



**Wisconsin International Law Journal Symposium
Dedicated to Professor Linda S. Greene**

“International Law and Racial Justice”

University of Wisconsin Law School

CLE Credit for WI Attorneys

Overview

In the United States, African American people and other racial minorities are treated unequally and inequitably. National awareness of this long-pervasive problem grew exponentially in 2020 following organized Black Lives Matter marches across the country protesting excessive force used by the police on people of color. Responding to this call can take many forms, but the result must be the same: dismantle systemic oppression through the abolishment of institutionalized racism. The international and comparative approach of this Symposium seeks to, through the discussion of varying histories and conflicts rooted in the marginalization of human rights, educate on the extent of the problem and to propose possible solutions ranging from individual reparations to national covenants and international treaties.

The United Nations Organization celebrated its 75th anniversary last fall. Reflecting on its triumphs and its commitments, we remember that in 1966, the United Nations adopted the International Covenant on Civil and Political Rights in recognition of the “inherent dignity and the inalienable rights of all members of the human family” as the foundation for international peace. Joining the above discussion, the objective of this Symposium is to discuss the ways in which this Covenant has been abused and disregarded in regard to racial minorities, domestically and around the world, and to consider how a nation finally pays such overwhelming debt.

Day 1: Thursday, April 8, 2021

Time given here is US Central Standard Time (CST)

5:00pm

Welcome Remarks

Julie Vernon, Andrew Campbell, and Jordan Small
WILJ symposium editors
University of Wisconsin Law School

Professor Heinz Klug
WILJ faculty advisor, UW Law School

5:15pm

Opening Keynote

“Race, Racism and International Law: A Repudiation of US Exceptionalism”
James Thuo Gathii
Loyola University Chicago School of Law

5:45pm

Q&A

6:00pm

Panel 1: UN and Race

Moderator: Alexandra Huneus
University of Wisconsin Law School

Speakers:

“Combatting Global Racism Now”
Anna Spain Bradley
University of California Los Angeles

“Strange Fruit at the United Nations: A Postscript”
Ursula Doyle
Northern Kentucky University Chase College of Law

“Race and the History of International Law: Some Aspects”
Antony Anghie
National University of Singapore and University of Utah

Day 2: Friday, April 9, 2021

- 9:00am Welcome remarks
Dean Dan Tokaji
University of Wisconsin Law School
- 9:10am Dedication Acknowledgement
Linda Greene
University of Wisconsin Law School
- 9:15am **Panel 2: Policing and Criminal Justice**
Moderator: Attorney Jarett Adams
- Speakers:**
- “Scriptory Justice”
John Varghese
Kerala Judicial Academy, Kochi, India
- “American Hypocrisy:
How the United States’ System of Mass Incarceration & Police Brutality Fail
to Comply with Its Obligations Under the International Convention on the
Elimination of All Forms of Racial Discrimination”
Danielle Burnette
Associate, Smith, Gambrell, & Russell LLP, Atlanta
- “Black, White, or Blue, Everyone Bleeds Red: Exploring Perceptions of Police
Violence in the South African Police Service”
Sanja Kutnjak Ivkovich
School of Criminal Justice, Michigan State University
- “Policing Mental Health in the U.S. Immigration System”
Tania Valdez
Denver Sturm College of Law
- 10:30am Break
- 10:45am **Panel 3: Conflict Resolution**
Moderator: Heinz Klug
University of Wisconsin Law School
- Speakers:**
- “From Césaire to Fanon to Biko to Black Lives Matter: Discourses of Race
and International Law”

Penelope Andrews
New York Law School

“A Critical Race Feminist Approach to Racial Justice and International Law”

Adrien Wing
University of Iowa Law School

“Old Grievances with New Colors: Ethno-racial Conflict and State Responses to Racism and Racial Discrimination in Latin America”

Tatiana Alfonso-Sierra
ITAM Law School, Mexico City

“Ethnic Conflicts and Liberal Peace in International Law”

Mohammad Shahabuddin
University of Birmingham Law School, UK

12:00pm

Lunch break

1:00pm

Panel 4: Reparations
Moderator: H Timothy Lovelace Jr.
Duke Law School

Speakers:

“Is the Northern Tier too Big to be Wrongful in Healing Centuries of Atlantic Racial Exploitation?”

