

# FROM POLITICAL RHETORIC TO CONCRETE ACTIONS – A HUMAN RIGHTS-BASED APPROACH TO THE SUSTAINABLE DEVELOPMENT GOALS IN AFRICA

JEAN-CLAUDE N. ASHUKEM\*, CHIDINMA THERESE ODAGHARA\*\*, CHARLOTTE KABASEKE\*\*\* and FAITH KABATA†

## I. INTRODUCTION: CONCEPTUAL FRAMING AND CLARITY OF THE HUMAN RIGHTS-BASED APPROACH

By their very construct, nature and purpose human rights provide normative ethical principles, standards and norms relevant not only for regulating a polity but for human conduct and development to achieve expected desirable results. The human rights-based approach (HRBA) framework which is predicated on human rights principles, norms and standards has over the years been used globally as a vital framework for regulating international development goals in a way that promotes and respects human rights. Even so, the practical application of the HRBA to development is bedevilled with controversies relating to its meaning, usefulness and effectiveness, and on what practical framework it is being hinged.<sup>1</sup> Is it then possible and useful to continue advocating for and debating about the HRBA as an effective vehicle necessary for realising development-oriented agendas, and in what ways are they relevant in the context of the Sustainable Development Goals (SDGs)? Could the ambitious SDGs be achieved through the HRBA? Is the HRBA effective in strengthening the means of implementation of SDGs?

In this article, we reflect on these questions to provide conceptual clarity on how the HRBA could be used to achieve the SDGs in Africa. We specifically advance the argument that the HRBA could be specifically tailored to processes

\* LL.D, LL.M, Maitrise en Droit, Licence en Droit. Senior Lecturer, Claude Leon Chair in Earth Justice and Stewardship, University of Witwatersrand, South Africa.

\*\* Ph.D, LL.M, LL.B. Lecturer, Elizabeth School of London, UK.

\*\*\* Ph.D (Wuhan), LL.M (MUK), Dip. LP (LDC), LL.B (UCU). Lecturer, Faculty of Law, Kabale University, Uganda.

† Ph.D, LL.M, LL.B. Senior Lecturer, University of Nairobi, Kenya.

1 M. Broberg and H. O. Sano 'Strengths and Weaknesses in a Human Rights-Based Approach to International Development – An Analysis of a Rights-Based Approach to Development Assistance Based on Practical Experiences', *The International Journal of Human Rights* (2018) 22(5): 666.

of empowerment, forms of advocacy and the proactive use of legal means in defence of the vulnerable segment of African populations who are mostly poor, marginalised and discriminated against, and where international human rights law seems to provide very little real-life economic, social and political change to their livelihood and well-being. By way of context, we rely on the United Nations (UN) Human Rights-Based Approach to Development Cooperation – Towards a Common Understanding Among the United Nations Agencies of 2003,<sup>2</sup> as a conceptual framework for analysis. This framework is crucial and indispensable for implementing and following an HRBA to UN development policies and programmes, including the SDGs. In consideration of the fact that the operationalisation and implementation of the HRBA is largely contingent on the foundational guiding principles of equality and non-discrimination, participation and inclusion, and accountability and rule of law,<sup>3</sup> we align our arguments and focus on these principles to gauge the practical implementation of an HRBA to SDGs in Africa.<sup>4</sup> According to the UN Human Rights-Based Approach to Development Cooperation, a factual understanding of this approach is premised on three things: that all programmes of development cooperation and technical assistance need to further the effective realisation of fundamental human rights as contained in the Universal Declaration of Human Rights (UDHR) of 1948 and other international human rights instruments; that human rights standards and principles derived from international human rights instruments must be used to guide the implementation of all development cooperation and programming in all sectors and phases of the programming process; and that development cooperation must contribute to the development of the capacities of duty-bearers to meet their (minimum) human rights obligations and/or of rights-holders to claim their rights when violated.<sup>5</sup> On its part, the UN Commissioner for Human Rights developed and published the Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation, which emphasises that although the approach is deeply rooted in human rights, its point of analytical departure must not be divorced from but linked to the eventual implementation of human rights-driven goals by (African) states.

2 The Human Rights-Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies <[https://unsdg.un.org/sites/default/files/6959-The\\_Human\\_Rights\\_Based\\_Approach\\_to\\_Development\\_Cooperation\\_Towards\\_a\\_Common\\_Understanding\\_among\\_UN.pdf](https://unsdg.un.org/sites/default/files/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf)> (accessed 5 January 2025).

3 Broberg and Sano, *supra* note 1, at p. 667; D. Banik ‘Support for Human Rights-Based Development: Reflections on the Malawian Experience’, *The International Journal of Human Rights* (2010) 14(1): 34–50; P. Uvin ‘From the Right to Development to the Rights-Based Approach: How “Human Rights” Entered Development’, *Development in Practice* (2007) 17 (4–5): 597–606; L. Tolander ‘A Human Rights-Based Approach to Development – From Policy to Practice: A Comparative Study Between ActionAid and Sida’ (2013) (BSC Dissertation, Lund University) 10, <<https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.1020.703&rep=rep1&type=pdf>> (accessed 16 February 2025).

4 For a fuller understanding of the other principles in the international development cooperation context, see M. Darrow and A. Tomas ‘Power, Capture, and Conflict: A Call for Human Rights Accountability in Development Cooperation’, *Human Rights Quarterly* (2005) 27(2): 501–516.

5 *Ibid.*

In 2015, the SDGs were adopted by the UN as part of the 2030 Agenda for Sustainable Development (2030 Agenda).<sup>6</sup> They are underpinned by the shared principles and commitments to ‘respect, protect and promote global human rights and fundamental freedoms’.<sup>7</sup> In alignment with its strong aspirational language – to transform our world and create a future we want – the SDGs are undoubtedly premised on a strong transformative agenda with the potential to address the most challenging problems of the 21st century that are linked to human rights in Africa. We advance the claim that these challenges are not insurmountable and that an HRBA including an entire panoply of human rights obligations bestowed on (African) states could play a useful catalytic role in driving the realisation of the SDGs in Africa. Our view is constructed and based on the fact that the SDGs are informed by human rights, on which recourse to human rights principles, norms and standards, we posit pragmatic ways for achieving the SDGs in Africa. While Africa is used here as a collective exemplified by the African Charter on Human and Peoples’ Rights (African Charter) of 1981, this focus should not detract from the view that concerns about the relationship between human rights protection and the SDGs are peculiar only to Africa.

