

20.00 credits		Q1 and Q2
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**This learning unit is not open to incoming exchange students!**

Teacher(s)	De Schutter Olivier ;
Language :	French
Place of the course	Bruxelles Saint-Louis
Learning outcomes	<p><b>At the end of this learning unit, the student is able to :</b></p> <p>The seminar's aim is to introduce students to the links between economic globalisation and economic and social rights. Within the framework of the seminar, the students should be able to analytically establish the links between trade, investment and human rights; to understand the debates relating to the responsibilities with regard to human rights for the non-governmental actors who shape economic globalisation (international financial institutions and transnational corporations); and to situate these debates within the framework of the North-South relationships.</p>
Evaluation methods	Work is evaluated on the basis of (i) the student's methodological rigour; (ii) the originality of the hypotheses developed; (iii) the attention paid to the aspect of interdisciplinarity. Each one of these criteria carries an equivalent weight in the assessment.
Teaching methods	The seminar includes collective meetings to introduce the subject matter as well as the individual monitoring of each student's work in accordance with an outline that indicates the deadlines for (i) the choice of a topic, subject to the lecturer's approval, (ii) the preparation of a provisional outline and of a text delimiting the subject, (iii) the preparation of a specific bibliography and (iv) the completion of the dissertation.
Content	<p>The interdisciplinary seminar studies the impact of globalisation, on the assumption that it is the increasing internationalisation of economic activities and the resulting market integration, on economic and social rights.</p> <p>Two topics are cross-referenced during this seminar: taken together, these two topics make it possible to define the points of intersection between globalisation and human rights. The first topic is that of the impact, on the enjoyment of economic and social rights in particular, of the liberalisation of international trade and the flow of investments through the global agreements concluded (World Trade Organization), on a regional multilateral level (free trade zones, regional treaties of economic integration), or on a bilateral basis (bilateral free trade or investment treaties). The second topic is that of the responsibility of the multinational firms for the violations of human rights for which they are directly responsible or for which they are considered as accessories. At the intersecting point of these two questions, two others arise: that of the responsibility of international financial institutions with regard to human rights, in particular taking into account the macro-economic policies imposed upon the States by the international financial institutions in order to encourage the opening of national economies to international competition; and that of competitive deregulation, i.e. of the temptation for the States, in a highly liberalised global economy, to encourage the competitiveness of the economic actors operating on their territory through regulatory initiatives, or through a policy of incentives intended to attract international investors.</p> <p>How, in this context, should one reflect on the links between economic globalisation thus defined and the enjoyment of economic and social rights? For their realisation, the economic and social rights rely on the creation of national strategies, including the choice of indicators and objectives to be achieved within specific periods of time, as well as mechanisms aimed at guaranteeing the participation of the populations concerned and the control of the public authorities. But they also suppose the creation of a favourable international environment, making it possible for the national authorities to respect, protect and implement economic and social rights on their territory. The question of the obligation of assistance and of international cooperation consequently warrants that particular attention be paid to it, as does the question of the obligations of the non-governmental actors, in particular the international financial institutions and transnational corporations, with regard to economic and social rights.</p>

Bibliography

1. Sur les liens entre développement et droits de l'homme

- Ph. Alston and M. Robinson (eds.), *Human Rights and Development : Towards Mutual Reinforcement*, Oxford Univ. Press, 2005
- Arjun Sengupta, 'On the Theory and Practice of the Right to Development', *Human Rights Quarterly*, vol. 24, No. 4 (2002), pp. 837-889
- Philip Alston, 'Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen Through the Lens of the Millennium Development Goals', *Human Rights Quarterly*, vol. 27 (2005), p. 755-827
- Magdalena Sepúlveda, 'Obligations of 'International Assistance and Cooperation' in an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights', *Netherlands Quarterly of Human Rights*, vol. 24, n° 2 (June 2006), pp. 271-303
- Siobhán McInerney--?Lankford, "Human Rights and Development: Some Institutional Perspectives," 25(3) *Netherlands Quarterly of Human Rights* 459 (2007)
- Mac Darrow, 'The Millennium Development Goals: Milestones or Millstones? Human Rights Priorities for the Post-2015 Development Agenda', *Yale Human Rights and Development Law Journal*, Vol. XV, March 2012, pp. 55-127
- Mac Darrow & Amparo Tomas, "Power, Capture, and Conflict: A Call for Human Rights Accountability in Development Cooperation," 27(2) *Human Rights Quarterly* 471--?538 (2005)
- Paul Gready, "Rights-Based Approaches to Development: What is the Added Value?," 18(6) *Development in Practice* 735-747 (2008)

