

SYLLABUS

HUMAN RIGHTS AND GLOBAL DEVELOPMENT

Professors: Jeremy PERELMAN, Margot E. SALOMON, Joaquin VELEZ NAVARRO
Session: July 2022, online course
Language of instruction: English
Number of hours of class: 36

Objective of the Course

This course will use a seminar-style approach to explore the linkages between human rights and development from a historical, theoretical, and practical perspective. Its departure point is the emergence, both in academia and policy, of a "human rights and development" trend over the past two decades. This trend is a result of the combined failure of development economics and the human rights movement to effectively address the challenge of global poverty and inequality – a challenge both renewed and transformed by the ongoing global pandemic and ecological crises.

The class will seek to address a number of related questions through a multidisciplinary lens, including: Is development too often conducive to human rights violations, or is it a means to realize human rights? Does a focus on realizing human rights hinder development, or does it help generate more – and "better" – development? Is development a human right? The course will draw on foundational readings from law, development economics, political science, moral philosophy and social anthropology to introduce historically and normatively situated approaches to these questions, and to focus on a selection of contemporary dilemmas.

Summary

The course will begin with several introductory sessions that establish a common vocabulary of basic concepts, which we will use throughout the course, and that explore three key tensions at the intersection of human rights and sustainable development.

We will then study the relationship between global governance and development, examining challenges associated with the human rights obligations of international financial institutions and their member states; the unfulfilled promises of foreign direct investment and the transformative claims of the Sustainable Development Goals.

The course will end up examining other specific challenges related to indigenous rights, exploring a case study of socio-economic rights engagement and analyzing the future challenges and current obstacles that human rights and global development face.

The course is designed for students interested in social and economic development, global poverty, inequality, globalization and human rights issues. Prior or concurrent courses in human rights and/or international law and/or academic or professional background in international/development studies are a plus, but not a requirement.

Organization of the Course

Part I – Human Rights and Development: Conceptual Issues (Jeremy Perelman)

- Introduction: What Is “Good” Development?
- Key concepts: Human Rights and Development in questions
- Recurring tensions (Development, poverty and inequality)
- Recurring tensions (Is poverty a Human Rights violation?)
- Development versus Human Rights? Modernization, order and the developmental state
- From Structural Adjustment to Human development and Rights-based Approaches

Part II – Human Rights and Development: Practical Implications (Jeremy Perelman)

- Social movement, human rights advocacy and the power to change: realizing the right to health in a high poverty context, a case study
- Privatization in education in developing countries: What impact on human rights? (TBC)

Part III – Global Governance, Human Rights and Development (Margot Salomon)

- The World Bank, IMF and Human Rights
- Foreign Investment and Human Rights
- Rethinking Transformation and the Sustainable Development Goals

Part IV – Other tensions, cases and future challenges (Joaquín Vélez Navarro)

- Indigenous Human Rights and Development
- Engagement with socio-economic rights: the case of Colombia
- Current obstacles and future challenges: drug control policies
- Conclusions

Requirements for course validation

This seminar-style course aims to engage all of us in a sustained and dynamic discussion throughout the month of July. Class attendance is mandatory. Active and informed participation in class discussion and exercises will account for 20% of the overall grade.

The course will otherwise be validated on the basis of a 24-hour, open-book, take-home final exam, accounting for 80% of the overall grade.

Bibliography

- *International Human Rights* (Philip Alston and Ryan Goodman, Oxford, 2012)
- *International Human Rights Law: Cases, Materials, Commentary* (Olivier de Schutter, Cambridge, 2019)
- *Human Rights and the Global Marketplace: Economic, Social and Cultural Dimensions* (Jeanne M. Woods and Hope Lewis eds., Transnational, 2005)
- *The Process of Economic Development* (James Cypher and James Dietz eds., Routledge, 2009)
- *Stones of Hope: How African Activists Reclaim Human Rights to Challenge Global Poverty* (Lucie White & Jeremy Perelman eds., Stanford, 2010)

- Margot E. Salomon, 'Of Austerity, Human Rights and International Institutions' 21 *European Law Journal* 4 (2015) 521.
- 'The IMF and Human Rights: Interviews' Juan Pablo Bohoslavsky and Francisco Cantamutto (guest eds), *SPEAK OUT at the Laboratory for Advanced Research on the Global Economy*, LSE Human Rights, LSE (Spring 2021)
<<https://www.lse.ac.uk/sociology/assets/documents/human-rights/IMF-HRs-LSE-final.pdf>>.
- O. De Schutter, J. Swinnen and J. Wouters, 'Introduction: Foreign Direct Investment and Human Development', in O. De Schutter et al. (eds), *Foreign Direct Investment and Human Development. The Law and Economics of International Investment Agreements*, Routledge, London and New York, 2012, pp. 1-24
- Submission of the Government of South Africa, Possible reform of Investor-State dispute settlement (ISDS) (2019) Doc A/CN.9/WG.III/WP.176
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- O. De Schutter, "Towards a New Treaty on Business and Human Rights," *Business and Human Rights Journal*, vol. 1 (2015), pp. 41-67, see [here](#)
- John Linarelli, Margot E. Salomon and M Sornarajah, *The Misery of International Law: Confrontations with Injustice in the Global Economy* (OUP 2018) Chapter 7.
- Henrietta L. Moore, 'Global Prosperity and Sustainable Development Goals' 27 *Journal of International Development* (2015) 801.

