

## **SECOND PART: APPLICATION FORM IN WORD FORMAT**

### **Special Rapporteur on the right to development [HRC res. 33/14]**

*Appointment to be made by the Human Rights Council at the 34th session  
of the Human Rights Council (27 February - 24 March 2017)*

#### **How to apply:**

The entire application process consists of two parts: **1. online survey** and **2. application form in Word format**. Both parts and all sections of the application form need to be completed and received by the Secretariat before the expiration of the deadline.

**First part: Online survey** (<http://ohchr-survey.unog.ch/index.php/397559?lang=en>) is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate applying for and, if appropriate, nominating entity.

**Second part: Application form in Word** can be downloaded from <http://www.ohchr.org/EN/HRBodies/SP/Pages/HRC34.aspx> by clicking on the mandate. It should be fully completed and saved in Word format and then submitted as an attachment by email. Information provided in this form includes a motivation letter of maximum 600 words. The application form should be completed in English only. It will be used as received to prepare the public list of candidates who applied for each vacancy and will also be posted as received on the OHCHR public website.

Once fully completed (including Section VII), the application form in Word should be submitted to [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org) (by email). A maximum of up to three reference letters (optional) can be attached in Word or pdf format to the email prior to the expiration of the deadline. No additional documents, such as CVs, resumes, or supplementary reference letters beyond the first three received will be accepted.

**Please note that for Working Group appointments, only citizens of States belonging to the specific regional group are eligible. Please refer to the list of United Nations regional groups of Member States at <http://www.un.org/depts/DGACM/RegionalGroups.shtml>**

- **APPLICATION DEADLINE: 16 NOVEMBER 2016 (12 NOON GREENWICH MEAN TIME / GMT)**
- **No incomplete or late applications will be accepted.**
- **Shortlisted candidates will be interviewed at a later stage.**

General description of the selection process is available at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Nominations.aspx>

In case of technical difficulties, or if encountering problems with accessing or completing the forms, you may contact the Secretariat by email at [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org) or fax at + 41 22 917 9008.

**You will receive an acknowledgment email when both parts of the application process, i.e. the data submitted through the online survey and the Word application form, have been received by email.**

**Thank you for your interest in the work of the Human Rights Council.**

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**I. PERSONAL DATA**

<b>1. Family name:</b> Rajagopal	<b>6. Year of birth:</b> 1967
<b>2. First name:</b> Balakrishnan	<b>7. Place of birth:</b> India
<b>3. Maiden name (if any):</b>	<b>8. Nationality (please indicate the nationality that will appear on the public list of candidates):</b> USA
<b>4. Middle name:</b>	<b>9. Any other nationality:</b>
<b>5. Sex:</b> Male	

**II. MANDATE - SPECIFIC COMPETENCE / QUALIFICATIONS / KNOWLEDGE**

**NOTE: Please describe why the candidate's competence / qualifications / knowledge is relevant in relation to the specific mandate:**

**1. QUALIFICATIONS (200 words)**

**Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the six official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)**

I have a doctoral degree in international law and development from Harvard Law School, a Masters degree in international law from the American University and a first law degree from University of Madras. I have taught at MIT as a professor of law and development since 2000, and have also taught as a faculty member at leading law schools in Australia, India, USA, and the UN University for Peace. I have taught human rights law and practice at MIT during these years. Prior to MIT, in over 4 years of experience working with the UN in the area of human rights in Cambodia, I was responsible for monitoring, investigation, education and advocacy, as well as law drafting in a variety of areas of human rights. During those years, I had lead responsibility for writing the UN field Office reports to the UN General Assembly as well as the then UN Commission on Human Rights. I have taught for over 15 years in the field of international development at MIT, and now serve as the head, acquiring expertise over design of development policies and institutions, implementation challenges, and the role of human rights in development, including for social change, poverty alleviation, and combating social exclusion. With almost 25 years of teaching, research and professional experience in international law and human rights as well as development, I am uniquely qualified for this mandate. I am fluent in English.

**2. RELEVANT EXPERTISE (200 words)**

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**Knowledge of international human rights instruments, norms and principles.  
(Please state how this was acquired.)**

**Knowledge of institutional mandates related to the United Nations or other  
international or regional organizations' work in the area of human rights.  
(Please state how this was acquired.)**

**Proven work experience in the field of human rights. (Please state years of  
experience.)**

I have taught, researched and written extensively on multiple dimensions of human rights, for almost 25 years. At MIT, I offer the only comprehensive full course on human rights law and practice and several advanced courses on development. During my years of work with the UN in Cambodia, I honed a detailed knowledge of human rights norms, laws, and principles, of the UN and other systems. I have provided detailed commentaries on a variety of legal and other standards to many NGOs, international organizations and other actors.

