ISSUE NO. 3

PORTAL

2007-2008

TERESA LOZANO LONG INSTITUTE OF LATIN AMERICAN STUDIES | THE UNIVERSITY OF TEXAS AT AUSTIN

Human Rights Advocacy in the University:

Reconciling Pedagogy and Activism

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WHAT DO THE TRIAL OF former Peruvian President Alberto Fujimori, the construction of a wall on the border between Mexico and the U.S., the situation of rural workers in Guatemala, the declassification of documents related to human rights abuses in Ecuador, the reopening of a criminal investigation for a forced disappearance in Honduras, the design of public institutions to deal with discrimination in Latin America, and the claim for protection of traditional lands brought by an Afro-Brazilian *quilombo* community all have in common?

Probably one of the few things they share is that they were the seven different projects that a group of eight students worked on in my Advanced Human Rights Advocacy course this semester. The students were from the UT Law School, LLILAS, and the LBJ School. The main goal of the course was to teach human rights from the advocate's perspective and to develop theoretical and practical human rights skills. Nathaniel, one of the students, better explained the dynamic: "In our class, we [addressed] the contours of human rights law and how individuals can find recourse when they've lost everything. As such, we have been given the rare opportunity not only to discuss the contours of this issue but to put them into action to hopefully set a precedent that will help people in the future. Quite frankly, that's huge."

In the following paragraphs I would like to explore, through the students' voices, some of the tensions and dilemmas involved in teaching a course that lies at the intersection between theory and practice, and that seeks to expose students to the ethical, political, professional, and personal accountability questions related to human rights work.

I selected cases and projects because I believed they provided students with the opportunity to gain real-world experience and also forced them to think critically about human rights advocacy. All of the projects involved research, writing, and an opportunity to discuss the strategies used by our organizational and individual partners. They also provided a good platform for considering the tensions, complexities, challenges, and dilemmas of human rights advocacy. The projects contained a

human rights component or, in other words, the issues involved could be addressed from a human rights perspective. In some instances, the work required a creative approach to human rights discourses and an exploration of the alternative meanings of human rights. All the projects that we worked on involved to different degrees local, transnational, and international human rights advocacy, either because of the legal standards being used or the forums selected for the advocacy. The cases and projects provided the students an opportunity to gain practical skills in partnering with other students, institutions, and organizations, thus forming a team of advocates. As I will discuss later, the collaborative work presented an important challenge. Finally, all the projects allowed a multidisciplinary approach.

Human Rights Advocacy: What We Try to Teach, Why, and How

In graduate schools there are very few opportunities for students to learn from the perspective of the human rights advocate—that is, to learn by doing and particularly to be confronted with the practical, logistical, ethical, political, and personal dilemmas that a human rights defender confronts in his or her daily work. At the Bernard and Audre Rapoport Center for Human Rights and Justice we endeavor to provide the right setting so that students can work on real-world projects and get firsthand experience learning how to practice human rights.

We have negotiated arrangements to facilitate international internships with courts, international institutions, and nongovernmental organizations (NGOs) in Europe, Africa, and Latin America. The students selected for these posts participate in a range of investigative work, factual development, legal research on both procedural and substantive law, and draft opinions for the cases before the different tribunals. In addition, the Rapoport Center provides stipends for summer internships with nongovernmental and intergovernmental human rights organizations in the United States and abroad. In summer 2008, nine law students headed to destinations as diverse as Beijing, Katmandu, Nairobi, La Paz, and Chiang Mai. Their projects include protecting the rights of indigenous peoples, advocating for the rights of immigrants, working toward democratic and legal reform, and engaging in community legal education efforts.