- M. Mendieta Miranda, "Hydrocarbon Extraction in the Guarani Ñandeva Territory: What about the Rights of Indigenous Peoples?", in C. Rodriguez, *Human Rights in Minefields: Extractive Economies, Environmental Conflict, and Social Justice in the Global South*, DeJusticia Series, (2015), pp. 298-321.
- O. Cárdenas and C. Baquero, "The Dispute over the Heart of the World: Indigenous Law Meets Western Law in the Protection of Santa Marta's Sierra Nevada", in C. Rodriguez, *Human Rights in Minefields: Extractive Economies, Environmental Conflict, and Social Justice in the Global South*, DeJusticia Series, (2015), pp. 132-165.
- H. Alviar García, "Distribution of resources led by courts: A few words of Caution", in, H. Alviar Garcia, K. Klare and Lucie A. Williams, *Social and Economic Rights in Theory and Practice: Critical Inquiries*, Routledge, London and New York, 2015, pp. 67-84.
- J. Sagredo, R.a Schleifer and T. Avafia, *Addressing the Development Dimensions of Drug Policy, in After the Drug Wars: Report Of the LSE Expert Group on the Economics of Drug Policy*, LSE IDEAS, London, (2016), pp. 97-109.

Professors Biographies



Jeremy Perelman is an Associate Professor at the Sciences Po Law School. He has been involved in a variety of research, teaching and advocacy projects in the fields of human rights and development in the U.S., South Africa, Ghana and Latin America. He notably co-directed a research project for French institutions on access to justice in South Africa in 2000-2001, and was a researcher and consultant for the Center for Economic and Social Rights, an international NGO based in New York. A member of the Paris Bar, Perelman holds Masters degrees in International Law and International Affairs from Stanford Law School and the Fletcher School at Tufts University, as well as a Doctorate (S.J.D.) from Harvard Law School. His research focuses on the intersection between human rights based approaches to development, global economic governance, and social change advocacy in the Global South.

He is the co-editor of *Stones of Hope: How African Activists Reclaim Human Rights to Challenge Global Poverty* (with Lucie E. White eds., Stanford University Press, November 2010), a volume co-authored by African human rights advocates and social justice scholars, as well as *The Fight Against Poverty and the Right to Development* (with M. Andenas & C. Scharling, eds., Springer, 2020). He is since 2012 a Faculty Member of Harvard Law School's Institute for Global Law and Policy (IGLP)'s Annual Workshop. Before joining Sciences Po Law School in September 2011, Jeremy Perelman has been a Lecturer-in-Law and Fellow in Residence at the Human Rights Institute at Columbia Law School, and a Visiting Professor of Law at the University Of Connecticut School Of Law. At Sciences Po, he is also the Faculty and Executive Director of the Sciences Po Law School Clinic (<https://www.sciencespo.fr/ecole-de-droit/en/content/clinic.html>). In 2022, he will be Alliance Program Visiting Professor at Columbia Law School. He sits on the Editorial Committee of the European Journal of Human Rights.



Margot E. Salomon is Associate Professor at LSE Law School and directs the multidisciplinary Lab (Laboratory for Advanced Research on the Global Economy) at LSE Human Rights. Her research focuses on a range of issues under the broad theme of global economic justice including legal dimensions of world poverty; development and international law; and human rights and economic governance. In September 2019 Dr Salomon was awarded the European Society of International Law Book Prize for *The Misery of International Law* (OUP 2018, with Linarelli and Sornarajah) and in 2018 she became a Laureate of a prestigious Belgian (European) Francqui Chair.

Dr Salomon has been a consultant to the Office of the UN High Commissioner for Human Rights on extreme poverty and human rights (2009) and the World Bank's Nordic Trust Fund on human rights and economics (2011); Advisor to the UN High-level Task Force on the Right to Development (2004-2009); and a member of the International Law Association's Committee on the Rights of Indigenous Peoples (2008-2012). She was on the Drafting Committee of the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights (2009-2011) and from 2009-2017 was Vice-Chair of the Association of Human Rights

Institutes. In 2015 she was invited by the Speaker of the Greek Parliament to provide legal advice on socio-economic rights and international conditionality and in 2017-18 she was a Visiting Scholar at the Robert Schuman Centre for Advanced Studies, European University Institute working on an EU funded project entitled: Legal Rights and the Political Economy of Debt and Austerity in Europe'.

Recent publications include, 'The Radical Ideation of Peasants, the "Pseudo-Radicalism" of International Human Rights Law, and the Revolutionary Lawyer', *London Review of International Law* (2020) and Salomon and Mattei, 'From Poverty and Development to People's International Law' in R. Buchanan, L. Eslava and S. Pahuja (eds) *Oxford Handbook of International Law and Development* (forthcoming).



Joaquin Velez Navarro is a lawyer from Universidad de los Andes, Colombia. He did an LL.M at Columbia University in the city of New York and is currently a S.J.D candidate at Georgetown University. Before starting his graduate studies abroad, he was Advisor to the Colombian Minister of Justice; an Associate at Gómez-Pinzón Zuleta Abogados; and a Professor of the Law School at Universidad de los Andes. He taught courses on legal theory, international law and public law at Sciences Po and Universidad de los Andes. His areas of interest include constitutional law, administrative law, criminal law and legal theory. Professor Velez Navarro has published different articles on those fields in Colombia and the United States, and is currently a columnist at El Tiempo, Colombia's most read newspaper.