

INTERNATIONAL LAW AND POLITICS Collaborative Research Network

LSA NEW ORLEANS

THEME 2016: THE GLOBAL LEGAL ORDER AND ITS ANTHROPOLOGIES

PROGRAMME

SPONSORS



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EVENTS

Thu. 2/6: 8:15AM - 10:00AM

1) 'Law As...': Law, Method, History

Session type: CRN Keynote Roundtable

Room: Galerie 2 (2nd floor)

Chair: *Rose Parfitt* (Melbourne/Kent)

Abstract: 'Law As ...' is the umbrella title for a biennial symposium initiated by Professor Christopher Tomlins in 2010. Over the past five years, its participants have worked to assemble original configurations of historical, social scientific, literary, and legal scholarship in the service of conceptual innovation in the analysis of law and the history of law. As its title suggests, this project is of particular interest to socio-legal scholars. 'Law As...' positions itself as a challenge to the particular mode of legal interdisciplinarity ('Law and...Development / Economics / Literature...' etc.) which seeks to understand more about "law" by juxtaposing it against a context perceived as external, more in touch with "reality", and therefore potentially enlightening. "Law and Society" is, of course, one of the most important and productive example of this approach. As Tomlins and John Comaroff put it in their Afterword to the project's collection of essays, published in the UC Irvine Law Review (2011), "'Law As...'" identifies the early twentieth-century ... as the moment of invention of "law and..." first mooted in Roscoe Pound's turn-of-the-century distinction between "law in the books" and "law in action," nurtured subsequently in the bosom of realism, and thoroughly popularized by the law and society movement'.

The project's particular concern is with legal history and with the 'postmodernist' turn to historicism as contingency -- an approach that surveys 'a past composed of an infinity of utterly contextualized, utterly discrete phenomena -- that is, an entirely indeterminate past'. Against this insistence on 'amputating' the past from the present, allowing any posited causal relationship between one and the other to be undone by the simple ('critical') mechanism of ever-more radical contextualization, 'Law As...' draws on a variety of alternative counter-disciplinary historiographies which all, in different ways, adopt an overtly materialist and more politicised approach to the relationship between 'past' and 'present'. As Tomlins and Comaroff put it, quoting Walter Benjamin's Critique of Violence, "Law As..." attempts to unearth "the moment ...when the origins of the present 'jut manifestly and fearsomely into existence".'

This roundtable brings together a group 'Law As...' participants past, present and future to discuss the objectives and scope of the project's methodological intervention, and is one of two keynote sessions organised by the 'International Law and Politics' CRN. The CRN includes more than 160 junior and senior scholars, teachers, researchers and practitioners working on issues related to the politics of international legal thought, practice, method and history in institutions across the Global North and South. Its aim is to create a space within which ongoing research and collaboration in the broad area of international law and politics can be pursued, drawing upon the widest possible variety of theoretical and empirical approaches including anthropology, political science, history, political economy, sociology, international relations and cultural studies in order to examine the current global (dis)order and its normative underpinnings. The CRN's organisers and participants are therefore delighted to be presenting this roundtable as part of the network's activities this year.

Participants: *Kirsten Anker* (McGill), *John Comaroff* (Harvard); *Marianne Constable* (UC, Berkeley), *Luis Eslava* (Kent), *Kunal Parker* (Miami), *Genevieve Painter* (UC, Berkeley), *Christopher Tomlins* (UC, Berkeley)

2) International Environmental Law and the Global South

Session type: Author Meets Reader (AMR) Salon Session

Room: Carondelet, Table 3

Authors: *Sumudu Atapattu* (Wisconsin) and *Carmen Gonzalez* (Seattle)

Chair: *Sara Seck* (Western)

Abstract: A decade after Hurricane Katrina devastated New Orleans, conflicts between rich and poor nations (the North-South divide) continue to compromise efforts to protect the global environment, leading to deadlocks in environmental treaty negotiations and non-compliance with existing agreements. International Environmental Law and the Global South examines both the historical origins of the North-South divide in European colonialism as well as its contemporary manifestations in a range of issues, including food justice, energy justice, indigenous rights, trade, investment, extractive industries, human rights, land grabs, natural disasters, hazardous waste, and climate change. Born out of the recognition that global inequality and profligate consumerism present threats to a sustainable planet, this book makes a unique contribution to international environmental law by emphasizing the priorities and concerns of the states and peoples of the global South. The readers for this book will address its contributions to several distinct areas of

law, including environmental law, human rights law, environmental justice, international economic law, and Third World and post-colonial approaches to international law.