Henry Richardson III
Temple University Beasley School of Law

“The Right to Redress as it Translates into Transitional Justice Schemes”

Lisa J. Laplante
New England Law School, Boston

“Racial Reckonings and Reparations in Comparative Perspective”

Robert Westley
Tulane University Law School, New Orleans

“Reparations, Restitution, and Transitional Justice: American Chattel Slavery and its Aftermath, a Moral Debate Whose Time has Come”

Joyce Hope Scott
Boston University

2:15pm

Closing Keynote

“Amandla! Awethu! Racial Justice in the Belly of the Beast in the 21st Century”

Jeremy Levitt
Florida A&M University College of Law

2:45pm

Q&A

3:00pm

Closing Remarks
Hannah Tuttle
University of Wisconsin Law School

Biographies of Presenters, Commentators, and Moderators

Jarett Adams

Jarrett M. Adams is an attorney specializing in criminal defense and civil rights cases, and practice in both state and federal courts. Mr. Adams was wrongfully convicted of a crime at age 17 and sentenced to 28 years in a maximum-security prison. After serving nearly 10 years and filing multiple appeals, Mr. Adams was exonerated with the assistance of the Wisconsin Innocence Project. Mr. Adams used the injustice he endured as inspiration to become an advocate for the underserved and often uncared for. He obtained his law degree and clerked in the U.S. District Court for the Southern District of New York with the late Honorable Deborah Batts prior to launching the Law Offices of Jarett Adams PLLC. in 2017. He is also a co-founder of Life After Justice, a 501(c)(3) nonprofit organization dedicated to preventing wrongful convictions and building an ecosystem of support and empowerment for Exonerees as they rebuild their lives after exoneration.

Tatiana Alfonso-Sierra

Tatiana Alfonso is an Assistant Professor at ITAM Law School in Mexico City. Her research interests include human rights, sociology of law, sociology of race and ethnicity, sociology of development and methodologies for legal research. In her work, she explores the relation between law and social inequalities with a focus on how legal and political institutions may have distributive effects between unequal actors in society. In pursuing those interests, she has done research on racial discrimination and human rights, social movements and legal change, and property rights of indigenous peoples and afro descendant communities in Latin America. She is a psychologist and a lawyer from Universidad de Los Andes (Bogotá, Colombia), holds a Master's degree in Sociology and is a Ph.D. candidate in Sociology at University of Wisconsin-Madison.

Penelope Andrews

Penelope Andrews, currently the President of the Law and Society Association, is Professor of Law and Director of the Racial Justice Project at New York Law School. She previously served as President and Dean at Albany Law School, Dean at the University of Cape Town Faculty of Law and as an Acting Judge, North Gauteng High Court in South Africa. At New York Law School she teaches torts, constitutional law and professional responsibility. She has written extensively on constitutional law, racial and gender equality and the judiciary and serves as editor of the International Journal of Law in Context and the African Law E-Journal. Prior publications include *Race, Inclusiveness and Transformation of Legal Education in South Africa* and *A Champion for African Freedom: Paul Robeson and the Struggle against Apartheid*.

Antony Anghie

Antony Anghie is Professor of Law at the National University of Singapore and the University of Utah. His research interests include the history and theory of international law, international economic law and globalization, human rights, and the use of force. He is a member of the Third World Approaches to International Law (TWAIL) network of scholars and has published widely.

Anna Spain Bradley

Anna Spain Bradley is Professor of Law and the Vice Chancellor for Equity, Diversity and Inclusion at UCLA. She is a leading scholar of international law, international human rights, and international dispute resolution. Her current research focuses on global understandings of racism and human rights and serves as a legal expert to the United Nations on these matters. She is the author of two books and a casebook. She has also published widely in scholarly journals. She is a recipient of the 2018 OZY Educator Award, the 2018 Gamm Justice Award, and the 2014 American Society of International Law's Francis Lieber Award for her article *The U.N. Security Council's Duty to Decide*, published in the Harvard National Security Journal. Professor Spain Bradley experience since her graduation from Harvard Law School includes practicing international law as an Attorney-Adviser at the U.S. Department of State Office of the Legal Adviser.

Danielle Burnette

Born and raised in the small southeastern town of McRae, Georgia, Ms. Burnette received both her B.A., magna cum laude, in Political Science and J.D. from the University of Georgia. While in law school, Ms. Burnette served as a Managing Editor of the Georgia Journal of International and Comparative Law, competed on the mock trial team, and represented the United States government as a student prosecutor in several cases in the Northern District of Georgia. Ms. Burnette's practice includes advising clients on and their diverse needs in the areas of commercial litigation, land use, and employment law. She represents clients in federal and state trial courts throughout Georgia.

