

Introduction

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It has been a great pleasure to put together this edited volume to commemorate the first 20 years of the MA in Understanding and Securing Human Rights. In doing so, I have been able to reach back to the earliest days of the programme to learn how it developed in close cooperation with staff at Amnesty International and other human rights NGOs. Surprisingly, the programme of three core modules, namely ‘Understanding Human Rights’, ‘Securing Human Rights’ and ‘Translating Human Rights into Law’ have constituted the structure of the MA since its inception. It was thus appropriate to choose these three pillars as the framing themes of the book.

I was also keen to highlight the achievements of the graduates across time, space and field of specialisation. I’m pleased that we have been able to feature the work of alumni in varied aspects of human rights, from classic civil and political rights like the right to a fair trial (Shah), to the use of poetry for human rights (Sumpton), the protection of the environment (Venisnik), the burgeoning field of business and human rights (Dhanarajan) and human rights in the digital age (Marcus). The authors were invited to submit ‘think pieces’ drawing from their own work, both academic and practitioner-based, and using the skills developed on the MA. It is a credit to the programme that the chapters are rich with critical analysis, legal expertise and innovative approaches.

Understanding human rights

The book begins with a set of essays that help us in ‘Understanding Human Rights’ by considering the construction of rights from a social and political perspective. Short opens with a brief history of how two key disciplines, Sociology and Anthropology, came to offer insightful and often critical examinations of the evolving human rights regime. In particular, these disciplines show us that rights are contextual and socially formed. In Barreto’s chapter, we take one step back to think about why scholars have sought to elaborate a theory of human

rights in the first place. He posits several possible motivations but comes to rest on the argument that human rights theory is solidarity, which resonates nicely with Short's review of the 'activist' strand of social science scholarship.

Ojulari offers an excellent illustration of this social constructionist perspective. She examines the case of the emerging rights corpus for people of African descent in Colombia, drawing from critical race theory to show how the domestic laws promulgated have been more constraining for Afro-Colombians than emancipatory. This is a helpful reminder that we cannot understand human rights laws at face value: instead, we must ask, in whose interests do these rights operate? Souter's chapter takes a similar tack in his examination of the concept of the 'responsibility to protect' (R2P). He argues that the norm has been too narrowly interpreted, usually in the interests of states, but also reflected in the limited understandings of R2P articulated by advocates. He encourages advocates to push the normative boundaries of human rights concepts in his focus on reparation rights for refugees in host countries. The final chapter in this section also looks at fast-moving normative boundaries, bringing us into the 'digital age' of human rights. Marcus summarises some of the many implications that changes in information and communication technologies can and are having for existing human rights or for creating new rights.

These chapters demonstrate that we can expand concepts of rights beyond the often narrow and restrictive policy interpretations that are currently hegemonic. Moreover, rights need to respond to changes in social reality. Indeed, if they do not so respond, they risk becoming moribund. We all have a role to play in shaping new 'understandings' of human rights.

Securing human rights

This leads nicely to the second section of the book, 'Securing Human Rights'. I currently teach this module and have had the privilege to listen to the reflections, advice and frustrations of many practitioners over the years. I like to remind students that the information conveyed in those sessions is like 'gold dust' – extremely valuable to gather when practitioners have a brief moment to share it. In this way, the MA classroom has thus served also as a small oasis for our guest lecturers, who have the opportunity in constructing their lectures and in responding to student questions to reflect on the implicit strategies in their daily work.

We begin this section with a new and emerging tool for activists to do this reflection more systematically as a key stage of the programme planning cycle: 'theories of change'. Theories of change demand a much more critical and nuanced consideration of our own assumptions of how to secure human rights. Gready's chapter usefully contrasts the theories of change prevalent in the work of human rights actors and development actors. In doing so he underscores

some broad differences in approach that help to explain why state actors have often been more receptive to development practitioners than human rights advocates. These points are taken up by Klirodotakou in her chapter on support to women's human rights. She discusses how development funding is being channelled to women as change agents, without full consideration of the most effective process of change needed. Support has moved away from grassroots women's movements towards top-down approaches, despite contrary evidence that change is more likely through women's empowerment and mobilisation at a local level. Holt's chapter on conflict prevention shows how a human rights 'informed' approach can be more instrumentally valuable in situations of inter-cultural conflict than strict advocacy on international human rights law. The theories of change implicit in human rights may not always be appropriate for conflict transformation and prevention, particularly where the norms *per se* are resisted by local actors.