Even though the SDGs and human rights have much in common, the SDGs do not adopt or prescribe an HRBA or provide any practical approach for their achievement.<sup>8</sup> It is unclear how and what approach could assist states, including African states, to successfully implement and achieve the SDGs. Granted that there is no authoritative clarification on how the SDGs are to be achieved, we suggest that an HRBA to the SDGs tailored to African realities could be an avenue to achieving the SDGs in Africa. The thesis of our objective is premised on four interrelated reasons. First, the SDGs are value-based goals illustrative of what human rights seek to achieve. Second, the SDG – even if indistinctly – revolves around fundamental human rights, suggesting that the vigorous implementation of states’ obligations to respect, protect and fulfil could ensure the (effective) realisation of the SDGs. Admittedly, the advantages of human rights standards could lead to better outcomes for the SDGs only if they are followed up and implemented by African states on account of the apparent advantage that they have in terms of the obligations and benchmarks they set, as well as the empowerment they vest on rights holders. Indeed, at the national level across Africa, various constitutions contain guarantees of fundamental human rights and freedoms to varying degrees and based on context. They nonetheless stipulate a common normative position where the state bears obligations to respect, protect and fulfil these rights and freedoms. Third, these human rights obligations of states need to be confined to the legal, rather than the political, realm, in which the law plays an increasingly crucial role in compliance with the transformative agenda of SDGs. Fourth, state compliance with international human rights instruments is monitored

6 See Transforming Our World: The 2030 Agenda for Sustainable Development, Resolution UN Doc A/RES/70/1, 2015.

7 *Ibid.*, para 19. Emphasis added.

8 J. H. Knox ‘Human Rights, Environmental Protection, and the Sustainable Development Goals’, *Washington International Law Journal Association* (2015) 24(3): 536.

by committees of independent experts under the human rights treaty systems and this mechanism provides a platform to assess the progress of human rights and, consequently, the SDGs.

In making this argument, the authors are not unaware of the reaction of Pan-Africanists who might claim that Africa does not presently need aspirations or dreams but concrete actions to take itself out of its economic, social and political misery, and that attempts to rope the HRBA to the SDGs whose origin is not African do not help the situation. We posit differently and firmly so, that the SDGs are global goals and not specific to Africa, and such Africanisation thinking – perceived as a renewed focus on Africa<sup>9</sup> – is not logically justified. There is a general misconception by Pan-Africanists that most or all social problems confronting Africa are a product of what Sano considers ‘a neoliberal order’.<sup>10</sup> We argue that Africa indeed has serious issues of governance and has been over the years unable to develop a governance model to pragmatically solve its social problems.<sup>11</sup> Instead, reliance seems to have been on foreign models like the World Bank Good Governance Practice and the acceptance of Global-North induced strategies and goals – like the predecessor to the SDGs, the Millennium Development Goals (MDGs) and the provision of foreign aid – to address issues of African origin. Indeed, Africa has never initiated and applied African-tailored solutions to its growing socio-economic problem.

Part II provides an analysis of the relationship between human rights and the SDGs to clarify the role and importance of human rights measures in the SDGs and how human rights can be used to ensure the realisation of the SDGs in Africa. Part III formulates what we consider to be the HRBA to SDGs. It further determines how the HRBA can contribute to the achievement of the SDGs in Africa through a critical observation of the foundational guiding principles of the HRBA in the context of the SDGs. Part IV examines the merits and demerits of using the HRBA. The last section provides the conclusion.

## II. THE RELATIONSHIP BETWEEN SDGS AND HUMAN RIGHTS

The SDGs are linked to and revolve around fundamental human rights – an aspect that highlights the mutual relationship between them. This relationship overtly suggests that their harmonious nature could positively benefit the government’s

9 W. Louw ‘Africanisation: A Rich Environment for Active Learning on a Global Platform’ 42 <<https://uir.unisa.ac.za/bitstream/handle/10500/4999/Africanisation.pdf?sequence=1&isAllowed=y>> (accessed 16 February 2025). For a detailed understanding of the meaning and construction of the theory of Africanisation, see, M. W. Makgoba *Mokolo: The Makgoba Affair – A Reflection on Transformation* (Vivian, Florida, 1997); M. B. Ramose ‘Foreword’ in S. Seepe (ed) *Black Perspective(s) on Tertiary Institutional Transformation* (1998, Johannesburg, Vivlia).

10 H. O. Sano ‘How Can a Human Rights-Based Approach Contribute to Poverty Reduction: The Relevance of Human Rights to Sustainable Development Goal One’ in M. Kaltenborn, M. Krajewski and H. Kuhn (eds) *Sustainable Development Goals and Human Rights* (2020, Springer): 13.

11 Also see, D. Dovlo ‘People and Their Health Systems: The Right to Universal Health Coverage and the SDGs in Africa’ in M. Kaltenborn, M. Krajewski and H. Kuhn (eds) *Sustainable Development Goals and Human Rights* (2020, Springer): 64–65.

effort and desire to achieve them. The preamble of the 2030 Agenda recognises the important relationship between human rights and development. Paragraph 8 of the preamble of the 2030 Agenda provides as follows:

We envisage a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realisation of human potential and contributing to shared prosperity.

Paragraph 8, therefore, invokes the founding vision of international human rights law and the foundational human rights principles of human dignity and equality, foregrounding the link between the 2030 Agenda and human rights. Several subsequent paragraphs directly invoke international human rights instruments. Paragraph 10 states that the 2030 Agenda ‘is grounded in the Universal Declaration of Human Rights and international human rights treaties, among other things, and is informed by other instruments, such as the Declaration on the Right to Development’. Paragraph 20 alludes to the relationship between human rights protection and sustainable development by stipulating that ‘the achievement of full human potential and of sustainable development is not possible if one half of humanity continues to be denied its full human rights and opportunities’. Therein lies the link between human rights and the SDGs and the need to rely on an HRBA, for the achievement of the Goals. When the 2030 Agenda was adopted, UN member states made strong commitments to link the new agenda and the implementation of the SDGs with the promotion and protection of human rights.<sup>12</sup> States also recognised:

the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions.<sup>13</sup>

Moreover, states also committed to ensuring that the follow-up and review processes would be ‘people-centered, gender-sensitive, [would] respect human rights and have a particular focus on the poorest, most vulnerable and those furthest behind’.<sup>14</sup>

Human rights and the SDGs are mutually reinforcing in the sense that while human rights ensure monitoring and accountability mechanisms, on the other hand, the SDGs provide visibility to human rights values, in addition to integrating people, planet, prosperity, peace and partnership for the ultimate

12 C. Golay ‘No One Will Be Left Behind: The Role of United Nations Human Rights Mechanisms in Monitoring the Sustainable Development Goals that Seek to Realise Economic, Social and Cultural Rights’ (2018) <<https://www.geneva-academy.ch/joomlatools-files/docman-files/Briefing11-interactive-HD.pdf>> (accessed 18 March 2025).

