Conference Description

The study and practice of human rights is burgeoning. Scholars in nearly all fields – not only law but also health and environmental sciences, not only political science and anthropology but also history, cultural studies and the arts – now engage questions of human rights in their scholarship and teaching. Human rights has come to refer to ever more diverse subject matters, having moved from emphasis on the fundamental right to physical integrity to areas as diverse as rights to culture, the Internet, death with dignity, and fresh air. For scholars and activists alike, moreover, the “human” in human rights no longer refers exclusively to living individuals who may suffer, but encompasses concepts of community and future generations.

Given the dynamism and reach of human rights claims in a fast-changing world, the time has come to step back to ask key questions: what concepts may usefully undergird an ever-growing and more heterogeneous field of study and practice in a twenty-first century world? If human rights comes to stand for “everything” (every right is fundamental and rooted in the human), does it come to stand for nothing and undermine its premise? If human rights becomes a standard language of law, and a standard language of moral claim and political mobilization, does it lose its counter-hegemonic potential?

The Conference aims to address such questions, and to consider what they mean for the future of human rights scholarship, teaching, and practice. It showcases an array of different approaches, disciplines and topics to the study of human rights, displaying the diversity of human rights scholarship on the UW campus and beyond, as a way to reflect on the motivating question of what are human rights in today’s world. We intend to integrate the reflections into the future development of an innovative UW-Madison Human Rights Program that draws on the best of contemporary human rights scholarship and teaching, and on our strong campus foundation in area studies and cross-disciplinary research.
Day 1: Thursday, November 5, 2015
Alumni Lounge, Pyle Center

4:00

Welcome
Alexandra Huneeus
Chair, Human Rights Program Steering Committee

Richard Keller
Associate Dean, The International Division
UW-Madison

4:15-5:45

Plenary: Race and Human Rights in the US and Abroad
Chair: Alexandra Huneeus
UW Law School

Keynote Speaker:
Tanya Hernandez
Fordham Law School

Commentators:
Florence Mallon
UW-Madison

William Jones
UW-Madison

5:45-7:00

Informal reception for all participants

Day 2: Friday, November 6, 2015
Room 309, Pyle Center

8:15
Breakfast and registration

8:40
Welcome
Sumudu Atapattu
UW Law School

8:45-9:15
A New Politics of Human Rights: Framing the Issues
Heinz Klug
UW Law School
Panel 1: Large Development Projects and Vulnerable Communities: The Role of Free, Prior, and Informed Consent

Chair: Larry Nesper  
UW-Madison

“Displacement, the Delusion of Development and the Denial of Human Rights: The Case of Cahora Bassa, 1965-2014”

Allen Isaacman  
University of Minnesota

“The Nam Theun 2 Dam and Human Rights in Laos’s Xe Bang Fai River Basin: Reconsidering the World Bank’s ‘Model’ Large Hydropower Project”

Ian Baird  
UW-Madison

“Common Ground, Different Paths: The Diverging Meanings of Land Rights in the Struggle Against the Itaipu Dam, 1975-1982”

Jacob Blanc  
UW-Madison

Discussant: Erica Simmons  
UW-Madison

Panel 2: Women, Health and Human Rights

Chair: Cynthia Farid  
University of Wisconsin Law School

“Farming out Responsibility: Human Rights and Bangladesh's Shrimp Industry”

Kimberley Thomas  
University of Pennsylvania


Teri Allendorf  
UW-Madison
“The Bhopal Gas Disaster and the Ongoing Gendered Impact of Water Contamination”

Renu Pariyadath  
University of Iowa

“Sanitation-related Psychosocial Stress among Women: An Emerging Facet of Human Rights”

Krushna Chandra Sahoo  
Asian Institute of Public Health, Odisha, India

Discussant: Lalita du Perron  
UW-Madison

12:30-2:00 Lunch (includes meeting with students)

2:00-3:45 Panel 3: Climate Change and Human Rights: Mitigation, Adaptation and Vulnerable Communities

Chair: Paul Robbins (UW-Madison)


Farhana Sultana  
Syracuse University

“Climate Change is Not an Economic Problem: How the UN Got Tricked into a Category Mistake”

Daniel Bromley  
UW-Madison

“The Limits of Constitutional Law: How International Law on Climate Change can Undermine Constitutional Rights in India”

Deepa Badrinarayana  
Chapman University

“Small Bugs, Big Gains: The Mission to Improve Global Health through Insects”

Rachel Bergmans  
UW-Madison

Discussant: Sumudu Atapattu  
UW Law School

3:45- 4:00 Break
Panel 3: Materiality of Rights: Realization of Rights Amidst Social Constraints

Chair: Harvey Jacobs
UW-Madison

“Materiality of Rights and Property”
Richard Barnes
University of Hull, UK

“The Materiality of Rights: From Judicial Doctrine to Social Transformation?”
Robin Stryker
University of Arizona

“What Might We Learn When We Compare the Materiality of Housing and Voting Rights?”
Heinz Klug
UW Law School

Discussant: Harvey Jacobs
UW-Madison

6:30-8:30
Dinner for speakers, chairs, commentators and invited guests
University Club, 803 State Street

Day 3: Saturday, November 7, 2015
(Lubar Commons, 7200 Law School)

9:00
Breakfast

9:30-11:00
Panel 5: Violence and International Courts

Chair: Joseph Conti
UW-Madison

“How Can an Internationalized Criminal Tribunal Work?”
David Scheffer
Northwestern University

“The Political Debate on Transitional Justice in Colombia and the International Criminal Court”
Sandra Borda
*Universidad Jorge Tadeo Lozano, Bogotá, Colombia.*

“Who Pursues the Perpetrators: State Cooperation with the ICC”

**Scott Straus**
*UW-Madison*

“Soviet Judgment at Nuremberg: A Reexamination of the International Military Tribunal”

**Francine Hirsch**
*UW-Madison*

**Discussant:** Alexandra Huneeus
*UW Law School*

11:00-11:15 Break

11:15-12:30 **Final Roundtable and Wrap Up**

Chair: Steve Stern
*UW-Madison*

12:30-2:00 Lunch
Biographies of Speakers, Chairs and Commentators

**Teri Allendorf**
Teri Allendorf is a conservation biologist who has been working on issues of local communities and protected areas since 1994. She is a scientist in the Department of Forest and Wildlife Ecology at the University of Wisconsin-Madison and a research associate with the Smithsonian Conservation Biology Institute. She is also an Honorary Fellow in the Nelson Institute for Environmental Studies and the Land Tenure Center at the UW. She has been a member of USAID’s Biodiversity Team and a Peace Corps Volunteer in Nepal. She conducts research on local communities’ attitudes and perceptions of protected areas and how those can be used to manage protected areas more sustainably. She has worked in Nepal, Myanmar, China, India, Uganda, Guyana, and Guatemala, to develop the capacity of local and national NGOs to design and implement biodiversity conservation projects in collaboration with local communities.

