# Human Rights in Development

**Responsible institution:**
Christian Michelsen Institute (CMI) - Department of Comparative Politics

**Disciplines:**
Interdisciplinary

**Course leaders:**
Siri Gloppen, Assosiate professor CMI/Uib
Ivar Kolstad, Researcher CMI

**Guest lecturer:**
Roberto Gargarella, Professor of Law and Constitutional Theory, Universidad Torcuato Di Tella, Buenos Aires, Argentina/ CMI

**Course description:**
Processes of globalization and judicialization changes the nature of politics in many parts of the world and represent challenges – and opportunities – for economic and political development. Human rights norms – civil and political rights, as well as social, economic and cultural rights – are obligations that states commit to through international treaties as well as in their constitutions. The commitments are, on the face of it, stronger than ever, and commit leaders to prioritize development for the poor and vulnerable. But what does this imply in practice? Based on central theoretical and comparative contributions in the field, the course engages students in in-dept debates on the role of human rights in development processes, focussing on the following themes:

**I: Human Rights: norms in development**
*(This section will be taught by Prof. Gargarella)*
1. Introduction: Human Rights and development – reinforcing processes or ideals in tension? Social rights and the right to development.
2. Development, poverty and social exclusion
3. Freedom from poverty as human right

**II: Human rights as instruments in development**
How does a focus on human rights contribute in development strategies? How are the rights implemented in formal institutional mechanisms? And what potential does rights-based social mobilisation hold for the poor and marginalised? (*This section will be a cooperation between Prof. Gargarella and CMI researchers specialising in this field*)
4. Formal mechanisms to secure human rights based development I: The role

national human rights institutions
5. Formal mechanisms to secure human rights based development II: Courts and the poor.
6. Rights based strategies from below. Societal accountability mechanisms: rights advocacy; social rights litigation, shaming
7. Litigating social rights  (health, water, housing…) – practical experiences

## III: External actors' human rights responsibilities:

Traditionally human rights obligations have been conceived as a relationship between the government of a state and the people living within its borders. While this remains central, it is Increasingly held that also other actors carry human rights obligations – including foreign actors whose actions (or failure to act) greatly influence human rights conditions. (*This section will be taught by CMI researchers specialising in this field)*

8. Social and economic rights: what implications for development aid?
9. When aid harms. Can donors and NGOs be held accountable – how and by whom?
10. Holding non-state actors (corporations) accountable for development

These questions will be investigates through normative and juridical approaches to rights in development, as well as empirical, practical experiences.

## Prerequisites:
Proficiency in the English language is required.

## Target Candidates:
The course is primarily targeted for PhD students and junior faculty. MA level students will be accepted depending on space and academic qualifications.

## Work required:
At the final day of the BSRS, participants of the course will make a report on what they have learned and present it in plenary.

## ECTS:
10 ECTS granted for approved course performance (full course attendance, course readings and approved essay)

**Reading list:**

*Background readings* **:** General introduction to human rights. To read either Donnelly or Steiner is essential for participants with little prior knowledge of the field.

- Jack Donnelly (2002), *Universal Human Rights in Theory and Practice* (2. Edition)*, Cornell University Press (260p)..
- Henry Steiner, Phillip Alston and Ryan Goodman (2007) *International Human Rights in Context,* 3 edition coming in September 2007, Oxford University Press (The 2nd edition, 2000, is still in sale and can also be recommended)
- Micheline R. Ishay (2004) *The History of Human Rights: From Ancient Times to the Globalization Era* , University of California Press

**10. Introduction: Human Rights and development – reinforcing processes or ideals in tension? Social rights and the right to development.**

*Readings*
- Alston, Philip. (2005)"Ships Passing in the Night: The Current State of the Human Rights and Development Debate seen through the Lens of the Millennium Development Goals", *Human Rights Quarterly,* Vol 27 no 3
- Sengupta, Arjun (2000), "Realizing the Right to Development" *Development and Change* 31 (3), 553–578