13 Agenda 2030, *supra* note 6, at para 27.

14 *Ibid.*

aim of sustainable development.<sup>15</sup> It is possible from this perspective that when analysing the SDGs through a human rights lens, the SDGs' targets are implicitly transformed from goals into rights, on which basis human rights norms and standards play a crucial role in effectively guiding and informing the implementation of the SDGs. The succinct connection between various SDGs and the human right to a clean environment, and its underlying framework principles show this irreversible link. When attempting to bring human rights norms and standards into the sphere of the SDGs, emphasis should, therefore, be on the fact that the targets, benchmarks and indicators of the SDGs need to be tailored to properly reflect the domestic context by upholding the principles of inclusion, participation and non-discrimination, for example. Framework principle 9, on the human right to a clean and healthy environment, for instance, urges states to provide for and facilitate public participation in environmental decision-making, and to take the views of the public into account in the decision-making process.<sup>16</sup> Education and awareness could be the first step in this regard, since, through education, rights-holders, civil society-relevant ministries, and government departments would be aware of human rights dimensions and how they could be used as a mechanism for strengthening the implementation of the SDGs. Winkler and Williams posit that international law provides a normative framework, and accountability mechanisms, allowing for a system-based coverage that is consistent with responsive sustainable development and capable of bringing significant transformative, structural change to reduce inequality and power imbalances.<sup>17</sup> This argument demonstrates and supports the fact that human rights norms and standards remain crucial in guiding and ensuring the implementation of the SDGs. The requirement of the 2030 Agenda that (African) states need to develop and implement national action plans and strategies for achieving the SDGs suggests that this measure provides a practical approach for the involvement of civil society organisations in the formulation and interrogation of these plans and, possibly, holding governments accountable where a particular goal is not achieved.<sup>18</sup>

National human rights bodies in Africa could be used where appropriate, to ensure that an HRBA to the SDGs underpins their national policies and programmes for the effective implementation, monitoring and reporting of the progress of the SDGs. Human rights approaches could provide valuable data to inform decision-making and reporting processes, while simultaneously bridging the governance gap between government and vulnerable sectors of society.<sup>19</sup>

15 OHCHR, 'Human Rights-Based Approaches to the SDG' <[https://www.ohchr.org/Documents/Issues/SDGS/2030/Dianova\\_International\\_Human\\_Rights.pdf](https://www.ohchr.org/Documents/Issues/SDGS/2030/Dianova_International_Human_Rights.pdf)> (accessed 18 March 2025).

16 UN Human Rights Council, Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights Including the Right to Development (October 2018), A/HRC/37/59, 12.

17 I. T. Winkler and C. Williams 'The Sustainable Development Goals and Human Rights: A Critical Early Review', *The International Journal on Human Rights* (2017) 21(8): 1024.

18 I. Saiz and K. Donald 'Tackling Inequality Through the Sustainable Development Goals: Human Rights in Practice', *The International Journal of Human Rights* (2017) 21(8): 1039.

19 OHCHR, *supra* note 16.

Winkler and Williams outline pragmatic opportunities for engaging human rights in the SDGs processes. According to them, even though the goals and targets have been finalised, the indicators and monitoring frameworks are still being developed. Human rights principles could guide decisions-making, so that invisible populations are counted, and national statistics offices supported to gather data that measures and reflects core human values. The authors further argue that human rights mechanisms could be used to guide the implementation of the SDGs and inform policies. The slow uptake of national plans and strategies of the SDGs provides increased space and opportunity for human rights advocates to engage with the processes and influence national priorities. Finally, they assert that human rights instruments have an immense potential to strengthen accountability.<sup>20</sup> The HRBA could, therefore, be used to monitor the SDG commitments, by combining both frameworks and drawing on their mutual strengths.<sup>21</sup> Nonetheless, the fundamental question is: what does an HRBA to the SDGs mean and what are its foundational principles and basis? These questions are discussed in the next section.

### III. THE HRBA TO SDGS

#### A. What Does It Mean?

A general understanding of the HRBA is important before transposing it in the context of the SDGs. The HRBA could be viewed as a means to empower people with the ability to know and claim their rights, while simultaneously increasing the ability of rights-holders to hold their governments accountable for not respecting human rights. Conceivably, an HRBA serves to ensure that both the standards and principles of human rights are integrated into policymaking, suggesting that human rights norms and principles are crucial for providing the regulatory framework for, *inter alia*, policymaking and development planning. It further suggests that:

development policies and programmes must contribute explicitly to human rights ... and ... must be organised in a way that will strengthen the capacities of individuals (rights holders) to exercise and demand respect for their rights, and of states (duty bearers) to fulfill their human rights obligations.<sup>22</sup>

The Office of the High Commission of Human Rights (OHCHR) of the United Nations provides a concise definition of an HRBA, and perceives it as ‘a

20 K. Donald and S. A. Way ‘Accountability for the Sustainable Development Goals: A Lost Opportunity?’, *Ethics and International Affairs* (2016) 30(2): 201–13, 207.

21 Winkler and William, *supra* note 18, at p. 1027.

22 J. Parra ‘The Human Rights-Based Approach: A Field of Action for Human Rights Education’ (2012) <[http://www.ciel.org/Publications/HR\\_Approach\\_Climate\\_2012.pdf](http://www.ciel.org/Publications/HR_Approach_Climate_2012.pdf)> (accessed 20 January 2022); U. Johnson ‘A Human Rights-Based Approach to Programming’ (2010) 5 <[https://hd-ca.org/?s2member\\_file\\_download\\_key=a587c4ae7fd05f4f09b9757be2475938&s2member\\_file\\_download=/Jonsson.doc](https://hd-ca.org/?s2member_file_download_key=a587c4ae7fd05f4f09b9757be2475938&s2member_file_download=/Jonsson.doc)> (accessed 16 February 2022).

conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights'.<sup>23</sup> This definition elaborates the point that an HRBA 'seeks to analyse inequalities, which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress'.<sup>24</sup> Therefore, the HRBA envisions a pragmatic scenario where the plans, policies and processes of development are framed in a system of rights and the corresponding human rights obligations of states under international human rights instruments.<sup>25</sup>