Participants (readers): *Rebecca Bratspies* (CUNY), *Sheila Foster* (Fordham), *Erika George* (Utah), *Usha Natarajan* (AUC), *Stephanie Tai* (Wisconsin)

Thu. 2/6: 10:15AM - 12:00PM

3) 'Law and Disorder in the Postcolony': Celebrating Ten Years in Print and Practice

Session type: CRN Keynote Roundtable

Room: Galerie 2 (2nd floor)

Chairs: Luis Eslava (Kent) and Rose Parfitt (Kent/Melbourne)

Abstract: Published in 2006 by University of Chicago Press, and edited by Jean Comaroff and John Comaroff, *Law and Disorder in the Postcolony* began with a problem, a presumption and a paradox. Its problem concerned the ubiquitous use of law in the postcolonies of Africa, Asia, Europe, and Latin America all said then to be increasingly 'disordered'. Its presumption was that 'something [new] may be at issue' in the effervescence of their different deployments of, and challenges to, the law – something residing at the core of these 'hyphenated' nations that signalled a [new] conjuncture of 'violence, sovereignty, il/legality [and] modernity'. That these postcolonies seemed to be making 'a fetish of the rule of law, of its languages and its practices, its ways and means' even as they continually mocked, mimicked, suspended, and sequestered the law was the paradox at the core of the book. Today, ten years on, all three -- problem, presumption and paradox -- appear more acute than ever. A celebration of this collection's anniversary, then, is not only well deserved but also urgently needed.

The Global Financial Crisis, the increasingly internationalised civil war in Syria, the intervention in Libya, the emergence of Islamic State, the frightening acceleration of global warming, the European refugee crisis, the proliferation of piracy, the deadlock in Afghanistan, urban terrorist attacks across the world, sharply escalating global inequalities within and between states, the phenomenon of Western structural adjustment, the conflict in Ukraine – these are all new (or dramatically more problematic) to the intervening decade since *Law and Disorder in the Postcolony's* publication. All of them have been accompanied, at the same time, by legal responses which are increasingly remapping geographies, making the postcolonial condition endemic to the world as a whole. As this edited collection announced from the start, thinking to and from the postcolony is crucial if we are to figure out what to make of these events. The analysis must begin from (rather than simply ending with) postcolonies because, as Comaroff and Comaroff point out, 'many of the great tsunamis of the twenty-first century appear to be breaking first on their shores – or, if not first, then in their most palpable, most hyperextended form – thence to reverberate around the Northern Hemispheric cosmopoles'.

This roundtable brings together a group of the original contributors to *Law and Disorder in the Postcolony* and some of the project's closest external collaborators to discuss and commemorate the continuing relevance of this tremendous collection. The session will begin with a close conversation between Eve Darian-Smith and John Comaroff, before broadening out to include their other comrades.

Participants: *John Comaroff* (Harvard), *Dennis Davis* (Cape Town), *Sally Engle Merry* (NYU), *Rosalind C. Morris* (Columbia), *Lisa Wedeen* (Chicago)

Thu. 2/6: 12:45PM - 2:30PM

4) Cold War Histories of International Law

Session type: CRN Keynote Roundtable

Room: Galerie 2 (2nd floor)

Chair: *Sundhya Pahuja* (Melbourne)

Abstract: The Cold War is the most invoked, least theorised of international law's historical foundations and intellectual obsessions. The Cold War and 'Cold War thinking' have bequeathed the conditions in which we live, yet in most international law literature, the Cold War appears as a marker whose provenance or nature is rarely examined. This Roundtable will stage a conversation based on a project being led by Pahuja, Simpson and Craven aiming to correct this gap in our understandings of the history and nature of international law. Drawing together a range of scholars, they are crafting a new research agenda in the field which outlines a coherent history and conceptualisation of the relationship between international law and the Cold War. Their hypothesis is that international law and the Cold War were 'co-produced' such that the 'Cold War' was key to the formation of international law, and international law was central to 'actualising' the CW as a juridical object.

Participants: *Ruth Buchanan* (Osgoode Hall), *Matt Craven* (SOAS), *Ben Golder* (UNSW), *Richard Joyce* (Monash), *Boris Mamlyuk* (Memphis), *Charlotte Peever* (UTS), *Gerry Simpson* (LSE)

Thu. 2/6: 2:45PM - 4:30PM

5) International Law and Environmental Justice: The Intersections of Race, Gender, Poverty, and Indigeneity

Session type: Panel

Room: Galerie 2 (2nd floor)

Chair: *Sheila Foster* (Fordham)