The Rapoport Center has developed a multiyear project on Afro-descendant and indigenous land rights in Latin America. Each spring break, the center coordinates a weeklong fact-finding mission to a different country to investigate and gather information on the status of collective land claims by Afro-descendant communities. The delegations comprise a multidisciplinary group of students from, among others, the School of Law, Teresa Lozano Long Institute of Latin American Studies, and the LBJ School of Public Affairs. Last year we traveled to Colombia, and this past spring break we went to Brazil. The students use the results of the fact-finding mission to write several academic papers as well as comprehensive reports detailing the findings of the project and making policy recommendations to relevant governmental, intergovernmental, and nongovernmental organizations and policymakers.

The Advanced Human Rights Advocacy course was part of the strategy to devise projects and initiatives that provide students opportunities to learn by doing, while also serving people whose rights were violated. As one of my students, Claudia, said: "It was refreshing to have a project and class in graduate school that had real-life consequences and effects—I was able to work on something that would actually help someone, instead of reading pages and pages on theory and producing a research paper with the sole purpose of receiving academic credit." For Andrea, the class was a "good opportunity to work on my research skills, work on a team, and coordinate internationally." Her classmate Chris summarized his experience in this way: "In only three short months everyone in our class has been elevated to the level of 'semi-expert'on the issues surrounding their respective projects. I see this as an amazing transformation that should not be taken for granted. As I complete the first half of my master's program, I realize the distinct possibility that this class will be the closest thing to 'job training' that I will receive during my time as a graduate student."

The projects we undertook exposed students to the complexities in human rights advocacy and research and to the multiple tools available for achieving particular goals. As another student, Nathaniel, said, "In each project, I encountered unique challenges ranging from moral concerns and legal hurdles to just plain physical exhaustion and procrastination." We prepared documents supporting the use of legislative and judicial—national and international—processes. Through different projects we used different approaches to transnational justice from criminal prosecutions to truth commissions. In sum, we explored the plethora of norms, procedures, and forums available to promote human rights. For instance, in the border fence project, the students' first task was to analyze what possibilities an international human rights system offers to challenge the construction of a fence on the U.S.-Mexico border. We explored different alternatives with their advantages and limitations, such as a visit by an international body, filing a formal complaint, requesting urgent actions or presenting evidence in a public hearing in front of that international body. For each project, students fully participated in the decision-making process leading to the selection of the best strategy to be pursued. As any human rights advocate, students needed to understand the purpose of their actions as well as the legal and political consequences and limitations of their decisions.

We discussed how to be the type of advocates who are committed to action and yet critical of their own work at the same time. For instance, many of the students in the class were troubled by their involvement in the criminal prosecution of human rights abusers for events that happened twenty or more years ago. Nate was "less proud of reopening" the criminal investigation for the forced disappearance. He felt "that people move on with their lives in spite of the fact that a horrible atrocity has happened," and he did "not find the argument convincing that an individual, a country, or the international community needs to have every horror spelled out in its gruesome detail especially when the horror is being dealt with through other means." Nate continued by saying that if "the country seems to be moving in the right direction with regard to following the American Convention and handling the issue of forced disappearances . . . why are we risking our own moral integrity and possibly committing a human rights violation ourselves to further a human rights position that is already being furthered?" His classmate Alice added, "I think prosecution can serve three general purposes: deterrence of future criminal action, retribution (to show that the society thinks an act is wrong and to show justice was done for the victims' families),

or to set the story straight for the purposes of history and truth...." Regarding the Fujimori trial brief, Andrea said: "I was troubled by what I saw as another manifestation of International Law's push to prosecute to the detriment of other mechanisms (resources, attention, etc.). I'm not sure that I have completely resolved this issue, but I have also recognized that prosecution is an important role and that the international community can play an important role. Furthermore, if domestic courts begin to prosecute more actively, then it is likely that more human rights violators can be punished and this will ostensibly (and according to one theory of crime) make would-be-violators less likely to engage in human rights violations."