Interestingly, the international community has recognised and acknowledged the fact that human rights represent the inherent attributes of the human person, in part as they are cornerstones of human dignity and represent the maximum claims of society, which must be respected and protected for the attainment of justice. A corollary to the HRBA is that duty-bearers, including member states of international human rights treaties, should respect, protect and fulfil people's rights as well as respecting international and national norms on the protection of human rights. Even where states lack human rights obligations as in the case with SDGs, it is imperative to apply the HRBA to their engagements by conforming to international human rights norms. The HRBA to the SDGs, therefore, serves as a means to legitimise a more progressive, radical approach to development insofar as the violation of fundamental human rights are concerned. Consistent with internationally agreed human rights standards, the HRBA to the SDGs provides an integrated, holistic and transformative framework to shape and inform the implementation of the SDGs. The authors consider the HRBA to SDGs to mean the responsibility of states to respect, protect and fulfil substantive human rights that align with SDGs to ensure that development outcomes are sustainable. In other words, it entails that international human rights standards are used to define the development outcome, and human rights principles are employed to define the legitimacy of the process that would result in the realisation of human rights. It further entails ingraining the corollary that fulfilling the SDGs is a means for states to meet their human rights obligations, and by extension further the extent to which rights-holders could enjoy their entitlements and observe the correlative duties. In simple terms, this means that the SDGs are, in reality, a normative framework for the variety of actions needed to ensure that development is sustainable, and that (socio-economically and environmentally) balanced human development can be pursued. As pointed out by Broberg and Sano, an HRBA to the SDGs has several characteristics, including the fact that it does not simply recognise rights, but also corresponding obligations.<sup>26</sup> Therefore, holders of rights

23 OHCHR, 'Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation', (2006) <<https://www.ohchr.org/Documents/Publications/FAQen.pdf>> (accessed 20 January 2025).

24 *Ibid.*

25 See UNSDG, 'Human Rights-Based Approach' <<https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>> (accessed 11 February 2025).

26 Broberg and Sano, *supra* note 1, at pp. 664–680.

must be able to assert their rights against the state, which has the legal duty to fulfil those rights.<sup>27</sup> Additionally, the focus of an HRBA is empowerment, as it empowers rights-holders to claim their rights and to take care of their interests.<sup>28</sup> Thus, the duty-bearer (the state) should be able to respond to claims from rights-holders to ensure that such holders receive the minimum core rights, such as the rights to a clean and healthy environment, food, clean drinking water, education, health, housing, social security and the rights of children. Importantly, too, the duty-bearer should protect rights-holders from third parties who might interfere with the ability of citizens to enjoy the realised entitlements. Such third-party inter-meddlers may include rogue state agents, economic interests, and so on.

The HRBA to the SDGs could, therefore, serve to reinforce and reflect pre-existing human rights legal norms, standards and obligations that states have already voluntarily agreed under international and African regional human rights instruments. In practice, this calls on states (including their courts) to reflect on how to constructively interpret human rights to accommodate the SDG targets not explicitly aligned to specific human rights obligations.

Generally, human rights and development goals, including the SDGs, are compatible and supportive,<sup>29</sup> such that human rights norms, standards and obligations are unavoidably synergistic for the realisation of development goals. Given that states have the responsibility to translate the SDGs into national targets before developing and implementing policies for their achievement, and given that the SDGs still have human rights implications, it is crucial that states adhere to these implications through an HRBA to the SDGs. This could provide the basis for respecting, protecting and fulfilling fundamental human rights, while concomitantly achieving the ultimate objective of the SDGs.

The international human rights framework that guides the new development Agenda includes the ‘principles of the Charter of the United Nations, the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome Document and the Declaration on the Right to Development’.<sup>30</sup> The preamble of the 2030 Agenda emphasises these responsibilities of all states to ‘respect, protect and promote human rights and fundamental freedoms for all, without discrimination’.<sup>31</sup> The SDGs here hold a rare vision for a world that is underpinned by total respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination. And it is conceivable that the goals cannot be achieved without due regard for human rights norms, standards and principles, including but not limited to equality, transparency, participation and non-discrimination. Indeed, a key benefit of an HRBA to the SDGs is the enforceability of human rights, whether under national constitutions, treaties, or through municipal, regional or international courts.

27 *Ibid.*, p. 667.

28 *Ibid.*, p. 668.

29 M. Langford et al. (eds) *The Millennium Development Goals and Human Rights: Past, Present and Future* (2013).

30 Transforming Our World, *supra* note 6, at para 10.

31 *Ibid.*, para 19.

In consequence of the failure of the MDGs to address issues of developing countries through an HRBA framework, the 2012 UN Task Team was required to devise the post-2015 agenda in a manner that would be consistent with equality, human rights and sustainability.<sup>32</sup> In a sense, an HRBA to the SDGs could overcome many of the failures of the MDGs,<sup>33</sup> and in so doing, serve to ensure the most sustainable, effective, reliable, resilient and successful post-2015 agenda. It should be recalled that at the Rio+20, states confirmed their intention to develop post-2015 goals in a manner that is consistent with international human rights law.<sup>34</sup> Axiomatically, achieving sustainable development in the post-2015 era suggests the need to explicitly recognise the link between development and human rights, and the need to use human rights norms and standards to measure the implementation of the SDGs.

The conceptual framework of an HRBA is grounded in international human rights law and, notably, the obligations bestowed on states and the benchmarks set when determining and applying an HRBA to the SDGs. Notwithstanding the above, the fundamental question is how could the HRBA to the SDGs be successfully implemented in Africa to achieve the desirable results and leave no one behind, especially given that the approach could be viewed as an overrated form of donor-driven force-fitting strategy that provides no real-life changes? In other words, how substantively could the principles of participation and inclusion, accountability and rule of law, and equality and non-discrimination often relied upon as generic standards of implementation of the HRBA, be invested upon?

