

Human Rights and Development (HUMR 5702)

Course Outline, Spring 2014

Course convener: *Malcolm Langford*, Norwegian Centre for Human Rights
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Times and places: All lectures take place at 12:15-14:00 in the Asbjørn Eide Seminar Room (CA Room 251) on the second floor at the Norwegian Centre for Human Rights, unless otherwise stated.

Take Home Exam One: 17-20 March 2014

Take Home Exam Two: 21-24 April 2014

More information:

<http://www.uio.no/studier/emner/jus/humanrights/HUMR5702/v14/index.html>

Required readings

- I. **Introduction: Global Poverty, Development, and Human Rights**, 11 February 2014
Malcolm Langford and Aled Dilwyn Fisher
 1. Bull, Benedicte, 'Development Theory Revisited,' in Dan Banik (ed), *Poverty, Politics and Development*. Oslo: Fagbokforlaget, 2006. Chapter 2, pp.28-52 [24 pages]
 2. Sen, Amartya, *Development as Freedom*. New York: Anchor Books, 1999. Introduction, pp.3-11 [8 pages]
 3. Pogge, Thomas, *World Poverty and Human Rights*. Cambridge: Polity Press, 2002. Chapter 1, pp.33-57 [24 pages]

- II. **Human Rights and Development: History, Politics and Law**, 13 February 2014
Malcolm Langford
 4. Gready, Paul and Jonathan Ensor (eds.), *Reinventing Development? Translating Rights-based Approaches from theory into practice*. London: Zed Books, 2005. Introduction, pp.1-41 [40 pages]
 5. Marks, Stephen, 'Obligations to Implement the Right to Development,' in Bård Anders Andreassen and Stephen Marks (eds.), *Development as a Human Right: Legal, Political and Economic Dimensions*. Antwerp: Intersentia, 2010. pp.71-100 [29 pages]
 6. Banik, Dan, *Poverty and Elusive Development*. Oslo: Universitetsforlaget, 2010. Chapter 4, pp. 83-121 [38 pages]

- III. **Actors, Institutions and Power**, 27 February 2014
Bård Anders Andreassen
 7. Andreassen, Bård Anders and Gordon Crawford (eds.), *Human Rights, Power and Non-Governmental Action: Comparative analyses of rights-based approaches and civic struggles in development contexts*. London: Routledge, 2013. Chapter 1, pp.1-19 [19 pages]
 8. McInerney-Lankford, Siobhan, 'International Development Actors and Human Rights: Legal Accountability and the MDGs,' in Malcolm Langford, Andrew Sumner, and Alicia Ely Yamin (eds.), *The MDGs and Human Rights: Past, Present and Future*. Cambridge: Cambridge University Press, 2013, pp.160-199 [40 pages]

9. Andreassen, Bård Anders, 'Development and Human Rights Responsibilities of Non-state Actors,' in Bård Anders Andreassen and Stephen Marks (eds.), *Development as a Human Right: Legal, Political and Economic Dimensions*. Antwerp: Intersentia, 2010, pp.149-174 [25 pages]

IV. Human Rights Programming: Approaches, Examples and Impact, 11 March 2014
Aled Dilwyn Fisher and Malcolm Langford

10. Jonsson, Urban, 'A Human Rights-Based Approach to Programming,' in Paul Gready and Jonathan Ensor (eds.), *Reinventing Development? Translating Rights-based Approaches from Theory into Practice*. London: Zed Books, 2005. Chapter 2, pp.47-62 [15 pages]
11. Miller, Hannah, 'From "Rights-Based" to "Rights-Framed" Approaches: A Social Constructionist View of Human Rights Practice,' in *International Journal of Human Rights*. Vol 14 (2010), pp.915-931
<http://www.tandfonline.com/doi/full/10.1080/13642987.2010.512136#.UnzdSuKFeF8> [15 pages]
12. Gauri, Varun and Siri Gloppen, *Human Rights Based Approaches to Development: Concepts, Evidence, and Policy*. World Bank Policy Research Working Paper 5938.
<http://elibrary.worldbank.org/doi/book/10.1596/1813-9450-5938> [26 pages]