In short, through particular projects, students, as in any regular academic course, were required to think about the different dilemmas presented by a particular issue. The advocates in training perceived that human rights discourse is not unique, that options are numerous, and that interests can be contradictory. It was very clear that there are no truths written in stone. To the contrary, human rights advocacy is an extremely rich field that forces its practitioners to develop creative approaches to advance certain causes. For instance, our project on traditional lands of Afro-Brazilians forced students to think about how the human rights framework, generally understood to protect individual rights, could encompass group or collective rights. The project on the border fence provided students with a debate about whether the issues surrounding the fence's construction might or might not be framed in human rights terms. Leah explained that she chose this project "because of its relevance to public policy and because of my strong belief that the border fence is political expedience epitomized ... I wasn't sure that I believed human rights (as I conceived them) were being violated by the building of a border fence in the Texas Rio Grande Valley, but I wanted the chance to stretch my thinking toward this argument."

These transnational and international projects confronted some students for the first time with a research agenda on a global or regional scale. Alice wrote. "This was my first foray into truly international legal research, meaning outside the scope of LexisNexis and Westlaw. The comparative law cases in the memos would have been virtually impossible for us to find without Ariel's help. There is no central way, that I am aware of, to search for other countries' cases. There is probably a way to search cases by country, but I don't even know of a way to find those websites or how to use case reporters at the library for those tasks." In the same vein Andrea complained that "once the research began in earnest, I was even more frustrated. I had never done comparative international research before, and I did not know how to read international cases . . . All of the cases I had to read were in Spanish, and many of them have multiple opinions as well as a presentation of the case by the prosecution. As someone familiar only with U.S. court cases . . . I [didn't know] how to read the cases."

While these international projects provided important opportunities for training, Matt reflected on a commonly cited feeling when he questioned himself about "whether one could still be an effective advocate from afar, and how that dynamic changed one's role as an advocate." Alice says, "What could have made a huge difference is the energizing force gained from working for someone, someone whose face I know, whose pain and joy I can see. I realize this is utterly impossible in our distance-learning version of international human rights."

To address this situation, future courses will try to connect the projects with other initiatives such as the summer internships or the spring break projects. By linking both sets of activities, we can provide students with the needed, and so far elusive, personal contact with the clients they are serving. More important, this arrangement also would provide a more permanent and sustained engagement between UT and our partners on the ground.

Of course, the students' distance from our partners also provided them with an educational opportunity. Dominic commented: "A major lesson I have learned through my involvement in both projects has been the importance of maintaining a high level of communication and coordination with one's partners and collaborators. The collaborative nature of these projects, with our peers or workmates, our colleagues in Latin America, and our 'executive director,' represents a significant shift from the normal solitary work routine of a student."

Most of the projects required a fair amount of reading, researching, and communication in Spanish and Portuguese. Most of the students have some level of knowledge and fluency in one or both languages. But for many of them, it was the first time that they had worked in this bilingual environment, and it was an important challenge. As Matt put it: "To effectively carry out work with communities, people should be able to—at least to a certain degree or proficiency—speak the language that they hope to work in. It is a vital expression of solidarity—a reflection of caring enough to take the time to learn someone's language. Equally serious is the fact that it is a tool for communication."

Ultimately, the main challenge posed by the course was: What is the student's and the university's role in doing human rights advocacy? Is there a space? A need? A duty? What are the possibilities and limitations? We did not intend to provide final answers to these questions in my course; however, we spent a significant amount of time discussing them in the framework that Matt provided: "How do you grow as a human rights advocate without sacrificing the quality of advocacy? Is there a problem in using human rights work as a training ground for human rights work? Would I want students representing me? ... Up to only a certain point can community solidarity, personal investment, and seriousness compensate for a lack of technical knowledge and experience." Chris had the same anxieties when he said: "I'm a student. We're all students. Is this okay? This tension will probably be prevalent in our class reflections, and I think it is for a good reason. We've discussed the parallel between the role we play in our class projects and that played by medical students, which leads to the question: Is it okay for us to learn through trial and error when the stakes are so high?" He concluded, "It may be that our good intentions are not always good enough and that our status as students discredits some of our efforts, but I feel confident that . . . university students should and always will have a place in any discussion on human rights." I hope that at UT we can continue to strengthen this discussion.

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