



**Mini-Conference:
The Domestic Consequences of International Human Rights Treaty Ratification
Florence, Italy
Cappella, EUI 9.00-19.00 on 25 November 2009**

**Convenors:
Beth Simmons – Harvard Government Department
Ryan Goodman – New York University Law School
With generous funding from the international research program on 'Should States
Ratify Human Rights Conventions?' at the Centre for Advanced Study at the
Norwegian Academy of Science and Letters in Oslo
Andreas Føllesdal and Geir Ulfstein Principal Investigators**

A bewildering array of research has recently been devoted to the question of compliance with international human rights law. Political scientists, sociologists, anthropologists and legal scholars have all recently grappled with the question of what effects, if any, international legal norms have had on actual rights practices within countries. Theoretical approaches have ranged from social theories of group identity and/or mobilization to rational theories explicating how treaties inform and influence the political attitudes of citizens to theories of how international norms become relevant in national legal proceedings. This mini conference will draw together scholars in a range of fields working on the consequences of international law in the domestic setting. Its purpose is to exchange ideas and further research on the mechanisms through which international law has consequences on human rights within countries. An ultimate product will potentially be the publication of a book volume edited by Ryan Goodman and Beth Simmons.

While most discussion of “consequences” of international human rights law in this context center on the questions of compliance or effectiveness, we hope this conference will spend a good deal of time discussing the mechanisms that make these outcomes more or less likely. Some research for example, suggests that international treaty commitments are taken seriously and “factored in” when various audiences evaluate the appropriateness of particular public policies or postures. Other work emphasizes that treaty agreements give rise to independent international committees of experts that generate information which domestic audiences can under some circumstances use to hold their own governments accountable. Social mobilization theory, to take another example, asserts that international norms, often in the form of ratified treaties, serve to stimulate social groups to mobilize to demand compliance with publicly ratified treaties. Other sociological theories focus on the ability of international norms to prod elite

socialization and/or acculturation. Under what conditions can we expect each or any of the above effects to occur? What setting and what factors make these effects more likely than others?

Legal scholarship also has a good deal to say about the ways in which international law becomes highly relevant in the domestic context. The use of international human rights standards has informed constitutional innovations in countries from Colombia to South Africa. Why do international human rights standards appeal in some contexts and not in others? What is the importance of international supervisory organs and courts for domestic implementation? How do we understand the desire of some actors to incorporate international human rights laws into their basic constitutional agreements? Another area of investigation includes the creation of national human rights institutions, of which human rights commissions or ombudsmen are primary examples. Are these bodies viewed as important steps in complying with international legal obligations? Do they have the consequences they were intended to have? Additionally, the ratification process itself may create and shape social networks with lasting effects in later phases of compliance. How might various ratification processes or the sequence and timing of ratification of separate human rights treaties influence these networks? Finally, international human rights instruments have been important in litigation. Sometimes they are cited directly; other times they have inspired local legal changes which in turn form the basis of court cases. What are the conditions under which we can expect international human rights law to influence the direction of domestic litigation and ultimate legal decisions? Even if litigation takes place, where and when will it matter to actual human rights practices? Few believe that a local court decision alone guarantees improvements in human rights practices, but it may be possible to theorize the conditions under which such decisions are likely to foster policy change. Do the answers to the above questions vary across different types of human rights (economic and social versus civil and political)?

This mini conference will bring together scholars from law and the social sciences to discuss the various ways in which international legal norms influence rights outcomes. But there is no necessary presumption that these mechanisms always “work” or always have positive consequences. One further theme of this mini conference will be the unintended consequences of international human rights law in the domestic context. These consequences include counter-mobilization, backlash, and “rights fatigue.” There could also be some negative interactions between some of the mechanisms described above. For example, how will elites become “socialized” to accept international human rights standards if they are being prosecuted for past violations? Will mass publics hold their governments accountable if oversight committees decide that the government has an (expensive) obligation to implement new programs for ethnic minorities or indigenous groups? One thing we want to avoid in this conference is panglossian discussion of the influences of international human rights law on domestic systems where in fact the consequences sometimes are hardly what rights advocates might have expected or desired.

The mini conference in Florence is intended to gather a core group of scholars who are interested in one or more of the above subjects. The only price of admission is a three-page draft of specific ideas or a thesis that one would want to explore within the confines of this research agenda. The due date for papers is 14 days before the conference. Reasonable travel and accommodation for the conference will be covered.

EUI researchers get one credit for attending the workshop.

SCHEDULE

Tuesday, 24 November 2009

19:30 Those who want to should meet in the lobby of Hotel Baglioni for dinner at a nearby restaurant, to be decided.

Wednesday, 25 November 2009

08:45-9:00 Welcome and Introduction, including by Prof. Martin Scheinin (EUI)

09:00-11:00 Session I: Socio-political consequences

11:15-13.00 Session II: Information and Accountability

Memo: Basak Cali [*subject to re-arrangement depending on other memo's*]

Lunch Break

14:30-16:30 Session III: Legal, Constitutional and National Institutional Consequences

Memo: Malcolm Langford [*subject to re-arrangement depending on other memo's*]

17:00-19:00 Session IV: Unintended Consequences

19.30 Dinner at Pizzeria near EUI