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**Human Rights and Development: Controversies in Theory and Practice
(NINT 5222; CRN 6568)**

Fall 2007 – Syllabus

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Office Hours: Mondays 4-6; Tuesday 6-8

Class schedule: Tuesdays 4.00 - 5.50

Course description

The idea that human rights principles and norms should play a central role in development, is gaining momentum among social movements, development agencies and human rights organisations. The ‘rights based approach to development’ (RBD) has emerged as the leading challenge to the market-driven development. But this concept is fraught with controversy, and has had more success in legislation than in implementation. Economists ask: ‘Human rights are important but what do they add to economic analysis of development policy?’ Practitioners ask ‘Are human rights truly universal or is there a western bias?’ Human rights activists ask “The core of our work is to expose violations of civil and political rights; are economic and social rights worth bothering with?” Human rights theorists ask “Are social and economic rights really rights or objectives and aspirations?” While political philosophers ask: “Are human rights only individual rights or do groups have rights?” And idealists on the left and ideologues of the right say ‘What’s the point of arguing for human rights when the UN Human Rights Council is worse than ineffective?’ These controversies are challenging RBA to develop and clarify its concepts and sharpen the tools, to promote development with social justice, where human rights are protected no matter what.

This course aims to introduce students to the basic concepts and theories of RBA, and to its the latest debates and practice. It is structured around three parts: (i) introduction to underlying concepts, definitions and systems; (ii) debates and controversies over concepts and strategies; (iii) ideas about alternative approaches to development practice.

Course Requirements and grading

The course will be conducted as a seminar, in which student discussion will be an important part of the learning process. Grading will be based on four requirements.

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- Classroom participation (25% of grade): You are expected to attend all classes, having done the required reading, and to contribute to classroom discussion. Participation is an important part of this discussion based class.
- 3 short papers on assigned readings (25% of grade each), including one paper from each section of the course: The paper will review the readings assigned for one particular class to comment on the theme of that class. The review will compare and contrast the different positions taken by the authors. Each paper should be about 3-5 pages, double spaced.
- Alternative option: Substitute two short papers as described in the previous paragraph (50% of the grade), with a longer paper (10 – 15 pages) on a topic of your choice. The topic will have to be discussed with the instructor and approved.

Communications:

- Email: The class will communicate by the New School email address. ***Please check at your New School email account regularly.***
- Reading resources: required reading readings and some of the supplementary materials will be accessible on the web or posted on the Blackboard.
- Announcements: The Blackboard will be used for announcements.

Texts and website sources:

The course readings draw from original references. There is no textbook. Books that you would serve as references throughout the course are that would be valuable. Donnelly and Uvin are recommended for purchase. They will be referred to by author and date in the weekly readings:

Books on concepts and theory of human rights:

*Donnelly, Jack. 2006. *Universal Human Rights: In Theory and Practice. (Third edition)* Westview Press.

Shue, Henry. 1996. *Basic Rights: Subsistence, Affluence and US Foreign Policy. (Second edition)* Princeton University Press. Princeton

Hayden, Patrick. 2001. *The Philosophy of Human Rights.* Paragon House.

Books on the relationship between development and human rights

UNDP, 2000. *Human Development Report: Human Rights.* Oxford University Press

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*Uvin, Peter. 2004. *Human Rights and Development*, Kumarian Press, Bloomfield, CT.

Reference books for concepts and themes

Susan Marks and Andrew Clapham, 2005. *International Human Rights Lexicon*, Oxford University Press, Oxford. And companion website:
<http://www.internationalhumanrightslexicon.org/contents.html>

Smith, Rhona, and Christien van den Anker, *The Essentials of Human Rights: everything you need to know about human rights*

Useful websites sources:

IDS – Institute of Development Studies, UK <http://www.ids.ac.uk/ids/>

Harvard University School of Public Health Francois-Xavier Bagnoud Center for Health and Human Rights: <http://www.hsph.harvard.edu/fxbcenter/>

UN Office of the High Commissioner for Human Rights - OHCHR:
<http://ohchr.org/english/>

ODI – Overseas Development Institute, London <http://www.odi.org.uk/>

UNDP - Bureau for Policy Governance Practice
<http://www.undp.org/governance/>; and Human Development Report Office
<http://hdr.undp.org/>

UNRISD – UN Research Institute for Social Development, Geneva.
<http://www.unrisd.org>

Part I – Underlying concepts and systems: human rights and development

Session 1: Introduction to the course:

- overview of the course and what it intends to accomplish, how it is organized;
- requirements and expectations;
- discussion - why human rights and development?

