

# Human Rights in 2025

**Robert L. Bernstein International Human Rights Fellowship Symposium**

**April 7-8, 2011**

**Yale Law School, 127 Wall Street, New Haven, CT**

**Sponsored by the Orville H. Schell, Jr. Center for International Human Rights  
and the Yale Chapter of the American Constitution Society**

This year's Bernstein Symposium will address the topic of "Human Rights in 2025." With the global order still struggling to overcome an economic crisis, and domestic U.S. politics deeply contested and uncertain, it is a good time to take a step back in order to look forward. We are asking participants to consider the path or paths of development that human rights will take over the next fifteen years: Where will we be in 2025? What can we hope human rights will achieve by then? What are the obstacles to getting there?

The development of a global order of human rights has been a multi-decade process (some might say centuries). This process responds to many factors: political, cultural, economic, technological, and ideological. Changes in these factors are likely to be more important than any particular contemporary crisis. Can we identify underlying trends and consider how they will affect an emerging human rights regime?

The human rights agenda has expanded dramatically in recent years. Our panelists will consider four areas that are representative of the promise and the problems of human rights development both here and abroad.

## **Thursday, April 7**

**4:15 – 5:45 p.m**     **Business and Human Rights** (Room 127)

The global order is no longer dominated by the public decision-making of states. Today, corporations are a potent presence on the global scene. Indeed, some corporations are larger than all but the largest states. Corporations are not bound by the same territorial and domestic political concerns as states. Yet, as global players, they arguably have just as much of a moral obligation as their public counterparts to consider the impact of their actions on the quality of life of people throughout the world. This moral obligation may translate into legal norms or take the form of voluntary compliance with self-imposed norms. Some corporations will no doubt avoid taking any responsibility for the human rights consequences of their profit-seeking behavior. There will, therefore, be problems both in generating rules and in obtaining compliance. What are the various strategies for establishing rules of corporate conduct and ensuring compliance with them? How should we evaluate the various strategies' relative advantages and disadvantages?

- **Silvia M. Garrigo**, Manager, Global Issues and Policy, Chevron Corporation
- **Salil Tripathi**, Policy Director, Institute for Human Rights and Business

- **Auret van Heerden**, President and Chief Executive Officer, Fair Labor Association
- **Marco Simons**, Legal Director, EarthRights International, and Bernstein Fellow (moderator)

## Friday, April 8

### **10:00 – 11:00 a.m. Discussion with Current Bernstein Fellows** (Faculty Lounge)

The two current Bernstein Fellows will talk about their work. **Itamar Mann** (LLM '10) is investigating the human rights effects of the multinational immigration regime that the European Union is developing. Human Rights Watch, which along with the Open Society Justice Initiative, is supporting the project, will publish the report he is writing. **Thomas Stutsman** ('10) is working at the Vera Institute of Justice in New York City on Chinese legal reform. He is collaborating with Chinese scholars and practitioners to design and implement empirically based criminal-justice reforms aimed at advancing human rights and the rule of law in China.

### **11:15 a.m. – 1:00 p.m. International Humanitarian Law and Asymmetric Warfare** (Room 127)

The age of interstate war may be ending, but that hardly means that we are entering an era without political violence. That violence is likely to look like what we have seen for the past decade in the Middle East: asymmetric warfare between the organized forces of the state, on the one hand, and organized groups of ideologically committed non-state actors, on the other. These conflicts cannot easily be treated as police matters, for they threaten deep political disturbance as well as the possible use of weapons of mass destruction. The laws regulating warfare (*jus in bello*), however, were developed with a view to interstate warfare. How will this body of law adapt to the changing shape of warfare? Will the limits of international humanitarian law force a turn to international human rights law as the main source of conflict regulation?

- **Thomas Ayres**, Brigadier General and Assistant Judge Advocate General for Military Law and Operations, U.S. Army
- **Gabriella Blum**, Assistant Professor of Law, Harvard Law School
- **Gabor Rona**, International Legal Director, Human Rights First
- **Dale Stephens**, Captain, CSM RAN (Royal Australian Navy), and Director of Operational and International Law, Defence Legal Service, Department of Defence
- **Noah Novogrodsky**, Associate Professor, University of Wyoming Law School, and Bernstein Fellow (moderator)

### **1:00 p.m. Lunch** (Faculty Lounge)

**2:00 – 3:30 p.m.      The Responsibility to Protect (Room 127)**

Just as the laws of warfare will have to respond to new forms of conflict, the ends for which force is deployed no longer fit easily within the self-defense paradigm of 20<sup>th</sup> century international law. International security organizations are no longer only in the war prevention business, but also in that of preventing human rights violations. The emergence of these new forms of force deployment has given rise to a legal idea: the responsibility to protect. It may, however, be difficult to turn a duty that extends to everyone in the abstract into an actual duty of anyone in particular to act. As we look forward, should we expect to see not just doctrinal elaboration of this duty, but institutional embodiment as well? Or, will the articulation of a multilateral responsibility to protect lead to the legitimization of unilateral intervention?

- **Gareth Evans**, President Emeritus, International Crisis Group, and Chancellor, Australian National University
- **Edward Luck**, Special Adviser to the U.N. Secretary-General and Senior Vice President for Research and Programs, International Peace Institute
- **Aziz Rana**, Assistant Professor of Law, Cornell University Law School
- **Elizabeth Brundige**, Associate Director, Avon Global Center for Women and Justice, and Adjunct Professor, Cornell Law School, and Bernstein Fellow (moderator)

**3:45 – 5:15 p.m.      The United States and Human Rights in the “Coming World”  
(Room 127)**

Human rights law must take a global perspective: It is the law for everyone, everywhere. But global politics, if it exists at all, is not robust. Accordingly, this universal law still depends upon the politics of nation-states for its development and enforcement. In the United States, that politics has not traditionally favored energetic participation in human rights legal regimes and institutions. The United States has been slow to ratify (or has declined to ratify) international human rights treaties and, for some time, stepped back from active engagement in the UN human rights processes. Will “exceptionalism” continue to define the American attitude? How are changing geopolitical circumstances shaping the ways in which the U.S. is likely to promote or obstruct an international order of human rights?

- **Larry Cox**, Executive Director, Amnesty International USA
- **John Gaddis**, Robert A. Lovett Professor of History, Yale University
- **Jonathan Schell**, Lecturer, International Studies, Yale University
- **Paul Kahn**, Robert W. Winner Professor of Law and the Humanities, Yale Law School (moderator)

**5:15 p.m.                      Reception and Introduction of 2011-2012 Robert L. Bernstein Fellows**