## **SELECTED BIBLIOGRAHY**

#### **Books**

Aaronson, S A and Zimmerman, J M (2008) *Trade imbalance. The struggle to weigh human rights concerns in trade policymaking* New York: Cambridge University Press

African Labour Research Network (2000) Building alternatives to neo-liberal globalisation: The challenges facing NEPAD Johannesburg: NALEDI

Alston, P (2005) Non state actors and human rights Oxford: Oxford University Press

Andreassen, B A and Marks, S P (eds) (2006) *Development as a human right - legal, political and economic dimensions*, Nobel Symposium book 125 London: Havard School of Public Health, Francois Xavier Bagnoud Center For Health and Human Rights

Ankuma, A E (1996) *The African Commission on Human and Peoples' Rights: Practice and procedures* The Hague: Martinus Nijhoff

An-Na'im, A A (ed) (1991) Human Rights in Cross-Cultural Perspectives: A Quest for Consensus Philadelphia: University of Pennsylvania Press

Appiah, A K (2005) The Ethics of Identity New Jersey: Princeton University Press

Appiah, A K (2006) Cosmopolitanism: Ethics in a world of strangers New York: W.W. Norton & Company

Arts, K (2000) Integrating human rights into development cooperation: The case of the Lomé Convention United Kingdom: Kluwer Law International

Aristotle (1996) *The politics and the Constitution of Athens* S Everson (ed) Cambridge: Cambridge University Press



Asante, SKB (2003) NEPAD: A partnership of unequal partners London: New African

Banik D, (ed) (2007) Rights and legal empowerment in eradicating poverty Farnham, England: Ashgate

Baxi, U (2002) The future of human rights New Delhi: Oxford University press

Baxi, U (2007) Human rights in post human world: Critical essays Oxford: Oxford University Press

Beitz, C (1999) *Political theory and international relations* Prince Town: Prince Town University Press

Bell, J (1992) French constitutional law Oxford: Oxford University Press

Bilchitz, D (2007) Poverty and fundamental rights: The justification and enforcement of socio-economic rights Oxford: Oxford University Press

Bond, P (2000) Elite transformation: From apartheid to neo-liberalism in South Africa, Pietermaritzburg: Pluto Press/University of Natal Press

Bond, P (2004) *Talk Left,Walk Right: South Africa's Frustrated Global Reforms* Scottsville, South Africa: University of KwaZulu-Natal Press

Bond, P (2005) Fanon's warning: A civil society reader on the New Partnership for Africa's Development Asmara: Africa world press

Boyle, A and Chinkin, C (2007) *The making of international law* New York: Oxford University Press

Brownlie, I (2003) Principles of public international law Oxford: Oxford University Press

Cassese, A and Jouve E (eds) (1978) Pour un droit des peoples Essaia sur la Declaration d'Alger Paris : Berger – Levrault

Cassese, A (1990) Human Rights in a Changing World Philadelphia: Temple University Press

Cheng, B (1982) International law teaching and practice London: Stevens and Sons

Cheru, F (2002) African renaissance: roadmaps to the challenge of globalisation London & New York: Zed Books

Chowdhury, SR; Denters, E & Waart P (eds) (1992) *The right to development in international law* Dordrecht: Martinus Nijhoff

Collins, W S & Co Ltd (2003) *Collins English Dictionary* – Complete and Unabridged – New York: Harper Collins Publishers

Commission for Africa (2005) Our common interest. An argument England: Penguin books

Craven MCR (1995) *The international Covenant on Economic, Social and cultural Rights: A perspective on its development* Oxford: Clarendon Press

Crawford, J (1988) The rights of peoples Oxford: Clarendon Press

David, M (1995) On nationality Oxford: Clarendon Press

Dias, RW M (1970) Jurisprudence London: Butterworths

Donnelly, J (1998) International Human Rights Boulder, Colorado: Westview Press

Dupuy, P M (2008) Droit International Public Paris: Dalloz

Dworkin, R (1978) Taking rights seriously London: Duckworth



Evans, M & Murray, R (eds) (2008) *The African Charter on Human and Peoples' Rights – The system in practice, 1986-2006* Cambridge: Cambridge University Press

FAO (2000) Multilateral Trade Negotiation in Agriculture – A Resource Manuel Rome: FAO, UN

Finnis, J (1980) Natural law and natural rights Oxford: Oxford University Press

Fombad, C M (2003) Cameroon The Hague: Kluwer Law International

Giddens, A (1998) The third way: The renewal of social democracy Cambridge: Polity Press

Green, D (2008) from poverty to power – How active citizens and effective states can change the world Auckland Park (South Africa): Jacana Media

Hanella, A & Lagan J (eds) (1982) *Human Rights in Americas: The struggle for consensus* Washington D.C: George University Press

Harding, R (1998) Morality within the limit of reason Chicago: Chicago University Press

Hayden, P (2005) Cosmopolitan global politics Aldershot: Asgahte

Herbert, R and Gruzd, S (2008) Le mecanisme Africain d'evaluation par les pairs: Lecons des poinniers Johannesburg: SAIIA

