



DEVELOPMENT AND HUMAN RIGHTS: IMPLICATIONS FOR THE GLOBALISED WORLD – DYNAMICS OF CONFLICT AND COOPERATION

Instructor: Mihir Kanade

8 April – 19 April 2013

COURSE SYLLABUS

[Contacting the Instructor and Facilitator](#)

[Course Description](#)

[Course Objectives](#)

[Pedagogy](#)

[Course Format](#)

[Course Requirements](#)

[Technical Requirements](#)

[Course Schedule](#)

CONTACTING THE INSTRUCTOR AND FACILITATOR

Professor Mihir Kanade can be reached at: mkanade@upeace.org. For technical support and questions related to logistics of the course, please contact hrc@upeace.org

COURSE DESCRIPTION

This short certificate course introduces participants to the major themes and debates concerning the relationship between human rights, development and the international legal regulation of the two. The course examines the historical evolution of the links between human rights and development, the contested nature of their meanings, the classical doctrinal debates about the right to development and the consequences of such conceptions for international human rights law and policy debates. Participants will explore the new streams of critique that have enabled a confluence as well as a questioning of the human rights-development nexus. The course also examines selected current issues in the human rights-development interface that are salient from a policy perspective, including the Millennium Development Goals, intellectual property rights, development aid and cooperation as well as the political economy of conflicts and its relation with the development-human rights paradigm.

COURSE OBJECTIVES

This e-learning course provides participants with an introduction to the major contemporary issues arising out of the linkages between human rights and development.

They will:

Learn about:

- the linkages between development and human rights;
- the discourse on development itself as a human right;
- the relationships between human development, human security and human rights to development;
- the role of human rights in implementation of the MDGs;
- judicial enforceability in development matters;
- the intellectual property rights regime and its impact on development and human rights
- development aid and cooperation and the challenges associated with them
- political economy of armed conflicts and its relation to the human rights-development paradigm

Gain skills in:

- identifying human rights concerns in implementation policies relating to development (including in policies relating to implementation of the MDGs);
- examining human rights policies through the lens of development;

- linking in-the-field development issues with the relevant international instruments;
- Identifying policy challenges to development caused by contemporary intellectual property rights regime and formulating appropriate responses thereto
- Harmonizing development aid and international cooperation practices with human rights and 'development';

Throughout the course, participants will be asked to reflect on their own experience and present work conditions in applying the skills and knowledge goals of the course.

PEDAGOGY

Participants will have access to the course site at <http://www.hrc.upeace.org/classroom> with an assigned username and password. Participants will receive their username and password on Thursday, 4th April, 2013.

Participants must check the website every day, read contributions by other participants and the instructor, and post appropriate responses as needed. As the course will place an emphasis also on individual learning and research, using the Internet for this will be vital and strongly encouraged.

Reading materials will be prepared by the instructor and linked electronically on the course site. Participants may want to print out all text, section by section and assemble them in a binder, if felt convenient.

This course uses readings, on-line discussions and recorded lectures by the instructor as the basis for learning.

The course is based on the premise that we learn best by becoming actively engaged around themes and questions related to real life concerns and experience. In this way, discussions and learning are maximised. The discussions are intended to help participants explore the course materials and any relevant issues of interest, and to learn from one another. Active engagement by everyone will help create an active virtual community of learners. Hence, participants in the course will be required to regularly post messages on the discussion forums.

COURSE FORMAT

The course will consist of five classroom 'themes' i.e. each theme will run for two week days between 8th and 19th April, 2013. Each theme will consist of an Instructor's Message that will be posted on the course website and the instructor will launch discussions in the Forums. There will also be a recorded presentation by the instructor at the beginning of each theme. Following components on the course site are important:

A. Instructor's Presentations

There will be a presentation by the instructor for every theme. This will include a powerpoint presentation with voiceover. Generally a presentation will be around 30 minutes, but may exceed that limit depending on the topic concerned. This presentation in the online format is a substitute for a lecture in the face-to-face format. However, unlike in the face-to-face modality, in the online modality, participants must listen to the presentation before they do the readings.

B. Readings

The course includes various on-line texts and readings. Also, the readings may include some online videos or multimedia resources as optional components for the participants.

C. Discussion Forums

For each of the five themes, one question will be posted on the discussion forum. The questions are intended to encourage discussion about the theme's topic and are an opportunity for participants to learn from each other's experience and opinions. The discussion will be facilitated by the instructor.

The discussion forums are the only virtual and direct interaction between the participants and the instructor, and between the participants themselves. It is vital that each participant gets involved in the discussion forums in order to ensure a successful learning experience. The discussion forum in an online model is essentially a substitute for debates and discussions in a face-to-face model. Generally, online discussions are more informed as compared to a face-to-face discussion in the class, because typing down a well-thought out response ensures a higher level of understanding. It is expected that all participants will honour this commitment.