**Sumudu Atapattu**
Sumudu Atapattu is the Director of Research Centers and Senior Lecturer at University of Wisconsin Law School. She teaches seminars on “International Environmental Law” and “Climate Change, Human Rights and the Environment.” She is affiliated with UW–Madison’s Nelson Institute for Environmental Studies and the Center for South Asia and coordinates the campus-wide interdisciplinary Human Rights Program. She was a visiting professor at Doshisha University Law School, Japan, in summer 2014. She serves as the Lead Counsel for Human Rights at the Center for International Sustainable Development Law based in Montreal, Canada, and is on the advisory board of the *McGill International Journal of Sustainable Development Law and Policy*. She holds an LL.M. (Public International Law) and a Ph.D. (International Environmental Law) from the University of Cambridge, UK, and is an Attorney-at-Law of the Supreme Court of Sri Lanka. She has acted as consultant to international organizations and expert bodies including the UN Independent Expert on Human Rights and the Environment. Her publications include *Emerging Principles of International Law* (Transnational, 2006), *International Environmental Law and the Global South* (co-editor, Cambridge University Press, 2015) and *Human Rights Approaches to Climate Change: Challenges and Opportunities* (Routledge, 2015).

**Ian Baird**
Ian Baird is an Assistant Professor of Geography at the University of Wisconsin-Madison. He is also affiliated with the Nelson Institute for Environmental Studies, the Center for Southeast Asian Studies and the Asian American Studies Program at UW-Madison. He has been conducting research on development, environment and human rights issues in mainland Southeast Asia for almost 25 years. He is especially focused on studying big dams and large-scale economic land concessions in Laos and Cambodia.
Richard Barnes
Richard Barnes is Professor of Law at the University of Hull, United Kingdom, where he is the Director of the McCoubrey Centre for International Law. He has lectured and written widely on the law of the sea and international law. Noted publications include Law of the Sea: Progress and Prospects (2006) and Property Rights and Natural Resources (2008). The latter was awarded the SLS Birks Prize for Outstanding Legal Scholarship in 2009. More recent publications have focused on irregular maritime migration, search and rescue at sea, Arctic fisheries, control of offshore renewable energy, and the governance of areas beyond national jurisdiction. He has acted as an advisor for a number of governmental and private agencies on maritime and marine issues, including EU Parliament groups, the UK Department for Environment, Food and Rural Affairs, the WWF, and the International Transport Workers Federation. He is an editor of the International Journal of Marine and Coastal Law, with responsibility for current legal developments, and sits on the editorial board of the New Zealand Yearbook of International Law. He is currently working on an edited collection on ‘Responsibility to Protect’ and the United Nations Convention on the Law of the Sea.

Deepa Badrinarayana
Deepa Badrinarayana came to Chapman University from Pace Law School, where she completed her Doctorate in Juridical Studies in Environmental Law. She researched for Professor Frank P. Grad at Columbia Law School on environmental and public health laws. Between 2005 and 2006, she was a Visiting Scholar at the Center for Global Legal Studies, Columbia Law School. Professor Badrinarayana was also a consultant to the United Nations Global Compact on issues of corporate voluntarism and regulations. Before coming to the United States, Professor Badrinarayana was a Research Officer for a Government of India-World Bank Environmental Capacity-Building Project at the National Law School of India University. In addition to research and advocacy, she also trained government officials and legal professionals in environmental law. She was part of a team that advised the Government of India on its new legislation to manage biomedical waste. Professor Badrinarayana holds an L.L.M. in Environmental Law from Pace Law School and a B.A.I.L.B.(Hons) from the National Law School of India University. She is also a Member of the World Conservation Union’s Committee on Environmental Law.

Rachel Bergmans
Rachel Bergmans, MPH, is a doctoral dissertator in the Population Health Sciences Department with a concentration in environmental and social epidemiology at the University of Wisconsin-Madison. Broadly, she is interested in the connections between climate change, environmental sustainability, and health disparities. More specifically, her research focuses on food insecurity and evaluating food insecurity interventions. She is also the co-founder of the Mission to Improve Global Health through Insects (MIGHTi), an organization focused on investigating whether insect farming and insect consumption is a sustainable solution for food insecurity and climate change, particularly among vulnerable populations.

Jacob Blanc
Jacob Blanc is a PhD candidate in Latin American history at the University of Wisconsin-Madison. His dissertation focuses on the intersection of land tenure and political opposition during Brazil’s dictatorship, looking at the construction of the Itaipu hydroelectric dam and the subsequent mobilizations of rural workers in the southern state of Paraná in the 1970s and 1980s. Blanc's
research has been funded by the Fulbright-Hays DDRA, the Social Science Research Council IRDF, and the American Historical Association. His work has appeared in *The Journal of Peasant Studies* and *The Luso-Brazilian Review*.

**Sandra Borda**
Sandra Borda is currently the Dean of the Division of Social Sciences at *Universidad Jorge Tadeo Lozano* in Bogotá, Colombia. She was an associate professor of Political Science and International Relations at Los Andes University (Bogota, Colombia) until June 2015. She has a PhD in Political Science from the University of Minnesota, an MA in Political Science from the University of Wisconsin-Madison, and an MA in International Relations from the University of Chicago. She has taught various classes on IR theories, Social Sciences Research Methods, Global Governance, Colombian and US Foreign Policy, and International Organizations. Her research agenda includes the study of the internationalization of civil conflicts, regional integration, Colombia’s foreign policy, human rights, and international relations. She has been a visiting scholar at the ITAM (Mexico City), the Munk Center for International Studies at the University of Toronto and, the International Relations Department at the University of Groningen (Netherlands). She was also a member of the Mission on Foreign Policy, a group of seven experts convened by the Colombian government with the purpose of formulating recommendations for its future foreign policy.

**Daniel W. Bromley**
Daniel W. Bromley is Anderson-Bascom Professor (Emeritus) of applied economics at the University of Wisconsin-Madison. Professor Bromley has published extensively on: the institutional foundations of the economy; legal and philosophical dimensions of property rights; economics of natural resources and the environment; and economic development. He has been editor of the journal *Land Economics* since 1974. In 2011 he received the €50,000 Reimar Lüst Prize from the Alexander von Humboldt Foundation in Germany. He is a Fellow of the Association of Environmental and Resource Economists, the Agricultural and Applied Economics Association, and is listed in Who’s Who in Economics. He is the 2015 recipient of the Veblen-Commons Award from the Association for Evolutionary Economics. Professor Bromley has written and edited thirteen books, among them are:

- Sustaining Development: Environmental Resources in Developing Countries (1999).
- Vulnerable People, Vulnerable States: Redefining the Development Challenge (2012) (with Glen Anderson)

**Joseph Conti**
Joseph Conti is Assistant Professor of Sociology and Law at University of Wisconsin-Madison and is Core Faculty of the Legal Studies Program. He has published several articles related to the sociology of international trade law and the World Trade Organization. He has also published research on risk perceptions and emerging technologies. His research is currently focused on the juridification of international politics. In 2011, he was awarded the Best Article Award from the

Cynthia Farid
Cynthia Farid is an S.J.D candidate at the University of Wisconsin Law School. Her research project broadly focuses on South Asian colonial legal history and its intersections with ideas of reform within contemporary law and development discourses. Prior to her arrival in Madison, she worked as a lawyer and an international development professional with experience in legal practice as well as a range of human rights and rule of law programming with NGOs, INGOs, think tanks, and legal rights organizations. Having completed the Bar exams in the UK and Bangladesh, she graduated with an LL.M from Cornell University where she also spent one year in residence as a visiting researcher.