Heyns, C and Killander M (eds) (2007) *Compendium of key human rights documents of the African Union* Pretoria: PULP

Hohfeld, W N (1919) Fundamental legal concepts as applied in judicial reasoning New Haven: Yale University Press



International Federation for Human Rights (2004) A human rights approach to the New Partnership for Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM) FIDH

Jones, C (1999) Global justice: Defending Cosmopolitanism Oxford: Oxford University Press

Jordaan, B; Kalula, E & Strydom, E (eds) (2009) *Understanding Social Security Law* Cape Town: Juta

Kant, I (1795) Perpetual peace New York: Cosimo, Inc

Khoza, S (ed) (2007) *Socio- economic rights in South Africa* University of Western Cape, South Africa: Community Law Centre

Lauren, P G (1998) *The evolution of international human rights – Visions seen* Philadelphia: University of Pennsylvenia press

Locke J (1689) Two treaties of civil government: Awnsham Churchill

MacIntyre, A (1981) After virtue Indiana: University of Notre Dame Press

MacDonald, T H (2006) Health, Trade and Human Rights Oxford- Seattle: Radcliffe

Manor, J *The political economy of democratic decentralisation* (1999) Washington D.C: The World Bank

Marks, S (eds) (2008) *Implementing the right to development: The role of international law* Geneva: Friedricht Ebert Stiftung

Mbazira, C (2009) Litigating socio-economic rights in South Africa: A choice between corrective and distributive justice Pretoria: PULP



McLean, K (2009) Constitutional deference, courts and socio-economic rights in South Africa Pretoria: PULP

Mubangizi, J C (2004) The protection of human rights in South Africa: A legal and practical guide Lansdown: Juta

Mulemfo, M (2000) Thabo Mbeki and the African Renaissance Pretoria: Actua Press

Murray, R & Evans, M (eds) (2001) *Documents of the African Commission on Human and Peoples' Rights* Oxford; Portland Oregon: Hart publishing

NALEDI (2004) 'Building alternatives to neo-liberal globalisation: The challenges facing NEPAD' Johannesburg

Nmehielle, VO (2001) *The African human rights system: Its laws, practice, and institution* The Hague, London, New York: Martinus Nijhoff

North, D C (1990) *Institutions, institutional change and economic performance* New York: Cambridge University Press

Olinga, D A (2002) L'ONEL réflexions sur la Loi Camerounaise du 19 Décembre 2000 portant Création d'un Observatoire National des Elections Yaoundé: Presses de l'UCAC

Olowu, D (2009) An integrative rights-based approach to human development in Africa Pretoria: PULP

O'neill, O (1996) *Towards justice and virtue: A constructive account of practical reasoning* Cambridge: Cambridge University Press

O'neill, O (1986) faces of hunger: An Essay on poverty, justice and development (London: Allen & Unwin



Onimode B (2004) African development and governance strategies in the 21<sup>st</sup> Century: Essay in honour of Adebayo Adedeji at seventy' London: Zed Books in association with African Centre for Development & Strategy Studies

Ougergouz, F (1993) La Charte Africaine des Droits de l'Homme Et des Peuples: Hostorique, portee juridique et contribution a la protection international des droits de l'homme en Afrique Paris: PUF

Ouguergouz, F (2003) African Charter on human and peoples' rights – A comprehensive agenda for human dignity and sustainable democracy in Africa The Hague: Kluwer Law International

Pogge, T Realising Rawls (1989) part III New York: Cornell University Press

Pogge, T (eds) (2007) Freedom from poverty as a human right - Who owes what to the poor? Oxford: Oxford University Press

Pogge, T (2008) World poverty and Human Rights: Cosmopolitan Responsibilities and Reforms Cambrigde: Polity Press

Rawls, J (1971) A theory of justice The Belknap Press/Harvard University Press

Rawls, J (1999) *The law of peoples: With the idea of public reason revisited* Cambridge: Mass Havard University Press

Renteln, A D (1990) *International human rights: Universalism v relativism* California: Sage publication

Rodney, W (1973) *How Europe Underdeveloped Africa* London and Tanzanian Publishing House; (available at available at <a href="http://www.blackherbals.com/walter\_rodney.pdf">http://www.blackherbals.com/walter\_rodney.pdf</a> (accessed 15 August 2010)



Rukato, H (2010) Future of Africa - prospects for democracy and development under NEPAD Asmara, Eritrea: Africa World Press

Salomon, M E (2007) Global responsibility for human rights Oxford: Oxford University Press

Santos, B (1995) Towards a new common sense: Law, society and politics in the paradigmatic transition New York: Routledge

Scheffler, S (2001) Boundries and allegiances New York: Oxford University Press, 2001

Sen, A (1999) Development as freedom New York: Knopf

Sengupta A, Negi, A & Basu M (eds) (2005) Reflections on the right to development New Delhi: India Sage publications

Sharawi, H (2001) Africa at the turn of the Century Cairo: Center of Arab-African Studies

