

SYMPOSIUM ON THE 70TH ANNIVERSARY OF THE UNIVERSAL
DECLARATION OF HUMAN RIGHTS (UDHR)

Wednesday 5 December 2018, 9:30–19:45, Room S7 and Auditorium A1

THE UDHR AT SEVENTY: HISTORICAL AND JURIDICAL PERSPECTIVES



© UN Photo

70

YEARS

UNIVERSAL
DECLARATION OF
HUMAN RIGHTS

#STANDUP4HUMANRIGHTS

FNSNF

SWISS NATIONAL SCIENCE FOUNDATION



CONFERENCE PROGRAMME
Wednesday 5 December 2018 | Room S7

THE UDHR AT SEVENTY: HISTORICAL AND JURIDICAL PERSPECTIVES

- 9:30 – 9:50 WELCOMING ADDRESSES**
Mohammad-Mahmoud Ould Mohamedou, Director of the Department of International History, The Graduate Institute, Geneva
Marco Sassoli, Director of the Geneva Academy of International Humanitarian Law and Human Rights
Peggy Hicks, Director, UN Office of the High Commissioner of Human Rights
- 9:50 – 10:00 INTRODUCTION TO THE SYMPOSIUM**
Davide Rodogno, The Graduate Institute, Geneva
Robert Roth, Geneva Academy of International Humanitarian Law and Human Rights
- 10:00 – 12:00 FIRST SESSION**
Chair: **Robert Roth**
Emmanuel Dalle Mulle and **Mona Bieling**, The Graduate Institute, Geneva
The Ambivalent Legacy of Minority Protection for Human Rights
Christof Heyns, University of Pretoria
The Complicated History of the Inclusion of the Term 'Human Rights' in the United Nations Charter
- 12:00 – 13:15 LUNCH BREAK**
- 13:15 – 15:15 SECOND SESSION**
Chair: **Davide Rodogno**
Miia Halme-Tuomisaari, Helsinki Collegium of Advanced Studies
'Movement in the Right Direction': Reflections on 70 Years of World Improvement
Robert Kolb, University of Geneva
The Emergence of New IHL at the Time of the Rise of Human Rights (1948-1949)
- 15:15 – 15:30 COFFEE BREAK**
- 15:30 – 17:30 THIRD SESSION**
Chair: **Paola Gaeta**, The Graduate Institute, Geneva
Abena Ampofoa Asare, Stony Brook University, New York
Domesticating International Human Rights on African Soil: An Alternative History
William A. Schabas, Middlesex University London
The 'Binding' Nature of the Universal Declaration
- 18:00 – 18:10 PRESENTATION OF THE ART WORK PROJECT '70' (Auditorium A1)**
David Brun-Lambert and **Martial Mingam**
- 18:15 – 19:45 PUBLIC LECTURE (Auditorium A1)**
Philippe Sands, University College London
The Individual and the Group: The Universal Declaration of Human Rights and the Genocide Convention at 70



ABSTRACTS AND BIOGRAPHIES

ABENA AMPOFOA ASARE

Domesticating International Human Rights on African Soil: An Alternative History

This paper explores the ‘domestication’ of an international human rights concept in diverse African locales throughout the late twentieth and early twenty-first century. By identifying the way African social movements, activists, and organizations wield human rights rhetoric, law and networks to challenge and surpass what has conventionally been the focus of the international human rights apparatus, this paper ponders an alternative history of the human rights concept inaugurated seventy years ago with the drafting of the Universal Declaration of Human Rights (UDHR).

Abena Ampofoa Asare is Assistant Professor of Africana Studies and History at Stony Brook University – State University of New York (SUNY). Her work appears in The Radical Teacher, International Journal of Crime, Justice and Social Democracy, Foreign Policy in Focus, Pambazuka News, and African Arguments, among others. She is the author of Truth Without Reconciliation: A Human Rights History of Ghana, published by the University of Pennsylvania Press in July 2018.

EMMANUEL DALLE MULLE AND MONA BIELING

The Ambivalent Legacy of Minority Protection for Human Rights

The recent literature on the history of human rights has stressed the transition, at the end of the Second World War, from (collective) minority to (individual) human rights. In such a perspective, minority protection and human rights are often portrayed (implicitly or explicitly) as being contradictory, a feature to be found also in the human rights law literature. At the same time, many human rights historians have depicted interwar minority protection as a step forward in the evolution of human rights. Hence, this article proposes an assessment of the ambivalent legacy of the minority protection regime set in place by the League of Nations after the Great War for the human rights system established after 1945. It will mainly look at the innovations and flaws of such a regime as well as at how its basic principles have resonated (or not) in later human rights instruments.

Emmanuel Dalle Mulle is a post-doctoral researcher and project coordinator at the Graduate Institute, Geneva. His main research interests are the history and politics of nationalism, nationalism and welfare, the history of the nation-state and policies of national assimilation.

Mona Bieling is a second-year doctoral student at the department of International History at the Graduate Institute, Geneva. Mona is interested in minority-majority relations and, more broadly, how power structures are formed, enforced and maintained.