Other chapters in this section look at new avenues for securing human rights. Burrows discusses her work in the tax justice campaigns of ActionAid. Tax has been a too-long neglected dimension of human rights advocacy, perhaps because of blinkered understandings of financing for human rights. Dhanarajan dives into the business and human rights field, where non-treaty based systems of regulation are proliferating. This raises the important question of whether non-legally binding regimes can be more effective than law in securing human rights. Hamdan considers the role of Technical Cooperation Programmes (TCPs) delivered by the UN at the invitation of states. TCPs are considered the softer approach to norm compliance for UN agencies and his examples from Saudi Arabia show that advancements can be made through socialisation processes such as training, network construction and dialogue. Sumpton describes how poetry can be a powerful tool for securing human rights, both in transforming meanings of rights but also in empowering rights holders through new forms of self-expression and recovery from human rights violations.

Translating human rights into law

Finally, the third section of the book brings us to reflections on 'Translating Human Rights into Law'. Shah opens this section with her chapter on cuts to legal aid in the UK and the far-reaching effects. This reminds us that access to justice is contingent on a number of factors even in countries with an otherwise strong rule of law. Ball extends this discussion with her chapter on the experience of supporting cases from Australia to the UN treaty body system. Among her key points is the important role that NGOs can play in enabling cases to be heard, echoing Shah's discussion on UK civil society support to those newly excluded from legal aid.

The following chapters from Cantor and Sait examine the role of human rights law when intersecting with other legal regimes. Cantor offers some suggestions on how international human rights law could complement refugee law in situations of extra-territorial protection of refugees. Sait shares insights from his study on property rights for women under Islamic law, rights which he argues are instrumental for the realisation of other human rights for women. He shows the contribution that rights-based approaches can make to transforming meanings within cultural and customary legal systems.

This collection of essays is also an important reminder of the limitations of the law used in isolation from other strategies of advocacy. Litigation and legislation are just one component of socialisation and persuasion in achieving changes in behaviour of states (or increasingly non-state actors). Engstrom's chapter on the Inter-American Human Rights System illustrates the political and social dimensions that impact on the strength of that regime. On litigation in the Inter-American system, he argues that it has not always served the direct interests of the applicants, being used often instead for wider legislative and policy aims that may neglect more specific remedies for individuals. Venisnik makes a related plea in her chapter to ensure that litigation achieves 'power to the people' rather than being a strategy imposed by outsiders. Nevertheless, her case studies from Southeast Asia show that litigation in various guises can have a useful impact for communities. Waiti illustrates the value of the Universal Periodic Review (UPR) for achieving legislation and policy change. He describes the promulgation of the UN Convention on the Rights of Persons with Disabilities into national law in the Marshall Islands following UPR recommendations. This process was important not only for legal change but also for building civil society and for socialisation on disability rights.

Conclusion

I hope this edited book serves as a useful legacy of the MA in Understanding and Securing Human Rights. We are pleased to be able to offer it also as an open access online resource via the School of Advanced Study. I would like to take this opportunity to thank the contributors for producing excellent chapters under a tight time frame and whilst juggling their difficult day-jobs. I would also like to thank the current MA students who have assisted in the editing of the book and the organisation of the MA 20th anniversary conference, including Genna, Danni, Chucks, Justine, Emily, Ana, Christian, Megan, Minah, Joe, Iyanu and Annabel.

There are more than 700 alumni of this programme working around the globe towards the full implementation of human rights for all in very different ways. They each have a unique story to tell of what brought them to the study of human rights in the first place. A few have shared those stories here. I hope that in doing so they will help to inspire future students of human rights.