Shelton, D 'International law and relative normativity' in Evans, M (ed) (2006) *International Law* Oxford: Oxford University Press

Shivji I G (1989) The concept of human lights in Africa London: Codesria book series

Shue, H (1980) & (1996) Basic rights New Jersey: Princeton University Press

Singer, P (2002) One World: The Ethics of Globalisation New Haven: Yale University Press

Skogly, S I (2001) The human rights obligations of the World Bank and the International Monetary Fund London: Cavendish

Snyder, F & Slinn, P (eds) (1987) *International Law of Development: Comparatives Perspectives* Abingdon: Professional Books



Steiner, HJ; Alston, P & Goodman R (2008) (eds) *International human rights in context. Law, politics, morals* Oxford: Oxford University Press

Tan K-C (2004) *Justice without borders: Cosmopolitanism, Nationalism and Patriotism* Cambridge: Cambride University Press

Taylor, I (2005) Nepad - Toward Africa's development or another false start? Boulder: Lynne Rienner Publishers

The American Heritage 4<sup>th</sup> (eds) 2000, updated in 2009 *Dictionary of the English Language* Houghton: Mifflin Company

The World Commission on Environment and Development (1987) *Our Common Future* Oxford: Oxford University Press

The World Bank (1992) Governance and Development, Washington D.C World Bank

The World Bank (1998) Development and human rights: the role of the World Bank Washington D.C

The World Bank (2000) Can Africa claim the 21st century? Washington, D.C.

Third World Legal Studies Association (1984) *Human rights and development* New York: International Center or Law and Development

Turnbull CM (1987) The Forest People: Austin, Texas Touchstone

Umozorike, UO (1979) International law and colonialism in Africa Enugu: Nigeria, Nwamife

UNECA (2004) Assessing regional integration in Africa New York: UN

UNESCO (2005) Education Policies and Strategies 7- Decentralization in education: National policies and practices Paris: UNESCO



Viljoen, F (2007) International human rights law in Africa Oxford: Oxford University Press

Waldron, J (1984) Theories of rights New York: Oxford University Press.

Walker, M & Unterhalter, E (2007) *Amartya Sen's capability approach and social justice in education* New York: Palgrave Mc millan

White, AR (1984) Rights Oxford: Oxford University Press

White, H Killick, T and Kayizzi-Mugerwa, T (2001) African poverty at the millennium: causes, complexities, and challenges Washington, D.C: Human Kinetics Publishers

Woolman S, Roux T, Klareen J, Stein A & Chakalson, M (eds) (2007) *Constitutional law of South Africa* Cape Town: Juta

## Chapters in books

Akokpari, J 'Human rights actors and institutions in Africa' in J Akokpari & D Shea Zimbler (2008) *Africa's human rights architecture* South Africa: Fanele, Jacana

Alfredsson, G 'The right to development: Perspective from human rights law' in L A, Rehof & C Gulmann (eds) (1989) *Human rights in domestic law and development assistance policies of the Nordic countries* Dordrecht; London M. Nijhoff

Alston, P 'Development and the rule of law: Prevention versus cure as a human rights strategy', in International Commission of Jurists (eds) (1981) *Development, human rights and the rule of law* Oxford New York: Pergamon Press

Alston P 'The right to development at international level' in F E Snyder and S Sathirathai (eds) (1987), *Third world attitude towards international law* Dortrecht/Boston /Lancaster: Martinus Nijhoff



An-Na'im, AA 'To affirm the full human rights standing of economic, social and cultural rights" in Yash Ghai & Jill Cottrel (eds) (2004) *Economic, social and cultural rights in practice* London: Interights

Barnett, M & Duvall, R 'power in global governance' in Barnet, M & Duval, R (eds) (2005) Power in global governance Cambridge: Cambridge University Press

Baxi, U 'From human rights to the right to be human: Some heresies', in *Rethinking human rights* in Kothari, S and Sethi, H (eds) (1989) Bombay: Tripathy

Bello, E 'Article 22 of the African Charter on Human and Peoples' Rights' in Bello E & Adjibola B (eds) (1992) *Essay in honour of Judge Taslim Olawale Elias* Dordrecht: Martinus Nijhoff

Benedek, W 'People rights and individual' duties as special features of the African Charter on Human and Peoples' Rights' in Kunig, P; Benedek, W & Mahalu CR (eds) (1985) Regional protection of human rights by international law: The emerging African system – documents and three introductory essays Baden-Baden: Nomos Verlagsgesellschaft

Bhagwati, J 'Introduction' in Bhagwati, J and Hudec, R (eds) (1996) Fair trade and harmonisation Cambridge, MA: MIT Press

Brett, R 'Non-governmental actors in the field of human rights' in Hanski, R & Suksi, M (eds) (2000) *An introduction to the international protection of human rights* Turko/Abo, Institute for Human Rights

Campbell, B 'Quelques enjeux conceptuels, ideologiques et politiques autour de la notion de bonne gouvernance' in *Bonnes Gouvernance et Development en Afrique. Actes du Symposium International*, (1997) (ed) Democraties Africaines Dakar: Institut africain pour la Démocratie, Dakar