Required Reading:

The Universal Declaration of Human Rights
<http://www.ohchr.org/>

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Glendon, Mary Anne, 2002. *The World Made New*, Random House, New York.
Preface and chapter 1

Uvin, Peter (2004) *Human Rights and Development*. Part I 'Some Debates of Relevance to the Development Practitioner'. Kumarian Press, Bloomfield CT

Fukuda-Parr, 2007, 'Human Rights Based Approach to Development – Is it a Rhetorical Repackaging or a New Paradigm?' HD Insights 2007, Issue 7.
http://hdr.undp.org/docs/nhdr/insights/HDInsights_Apr2007.pdf (one page)

Session 2: Introduction to human rights

- What are human rights? law, philosophy and economics perspectives
- How does the international human rights system work?
- What are the key concepts and principles and debates about them?
- How does the process of development affect human rights?

Required readings:

Sen, Amartya (2004). 'Elements of a Theory of Human Rights'. *Philosophy and Public Affairs* 34:4

Donnelly 2003, chapter 1 "The Concept of Human Rights" (pp. 7-18)

Shue 1996. section 1 'Three Basic Rights' (pp.11-65)

Supplementary reading

OHCHR "A brief introduction to international human rights law terminology"
annex 3 of *Human Rights: A Basic Handbook for UN Staff*

International Covenant on Economic, Social and Cultural Rights
<http://ohchr.org/english/law/cescr.htm>

International Covenant on Civil and Political Rights
<http://ohchr.org/english/law/ccpr.htm>

Pogge, Thomas. 2002. 'How Should Human Rights be Conceived?' chapter 2 in *World Poverty and Human Rights*. Polity Press, Malden, MA.

Sessions 3 and 4. Human rights and development: from rhetorical adoption to full integration in the 'human rights based approach'

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- How do human rights affect development?
- What is HRB and its core concepts?
- Is HRB a 'rhetorical repackaging of human development approach or a different though complementary paradigm?
- What are the approaches used in promoting human rights nationally and globally?
- What are the current approaches that donors use to integrating human rights in development theory and practice?
- What are the more effective methods for donors: political conditionality or support?
- Why has HRB was a legislative success but a failure in influencing public policy?
- Are human rights political? Unrealistic? Abstract and incapable of practical application? Law does little to help the poor?

Required reading for sessions 3 and 4

Sen, Amartya, 2006. 'Human Rights and Development' in Andreassen and Marks, eds. *Development as a Human Right: Legal, Political, and Economic Dimensions*, Harvard School of Public Health, Distributed by Harvard University Press, Cambridge Mass.

UNDP, 2000. *Human Development Report* Overview and chapter 1

Uvin, 2004. chapters 3 "Basics", 6 "A Rights-Based Approach to Development" and chapter 7 "Final Synthesis and Questions"

OHCHR, 2004. *Human Rights and Poverty Reduction: A Conceptual Framework* (New York and Geneva, United Nations, 2004),
<http://www.ohchr.org/english/issues/poverty/docs/povertyE.pdf>.

Supplementary reading

Session 3 (September 18) –

Guest lecturer: Emilie Filmer-Wilson, UNDP

UNDP approach to RBD and the use of indicators for programming:

UNDP, 'Integrating human rights with sustainable human development'

http://www.undp.org/governance/docs/HR_Pub_policy5.htm

UNDP, 2006. Indicators for Human Rights Based approach to programming: a user's guide

http://www.undp.org/governance/docs/HR_guides_HRBA_Indicators.pdf

Part II – Major Critiques of RBD

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Session 5. Are Economic and Social Rights – rights or aspirations, as important as civil and political rights?

- Is it useful to separate ESRs from CPRs as ‘first’ and ‘second generation rights, as ‘negative’ vs. ‘positive’ rights?
- Can ESRs be adjudicated?
- Can ESRs be monitored and measured?
- Does RBD require central planning?

Required reading:

Review Sen assigned in session 2 - Sen, Amartya (2004). ‘Elements of a Theory of Human Rights’. *Philosophy and Public Affairs* 34:4

Review Uvin Chapter 2 from p.38 (assigned for session 1)

Roth, Kenneth, 2004. ‘Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization’. *Human Rights Quarterly*, 24:1 (Blackboard and NS library)

Hertel, Shareen and Minkler, Lanse. 2007 ‘Economic Rights: The Terrain’ chapter 1 in Hertel and Minkler, eds. *Economic Rights: Conceptual, Measurement and Policy Issues*. Cambridge University Press. New York

Supplementary Reading:

Apodaca, Clair. 2007. ‘Measuring the Progressive Realization of Economic and Social Rights’ in Hertel and Minkler eds. *Economic Rights: Conceptual, Measurement and Policy Issues*. Cambridge University Press. New York

Dworkin, Ronald. 1977. *Taking Rights Seriously*. Introduction, Chapter 12 and chapter 13, appendix: A Reply to Critics.

Session 6. Are Human Rights a truly universal concept?