2. Sur les institutions financières internationales

- Shihata, Ibrahim F.I. "Human Rights, Development, and International Financial Institutions." *American University International Law Review* 8, no. 1 (1992): 27-36
- Sigrun Skogly, 'Structural Adjustment and Development: Human Rights - An Agenda for Change', *Human Rights Quarterly*, Vol. 15, No. 4, 1993, p. 751-778
- Daniel D. Bradlow and Claudio Grossman, 'Limited Mandates and Intertwined Problems: A New Challenge for the World Bank and IMF', *Human Rights Quarterly*, Vol. 17, No. 3, 1995, p. 411-442
- Daniel D. Bradlow, "The World Bank, the IMF, and Human Rights", *Transnational Law & Contemp. Problems*, vol. 6, pp. 47-90 (1996)

3. Sur les liens entre commerce et droits de l'homme

- O. De Schutter et K. Cordes (dir.), *Accounting for Hunger. The Right to Food in the Era of Globalisation*, Hart Publishing, Oxford and Portland, Oregon, 2011
- Christian Barry and Sanjay Reddy, 'Just Linkage: International Trade and Labor Standards', *Cornell International Law Journal*, vol. 39, 545-637 (2006)
- Andrew Lang, "Re-Thinking Trade and Human Rights," 15 *Tulane Journal of International and Comparative Law* 335-414 (2007)
- James Harrison and Alessa Goller, "Trade and Human Rights: What do Human Rights Impact Assessments Have to Offer?," *Human Rights Law Review*, vol. 8(4), pp. 587-615 (2008)

4. Sur les sociétés transnationales

- Matthias Sant'Ana, "Foreign Direct Investment and Human Development: Two Approaches to Assessing Impacts on Human Rights", 3(2) *Human Rights & International Legal Discourse* 229-262 (2009)
- M Ssenyonjo 'The Applicability of International Human Rights Law to Non-State Actors: What Relevance to Economic, Social and Cultural Rights?' (2008) 12(5) *The International Journal of Human Rights* 725 - 760
- David Kinley and Justine Nolan, "Trading and Aiding Human Rights: Corporations in the Global Economy", *Nordic Journal of Human Rights Law*, vol. 25(4), pp. 353-377 (2008)
- A Nolan, 'Addressing Economic and Social Rights Violations by Non-State Actors through the Role of the State: A Comparison of Regional Approaches to the "Obligation to Protect"', *Human Rights Law Review*, vol. 9, issue n° 2 (2009), pp. 225-255
- O. De Schutter (dir.), *Transnational Corporations and Human Rights*, (editor), Hart Publ., Oxford and Portland-Oregon, 2006
- O. De Schutter, J. Swinnen et J. Wouters (dir.), *Foreign Direct Investment and Human Development*, Routledge, London, 2012
- O. De Schutter, 'Rapport général - La responsabilité des Etats dans le contrôle des sociétés transnationales : vers une Convention internationale sur la lutte contre les atteintes aux droits de l'homme commises par les sociétés transnationales', in *La responsabilité des entreprises multinationales en matière de droits de l'homme*, Bruxelles, Bruylant-Némésis, 2010, pp. 19-100
- O. De Schutter, 'Sovereignty-plus in the Era of Interdependence : Towards an International Convention on Combating Human Rights Violations by Transnational Corporations', in *Making Transnational Law work in the Global Economy: Essays in Honour of Detlev Vagts*, P. Bekker, R. Dolzer and M. Waibel (eds), Cambridge University Press, 2010, pp. 245-284

5. Sur les obligations extraterritoriales des Etats

- O. De Schutter et al., 'Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights', *Human Rights Quarterly*, vol. 34 (2012), pp. 1084-1171 (86-page legal Commentary)

Other infos	A website is regularly updated with relevant documents for the preparation of the seminar work: go to <a href="http://www.icampus.ucl.ac.be">http://www.icampus.ucl.ac.be</a> - then to the page dedicated to this seminar (go to "law", then to the course entitled DRHOSEM).
Faculty or entity in charge	DRTB

<b>Programmes containing this learning unit (UE)</b>				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Advanced Master in Human Rights (shift schedule)	DRHB2MC	20		