Ursula Doyle

Ursula Tracy Doyle is a Professor of Law at NKU Chase College of Law. She teaches public international law, international criminal law, professional responsibility, remedies and torts. Professor Doyle researches in the areas of international law and human rights. She is also researching the life of the lawyer/politician Patricia Roberts Harris. She has published in Buffalo Human Rights Law Review, Case Western Reserve Journal of International Law, Hastings Law Journal and Howard Law Journal. She clerked for the Honorable Theodore A. McKee, U.S. Court of Appeals for the Third Circuit. She is a graduate of Cornell University, (A.B., English), Columbia University, (M.A., English) and Indiana University Maurer School of Law (J.D.).

James Gathii

James T. Gathii is the Wing-Tat Lee Chair in International Law and Professor of Law at Loyola University Chicago School of Law. He is a graduate of the University of Nairobi, Kenya, and Harvard Law School. Professor Gathii served an Independent Expert of the Working Group on Extractive Industries, Environment, and Human Rights Violations in Africa formed by the African Commission on Human and Peoples' Rights from 2012 to 2020. He is also an expert member of the Working Group on Agricultural Land Investment Contracts of the International Institute for the Unification of Private Law, (UNIDRIOT), the Food and Agricultural Organization (FAO) and the International Fund for Agriculture (IFAD). He has sat as an arbitrator in two international commercial arbitrations hosted by the Permanent Court of Arbitration in the Hague. He is a founding member of the TWAIL network and is an elected member of the International Academy of International Law. He has consulted for the Office of the United Nations High Commissioner for Human Rights, (OHCHR), and the Economic Commission for Africa, (ECA), among others.

Alexandra Huneus

Alexandra Huneus is a Professor of Law and Legal Studies at University of Wisconsin-Madison. Her scholarship focuses on human rights law, with emphasis on Latin America. She received her PhD,

JD and BA from University of California, Berkeley, and was a post-doc at Stanford University's Center on Development, Democracy and the Rule of Law. In 2017, Professor Huneus was named to serve a ten-year term as Foreign Expert Jurist in the Colombian Jurisdicción para la Paz (JEP), a court created as part of the Colombian peace process. She is the Chair of the UW-Madison's Human Rights Program, which she co-founded and the Director of the Global Legal Studies Center.

Sanja Kutnjak Ivković

Sanja Kutnjak Ivković is a Professor of Criminology and Criminal Justice at Michigan State University, School of Criminal Justice. She holds a doctorate in criminology from University of Delaware and a doctorate in law from Harvard Law School. She received the 2017 Mueller Award for Distinguished Contributions to International Criminal Justice from the Academy of Criminal Justice Sciences International Section. She serves as the Chair of the Division of International Criminology, American Society of Criminology, and is the co-founder and co-chair of the Law and Society Association Collaborative Research Network on Lay Participation in Legal Systems.

Heinz Klug

Heinz Klug is Evjue-Bascom Professor of Law at the University of Wisconsin Law School and an Honorary Senior Research Associate in the School of Law at the University of the Witwatersrand, Johannesburg, South Africa. Professor Klug taught law at the University of the Witwatersrand in Johannesburg from 1991-1996. He has presented lectures and papers internationally on the South African constitution, land reform, and water law, among other topics. His research interests include: constitutional transitions, constitution-building, human rights, international legal regimes and natural resources.

Lisa J. Laplante

Lisa J. Laplante is a professor of law at New England Law School, Boston where she also directs the Center for International Law and Policy (CILP). Before entering academia, Lisa earned her J.D. from New York University School of Law where she was a Root-Tilden-Kern Public Interest Scholar. Soon after, she participated in Peru's transitional justice process in various capacities for six years, beginning as a researcher with the Truth and Reconciliation Commission (TRC). In particular, she worked with the Reparations Unit to contribute to the TRC's final recommendations on how victims of the internal armed conflict should be adequately repaired. For the last decade, she has served as a legal advisor for an association of Peruvian victims seeking reparations and has assisted with litigation before the Inter-American Human Rights System. In her role as director of CILP, she currently works on the intersection between TJ and business and human rights in coordination with local collaborators in Colombia.