D. Open Forum

Should learners like to have discussions in addition to the required discussion topic(s), they can initiate discussion threads and reply to colleagues in the "**Open Forum**". This optional forum is a venue for participants to ask questions of each other and share advice and experience.

COURSE REQUIREMENTS

Participants' main responsibilities in this course are to:

1. keep up with the readings as scheduled;
2. post at least one substantive message in each of the discussion forums (which may include a response to the instructor or to any of the comments made by other participants); and
3. listen to the powerpoint presentation by the instructor.

TECHNICAL REQUIREMENTS

It is assumed that participants are comfortable with computer and Internet use. At a minimum, participants should be able to access documents on-line and download the assigned readings for printing or storage. There are no special softwares required for the readings or videos, however, participants must ensure that they have adobe or any other PDF file reader. The course is compatible with smartphones and tablets as well, provided you have necessary apps such as document readers downloaded (which come in-built with most tablets and phones).

The platform used for the online course can be accessed at <http://www.hrc.upeace.org/classroom>

COURSE SCHEDULE

Theme 1: Conceptions of human rights, conceptions of development and historical debates about the two concepts (8-9 April, 2013)

Learning objective(s):

Understand that human rights need not be legal rights and in that context, analyse the concept of development as a human right; analyse the modern understanding of development as a concept that goes beyond mere economic growth; scrutinize the UN Declaration on the Right to Development.

Required Readings:

1. James Nickel, *Making Sense of Human Rights* (Blackwell Publishing, 2007), pp. 22-51.
2. Amartya Sen, *Development as Freedom* (Anchor Books, 1999), pp. 13-53.
3. UN Declaration on the Right to Development, 1986

Optional Readings:

1. Vienna Declaration and Programme of Action, paragraphs 8 to 14 only.
2. Thomas Pogge, *World Poverty and Human Rights* (Polity Press, 2002), pp. 60-70.
3. Amartya Sen, "Elements of a Theory of Human Rights", *Philosophy and Public Affairs* Vol. 32 (2004) Issue 4, pp. 315-356.

Theme 2: Doctrinal debates on human rights and the right to development (10 – 11 April, 2013)

Learning objective(s):

Understand the contents of the Right to Development, its salient features, merits and demerits; compare the right to development with other approaches to development including human development, human rights based approach to development and sustainable development.

Required Readings:

1. Sengupta, Arjun (2002), On the Theory and Practice of the Right to Development, *Human Rights Quarterly* 24 (2002) 837-889
2. The Endorois Case: Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council vs. Kenya, African Commission on Human and Peoples' Rights, Communication 276/2003, 27th Activity Report 2009. Only Paragraphs 1 and 2 and then Paragraphs 269 onward.
3. Right to Development Criteria and Operational Sub-Criteria, Report of the high-level task force on the implementation of the right to development on its sixth session, 8 March 2010

Optional Readings:

1. Anne Orford, "Globalization and the Right to Development" in: Philip Alston (ed.), *People's Rights* (Oxford University Press, 2001), pp. 127-145.
2. Arjun Sengupta, Study on the current state of implementation of the Right to Development (ECOSOC, 1999).
3. Arjun Sengupta, Third Report of the Independent Expert on the Right to Development (ECOSOC, 2001). (Note: Clarifications to UN member states on the value added by the Right to Development.)
4. Human Rights and Human Development, Human Development Report 2000 (UNDP, 2000), pp. 19-28.
5. Report of the Independent Expert on the Right to Development (ECOSOC, 2000). Paragraphs 15 to 25 only (Note: Introduction of comparison between the Right to Development and the concept of Human Development.)
6. Video highlights (Part One) of the commemoration of the 25th anniversary of the adoption of the United Nations Declaration on the Right to Development organized by Friedrich-Ebert-Stiftung and the Office of the UN High Commissioner for Human Rights (OHCHR), 24-25 February 2011, available at <http://www.youtube.com/watch?v=Hs0C1sJgW7U&feature=related>
7. Video highlights (Part Two) of the commemoration of the 25th anniversary of the adoption of the United Nations Declaration on the Right to Development organized by Friedrich-Ebert-Stiftung and the Office of the UN High Commissioner for Human Rights (OHCHR), 24-25 February 2011, available at <http://www.youtube.com/watch?v=uXOVutuB-Us&feature=related>
8. Stephen Marks, "The Human Right to Development: Between Rhetoric and Reality", *Harvard Human Rights Journal* Vol. 17 (Spring 2004), pp. 139-168.
9. Shadrack Gutto, The Legal Nature of the Right to Development and Enhancement of its Binding Nature (ECOSOC, 2004).

