

UCD Centre For Human Rights
Ionad um Chearta an Duine



CRITICAL EXPLORATION OF HUMAN RIGHTS WHEN HUMAN RIGHTS BECOME PART OF THE PROBLEM

Two-Day International Online Conference
Friday 7 May & Saturday 8 May 2021

Keynote Lecture by Prof. Samuel Moyn
Human Rights and Humanisation of War

University College Dublin, Ireland
23rd Irish European Law Forum



UCD Sutherland
School of Law



UCD School of Sociology
Scoil na Socheolaíochta UCD



Conference Theme

Human rights, as a set of normative ideals, norms, and values, promoted through networks of institutions and people, are deeply political and, as such, have a varying impact in different political settings. In the last two decades, within the community of human rights scholars and practitioners, a new field of critical thinking on human rights has emerged, showcasing a range of unsought outcomes produced unintentionally through the implementation of human rights agendas. Critical explorations of human rights have also re-examined the potential for human rights, as conceived beyond hegemonic liberalism, to drive radical transformations of law and society.

The Conference aims at critically exploring those undesired outcomes that human rights promotion may lead to on the ground. We are seeking to address the downsides and shortcomings of the promotion and implementation of the human rights agenda, asking 'what happens when it becomes counterproductive?' The Conference will cover a wide spectrum of topics from a variety of disciplinary approaches including in sociology, law, politics, and history. The Conference includes a keynote lecture and five panels.

Registration

Online registration is open [here](#).

For further information, please email law.events@ucd.ie





Friday 7 May 2021

9.30 am

Introductions and Welcome

Prof. Orla Feely, Vice-President for Research, Innovation and Impact, UCD

Prof. Colin Scott, Principal, UCD College of Social Sciences and Law, Vice-President for Equality, Diversity and Inclusion, UCD

Prof. Imelda Maher, Dean, UCD Sutherland School of Law

Dr. Marie-Luce Paris, Academic Director, UCD Centre for Human Rights

Dr. Lea David, UCD School of Sociology

10.00 am – 11.30 am

PANEL 1. USES AND MISUSES OF HUMAN RIGHTS AROUND THE GLOBE

The Rohingya Conundrum and the Framing of a Cause by Human Rights Activism

Prof. Jacques Leider, Ecole Française d'Extrême-Orient

Chair: Dr. Lea David

When the State Becomes the Beneficiary of Human Rights: Human Rights

Discourse as 'Hegemonic Project' in Bolivia

Devin Beaulieu, University of California, San Diego, USA

Righting the Human Rights Narrative: The International Society of Human Rights and Latin America in the 1980s

Felix A. Jiménez Botta, Miyazaki International College, Department of International Liberal Arts, Japan

Rights Rhetoric as a Cover for Genocide: The Case of the Uyghur in Xinjiang

Margaret Gallagher, UCD Sutherland School of Law, Ireland

Human Rights as Mockery of Morality, Moral Labyrinth and Genuine Moral Venture: A Typology of Middle Eastern Experiences of Human Rights Politics in Practice

Shadi Mokhtari, School of International Service, American University, USA



Friday 7 May 2021

11.45 am – 1.15 pm

PANEL 2. HUMAN RIGHTS, INEQUALITIES AND ECONOMIC RIGHTS

Not that Kind of Justice: Socioeconomic Violence and the Political Economy of Transitional Justice

Dr. Daniela Lai, Royal Holloway, University of London
Chair: Dr. Marie-Luce Paris

Rethinking Human Rights by Embracing Different Epistemologies: The Case of Indigenous Collective Rights and the Hybridisation of Human Rights Practice
Elisa Marchi, University of Arizona, USA

Land Property and Spatial (In)Justice in Regional Human Rights
Amy Strecker, ERC PROPERTY[IN]JUSTICE, UCD Sutherland School of Law, Ireland

Land Rights and Post-colonial African Legality in Southern Africa
Sonya Cotton, ERC PROPERTY[IN]JUSTICE, UCD Sutherland School of Law, Ireland

The Right to Private Property, Categories of Land Ownership, and the Production of Unjust Geographies in Kenya
Raphael Ng'etich, ERC PROPERTY[IN]JUSTICE, UCD Sutherland School of Law, Ireland