Cohen, J 'Philosophy, social science, global poverty' in Jaggar, A M (ed) (2010) *Thomas Pogge and His Critics* Cambridge: Polity Press



Dieng, A A 'gouvernance et developpement' in *bonne gouvernance et developpement en Afrique*, (1997) (ed) Democraties Africaines Dakar: Institut Africain pour la democratie

Donnelly, J 'The right to development: how not to link human rights and development' in Welch, C (ed) (1984) *Human rights and development in Africa* Albany: State University of New York Press

Eide, A & Rosas, A 'Economic, social and cultural rights: a universal challenge' in Eide, A; Krause, C & Rosas, A (eds) (2001) *Economic, social and cultural rights* Dordrecht; Boston: M. Nijhoff

Fombad, C M 'Cameroon's National Elections Observatory and the prospects of constitutional change of government' in Colombus, F (ed) (2002) *Politics and economics of Africa* New York: Nova Science Publishers

Fombad, C M 'The African Union, Democracy and Good Governance' in Melber H (eds) Current African issues No 32 (2006) *AU*, *NEPAD and the APRM*, *Democratisation Efforts explored*, Uppsala (Sweden): The Nordic Africa Institute

Hansungule, M 'African courts and the African Commission on Human and People's Rights' in Bosl & Diescho (eds) (2009) *Human Rights in Africa – Legal perspectives on their protection and promotion* Windhoek: Macmillan Education Namibia

Henkin, L 'International human rights as "rights" in Morton, E (ed) (1989) *The philosophy of human rights* California: Wadworth

Kahn, B 'Africa and the Washington Consensus' in Teunissen, J J and Akkerman, A (eds) (2004) *Diversity in Development: Reconsidering the Washington Consensus* Amsterdam: Fondad

Keohane, O R & Martin, L 'Institutional theory as research program' in Elman, C & Elman, M F (eds) (2003) *Progress in international relations theory* Cambridge: MIT Press



Kunig, P 'The role of 'peoples' Rights in the African Charter of Human and Peoples' Rights' in Ginther, K & Benedek, W (eds) (1983) *New Perspectives and Conceptions of International Law An Afro-European dialogue* Wien/New York: Springer

Landsberg, C 'The birth and evolution of NEPAD' in Akokpari, J; Ndinga-Muvumba, A & Murithi, T (eds) (2008) *The African Union and its institutions* Auckland Park (South Africa): Fanele

Leary V A 'The effect of Western perspective on international human rights' in An-Na'im, A A & Deng, F M (eds) (1990) *Human rights in Africa – Cross-cultural perspective* Washington DC: The Brookings Institution

Magubane, M B 'The African renaissance in historical perspective' in Makgoba, MW (eds) (1999) *The African renaissance - the new struggle* Sandton: Mafube

M'baye, K 'Introduction' (part four) 'Human rights and the rights of peoples' in Bedjaoui, M (ed) (1999) *International law: Achievements and prospects* The Hague: Martinus Nijhoff

M'baye, K 'Le droit au developpement en droit international' in Makarczk, J (ed) (1984) Essays in in international law in honour of judge Manfred Lachs The Hague: Martinus Nijhoff

Meltzer, R I 'International human rights and development: Evolving conceptions and their application to relations between the European Community and the African - Caribbean – Pacific states' in Welch, C (ed) (1984) *Human rights and development in Africa* Albany: State University of New York Press

Moyo, T 'The Resource Mobilization Strategy (RMS) of the New Partnership for Africa's Development (NEPAD): A Critical Appraisal' in Nyong'o, P A; Ghirmazion, A and Lamba, D (eds) (2002) *New Partnership for Africa's Development: A New Path?* Nairobi: Heinrich Boll Foundation



Mynnti, K 'The right of indigenous peoples to participate in development projects' in *Human Rights in Development Yearbook 2002 Empowerment, participation, accountability and non-discrimination: Operationalising a human rights based approach to development Scheinen,* M & Suksi, M (eds) (2005) Leiden/Boston: Martinus Nijhoff Publisher

Nozick, R (1974) Anarchy state and utopia New York: Basic books

Okafor, O C '"Righting" the right to development: A socio-legal analysis of article 22 of the African Charter of Human and Peoples' Rights' in Marks, S (ed) (2008) *Implementing the right to development: The role of international law* Geneva: Friedricht Ebert Stiftung

Olukoshi, A 'Governing the African political space for sustainable development: A reflection on NEPAD', in Peter Anyang' Nyong'o, Aseghedech Ghirmazion, Davinda Lamba (eds) (2002) New Partnership for Africa's Development: A New Path? Nairobi: Heinrich Boll Foundation

O'Neill, O 'Hunger, needs and rights' in Luper-Foy, S (ed) (1988) *Problems of International Justice* Boulder Colorado: Westview

