



Ebola Virus and the Right to Development: Realising State Responsibility

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Right to Development 28th Anniversary

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Re-thinking the RTD



‘core norm’ of the RTD

‘the right of peoples and individuals to the constant improvement of their well-being and to a national and global environment conducive to just, equitable, participatory and human-centred development respectful of all human rights.’





Case Study – Ebola Virus Disease (EVD) in WA/Nigeria.

- Nearly 10,000 cases of the Ebola Virus Disease (EVD), with less than 50 outside 3 WA countries.
- Over 5,000 confirmed deaths since latest outbreak commenced in December 2013.
- EVD imported into Nigeria by index case on July 20, 2014.
- Last case reported on Sept 8, country declared EVD free on Sept 22.



2014 EBOLA OUTBREAK

Google earth



Atlantic
Ocean

#NBCNIGHTLYNEWS



NBCNEWS.COM



OBALENDE BUS TERMINUS
LAGOS STATE GOVERNMENT



Case Study – Ebola Virus Disease (EVD) and Nigeria.

The Good News:

Nigerian government (with some help from the international community) reacted swiftly and effectively in handling the incidence of EVD in the country.

“Nigeria has shown that the Ebola Virus Disease can be contained.”

– Sky News October 7, 2014.



Dr Ada Igonoh

1st Nigerian
Ebola Survivor

Doctor to the
index case.



Case Study – Ebola Virus Disease (EVD) and Nigeria.

Why this Research?

- Critical appraisal of actions or inactions of Nigerian Government, International Community in the EVD case.
- Role of international human rights law? African Charter, UNDRTD?
- Distil important lessons learnt.





The African Charter



Government's Legal Liability Under Regional Law

Article 22 of the African Charter on Human and Peoples Rights of 1981 (African Charter) confers legally binding Right to Development on African peoples.

African Commission's Jurisprudence:

Ogoni Case (2001), *Endorois Case* (2009).





Nigerian Government and Ebola - Findings

Government discharged duty to Nigerian peoples under PRTD - protection, prompt and adequate action after the EVD entered Nigeria. Duty to other West Africans?

PRTD - Government was lacking in its duty owed to Nigerian peoples - protection, due diligence and adequate preventive steps against the known threat of the EVD before it reached Nigeria.

RTD - Government ought to continuously take the necessary steps to have highest standard of healthcare possible for Nigerians – before the current EVD case.

Problems of non-justiciability and poorly defined State responsibility – African Charter and UNDRTD.



International Community Responses



Will Pooley UK nurse and other survivors in Sierra Leone
Source: The Guardian

October 16: US President Barack Obama cancelled two trips to focus on his government's response to the Ebola crisis, as Republicans urged him to suspend flights from countries



International Community and Ebola - Findings

RTD – Response of the international community to the current crisis has been delayed, with unfortunate results.

UNDRTD - Duty of International Cooperation

No legal accountability imputed onto global community and international organizations for failing to ensure that West Africa received prompt and adequate assistance.



Re-thinking the RTD

Without legal liability where will the RTD be in the future?

- Apply principles of State Responsibility to the RTD
- Hold States accountable for RTD (African Charter, UNDRTD)
- Legal liability for international cooperation imperative under UNDRTD in such extreme conditions as the Ebola case
- Who determines extreme case? States or Int'l Orgs?
- Read legally binding RTD into several other HR treaties
- Promote legal liability of the RTD inferred from customary international law.

Re-thinking the RTD



Thanks for listening