Theme 3: Contemporary Debates on International Economic Order and Development Aid: Impacts on Human Rights and Conflicts (12 and 15 April, 2013)

Learning Objective(s):

To understand the linkages between development aid on the one hand and its actual impacts on the other; to analyse the successes and failures of development aid in the context of international cooperation for development; to understand and analyse the emergence of 'Aid for Trade' within the development aid paradigm; to understand the nexus between the global economic order, human rights and conflicts; and to explore avenues for proper development cooperation practice in the context of conflicts and human rights.

Required Readings:

1. Dambisa Moyo, *Dead Aid*, London: Allen Lane, Ch 3 and 4 (2009)
2. Ballentine, Karen "Beyond Greed and Grievance: Reconsidering the Economic Dynamics of Armed Conflict" In: Karen Ballentine, Jake Sherman (Eds). *The Political Economy of Armed Conflict: Beyond Greed and Grievance*, (Lynne Rienner Publishers, 2003), Chapter 10: pp. 259-283.
3. Michelle Parlevliet, "Connecting Human Rights and Conflict Transformation: Guidance for Development Practitioners", German Federal Ministry for Economic Cooperation and Development (BMZ), 2011.

Optional Readings:

1. William Easterly, *The White Man's Burden*, New York: The Penguin Press (2006); Ch 2
2. South Centre, "Aid for Trade", Trade Policy Brief, November, 2005
3. Mark Langan and James Scott, "The False Promise of Aid for Trade", Brooks World Poverty Institute, University of Manchester (2011).
4. Regine Andersen, "How Multilateral Development Assistance Triggered the Conflict in Rwanda", *Third World Quarterly* Vol. 21 (2000) Issue 3, pp. 441-456.

Theme 4: Intellectual Property Rights, Development and Human Rights (16 – 17 April, 2013)

Learning Objective(s):

Critically examine the massively important role of intellectual property rights in the contemporary world; analyze how IPRs can have an impact on human rights and development issues; understand what are the most important policy issues for developing and least developed countries in the global negotiations on IPR; to specifically understand development policy issues in the context of Traditional Knowledge/Biopiracy as well as in the context of public health and access to medicines.

Required Readings:

1. Arewa, O. 2006. "TRIPS and Traditional Knowledge: Local Communities, Local Knowledge, and Global Intellectual Property Frameworks" in *Marquette Intellectual Property Law Review*, 10, P. 155-180
2. Siew Kuan, E. 2009. "Balancing Patents and Access to Medicine" in *Singapore Academy of Law Journal*, 21, P. 457-484.

Optional Readings:

1. Dutfield, G. "Making TRIPS work for Developing Countries" chapter 12 in Sampson and Chambers (eds.), *Developing Countries and the WTO: Policy Approaches*, Tokyo: UNU Press, P. 141 – 168
2. Grover, A. 2009. "Report Of The Special Rapporteur On The Right Of Everyone To The Enjoyment Of The Highest Attainable Standard Of Physical And Mental Health", A/HRC/11/12
3. WTO. 2006. "Fact Sheet on TRIPS and Pharmaceutical Patents", available at http://www.wto.org/english/tratop_e/trips_e/factsheet_pharm00_e.htm
4. Amollo, R. 2009. "Revisiting the Trips Regime: Rwanda-Canadian ARV Drug Deal Tests the WTO General Council Decision" in *African Journal of International and Comparative Law*, 17, P. 240-269
5. Dwyer, L. 2008. "Biopiracy, Trade and Sustainable Development" in *Colorado Journal of International Environmental Law and Policy*, 19, P. 219-257.

Theme 5: The Millennium Development Goals and 'Development' (18 - 19 April, 2013)

Learning objective(s):

Critically examine the MDGs and their linkages with human rights and development; understand and be aware of the ongoing efforts at the UN in terms of operationalizing the Right to Development including in its applicability to the MDGs.

Required Readings:

1. Millennium Development Goals and Indicators, UN Millennium Declaration (2000).
2. Claiming the Millennium Development Goals: A Human Rights Approach Office of the High Commissioner for Human Rights (2006).
3. Jan Vandemoortele, 'The MDG Story: Intention Denied', in: *Development and Change*, Vol 42 (1): 1-21 (2011).

Optional Readings:

1. Information note: The right to development – Framework for achieving the MDGs, Office of the High Commissioner for Human Rights (2010)
2. UN Millennium Declaration (2000)
3. MDG Gap Task Force Report 2011
4. The Right to Development and Practical Strategies for Implementation of the Millennium Development Goals, Particularly Goal 8: Preliminary Concept Note (ECOSOC 2005).
5. Arjun Sengupta, Human Rights and Extreme poverty, Report of the Independent Expert on Human Rights and Extreme Poverty (ECOSOC 2006).
6. Mary Robinson, "What Rights Can Add to Good Development Practice" in: Philip Alston and Mary Robinson (eds.), *Human Rights and Development: Towards Mutual Reinforcement* (Oxford University Press, 2005), pp. 25-41.