I have a deep knowledge of the various institutional mandates in the UN system, due to my past work, and my current research, teaching and scholarship. In particular, I have provided support for over 4 years to the UN Special Representative for Cambodia and engaged in regular communications with other institutional mandate holders over the years.

I also founded and direct MIT's first and only university wide Program on Human Rights and Justice, with an explicit focus on economic, social and cultural rights, which has had a strong collaboration with UNOHCHR and other UN bodies. During my UN work in Cambodia, I proposed the creation of the UN-Cambodia Hybrid Criminal Tribunal, which then became a reality. I was a member of the Academic Expert Group convened for the 4<sup>th</sup> UN Summit on LDC's in Istanbul in 2011 and contributed to the Declaration which emerged from it.

**3. ESTABLISHED COMPETENCE (200 words)**

**Nationally, regionally or internationally recognized competence related to  
human rights. (Please explain how such competence was acquired.)**

My competence in human rights is widely recognized. For my UN work, I received Cambodia's highest civilian honor given to foreign citizens by King Sihanouk. I have been elected to the Executive Council and Executive Committee of the American Society of International Law, and currently sit on the Asia Advisory Board of Human Rights Watch and the editorial boards of various journals on international law. I was human rights advisor to the World Commission on Dams which gave me an opportunity to develop competence in the human rights challenges in the development process. I was shortlisted by the UN Human Rights Council for the post of Special Rapporteur on Right to Adequate Housing. Over the years I have written extensively on a range of issues in human rights, including the role of international economic order in relation to human rights, the role of economic and social rights and courts in social policy, and the role of social movements and their relation to the international system. I have conducted research on Dalits in India and economic and social rights such as the right to sanitation.

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I founded the Displacement Research Action Network at MIT, through which I have come to have recognized global competence in key issues such as evictions and resettlement. I have given several distinguished lectures on human rights by invitation from leading foundations, Universities and governments.

#### **4. PUBLICATIONS OR PUBLIC STATEMENTS**

**Please list-significant and relevant published books, articles, journals and reports that you have written or public statements, or pronouncements that you have made or events that you may have participated in relation to the mandate.**

##### **4.1 Enter three publications in relation to the mandate for which you are applying in the order of relevance:**

**1. Title of publication:** Right to Development and Global Governance: Old and New Challenges Twenty Five Years On

**Journal/Publisher:** Human Rights Quarterly

**Date of publication:** 2013

**Web link, if available:**

[https://www.academia.edu/14259938/Right\\_to\\_Development\\_and\\_Global\\_Governance\\_Old\\_and\\_New\\_Challenges\\_Twenty-Five\\_Years\\_On](https://www.academia.edu/14259938/Right_to_Development_and_Global_Governance_Old_and_New_Challenges_Twenty-Five_Years_On)

**2. Title of publication:** Counter-hegemonic International Law: Rethinking Human Rights and Development as a Third World Strategy

**Journal/Publisher:** Third World Quarterly

**Date of publication:** 2006

**Web link, if available:** [https://www.academia.edu/3785835/Counter-hegemonic\\_International\\_law\\_Rethinking\\_human\\_rights\\_and\\_development\\_as\\_a\\_Third\\_World\\_strategy](https://www.academia.edu/3785835/Counter-hegemonic_International_law_Rethinking_human_rights_and_development_as_a_Third_World_strategy)

**3. Title of publication:** International Law from Below: Development, Social Movements and Third World Resistance

**Journal/Publisher:** Cambridge University Press

**Date of publication:** 2003

**Web link, if available:**

**If more than three publications, kindly summarize (200 words):** International Law and its Discontents: Rethinking the Global South, American Society of International Law Proceedings (2012); From Modernization to Democratization: The Political Economy of the "New" International Law in "Reframing International Law for the 21st Century" (Richard Falk & R.B.J. Walker eds., Routledge, 2002); From Resistance to Renewal: The Third World, Social Movements and The Expansion Of International Institutions, Harvard International Law Journal (2000); International Law and the Development Encounter: Violence and Resistance at the Margins, American Society of International Law Proceedings (1999)