*Recommended readings*
- Alston, Philip and Mary Robinson (eds) (2005) *Human Rights and Development: Towards Mutual Reinforcement*, Oxford University
- Varun Gauri (2004),"Social Rights and Economics: Claims to Health Care and Education in Developing Countries" *World Development* Vol. 32, No. 3, pp. 465–477
- Donnelly, Jack (1999) "Human Rights, Democracy, and Development " *Human Rights Quarterly,* Vol 21 no 3 ,PP 608-632
- Unvin, Peter (2004) *Human Rights and Development*, Kumarian Press
- Sano, H.-O. (Hans-Otto) (2000), "Development and Human Rights: The Necessary, but Partial Integration of Human Rights and Development" *Human Rights Quarterly* vol 22 no 3

**11. Development, poverty and social exclusion**

**12. Freedom from poverty as human right**

*Readings*
- Thomas Pogge, (ed) (2004) *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* (Oxford University Press)

- Thomas W. Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2002).

### *Recommended readings*
- Sen, Amartya *Development as Freedom* (Oxford: Oxford University Press – 1999)
- [Nussbaum](), Martha C. *Women and Human Development: The Capabilities Approach* (Cambridge: Cambridge University press 2000)
- Henry Shue *Basic Rights* (2.ed.) (Princeton: Princeton University Press, 1996)

## 13. Formal mechanisms to secure human rights based development I: The role national human rights institutions

### *Readings:*
- Kumar, C. Ra, (2006) "National Human Rights Institutions and Economic, Social, and Cultural Rights: Toward the Institutionalization and Developmentalization of Human Rights" *Human Rights Quarterly,* Vol 28 755–779
- Klaaren, Jonathan. (2005) A Second Look at the South African Human Rights Commission, Access to Information, and the Promotion of Socioeconomic Rights *Human Rights Quarterly*, vol 27, no 1
- Gomez, Mario (1995), "Social Economic Rights and Human Rights Commissions" *Human Rights Quarterly,*, Vol 17, No 1, pp. 155-169

### *Recommended readings*
- Linda C. Reif, (2004) *The Ombudsman, Good Governance, and the International Human Rights System.* Leiden; Boston: Martinus Nijhoff Publishers.

## *14.* Formal mechanisms to secure human rights based development II: Courts and the poor.

## *15.* Rights based strategies from below. Societal accountability mechanisms: rights advocacy; social rights litigation, shaming

## *16.* Litigating social rights – practical experiences I

### *Readings*
- Gargarella, Roberto, Pilar Domingo and Theunis Roux (eds.), (2006) *Courts and Social Transformation in New Democracies. An Institutional Voice for the Poor?* Aldershot/Burlington:Ashgate.
- Newell, Peter and Joanna Wheeler (Eds) (2006) *Rights, Resources and the Politics of Accountability: Claiming Citizenship - Rights, Participation and*

*Accountability,* Zed Books Epp,
- Bob, Clifford (2007) "Dalit Rights are Human Rights": Caste Discrimination, International Activism, and the Construction of a New Human Rights Issue" *Human Rights Quarterly* 29, 167-193

### *Recommended readings*
- Ackerman, J., (2004): "Co-governance for accountability: Beyond 'exit' and voice'", *World Development*, Vol. 32, No. 3, pp. 447-463.
- Epp, Charles R (1998) *The Rights Revolution,* University of Chicago Press
- Gloppen, S. (2005) "Social Rights Litigation as Transformation: South African Perspectives" in Peris Jones and Kristian Stokke (eds) *Democratising Development* Martinus Nijhoff Publisher
- Gloppen, S., (2008) "Public Interest Litigation, Social Rights, and Social Policy", Chapter 14 in A.A. Dani and A.de Haan, *Iclusive States: Social Policy and Structural Inequalities.*
- Goetz, A. M. and R.Jenkins, 2002: *Voice, Accountability and Human Development: The Emergence of a New Agenda.* Human Development Report Office, OCCASIONAL PAPER Background paper for HDR 2002) (90 s).
- Goldston, James A. (2006)"Public Interest Litigation in Central and Eastern Europe: Roots, Prospects, and Challenges" *Human Rights Quarterly* vol 28 p. 492–527
- Gruskin, Sofia, E. J Mills and D.Tarantola (2007), "History, principles, and practice of health and human rights" *The Lancet,* Volume 370, Number 9585,• Malena, C. R., Foster and J. Singh, 2004: "Social accountability. An introduction to the concept and emerging practice", Washington DC, World Bank, *Social Development Papers,* No. 76 (December). (16 s)..
- Yamin, Alicia Ely. (2005) "The Future in the Mirror: Incorporating Strategies for the Defense and Promotion of Economic, Social and Cultural Rights into the Mainstream Human Rights Agenda" *Human Rights Quarterly* 27 no 4.
- Risse, Thomas, SC Ropp and K Sikkink (1999), *The Power of Human Rights: International Norms and Domestic Change*, Cambridge University press
- Singh, Jerome Amir, Michelle Govender and Edward J Mills (2007) "Do human rights matter to health?".*The Lancet*, Volume 370, Number 9586