Tanya Hernandez
Tanya K. Hernandez is Professor of Law at Fordham University School of Law, where she teaches Anti-Discrimination Law, Comparative Employment Discrimination, Critical Race Theory, The Science of Implicit Bias and the Law: New Pathways to Social Justice, and Trusts and Wills. She received her A.B. from Brown University, and her J.D. from Yale Law School, where she served as Note Topics Editor of the Yale Law Journal. Professor Hernandez was awarded a Fulbright Specialist Grant in 2015 to consult on racial equality projects at Université Paris Ouest Nanterre La Défense, in Paris and the University of the West Indies Law School, in Trinidad.


Francine Hirsch
Francine Hirsch is Professor of Russian and Soviet History at UW Madison. She is interested in issues of empire, nationalism, human rights, and international law. She is completing a book about the role of the Soviet Union in the Nuremberg Trials, Soviet Judgment at Nuremberg: A Cold War Story, which will be published by the Oxford University Press.

Alexandra Huneeus
Alexandra Huneeus is an associate professor in Law and Legal Studies at University of Wisconsin-Madison and is a leading authority on human rights law in Latin America. She has written extensively about international human rights courts, with an emphasis on their relation to national courts, as well as to other international courts. Her work stands at the intersection of law, political
science and sociology, and has been published in the *American Journal of International Law, Law and Social Inquiry, Yale Journal of International Law*, *Cornell International Law Journal* and by Cambridge University Press. In 2013, she was awarded the American Association for Law Schools Scholarly Papers Prize, as well as the American Society for Comparative Law Award for Younger Scholars (for two different articles). Currently, she holds an NSF grant to explore the impact of the Inter-American Court of Human Rights on domestic prosecutions of state atrocity. She received her PhD, JD and BA from University of California, Berkeley, and was a postdoctoral researcher at Stanford's Center on Development, Democracy and the Rule of Law.

Professor Huneeus is on the Board of Editors of the *American Journal of International Law*, and is a founding board member of the *Brazilian Journal of Empirical/Socio-Legal Studies*. She holds a permanent visiting professorship at the Universidad Diego Portales Law School in Santiago, Chile. She serves as Chair of the Steering Committee of the UW-Madison's Human Rights Program, which she co-founded, Chair of the American Society for International Law Midwest Interest Group, and is on the Board of the Inter-American Human Rights Network. Previously, she has served on the Board of Trustees of the Law and Society Association and the American Society for Comparative Law, and as section chair for the Midwest Political Science Association (Law and Courts).

**Allen Isaacman**

Allen Isaacman is Regents Professor of History at the University of Minnesota and Extraordinary Professor at the University of Western Cape. He is the author of seven books, including *Mozambique: The Africanization of a European Institution, The Zambezi Prazos, 1750–1902* (winner of the Melville J. Herskovits Award for the most distinguished publication in African Studies, 1972) and *Cotton is the Mother of Poverty: Peasants, Work, and Rural Struggle in Colonial Mozambique 1938–1961* (Herskovits Award finalist, 1997). He has won fellowships from the Guggenheim and MacArthur Foundations, among others. In November 2013, Professor Isaacman received the 2013 Distinguished Africanist Award from the African Studies Association. The award was created to recognize and honor individuals who have contributed a lifetime of outstanding scholarship in African Studies combined with service to the Africanist community.

**Harvey Jacobs**

Harvey Jacobs holds a joint appointment as Professor in the Department of Urban and Regional Planning and the Gaylord Nelson Institute for Environmental Studies at the University of Wisconsin-Madison. Professor Jacobs's research and teaching program focuses on public policy, theory and philosophy for land use and environmental management. Since the early 1990s he has focused his domestic research on the rise and impact of the private property rights (the so-called ‘wise use’) movement, and increasing social conflict over regulatory takings. Internationally, he has addressed issues related to the definition of private property rights, devolution/decentralization of administrative authority for land use planning and policy, and peri-urban land management (the containment of urban sprawl) by national ministries and new local governments in eastern Europe and Africa. Professor Jacobs has worked and lectured on these topics in Albania, Canada, France, Italy, Kenya, The Netherlands, Norway, Poland, South Africa, Spain, Taiwan, Trinidad, Tunisia and Zimbabwe. His latest work focuses on the transformation of private property as a social and legal institution in Western Europe.
Professor Jacobs has served as Chair of the Department of Urban and Regional Planning (1995-1998) and director of the University's Land Tenure Center (1999-2002), a cross college research, technical assistance and training institute that has worked in more 75 countries over a 45 year period on issues relating land ownership and use to social structure, economic development, political organization, and environmental sustainability.

William Jones
William Jones is Professor of History at University of Wisconsin-Madison. He has a BA from Northwestern University and a MA and PhD from University of North Carolina at Chapel Hill. He is a historian of the 20th Century United States, with a particular interest in race, class and work and has written books on African American industrial workers in the Jim Crow South and the March on Washington for Jobs and Freedom in 1963. He is currently writing a book on public employees and the transformation of the U.S. economy after the Second World War. His research interests include Social and Political, 20th Century US, Labor and Working Class, African American, Civil Rights.

Heinz Klug
Heinz Klug is Evjue-Bascom Professor in Law and Director of the Global Legal Studies Center at University of Wisconsin Law School. He is also an Honorary Senior Research Associate in the School of Law at the University of the Witwatersrand, Johannesburg, South Africa. Growing up in Durban, South Africa, he participated in the anti-apartheid struggle, spent 11 years in exile and returned to South Africa in 1990 as a member of the ANC Land Commission and researcher for Zola Skweyiya, chairperson of the ANC Constitutional Committee. He was also a team member on the World Bank mission to South Africa on Land Reform and Rural Restructuring. He has taught at UW Law School since September 1996. Professor Klug has presented papers on the South African constitution, land reform, and water law, among other topics, in Australia, Canada, Colombia, Ethiopia, Germany, South Africa, the Netherlands, and at several U.S. law schools. His research interests include: constitutional transitions, constitution-building, human rights, international legal regimes and natural resources. His current teaching areas include Comparative Constitutional Law, Constitutional Law, Human Rights and Humanitarian Law, Property, and Natural Resources Law. He is the author of The Constitution of South Africa: A Contextual Analysis published by the Oxford University Press in 2010.