V. Targeting and Measurement: Human Rights, the Millennium Development Goals (MDGs) and the Post-2015 Agenda, 13 March 2014
Malcolm Langford

13. Langford, Malcolm, Andrew Sumner and Alicia Ely Yamin (eds.), *The Millennium Development Goals and Human Rights: Past, Present and Future*. Cambridge: Cambridge University Press, 2013. Chapter 1, pp.1-29 [29 pages]
14. Caliani, Aldo and Mac Darrow, 'International Cooperation, MDG 8, and Human Rights,' in Malcolm Langford, Andrew Sumner, and Alicia Ely Yamin (eds.), *The Millennium Development Goals and Human Rights: Past, Present and Future*. Cambridge: Cambridge University Press, 2013, pp.316-353. Read pp.327-348 [21 pages]
15. *The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda*. <http://www.post2015hlp.org/wp-content/uploads/2013/05/UN-Report.pdf>. Read pp.1-27 [27 pages]

TAKE HOME EXAM ONE : 17-20 MARCH 2014

VI. Disability Rights and Development, 25 March 2014
Kjersti Skarstad

16. Stein, Michael, Charlotte McClain-Nhlapo and Janet Lord. 'Education and HIV/AIDS: Disability Rights and Inclusive Development,' in Malcolm Langford, Andrew Sumner and Alicia Ely Yamin (eds.), *The Millennium Development Goals and Human Rights: Past, Present and Future*. Cambridge: Cambridge University Press, 2013, pp.274-294 [21 pages]
17. Rioux, Marcia H. and Christopher A. Riddle, 'Values in Disability Policy and Law: Equality,' in Marcia H. Rioux, Lee Ann Bassar and Melinda Jones (eds.), *Critical Perspectives on Human Rights and Disability Law*. Leiden: Martinus Nijhoff Publishers, 2011, pp.37-57 [21 pages]
18. Nordic Consulting Group (2012), *Mainstreaming Disability in the New Development Paradigm Evaluation of Norwegian Support to Promote the Rights of Persons with Disabilities*. Oslo: NORAD, 2012. <http://www.norad.no/en/tools-and-publications/publications/evaluations/publication?key=389256>. Read pp.xv-xxiv, pp.14-21, pp.21-25 and pp.75-85 [30 pages]

VII. Health and Reproductive Rights, 27 March 2014

Malcolm Langford

19. Farmer, Paul, *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley: University of California Press, 2003. Chapter 1 [10 pages]
<http://www.ucpress.edu/book.php?isbn=9780520235502>
20. Yamin, Alicia Ely and Kathryn Falb, 'Counting What We Know; Knowing What to Count: Sexual and Reproductive Rights, Maternal Health, and the Millennium Development Goals,' in *Nordic Journal of Human Rights*. Vol. 30, 2013, pp.350-71.
<http://www.jus.uio.no/smr/english/people/aca/malcolm/metrics-special-issue.pdf> [22 pages]
21. Centre for Economic and Social Rights (CESR), *Assessing Fiscal Policies from a Human Rights Perspective*. 2012.
<http://www.cesr.org/downloads/assessing.fiscal.policies.from.a.human.rights.perspective.pdf>. pp.1-25 [25 pages]
22. Amnesty International, *The Total Abortion Ban in Nicaragua: Women's Lives and Health Endangered, Medical Professionals Criminalized*. 2009.
<http://www.amnesty.org/en/library/asset/AMR43/001/2009/en/ea2f24b4-648c-4389-91e0-fc584839a527/amr430012009en.pdf>. pp.1-36 [36 pages]