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**4.2 Enter three public statements or pronouncements made or events that you may have participated in relation to the mandate for which you are applying in the order of relevance:**

**1. Platform/occasion/event on which public statement/pronouncement made:**

3rd Inter-American Conference on Human Rights, Keynote speech on 'Rethinking the Right to Development: Challenges and Opportunities'

**Event organizer:** Ministry of Foreign Affairs, Colombia

**Date on which public statement/pronouncement made:** 6 November 2008

**Web link, if available:**

**2. Platform/occasion/event on which public statement/pronouncement made:**

Annual New Frontiers Lecture, "International Law and the New Global South: Towards Emancipation or Hegemony?"

**Event organizer:** Nigerian Institute for Advanced Legal Studies, Abuja, Nigeria

**Date on which public statement/pronouncement made:** 26 April 2012

**Web link, if available:**

**3. Platform/occasion/event on which public statement/pronouncement made:**

Keynote address, 'A New Agenda for Human Rights after the Rise of the Rest', International Conference, Belgium

**Event organizer:** Human Rights Integration (HRI) research network in University of Ghent

**Date on which public statement/pronouncement made:** 11 December 2015

**Web link, if available:**

**If more than three, kindly summarize** (200 words): Annual Baumer Social Justice Lecture, Ohio State University, February 25, 2016; Public Lecture on 'Right to Development after the Collapse of Development', University of Texas at Austin, Law School, 26 October 2015; National Education Day Distinguished Public Lecture, 'The Rise of the South and the Future of Human Rights', Jindal Global University, India, November 11, 2013; Annual Hansen/Hostler Distinguished Lecture on Global Justice, San Diego State University, April 2, 2012; Keynote Speaker on "The Political Economy of Human Rights", Conference on Human Rights and Development, University of Denver, 16 May 2001

**5. FLEXIBILITY/READINESS AND AVAILABILITY OF TIME** (200 words)  
**to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council sessions in Geneva and General Assembly sessions in New York, travelling on special procedures visits, drafting reports and engaging with a variety of stakeholders. (Indicate whether candidate can dedicate an estimated total of approx. three months per year to the work of a mandate.)**

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I would be able to devote the time that's necessary for the mandate. As a tenured professor, my teaching and academic obligations are for nine months of the year and I am allowed to use the remaining time to engage in outside professional activities. The flexibility provided by the academic schedule also will allow me to remain invested in the mandate during the rest of the year, and allow me, as needed, to conduct missions or to travel to New York or Geneva. The teaching schedule itself is flexible and typically I am able to engage in other professional activities. The supporting environment for research and writing, especially in a graduate-school environment which focuses on the study of development and human rights in a department of urban planning, will also make it uniquely useful to carry out this mandate.

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**III. MOTIVATION LETTER (600 word limit)**

Much of my work in the human rights field has revolved around the complex relationship between development and international law, and in particular, human rights law. As the head of the international development group at MIT, I have placed human rights at the core of teaching and advanced research on development. My published work on international law, including my first book 'International Law from Below' placed development at the core of the evolution of modern international law. I am currently co-editing a major Research Handbook on Human Rights and Development with Prof. Stephen Marks, the former Chair of the High Level Task Force on the Implementation of the Right to Development (RTD). I was appointed as human rights advisor to the World Commission on Dams in 1990s, and I have consulted on human rights with UNDP and other organizations on human rights and development. Thus, I have tried, during a major part of my career, to promote the centrality of human rights in development and of development itself for the formation of international law.

I have closely followed the debate on the RTD, during the last two decades, including through the appointment of the Independent Expert on the Right to Development, Mr. Arjun Sengupta, and the High Level Task Force, but going back to all the debates which led to the Working Group, and before that, the Secretary-general's Report in 1979, along with the Declaration itself in 1986.

In my view, the RTD is a central and fundamental conceptual and operational right in international law. The challenges to its full realization are many, and I believe that all actors –States, International organizations, NGOs, other civil society organizations, private sector and trade unions and workers – have a responsibility to promote and fulfill this fundamental right.

If selected, I would humbly offer my services to explore the relevance of the RTD for many of our on-going global initiatives, including the implementation of SDGs, climate change, reform of global governance and rights-based approaches to development. RTD also provides a chance to implement a comprehensive approach to human rights which stresses interdependence, indivisibility and inter-relatedness of all human rights.