Pogge, T 'Assisting the global poor' in Deen K Chatterje (ed) (2004) *The ethics of assistance: Morality and the distant needy* Cambridge: Cambridge University Press

Rosas A 'The right to development' in Eide, A; Krause, C & Rosas, A (eds) (2001) *Economic, social and cultural rights* Dordrecht: Martinus Nijhoff

Taylor, I 'Zimbabwe and the death of NEPAD' in Bond, P (ed) (2002) Fanon's Warning: A civil society reader on the New Partnership for Africa's Development New Jersey: Africa World Press, Inc

Thaddee, M (2007) 'The Franciscan concept of poverty' in World Poverty – Franciscan reflections Geneva: Franciscan international

Thirlway, H 'The sources of international law' in Evans, M (ed) (2006) *International Law* Oxford: Oxford University Press



Verwey, W D 'The new international economic order and the realization of the right to development and welfare - A legal survey' in F E Snyder & S Sathirathai (eds) (1987) *Third World attitudes toward international law: An introduction* Dordrecht: Martinus Nijhoff

Viljoen, F 'Introduction to the African Commission and the regional human rights system' in C Heyns (ed) (2004) *Human rights law in Africa* Leiden: M Nijhoff

Kebonang, Z & Fombad, C M 'The African Peer Review Mechanism: Challenges and prospects' in Melber H (ed) Current African Issues No 32 (2006) *AU, NEPAD and the APRM: Democratisation Efforts Explored* Upsala (Sweden): The Nordic Africa Institute

## **Journal articles**

Alliot, A 'Towards the unification of laws in Africa' (1965) 14 International and Comparative Law Quarterly 366

Akokpari, J 'Policing and preventing human rights abuses in Africa: the OAU, the AU & the NEPAD Peer Review' (2004) 32 *International Journal of Legal Information* 466

Akokpari, J 'The AU, NEPAD and the Promotion of Good Governance in Africa' (2004) 3 *Nordic Journal of African Studies* 13

Alston, P 'Making space for new human rights: The case of the right to development' (1998) 1 Havard Human Rights Journal 20

Alston, P 'Ships passing in the night: the current state of human rights and development debate seen through the lens of the Millennium Development Goals' (2005) 27 *Human Rights Quarterly* 774

Appiagyei-Atua, K 'Bumps on the road: A critique of how Africa got to NEPAD' (2006) 6 African Human Rights Law Journal 6



Appiagyei-Atua, K 'A rights-centred critique of African philosophy in the context of development' (2005) 5 African Human Rights Law Journal 335

Asante, S K B 'Nation building and human rights in emergent African Nations' (1969) 2 Cornell International Law Journal 74

Baimu, E 'Human rights in NEPAD and its implementation for the African human rights system' (2002) 2 *African Human Rights Law Journal* 301

Baimu, E 'The government's obligation to provide anti-retroviral to HIV-positive pregnant women in an African human rights context: The South African Nevirapine case' (2003) 3 African Human Rights Law Journal 160

Baxi, U 'The New International Economic Order, Basic needs and rights: Note towards development of the right to development' (1983) 23 *India Law Journal* 235

Bond, P 'Removing neocolonialism's APRM Mask: A critique of the African Peer Review Mechanism' (2009) *Review of African Political Economy* 596-597

Brownlie, I 'The right of people in modern international law' (1995) 9 *Bulletin of Association* of Legal Philosophy 108-110

Cheka, C 'The state of the process of decentralisation in Cameroon' (2007) No 2, XXXII Africa Development 186

Chinkin, CM 'The Challenge of soft law: Development and change in international law' (1989) 38 International and Comparative Law Quarterly 549

Chirwa, D M 'The right to health in international law: Its implications for the obligation of state and non-state actors in ensuring access to essential medicine' (2003) 19 *South African Journal on Human Rights* 541

Chirwa, DM 'In search of philosophical justifications and suitable models for the horizontal application of human rights' (2008) 8 *African Human Rights Law Journal* 303



Coase, R H (1984) 'The New Institutional Economics." (1984) Journal of Institutional and Theoretical Economics 229-231

Danilenko, GM 'International jus cogens: Issues of law-making' (1991) 2 European journal of international law 42-65

.

Donnelly, J 'How are rights and duties correlative?' (1982) 16 Journal and Value Inquiry 16

Donnelly, J 'In search of the unicorn: The jurisprudence and politics of the right to development' (1985) 15 California Western International Law Journal 473

Dupuy, PM 'Soft law and the international law of environment' (1991) 12 Michigan Journal of International Law 420

Edozie, R K 'Promoting African "owned and operated" development: A reflection on the New Partnership for Africa's Development' (2004) 3 *African and Asian Studies* 145-173

Eno, R 'The place of the African Commission in the new African dispensation' 2002 (11) 2 *African Security Review* 68

Espiell, G 'The right to development' (1972) 5 Revue Des Droits de l'Homme 190

Fleisch, B and Woolman, S 'On the constitutionaly of school fees: A Reply to Roithmayr' (2004) 22 *Pesrpective in education* 114