Florencia Mallon
Florencia Mallon is Julieta Kirkwood Professor of History at University of Wisconsin-Madison. Her specializations are Modern Latin America; gender, ethnicity and class; and indigenous history. Her research and teaching interests include Latin American History, 19th and 20th centuries, especially Mexico, Peru, and Chile, ethnicity, gender, and colonialism; oral history and testimonial literature; and native-state relations. Her current project explores the full history of the term “America” as applied across the Western Hemisphere more broadly. Professor Mallon is the author of several books. She received her BA from Harvard University and MA and PhD degrees from the Yale University.
Larry Nesper
Larry Nesper is Professor of Anthropology and American Indian Studies at UW-Madison. He has a joint appointment with American Indian Studies and is affiliated with African Studies, Legal Studies, and the Nelson Institute for Environmental Studies. His research is in the area of Great Lakes Indian law and politics, largely in the federal Indian policy era of self-determination (post-1960s), but he also has ethnohistorical interests in the region. He is generally interested in institutional development and is currently working on a research project on the development of the tribal courts in Wisconsin. He received his Ph.D. from University of Chicago in 1994 and has been at UW-Madison since 2002.

Renu Pariyadath
Renu Pariyadath is a Visiting Assistant Professor in the Department of Communication Studies at the University of Iowa. She received her PhD from the same department. She researches the ways in which the participation of non-profit and social movement organizations in the discourse on development, environmental justice and corporate accountability, enable or constrain transnational resistance to global economic restructuring. Her work draws on postcolonial/transnational feminist perspectives on migration and development. Her dissertation was a multi-sited ethnography of the migrant Indian non-profit organization Association for India’s Development and highlighted its efforts to reconfigure the discourse of development in India through activist practices, strategic organizing, and alliance building in India and the United States. She currently serves as a Coordinating Committee member of the International Campaign for Justice in Bhopal, North America.

Lalita du Perron
Lalita du Perron has been the Associate Director of the Center for South Asia at UW-Madison since 2009. Her scholarly interests are Hindi, North Indian art music, performance, and gender. She received her PhD in South Asian Studies at the School of Oriental and African Studies at the University of London in 2000. She is one of the leaders of the Perspectives on Global Health – South Asia class, as a result of her long-standing connection with the Sambhavna and Chingari Clinics in Bhopal, India. Both clinics look after the survivors of the Union Carbide disaster of 1984. Chingari is dedicated to second- and third-generation surviving children with disabilities. A personal engagement with these activists in Bhopal sparked an academic interest in disability, activism, and human rights in India. She is currently working on various courses on travel to India with students interested in Global Health.

David Scheffer
David Scheffer is the Mayer Brown/Robert A. Helman Professor of Law and Director of the Center for International Human Rights at Northwestern University School of Law. He is the former U.S. Ambassador at Large for War Crimes Issues (1997-2001) and since January 2012 has been the U.N. Secretary-General's Special Expert on United Nations Assistance to the Khmer Rouge Trials. His book, *All the Missing Souls: A Personal History of the War Crimes Tribunals* (Princeton University Press, 2012), received the 2012 Book of the Year Award from the American National Section of the International Association of Penal Law and was chosen among the *Washington Post*'s “Best of 2012: 50 Notable Works of Nonfiction.” Ambassador Scheffer was selected as one of *Foreign Policy*'s “Top Global Thinkers of 2011” and won the Berlin Prize in 2013.
**Erica Simmons**

Erica Simmons is a Lyons Family Faculty Scholar and Assistant Professor of Political Science and International Studies at University of Wisconsin-Madison. She also holds a courtesy appointment with the Department of Sociology. Her research and teaching are motivated by an interest in contentious politics, particularly in Latin America. Simmons received an AB from Harvard College (1999) and a Ph.D. from the University of Chicago (2012). Her current work explores the intersection of market reforms and political resistance in the region and her dissertation on the topic was awarded the Latin American Studies Association's 2013 Oxfam-Martin Diskin award. A book manuscript on resistance to the marketization of subsistence in Latin America is currently in progress. A related article, “Grievances do matter in mobilization” was published in *Theory and Society* in September 2014. Simmons also writes on qualitative methods. Her co-authored article, “Informative Regress: Critical Antecedents in Comparative Politics” was published in *Comparative Political Studies* in July 2010. A co-authored article entitled “Coping by Colluding: Political Uncertainty and Promiscuous Powersharing in Indonesia and Bolivia” was published in the same journal in November 2013. Her research has been funded by the Fulbright Commission, the Mellon Foundation, and the Tinker Foundation, among others.

**Steve Stern**

Steve Stern is Alberto Flores Galindo and Hilldale Professor in the Department of History at the University of Wisconsin-Madison. He served as the Vice-Provost for Faculty and Staff. A prolific writer, Professor Stern has published widely, including: *Battling for Hearts and Minds: Memory Struggles in Pinochet's Chile, 1973-1988* (Duke University Press, 2006); *Remembering Pinochet's Chile: On the Eve of London 1998* (Duke University Press, 2004); *Shining and Other Paths: War and Society in Peru, 1980-1995* (Duke University Press, 1995); *The Secret History of Gender: Women, Men, and Power in Late Colonial Mexico* (University of North Carolina Press, 1995); *Resistance, Rebellion, and Consciousness in the Andean Peasant World, 18th to 20th Centuries* (University of Wisconsin Press, 1987); and *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huananga to 1640* (University of Wisconsin Press, orig. ed., 1982, expanded ed., 1993). He has received many awards and recognition including, Profesor Honorario (lifetime title), Universidad Nacional de San Cristóbal de Huamanga in the name of the Republic of Peru; Honored Instructors Award, University Housing, UW-Madison; Faculty-Staff Ally of the Year Award for LGBTQ People, UW-Madison (awarded by Committee on LGBT Issues, GLBTQ Alumni Council, and LGBT Campus Center); Bolton-Johnson Prize for Battling for Hearts and Minds, awarded by Conference on Latin American History for best book in Latin American history published in 2006; Bryce Wood Book Award, Honorable Mention, for Battling for Hearts and Minds, given by Latin American Studies Association for the best book on Latin America in the humanities and social sciences during July 2005 to December 2006. He is the co-editor with Scott Straus of the “Critical Human Rights” series published by UW-Madison press.

**Scott Straus**

Scott Straus is Professor of Political Science and International Studies at UW-Madison. He specializes in the study of genocide, political violence, human rights, and African politics. His most recent book publication is *Making and Unmaking Nations: War, Leadership, and Genocide in Modern Africa* (Cornell University Press, 2015). His introductory book on genocide, *Fundamentals of Atrocity Prevention*, is scheduled for publication in late 2015 by the United States Holocaust Memorial Museum. He has also published several books on Rwanda, including *The Order of Genocide: Race, Power, and War in Rwanda* (Cornell University Press, 2006); *Remaking Rwanda: State Building and Human
Rights after Mass Violence (University of Wisconsin Press, 2011); and Intimate Enemy (Zone Books, 2006). Professor Straus also co-authored (with David Leonard) Africa’s Stalled Development (Lynne Rienner, 2003), translated The Great Lakes of Africa (Zone Books, 2003) and co-edited (with Steve Stern) The Human Rights Paradox (University of Wisconsin Press, 2014). He has also published in the American Journal of Political Science, Perspectives on Politics, Foreign Affairs, World Politics, Politics & Society, Journal of Genocide Research, African Affairs, Terrorism and Political Violence, Genocide Studies and Prevention, and the Canadian Journal of African Studies. Professor Straus has received fellowships from the Andrew Mellon Foundation, the Harry Frank Guggenheim Foundation, the National Science Foundation, the Social Science Research Council, and the United States Institute of Peace. In 2009, he was awarded the campus-wide William H. Kiekhofer Distinguished Teaching Award and in 2015 a Distinguished Honors Faculty award. In 2011, he was named a Winnick Fellow at the U.S. Holocaust Memorial Museum. He co-edits the book series Critical Human Rights with Steve Stern. Before starting in academia, Scott was a freelance journalist based in Nairobi, Kenya.

