

SYLLABUS

Human Rights and Global Development

Professor: Jeremy PERELMAN, Olivier DE SCHUTTER, Joaquin VELEZ (Teaching Assistant)

Session: July

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.

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.

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 development.

We will then study the relationship between global governance and development examining some challenges associated with Foreign Direct Investment, international trade, climate change, labour rights and social protection floors.

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 course 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
- A right to development and the NIEO; the politics of conditionality
- From Structural Adjustment to Human development and Rights-based Approaches

Readings: (TBC)

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 high poverty context, a case study
- (continued) or Privatization in education in developing countries: what impact on human rights? (TBC)

Readings: (TBC)

Part III — Global Governance for Sustainable Development (Olivier De Schutter)

- Investors’ rights v. human rights
- The debate on the Treaty on Business and Human Rights
- Linking trade to climate change and labour rights
- The debate on universal social protection floors

Readings:

- Ryan Suda, ‘The Effect of Bilateral Investment Treaties on Human Rights Enforcement and Realization’, in O. De Schutter (ed.), *Transnational Corporations and Human Rights*, Hart Publ., Oxford and Portland, Oregon, 2006, pp. 73-160
- 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
- For a general overview, O. De Schutter, ‘The Challenge of Imposing Human Rights Norms on Corporate Actors’, in O. De Schutter (ed.), *Transnational Corporations and Human Rights*, Hart Publ., Oxford and Portland-Oregon, 2006, pp. 1-40
- *Guiding Principles on Business and Human Rights, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business entities*, John Ruggie, UN doc. A/HRC/17/3 (2011)
- 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](#)
- Please also consider the “Revised draft” proposed on 16 July 2019 by the Ecuadorian chair of the [Open-Ended Intergovernmental Working Group](#) on Transnational Corporations and Other Business Enterprises and Human Rights, presented to guide the discussions at the 5th session of the OEIWG (October 2019)

- *Olivier De Schutter, "Trade in the service of climate change mitigation: The question of linkage", Journal of Human Rights and the Environment, vol. 5 (2014), pp. 65-102*

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

Readings: (TBC)

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, and active and informed participation in class discussion and exercises will account for 15% of the overall grade.

The course will otherwise be validated on the basis of a 48-hour, open-book, take-home final exam, accounting for 85% 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, 2014)
- *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 Activist Reclaim Human Rights to Challenge Global Poverty* (Lucie White & Jeremy Perelman eds., Stanford, 2010)
- Ryan Suda, 'The Effect of Bilateral Investment Treaties on Human Rights Enforcement and Realization', in O. De Schutter (ed.), *Transnational Corporations and Human Rights*, Hart Publ., Oxford and Portland, Oregon, 2006, pp. 73-160
- 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
- O. De Schutter, 'The Challenge of Imposing Human Rights Norms on Corporate Actors', in O. De Schutter (ed.), *Transnational Corporations and Human Rights*, Hart Publ., Oxford and Portland-Oregon, 2006, pp. 1-40
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Enterprises and Human Rights, presented to guide the discussions at the 5th session of the OEIWG (October 2019)

- Olivier De Schutter, "Trade in the service of climate change mitigation: The question of linkage", *Journal of Human Rights and the Environment*, vol. 5 (2014), pp. 65-102

Main Professor Biography



Jeremy Perelman 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. He is since 2012 a Faculty Member of Harvard Law School's Institute for Global Law and Policy (IGLP)'s Annual Workshop, and has received an IGLP grant to co-direct a research project on Human Rights, Poverty and Heterodox Approaches to Development. 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. Jeremy Perelman is Assistant Professor at Sciences Po Law School, where he teaches or has taught International Human Rights Law (College), and seminars on "Human Rights, Global Poverty & Development" (Law School) and "Advocating for Human Rights to Challenge Global Poverty" (PSIA). He is also the Faculty and Executive Director of the Sciences Po Law School Clinic, and the scientific and pedagogical supervisor for the clinic's HEDG and RISE programs. He was awarded a Seed Grant for Joint Faculty Projects from the Alliance Columbia program in 2012, as well as a grant from the French Ministry of Justice's Mission de Recherche Droit et Justice in November 2013 for a collaborative project co-directed with Marie Mercat-Bruns focusing on anti-discrimination law and institutions. He sits on the Editorial Committee of the *European Journal of Human Rights*.