1.15 pm - Lunch break





Friday 7 May 2021

2.00 pm – 3.15 pm

KEYNOTE LECTURE

Human Rights and the Humanisation of War

Prof. Samuel Moyn, Henry R. Luce Professor of Jurisprudence at Yale Law School and Professor of History at Yale University

Chair: Dr. Lea David

3.30 pm – 5.00 pm

PANEL 3. HUMAN RIGHTS ADVOCACY, NGOs, ACTIVISM AND MEDIATION

Revisiting the Mass Appeal of Human Rights

Dr. Joel Puce, University of Dayton

Chair: Dr. Marie-Luce Paris

Celebrity Advocacy, Gender Tropes, and Elite Politics in Transnational Campaigns to Advance the Women, Peace, and Security Agenda

Alexandra Budabin, Free University of Bozen-Bolzano, Italy, & Natalie Hudson, University of Dayton, USA

In the Business of Human Rights: Human Rights Workers and the Struggles and Possibilities of Human Rights Work*

M Soliman, The United Nations Assistance Mission for Iraq (UNAMI)

Reconsidering the Success/Failure Dichotomy: A Critique of the Critique of Human Rights NGOs in Israel/Palestine*

Omri Grinberg, Hebrew University of Jerusalem, University of Haifa, Israel

The Interpreter Class: Women in Conflict and their Strategic Navigation of the International Human Rights Community

Julie Gallagher, Penn State University, USA



Saturday 8 May 2021

10.00 am – 11.30 am

PANEL 4. HUMAN RIGHTS, CRISES, AND LEGAL DILEMMAS

Terrorism on Trial: An Ethnography in French Courts

Dr. Sharon Weill, The American University of Paris/Sciences Po Paris

Chair: Dr. Marie-Luce Paris

Intention, Interpretation or Bias? Social Rights in the Charter of Fundamental Rights of the European Union

Konstantinos Alexandris Polomarkakis, Law School University of Exeter, & Lisa Mardikian, Brunel Law School, Brunel University London, UK

Fetishising the Juridification of Human Rights: The Example of the European Social Charter Collective Complaint Mechanism

Nicolas Kang-Riou, School of law, University of Lincoln, UK

Is it 'Free Speech or Democracy' in the Internet Age?

Zviko Chadambuka, University of Turin, Italy

The Perils of Human Rights as a Framework for Governing Online Speech

Brenda Dvoskin, Harvard Law School, USA

11.45 am – 1.15 pm

PANEL 5. HUMAN RIGHTS, VIOLENCE, RIGHTS AND FREEDOMS

From Human Rights to a Politics of Care

Prof. Neve Gordon,

Chair: Dr. Lea David

Beyond the Human Rights Framework: Human Security as the Cornerstone to Maritime Security

Ramat Tobi Abudu, University College Cork, Ireland

Child Rights as Tools of State Violence: Critical Insights from Israel/Palestine

Hedi Viterbo, Law School, Queen Mary University of London, UK

Beyond Projects: The Drive for Objective Violence and the Failing Signifier of Human Rights

Anna Řídká, Law School, University of Glasgow, UK

Human Rights vs. Emergency Measures: Are Human Rights Adaptable Standards?

François Barrière, University Louis Lumière Lyon 2, Chairman of the French Alliance of Lawyers for Human Rights, France



Biographies and Abstracts

Prof. Samuel Moyn

Henry R. Luce Professor of Jurisprudence at Yale School of Law and Professor of History at Yale University, USA

Human Rights and Humanisation of War

One way human rights can become part of the problem is when they solve some problems selectively while making others worse. To illustrate, I will reprise some of my scholarship on human rights then focus on the contemporary rise of 'humane war', sometimes abetted by human rights norms. Does making war more humane entrench it and even make it harder to end. If not, is it still the case that a humanisation agenda without an abolition agenda leaves the major problems unsolved? This keynote lecture will investigate those questions, as a miniature exploration of the limits of human rights today.

Professor Moyn's areas of interest include international law, human rights, the law of war, and legal thought, in both historical and current perspective. He has written, edited or coedited a number of books in the fields of European intellectual history and human rights history, including [The Last Utopia: Human Rights in History](#) (2010), [Christian Human Rights](#) (2015), and [Not Enough: Human Rights in an Unequal World](#) (2018). His new book [Human: How the United States Abandoned Peace and Reinvented War](#) (forthcoming 2021) is about the origins and significance of humane war.