VIII. Governance and Civil and Political Rights, 1 April 2014

NB: Takes place at Domus Nova, Room 340

Malcolm Langford

23. Hyden, Goran, 'Making the State Responsive: Rethinking Governance Theory and Practice,' in UNDP (ed.), *Making the State Responsive: Experience with Democratic Governance Assessments*. New York: UNDP, 2011.
http://www.undp.org/content/dam/undp/documents/partners/civil_society/additional_documents/Africa%20Forum%20on%20Civil%20Society%20and%20Governance%20Assessments/Making%20the%20state%20responsive.pdf. pp.5-28 [23 pages]
24. Langford, Malcolm, 'Civil and Political Rights and the Post-2015 Agenda: Once More unto the Breach,' in Malcolm Langford, Andrew Sumner and Alicia Ely Yamin (eds.), *The Millennium Development Goals and Human Rights: Past, Present and Future*. Cambridge: Cambridge University Press, 2013, pp.503-535 [32 pages]

IX. Urbanisation and Land Rights, 3 April 2014

Malcolm Langford and Aled Dilwyn Fisher

25. Huchzermeyer, Marie, "'Slum' Upgrading and 'Slum' Eradication? The Mixed Message of the MDGs,' in Malcolm Langford, Andrew Sumner and Alicia Ely Yamin (eds.), *The Millennium Development Goals and Human Rights: Past, Present and Future*. Cambridge: Cambridge University Press, 2013, pp.295-315 [21 pages]
26. *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik (main focus: Mapping and framing security of tenure)*, UN Doc. A/HRC/22/46. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/189/79/PDF/G1218979.pdf?OpenElement>. pp.3-22 [19 pages]
27. Banik, Dan, (ed.), *Rights and Legal Empowerment in Eradicating Poverty*. Farnham: Ashgate, 2008. Chapters 1, pp.11-30 [19 pages]
28. Gilbert, Jeremie and David Keane, 'The New Scramble for Africa: Towards a Human-Rights Based Approach to Large-Scale Land Acquisitions in the Southern African Development Community (SADC) Sub-Region,' in Ben Chigara (ed.), *Southern African Development Community Land Issues: Towards a New Sustainable Land Relations Policy*. London: Routledge, 2011, pp.144-168 [22 pages]

X. Environment and Climate Change, 8 April 2014
Aled Dilwyn Fisher

29. Hayward, Tim, 'Human Rights versus Emissions Rights: Climate Justice and the Equitable Distribution of Ecological Space,' in *Ethics and International Affairs*. Vol.21 (2011), pp.431-450 [19 pages]
30. Humphreys, Stephen, 'Competing Claims: Human Rights and Climate Harms,' in Stephen Humphreys (ed.), *Human Rights and Climate Change*. Cambridge: Cambridge University Press, 2010, pp.37-68 [31 pages]
31. Caney, Simon, 'Climate Change, Human Rights and Moral Thresholds,' in Stephen Humphreys (ed.), in *Human Rights and Climate Change*. Cambridge: Cambridge University Press, 2010, pp.69-90 [22 pages]

XI. Trade, Migration and Summing Up, 10 April 2014
Aled Dilwyn Fisher and Malcolm Langford

32. Joseph, Sarah, *Blame it on the WTO? A Human Rights Critique*. Oxford: Oxford University Press, 2011.
<http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199565894.001.0001/acprof-9780199565894>. Chapter 5, pp.1-36 [36 pages]
33. European Report on Development. *Post 2015: Global Action for an Inclusive and Sustainable Future*. 2013. http://www.erd-report.eu/erd/report_2012/documents/FullReportEN.pdf. Chapter 9, pp.170-194 [25 pages]

Total: 814 pages

TAKE HOME EXAM TWO: 21-24 APRIL 2014

Recommended Reading

I. Introduction: Global Poverty, Development, and Human Rights

Pogge, Thomas, *World Poverty and Human Rights*. Cambridge: Polity Press, 2002. Chapter 2, pp.33-57

