

SYLLABUS
“Mutually Reinforcing”
The Relationship between Democracy, Development and Human Rights

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Course Description

The 1993 UN World Conference on Human Rights held in Vienna declared that “Democracy, development and respect for human rights and fundamental freedoms are interdependent and **mutually reinforcing**.” This hard-won formulation has since become part of orthodox United Nations discourse. It reflects the post-Cold War appreciation of the relevance of democracy, the necessity for human rights protections and the centrality of the development process among the concerns of the majority of UN Member States. To what extent are there tensions and conflicts between these three fundamental concepts in theory and practice? Are they in practice mutually reinforcing?

The course will begin by tracing the origins of how each of these seminal concepts became central concerns of the international community. Each of the seminal concepts was incorporated into normative instruments and supported by international architecture both in the UN and beyond. The course will track both their normative articulation and their practical implementation.

Having studied these normative and practical histories, the course will ask the students to draw conclusions on the extent of mutual reinforcement between the three concepts, where gaps or contradictions may exist and what steps may be open to strengthen the links. Interspersed with this approach, the course will ask students to reflect on several examples that highlight the way in which the three concepts work together or otherwise. One such example is the building of large dams.

Course Objectives

Students who complete the course will:

- Gain a strong understanding of the origins of the development, human rights and development discourses
- Strengthen their appreciation of the role of the United Nations in developing these discourses
- Understand the mutually reinforcing relationship between the three concepts
- Understand the conflicts that can arise between the three concepts

Assessment

While drawing from the scholarly literature and seeking the relevant theoretical foundations, the course will have a bias towards the practical and the applied. This will also be reflected in the method of assessment. Assessment will be on the basis of participation including group exercises and a requirement for students to make short presentations in class (30%) and two major assignments (70%). The assignments will be discussed in class.

Assignment 1

Write a 4,000-5,000 word grant application based on parameters to be advised – the application needs to be persuasive, erudite and tightly drafted (30%). It is due on 14 March.

Assignment 2

The major assignment will be a 6,000-7,500 word policy brief on an agreed topic which will need to contain the analysis of an issue under consideration and recommendations to resolve it (40%). The assignment is due on 22 April.

Week One Introduction

The 1993 Vienna Conference was a key milestone marking the end of the Cold War and allowing for a reassessment of some key normative concepts which had been distorted in support of the Cold War protagonists. The separate normative strands relating to democracy, development and human rights came to be seen as not only related but “mutually reinforcing”. Week one will unpack this issue and also have class introductions, course introduction and a review of the assessment requirements.

Students are encouraged to become familiar with three key books that will inform many aspects of the course:

Amartya Sen (1999) *Development as Freedom*, Anchor Books, NY

Larry Diamond (2008) *The Spirit of Democracy*, Henry Holt, NY

Jack Donnelly (2013) *Universal Human Rights in Theory and Practice*, Third Edition, Cornell University Press

Week Two Origins of the Development Discourse

While there is a faint precursor of the development discourse in the Covenant of the League of Nations (Articles 22 and 23), it is Chapter IX of the UN Charter that establishes development (or “the creation of conditions of stability and well-being”) as one of the major pillars of the UN. Official Development Assistance (ODA) became a prominent part of the international system but its justification was viewed differently depending on one’s standpoint in the North or the South and its delivery was subject to competing theories.

William Easterly (2001) *The Elusive Quest for Growth: Economists' Adventures and Misadventures in the Tropics*, MIT Press, Chapter 2, 25-45

Carol Lancaster (2007) *Foreign Aid: Diplomacy, Development and Domestic Politics*, University of Chicago Press, 25-47

Louis Emmerij (2007) “Creativity in the United Nations: A history of ideas” *Development* 50, 39-46,

Week 3 Origins of the Human Rights Discourse

The human rights discourse has a moral basis in age-old religious teachings such as “do unto others...” but its emergence as a “self-evident” doctrine (today best encapsulated as “inherent”) flows from the enlightenment and modernity. Its first formal expressions were in the campaigns against slavery and judicial torture. It also benefited from the parallel debates about humanitarian law and the laws of war. Its adoption as a fundamental part of the international system is even more recent and its incorporation into the UN Charter flows from President Roosevelt’s four freedoms speech of 1941.