## **B. Practical Implementation of the HRBA to the SDGs in Africa**

### *1. Participation and inclusion*

Participation and inclusion are fundamental for the implementation of the SDGs using the HRBA, as it creates a sense of ownership that fosters the implementation of relevant policies and targets across multiple levels of society. Respecting the right to property, for example, could enable greater inclusivity and participation of marginalised populations in land-related decision-making processes to the extent

32 UN Systems Task Team 'On the Post-2015 UN Development Agenda: Realising the Future We Want For All – Report to the Secretary-General' (2012) <[http://www.un.org/millenniumgoals/pdf/Post\\_2015\\_UNTTreport.pdf](http://www.un.org/millenniumgoals/pdf/Post_2015_UNTTreport.pdf)> (accessed 10 January 2025); S. L. Yiu and R. Saner 'Sustainable Development Goals and Millennium Development Goals: An Analysis of the Shaping and Negotiation Process', *Asia Pacific Journal of Public Administration* (2014) 36(2): 89.

33 P. Alston (2004) 'A Human Rights Perspective on the Millennium Development Goals in the Millennium Project Task Force on Poverty and Economic Development' <[http://pacific.ohchr.org/docs/A\\_HR\\_perspective\\_on\\_MDGs\\_P\\_Alston.doc](http://pacific.ohchr.org/docs/A_HR_perspective_on_MDGs_P_Alston.doc)> (accessed 10 January 2025); Chapman, *supra* note 8, at p. 1099.

34 UN 'The Future We Want: Outcome Document of the United Nations Conference on Sustainable Development – Rio+20' (2012) <[http://www.un.org/disabilities/documents/rio20\\_outcome\\_document\\_complete.pdf](http://www.un.org/disabilities/documents/rio20_outcome_document_complete.pdf)> 17 (accessed 10 January 2025); Knox, *supra* note 9, at pp. 517–536.

that rights-holders would be able to claim protection for their land rights as in the Endorois case,<sup>35</sup> and be able to enjoy adequate protection of their right (Goal 1).

Article 5 (d) (v) of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD) recognises the right to own property without discrimination. The CERD Committee has in this context, called on states to legally ensure the right of indigenous peoples 'to own, develop, control and use their communal lands, territories and resources'. The CERD further enjoins states to apply the national law which confers control over natural resources on the state with deference to the rights of indigenous and tribal peoples.

Respect for the right to property requires the recognition of people's access to land and capacity to engage in traditional uses of land. Practical implementation of the HRBA to the SDGs based on participation and inclusion involves recognition and protection of traditional forms of economy such as fishing and grazing which are closely related to property.

There are designs that if implemented, offer innovative and integrative ways in which participation and inclusion could take place. Designs that support the HRBA to the SDGs could facilitate the participation of a diversity of actors and coherent coverage of engagement between governance levels to foster inclusivity. While context would need to be considered when establishing arrangements, the HRBA to the SDGs could facilitate more participation for inclusive governance through expanding consultations for strategy development and reporting of societal stakeholders.<sup>36</sup> For instance, in *Social and Economic Rights Action Centre and another v. Federal Republic of Nigeria* (also known as the Ogoniland case), the African Commission, while upholding a complaint against Nigeria for permitting oil pollution that caused serious short- and long-term health impacts on members of the Ogoni Community, held *inter-alia* that governments' compliance with the spirit of Articles 16 and 24 of the African Charter must include provision of meaningful opportunities for individuals to be heard and to participate in the development of decisions that affect their community.

In line with the SDG target 16.7, which calls for states to ensure responsive, inclusive, participatory and representative decision-making at all levels, the HRBA's implementation of the SDGs should emphasise pragmatic activities such as consultation to improve participation and inclusion. In the use of consultation to boost implementation of the SDGs through participation, specific attention should be paid to leaving no one behind, and conferring with stakeholders who are often not included in sustainable development discussions. For instance, Article 5 of

35 In *Endorois Welfare Council v. Kenya*, the African Commission found that the government's actions in granting a mining concession and removing the Endorois people from their land to build a game reserve violated Article 14 of the Charter which provides to the effect that the right of property shall be guaranteed.

36 For instance, SDG target 16.7 aims to ensure responsive, inclusive, participatory and representative decision-making at all levels. See Policy Department, Directorate-General for External Policies, 'Europe's Approach to Implementing the Sustainable Development Goals: Good Practices and the Way Forward', EP/ EXPO/B/DEVE/2018/01 <<https://www.europarl.europa.eu/cmsdata/160360/DEVE%20on%20EU%20SDG%20implementation%20formatted.pdf>> (accessed 2 March 2025).

the CERD asserts the responsibility of state parties to ensure the participation of indigenous people in decisions that affect them and to provide free, prior and informed consent in decisions connected to their lands, especially as they relate to the award of concessions, and extractive activities. Doing so is necessary to ensure the implementation of the SDGs.

Ultimately, activities that seek to promote participation should be done to maintain policy coherence, promote inclusivity and enhance the implementation of the SDGs, and not just for the sake of participation alone.

## *2. Accountability and the rule of law*

Based on the need for all stakeholders whether public or private to be accountable to laws that are promulgated, ‘equally enforced, independently adjudicated, and consistent with international human rights norms and standards’,<sup>37</sup> this principle requires duty-bearers to be accountable to the law and to rights-holders for genuine implementation of the SDGs.

Accountability and the rule of law could further strengthen national SDGs strategies through measures that support the development of adequate tools and capacities necessary to effectively monitor the implementation of the SDGs. Accountability could be either through budget allocation, ensuring an enabling environment for independent media, capacity building and mechanisms for redress, and applying the rule of law where there is a violation of a right.<sup>38</sup> The 2030 Agenda requires states to ensure review processes at national, regional and global levels to strengthen accountability of citizens.<sup>39</sup> This means that African states are required to create indicators that could be used to measure the extent to which progress is being monitored and followed up at the national level. To ensure that national plans and strategies are actually operational, and in harmony with the indicators, it is important for African states to probe the accountability, review and follow-up processes relating to the implementation of the SDGs. Questions on whether national plans and strategy have a robust monitoring and reviewing framework – how progress is being measured, how precise are the national targets and who is reviewing progress – are significant for interrogating the accountability, reviewing and following-up processes.

This requirement could give practical meaning to the need to improve credible and realistic statistical data to ensure adequate review and follow-up processes of implementation expressed under Goal 17.8. Moreover, Paragraph 47 of the 2030 Agenda requires states to ensure and promote accountability, review and follow-up measures relating to the practical implementation of the SDGs. This is in addition to the requirement to establish effective, accountable and inclusive institutions and access to justice that touches on crucial human

37 United Nations Human Rights Office of the High Commissioner ‘Rule of Law and Accountability’ <<https://bangkok.ohchr.org/rule-of-law-accountability/>> (accessed 19 February 2025).