Robin Stryker
Robin Stryker is professor of sociology, affiliated professor of government and public policy, affiliated professor of law, and the director of research at the National Institute for Civil Discourse at the University of Arizona. Her research focuses on rights, law, politics, inequality and social change. She has written extensively on sociological theory and methods and on a variety of substantive topics, including organizations and institutional change, law’s legitimacy, globalization and the welfare state, cross national family policy and gendered labor markets; law, science and public policy, affirmative action and pay equity, the political economy and culture of labor, antitrust and employment regulation, voting, employment and housing rights, and the nature, causes and consequences of political incivility. She has received many grants and fellowships, including a John Simon Guggenheim Foundation Fellowship and a Jean Monnet Fellowship from the Robert Schuman Center of the European University Institute, Florence. She is the co-editor (with LaDawn Haglund) of Closing the Rights Gap: From Human Rights to Social Transformation, University of California Press, 2015. She is completing a book on the role of economic, sociological, psychological and statistical expertise in US employment discrimination law.

Farhana Sultana
Farhana Sultana is Associate Professor of Geography in the Maxwell School of Citizenship and Public Affairs at Syracuse University. Her interdisciplinary research broadly engages with a variety of issues on the politics of environment and development, and particularly on water governance and climate change in South Asia. Her scholarship draws from and contributes to theoretical and empirical literatures in critical development studies, feminist studies, political ecology, water governance, and climate change debates. Professor Sultana received her BA (Cum Laude) in Geosciences and Environmental Studies from Princeton University, and her MA and PhD in Geography from University of Minnesota, where she was a MacArthur Fellow. Prior to joining Syracuse University, she taught at King’s College London and worked at the United Nations Development Programme (UNDP). Her recent book is “The Right to Water: Politics, Governance and Social Struggles” (2012, Routledge: London & NY).
**Krushna Chandra Sahoo**  
Krushna Chandra Sahoo is a faculty member at the Asian Institute of Public Health (AIPH), Bhubaneswar, India. His educational qualifications include a PhD in Public Health Sciences from Karolinska Institute, Stockholm, Sweden in the year 2012. He has two masters’ degrees in Applied Ecology from Halmstad University, Sweden and in Zoology from the Utkal University, India. He also has a diploma in Global Health from the Swedish Research School for Global Health. His doctoral thesis was on “Antibiotic Resistance and Environmental Factors.” He has received scholarships and awards from the Erasmus Mundus External Cooperation and the Göran Sterky Foundation. He has presented papers at UNC Water and Health Conference at University of North Carolina in 2014, and at the 11th International Congress of Behavioral Medicine in Washington DC in 2010. He has experience on social work and received the “best volunteer” award (2002) from the department of Higher Education of the Government of Odisha. His research interests include: gender, caste, ethnicity and regional disparity in sanitation and health; social and behavioral determinants of health; one health concept; and qualitative research methodology.

**Kimberley Thomas**  
Kimberley Thomas is an Andrew W. Mellon Postdoctoral Fellow in the Humanities and Humanistic Social Sciences at the University of Pennsylvania. She is based in the Department of South Asia Studies and the Department of Earth and Environmental Sciences where she teaches courses on resource governance and environmental politics. In addition to teaching, she conducts interdisciplinary research on the politics and governance of international rivers. Drawing on theories and methods in political ecology, critical geopolitics, and environmental history, her work interrogates the relationships between land use decisions and human vulnerability to environmental change at multiple scales.
Abstracts

Teri Allendorf
UW-Madison
Email: allendorf@wisc.edu


In this presentation, the speaker, a conservation biologist, will reflect on the intersection of gender, rights, and biodiversity conservation in Nepal. She will discuss how she has seen human rights intersect with conservation in the buffer zones of Nepal’s national parks and in the country’s capital, Kathmandu. She will discuss how the concept of human rights is being used in the context of conservation and its impact on conservation and the role of women in conservation.

Ian Baird
UW-Madison
Email: ibaird@wisc.edu

“The Nam Theun 2 Dam and Human Rights in Laos’s Xe Bang Fai River Basin: Reconsidering the World Bank’s ‘Model’ Large Hydropower Project”

In the 1990s criticism regarding the social and environmental impacts of large hydropower dams intensified, leading to the establishment of the World Commission on Dams (WCD), which brought together a large number of experts on dams, including both advocates and strong critics, to investigate the record of large dams around the world. In 2000, the WCD’s final report was scathing, and although the World Bank, one of the original sponsors of the WCD, in the end did not endorse all the findings of the study, the Bank did largely stop funding large dams during the 2000s. But the World Bank did choose to provide financial guarantees for one controversial large hydropower dam during this period: the Nam Theun 2 Hydropower Dam (NT2) in Central Laos. Approved in 2005, and completed in 2010, NT2 has been promoted as a ‘Model’ large dam. Recently, the Bank has pointed to the project as justification for it getting back into the large dam financing business in Myanmar, and globally. This being the case, now is an opportune time to reconsider the actual results of NT2. Here, I consider the social and environmental impacts of NT2 on the Xe Bang Fai River Basin in Laos. I consider how the political system in Laos impacts on the public response to dam impacts, and I particularly focus on the once highly lauded ‘grievance system’, set up to allow locals to express grievances regarding the project. I demonstrate—through fieldwork conducted in Laos in 2014—that NT2 has violated the human rights of people living in the Xe Bang Fai River Basin, and that local people affected by the project still do not have a viable option for easily voicing their concerns.
“Materiality of Rights and Property”

Materiality in law concerns the relevance or significance of something – usually facts. In this sense it is a relationship or connection between two things. Relationships being in degrees, something is material at a point at which has sufficient proximity or bearing on the other thing. Quite where this point is will be contextually determined, shaped by the legal regimes, facts, and the judgment of those determining the relationship. Materiality of rights could be understood as question of the relevance of the abstract right in law to the ultimate aim or goal of that right. There exists a freedom of expression. Its ‘materiality’ is an index of the extent to which speech and views in the real world are able to be manifest.

What then is the materiality of property? In one sense, this could be understood as the relevance of rules and institutions of property to the aims or goals of a system of property: securing, liberty, rewarding socially productive labour, allowing for the efficient transaction of resources, and so on. In another sense, it could be a measure of the relationship between abstract property rules and the object of the rules: the material things of this world. Whilst most legal scholars reject the popular notion of property as thing, instead constructing it is a set of legal relations between people in respect of things, the material aspect of property retain a strong pull on our understanding of property. Munzer, discussing Hegel, has observed that property retains an essential materiality: the idea that property is ultimately connected to things. Materiality as the ‘thingness’ of property. This view of property has attracted attention from sociologist and geographers.