Andreassen, Bård Anders, 'Development, Capabilities, Rights: What is New about the Right to Development and a Rights Approach to Development?' in Morten Bergsmo (ed.), *Human Rights and Criminal Justice for the Downtrodden: Essays in Honour of Asbjørn Eide*. Leiden/Boston: Martinus Nijhoff Publishers, 2003, pp.211-232

Amartya Sen, *Development as Freedom*. New York: Anchor Books, 1999. Chapters 1-4

II. Human Rights and Development: History, Politics and Law

Beitz, Charles, *Political Theory and International Relations*. Princeton: Princeton University Press, 1979. Part Three, pp.125-185

Grillo, R. D, 'Discourses of Development: The View from Anthropology,' in R. D. Grillo and R. L. Stirrat (eds.), *Discourses of Development: Anthropological Perspectives*. Oxford: Berg Publishers, 1997, pp.1-33

Nussbaum, Martha C. *Creating Capabilities. The Human Development Approach*. Cambridge, Massachusetts: Harvard University Press, 2011

Sengupta, Arjun, 'The Human Right to Development,' in Bård Anders Andreassen and Stephen Marks (eds.), *Development as a Human Right: Legal, Political and Economic Dimensions*. Antwerp: Intersentia, 2010, pp.13-44

Osmani, S. R., 'Globalization and the Right to Development: Background and Progress,' in Bård Anders Andreassen and Stephen Marks (eds.), *Development as a Human Right: Legal, Political and Economic Dimensions*. Antwerp: Intersentia, 2010, pp.315-337

Nordic Trust Fund (World Bank), *Human Rights and Economics: Tensions and Positive Relationships*. 2012. http://siteresources.worldbank.org/PROJECTS/Resources/40940-1331068268558/Report_Development_Fragility_Human_Rights.pdf

III. Actors, Institutions and Power

Beetham, David, 'The Right to Development and Its Corresponding Obligations,' in Bård Anders Andreassen and Stephen Marks (eds.), *Development as a Human Right: Legal, Political and Economic Dimensions*. Antwerp: Intersentia, 2010, pp.101-120

Scheinin, Martin, 'Advocating the Right to Development through Complaint Procedures Under Human Rights Treaties,' in Bård Anders Andreassen and Stephen Marks (eds.), *Development as a Human Right: Legal, Political and Economic Dimensions*. Antwerp: Intersentia, 2010, pp.338-352

Skogly, Sigrun, 'The Role of International Financial Institutions in a Rights-based Approach to the Process of Development,' in Bård Anders Andreassen and Stephen Marks (eds.), *Development as a Human Right: Legal, Political and Economic Dimensions*. Antwerp: Intersentia, 2010, pp.353-380

OECD, *Paris Declaration and Accra Agenda for Action*.
<http://www.oecd.org/development/effectiveness/34428351.pdf>

IV. Human Rights Programming: Approaches, Examples and Impact

Office of the UN High Commissioner for Human Rights (OHCHR), *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*. Geneva: OHCHR, 2006.
<http://www.ohchr.org/Documents/Publications/PovertyStrategiesen.pdf>

Nelson, Paul J. and Ellen Dorsey, *New Advocacy Rights: Changing Strategies of Development and Human Rights NGOs*. Washington D.C.: Georgetown University Press, 2008

Hickey, Sam and Diana Mitlin (eds.), *Rights, Wrongs and Realities: Exploring the Potential and Pitfalls of Rights-Based Approaches to Development*. Stirling, Virginia: Kumarian Press, 2009. Chapter 1

Nordic Trust Fund (World Bank), *Human Rights Impact Assessments*. 2013.
http://siteresources.worldbank.org/PROJECTS/Resources/40940-1331068268558/HRIA_Web.pdf

Gready, P. and Jonathan Ensor (eds.), *Reinventing Development? Translating Rights-based Approaches from Theory into Practice*. London: Zed Books, 2005. Chapters 2-4.