Abstract: Environmental justice has become the rallying cry of subordinated communities all over the world who are disparately burdened by environmental degradation. Emerging in response to the concentration of environmental hazards in low-income communities of color in the United States, the discourse of environmental justice has been deployed in a variety of environmental social justice struggles, including transnational mobilizations for climate justice, water justice, food justice, and energy justice. Some scholars refer to these grassroots environmental movements as 'the environmentalism of the poor.' While the language of environmental justice is morally compelling and has given voice to marginalized communities,

critics charge that the emphasis on poverty obscures environmental injustice based on the intersections among poverty, gender, race, and indigeneity. Furthermore, grassroots struggles for climate justice, water justice, food justice, and energy justice have sometimes operated in isolation from one another despite their many synergies. This panel seeks to break new ground by emphasizing the multi-dimensional, intersectional nature of environmental injustice and the cross-cutting forms of oppression that unite these struggles. The goal is to develop a more robust conception of environmental justice through consideration of innovative domestic and international laws that bring to the fore previously under-theorized dimensions of environmental injustice.

Participants: *Dayna Nadine Scott* (Osgoode Hall), *Carmen Gonzalez* (Seattle), *Sara Seck* (Western), *Sumudu Atapattu* (Wisconsin)

Paper Titles:

**Atapattu*, International Law, Environmental Justice, and the Rights of Women and Girls in Mining; Climate Justice and Vulnerable Groups: Synergies, Strategies and Challenges;

**Gonzalez*, Environmental Racism, American Exceptionalism, and International Law;

**Scott*, 'Sacrifice Zones' in the Green Energy Economy;

**Seck*, International Law, Environmental Justice, and the Rights of Women and Girls in Mining

Thu. 2/6: 4:45PM - 6:30PM

6) CRN Multiple Book Launch! Critical Engagements and Visions in International Law

Session type: CRN Book Introduction Session

Room: Galerie 2 (2nd floor)

Chair: *Sundhya Pabuja* (Melbourne)

Participants: Sumudu Attapatu, Olivia Barr, Nick Cheesman, Luis Eslava, Ben Golder, Carmen G. Gonzales, Markus Gunneflo, Vanja Hamzić, James Parker

Books and Authors:

*Attapatu, *Human Rights Approaches to Climate Change: Challenges and Opportunities* (Routledge, 2015)

*Barr, *A Jurisprudence of Movement: Common Law, Walking, Unsettling Place* (Routledge, 2016)

*Cheesman, *Opposing the Rule of Law: How Myanmar's Courts Make Law and Order* (CUP, 2015)

*Eslava, *Local Space, Global Life: The Everyday Operation of International Law and Development* (CUP, 2015)

*Golder, *Foucault and the Politics of Rights* (Stanford University Press, 2015)

*Gonzales et al (eds), *International Environmental Law and the Global South* (CUP, 2015)

*Gunneflo, *Targeted Killing: A Legal and Political History* (CUP, 2016)

*Hamzić, *Sexual and Gender Diversity in the Muslim World: History, Law and Vernacular Knowledge* (I. B. Tauris, 2015)

*Parker, *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* (OUP, 2015)

Fri. 3/6: 8:15AM - 10:00AM

7) Authority and Inspiration: Investigating Liminal Practices of International Law

Session type: Panel

Room: Studio 4 (2nd floor)

Chair: Geoffrey Gordon (T.M.C. Asser Instituut)

Discussant: Geoffrey Gordon (T.M.C. Asser Instituut)

Abstract: The inspirational here represents ends presented as obtaining outside of international legal authority, unattainable within its bounds, mobilizing recourse beyond systemic-dogmatic limits of IL. We investigate the historical context of cases that include appeals to images such as common heritages and global consensus, and others such as romanticized localities and technical distinctions. In some, inspiration looks like an instrumental device, an aggrandizing maneuver for other purposes. In others, it appears a deeply held conviction. We investigate how these arguments have been made and evidence of how they have worked, raising questions about audience and field, material contingencies that enable or constrain inspirational appeals, and what policy makers communicate by them. To do so, we look at supporting performances, technologies, knowledge practices and codes. Observing these practices at the disciplinary limits of international law, we explore the politics of these maneuvers.

Participants: *Surabhi Ranganathan* (Cambridge), *Lianne Boer* (VU Amsterdam), *Amin Parsa* (Lund), *Sofia Stolck* (VU Amsterdam), *Renske Vos* (Edinburgh), *Marieke de Hoon* (VU Amsterdam)

Paper Titles:

**Ranganathan*, 'Tragedy of the Commons' and 'Common Heritage of Mankind': Global Commons, Seminal Interventions, and the Fascinations of Interdisciplinarity;

**Boer*, The Auto-Construction of Authority in Academic Presentations and Lectures: Taking a Closer Look at the Cyberwar Debate;

**Parsa*, The Principle of Distinction as Visuality: Targeting in Counterinsurgency;

**Stolck*, Imagining Scenes of Mass Atrocity from Afar: The (Re)construction of Place and Space in the Opening Statements at the International Criminal Court;