Biographies and Abstracts

Prof. Jacques P. Leider

Ecole Française d'Extrême-Orient (French Institute of Asian Studies)

Princess MahaChakri Sirindhorn Anthropology Centre, EFEO (Bangkok Office, Thailand), Institut français de Birmanie EFEO (Yangon Office, Myanmar)

The Rohingya Conundrum and the Framing of a Cause by Human Rights Activism

The military coup d'état of 1 February 2021 and the ferocious repression of non-violent protests in Myanmar show how the powerholders in the country are failing their population and how much Myanmar needs rule of law and respect for human rights. In this context it may come as a surprise to raise the voice to say critical things about human rights activism. However, we might follow Kavi Chongkittavorn, a veteran Thai journalist, who wrote on 31 March, 'Why does Myanmar find itself in this black hole? Who failed Myanmar? Frankly, the answer is quite simple—everyone who is involved, directly and indirectly.' This would likely include foreign human rights activism, too. Since the country opened politically and economically in 2011, it has undergone tremendous change and experienced efforts for ethnic peace. But the opening was also the cracking of a Pandora box, as it unleashed ethno-religious tensions in places where competing groups had been collectively repressed. My contribution will focus on the best known of these disasters, the Rohingya crisis in Rakhine State which since its start in 2012, led, after military brutalities and the mass flight of several hundred thousand people in 2016-17, to accusations of genocide. My argument is that, since 2012, international human rights activism has fostered a moral-cum-legal interpretation of the Rakhine State context which holds a hegemonic grip on the global discourse but blocks, domestically, prospects of negotiation, consensus-building, and possibly reconciliation. There absolutely cannot be any ambiguity on the horrifying degree of marginalisation and exclusion of Muslim Rohingyas as a persecuted minority, as documented over the last decades. However, and this is my second argument, the commodification of Rohingya victimhood (in the absence of a plural discussion) prevents a participatory engagement with social, economic, historical, and demographic issues. At present, the Rohingya cause is mainly kept on high alert by a professionalised activist discourse drawing its legitimacy from human rights activism. The 'moral community' thus constituted is fenced in by consent on Rohingya self-descriptions and thus confirmation bias and fenced off by rhetoric exclusion and moral rejection of critics.





Biographies and Abstracts

Dr. Daniela Lai

Associate Professor
Department of Politics, International Relations and Philosophy
Royal Holloway, University of London, UK

Not that Kind of Justice: Socioeconomic Violence and the Political Economy of Transitional Justice

Justice in the aftermath of war has often been constrained by a narrow understanding of both the forms of violence perpetrated during conflict and the kind of remedies to be adopted in order to redress such violence. In this presentation, I discuss the implications of this for the study of transitional justice, drawing on my research on Bosnia and Herzegovina. The argument I make is twofold. First, I argue that wartime violence not only encompasses violations of physical integrity, but also those forms of violence that are socioeconomic in nature—that is, rooted in the political economy of conflict. In the case of BiH, socioeconomic violence was widespread and often part of wartime strategies of ‘ethnic cleansing’. Secondly, while transitional justice has traditionally focused on legalistic mechanisms, especially in the former Yugoslav region, I argue that remedying socioeconomic violence requires a rethinking of justice in relation to redistribution and political economy. In BiH, however, justice claims around socioeconomic issues clashed with the priorities of post-socialist reforms, which left no space for justice considerations. Finally, I discuss some of the questions raised by the need to broaden our understanding of violence and justice in the context of dealing with the legacies of wartime violence.





