows that the UDHR has been universally accepted as 'a template for constitution-makers.'[135] Today, many national Constitutions make elaborate provisions for socio-economic rights, either as enforceable set of rights or as mere goals or aspirations.[136]

Although civil and political rights have over time come to be more widely accepted than socio-economic rights, but it has been argued that 'human rights' is' an amalgamated phrase' which encapsulates both civil and political rights as well as socio-economic rights and need not be restricted to any particular class of rights.[137] Indeed, by its nature, socio-economic rights are integral component of the more popular political and civil rights, and the latter can be interpreted in ways that accommodate and enhance the enforcement of the former.[138] It has been argued that socio-economic rights are mere aspirations which government pledges to secure progressively, subject to availability of resources, and that government exists to ensure that its subjects

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of children in armed conflict and the sale of children, child prostitution and child pornography.
<https://www.unicef.org.uk/what-we-do/un-convention-child-rights/> accessed 3 November 2020.

[133] An example is the African Charter on Human and Peoples' Rights (ACHPR) of 2007, which contains provisions on the right to work, the right to health and to education. There is also the European Convention on Human Rights, and the American Convention on Human Rights.

[134] Some national Constitutions like Afghanistan and Gabon, refer to UDHR in their provisions.

[135] Z Elkins and T Ginsburg and B Simmons, 'Getting to Rights: Treaty Ratification, Constitutional Convergence, and Human Rights Practice' [2013] (54) (1) *Harvard international Law Journal* 61 -95.

[136] States that have ratified ICESCR are more likely to make provisions for socio-economic rights in their constitutions than those states that have not ratified the Convention.

[137] S I Nwatu, 'Legal Framework for the Protection of Socio-Economic Rights in Nigeria' [2011-2012] (10) *Nigerian Juridical Review* 24.

[138] S T Ebobrah, 'The Future of Economic, Social and Cultural Rights Litigation in Nigeria' [2007] (1) (2) *Review of Nigeria Law and Practice* 1.

have the best they can get in terms of economic and social opportunities.[139]But the problems with the enforcement of socio-economic rights are traceableto the lack of precision of the obligations imposed on state-parties by ICESCR, which sounds more promotional than obligatory; always dependent on available resources.[140] This is in sharp contrast to the clear provisions of ICCPR which impose on state-parties clearly defined set of duties and standards which they are obliged to observe to secure civil and political rights.[141]A critical analysis of the two treaties would reveal that the ICCPR imposes on state-parties immediate duty to maintain clearly defined standard to secure civil and political rights, not only for their citizens but all those within their territories and subject to their jurisdictions, while the ICESCR rather begs the question in its provisions making the realisation of socio-economic rights merely promotional; subject to availability of resources. This loophole makes it possible for many governments to avoid their obligations under the ICESCR, claiming unavailability of resources.[142]The real issue is not whether socio-economic rights are superior, inferior or at par with civil and political rights, but that every government has a duty to provide basic necessities of life for its citizens. Successive governments, especially in Africa, have continued to neglect these essential aspects of governance but prefer to fritter away available resources on things that have no direct impact on the good life of their people.

6.0. Conclusion

We have examined the nature and history of human rights, beginning from the original conception of natural law, natural rights, positive law, and eventually human rights, as the concept of 'right' is now known in our modern world. We have also traced the history and jurisprudence of socio-economic rights to the

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[139] Wahab O Egbewole and Taofeeq N Alatise, 'Realising Socio-Economic Rights in Nigeria and the Justiciability Question: Lessons from South Africa and India' [2017] (VIII) *International Journal of Politics and Good Governance*5.

[140] Article 2 of the ICESCR merely provides that state-parties 'undertake to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the covenant by all appropriate means.'

[141] Article 2 (1) of the ICCPR provides that each state-party 'undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant.'

[142] Nwatu (n 137) 26.

early 20th century when the ILO formulated several conventions aimed at enhancing global labour standards, to the aftermath of the Second World War when several international treaties and conventions were adopted to internationalise both socio-economic rights and civil and political rights as espoused in such international human rights instruments like the UN Charter, the UDHR, the ICESCR and the ICCPR. Since then, many regional instruments have been enacted to entrench a more comprehensive international regime of socio-economic rights as seen in the African Charter, the American Convention, and the European Convention, which all incorporate socio-economic rights in their provisions. Many states, like Nigeria, India, Ghana, and South Africa, to mention just a few, have also incorporated some of the provisions of the UDHR and ICESCR in their national Constitutions. It now behoves on Nigeria, and indeed all countries, to take appropriate legislative and policy steps to provide basic essentials of life for their citizens without any form of discrimination. It is not enough to incorporate socio-economic rights in national Constitutions with a cloak of non-justiciability, like Nigeria, India, and some other countries have done; the world should know that socio-economic rights have gained a permanent place in modern international human rights jurisprudence, and are clearly enforceable through national legislations.