38 Johnson (note 23), p. 5.

39 See para 74 of 2030 Agenda.

rights standards and principles, such as access to information, participation in decision-making, and non-discriminatory laws and policies.<sup>40</sup> It is, therefore, in our view, incumbent on the African states to commit to educating, building the capacity of and empowering their citizens with the ability to make use of the available accountability measures to claim the protection of their fundamental rights. Collaboration between the SDGs and human rights norms and standards could ensure and enhance the coherence of government efforts and promote accountability in the way states are fulfilling the rights of the people they serve. In addition, it could expand international cooperation and capacity-building support in water and sanitation issues in Africa, while also strengthening the capacity of citizens to hold their governments accountable for failing to improve water and sanitation management services.<sup>41</sup> For sure, the credibility and determinacy of accountability entails that its pragmatic implementation in a development context such as the SDGs must adhere to clearly defined, internationally-agreed human rights standards and identifiable obligations, and implemented in a manner that empowers rights-holders.<sup>42</sup> Darrow and Thomas assert that the HRBA ‘treats development issues, including the SDGs, as matters of obligations and rights, rather than discretion or charity lacking precision’.<sup>43</sup> The foregoing would require recourse to states’ human rights obligations as a useful point of engagement to ensure the achievement of the SDGs.

The reason is that even though the SDGs are not explicitly expressed in human rights terms,<sup>44</sup> they revolve around fundamental human rights and, as such, do not operate in a vacuum. Thus, the SDGs are not a deviation from the human rights obligations of states, rather, they complement and correspond to and are symmetrical with these obligations. Hence, the SDGs do not, in a sense, influence international laws and policies that require states to adhere to their human rights obligations. These human rights obligations would provide the normative compass and appropriate approach for ensuring the implementation of the SDGs. Indeed, it is possible that rights-holders could benefit from greater clarity and precision on issues relating to their social, economic and cultural rights in the authoritative recommendations and guidance provided by the General Comments of Treaty Bodies.<sup>45</sup> In this way, African states could systematically integrate the thresholds of these rights into their national plans of action, in addition to sector-specific plans of action relating to their commitments, efforts and strategies to give meaningful guidance on how to implement the SDGs and progressively realising these rights, instead of dwelling on the misconception that African states should provide these rights to their citizens, given the contextual human rights and

40 See Goal 16.

41 Targets 6.a and 6.b.

42 Darrow and Thomas, note 4, pp. 518–519.

43 Darrow and Thomas, note 4, p. 511. Emphasis added.

44 T. Pogge and M. Sengupta ‘The Sustainable Development Goals (SDGs) as Drafted: Nice Idea, Poor Execution’ *Washington International Law and Association* (2015) 24(3): 571–587.

45 P. Oberoi ‘Defending the Weakest: The Role of International Human Rights Mechanisms in Protecting the Economic, Social and Cultural Rights of Migrants’ *International Journal on Multicultural Societies* (2009) 11(1): 32.

capacity constraints facing many African states. As such, the HRBA appears to set unrealistic targets that many duty-bearers cannot reach even where there is the political will to do so.

Yet, constitutions and legislation of African states embody provisions of issues addressed in the SDGs that form part of the broader body of human rights, and are in many respects aligned with the human rights provisions. The human rights obligations of states, therefore, provide the necessary tools and spaces to promote sustainability, through measures that ensure and promote transparency, discourage discriminatory practices, eliminate inequality in land rights and poverty alleviation, ensure food security, promote access to health, water and sanitation, and adopting policies and legislation for the promotion of equality and empowerment of women at all levels.<sup>46</sup> The HRBA to SDGs could reinforce the realisation of the SDGs by requiring states to adhere to their minimum human rights obligations, such that these obligations guide and shape the means of implementation and other efforts and programmes of SDGs. Article 17 of the Universal Declaration on Human Rights of 1948 and Article 14 of the African Charter on Human and Peoples' Rights of 1981 obligate states to respect and protect the right to property of its citizens without discrimination to customary or statutory forms of tenure. Adherence to the right could ensure and support the creation of an adequate land policy that incorporates pro-poor and gender-sensitive development strategies in land governance frameworks in Africa that support and encourage investment in land-related activities to reduce poverty.<sup>47</sup> Goal 1 makes it pertinently clear for states to monitor the proportion of the adult population with secure land rights and, achieving this aim, requires states to guarantee this right. Achieving the substantive right to property is premised on the need to reduce poverty, encourage gender equality in land ownership and control over land, measure rights enjoyment by the poor and vulnerable, including access to basic services,<sup>48</sup> and strengthen the realisation of the right to food. Although land policies of most African states seem to address historical land injustices and inequality, the progress seems to be relatively slow and needs to be boosted by their human rights obligations. There is a need to design, align and implement national food policies and strategies with human rights obligations to enable states to ensure that everyone has access to sufficient food that is nutritionally adequate and safe, and free from hunger.

These obligations could fundamentally change how the SDGs are implemented by African states, given that the SDGs have 'no obvious thematic body or set of institutions at a national or international level whose mandate is to drive actions ... monitor its achievement and hold decision-makers to account for any lack of progress'.<sup>49</sup> Lack of implementation mechanisms, it is argued, presents a 'higher risk of an orphan goal – hostage to the ebbs and flows of competing for

46 Target 5.c.

47 Target 1.b.

48 Target 1.4. Also see goals 5; 10.

49 Saiz and Donald, *supra* note 19, at p. 1030.

international development priorities and diverting national interests',<sup>50</sup> for which there is absolute disregard for human rights protection. Affirmatively, the SDGs could be ineffectively, half-heartedly implemented, if they are not aligned with the human rights obligations of states. In contrast, international human rights instruments provide the catalysts for human rights claims that are generally used as vital and powerful weapons to ensure protection of and compliance with human rights. Pragmatically, the HRBA to the SDGs could help strengthen accountability machinery and enable the taking of appropriate measures to ensure the fulfilment of international human rights obligations that relate to the SDG. This is because the HRBA makes it possible to analyse the SDGs from a human rights lens for which an obligation is bestowed on states, as it were, under human rights instruments, to respect and protect the human rights of people expressed in the SDGs. Accountability and respect for the rule of law could also help strengthen the capacity of states to transform human rights commitments into reality. Accountability and the rule of law could further strengthen national SDGs strategies through measures that support the development of adequate tools and capacities necessary to effectively monitor the implementation of the SDGs.<sup>51</sup>