Ghutto, S 'Reform and renewal of African regional human rights system' (2001) 1 *African Human Rights Journal* 175

Glen, M J 'The contribution of Eleanor and Franklin Roosevelt to development of international protection for human rights,' (1987) 9 *Human Rights Quarterly* 19

Hamm, B 'A human rights approach to development' (2001) 23 *Human Rights Quarterly* 1005



Harsch, E 'NEPAD stimulates debate on development, democracy and global ties' (2003) 16 *Africa Recovery* 7

Haule, R & Werema, F 'EC-ACP Economic Partnership (EPAs) and their economic impacts on developing countries' (2008) 1 *Journal of African and International Law* 27

Herbert, R 'The survival of NEPAD and the African Peer Review Mechanism: a critical analysis' (2004) 11 South African Journal of International Affairs 18

Herbert, R & Gruzd, S 'Taking stock of the African Peer Review Mechanism' (2007) 14 South African Journal of International Affairs 5–28

Heyns, C 'The African regional human rights system: The African Charter (2004) 108 *Pennsylvania State Law* 691

Heyns, C & Kaguongo, W 'Constitutional human rights law in Africa' (2006) 22 South African Journal on Human Rights 673

Heywood, M 'Preventing mother-to-child HIV transmission in South Africa: Background, strategies and outcomes of the Treatment Action Campaign case against the Minister of Health' (2003) 19 *South African Journal on Human Rights* 278

Hope, K R 'Practitioner perspective – towards good governance and sustainable development: the African Peer Review Mechanism' (2005) 18 *Governance: An International Journal of Policy, Administration, and Institutions* 288

Johnson, M G 'The contribution of Eleanor and Franklin Roosvelt to development of international protection for human rights' (1987) 9 *Human Rights Quarterly* 19 – 48

Kebonang, Z 'The New Partnership for Africa's Development: Promoting Foreign Direct Investment through Moral Political Leadership' 2005 *Africa Insight* 35



Kiwanuka, R 'The meaning of "people" in the African Charter on Human and Peoples' Rights' (1988) 82 *American Journal of International Law* 82

Landsberg, C'Democratic Governance pivotal from Africa's future' 2002 Global Dialogue 73

Malcolmson, D 'Implementation of the NEPAD initiative – Overview' (2004) 11 South African Journal of International Affairs 11-20

Manby, B 'Was the APRM process in Kenya a waste of time? Lessons that should be learnt for the future' *Open Society institute Africa Governance Monitoring and Advocacy Project* 3

Manby, B 'The African Union, NEPAD and Human Rights: The missing agenda' (2004) 26 *Human Rights Quarterly* 983

Mangu Mbata, A 'The changing human rights landscape in Africa: Organisation of African Unity, African Union, New Partnersship of Africa's development and the African Court' (2005) 23 Netherlands Quarterly of Human Rights 379

Mangu Mbata, A 'What future for human and peoples' rights under the African Union, New Partnership for Africa's Development, African Peer- Review mechanism and the African Court?' (2004) 29 *South African Year Book of International Law* 136

Mangu Mbata, A 'Assessing the effectiveness of the frican Peer review Mechanism and its impact on the promotion of democracy and political good gouvernance' (2007) 7 African Human Rights Law Journal 354

Matlosa, K 'How should civil society respond to peer review?' (2003) *Africa Electronic Journal of Governance and Innovation* 13

Martin, J P 'development and right revisited: Lesson from Africa' 4 *Sur international journal* of human rights (2006) 98



M'baye, K 'Le Droit au developpement comme un droit de l'homme' (1972) 5 Revue des droits l'homme 505-534

Mbazira, C 'A path to realising economic, social and cultural right in Africa? A critique of the New Partnership for Africa Development' (2004) 4 *African Human Rights Law Journal* 40

Metz T 'Human dignity, capital punishment, and an African moral theory: Toward a new philosophy of human rights' (2010) 9 (1) *Journal of Human Rights* 83

Musungu, S F 'Economic integration and human rights in Africa: a comment on conceptual linkages' (2003) 3 *African Human Rights Law Journal* 91

Mutua, M 'The African human rights court: A two-legged stool?'(1999) 21 *Human Rights Quarterly* 343

Ngamau, R 'The role of NEPAD in African economic regulation and integration' (2004) 10 Summer Law & Business Review of the Americas 520

Nowak, M 'The need for a world court of human rights (2007) 7 *Human Rigths Law Review* 251-259

Nussbaum, M C 'Capabilities and human rights' (1997) 66 Fordham Law Review 273 & 300

Nwauche, E S & Nwobike, J C 'Implementing the right to development' (2005) 2 Sur International Journal of Human Rights 93

Obi, C I 'Reconstructing Africa's development in the new millennium through NEPAD: Can African leaders deliver the goods?' (2001) 4 *African Journal of International Affairs* 147

Olinga, A D 'Politique et droit electoral au Cameroun : Analyse juridique de la politique electorale 'Polis 6 (2002) 2