Moene, Karl Ove and Michael Walerstein, *Social Democracy as a Development Strategy*. University of Oslo Department of Economics Memorandum No. 35/2003.
<http://www.sv.uio.no/econ/english/research/memorandum/pdf-files/2003/Memo-35-2003.pdf>. pp.1-29

Gready, Paul, 'Reasons to Be Cautious about Evidence and Evaluation: Rights-based Approaches to Development and the Emerging Culture of Evaluation,' in *Journal of Human Rights Practice*. Vol.1 (2009), pp.380-401

Andreassen, Bård Anders and Gordon Crawford (eds.), *Human Rights, Power and Non-Governmental Action: Comparative analyses of rights-based approaches and civic struggles in development contexts*. London: Routledge, 2013. Conclusion.

Mosse, David, 'The Ideology and Politics of Community Participation: Tank Irrigation Development in Colonial and Contemporary Tamil Nadu,' in R.D. Grillo and R.L. Stirrat (eds.), *Discourses of Development: Anthropological Perspectives*. Oxford: Berg Publishers, 1997, pp.255-291

V. Targeting and Measurement: Human Rights, the Millennium Development Goals (MDGs) and the Post-2015 Agenda

Alston, Philp, 'Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen through the Lens of the Millennium Development Goals,' in *Human Rights Quarterly*. Vol.27 (2005), pp.755-829.

https://muse.jhu.edu/journals/human_rights_quarterly/v027/27.3alston.html

Fischer, Andrew, 'The Political within the Depoliticised: Poverty Measurement, Implicit Agendas and the MDGs,' in Malcolm Langford, Andrew Sumner and Alicia Ely Yamin (eds.), *The Millennium Development Goals and Human Rights: Past, Present and Future*. Cambridge: Cambridge University Press, 2013, pp.119-142

Cheru, Fantu, 'Goals, Rights and Political Economy: Daring to Break out of the Liberal Ideological Box!' in Malcolm Langford, Andrew Sumner and Alicia Ely Yamin (eds.), *The Millennium Development Goals and Human Rights: Past, Present and Future*. Cambridge: Cambridge University Press, 2013, pp.484-502

United Nations Development Program (UNDP), *Human Rights and the Millennium Development Goals: Making the Link*. Oslo: UNDP Governance Centre, 2009.

<http://www.undp.org/oslocentre/resources/publications.html>

Malhotra, Rajeev, 'Towards Implementing the Right to development: A Framework for Indicators and Monitoring Methods,' in Bård Anders Andreassen and Stephen Marks (eds.), *Development as a Human Right: Legal, Political and Economic Dimensions*. Antwerp: Intersentia, 2010, pp.245-272

VI. Disability and Development

Loeb, Mitchell, 'Disability Statistics: An Integral but Missing (and Misunderstood) Component of Development Work,' in *Nordic Journal of Human Rights*. Vol.31 (2013), pp.306-325

Kelly, Linda and Lorraine Wapling, *Development for All Strategy Mid-Term Review: Report*. Canberra: AUSAID, 2013. <http://www.ausaid.gov.au/aidissues/did/Documents/dfa-mtr.pdf>

van Veen, Saska C., 'Meeting the Challenge of the Rights-based Approach to Disability: The Changing Role of Disability-Specific NGOs and DPOs,' in *Nordic Journal of Human Rights*. Vol.31 (2013), pp.360-381

VII. Health and Reproductive Rights

Mann, Jonathan M., Lawrence Gostin, Sofia Gruskin, Troyen Brennan, Zita Lazzarini and Harvey V. Fineberg, 'Health and Human Rights,' in *Health and Human Rights*. Vol.1 (1994), pp.1-23.
<http://www.jstor.org/stable/pdfplus/4065260.pdf?acceptTC=true&acceptTC=true&jpdConfirm=true>

Ooms, Gorik, Rachel Hammons and Gregg Gonsalves, 'The Struggle Against HIV/AIDS: Rights, Economics and Global Responsibility,' in Malcolm Langford, Andrew Sumner and Alicia Ely Yamin (eds.), *The Millennium Development Goals and Human Rights: Past, Present and Future*. Cambridge: Cambridge University Press, 2013, pp.255-273