International human rights instruments also provide for norms and standards with the concomitant obligations on states to substantially devote their resources to ensure the progressive realisation of human rights. These norms and standards provide an integrated, holistic, universal and transformative framework that could be useful to inform the content, targets and indicators of the SDGs as well as guide and strengthen their means of implementation, and, consequently, change the way the SDGs could be implemented. These norms and standards provide a yardstick for evaluating policy coherence for sustainable development and for determining non-compliance with and violation of human rights. Conceivably, the implementation of the SDGs needs to be strengthened by human rights norms and standards, such as those exemplified by General Comments Nos. 12, 14 and 15, guaranteeing minimum threshold requirements for social, economic and cultural rights. In this way, states must prioritise the reduction of disparity that discourages inequality in these goals, while setting targets for crucial social services and zero targets for the reduction of preventable maternal or child death, access to food, access to safe drinking water and sanitation, compulsory primary education for all, access to healthcare and reduction of gender-based violence. These norms and standards could address the SDGs' targets in ways that could provide substantive guidance to their means of implementation, programmes and other efforts envisioned by states to realise the SDGs. This could include for instance, strengthening the capacity of African states to support research and development and provide access to affordable essential medicines and vaccines, training of health care officials and strengthening the capacity of states to warn against early health risks.<sup>52</sup> In this light, states are required to integrate national policies,

50 *Ibid.*

51 Saiz and Donald, *supra* note 19, at p. 1040.

52 Target 3. a-3. d.

programmes and strategies to implement, monitor and report on the SDGs with human rights norms and standards, to achieve the objectives of the SDGs in an accountable manner. For example, national health policies and policymaking that are factored in with human rights norms and standards could ensure the effective realisation of Goal 3 and help increase coherence between health policy and the human rights obligations of states. Accordingly, human rights standards could address the SDGs in ways that provide important substantive guidance to their means of implementation programmes and other efforts envisioned by states to realise the aim of leaving no one behind.

### *3. Equality and non-discrimination*

The principle of equality and non-discrimination is a crucial component of international and African regional human rights systems that if truly implemented would help in the realisation of the SDGs. Common Articles 3 of the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights exclusively refer to the ‘equal right of men and women to the enjoyment of fundamental rights set forth in the instruments’. This means that discriminatory practices relating to the enjoyment of fundamental human rights and freedoms are outlawed and should not be condoned by African states. Ending all forms of discrimination against women and girls not only suggests a means of complying with the protection of fundamental human rights, but also has a significant multiplier effect on development sectors, such as SDG 5, and would consequently be a driver to achieving sustainable development. This requirement entails that African states have to eliminate all discriminatory practices underpinning Africa’s developmental challenges, particularly against women, children and the vulnerable segments of society. In addition, there is an urgent need for African states to review all domestic laws (such as their land laws) to ensure that these laws do not discriminate against the weak, vulnerable and marginalised, women and girls. SDG 5 offers perfect coverage for gender protection and women’s rights, in particular. It promises gender equality and the empowerment of all women and girls by 2030. The Goal gives substantive cognisance to links between development goals, human rights and gender equality. Gender equality and empowerment of women would be crucial for attaining and accelerating progress towards attaining Africa’s sustainable development trajectory.

Realistically, when implementing an HRBA to the SDGs African states need to undertake to identify and address all forms of discriminatory practices among the poor, the marginalised and women. The results are salutatory: it would help address inequality holistically and it would help give meaning to and achieve substantive equality through measures that address equality of outcomes and inequality of results. If the slogan ‘Leave No One Behind’ is to have any practical relevance in Africa, then African states need to take proactive and timely legislative and other measures that hinge against chronic and systemic gender discrimination in land rights, inequality in the provision of healthcare services,

water and sanitation, and access to education. Indeed, the principle of equality and non-discrimination could shape, guide, inform and fundamentally change the way SDG 1, for example, is implemented, since the right to land provides the anchor to strengthen the promotion and protection of a crucial issue on land rights – namely, that people are bestowed with the right to use, own and control land and the development that takes place on their land.<sup>53</sup> Articles 2 and 3 of the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) require states to address, *de jure* and *de facto*, discrimination against women generally, and particularly, on matters of land rights. In Africa, discriminatory practices still prevail against women, and this hinders their ability to curb poverty and hunger, and sustain themselves. The right to property aligns with Goal 1 and more specifically, target 1.4, to the extent that it serves to reduce poverty and protect against the deprivation of property. Land is both a source of income and livelihood in Africa, and any negative effect on the right to land can significantly hinder these socio-economic entitlements and the underlying aim of Goal 1. Goal 1 makes the need pertinently clear for states to monitor the proportion of the adult population with secure land rights and, to achieve this aim, states need to guarantee this right. Addressing such discriminatory practices could increase the proportion of the adult population who hold land rights. A structuralised land governance regime, which is dependent on and implemented through equality and non-discrimination, could take into account the protection of both customary and statutory rights and help in the realisation of Goal 1, to the extent that the poor and vulnerable, including women, are empowered to gain access, control and ownership over land and its resources, and have access and equal rights to economic resources and financial services.<sup>54</sup>

In as much as concerns about property rights are at the centre of social justice, which denounces unfair and discriminatory practices regarding the use and ownership of land,<sup>55</sup> African states need to ensure that rural African women are not discriminated against in the use and ownership of land. In sum, the critical engagement of equality and non-discrimination could further inform the SDGs' plans and programmes and help fulfil the promise of leaving no one behind.

Article 10 of CEDAW reiterates the principle of non-discrimination for the realisation of the right to education. The education agenda must be rights-based and largely inspired by a 'humanistic vision of education and development, that is based on the principles of human rights shared responsibility and accountability'.<sup>56</sup> Respecting the right to education could ignite a more practical approach to the realisation of the right and concomitantly help in the achievement of SDG 4. The reason is that state obligations on education could provide a

53 J. Gilbert 'Land Rights as Human Rights: The Case for a Specific Right to Land' *International Journal on Human Rights* (2013) 10(18): 116.

54 Target 5.a.

55 *Ibid.*

56 UNESCO 'Education 2030: Incheon Declaration and Framework for Action for the Implementation of Sustainable Development Goal 4' (2015) <[http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en\\_2.pdf](http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf)> (accessed 10 January 2025).

viable anchor in achieving the formation of a more robust, progressive and inclusive education policy that could ensure equality, to enhance the overall quality of education for children. In essence, the fulfilment of state obligations on education could have the potential to help ‘create more effective interventions in support of equity in access, completion, and learning at all levels’<sup>57</sup> and without discrimination.