Materiality is about what makes things meaningful. This may be in terms of socially constructed importance. It may also be in terms of connecting law to the real world. Both shape the way in which property rights are constructed. In the context of natural resources, the influence of both forms of materiality is important because the qualities of things determine how they may be regulated. Land, air, water, fish, forests, minerals… each possess different physical qualities and each has different functions within natural systems that must be accounted for in the design of legal rules. At the same time, such things are also important in the allocation of wealth and power in society, and to meeting basic needs.

This paper seeks to explore the materiality of property in these two senses, considering examples from natural resource regimes.
Deepa Badrinarayana
Chapman University
Email: badrinar@chapman.edu

“The Limits of Constitutional Law: How International Law on Climate Change can Undermine Constitutional Rights in India”

That climate change threatens the weak fabric of human rights protection cannot be legitimately contested. A host of generally accepted human rights—housing, livelihood, health, and even life, are threatened by climate change. It is equally uncontestable that international law on human rights has been less than effective in addressing these threats. The Universal Declaration on Human Rights is largely irrelevant to creating enforceable legal obligations on states to address the problem in an effort to protect reasonably certain threat to human rights. The biggest proof of the UDHR’s irrelevance is the irreverence with which countries have treated negotiations on a climate change mitigation treaty. Indeed, the efficacy of international law to address climate change itself is questionable. However, what is less evident, even though it is of great import, is the effect of international law’s inefficacy in addressing climate change on constitutional rights that protect citizen’s rights, a domestic proxy for human rights, at least in some countries. This paper focuses on this question with specific focus on India. However, the lessons from this paper could be adopted to a host of other countries such as South Africa that have specifically incorporated human rights into their Constitutions.

The Constitution of India includes a chapter on fundamental rights, which are rights that are guaranteed to citizens and per se inalienable. Among those rights is Article 21, which guarantees that “no person’s right to life and liberty will be deprived except according to due process established by law.” This right to life, especially as interpreted by the judiciary, is threatened by climate change. Yet, no branch of the Indian government can unilaterally guarantee its protection. The protection of Article 21 rights from climate threats equally depends on the acceptance of legal obligations by other states to mitigate climate change. However, a principle tenet of modern international law, sovereignty, favors non-interference with rights of states to choose international law obligations to which they can be held, with the exception of customary international law and jus cogens. Thus, even when there are problems that threaten human rights and the fabric of constitutional rights, inaction is acceptable under international law. Such a position renders some constitutional provisions less important than others, surely contrary to the very tenet of sovereignty that international law seeks to preserve. This is not an acceptable legal framework. An alternative framework is necessary. This paper argues that at least where global problems are concerned, the international law framework needs to move away from a sovereignty-centered approach to a balancing approach that evaluates cost of preserving sovereignty with the benefit of protecting human rights under legitimate domestic constitutions.
Rachel Bergmans  
UW-Madison  
Email: bergmans@wisc.edu

“Small Bugs, Big Gains: The Mission to Improve Global Health Through Insects”

The relationship between agriculture and climate change is complex. Agricultural activities are a significant source of greenhouse gasses, and climate change threatens the sustainability of existing agricultural systems. This relationship is complicated by the burden of food insecurity, particularly in Southern Africa. Furthermore, the agriculture sector is a huge part of economic development in countries like Zambia; however, it is also a source of gender inequality. Very few African women participate in agricultural oriented leadership roles, even though they are responsible for producing almost 80% of food resources.

The Mission to Improve Global Health Through Insects (MIGHTi) is an organization and research project dedicated to investigating whether insect farming (i.e. microlivestock farming) and the use of insects as food and feed can effectively address issues of malnutrition, food insecurity, poverty, and gender inequality. MIGHTi is currently collaborating with the University of Zambia and rural and urban women’s cooperatives in Zambia to pilot microlivestock farming kits. Areas of future research include determining the environmental, health, and social implications of rearing insects as a source of food, feed, and income.

Jacob Blanc  
UW-Madison  
Email: jacobblanc@gmail.com


This presentation will trace the struggles of rural communities that mobilized against the Itaipu hydroelectric dam in the late 1970s and early 1980s. Itaipu was the crown jewel of the Brazilian dictatorship’s development model and when completed, was the largest dam in the world. Yet its construction also required the displacement of over 40,000 people, the overwhelming majority of whom lived in rural areas and can most easily be categorized into three groups: property-owning farmers, landless peasants, and indigenous communities. Each of these three groups had unique histories in the region and their own claims to land, life, and struggle in the western Paraná countryside. Although the looming specter of Itaipu presented all three groups with a common enemy, their diverging claims to land and democratic rights led each sector to participate in the fight against Itaipu in very distinct ways. For the landed farmers, the goal was to receive more money for their soon-to-be-flooded lands, a demand that marginalized those without legal title to their properties. As such, the landless farmers were marginalized and eventually formed a new movement that played a central, yet almost entirely unknown, role in the formation of the current Landless Workers Movement (MST). And for the region’s indigenous communities, their struggle for land was predicated on a much longer history of oppression and cultural expropriation.

The grassroots movement that emerged in the mid-1970s claimed to equally represent all those threatened by Itaipu, but we must understand that smallholders, landless peasants, and the Avá-
Guarani indigenous group were not simply struggling against Itaipu or the Brazilian military. Rather, they were simultaneously engaged in tense and often conflicting dialogue amongst themselves. As important as it is to understand why the fight at Itaipu briefly brought these three groups into a common struggle, it is even more critical to study the diverging meanings of land rights that ultimately caused the movement to dissolve. This presentation will argue that through their negotiations over appropriate strategies and demands, the various rural actors defined their conception of land rights and its role in their projected vision for the future of Brazil.

Sandra Borda
Universidad Jorge Tadeo Lozano in Bogotá, Colombia
Email: sandrabordag@gmail.com

“The Political Debate on Transitional Justice in Colombia and the International Criminal Court”

This presentation looks upon how different arguments referring to transitional justice as a framework for the end of the conflict in Colombia have interpreted the role of the International Criminal Court in dissimilar ways. In addition to its usual legal role, the purpose of this presentation is to demonstrate that the International Criminal Court constitutes a rhetorical and argumentative tool for those who have opposed the peace process as well as those who strongly support it and desire a negotiated solution to the Colombian armed conflict. Taking that into account, throughout this presentation, we shall review the public arguments that both of the negotiating parties in the peace process as well as other political sectors have built since the negotiations with the paramilitaries and the design of the Justice and Peace Law up to the negotiation with the FARC and the current Legal Framework for Peace. In the process of reviewing these political arguments, the presentation will also take into account how the ICC itself has participated in this political conversation.

Daniel W. Bromley
UW-Madison
Email: dbromley@wisc.edu

“Climate Change is not an Economic Problem: How the UN Got Tricked into a Category Mistake”

International climate policy under the guidance of the Intergovernmental Panel on Climate Change (IPCC) is the victim of a flawed policy frame. One must distinguish between a phenomenon as an economic concern, and a phenomenon as an economic problem. An economic concern is one in which the economic implications of some event are profoundly important and must be clarified. An economic problem is one in which the tools of economics are well suited to correct the situation. Climate change is not an economic problem because there are no decisive solution algorithms from within economics that can be deployed in a quest for the right climate policy.

