

# Global Poverty, Global Duties, Global Strategies

The Robert L. Bernstein Human Rights Fellowship Symposium

April 15, 2005

Yale Law School

The member states of the United Nations have pledged to cut world poverty in half by 2015. But recent trends are not encouraging. After slow, steady decreases in the estimated number of people in the world who are chronically hungry, the number has increased in the last few years, to almost 852 million people. Half of the world's workers, some 1.4 billion people, earn less than \$2 a day.

Poorer countries have a responsibility to foster their own development by taking such steps as investing in health and education and fighting corruption and increasing government transparency.

Developed countries, however, have not fulfilled their commitments to increase aid. Instead, their spending on foreign assistance is half the proportion of their national incomes that it was forty years ago. In addition, poor countries face the effects of developed countries' trade barriers and agricultural subsidies, the repayment of staggering debts, and the hardships brought about by structural adjustment programs imposed by international financial institutions.

In 2000, the United Nations agreed on the Millennium Development Goals, which included the commitment to reduce by half the proportion of the world's population living in poverty. The slow start on achieving this goal has raised questions about the nature and extent of an international obligation to combat poverty. Do wealthy states have an obligation to reduce poverty in other parts of the world? If there is such an obligation, is it a legal obligation? Does international law, including human rights law, have an important contribution to make to the goal of eradicating poverty? Where do legal strategies fit within the broader array of institutions and policies seeking to advance this goal? This year's Robert L. Bernstein International Human Rights Fellowship Symposium seeks to explore these questions.

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

The two current Bernstein Fellows will talk about their work. Liz Brundige ('03) is working with the International Association of Women Judges in Washington, D.C., to promote the use of international human rights law in judicial decisions in Africa that address discrimination and violence against women; she recently returned from a month in southern Africa. Brandee Butler ('02) is working with UNICEF in Gabon, West Africa, to lead an evaluation of the state protocol for repatriating child-trafficking victims and to raise awareness about and advocate for reform of anti-trafficking legislation there.

1:00 p.m.     **Introductory Lectures and Discussion: What Obligations Do Developed States Have to Alleviate Global Poverty?** (Room 127)

This discussion will ask whether there is an international legal obligation to reduce poverty and, if so, what the parameters of that obligation are. What is the basis for such an obligation? The panel will consider to what extent wealthy countries have both an affirmative duty to reduce poverty abroad and a negative duty to avoid policies and practices that exacerbate poverty in other countries. To the extent that these obligations exist, how does one determine whether states are meeting them? How might these obligations restrict the policy choices of states in such areas as trade, workers' rights, intellectual property, the environment, immigration, and foreign investment? What measures, formal and informal, are available for enforcement of such an obligation? How do these legal obligations relate to the economic and social rights protected in international treaties? What is the relationship between such international

obligations and the domestic obligations of states to relieve poverty? What role do private actors and civil society have in meeting a state's obligation?

*The Duties Imposed by the Human Right to Basic Necessities*

- Elizabeth Ashford, Lecturer in Moral Philosophy, School of Philosophical and Anthropological Studies, University of St. Andrews, Scotland

*International Cooperation as Obligation for Rights-Based Poverty Eradication*

- Arjun Sengupta, Adjunct Professor of Development and Human Rights, Harvard School of Public Health; former UN Independent Expert on the Right to Development; UN Independent Expert on Human Rights and Extreme Poverty; Chairman, Centre for Development and Human Rights
- Tara Melish, (YLS '00) Legal Adviser to CEJIL – The Center for Justice and International Law; Bernstein Fellow (moderator)

3:15 p.m.      **Reducing Poverty: Aid, Trade, and the Rule of Law** (Room 127)

This panel will explore the efficacy of transnational strategies for reducing global poverty, looking particularly at the role law can play in these efforts. Contemporary approaches to poverty reduction recognize the multidimensional character of the problem. The transfer of resources--traditional aid-- has had limited effect. Even where short-term gains have been realized, they have rarely been sustained. Today, increasing attention is given to programs that support the development of civil society, legal and political institutions, and government transparency. Focus is as likely to be on education, empowerment of women, and public health, as on traditional economic development. If the Millennium Development Goals have created an opportunity for experimentation, are there particular points at which law is or could be useful--for example, in moving domestic agencies to address poverty, in coordinating action among states, in regulating international institutions, or in shaping the role that recipients of aid should have in the control of international institutions and the design of programs? Are there points at which the law may impede efforts to reduce poverty? This panel will discuss the potential that emerging transnational poverty-reduction approaches have and ask what contribution law-based strategies can make to the overall goal.

- Ron Daniels, Dean, University of Toronto Faculty of Law
- Cheryl Gray, Director of Poverty Reduction and Economic Management in the Europe and Central Asia Region, World Bank
- Sanjay Reddy, Professor of Economics, Barnard College, Columbia University; Visiting Fellow, Center for Human Values, Princeton University
- Mark Templeton (YLS '99), Associate Dean, Yale Law School, Bernstein Fellow (moderator)

5:15 p.m.      **Reception and Introduction of 2005-2006 Robert L. Bernstein Fellows**  
(Alumni Reading Room)