MIIA HALME-TUOMISAARI

‘Movement in the Right Direction’: Reflections on 70 Years of World Improvement

The 70 year-old UDHR is celebrated as one of the most important documents of the post-World War II era. Today a massive phenomenon has formed around the Declaration, steered by activist belief and commitment. Simultaneously, human rights have been transformed into a vast professional field characterized by elaborate bureaucracies and tedious reporting, contributing to a sense of fatigue and alienation. This talk considers the current state of human rights from this juncture, glancing both at the expansion of past decades as well as elements that keep the faith in human rights alive.

Miia Halme-Tuomisaari is a legal anthropologist examining diverse angles of the contemporary human rights phenomenon. She is currently a Core Fellow of the Helsinki Collegium of Advanced Studies, and an affiliated senior researcher of the Global Governance Centre of the IHEID. She is also the co-founder of Allegra Lab. She is the co-editor of ‘Revisiting the origins of human rights’ (CUP 2015) and currently works on a monograph focussing on the documentary cycles of the UN Human Rights Committee monitoring state compliance with the ICCPR.

CHRISTOF HEYNS

The Complicated History of the Inclusion of the Term ‘Human Rights’ in the United Nations Charter

As we celebrate 70 years of the Universal Declaration of Human Rights, it is important to focus on what a significant step it was. Yet an unsentimental consideration of this history also reveals to what extent the nations, and the people, who introduced the new order still stood with one foot in the old order. Perhaps more importantly, looking for-



ward, this duality reminds us that the human rights project cannot be seen as complete. The clearest – but for obvious reasons also the least discussed – example of this duality is the person who wrote the words ‘human rights’ into the UN Charter. Jan Smuts was, after all, also the premier of white dominated South Africa. The disturbing elements of the history of human rights may be as important to understand as the more celebrated parts.

Christof Heyns is Professor of Human Rights Law at the University of Pretoria and a member of the United Nations Human Rights Committee. He also teaches at Oxford University, the American University in Washington D.C. and the Geneva Academy of International Humanitarian Law and Human Rights. Heyns was UN Special Rapporteur on extrajudicial, summary or arbitrary executions 2010 – 2016. He chaired the 2016 UN Independent Investigation on Burundi. He is a graduate of the Universities of Pretoria, the Witwatersrand and Yale Law School.

ROBERT KOLB

The Emergence of New IHL at the Time of the Rise of Human Rights (1948-1949)

This intervention will try to show how a new IHL, essentially focused on the protected persons, emerged after the second World War, in addition and sometimes in pull-back of the older layer of law based on conduct of hostilities and military matters. It will examine the relations between international humanitarian law and international human rights law during this key period for both legal branches. It will eventually analyze the role of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War as a bridge between the two corpus of law, which will be further exploited in the years 50 and 60.

Robert Kolb is Professor of Public International Law at the University of Geneva. He has formerly worked in the legal division of the ICRC and occasionally for the Swiss Ministry of Foreign Affairs.

WILLIAM A. SCHABAS

The ‘Binding’ Nature of the Universal Declaration

It is a commonplace to describe the Universal Declaration of Human Rights as ‘non-binding’. Such categorisation grossly misrepresents the significance of the Declaration. While in 1948 it might be described as a ‘common standard of achievement’, seventy years hence it stands as a codification of binding norms of general international law. The presentation will discuss the legal status of the Declaration and provide illustrations of norms that are unquestionably ‘binding’.

William A. Schabas is Professor of International Law at Middlesex University London, Professor of International Criminal Law and Human Rights at Leiden University and Emeritus Professor of Human Rights Law at the National University of Ireland Galway. He is the author of many books and articles on the abolition of capital punishment, genocide, human rights and the international criminal tribunals. Professor Schabas was a member of the Sierra Leone Truth and Reconciliation Commission and Chairman of the UN Commission of Inquiry on the 2014 Gaza Conflict. He is an Officer of the Order of Canada, a member of the Royal Irish Academy, and holds several honorary doctorates.

PHILIPPE SANDS

The Individual and the Group: The Universal Declaration of Human Rights and the Genocide Convention at 70

Philippe Sands QC is Professor of Law at University College London and a practising barrister at Matrix Chambers. He appears before many international courts and tribunals, including the International Criminal Court and the International Court of Justice, and sits as an arbitrator at ICSID, the PCA and the Court of Arbitration for Sport. Philippe is the author of ‘Lawless World’ (2005) and ‘Torture Team’ (2008) and several academic books on international law, and has contributed to the New York Review of Books, Vanity Fair, the Financial Times and The Guardian. ‘East West Street: On the Origins of Crimes Against Humanity and Genocide’ (Alfred Knopf/Weidenfeld & Nicolson) won the 2016 Baillie Gifford (formerly Samuel Johnson) Prize, the 2017 British Book Awards Non-Fiction Book of the Year, and the 2018 Prix Montaigne.

DAVID BRUN-LAMBERT AND MARTIAL MINGAM

‘70’

‘70’ offers a reflection on the meanings of human rights. It is a project encompassing conferences, art exhibitions and auctions taking cue from the 70th anniversary of the Universal Declaration of Human Rights. The project is imagined as a place gathering sectors of civil society that seldom dialogue together. Through the prism of art and history, it ambitions to reach out to wider audiences.