**Vos*, The Authority to Inspire: EU Crisis Management at the Limits of Discipline;

**de Hoon*, Inspired by Destruction: The Construction of International Criminal Justice

8) Movements, Mobilities and the Law

Session type: Panel

Room: Salon D (3rd floor)

Chairs: *Olivia Barr* (Melbourne), *Rose Parfitt* (Melbourne)

Abstract: A 'mobility turn' is spreading and gaining traction in the social sciences. Animated by metaphors, such as flow and liquidity, the 'new mobilities' paradigm explores the spatial, temporal and material movements of people, objects, and bodies in order to confront a world that is constantly in motion. This salon session explores law's various responses to a world that is no longer frozen in fixed, static and bounded ways. Working through specific case studies, papers in this session examine how law is connected to mobility. How does law respond to actual or

imagined movement, especially if movement only makes sense when it is embedded in particular societies, cultures, politics and histories? How does law provide 'moorings' to slow down, regulate or 'make sticky' particular kinds of movement?

Participants: *Anita Lam* (York), *Sarah Marusek* (Hawaii)

Paper Titles:

**Lam*, Blowing winds, flowing waters: Feng shui, mobilities and the law;

**Marusek*, The Dynamic Landscape: Fluid Materiality of Law and Place

Fri. 3/6: 10:15AM - 12:00PM

9) Objects of International Law

Session Type: Panel

Room: Studio 7 (2nd floor)

Chairs: *Rose Parfitt* (Melbourne/Kent), *Luis Eslava* (Kent)

Abstract: We take law's own account of itself too seriously: that it is organised jurisdictionally, according to the rigors of doctrine, evidence and other specifically legal techniques. This panel looks past this orthodoxy to some of the many objects that cut across jurisdictions to animate legal thought, practice and experience globally. Some of these objects are familiar, but their significance under-appreciated. The Typewriter, The Signature and The Gavel: in different ways each of these has played a key role in organising law's conduct internationally. But the panel also explores less familiar objects of legal thought and practice - The Walker, The Ghost - which are far more important to the contemporary experience and dissemination of law than we acknowledge. If this panel reads law's 'objectivity' broadly, that is quite deliberate. Our experiences of and attachments to law are the product of all these objects and more. The question is: how?

Participants: *Tanja Aalberts* (VU Amsterdam), *Olivia Barr* (Melbourne), *Jessie Hobmann* (Queen Mary), *James Parker* (Melbourne), *Natasha Wheatley* (Sydney)

Paper Titles:

**Aalberts*, Sovereignty Marks: Indigenous Signatures as Legal Technology;

**Barr*, The Walker;

**Hobmann*, The 'Treaty 8' Typewriter and the Objects of International Legal Authority;

**Parker*, The Gavel;

**Wheatley*, The Ghost and Other Half-Persons

Fri. 3/6: 12:45PM - 2:30PM

10) International Law in Interaction: Actors, Orders, and Tactics Influencing International Law's Emancipatory Potential

Session type: Panel

Room: Studio 3 (2nd floor)

Chair: *Jason Beckett* (AUC)

Abstract: This panel explores the impact of international law's relationships with other systems of ordering and avenues of change on the emancipatory potential of international law. Discussion of international law's emancipatory potential typically examines international law as a fixed entity in isolation from, or in competition with, alternative systems of ordering and avenues of social change. In contrast, these papers investigate ways in which international law continuously interacts with, and is influenced by, these alternative systems and avenues. The papers explore examples of outside influences on conceptions of criminal responsibility in international law; networks of actors and artefacts that determine the legitimacy of international criminal claims; international private lawyers pursuing mechanisms abandoned by NGOs; and social movements combining international law with street tactics.

Participants: *Gilat Bachar* (Stanford), *Honor Brabazon* (Toronto), *Paul Clark* (Garden Court Chambers), *Heidi Matthews* (SOAS)

Paper Titles:

**Clark*, Neither Feared Nor Loved: In Search of International Criminal Law's Constituency;

**Brabazon*, Riots and Human Rights: Black Lives Matter and New Approaches to International Law;

**Matthews*, Theorising Collective Responsibility in International Law;

**Bachar*, When Lawyers Go to War: A Study of the Role of Lawyers in Palestinians' Civil Litigation against Israel

11) Transnational Natural Resource Governance, Sovereignty and Human Rights

Session type: Panel, cross-listed with the International Research Collaborative (IRC) on Natural Resource Governance, Inequality and Human Rights.