Oloka Onyango, J 'Human rights and sustainable development in contemporary Africa: A new down, or retreating horizons' (2000) 6 *Buffalo Human Rights Law Review* 39

Pogge, T 'World poverty and human rights' (2005) 19 Ethics and International Affairs 6

Satz, D 'What do we owe the global poor' Response to world poverty and human rights' 19 *Ethics and international affairs* (2005) 47-54

Seers, D 'The meaning of development' (1969) 2 International Development Review 2

Sen, A 'Elements of a theory of human rights' (2004)32 *Philosophy and Public Affairs* 315-356

Sohn, L B 'The new international law: Protection of the rights of individuals rather than states' (1982) 32 American University Law Review 50

Swanson, J 'The emergency of a new right in the African Charter' (1991) 12 New York Law School Journal of International & Comparative Law 318

Szerszynski, B and Urry, J "Visuality, mobility and the cosmopolitan: Inhabiting the world from afar" (2006) 57 *The British Journal of Sociology* 20

Udombana, N J 'A harmony or a cacophony? The music of integration in the African treaty and the New Partnership for Africa's Development' (2002) 13 *Indiana and Comparative Law Review* 233

Udombana, N J 'The third word and the right to development: Agenda for the next Millennium' (2000) 22 Human Rights Quarterly 759

Wade, A 'Africa, an outcast or a partner?' (2002) 6 African Geopolitics 49

Woods, J M 'Justiciable social rights as a critique of the liberal paradigm' (2003) 38 *Texas International Law Journal* 763 -796

Ziya, O 'The logic of the Developmental State' (1991) comparative Polotics, October.

## **International Human Rights Law Instruments**

Agreement establishing the World Trade Organization; adopted on 15 APRIL 1994, entered into force on January 1995

International Covenant on Civil and Political Rights. G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March. 23, 1976

Human Rights and Transnational Corporations and Other Business Enterprises, Commission on Human Rights Resolution 2005/59, adopted on April 20, 2005

International Covenant on Economic, Cultural and Social Rights. G.A. res. 2200A (XXI), 21 U.N.GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976

The United Nations Charter, signed on 26 June 1945, entered into force on 24 October 1945

The Universal Declaration of Human rights 10 December 1948

1989 Convention on the Rights of the Child, entered into force September, 2, 1990

United Nations Millennium Declaration. General Assembly Resolution. 55/2 of 8<sup>th</sup> September 2002

United Nations Declaration on the Right to Development. General Assembly Resolution 41/128 of 4 December 1986

United Nations Universal Declaration of Human Rights G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948)

Vienna Declaration and Program of Action, 14 - 25 June 1993, U.N. Doc. A/CONF.157/24 (Part I) at 20 (1993)

2007 UN Declaration on the Right of Indigenous Peoples, U.N. Doc. A/61/L.67 of 7 September 2007

1974 Charter of Economic Rights and Duties of States

ILO Convention no 100, 165 UNTS 303, adopted 29 June 1951, entered into force 11 August 1954.

## **Regional instruments**

APRM Base Document, NEPAD/HSGIC/03-2003/APRM/MOU/ANNEX II

Memorandum of understanding of the African Peer Review Mechanism [NEPAD/HSGIC/03-2003/APRM]

APRM Documents adopted at 6<sup>th</sup> Summit of Heads of State and Government Implementing Committee of the NEPAD held on 9 March 2003, in Abuja, Nigeria:

- o APRM Base Document, NEPAD/HSGIC/03-2003/APRM/MOU/ANNEX II
- Memorandum of understanding of the African Peer Review Mechanism [NEPAD/HSGIC/03-2003/APRM]
- APRM Organisation and processes [NEPAD/HSGIC/03-2003/APRM/Guidelines/O&P]
- Objectives, Standards, Criteria and Indicators for the APRM [NEPAD/HSGIC/03-2003/APRM/Guideline/OSC1



 Outline of the Memorandum of Understanding on Technical Assessments and the Country Review Visit [NEPAD/HSGIC/03-2003/APRM/Guideline/Outlines]

Assembly of Heads of State and Government, 38<sup>th</sup> Ordinary Session of the OAU, 8 July 2002, Durban South Africa, NEPAD Declaration on Democracy, Political, Economic and Corporate Governance AHG/235 (XXXVIII) Annex I

The African Charter for Popular Participation in development and transformation adopted at the 25<sup>th</sup> session of the Economic Commission for Africa and 16<sup>th</sup> meeting of the Economic Commission for Africa Conference of Ministers responsible for Economic Planning and Development

The African Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October. 21, 1986

The African Charter on the right and welfare of the child OAU DOC. CAB/LEG/24.9/49; adopted in July 1990; entered into force on 29 November 1999

The AU Constitutive Act adopted on 9 July 2002 in Durban, South Africa at the 38<sup>th</sup> Ordinary Session of the Organisation of African Unity

The draft Protocol on the Statute of the African Court of Justice and Human Rights, EX CL/253 (IX), Annex II Rev submitted to the 9th ordinary session Executive Council of the AU, 25-29 June 2006, Banjul, The Gambia

The NEPAD's Document 2001

The Declaration on the implementation of NEPAD, ASS/AU/Decl. 8 adopted second ordinary Session of the AU Assembly, 10- 12 July 2003 Maputo, Mozambique

The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights The Protocol of the Court of Justice of the African Union adopted by the 2<sup>nd</sup> ordinary session of the Assembly of the AU in Maputo, Mozambique on 11 July 2003.