Jack Donnelly (2013) *Universal Human Rights in Theory and Practice*, Third Edition, 15-23

Lynn Hunt (2007) *Inventing Human Rights: A History*, Norton, NY, 15-34

William I. Hitchcock (2015) “The Rise and Fall of Human Rights? Searching for a Narrative from the Cold War to the 9/11 Era” *Human Rights Quarterly* Volume 37, Number 1, February 2015, 80-106

Roland Rich (2002) "Solidarity Rights Give Way to Solidifying Rights" *Dialogue – Journal of the Academy of the Social Sciences in Australia* Volume 21 3, 25-33

Margaret E. Keck, Kathryn Sikkink (1998) *Activists Beyond Borders*, Cornell University Press, 41-51 (re the 19th Century movement for the abolition of slavery)

Week 4 Origins of the Democracy Discourse

Democracy is an ancient concept re-engineered for modern mass society. Its modern origins can be traced back to three revolutions – the Glorious Revolution in England, the American Revolution and the French Revolution – and its implementation can be seen in three waves. Democracy was a bitterly contested concept during the Cold War and it thus had a difficult entry into the UN system with the Vienna declaration marking the point of consensus (or at least of weakening opposition) as to its relevance. Its acceptance into the UN system can be seen from the establishment of the UN Democracy Fund.

Samuel Huntington (1991), *The Third Wave: Democratization in the Late Twentieth Century*, 3-30

For a critique of aspects of the Huntington thesis see: Roland Rich (2007), *Pacific Asia in Quest for Democracy*, 1-16,

Larry Diamond (2008) *The Spirit of Democracy*, 41-55

Roland Rich (2010) "Situating the UN Democracy Fund", *Global Governance* 16, 423–434,

Week 5 United Nations Normative Articulation

The international system requires normative articulation of a concept, discourse or process before it can gain legitimacy and be the subject of claims and responsibilities. The United Nations has become the major articulator of such norms. The human rights discourse had the great benefit of its 1948 Universal Declaration but it took almost twenty years to translate it into treaty form and by that time the Cold War distorted its notion of indivisibility by creating two Covenants. The development discourse went through a highly contested period debating "permanent sovereignty" over natural resources before coming to a more nuanced consensus shaped in major UN conferences. Democracy remains subject to an uneasy debate, with post-Cold War suggestions that it is a human right giving way to more practical assistance measures. The "mutually reinforcing" formulation remains though various actors apply differing emphases.

Jack Donnelly (2013) *Universal Human Rights in Theory and Practice*, Third Edition, 24-33

Jean-Philippe Thérien, Philippe Joly (2014) ““ All Human Rights for All”: The United Nations and Human Rights in the Post-Cold War Era” *Human Rights Quarterly* Volume 36, Number 2, May, 373-396

Ismail Serageldin (1998) “The Formation of a Global Development Agenda”, Boutros Boutros-Ghali (ed.) *Amicorum Discipulomruque Liber: paix, developpement, democratie*, Bruylant, Brussels, 1345-1363

Roland Rich (2001) “Bringing Democracy into International Law” *Journal of Democracy* 12, No. 3 (July): pp.20-34

Week 6 The Right to Development

Ever since the 1970s when Senegalese jurist Keba M’Baye challenged the development establishment to incorporate human rights into its work, ODA has struggled with the issue. The Right to Development took a political path and though there have been attempts to actualize it and give it practical relevance, countries of the global South have preferred to retain it as a political statement. The original tensions have not been fully resolved but there is a greater awareness of human rights issues in development assistance.

Arjun Sengupta (2002) “On the Theory and Practice of the Right to Development” *Human Rights Quarterly* 24.4, 837-856, 876-889

Bonny Ibhawoh (2011) “The Right to Development: The Politics and Polemics of Power and Resistance” *Human Rights Quarterly* 33.1, 76-104

Balakrishnan Rajagopal (2013) “Right to Development and Global Governance: Old and New Challenges Twenty-Five Years On” *Human Rights Quarterly* Volume 35, Number 4, 893-909

Additional reading (both on Sakai):

Jack Donnelly (1985) “In Search of the Unicorn: The Jurisprudence and Politics of the Right to Development” 15 *California Western International Law Journal*