- Are non-western values consistent with human rights principles?
- Asian values debates – are the ‘Asian’ positions purely politically motivated?
- What is the basis for the claims of the ‘Asian Values’ position about the trade offs between economic and social rights against political and civil rights?
- Cultural rights: Multiculturalism vs. cultural liberty

Required reading

Revisit Uvin chapter 4 assigned in session 1 – read carefully to p.38

UNDP, 2004. *Cultural Liberty in Today’s Diverse World*. Chapter 1.

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Donnelly, Jack. 2007. 'The Relative Universality of Human Rights' *Human Rights Quarterly*, Vol 29. pp. 281-306

Lee Kwan Yew, 2001. 'Culture is Destiny'. In Meijer, ed. *Dealing with Human Rights: Asian and Western Views on the Value of Human Rights*, Kumarian Press, Bloomfield, CT.

Li, Xiaorong. 2001. "'Asian Values' and the Universality of Human Rights". Chapter 36 in Patrick Hayden, ed. *The Philosophy of Human Rights*

Additional reading:

Donnelly, Part II Cultural Relativism and International Human Rights (chapters 4, 5, 6, 7)

Taylor, Charles. 2001. "A World Consensus on Human Rights?" chapter 37 in Hayden, ed. *The Philosophy of Human Rights*

Glendon, Mary Anne. 2001. *A World Made New* Chapter 12 Universality Under Siege

Prasad, Ajnesh. 2004. 'Jack Donnelly's Universal Human Rights Theory and Practice' *Alternatives, Turkish Journal of International Relations* vol 3, nr 2 & 3

Session 7. Critique of the development community: are human rights relevant to economic policy?

- How does the average development practitioner (economists and others) understand the RBD approach and do they think it useful?
- What are the conceptual obstacles to the application of RBD in development practice?
- Are there contradictions and tensions between RBD and economic perspectives on development?
- Why do economists and RBD advocates disagree?

Required reading:

Robinson, Mary. 2005. 'What Rights Can Add to Good Development Practice' in Alston and Robinson, eds. *Human Rights and Development: Towards Mutual Reinforcement*, OUP, New York

Marks, Stephen and Ajay Mahal. 2007. *Goals and Instruments of Poverty Reduction: Economic and Human Rights Perspectives on children's Rights and Development Strategies*. Chapter 6: Conclusion: Comparing the human rights and economic approaches to development and poverty reduction

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Ravi Kanbur, 2001. 'Economic Policy, Distribution and Poverty: The Nature of Disagreements. *World Development*, 29:6 pp. 1083-1094

Supplementary readings

Stewart, Frances and Michael Wang, 2005. 'Poverty Reduction Papers within the Human Rights Perspective', chapter 17 in Alston and Robinson, *Human Rights and Development: Towards Mutual Reinforcement*

Nankani, Gobind, John Page, and Lindsay Judge, 2005. 'Human Rights and Poverty Reduction Strategies: Moving Towards Convergence' chapter 18 in Alston and Robinson, *Human Rights and Development: Towards Mutual Reinforcement*

Ravi Kanbur, 2007. 'Attacking Poverty: What is the Value Added of a Human Rights Approach?' www.people.cornell.edu/pages/sk145

Balakrishnan, Radhika. 2005. *Why MES with Human Rights: Integrating Macroeconomic Strategies with Human Rights*

Part III – Debates and controversies about policies and strategies

Session 8. 'Rights talk' – human rights campaigns: where they can misfire, or lead to unintended consequences? Cases of child labor and women's rights

- Do international NGO campaigns reflect global or national priorities?
- Does the rhetorical use of human rights language undermine the cause of human rights?
- Is the use of human rights concept impoverishing US political debates?
- Does the language of human rights matter?

Guest lecturer: Prof. Shareen Hertel, University of Connecticut

Required readings:

Hertel, Shareen. 2007. *Unexpected Power: Conflict and Change among Transnational Activists*. Cornell University Press. Chapter 3 'Child Labor, Child Rights and Transnational Advocacy: the case of Bangladesh'

Glendon, Mary Ann. 1991. *Rights Talk: The Impoverishment of Political Discourse*. The Free Press. New York. Preface and chapter 7 'Refining the Rhetoric of Rights'

Kabeer, Naila. *Globalisation, labour standards and women's rights: dilemmas of collective action in an interdependent world* IDS Globalization and Poverty

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Research Programme

<http://www.gapresearch.org/production/globlabourwomen.pdf>

Basu, Kaushik, 2003. Global Labour Standards and Local Freedoms, WIDER Annual Lecture 7. <http://www.wider.unu.edu/publications/annual-lectures/annual-lecture-2003.pdf>

Supplementary readings:

Glendon, *Rights Talk* chapters 1, 2, 3.