Several decades of scientific activity predicated on this category mistake explains why the international community remains paralyzed over climate policy. This inappropriate framing has produced two unfortunate results. First, by casting the issue as an economic problem, economists have been able to dominate the discourse about what ought to be done. Comparing probable monetized benefits and costs of various abatement strategies for greenhouse gasses (GHGs) has
made it too easy for powerful political and economic interests to thwart much-needed—indeed urgent—action on climate change. This framing has brought unnecessary attention to the alleged costs of corrective action, the vague and unknowable benefits of such action, and—most egregiously—the “correct” discount rate by which the so-called optimal strategy might be divined. This formulaic framing has then given rise to the second dominant result. The reliance on contrived precision from the economic framing—when combined with the necessarily cautious predictions from climate scientists—conspire to paralyze public attitudes about the necessity of urgent action. This flawed framing must be corrected. Climate change is properly understood as a moral problem, and therefore a moral framing is required.

Francine Hirsch
UW-Madison
Email: fhirsch@wisc.edu

“Soviet Judgment at Nuremberg: A Reexamination of the International Military Tribunal”

This paper looks at the Soviet role in the Nuremberg Trials, in the courtroom and behind the scenes. Drawing on archival research in Moscow and Washington D.C., the paper examines the international politics that shaped Nuremberg—and the miscommunications, compromises, and deceptions that made the trials possible. The author argues that the politics of Nuremberg and the politics of the early Cold War were fully entangled—and together fundamentally shaped postwar deliberations about human rights.

Heinz Klug
University of Wisconsin Law School
Email: Heinz.Klug@wisc.edu

“What Might We Learn When We Compare the Materiality of Housing and Voting Rights?”

Rights and human rights in particular are most often thought of in an abstract and philosophical sense. This paper begins from the premise that there is also a materiality to rights, in that rights exist within and have an impact on the material world. More specifically, the paper conceives of this dimension of rights in terms of the specific material aspects of specific rights, for example, a right to water has to be situated within a material context in which access to potable water requires particular material conditions to secure a particular quantity and quality of water, including pipes, treatment plants, engineering etc. This paper explores this material dimension of human rights by comparing two rights that represent classical forms of positive and negative rights – the right to housing and voting rights – and argues that the achievement of each of these rights is dependent upon a fuller understanding of the materiality of the right.
Allen Isaacman  
University of Minnesota  
Email: isaac001@umn.edu

“Displacement, the Delusion of Development and the Denial of Human Rights: The Case of Cahora Bassa, 1965-2014”

This paper examines the intertwined social and environmental histories of the Cahora Bassa dam completed in 1974 on the Lower Zambesi River in Mozambique. It was the last major colonial development project in Africa. A basic premise of my presentation is that social and ecological sustainability are necessarily linked to broader questions of the human rights of oppressed social groups. I trace the transformation wrought by Chore Bassa on communities inundated by the dam's reservoir, on down-river communities and on the ecosystems of the Lower Zambezi. The Cahora Bassa project demonstrates that questions of sustainability and human right were inextricably related to relations of domination and struggles over meaning. The history of Cahora Bassa is about an authoritarian colonial state willing to achieve a set of economic and strategic objectives using all the coercive power at its disposal without regard for the daily lives of the rural poor. The Mozambican Liberation Movement (FRELIMO) opposed the dam as an apartheid project and received support from opponents across the world. They organized boycotts and protests throughout the Global North in what was one of the earliest transnational social movements. Once in power FRELIMO in 1975 used the dam to promote its socialist project and after it was compelled to a new liberal agenda twelve years latter to promote a “free market” economy. Throughout the colonial, socialist and neo-liberal phases the state, with a very different objective, ignored voices and concerns of the rural poor who lived adjacent to the river.

Renu Pariyadath  
University of Iowa  
Email: renu-pariyadath@uiowa.edu

“The Bhopal Gas Disaster and the Ongoing Gendered Impact of Water Contamination”

Water contamination in the areas surrounding the abandoned Union Carbide facility in Bhopal, India, predates the 1984 gas disaster and complicates the circulation of narratives about the world’s worst industrial disaster. Known as the second disaster, contamination from solar evaporation ponds built by Union Carbide and the leaching of water from the facility now affects over 30,000 people. Currently 22 bastis (settlements) have been identified as affected by water contamination and despite receiving piped water supplied by the government, are still waiting for a cleanup of ground water, medical care, and rehabilitation. Roughly half of the people in these water-affected sites were not affected by the 1984 gas disaster. This talk examines the gendered health impact of the disaster, specifically, the disproportionate impact on women survivors’ reproductive health, and discusses implications for how “the human right to water and sanitation” is envisioned.
Farhana Sultana  
Syracuse University  
Email: sultanaf@syr.edu


The notion of climate justice is increasingly being used by vulnerable communities and nation-states of the Global South in international debates about climate change. Central to climate justice claims are the invocations of human rights and social justice to demonstrate historical and geographical differences in the contributions to and the uneven impacts being felt with climate change. Understanding the ways that global discourses about climate change intersect with local political economic and social dynamics as well as environmental change are important in explicating the complexities involved in not only climate justice movements but also those about citizenship and democracy. Climate change debates are increasingly being wrapped up with notions of belonging, citizenship and development in different communities. Various social groups are fighting not just for rights to citizenship and belonging against increasing trends of dispossession of their lives and livelihoods, but also claims-making for more inclusive democracy on both the state and the global community. Climate change is also sometimes argued to not only be a violation of various human rights but as a violation of life itself. Thus, the range of contentions embodied in global debates of climate change thus call for a more careful analysis that is encompassing of multiple voices and locations, and integrative of intersecting axes of social differences (such as class, race, and gender). Understanding comprehensively how climate impacts are experienced among differently situated vulnerable peoples becomes significant in advancing concerns of climate justice in more inclusive and meaningful ways across sites and scales.

Krushna Chandra Sahoo  
Asian Institute of Public Health, Bhubaneswar, Odisha, India  
Emails: sahookrushna@yahoo.com, kcsahoo@aiph.ac.in

“Sanitation-related Psychosocial Stress among Women: An Emerging Facet of Human Right”

Globally, about 2.5 billion people have inadequate access to improved sanitation – the majority among them are women. The physical health consequences of women in relation to inadequate water and sanitation access are well documented. However, there are very few scientific evidence on sanitation related mental well-being of women. This study examined a range of sanitation-related psychosocial stressors during routine sanitation practices among women in reproductive age group of Odisha, India. We conducted 56 in-depth interviews with women in four life stages: adolescents, newly married, pregnant and established adult in three settings with poor sanitation facilities such as urban slums, rural, and indigenous villages. Grounded theory approach was used for the data collection and analysis. Our findings showed that sanitation practices were not only restricted to defecation and urination, but also included a range of activities such as carrying water for anal cleansing, washing, bathing, menstrual management and changing clothes while performing the sanitation-related activities. It was found that while performing these activities, the women experienced three broad types of sanitation-related psychosocial stress: environmental, social and
sexual. The intensity of the stress was further modified by the woman’s life stage, living environment and access to sanitation facilities. Although the women adopted behavioral regulations which included seeking social support, changing the time and place of sanitation activities, and physiological regulation such as withholding food, defecation or urination to minimize the stress; there was no real sense of achieving solution for reduction of these stressors. Many women opined that access to a toilet along with adequate supply of water could help to solve their sanitation related challenges. This study explored sanitation-related psychosocial stress as an emerging facet of human rights. We suggest that there is a need for collaborative action among the experts from health, sanitation, human rights and law in order to protect women’s right to dignity.