#### IV. PROS AND CONS OF THE HRBA

Commentators have advanced the claim that because the HRBA is grounded in international human rights laws such that it seeks to address prevailing contemporary global realities, it has the advantage of ensuring and enhancing the effective delivery of essential services to the most vulnerable segments of society.<sup>58</sup> As such, the rationale for the promotion of human rights in development is to revolutionise the enhancement of the effect of development agendas,<sup>59</sup> which is viewed by Uvin as redefining and conceptualising development problems into ‘claims, duties, and mechanisms that can promote, respect and adjudicate violation of rights’<sup>60</sup> – a view that emphasises the issue of accountability already pointed out earlier. A case in point is the opportunity granted by the HRBA to citizens to seek redress from the courts of law in case of a violation of any human right which could eventually affect or hinder development. In the Ogoni case,<sup>61</sup> the Ogoni people brought a suit against the Nigerian government for, among other reasons, allowing a development project which violated their rights like the right to land, health and a satisfactory environment favourable to development. The African Commission rightly found that several rights had been violated. The Ogoni case is an indicative reminder that when governments honour their human rights obligations by placing them at the helm of their priorities, there is no doubt that sustainable development will be realised.<sup>62</sup>

Another advantage of the HRBA is its ability to propel empowerment. Centred on the fact that systemic inequality, exclusion and unequal power relations underpin poverty and other socio-cultural vices, the HRBA tries to solve these intricate inequalities rather than easing the symptoms such that it focuses solely on empowering the ability and capacity of the poor, weak and marginalised to claim adequate protection of their rights-based interests.<sup>63</sup> Indeed, as Johnson puts

<sup>57</sup> *Ibid.*

<sup>58</sup> Broberg and Sano, *supra* note 1, at p. 672; Oberoi, *supra* note 47, at pp. 19–35.

<sup>59</sup> M. Malone and D. Belshaw ‘The Human Rights-Based Approach to Development: Overview, Context, and Critical Issues’ *Transformation* (2003) 20(2): 86.

<sup>60</sup> Uvin, *supra* note 3, at p. 602; Banik, *supra* note 3, at p. 37.

<sup>61</sup> *Social and Economic Rights Action Center (SERAC) Communication v. Nigeria* (Ogoni case) Case No. ACHPR/COMM/A044/1.

<sup>62</sup> A. D. Fisher ‘A Human Rights-Based Approach to the Environment and Climate Change’, (The Global Initiative for Economic Social and Cultural Rights 2014) 5.

<sup>63</sup> P. Gready ‘Rights-Based Approaches to Development – What is the Value Added?’, (2008) *Development in Practice* 18(6): 742–743; Darrow and Tomas, *supra* note 4, at p. 487.

it, the HRBA stresses the need to reform legal and institutional measures, thereby creating the possibilities for change and addressing the fundamental problems.<sup>64</sup>

On the other hand, it has been indicated that the HRBA has its disadvantages. Practical implementation of the approach is expensive and time-consuming. This financial implication and time-consuming factor could in some instances greatly constrain its practical implementation,<sup>65</sup> especially in Africa. Also, although the HRBA is a useful tool to drive the implementation of development-oriented agendas, it is argued that it does not provide a one-size-fits-all solution to development programmes and as such could not be well-suited to all development programmes.<sup>66</sup> Even though this is so, Article 55 of the 2030 Agenda places a uniform obligation on both developed and developing countries to fulfil their obligations. The lack of a 'one-size-fits-all' mechanism under the HRBA, therefore, places the developing countries at a disadvantage in catching up with their developed counterparts. Nonetheless, the benefits of adopting the HRBA outweigh the negative impacts as articulated in this article.

## V. CONCLUSION AND RECOMMENDATIONS

This article has analysed the contributory role of the HRBA to the SDGs, while specifically relying on the human principles of participation, accountability, rule of law, and equality and non-discrimination. Although from the perspective of an operational tool, the HRBA could be perceived as a blunt instrument, there is growing recognition that as a standard-setting exercise and advocacy tool, it has a powerful value. It is thus a useful catalyst to drive the practical implementation of development-driven agendas, such as the SDGs. In the context of Africa, the highlighted principles of human rights are vital for consideration. For example, the participation and non-discrimination principles enable the marginalised African communities who are custodians of knowledge and solutions to be involved in finding solutions-driven endeavours to Africa's social problems, and hence play a crucial role in ensuring implementation, especially because they are the most affected by these decisions. Stereotypes and culture, however, which continuously exclude rural African women in decision-making, are still rampant and have to be eliminated accordingly. Similarly, accountability is crucial for Africa. African leaders still lack the political will to offer adequate accountability to their citizens. Proper checks and balances are required to be able to ensure that proper accountability is achieved if the HRBA is to adequately work for Africa. Although the SDGs are devoid of explicit human rights provisions, they have offered a platform that has reinvigorated the human rights obligations of African states. These rights and their concomitant obligations have demonstrated that the usefulness and relevance of an HRBA to the SDGs in Africa cannot be imperceptible, since they play a crucial role in proactively transforming the world

64 Johnson, *supra* note 23, at p. 16; Tolander, *supra* note 3, at p. 11.

65 Tolander, *supra* note 3, at pp. 15–17.

66 Broberg and Sano, *supra* note 1, at p. 673.

and creating the sustainable future that is needed. It was also established that the human rights obligations of African states, as it were in any other context, would bolster the achievement of the SDGs, especially as most, if not all, of the goals, are human rights-focused and relate to one another to the extent that it is unfair to focus on single goals or targets and ignore how they interact with the overall aim of the SDGs. A transition to a more sustainable and resilient future, therefore, suggests and requires a comprehensive, holistic and integrated approach, such as the HRBA to the SDGs that recognises how the challenges of the SDGs should be followed and addressed. As proposed in Section III of this article, African states could adopt mechanisms best suited to them such as national action plans. These are inclusive of but are not limited to utilising national human rights bodies. Furthermore, African states could further strengthen their national institutions, for example, the courts of law, to be able to adjudicate human rights matters as was done in the Endorois and Ogoni cases cited in this article. This could be achieved when the communities and citizens are empowered especially through participation and inclusion. Consequently, if African states are truly committed to achieving the SDGs by 2030, then an HRBA to the SDGs as postulated in this article remains crucially useful and relevant and should be followed, and the implementation of the SDGs should be guided by human rights standards as tailored to suit the African context to enable the pragmatic shift from political rhetoric to concrete actions.