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An Interview with James Cavallaro

INTRODUCTION

James Cavallaro is currently the Executive Director of the Human Rights Program at Harvard Law School.¹ Professor Cavallaro has had an interesting and unique career path, and shares with us some of his experiences as a pioneer in South American human rights organizations. He also explains how academic articles have influenced him as a leading international law practitioner.

Q: Can you tell us about the type of work you did in between graduating from Harvard College in 1984 and attending Boalt Hall (UC Berkeley School of Law), where you graduated in 1992? Did that work give you a distinct vision of the type of work you wanted to do after law school?

I did two things between graduating from Harvard College in 1984 and Boalt Hall in 1992. First, I worked with Central American refugees in a shelter on the U.S.-Mexico border. This was in 1985–1986, at the height of the civil wars in Central America. My

¹ For more information on the Human Rights Program, see <http://www.law.harvard.edu/programs/hrp/>.

work with refugees underscored for me the importance of understanding why people were fleeing these conflicts and what could and should be done to address the root causes. The second thing I did was to work in Santiago, Chile (1988–1990) with rights groups opposing the dictatorship of Augusto Pinochet. That period exposed me for the first time to grass roots opposition to injustice framed in the language and practice of human rights. Both these experiences underscored for me the central role of human rights, both in discourse and practice, to advancing the interests of communities and peoples subjected to repression and abuse. It was not at all clear then—as it is now—that human rights would consolidate its position as the principal language of liberation from oppression and repression. So it was fascinating for me to have those experiences at a time when I was deciding what I should do with my life. And, yes, those experiences cemented for me that what I wanted to do was human rights and social justice work, full stop.

Q: Only one year after graduating law school, you opened a joint office for Human Rights Watch (HRW) and the Center for Justice and International Law (CEJIL) in Rio de Janeiro. What made you decide to go there? What other options were you considering? Did it seem risky at the time? Did you have pre-existing connections there?

What made me go to Rio de Janeiro was my interest and experience in Latin America and Brazil, in particular. I had lived for a few years already in Latin America and was fluent in Portuguese. I had been to Brazil several times and had worked with Human Rights Watch and the Center for Justice and International Law to develop funding proposals to support a joint office. So there was a certain progression and I had the support of two institutions. But the entire project was risky; there were certainly no guarantees of success. And I was largely on my own in Brazil. In retrospect, I'm not sure that I really knew enough to take on a project of that magnitude, but what I lacked in knowledge I compensated for in energy, hard work, and stubbornness. I spent a lot of time banging my head against the wall, trying to figure things out, develop contacts, hire staff, comply with regulations—all while contributing to human rights campaigns and cases. Sometimes, it can be an advantage not to know what an uphill battle you are facing. Maybe had I known what I found out afterward, I might not have opted to take on the joint office project. The other options I was considering involved death penalty litigation and public defender work. In retrospect, I'm very glad I decided to open the joint Brazil office for a number of reasons, not the least of which is that Brazil is where I met my wife and where my daughter was born.

Q: About five years after opening the joint HRW-CEJIL Office, you founded the Global Justice Center. Can you tell us what you did at the GJC? Why did you decide to open it? What made it different from the office you had opened before? What did you do to make sure it would continue to thrive after you left?

The idea of the Global Justice Center was to create a *Brazilian* human rights NGO with an international focus, rather than the Brazilian office of an international organization. In my time with HRW and CEJIL I came to see how U.S.- and European-based organizations dominated access to international fora, whether universal (UN bodies) or regional (those in the inter-American system of the OAS), and the international media. In part because of language (Portuguese is spoken only in Brazil in the Americas), the Brazilian human rights community was largely isolated and had very little access to international oversight mechanisms and international media. We created Global Justice to amplify the voices of Brazilian rights activists at the international level. To give you one example, in the mid- and late-1990s, HRW did not consider economic, social, and cultural (ESC) rights to be a core element of its mandate. So whenever I spoke to media sources on behalf of HRW to discuss the main or principal areas of rights abuse and concern in Brazil, I would reference civil and political rights only. Domestic rights activists, by contrast, saw ESC rights as essential to the human rights situation in Brazil. That made perfect sense in a country that had been ranked as *the* most unequal in terms of distribution of wealth. But HRW and Amnesty International wouldn't address ESC rights issues, and HRW and Amnesty dominated access to the international community.