Jeremy Levitt

Jeremy Levitt is Associate Dean for International Programs and Distinguished Professor of International Law at Florida A&M University College of Law in Orlando, Florida, and a law professor at Florida International University College of Law in Miami, Florida. Dr. Levitt is a public international lawyer, political scientist, historian, and Africanist with expertise and publications extending to many legal fields. He is also an expert in African-American history, politics and Diaspora studies. Professor Levitt is a scholar-practitioner that has demonstrated a talent for teaching, passion for human rights advocacy, zeal for legal and multidisciplinary scholarship and strong commitment to public service. Professor Levitt presently serves as the International Technical Advisor for the Liberian Truth and Reconciliation Commission (TRC). Professor Levitt has traveled, researched or worked in twenty-seven African countries. He has worked extensively in international diplomatic roles and was a Term Member of the New York-based Council on Foreign

Relations, the US' premier think tank on world affairs, and is a Patron of the American Society of International Law (ASIL).

H Timothy Lovelace Jr.

Timothy Lovelace Jr. is Professor of Law and John Hope Franklin Research Scholar at Duke Law School. He earned his J.D. and Ph.D. from the University of Virginia. During law school, he was an Oliver Hill Scholar, the Thomas Marshall Miller Prize recipient, and the Bracewell & Patterson LLP Best Oralist Award winner. He joined the Duke Law faculty in June 2020 from Indiana University where he was a professor of law at the Maurer School of Law and affiliated faculty in the Department of History. Before joining the Indiana Law faculty, Professor Lovelace served as the assistant director of the Center for the Study of Race and Law at the University of Virginia School of Law. A noted legal historian of the civil rights movement, his work examines how the civil rights movement in the United States helped to shape international human rights law. His forthcoming book, *The World is on Our Side: The U.S. and the U.N. Race Convention* (Cambridge University Press), examines how U.S. civil rights politics shaped the development of the International Convention on the Elimination of All Forms of Racial Discrimination.

Henry Richardson III

Henry Richardson III is Professor of Law at Temple University Beasley School of Law. He obtained his A.B. from Antioch College in 1963. Upon graduating from Yale Law School in 1966, Professor Richardson became International Legal Adviser to the government of Malawi shortly after its independence for more than two years, where he advised on inherited treaties and a range of southern African international legal negotiations and questions. Thereafter, he returned to the U.S. to become Faculty Africanist at Law and to earn an LL.M. at University of California at Los Angeles (1971) with a focus on international law and development in Africa. He was active in several anti-apartheid groups relative to international law. From 1977-79, he served on the National Security Council Staff in charge of African Policy and United Nations issues in President Carter's administration. Professor Richardson was subsequently the Senior Foreign Policy Adviser to the Congressional Black Caucus and an attorney in the Office of General Counsel of the Department of Defense. Professor Richardson joined the Temple Law faculty in 1981.

Joyce Hope Scott

Joyce Hope is Clinical Professor of African American Studies at Boston University, a former-Scholar of the Oxford Round Table, and former Fulbright Professor to Burkina Faso and the Republic of Bénin, West Africa. She is Co-Founder/Co-Director of the International Network of Scholars and Activists for Afrikan Reparations (INOSAAR) and President of the Boston Pan African Forum (BPAF). Professor Hope Scott was an invited consultant to the United Nations Office of the High Commissioner for Human Rights and a Principal Organizer of the International Conference on "The Future of Reparations and Reparatory Justice for Enslavement of African People," Porto-Novo, Bénin West Africa. She is the recipient of many awards and recognitions and author of numerous publications on African American writers and African Diaspora literatures and culture.

Mohammad Shahabuddin

Mohammad Shahabuddin is a Professor of International Law and Human Rights at Birmingham Law School, University of Birmingham, UK. His research is informed by critical, postcolonial, and TWAIL scholarship. He is the author of *Ethnicity and International Law: Histories, Politics and Practices* (Cambridge University Press, 2016). He has recently completed his second monograph, *Minorities and the Making of Postcolonial States in International Law* (Cambridge University Press, 2021), under the prestigious Leverhulme Trust Research Fellowship.

Tania Valdez

Tania N. Valdez has served as an immigration lawyer and clinical law professor, civil rights litigator, and federal court clerk and staff attorney. Currently, she is a Clinical Fellow in the Immigration Law and Policy Clinic at the University of Denver Sturm College of Law. She is also an Adjunct Professor in the Clinic for Asylum, Refugee & Emigrant Services at Villanova University Charles Widger School of Law. Professor Valdez teaches and writes about procedural fairness in immigration removal proceedings, with a focus on the growing nexus between criminal and immigration law. Her law review article, *Pleading the Fifth in Immigration Court: A Regulatory Proposal*, is forthcoming in the *Washington University Law Review*.