## 17. Social and economic rights: what implications for development aid?

### *Readings:*
- Jerve, Alf Morten (1999) "Social Consequences of Development in a Human Rights Perspective: Lessons from the World Bank" in Stokke Hugo et al (eds) *Human Rights in Development. Yearbook 1998,* The Hague/ Oslo: Kluwer Law International/ Nordic Human Rights Publ pp. 35-66
- *"*What can we do with a rights-based approach to development"? *ODI Briefing Paper.* Available at http://www.odi.org.uk/publications/briefing/3_99.html
- Chapman, Audrey R., "A 'Violations Approach' for Monitoring the International Covenant on Economic, Social and Cultural Rights", *Human Rights Quarterly,*

18, 1996

***Recommended readings***
- Alston Philip (ed) (2005) *Non-State Actors and Human Rights,* Oxford University Press


**18. When aid harms. Can donors and NGOs be held accountable – how and by whom?**

***Readings:***
- Darrow, Mac and Tomas, Amparo (2005) "Power, Capture, and Conflict: A Call for Human Rights Accountability in Development Cooperation", *Human Rights Quarterly* vol 27 no 2
- Jochnick, Chris (1999) "Confronting the Impunity of Non-State Actors: New Fields for the Promotion of Human Rights ," *Human Rights Quarterly,* vol 21,
- David Kennedy (2004), *The Dark Sides of Virtue,* Princeton University Press, (Chapter 1 "The International Human Rights Movement: Part of the Problem?" available at http://press.princeton.edu/chapters/s7711.pdf  or http://press.princeton.edu/chapters/s7711.html )

***Recommended readings***
- Daniel A. Bell and Jean-Marc Coicaud (2007) *Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations*. Cambridge: Cambridge University Press.
- Fiona Terry (2002) *Condemned to Repeat: The Paradox of Humanitarian Action,* Cornell University Press
- Owen, Nicholas (ed) (2002) *Human Rights, Human Wrongs*, Oxford University Press
- Ignatieff, Michael (ed) (2001) *Human Rights as Politics and Idolatry*, Princeton University Press
- Romeo A. Dallaire, "The End of Innocence Rwanda 1994" in *Hard Choices: Moral Dilemmas in Humanitarian Intervention*, ed. Jonathan Moore,( Rowman & Littlefield, Lanham, MD, 1996) pp. 71-86.
-  "You Save My Life Today, But for What Tomorrow? Some Moral Dilemmas of Humanitarian Aid," Mary B. Anderson, in *Hard Choices*, ed. Moore, pp. 137-156


**19. Holding non-state actors (corporations) accountable for development**

***Readings***

- Shue, Henry. (1988), "Mediating duties", *Ethics*, 98, 687-704
- O'Neill, Onora. (2001), "Agents of justice", *Metaphilosophy*, 32, 1/2, 180-195


***Recommended readings***
-  Sen, Amartya. (2004) "Elements of a theory of human rights", *Philosophy & Public Affairs*, 32, 4, 315-356
- Clapham, Andrew (2006) *Human Rights Obligations of Non-State Actors*,

Oxford University Press.
- Colonomos, Ariel and Santiso, Javier. (2005) "Vive la France! French Multinationals and Human Rights" *Human Rights Quarterly vol 27 no 4*