Roland Rich (1985) "The Right to Development: A Right of Peoples?" [1985] 33 Bulletin of the Australian Society of Legal Philosophy, a later version published in Roland Rich, "The Right to Development: A Right of Peoples?" James Crawford (ed.) *The Right of Peoples*, Oxford University Press

Week 7 Development as Freedom

Development initially situated itself in the field of economics and became a new branch thereof, development economics. It initially concentrated on issues to do with growth rates and investment strategies theoretically sustained by Bhagwati's argument that developing countries faced the "cruel dilemma" of having to choose between development and democracy. Sen's scholarship changed this trajectory and refocused attention on economic and political freedom as the keys to development. Though they remain intellectual rivals, both agree on the centrality of democracy for quality development.

Amartya Sen (1999) *Development as Freedom*, chapters 2, 10

Jagdish Bhagwati (1995) "The New Thinking on Development" *Journal of Democracy* 6.4, 50-64

William Easterly (2013) *The Tyranny of Experts: Economists, Dictators and the Forgotten Rights of the Poor*, Basic Books, NY, 17-42

Week 8 Democracy as a Universal Value

Amartya Sen's research on famines led him to a startling conclusion – it was not lack of food that led to famines but lack of democracy! In his seminal 1999 article he argued that democracy had become a universal value, though he defined his terms carefully to limit this meaning to everybody seeing *some* value in democracy. But democracy needs human rights to temper its majoritarian bent and democracy needs development because very poor countries find it particularly hard to consolidate democracy. There is therefore an insistent requirement for the "mutually reinforcing" formulation.

Amartya Sen (1999) "Democracy as a Universal Value" *Journal of Democracy* 10.3, 3-17

Larry Diamond (2008) *The Spirit of Democracy*, 20-31

Charles Onyango-Obbo (2013) "The Curse of Sisyphus: Why democracy isn't necessarily good for press freedom in Africa" *Development* 56(3) 328-331,

William Easterly (2010) "Democratic Accountability in Development: The Double Standard" *Social Research*, 77.4, 1075-1104

Week 9 Reinforcement or Tension? Democracy as Disruptor

While the rhetoric of mutual reinforcement is pleasing, there is necessarily a tension between democracy on the one hand and development and human rights on the other. Democracy is power to the people but development established governments as the heroic actors in the fight against poverty and international law placed the key responsibilities on governments to promote and protect human rights. The Paris Principles, a progressive set of prescriptions to improve ODA, transferred the key role from donor governments to receiving country governments without reference to democracy.

The Paris Declaration on Aid Effectiveness (2005) and the Accra Agenda for Action (2008), <http://www.oecd.org/dac/effectiveness/34428351.pdf>

Daniel Kaufmann (2009) "Aid Effectiveness and Governance: The Good, the Bad and the Ugly" *Brookings Opinion*, March 17

Thomas Carothers, Diane de Gramont (2013) *Development Aid Confronts Politics: The Almost Revolution*, Carnegie Endowment, Washington DC, 125-143, 170-175

Week 10 What Role for Civil Society?

ODA has struggled to find the best role for civil society. Initially it used NGOs in developed countries to deliver projects as a cheaper alternative to outsourcing to commercial consultants. But the growth of civil society in the aid receiving countries has posed a deep dilemma for ODA managers. ODA has also championed the concept of partnership with the private sector but this remains in an embryonic state. The key tension is between top-down and bottom-up concepts of development with democracy championing the latter.

Stephanie Bailer, Thilo Bodenstein, V. Finn Heinrich (2008) "What Makes Civil Society Strong? Testing Bottom-up and Top-down Theories of a Vibrant Civil Society" V Finn Heinrich, Lorenzo Fioramonti (eds.) *CIVICUS Global Survey of the State of Civil Society, Volume 2 Comparative Perspectives*, Kumerian Press, Bloomfield CT, 235-254

International Center for Not-for-Profit Law (ICNL), World Movement for Democracy at the National Endowment for Democracy (NED) (2012) *Defending Civil Society*, 8-28, http://www.icnl.org/research/resources/dcs/DCS_Report_Second_Edition_English.pdf

Jonathan Glennie (2009) "Openness, Democracy and Humility: The principles of a new era in development" *Development* 52(3) 363-368,

Week 11 Is there a Human Rights Way of Development?