John Varghese

John Varghese Assistant Director at the Kerala Judicial Academy, Kochi. He has been a judicial officer since 2014 as well as being associated with various digital initiatives of the judiciary as an expert member of the Technical Committee for Implementation of Video Conferencing between prisons and Courts in the State of Kerala. He has worked as a law professor, legal manager in financial institutions and banks, in Kerala government service, and also as an advocate. Author of many papers, Dr. Varghese is an LLM, PhD who obtained his LLM in Criminal Law and Commercial Law from the School of Legal Studies, CUSAT, Kochi, Kerala, India and LLB from Kerala University, Kerala India.

Robert Westley

Robert Westley is LOCHEF Professor of Legal Ethics & Professional Responsibility at Tulane University Law School in New Orleans. His research and teaching interests are in the fields of critical race theory, constitutional law, philosophy of law, law and literature, and the legal profession. He is the author of Restitution Claims for Wrongful Enslavement and the Doctrine of the Master's Good Faith in *The Social and Legal Construction of Whiteness: An Interdisciplinary Analysis*, published by University of Mississippi Press (2016) as well as First-Time Encounters: "Passing" Revisited and Demystification as a Critical Practice, 18 *Yale Journal of Law and Social Policy* 297 (2000). He is currently working on a book on reparations for historical injustice. Professor Westley will present and discuss his work in a workshop, Critical Race Theory for the New Millennium, at the Center for Advanced Studies and will be giving a lecture at the Ludwig Maximilian University of Munich: "Can There Be Racial Reconciliation Without Reparations?"

Adrien Wing

Adrien K. Wing joined the University of Iowa Law school faculty in 1987 and is the Bessie Dutton Murray Distinguished Professor and also serves as the Associate Dean for International and Comparative Law Programs and is the Director of the University of Iowa Center for Human Rights. Author of over 140 publications, she teaches Critical Race Theory, Sex Discrimination, and Law in the Muslim World. Her many activities include advising the founding mothers and fathers of three constitutions. She holds a Bachelor's degree from Princeton with high honors, MA degree from UCLA in African Studies, and a JD from Stanford Law School.

Dedication to Professor Linda S. Greene



Linda S. Greene is the Evjue-Bascom Professor of Law at the University of Wisconsin-Madison and the incoming inaugural Dean of the Michigan State University College of Law. She joined UW-Madison as a full professor with tenure in 1989. Her teaching and academic scholarship are concentrated in the areas of Constitutional Law, Civil Procedure, Legislation, Civil Rights, and Sports Law. She has also held university-wide administrative positions at the University of Wisconsin-Madison and the University of California at San Diego. She received her B.A. in Health Education from California State University-Long Beach, her J.D. from the University of California-Berkeley (Boalt Hall), and a Certificate in Public International Law from The Hague Academy of International Law. She is a member of the California Bar. The American Law Institute elected her to membership in 1991 and inducted her as a life member in 2016.

Before her teaching career, Professor Greene was an attorney at the NAACP Legal Defense and Educational Fund in New York City and a deputy City Attorney in Los Angeles. She was the first African-American woman to teach at Temple University Law School in 1978 and next joined the faculty at the University of Oregon Law School in 1981 where she was a tenured Associate Professor. In 1984, Harvard Law School invited her to become the first African-American woman to teach at the law school. Thereafter, she was a visiting professor at Georgetown University Law Center, continuing there as an adjunct while she served for three years as a Counsel to the U.S. Senate Judiciary Committee. At Judiciary, she specialized in the confirmation of federal court jurisdiction, proposed constitutional amendments, and civil rights legislation across the board.

The Wisconsin International Law Journal is honored to dedicate this Symposium in recognition of the significant contribution Professor Greene has made to the legal field and civil rights, broadly, and the University of Wisconsin specifically, in her 30 years at the Law School. Professor Greene's commitment to teaching and co-curricular student activities, a guiding principle in her arrival at UW Law, leaves an indelible mark on the Journals and organizations with whom she worked. Her guidance, generosity, and intellectual curiosity are widely celebrated by our grateful student body, and we wish her enormous success in the future as her legacy for student engagement and empowerment lives on at the University of Wisconsin Law School. On Wisconsin!

Special thanks to the Student Committee who made this event possible:
Jennifer Acevedo, Juan Fonseca Angel, Jesus Castaneda, Samhita Collur, Sarah Mallak,
Camila Di Mauri, Mehak Qureshi, and Peter Vu.

Sponsors

Wisconsin International Law Journal
JD Grants, UW Law School
Global Legal Studies Center
University Lectures Kemper K. Knapp Fund, UW-Madison