#### Case Law - national

## **South Africa**

August v Electoral Commission 1999 (3) SA 1 (CC), 1999 (4) BCLR 363 (CC)

Doctors for Life International v The Speaker of the National Assembly and Others CCT 12/05

Fuel Retailers Association of South Africa v Director-General Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province and others 2007 2 SA 163 (SCA)

Government of Republic of South Africa and Others v Grootboom and Others 2000 11 BCLR 1169 (CC)

Harris v Minister of Education 2001 (8) BCLR 796 (T)

Minister of Health and Others v Treatment Action Campaign and Others (No 2) 2002 5 SA 721 (CC)

Minister of Home Affairs v National Institute of Crime Prevention and the Re-Integration of Offenders 2004 (5) BCLR 445 (CC)

New National Party of South Africa v Government of South Africa, 1999 (3) SA 191 (CC), 1999 (5) BCLR 489 (CC)

Port Elisabeth Municipality v Various Occupiers 2004 (12) BCLR 1268 (CC)

Soobramoney v Minister of Health, KwaZulu-Natal 1998 (1) SA 765 (CC)



United Democratic Movement v President of of South Africa 2003(1) SA 495 (CC), 2002 (11) BCLR (CC)

Uthukela district council v The national government, Pietermaritzburg High Court (NW 7 February 2002b)

#### Canada

Haig v Canada 105 DLR (4th) 577, 613 (SCC)

## **USA**

Brown v Board of Education of Topeka (1954) 347 U.S

Edwards v Aguillard (1987) 482 US 578, 107 S ct 2573, 96 L. Ed. 2d 510

Powell v Pennsylvania (1888) 127 US 678, 8 S. Ct. 127, 32 L. Ed. 253

## India

Almitra H. Patel v Union of India (2000) 3 SCC

Anil Yadav v State of Bihar (1981) 1 SCC 622

Bandhua Mukti v Union of India (1984) 3 SCC 161

Francis Coralie Mullin v The Administrator, Union Territory of Delhi (1981) 2 SCR 516.

Hussainara Khaton v State of Bihar (I to IV) (1980) 1 SCC 81

Keshavananda Bharati v State of Kerala (1973) 4 SCC 225

Maneka Gandhi v Union of India (1978) 1 SCC 248



M.C. Mehta H. Patel v Union of India and others (1996) SC 2231

Olga Tellis v Bombay Municipal Corporation (1985) 3 SCC 545

Shanti Star Builders v Narayan K. Totame (1990) 1 SCC 520

Supreme Court Legal Aid Committee Representing Under trials v Union of India (1994) 6 SCC 731, Citizens of Democracy v State of Assam (1995) 3 SCC

#### **Case law - International**

Anglo-Iranian Oil Co, Preliminary Objections, United Kingdom v Iran, Judgment (22 July1952) ICJ Reports 93

I.C.J. Advisory Opinion of December 20, 1980, interpretation of the agreement of 25 March 1951 between the W.H.O and Egypt, No 10, Rep, 16

Jurisdiction of the Court of Dantzig, consultative opinion 1928, PCIJ. Ser B, No 1

Maritime Delimitations and territorial questions between Qatar v Bahrain, Jurisdiction and Admissibility, Judgment, (1994) 1 July at <a href="http://www.icj-ij.org/docket/index.php?sum=441&code=qb&p1=3&p2=3&case=87&k=61&p3=5">http://www.icj-ij.org/docket/index.php?sum=441&code=qb&p1=3&p2=3&case=87&k=61&p3=5</a> (accessed 23 May 2008)

Texaco Overseas Petroleum Company and California Asiatic Oil Company v Libya, 17 International Legal Material (1978), 1, 30

## Case law – regional

## European system

Ireland v United Kingdom (1978) ECHR

## **African system (Communications)**

Communication 136/94 William A. Courson v Zimbabwe

Communication 155/96 SERAC & Another v Nigeria, ACHPR, 2001

Communication 227/99, *Democratic Republic of the Congo v Burundi, Rwanda, and Uganda* Annex IV, 20<sup>th</sup> Annual Activity Report of the African Commission

Communication No 260/2002, AHRLR (2004) Bakweri Land Claims Committee v Cameroon

Communication. No. 204/97/2001 Mouvement Burkinabe des Droits de l'Homme et des Peuples v. Burkina Faso ACHPR, 2001

# **Inter-American System**

Inter-American commission on human rights, Report no 75/02, case 11.140 *Mary and Carrie Dann vs United States* 

Inter American Court of Human Rights *Indigenous Community Yakye Axa v Paraguay* 17 June 2005