While the Right to Development took a political path, two other doctrines, the Rights Way to Development succeeded by the Human Rights Based Approach to Development had more impact. One important result of this greater understanding is the concept of human development. How is human rights and democracy accommodated in the UN Development Goals?

Shannon Kindornay, James Ron, Charli Carpenter (2012) "Rights-Based Approaches to Development: Implications for NGOs" *Human Rights Quarterly* Volume 34, Number 2, May 2012 472-506

Shyama Kuruville et al (2012) "The Millennium Development Goals and Human Rights: Realizing Shared Commitments" *Human Rights Quarterly* Volume 34, Number 1, February 2012 141-177

Andre Frankovits (2002) "Rules to Live by: The Human Rights Approach to Development" *PRAXIS The Fletcher Journal of Development Studies* Volume XVII 1-14

Peter Uvin (2002) "On High Moral Ground: The Incorporation of Human Rights by the Development Enterprise" *PRAXIS The Fletcher Journal of Development Studies* Volume XVII 1-11,

Danilo Türk (2014) "The UN Concept of Development and the Vision of Shared Societies" *Development* 57(1) 19-24,

Arab Human Development Report (2004) *Towards Freedom in the Arab World*, 8-22, http://hdr.undp.org/sites/default/files/rbas_ahdr2004_en.pdf

Week 12 Reconciling Conflicts

The course will conclude with a review where certain tensions between the mutually reinforcing concepts are apparent. This is not a criticism of the rhetoric. These are complex issues and there are sure to be tensions and trade-offs between them.

- The building of large dams crystallizes these tensions – they generate economic growth but the few must suffer for the many. How can trade-offs be managed?
- Should ODA fund democratic “color” revolutions?
- The LGBT rights issue is also problematic on the international agenda. Should activists await consensus on normative instruments? Should democratically expressed opinions in donor countries be decisive globally?

The World Commission on Dams (2000) *Dams and Development: A New Framework for Decision-Making*, chapters 1, 4, 6.

https://www.internationalrivers.org/sites/default/files/attached-files/world_commission_on_dams_final_report.pdf

Michael McFaul and Regine Spector (2010), “External Sources and Consequences of Russia’s ‘Sovereign Democracy’”, Peter Burnell and Richard Youngs (eds.) *New Challenges to Democratization*, 116-133

Jack Donnelly (2013) *Universal Human Rights in Theory and Practice*, 274-290

D.Ø. Endsjø “Lesbian, Gay, Bisexual, and Transgender Rights and the Religious Relativism of Human Rights” 102 *Human Rights Review*, January-March 2005, 102-110
http://www.academia.edu/9182949/Lesbian_gay_bisexual_and_transgender_rights_and_the_religious_relativism_of_human_rights

Week 13 **Continuation of Reconciling Conflicts**
Recap and Conclusions

Week 14 **Review Policy Briefs**

Academic Integrity Policy

Academic integrity means, among other things that you as a student must:

- Develop and write all of your own assignments.
- Show in detail where the materials you use in your papers come from. Create citations whether you are paraphrasing authors or quoting them directly. Be sure

always to show source and page number within the assignment and include a bibliography in the back.

- Do not fabricate information or citations in your work.
- Do not facilitate academic dishonesty for another student by allowing your own work to be submitted by others.

The consequences of scholastic dishonesty are very serious. If you are in doubt about any issue related to plagiarism or scholastic dishonesty, please discuss it with the instructor. Students are also advised to consult the following links that provide more information and plagiarism tutorials:

<http://academicintegrity.rutgers.edu/>

<http://library.camden.rutgers.edu/EducationalModules/Plagiarism/>

http://www.libraries.rutgers.edu/avoid_plagiarism

<http://academicintegrity.rutgers.edu/resources-for-students/>

Other Academic Support Services

Rutgers has a variety of resources for academic support. For more information, check <http://www.rutgers.edu/academics/academic-support>

Rutgers has Learning Centers on each campus where any student can obtain tutoring and other help. For information, check <http://lrc.rutgers.edu/>

Rutgers also has a Writing Center where students can obtain help with writing skills and assignments. Learn more here: <http://wp.rutgers.edu/tutoring/writingcenters>