Room: Studio 4 (2nd floor)

Chair and Discussant: *Carmen Gonzalez* (Seattle)

Abstract: This panel explores the increasingly transnational nature of resource governance. It addresses the tensions that arise as 'global' norms manifest in 'local' sites and the global legal connections that organize the world-wide circulation and production of resources. The papers in this panel highlight the ways such transnational governance structures both reflect and reproduce global inequalities. They also investigate where different possibilities for resistance and the promotion of environmental and social justice might lie. This panel also addresses the contested contours of sovereignty over natural resources, from both a theoretical and more concrete perspective, highlighting the pertinent domestic governance struggles over resources in the Third World. The paper by Amaya Alvez tackles the current Chilean constitutional process from the perspective of the political participation of indigenous peoples, looking at the limits imposed by international norms such as ILO 169 Covenant and how it has been co-opted by private transnational interests. Julia Dehm examines how the ways in which we understand nature as a 'resource' is already the product of a specific epistemological paradigm and of particular modes of authority and of law. She suggests that in order to develop just and decolonial frameworks for 'natural resource governance' socio-legal scholars need to pay more attention to the role of law in

making 'nature' legible as a 'resource' and push towards more radical, pluralist, transnational ways of thinking about the legal organization of nature. Matias Guiloff's paper examines the Chilean water market case and offers theoretical observations about property rights over natural resources. He argues that the very existence and subsistence of such rights is grounded on property's social function, namely what is convenient for society at any given time. Michael Riegner examines the confluence and collision of local and global norms in discourses on forestry, climate change, and property rights through a socio-legal study of the internationally supported 'Terra Legal' program in Brazil. He shows how this project's effects differed from its intentions and uses this project to argue for the need to see development projects as sites of the 'everyday operation' of international law and as sites of global and local legal pluralism. In conclusion, the paper by Bruce M Wilson, and co-authors Camila Gianella, and Lara Côrtes, offers an analysis of water rights-related cases decided by Constitutional or Superior courts and their impact on the ability of marginalized people to protect their access to clean water in Latin America.

Participants: *Amaya Alvez Marin* (Concepción), *Julia Dehm* (Texas, Austin), *Matias Guiloff* (Diego Portales), *Michael Reigner Olivera* (Humboldt), *Bruce Wilson* (UCF)

Paper Titles:

**Alvez*, Sovereignty over Natural Resources in Chile: Indigenous Claims Neutralized through Judicialization;

**Dehm*, Pluralizing Transnational Resource Governance;

**Guiloff*, The Rehabilitation of Aquatic Ecosystems in Chile and its Implications for the Right to Private Property: Property as Social Function;

**Reigner*, Can Law Save the Forest? Legal Traces in the Brazilian Amazon - Localizing Global Norms in the 'Terra Legal' Reform Project;

**Wilson*, Litigating Water as a Human Right: An Effective Strategy in Latin America? (co-authored by *Lara Cortes*, CMI & *Camila Gianella*, Bergen)

12) Outlaws of International Law

Session type: Panel

Room: Studio 6 (2nd floor)

Chair: Rose Parfitt (Kent/Melbourne)

Discussant: Gerry Simpson (LSE)

Abstract: This session aims to consider a set of figures and actors at the margins of international law. We call them outlaws, even though international law purports to include them, by constituting them through its categories and regulating them accordingly. We look at pirates, migrants, incorrigible states, and criminal rebel groups. What they have in common is their elective affinities to the principles the international legal order holds dear. Indeed, they often exist at the borders of being recognised and protected, but then fall foul and are thus excluded and targeted. Their relationship to the international legal order is accordingly complicated and their inclusion serves the ultimate purpose of their exclusion.

Participants: *Ioannis Kalpouzos* (City), *Itamar Mann* (Georgetown Law), *Sherally Munshi* (Princeton)

Paper Titles:

**Kalpourzos*, Criminal Rebel Groups: Labelling-Punishing-Targeting;

**Mann*, The Universal Boatperson

**Munshi*, Exclusion and Empire

13) Foucault and the Politics of Rights

Session type: Author Meets Reader (AMR)

Room: Salon E (3rd floor)

Author: Ben Golder (UNSW)

Chair: Jonathan Simon (UC Berkeley)

Abstract: "Foucault and the Politics of Rights" (Stanford: Stanford University Press, 2015) focuses on Michel Foucault's late work on rights in order to address broader questions about the politics of rights in the contemporary era. As several commentators have observed, something quite remarkable happens in this late work. In his early career, Foucault had been a great critic of the liberal discourse of rights. Suddenly, from about 1976 onward, he makes increasing appeals to rights in his philosophical writings, political statements, interviews, and journalism. He not only defends their importance; he argues for rights new and as-yet-unrecognized. Does Foucault simply revise his former positions and endorse a liberal politics of rights? Ben Golder proposes an answer to this puzzle, which is that Foucault approaches rights in a spirit of creative and critical appropriation. He uses rights strategically for a range of political purposes that cannot be reduced to a simple endorsement of political liberalism. Golder develops this interpretation of Foucault's work while analyzing its shortcomings and relating it to the approaches taken by a series of current critical thinkers also engaged in considering the place of rights in contemporary politics, including Wendy Brown, Judith Butler, and Jacques Rancière, in the context of discussions about human rights, 'relational rights', the right to die and the death penalty.

