

Human Rights in the Streets

Robert L. Bernstein International Human Rights Symposium

Yale Law School
March 27-28, 2014

In the 1990s, popular mobilization in Eastern Europe brought about rapid political liberalization. Those “color” revolutions seemed to vindicate Hannah Arendt’s claim that violence is no match for power and that power comes from people acting together in public. Many expected the Arab Spring to be a second demonstration of the power of popular mobilization to defeat the institutions of violence. Events in Lebanon, Iran, Syria, Libya and Egypt suggest that would have been too hasty a conclusion. While there are many difference between the mobilization 20 years ago and that of the last few years, one feature stands out: the absence of prominent or charismatic leadership and of institutional structure.

Despite the uncertainty of result, spontaneous political mobilization appears to have gone viral. There has been a paradigm shift from a politics of slow, hard-fought change to a politics of uncontrollable explosion. The explosions seem to fade quickly, as in the Occupy Movement, or they lead to sustained violence, as in Syria, Libya, and Egypt. It remains to be seen where they will lead in Turkey and Brazil.

The arrival of leaderless politics raises new questions for the human rights community, which has traditionally focused on governmental abuse of power. Power is on display in the streets as well, and it, too, can be abused. There are frequent reports, for example, of sexual abuse and of sectarian conflict in these popular movements. Apart from opportunistic abuse, there is the deeper question of whether this explosive politics can actually lead to the rule of law and respect for human rights.

THURSDAY, MARCH 27

12:30 – 2:00 (Faculty Lounge)

Current Bernstein and Robina Fellows Discuss Their Work

Bernstein Fellows:

Mytili Bala ’09, is working at the Center for Justice and Accountability (CJA) in San Francisco, engaging in fact-gathering efforts for active investigations to secure and preserve admissible evidence for potential civil litigation in the United States and for international accountability efforts.

Carrick Flynn ’11, is working at the Human Rights Law Network in New Delhi, India, working on a variety of projects related to coercive sterilization, maternal mortality, child marriage, sexual education, the right to food, and access to family planning and contraception.

Ignacio Mujica LL.M. ’13, is working in the Crimes Against Humanity Program of Human Rights First, focusing on establishing identities of the networks of states, corporations, and individuals that provide material support to groups that perpetrate mass atrocities and on the domestic and international actions that can be taken to disrupt those networks.

Robina Foundation Fellows:

Julie Hunter '13, is working at the European Court of Human Rights in Strasbourg France.

Scarlet Kim '11, is working in the Legal and Enforcement Unit of the Presidency of the International Criminal Court in The Hague.

4:00 - 5:30 The Future of Dissent (Room 129)

This roundtable discussion will draw out contrasts between what being a dissident used to mean and what it will mean with new politics, new geography, new technology. Scholars will join activists of past and present movements in a conversation that will also explore the role of human rights language in the future of dissent.

- **Jerome Cohen**, Professor of Law, New York University
- **Harold Koh**, Sterling Professor of International Law, Yale Law School
- **Jeri Laber**, Writer and a Founder of Human Rights Watch
- **Michael Posner**, Professor of Business and Society, Stern School of Business, New York University
- **James Silk**, Clinical Professor of Law, Allard K. Lowenstein International Human Rights Clinic, and Executive Director, Orville H. Schell, Jr. Center for International Human Rights, Yale Law School (moderator)

FRIDAY, MARCH 28

10:15 – 11:45 Leadership (Room 129)

Do new forms of political mobilization create new forms of leadership? Can we consider a person using social media to coordinate a political demonstration a leader? To answer that requires that we have some idea of what we expect of political leadership. Some leaders exercise a moral influence by virtue of their character. Other are in a position to negotiate with the opposition and commit to a political process. Who is performing these roles in today's popular politics? Is the language of human rights more useful for political leadership or for the mobilized political masses? This panel will look to specific examples including the Occupy Movement in the United States, Egypt's two revolutionary moments, and political mobilization in Brazil or Turkey.

- **Bernard E. Harcourt**, Julius Kreeger Professor of Law and Political Science, University of Chicago
- **Stephanie Lamy**, Founder and CEO, Webcommunitymanagement
- **Zahra Langhi**, Director and Co-Founder, Libyan Women's Platform for Peace
- **Tendayi Achiume** '08, Binder Teaching Fellow, UCLA Law School, and Bernstein Fellow (moderator)

1:00-3:00 Violence (Room 129)

In their original aspiration, all of these popular political movements have been nonviolent. Few have succeeded in remaining nonviolent. The great nonviolent movements of the past have been led by charismatic leaders: Ghandi and Martin Luther King Jr. In the absence of such leadership, is a politics in the streets likely to be a first step toward violent confrontation with the existing regime? When violence does occur, is the consequence likely to be a splintering of the movement into fragments, some in conflict with others? Is spontaneous, mass politics the beginning of revolution or of civil war? Is violence inevitable in a way that tends to sideline the traditional role of international human rights advocates, fearful of appearing to side with movements that ultimately embrace violence?

- **Chibli Mallat**, Presidential Professor of Middle Eastern Law and Politics, University of Utah College of Law, and Founder and Chairman, Right to Nonviolence
- **Anna Neistat**, Associate Director for Program, Human Rights Watch
- **Oxana Shevel**, Associate Professor, Department of Political Science, Tufts University
- **Ahmad Shokr**, Doctoral Candidate, Middle East History, New York University, and Former Editor, *Egypt Independent*
- **Paul Kahn**, Robert W. Winner Professor of Law and the Humanities, and Director, Orville H. Schell, Jr. Center for International Human Rights, Yale Law School (moderator)

3:15 – 5:00 Intervention

Is there a role for human rights interventions once politics takes to the streets? Intervention in Libya led to a fractured and fractious polity, in some ways similar to the situation in Iraq after an earlier intervention. Does intervention inevitably mean taking sides? Picking sides or calling for regime change has been anathema to international human rights advocates: Does the new paradigm force them to give up what some have viewed as the hypocrisy of their neutrality? United Nations peacekeepers have traditionally intervened at the end of conflicts, not at their beginning. Must this role, too, be rethought? Is there room in the context of these unstable uprisings for something like human rights monitors? Could they make up for the absence of movement leadership?

- **Dapo Akande**, Associate Professor of Public International Law, University of Oxford, and Co-Director, Oxford Institute for Ethics, Law & Armed Conflict
- **Omar Dahi**, Associate Professor of Economics, School of Critical Social Inquiry, Hampshire College
- **Edward Mortimer**, Distinguished Fellow, All Souls College, University of Oxford
- **Tom Dannenbaum**, Visiting Lecturer in Law and Robina Foundation Visiting Human Rights Fellow, Yale Law School (moderator)

5:00 PM Reception and Introduction of the 2014-2015 Bernstein and Robina Foundation Human Rights Fellows (Alumni Reading Room)