David Scheffer
Northwestern University
email: d.scheffer@law.northwestern.edu

“How Can an Internationalized Criminal Tribunal Work?”

The Extraordinary Chambers in the Courts of Cambodia (ECCC) is an internationalized special criminal court in Cambodia, created by treaty between the United Nations and the Royal Government of Cambodia, to investigate and prosecute the senior leaders of the Khmer Rouge and those most responsible for the atrocity crimes of the Pol Pot regime (1975-1979) in Cambodia. The ECCC has been operating for the last decade in a uniquely crafted structure for the enforcement of both international criminal law and Cambodian criminal law. How has this voluntarily-funded court managed its docket over the years and what can be learned from this unique judicial procedure?

Scott Straus
UW-Madison
Email: sstraus@wisc.edu

“Who Pursues the Perpetrators: State Cooperation with the ICC”

Despite the International Criminal Court’s increased prominence in international politics, there remains marked variation in states’ cooperation with the ICC. This paper asks, why do states cooperate with the ICC following an indictment, arrest warrant or request for information and how do these patterns of cooperation affect the Court’s ability to constrain state behavior? Using comparative case studies of Kenya, Côte d’Ivoire and Libya, we suggest that states’ cooperation with the ICC is a function of domestic political calculations, tempered by states’ international partners and ambitions and the ICC’s own learning process.

Robin Stryker
University of Arizona
Email: rstryker@email.arizona.edu

“The Materiality of Rights: From Judicial Doctrine to Social Transformation?”

For rights provided by law to be meaningful, their normative aspirations must be materialized or
realized in the world. Globally, economic, social, cultural, political and civil rights materialization occurs to greater or lesser extent and effect through a combination of concrete mechanisms including international and national litigation, law enforcement and legal sanctions, information gathering and dissemination; goal setting, indicator construction and monitoring within and across nation-states; institutionalized political processes, including lobbying, electoral politics, and policy making at multiple levels of government; non-institutionalized mass political protest and social movement pressures on local and national governments, transnational governance organizations, and national and transnational economic elites; social dialogue; social accountability, “naming and shaming” by national and transnational networks of NGOs; and transnational economic dependencies, exchanges, initiatives and sanctions, including but not restricted to international aid and development funding.

Investigating United States civil and political rights materialization through law enforcement, many socio-legal scholars are pessimistic. Pessimists critical of law’s capacity to produce equality and social justice-enhancing transformation are correct that lawsuits are tedious, expensive, and typically won by “repeat players” (usually corporate defendants) that litigate similar cases routinely and have large legal and financial resource advantages over individual plaintiffs who are “one shot players.” Civil rights statutes often are ambiguous and provide for weak enforcement. Courts cannot enforce their own rulings. Judicial remedies usually are reactive, tailored to redress injuries suffered by individual complainants rather than operating proactively to change institutionalized behavior patterns. Judges in employment cases increasingly defer to compliance practices adopted by employers. Some of these do improve minority and female employment outcomes, but others do not.

Despite such formidable constraints—and notwithstanding other factors that also shape the effectiveness and (re)distributive impact of legislation providing rights to the disadvantaged—comparative analysis of US federal voting rights, equal employment opportunity and fair housing legislation shows that the extent to which each rights policy incorporated “group-centered effects” (GCE) statutory and enforcement framework helps to explain comparative differences in their success. Voting rights overall has been the most effective, fair housing overall the least effective, and equal employment in between.

Though the three policies seek to transform different institutions, each seeks to expand the resources, opportunities and life changes of disadvantaged minorities; each assumes that one means to do so is to legally prohibit discrimination on the basis of race and other protected classifications, and each includes a compliance structure to administer/enforce law. Against this backdrop, the three policies can be compared on their own terms and with respect to their specific missions and objectives. Thus, voting rights was the most effective of the three not because voting gains for minorities can be directly compared to employment or housing gains; but because voting rights, within its own policy universe, more successfully translated the legal requirement of nondiscrimination into more fundamental and lasting transformations in the political life of racial minorities than did equal employment or fair housing policy, respectively, in minority economic and residential life.

Focusing on systemic group disadvantage rather than individual harm, discriminatory effects rather than discriminatory intent, and substantive group results rather than formal procedural justice for individual victims, GCE builds on Max Weber’s fundamental distinction between formal and substantive justice to provide a sociologically-driven legal and cultural framework for defining, proving and remedying unlawful discrimination. Until recently, voting rights embodied a very aggressive GCE approach; equal employment partially embodied some elements of this approach. Resentment, especially among Northern whites, helps explain why, despite having the most
aggressive policy entrepreneur for GCE, fair housing failed to institutionalize GCE in its early enforcement. Social movement pressure from below helps explain why, despite its decidedly non-GCE statute, equal employment opportunity enforcement nonetheless incorporated elements of GCE. Evidence of varying effectiveness over time and across doctrinal frameworks within each of the three policy domains further supports the importance of the GCE framework for explaining comparative rights materialization.

We are left with the following conundrum. US civil rights materialization through law benefitting the disadvantaged is more likely to the extent that the relevant statutes and interpretive doctrine embody GCE. However, dominant institutionalized traditions in US legal and political culture as well as dramatic economic and power asymmetries make it unlikely that US civil rights policies will embody very aggressive GCE, and likely that if and when they do, these policies will be subject to strong legal and political backlash.

Kimberley Thomas
University of Pennsylvania
Email: kimberleyathomas@gmail.com

“Farming out Responsibility: Human Rights and Bangladesh’s Shrimp Industry”

Aquaculture has become a vitally important source of foreign currency in Bangladesh and many government and development officials have championed shrimp cultivation as an effective palliative against pervasive poverty and unemployment in the country. Unfortunately, shrimp farming’s positive potential for poverty alleviation has been diminished by exploitative and abusive working conditions at every stage of the commodity chain. In response, domestic and international non-governmental organizations working to redress such labor violations have taken to appealing to the international community to recognize and protect workers’ human rights. However, labor violations are not the only basis for human rights claims in the country. As a result of dramatic sea level rise and altered precipitation patterns, climate change is also seen to threaten human rights in Bangladesh, including the rights to life, water, food, and health. Ironically, shrimp aquaculture is aggressively promoted as a climate change adaptation strategy by foreign aid agencies and multilateral development banks. Through an historical analysis of the political economy of international development in the country, I show that these two human rights campaigns (based on labor conditions and climate change) are incompatible and fail to address the causal factors that underpin a state of precarity among the rural poor.