Participants (readers): *Marianne Constable* (UC Berkeley); *Eve Darian-Smith* (UC Santa Barbara); *Martin Krygier* (UNSW); *George Pavlich* (Alberta)

14) Law and Time

Session type: Panel

Room: Balcony L (4th Floor)

Chair/Discussant: Renisa Mawani (UBC)

Abstract: Law and Time reflects on the various modes in which time--as history, as precedent, as "development," to name just a few--presents itself as a feature of the legal landscape. As a point of orientation, this feature is neither stable nor still, and for that reason it offers a compelling lens through which to view the way in which law confronts its limits.

Participants: *Jill Stauffer* (Haverford College), *Sara Kendall* (Kent), *Karl Shoemaker* (Wisconsin)

Paper Titles:

**Stauffer*, How Time Passes in Law;

**Kendall*, Humanitarian Complicity: Law, Time and the Politics of Rescue;
**Sboemaker*, Law and Time

Fri. 3/6: 2:45PM - 4:30PM

15) Vocabularies of Environmental Justice

Session type: Panel, cross-listed with the International Research Collaborative (IRC) on Natural Resource Governance, Inequality and Human Rights.

Room: Studio 4 (2nd floor)

Chair: *Karen Engle* (Texas, Austin)

Discussant: *Sumudu Atapattu* (Wisconsin)

Abstract: This panel analyzes international law's shaping of environmental justice claims. Papers trace how legal discourse enables or constrains the ability of particular actors to articulate grievance and demand redress, and authors participate in discourse contestation to enable integration of heretofore silenced voices and worldviews. By considering the enclosure of the biotic commons into enclaves of intellectual property, Chandra argues that a new ethics of sustainable development and scientific innovation is reframing the commons, with a resultant change in how law understands the moral economy of the commons. Kotsakis revisits the history and political economy of the Biodiversity Convention, imagining the different legal and political structures that could have materialized, and on this basis calls for a critical international environmental law that abandons the veneration of rules and institutions and engages instead with the political project of international environmental law. Natarajan considers the relationship between the growth of rights-based discourse, ever-expanding fossil-fuel dependency, and the systemic devaluation of the non-human, arguing that human rights is antithetical to environmental justice and constitutes a barrier to such justice claims being meaningfully heard or addressed by international law. Kukovec develops a conceptual understanding of law and governance as a constant (hierarchical) struggle among people. He counterpoises this understanding with ideas of ecological justice in order to develop new ways of thinking about the distributional impacts of law and the role of law in social change.

Participants: *Rajshree Chandra* (Delhi), *Andreas Kotsakis* (Oxford Brookes), *Damjan Kukovec* (Harvard), *Usha Natarajan* (AUC), *Matthew Nicholson* (Southampton),

Paper Titles:

**Chandra*, Old Tragedies, New Ethics: Reframing the Moral Economy of Commons;

**Kotsakis*, Towards a Global Political Economy of Environmental Conflict: Some Remarks from the History of Biodiversity

**Kukovec*, Hierarchies as Law and Global Governance

**Natarajan*, The Marriage of Human Rights and the Environment: From Mutual Convenience to Irreconcilable Differences;

**Nicholson*, Nature's Mourning: On the Language of Law and the Muteness of Nature.

16) International Law and Global Orders: Contested Practices and Identities

Session type: Panel.

Room: Studio 6 (2nd floor)

Chair/discussant: Jothie Rajah (American Bar Foundation)

Abstract: What are the politics of invoking, asserting, evading, and challenging the rule of law in specific places? The papers locate contestations about the rule of law in Egypt, Guantanamo Bay, The Philippines, Qatar, and East Germany within distinct context. Drawing upon a diverse array of approaches and sources, they allow us to reconsider the histories and politics behind claims about the rule of law.

Participants: *Barry Collins* (East London), *Safiyah Rochelle* (Carleton), *John Strawson* (East London), *Christiane Wilke* (Carleton)

Paper titles:

**Collins*, Self-determination and the Colonial Legacy in International Law

**Rochelle*, 13 Years of Solitude: (Re)Locating Law, Violence, and Resistance in Guantanamo Bay's Hunger Strikes;

**Wilke*, East of the Rule of Law: Spatialized Invocations of the Rule of Law in post-unification Germany;

**Strawson*, Colonizing Jihad: A Dangerous Occupation

Fri. 3/6: 4:45PM - 6:30PM

17) New Challenges in International Criminal Law and Transitional Justice

Session type: Panel.

