

Human Rights and Political Change in the Arab World

Robert L. Bernstein International
Human Rights Fellowship Symposium
Yale Law School

March 29-30, 2012

Sponsored by the Orville H. Schell, Jr. Center for International Human Rights

The 2012 Robert L. Bernstein Human Rights Symposium will focus on recent political changes in the Middle East and North Africa. These events have provoked a steady stream of commentary from multiple perspectives: economic, religious, ideological, demographic, strategic and political. So far, there has been little systematic consideration of the place of human rights in these events. The Symposium will examine developments through four panels that explore the beginnings, continuing evolution, ultimate ends, and diverse means of recent developments in the region. The first panel will consider the role of human rights claims in motivating mass political action from Tunisia to Syria. The second will attempt an interim evaluation of the situation in those states that have managed to depose authoritarian regimes. The third panel will be more speculative, trying to discern the likely long-term impact on human rights in the Middle East and North Africa. The final panel, organized in conjunction with the Information Society Project's conference, *Global Censorship*, will examine the role of information technology in provoking, sustaining and containing movements for change.

Thursday March 29

4:15-5:45 PM The Origins of Demands for Change (Room 127)

None of the revolutions in the Middle East and North Africa started with an explicit demand of respect for human rights. Commentators have tended to locate the origin of these events in economic difficulties linked to the global crisis, which made even more untenable the economic situation of a burgeoning population of young adults. The triggering events seemed to have less to do with human rights as such than with widespread dignitary harms inflicted by a stultified, unaccountable bureaucracy. Quickly, however, these movements came to be identified with a range of familiar human-rights demands: most importantly, for freedoms of speech, of assembly, and of religion and, of course, for democratic accountability. This panel will focus on whether human rights served to motivate mass action or served, rather, as the external face – the face to the media – of movements driven primarily by internal political and economic factors.

- **Chibli Mallat**, Presidential Professor of Law and Professor of Middle Eastern Law and Politics, S.J. Quinney College of Law, University of Utah
- **Timur Kuran**, Professor of Economics and Political Science and Gorter Family Professor of Islamic Studies, Duke University
- **Adria Lawrence**, Assistant Professor, Political Science, and Research Fellow, MacMillan Center for International and Area Studies, Yale University
- **Stephen Poellot**, Bernstein Fellow (moderator)

Thursday March 29

6:00 -7:15 PM Keynote Address: (Room 127)

Robin Wright, Senior Fellow, U.S. Institute of Peace; Distinguished Scholar, Woodrow Wilson International Center for Scholars; author, *Rock the Casbah: Rage and Rebellion Across the Islamic World*

7:30-9:00 PM Bernstein Fellows Presentation & Dinner (Faculty Lounge)

The four current Bernstein Fellows will talk about their work. **Erin Evers** ('11) is working with Iraqi Refugee Assistance Project (IRAP) in Cairo, Egypt, combining direct legal advocacy with legal research and fact-finding to assist IRAP's campaign for a category enabling women at risk to be eligible for expedited resettlement to the United States. **Lauren Oleykowski** ('11) is working with Project Concern International (PCI), on integrated community-based child protection in Port-au-Prince, Haiti. **Stephen Poellot** ('11) is working at the Resettlement Legal Aid Project in Cairo, Egypt, providing assistance to refugees in need of resettlement. **Chelsea Purvis** ('11) is working in London at Interights, the International Centre for the Legal Protection of Human Rights, supporting litigation on the rights of women, sexual minorities, and people with disabilities in Africa.

Friday, March 30

10:15- 11:45 AM The Interim: Rights in the Midst of Change (Room 127)

We have seen that political change comes at a substantial cost when the threat of violence turns to actual violence. In the short term, change brought about by violence can make life harder for many. Political liberation can bring economic contraction, which may, in turn, undermine the potential of these revolutions to advance democracy and respect for human rights. The best-off state may be the one that adopts reforms in the face of a threat of violence. The current situation in the Middle East and North Africa allows a comparative look at countries on either of two paths. How do states that have pursued a path of reform compare to those that have overthrown long-time, authoritarian regimes? Has violence actually advanced human rights? As violence brings change in Libya and blocks it in Syria or Bahrain, what happens to human rights? Where authorities try to hold off revolution by conceding modest reforms, in Morocco or Jordan, what is the place of human rights?

- **Michael Wahid Hanna**, Fellow, The Century Foundation
- **Nadia Marzouki**, Jean Monnet Fellow, European University Institute in Florence, Italy
- **Rami Nakhla**, Member, Syrian National Council
- **Erin Evers**, Bernstein Fellow (moderator)

12-1:00 PM Lunch (Room 122)

Friday, March 30

1:15-2:45 PM The Ends of Change: Ultimate Prospects for Human Rights (Room 127)

None of the states in the Middle East and North Africa that have undergone political change, whether violent or non-violent, have achieved a stable point of political equilibrium. It is, nevertheless, possible to begin to anticipate where they might end up in their efforts to create a new constitutional order. This panel will consider models of modern Islamic constitutionalism, including the Turkish example. How would various models of constitutionalism affect prospects for human rights? Do these models have the capacity to create political stability in a region that will continue to suffer from economic crisis and political conflict for some time?

- **Ran Hirschl**, Canada Research Chair and Professor of Political Science and Law, University of Toronto
- **M. Hakan Yavuz**, Professor of Political Science, University of Utah
- **Abdullahi A. An-Na'im**, Charles Howard Candler Professor of Law, Emory University
- **Paul Kahn**, Robert W. Winner Professor of Law and the Humanities, Yale Law School (moderator)

3:15-4:45 PM The Means of Change, Familiar and New (Room 127)
(co-sponsored by the Information Society Project as part of its conference,
Global Censorship)

In the popular story of the political upheavals in the Middle East and North Africa, information technology stands out as the new factor that was critical to rapid mass mobilization for demanding change. The media have been credited with making popular demands for change contagious. Enthusiasts for the potential of technology to foster progressive change have labeled these apparently sudden developments a Facebook revolution. Governments responded by seeking to curtail the use of mobile phones and the Internet. What role has technology played in igniting, sustaining and shaping recent political changes in the Arab world?

- **Anupam Chander**, Professor of Law, University of California, Davis and Director, California International Law Center
- **Rebecca MacKinnon**, Bernard L. Schwartz Senior Fellow, New America Foundation
- **John Pollock**, Contributing Editor, *Technology Review*
- **David Keyes**, Executive Director, Advancing Human Rights, and Co-founder, CyberDissidents.org (moderator)

5:00-6:30 PM Concluding Lecture (co-sponsored by the Information Society Project as part of its
conference, *Global Censorship*) (Room 127)

Irwin Cotler, Member of Parliament and former Minister of Justice and Attorney General, Canada, and former Professor of Law Emeritus, McGill University

6:30 PM Reception and Introduction of 2012-2013 Robert L. Bernstein Fellows, Robina
Foundation Fellows and Gruber Fellows