VIII. Governance and Civil and Political Rights

Davis, Kevin, Benedict Kingsbury and Sally Engle Merry (eds.), *Governance by Indicators: Global Power through Classification and Rankings*. Oxford: Oxford University Press, 2012

Zanger, Sabine, 'Good Governance and European Aid: The Impact of Political Conditionality', in *European Union Politics*, Vol.1 (2000), pp.293-317

Barya, JJB, 'The New Political Conditionalities of Aid: An Independent View from Africa', in *IDS Bulletin*. Vol.24 (1993), pp.16-23

Naval, Claire, Sylvie Walter and Raul Suarez de Miguel (eds.), 'Measuring Human Rights and Democratic Governance: Experiences and Lessons from Metagora - Special Issue', in *OECD Journal on Development*. Vol.9 (2008)

Orkin, Mark, 'Goal 9: Democratic Governance and Accountable Institutions for Realising Human Rights,' in Wonhyuk Lim (ed.), *One World Goals: Post-2015 Development Agenda*. Seoul: Korea Development Institute, 2013

Rajkumar, Andrew Sunil and Vinaya Swaroop, 'Public Spending and Outcomes: Does Governance Matter?' in *Journal of Development Economics*. Vol.86 (2002), pp.96-111

Wilde, Alexandra, 'The Democratization of Governance Assessments,' in UNDP (ed.), *Making the State Responsive: Experience with Democratic Governance Assessments*. New York: UNDP, 2011, pp.49-62

IX. Urbanisation and Land Rights

COHRE (ed.), *Listening to the Poor? Housing Rights in Nairobi, Kenya*. Geneva: COHRE, 2006

COHRE, UN-HABITAT, WaterAid and SDC, *Sanitation: A Human Rights Imperative*. Geneva: COHRE, 2008

Commission on the Legal Empowerment of the Poor, *Making the Law Work for Everyone*. 2008. pp.1-39. [http://www.unrol.org/files/Making the Law Work for Everyone.pdf](http://www.unrol.org/files/Making%20the%20Law%20Work%20for%20Everyone.pdf)

Gelbspan, Thea and Vijay K. Nagaraj, *Seeding Hope? Land in the International Human Rights Agenda Challenges and Prospects*. ESCR Net. 2011.
http://www.fian.org/fileadmin/media/publications/2012_06_SeedingHope.pdf

X. Environment and Climate Change

UN Draft Principles on Human Rights and the Environment, UN. Doc. E/CN.4/Sub.2/1994/9 Annex I. 1994. <http://www1.umn.edu/humanrts/instatee/1994-dec.htm>

Adelman, Simon, 'Rethinking Human Rights: The Impact of Climate Change on the Dominant Discourse,' in *Human Rights and Climate Change*. Cambridge: Cambridge University Press, 2010, pp.159-180

Stephenson, Sean, 'Jobs, Justice, Climate: Conflicting State Obligations in the International Human Rights and Climate Change Regimes,' in *Ottawa Law Review*. Vol.42 (2011), pp.155-179

XI. Trade and Migration

Joseph, Sarah. *Blame it on the WTO? A Human Rights Critique*. Oxford: Oxford University Press, 2011

Gore, Charles, 'Beyond the Romantic Violence of the MDGs: Development, Aid and Human Rights,' in Malcolm Langford, Andrew Sumner and Alicia Ely Yamin (eds.), *The Millennium Development Goals and Human Rights: Past, Present and Future*. Cambridge: Cambridge University Press, 2013, pp.382-407

Langford, Malcolm, 'Cosmopolitan Competition: The Case of International Investment,' in Katja Aas and Cecilia Bailliet (eds.), *Cosmopolitan Justice and Its Discontents*. London: Routledge, 2011, pp.178–204