Room: Studio 6 (2nd floor)

Chair & Discussant: *Sara Kendall* (Kent)

Abstract: This panel will look at legal, social and political issues that remain overlooked in scholarship on international criminal and transitional justice. Governments around the world continue to create tribunals and truth commissions to redress mass violence and prosecute perpetrators of abuse despite ample evidence of their limitations. There are growing concerns about whether or to what extent these bodies fulfill their ambitious mandates to aid victims and foster rule of law both domestically and internationally. The participants on this panel will address several of these concerns, including which types of violence reach the international justice agenda, how courts address the issue of incitement to violence, how victims of mass violence view international criminal courts, and the politics of creating truth commissions to redress state-sponsored violence.

Participants: *Stephen Cody* (UC, Berkeley), *Alex Koenig* (UC, Berkeley), *Zinaida Miller* (McGill), *Jamie Rowen* (UMass, Amherst), *Richard Ashby Wilson* (Connecticut)

Paper Titles:

**Miller*, Economic Rights, Crimes, and Wrongs: Revisiting the Critique of Transitional Justice;

**Wilson*, Propaganda On Trial: Expert Knowledge in the International Criminal Courtroom;

**Koenig* & *Cody*, Rethinking Procedural Justice: Victim Participation in International Criminal Trials;

**Dinsmore*, Seeking Truth in Times of Conflict and Transition: Gross and Systematic Violations at the American and European Human Rights Tribunals;

**Rowen*, Searching for Truth in the Transnational Justice Movement

Sat. 4/6: 8:15AM - 10:00AM

18) Praxis and the Global South

Session type: Roundtable.

Room: Studio 4 (2nd floor)

Chairs: *Usha Natarajan* (AUC)

Abstract: The global South characterises a condition brought about by various forces of history including colonialism, imperialism and capitalism. It describes a globalised relationship between the colonised and coloniser. An important aspect of the term global South is the recognition that there are multitudes of claims in various spaces. In particular, the possibility of a south in the North and a north in the South is important. Our roundtable, while taking stock of this complicated milieu, asks each participant to contemplate the significance of one or more of the texts identified below on their respective scholarship, and explore the various new vistas and opportunities for praxis in the global South.

Participants: *Tyler McCreary* (UBC), *Vasuki Nesiab* (NYU), *John Reynolds* (NUI Maynooth), *Adrian Smith* (Carleton), *Sujith Xavier* (Windsor)

19) Rule of Law Ethnographies

Session type: Panel.

Room: Studio 6 (2nd floor)

Chair: *Tamir Mustafa* (Simon Fraser)

Abstract: Like other preeminent political ideals in the world today, the rule of law encounters a tension between the overwhelmingly Euro-Atlantic histories, texts, and perspectives that inhere to its dominant usages, and the striking fluidity of its meanings and relationships with other ideals as it travels around the world. While rule-of-law orthodoxy insists upon fixity and certainty, demanding that the term be treated as if it were relatively unambiguous and settled in its meanings, attributes, and associations, wherever it goes, the rule of law seems to defy these expectations, being reshaped, reinvented and reimagined for multitudinous purposes.

Ethnography offers rich resources with which to examine the problems and paradoxes of 'the rule of law'. Through fine-grained studies of rule-of-law ideas and practices, we prise open the rule of law to understand how it has succeeded in transcending time and borders not by remaining impervious to contingency, but by attending to it; not by resisting encounters with hostile ideas, but by embracing them. In so doing, Rule of Law Ethnographies yokes the deeply reflective inquiries of ethnography to the politically potent complexities of this compound category: rule of law.

Participants: *Nick Cheesman* (ANU), *Jinee Lokaneeta* (Drew), *Mark Fatbi Massoud* (UC, Santa Cruz), *Jothie Rajab* (American Bar Foundation), *Jeffrey Sachs* (Simon Fraser)

Paper Titles:

**Cheesman*, Thinking and talking about the rule of law in hostile places

**Lokaneeta*, New Police Studies and the Art of Policing;

**Massoud*, Building an Islamic Rule of Law: Divided Legal cultures in Somalia, 1884-2014;

**Rajab*, Rule of Law Discourses: Abstractions and Silences in the WJP's Rule of Law Index;

**Sachs*, Technically Speaking: Law and Revolution in Contemporary Egypt

Sat. 4/6: 2:45PM - 4:30PM

20) Speaking Law's Home: Law, Language and Anthropology

Panel type: Roundtable

Room: Studio 6 (2nd floor)

Chair: *Genevieve Painter* (UC, Berkeley) and *Vanja Hamzić* (SOAS)