Biographies and Abstracts

Dr. Joel R. Pruce

Associate Professor of Human Rights Studies
Department of Political Science
University of Dayton, USA

Revisiting the Mass Appeal of Human Rights

In *The Mass Appeal of Human Rights* (2018), I argue that the transnational movements forged by human rights advocates and humanitarian campaigners from the 1970s on relied on a series of methods adapted from consumer capitalism: celebrity and merchandising, spectacle and mediation, and branded sloganeering. These devices were effective in mobilising fleeting spikes in conscious enthusiasm for suffering distant others but traded-off on long-term political viability for short-term bursts of cosmopolitan sentiment. If we consider the Kony 2012 campaign as the last gasp of this generation of international engagement, where does that leave organisations and constituencies seeking to raise awareness and build coalitions around mass atrocities in Yemen, Myanmar, or Tigray? How do we understand the near absence of transnational activism in an era of unprecedented civil resistance and protest? This talk will extend the analysis first introduced in the book through the current period of global withdrawal and nationalist retrenchment to determine the potential for a transnational human rights resurgence.





Biographies and Abstracts

Dr. Sharon Weill

Assistant Professor of International law, The American University of Paris
Associate Researcher, CERI, Sciences Po Paris, France

Terrorism on Trial: An Ethnography in French Courts

National courts are increasingly asked to perform a transnational role, being directly involved in major geopolitical issues such as conflicts, migration, and transnational terrorism. The presentation examines this emerging role of national lower courts as transnationalised players and proposes a conceptual and methodological framework for research on courts. Based on an ethnography of French criminal courts (2017-2020), it is argued that French counterterrorism justice functions on the frontier of three pillars: its status of exception, a strong tendency toward specialisation, and the routine functioning of an ordinary justice. How can judges, through the routine practice of their function, their direct interaction with the accused and their families, and their own professional ethos and notion of judicial independence, play a decisive role in the development of an alternative practice to the preventive doctrine of the war on terror?





Biographies and Abstracts

Prof. Neve Gordon

Professor of International Law and Human Rights
Queen Mary, University of London, UK

From Human Rights to a Politics of Care

For many years, scholars have been highlighting the many ways in which human rights and human rights discourse are informed by different power relations. There is ample literature, for example, on how human rights are bound by the State, and how human rights discourse helps to constitute the subject as an atomised individual. Other scholarship has demonstrated how the legalistic emphasis of human rights reduces violations to 'cases', advances a top-down approach as well as the way in which the discourse of human rights has, today, been monopolized by experts. This, in turn, has led to a critique of human rights as not being able to adequately address structural crime and structural violence. Simultaneously, scholars have underscored how human rights work continues to reflect colonial and imperial logics, centre-stages the human at the expense of the non-human, and how human rights are not merely used to advance emancipation but have also become a weapon deployed to justify violence and enhance domination.

Drawing on this long history of critique, in this paper I maintain that human rights cannot serve as the focal point or the primary discourse of an emancipatory politics. Rather, human rights discourse should be perceived as a strategic tool that can be—but also might not be—beneficial for anti-domination struggles, and its deployment should always be assessed in relation to the specific political context and utilised within a broader discursive horizon. Instead of human rights, I suggest that we need to centre-stage a politics of care, where care is understood as 'an enduring social capacity and practice involving the nurturing of all that is necessary for the welfare and flourishing of human and non-human life' (Care Collective 2020).





Organisers



Dr. Lea David
Assistant Professor
Ad Astra Fellow
UCD School of Sociology



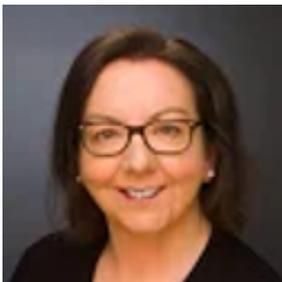
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Ms Suzanne d'Arcy
Research and Innovation Manager
UCD Sutherland School of Law



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Instructions and Recording

The Conference will use Zoom. Each panel speaker will present for 15 to 20 minutes. The Q&A session will last 15 minutes at the end of each panel session. The presentations at this Conference will be recorded, except for a couple of presentations (marked *) in agreement with the presenters. The edited recordings will be made available after the Conference.

The Conference aims to foster debate and different views and is not the place to hold political views. The Conference will be held under the framework of UCD principles on academic freedom. UCD has a statement on academic freedom, which is available [here](#). Under Irish Law, academic freedom is defined in the Universities Act 1997, which states that:

'A member of the academic staff of a university shall have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the university, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions and shall not be disadvantaged, or subject to less favourable treatment by the university, for the exercise of that freedom.'

Thank you for joining us!

Enjoy the Conference!

Marie-Luce

Lea