I am very familiar with the diverse aspects of the evolving issues in RTD such as global standard setting including regional agreements in Africa, global commitments regarding aid, the special problems of Least Developed Countries, the changing nature of international institutions, as well as evolving importance of South-South cooperation and economic links. I teach courses at MIT which track the latest trends in these, among other, areas.

I have deep faith in the capacity of the UN system, the member States, the NGO community, and other actors, and will take a consensus-building approach towards this mandate, if I were to be appointed. This mandate requires, more than any other, the

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ability to work with diverse stakeholders who hold different views. I have proved during my time in the UN and as an academic who has actively engaged with policy makers, that dialogue is key to consensus. Indeed, the Program on Human Rights and Justice at MIT, which I founded and direct, is an early example of an approach which has stressed dialogue between academics, NGOs and policy makers.

To sum up, the mandate on the RTD is of great interest to me for many reasons: my long standing study of and interest in development-human rights linkages, my background and training in international law, human rights, international economic law, as well as economic and social development and the practical challenges of policy implementation, and my willingness and ability to work constructively with diverse stakeholders.



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**IV. LANGUAGES (READ / WRITTEN / SPOKEN)**

**Please indicate all language skills below.**

**1. Mother tongue: Tamil**

**2. Knowledge of the official languages of the United Nations:**

**Arabic:** Yes or no: **No** If yes,

**Read:** Easily or Not easily:  
**Write:** Easily or Not easily:  
**Speak:** Easily or Not easily:

**Chinese:** Yes or no: **No** If yes,

**Read:** Easily or not easily:  
**Write:** Easily or not easily:  
**Speak:** Easily or not easily:

**English:** Yes or no: **Yes** If yes,

**Read:** Easily or not easily: **Easily**  
**Write:** Easily or not easily: **Easily**  
**Speak:** Easily or not easily: **Easily**

**French:** Yes or no: **No** If yes,

**Read:** Easily or not easily: **Not easily**  
**Write:** Easily or not easily:  
**Speak:** Easily or not easily:

**Russian:** Yes or no: **No** If yes,

**Read:** Easily or not easily:  
**Write:** Easily or not easily:  
**Speak:** Easily or not easily:

**Spanish:** Yes or no: **No** If yes,

**Read:** Easily or not easily:  
**Write:** Easily or not easily:  
**Speak:** Easily or not easily:

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**V. EDUCATIONAL RECORD**

**NOTE: Please list the candidate's academic qualifications (university level and higher).**

<b>Name of degree and name of academic institution:</b>	<b>Years of attendance</b> (provide a range from-to, for example 1999-2003):	<b>Place and country:</b>
Doctor of Juridical Science, Harvard Law School	1997-2000	Cambridge, MA USA
Master of Laws, Washington College of Law, The American University	1991-92	Washington DC USA
Bachelor of Laws, University of Madras	1985-1990	Chennai, India

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**VI. EMPLOYMENT RECORD**

**NOTE: Please briefly list ALL RELEVANT professional positions held, beginning with the most recent one.**

<b>Name of employer, functional title, main functions of position:</b>	<b>Years of work (provide a range from-to, for example 1999-2005):</b>	<b>Place and country:</b>
Massachusetts Institute of Technology, Professor of Law and Development and Director, Program on Human Rights and Justice	2000-current	Cambridge, MA, USA
UN High Commissioner for Human Rights in Cambodia, Human Rights Officer Legal Assistance	1993-1996	Phnom Penh, Cambodia
UN Transitional Authority in Cambodia, Human Rights Officer	1992-1993	Kompong Som, Cambodia
Neill and Company, Attorney	1992	Washington DC

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**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS**

**(of Human Rights Council resolution 5/1)**

*To be completed by the candidate or by the nominating entity on his/her behalf.*

**1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause him/her to limit the extent of their inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.**

No

**2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate's ability to act independently in discharging his/her mandate? If yes, please explain:**

No

**3. Is there any reason, currently or in that past, that could call into question the candidate's moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which she/he discharges his mandate? If yes, please explain:**

No

**4. Does the candidate comply with the provisions in paragraph 44 and 46 of the annex to Human Rights Council resolution 5/1?**

*Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.*

*Para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate holders will act in their personal capacity.*

Yes

**5. Should the candidate be appointed as a mandate holder, he/she will have to take measures to comply with paragraphs 44 and 46 of the annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.**

N/A

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