Abstract: This roundtable hosts a meeting of home law, and language. We aim to put the familiar and loquacious couples-law-language, law-place, language-home-into a three-way encounter. The legal technicality of 'jurisdiction' invites this conversation, as the word for determining 'the home' of a legal dispute emanates from the Latin *ius dicere*-to speak the law. Who or what speaks when law speaks, and who or what remains silent? How does the speech of law make some 'at home', 'settled' or 'at rest' and some 'in exile', 'homeless' or 'restless'? Does the law speak in multiple languages, and if so, are those languages mutually intelligible? Does translation across languages permit the law to become 'at home' elsewhere, or is translation proof of the jurisdictional line between the 'foreign' and the 'proper'? Who inhabits the law's language(s), and how and why? How does this speech migrate across scale (from 'local' to 'global') and across space (from one 'jurisdiction' to another)? What stories do ethnographies of law tell, and how? And, whose laws are speaking? What homes and habitations do such stories invoke, awake or revoke? Is it possible that stories about place generate the law (rather than the law's first speech describing an already known place of application)? What is happening when we hear stories about law, about others and about ourselves from the archives?

This roundtable invites academic encounters on legal homes, embodiments and practices of language that law can speak and understand. The roundtable attends to silences and mutisms that such linguistic acts can impose on real and imagined 'subjects' and 'objects' of law. Our goal is, also, to engage with both 'oral' and 'written' repositories of legal homecoming, in lives past and present. In doing so, we question our sensibilities towards practices of research that involve such repositories, especially with regards to the difference in semantics, syntax and semiotics encountered in storytelling, courtrooms, classrooms, archives and other homes of legality.

Participants: *Kirsten Anker* (McGill), *Jessica Hallenbeck* (UBC), *Justin Richland* (Chicago)

Sat. 4/6: 4:45PM - 6:30PM

21) Street Bureaucracies and the Everyday of the Global (Dis)Order

Session type: Panel.

Room: Studio 6 (2nd floor)

Chair: *Lina Buchely* (Icesi)

Discussant: *Tatiana Alfonso Sierra* (Wisconsin/Los Andes)

Abstract: This panel joins four legal ethnography studies that enquire about the collective and transnational construction of symbols and legal narratives, as well as the realities that such collective imaginaries materialize and their relationship with the street level bureaucracy. The role of law is analyzed by the daily operation of street level bureaucrats that define, while operating the law, the meaning of different public policies (indigenous rights, sexual and reproductive rights provision, justice administration, transport system). By different paths we are going to construct the meaning of the indeterminacy of law as a manifestation of the street level bureaucracies and the everyday of the global (dis)order.

Participants: *Lina Buchely* (Icesi), *Maria Victoria Castro* (del Norte), *Catalina del Pilar Mejia* (Los Andes/Libre), *Maria Cecilia Riegner Oliveria* (Catholic U Sao Paulo)

Paper Titles:

**Buchely & Castro*, Legal Geographies in the Contexts in the Colombian Urban Contexts: On the Reaction between Law, Space, and Power;

**Mejia*, The Justice (Des)order before the Boom; Urban Ethnicity, Multicultural Policy, and City: The case of the Uitoto Indigenous Council

**Oliveira*, Visual Cartographies of Poverty in Brazil – Securitizing the Poor through Social Street Level Bureaucracies

Sat. 4/6: 4:45PM - 6:30

22) The Legal Regulation of Structural Violence

Session type: Panel.

Room: Studio 4 (2nd floor)

Chair: *Usha Natarajan* (AUC)

Abstract: This session explores how structural tendencies that exist in law facilitate violence and exploitation. Through different issues and angles, the papers look at how law is quietly – and often unintentionally – framed and employed in ways that are conducive to various forms of exploitation. This session examines how accusations of illegality in one area distract attention from legalized plunder in others. Despite arguably good intentions, structural tendencies in law forego real challenges to, for example, the flow of resources from developing to developed countries and the continued privatization, financialization, and marketization of common goods. The key objective of this session is to bring to light the more obscure, but powerful and resistant, ways in which law upholds and reinforces forms of exploitation and violence. It is to shed light on the realm of functioning legality under the spectacular dysfunction of international law.

Participants: *Jason Beckett* (AUC), *Anna Chadwick* (EUI), *Ali Malik* (York)

Paper Titles:

**Beckett*, Love and Loathing: Distorted Images in the European Mirror;

**Chadwick*, Food and Financial Crisis and Speculative Excesses: Wither Regulation?;

**Malik*, Between Structural Violence and Everyday Resistance: Towards a Global Socio-legal Approach

**Saab*, Anthropogenic Hunger: Climate-Ready Seeds and the Pyramid of Assumptions in International Law.