We set up Global Justice with one small grant and started working to train Brazilian activists to use international mechanisms. We developed seminars that we would hold throughout the country. And we brought in activists from around Brazil both to spend time with us at our office in Rio de Janeiro and to travel abroad to learn to use UN and OAS mechanisms. Global Justice has grown significantly, along with other internationally focused NGOs in Brazil. Today, Brazilian groups have much more access to international fora. They make much more and better use of oversight bodies and international media. And Global Justice, I think, has been central to that process. In many ways, Global Justice has become much more successful since I left. That's something of which I am enormously proud. Global Justice's success is due in large part to the good fortune that I had in being able to identify outstanding, committed rights activists and to bring them on board in the organization's first years. These activists are now national leaders in Brazil and very well respected internationally. Global Justice is a Brazilian organization, with an international focus, run primarily by Brazilians but with a diverse, international staff, as it should be.

Q: Do you have any advice for students interested in pursuing human rights work? What about students who are interested in opening brand new offices, much like you did? What were the biggest challenges you faced, and how would you recommend overcoming them?

The advice that I give to students interested in pursuing human rights work is that they should do just that, work in human rights. It's hard to get started, hard to find jobs or funding or fellowships, but if you're persistent, things turn up. I encourage students to go somewhere that they might want to work and to be prepared to spend time there learning the ropes. Not a few weeks or months, but years. That's what it takes. To be successful, you have to be part of the local human rights community, you have to understand the local culture, language, norms, and so forth. They say that all politics is local. Well, at some level, so is all human rights work. Or at least all good human rights work. It may have an international component, but it has to have the local component. And being effective locally is what separates good, grounded, and successful advocates from those who parachute in and expect instant results. So my advice for those who want to work in human rights, particularly if they want to set up some sort of organization or structure, is to be patient. To learn how things work. To engage local actors, to partner with them, to learn from them. To respect their agency. To be humble and not to impose themselves. And not to give in and do something else, like, say, work for a law firm just because it seems easier.

Q: What made you interested in transitioning to academia? What challenges did you face? What advice would you have for students interested in academia?

What made me interested in academia was the opportunity to reflect on human rights while still remaining actively engaged in practice. That's exactly what my position at Harvard Law School as clinical professor and in the Human Rights Program allows me to do. I have time to think about the direction in which human rights law and the human rights movement are heading, to reflect critically on those processes and to participate in debates about the future of human rights. At the same time, I am actively involved in human rights advocacy. Through the clinic, I am working on several matters, causes, and cases at any given time. And I do this now while working with very talented, very dedicated law students. I am able to do much more in terms of practice now than when I ran an NGO, precisely because of the engagement of students. And I am also able to take a step back and reflect, which was exceedingly difficult when I was a full-time practitioner. And I am involved in training the next generation of human rights activists, practitioners and scholars. So academia, at least as it applies to me, is an ideal fit.

Q: How (if at all) have academic articles influenced your thinking in your practice?

Academic articles have been very important to my own intellectual development as well as to my practical work. Before I came to Harvard Law School, I worked full

time in human rights. The demands on my time were so great that I rarely had enough time to reflect, to read critiques of human rights, to examine my own work and practice as profoundly as I would have liked. I would have time for an occasional article. And that reflection made me a better advocate then. But since I have come to HLS, I have had much more time to reflect. I think this has made me a more critical and effective advocate and a more effective teacher of future human rights practitioners. So the role of academic articles in the process has been essential.

Q: What do you think has been the biggest failing of international law in the last 10 years?

The biggest failing of international law in the last ten years has been its inability to make itself the main framework for resolving international disputes. International law has been sidelined, marginalized in the most important debates of the past decade—principally those related to national security issues post-9/11. It may be unfair to attribute this failing to international law itself. A better narrative may be that powerful forces interested in promoting agendas not compatible with international law (and, to be honest, not really compatible with the rule of law itself) have been successful in marginalizing international law. But the net effect is the same: important debates about issues in which international law ought to be decisive, questions about invasions, occupations, accountability for serious violations of human rights, and so forth, have been debated, primarily in this country, as though international law were not essential to their resolution. As though international law had nothing to say about whether the invasion of Iraq or Afghanistan is legal, about whether drone strikes are legal, about whether this country can decide not to prosecute those who facilitated and promoted state policies of torture. Those are all questions about which international law should be dispositive, but on which it has had insufficient influence.

Q: What have been some of the most rewarding aspects of your career in international law?

I have had two fundamentally rewarding aspects in my career. The most gratifying part has been my work on behalf of individuals and communities subject to abuse when that work has served, however marginally, to improve their situation or advance their demands for accountability. I have worked on campaigns and cases that have, at times, resulted in advances, whether individual victories for particular victims before international bodies or policy changes. Those have been the most rewarding moments. Second, I've had the chance to teach and work with young, talented, and committed students who are now my colleagues in the field of human rights. Having contributed to their development and being able to see them take on challenges and advance difficult causes is very gratifying.