



COLLEGE OF SOCIAL SCIENCES, THEOLOGY, HUMANITIES & EDUCATION

NHIR 422: CONSTITUTIONAL RIGHTS AND SOCIAL CHANGE

END OF SECOND SEMESTER EXAMINATIONS

APRIL/MAY 2023

LECTURER: DR N. PINDUKA

DURATION: 3 HRS

INSTRUCTIONS

You are required to answer questions as instructed in each section

Start **each** question on a new page in your answer booklet

Answer all questions in Section A

Answer any Two (2) questions from Section B

Credit will be awarded for logical, systematic and neat presentations

SECTION A

1. The African Charter on Human and Peoples' Rights (African Charter) bestows a specific mandate on the African Commission on Human and Peoples' Rights (African Commission) to promote and protect human rights in Africa. Article 45 of the African Charter states that, in order to fulfill this mandate, the African Commission should, amongst others, organize "seminars, symposia, and conferences" to promote and protect human rights in Africa. The Commission's promotional activities have paid lip service to economic, social, and cultural rights by being predominantly focused on civil and political rights. Concerns have been raised by representatives of civil society organizations during several of the Commission's sessions that there is a need for a focus on socio-economic rights too.

As a response to the above, the African Youth Forum, in partnership with the Academic Journal (AJ), which is an annual peer-reviewed academic journal published by the International Relations Unit of Africa University, invites responses on the way forward for Second Generation Rights in Africa. The AJ's core mission is to enhance understanding of peace, human rights, constitutional rights, social change, conflict management, and African political thought through research and publication. In its holistic multidisciplinary approach to research, the journal aims to increase the capacity of students, lecturers, and researchers around the globe to analyze and better understand the fundamental causes of social, economic, political, and environmental challenges through the facilitation of healthy and intellectual discussion. Towards this goal, the journal fosters the dialogue between academics, practitioners, and policymakers inside and outside of Africa on several issues related to human rights, social change, peace, security, and development. Furthermore, the journal serves as a vehicle for broader dissemination of research findings to inform social policy for social justice.

You have been identified as the best International Relations final year student to close the lacuna on the **germaneness** of the 'red rights' by delivering a presentation titled **"Towards the Respect of 'Red Rights' for Social Change in Africa"** before officials from the African Commission on Human and Peoples' Rights. Reflect on the snippet

above and write a persuasive and informative international relations **academic** article emphasizing the presentation's key points. In your answer, refer to **three constitutional provisions** from a country of your choice. [40 marks].

SECTION B

2. There is a distinction between a government with a constitution and constitutionalism and a government with a constitution without constitutionalism. Every political system has a constitution, whether it is a constitutional system or not. In this sense, the constitution is no more than a description of the makeup or composition of a political system. It portrays the way a polity is constituted, that is, how its foundation is set forth, its first principles articulated, its character shaped, and its government organized and operated. The existence of such a constitution in a political system, even if it is a formally written document, does not *ipso facto* translate into empirical realities of the standard of constitutionalism. Such a phenomenon is evident in Africa, where 'blue print rights' have been in jeopardy. This has had a negative bearing on positive social change and paradigm shift is necessary.

Bearing the quotation above in mind, write a recommendation paper on the way forward in ensuring the constitutionalism of **blue print rights** for positive social change in Africa. [30 marks].

3. The debates on socio-economic rights have now shifted from desirability to problems of enforcement. This does not indicate that socio-economic rights have gained universality to the point that all countries in Africa embrace and enforce them. Few countries, such as South Africa, have not only constitutionalized but also duly enforced these rights. Other countries in the region have non-justiciable directive principles of state policy. However, the fact today is that there are cultural and other impediments to the effective and efficient enforcement of such rights.

As an expert in Constitutional Rights and Social Change, identify some of these impediments and proffer solutions in the context of Africa. [30 marks]

4. Inherent policy gaps and poor execution create challenges to drive social impact. Minority groups and people living in hard-to-reach areas often remain excluded from the benefits of policies. Systemic changes require close collaboration with institutions from the government, private sector, and civil society. [30 Marks]

Recommend the relevant social policies and legal advocacy measures that can be used to improve the lives of the marginalized in Africa. Refer to specific cases in your response. [30 marks]

5. Using specific case studies, discuss the relevance of social movements to constitutional rights and social change in the context of Africa. Include at least one state from each of the Regional Economic Communities (RECs) in your response. [30 marks]

End of Paper