Session 9. HR Obligations of non-state actors: the case of global corporations and the right to health care

Required reading

Paul Hunt, 2007. 'Neglected diseases: a human rights analysis'. WHO, Social, Economic and Behavioural (SEB) Research, Special Topics No.6 Special Programme for Research and Development in Tropical Diseases (TDR). http://www.who.int/tdr/publications/publications/pdf/seb_topic6.pdf

UN OHCHR, 2007 "Mapping International Standards of Responsibility and Accountability for Corporate Acts" Report of the Special Representative of the Secretary-General (SRSG) on the issue of human rights and transnational corporations and other business enterprises. <http://www.business-humanrights.org/Documents/Ruggie-HRC-2006> Read the report, comments and responses by Ruggie on website.

Andreassen, Bard. 2006. 'Development and the Human Rights Responsibilities of Non-State Actors. Chapter 7 in Andreassen and Marks eds. *Development as a Human Right: Legal, Political and Economic Dimensions*. Harvard School of Public Health, Harvard University Press.

Supplementary readings:

Report of the Special Rapporteur, Paul Hunt. 2004. 'The right of everyone to the enjoyment of the highest attainable standard of physical and mental health', UN Doc. E/CN.4/2004/49 16 February

Sofia Gruskin and Daniel Tarantola, Health and Human Rights. Harvard School of Public Health, F-XB Center Working Paper 10

Session 10. 'Group rights': are there human rights beyond individual rights? The case of indigenous people; the case of the right to development.

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Required Reading

Sengupta, Arjun. 2006. "The Human Right to Development" chapter 2 in Marks and Andreassen, eds. *Development as a Human Right* Harvard School of Public Health, distributed by Harvard University Press, Cambridge, MA.

Kymlicka, Will. 2001. "The Good, the Bad and the Intolerable: Minority Group Rights" chapter 39 in Hayden, ed. *The Philosophy of Human Rights*

Crawford, James. 2001. 'The Rights of Peoples: "Peoples" or "Governments"' chapter 38 in Hayden, ed. *The Philosophy of Human Rights*

Donnelly, chapter 12: 'Group Rights and Human Rights'

Session 11. The Power of Numbers: Should there be measurement indicators for HR? – the case of the Freedom House index

Required readings

Freedom House, 2007. Freedom in the World.

<http://www.freedomhouse.org/template.cfm?page=15> (access on website and print)

UNDP, 2000. *Human Development Report 2000*, chapter 5 'Using Indicators for Human Rights Accountability'. OUP, New York

Carr Center for Human Rights, KSG, Harvard University. 2005. Measurement and Human Rights: Tracking Progress, Assessing Impact parts I (Introduction) and III (How far have we come and far to go?)

UNDP, 2002. *Human Development Report: Deepening Democracy in a Fragmented World*. Chapter 1 Appendix 1.1 and tables A1.1 and A1.2 (pp36-45)

Supplementary readings

Apodaca, Clair. 2007. 'Measuring the Progressive Realization of Economic and Social Rights' chapter 8 in Hertel and Minkler, eds. *Economic Rights: Conceptual, Measurement and Policy Issues*. Cambridge University Press. New York

Rajeev Malhotra and Nicolas Fasel:

[Quantitative Human Rights Indicators - A survey of major initiatives](#)

(background paper 1) Nordic Network Research on Human Rights:

<http://www.abo.fi/institut/imr/research/seminars/indicators/>

Todd Landman: [The Scope of Human Rights: From Background Concepts to Indicators](#) Nordic Network Research on Human Rights:

<http://www.abo.fi/institut/imr/research/seminars/indicators/>

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Rajeev Malhotra, 'Towards Implementing the Right to Development: A Framework for Indicators and Monitoring Methods', Chapter 10 in Andreasson and Marks.

Kate Raworth, 'Measuring Human Rights', *Ethics in International Affairs*

Session 12. Power of policies: CEDAW and economic and social policy

Guest lecturer: Prof. Radikha Balakrishnan – Marymount Manhattan College

Balakrishnan, Radhika. 2005. 'Why MES with Human Rights: Integrating Macro-Economic Strategies with Human Rights.'

Elson, Diane and Andy Norton, "What's behind the budget?: Politics, rights and accountability in the budget process"

Elson, Diane (for UNIFEM). 2006. 'Budgeting for Women's Rights: Monitoring Government Budgets for Compliance with CEDAW.'

Fukuda-Parr, Sakiko, 2007. 'Human Rights and National Poverty Reduction Strategies' University of Connecticut Economic Rights working papers 2.

Session 13. To be determined according to interest of students, choice among:

- Power of law: Birth registration; land rights
- Power of policy: PRSPs
- International obligations
- Globalization

Session 14. Wrapping up: Discussion with a panel of practitioners

Guest lecturers: practitioners from NGOs, UN, think tanks critically discuss the DAC Policy paper on human rights and development

Required reading:

OECD DAC, 2007. Action Oriented Policy Paper on Human Rights and Development