



Ph.D. course University of Bergen
Wednesday 12 August – Friday 21 August 2020

EFFECTS OF LAWFARE

Courts and law as battlegrounds for social change

with the option on combining with a training in

HUMANITARIAN DIPLOMACY

and/or participation in the

FIRST ANNUAL GLOBAL LAW AND POLITICS CONVERGENT WORKSHOP



Venue: Bergen Global, Jekteviksbakken 31, Bergen, Norway

We experience an accelerating juridification and judicialisation of societies and politics. In all parts of the world and at all levels, from the global to the local, increasingly complex webs of legal norms and institutions regulate our societies and lives. Courts and law have become increasingly important as arenas for political struggles. Constitutional reforms and international treaties aim to transform social dynamics from above, among others through new and stronger protection of citizens' rights, while individuals and groups engage in legal mobilization from below to seek justice for their cause. In either case dense networks of international activists and experts are ready to engage with and aid local actors, creating a dense global network of actors, legal norms, and adjudicative institutions. In this context, it is urgent to better understand law as a political field. Does this turn to rights and law have a transformative potential? Does it provide institutional spaces for the voices of marginalized groups to be heard and tools that can provide political leverage? Or does it, rather demobilize and depoliticize struggles in ways that exacerbate unequal power-relations and marginalization dynamics? These are urgent issues on which there are deep disagreements in the literature. The course offers an introduction to the scholarly debates on the potential and limits of law as an instrument of social change, and opportunities to engage with some of the foremost scholar in the field, and international research projects currently seeking more compelling answers to these questions.

The course combines lectures specifically designed for the course with participation in the lectures & roundtables of **the Bergen Exchanges on Law & Social Transformation (BeEx2020)**. The overarching focus of the BeEx2020 is **Law & Inequality**, discussing strategic using of law to address inequalities in areas such as: **gender; migration, land, water, climate, health and knowledge systems**. There will also be sessions relating to **legalized struggles over democratic backlash**. The students attending the PhD course can sign up for a mentoring session with a relevant researcher participating in the Bergen Exchanges.

It is possible to combine the PhD course with the training in **Humanitarian Diplomacy** that runs in the afternoons of this year's Bergen Exchanges (**17-21 August**, description below).

There is also the option of participating in the **Global Law and Politics Convergent Workshop** and present your research design there (**15-16 August**, concept note below).

There is a relatively short compulsory reading list for the course. In addition, the students are required to compile an additional reading list of at least 500 pages (from the recommended reading list or and/or the **Humanitarian Diplomacy** course readings). The supplementary list should be submitted before the start of the course and is required to get the course credits.

Students will receive 3 ECTS if they:

- participate in the course (80% of seminars)
- submit a paper abstract (150-300 words) and an additional reading list a presentation of their own work (in the PhD course or at the **Convergent Workshop**).

Students are awarded an additional 7 ECTS if they submit a paper (at the level of a publishable journal article, 4,000-6,000 words). The paper can also be written in connection with the **Humanitarian Diplomacy** course. The paper must be submitted by 15 October 2020.

Postdoctoral researchers and MA level students will be accepted if space permits. The PhD course is free of charge and open to applicant from Norwegian and international institutions. Participants do, however, have to cover their own travel and accommodation costs.

Course leaders: **Siri Gloppen** (Univeristy of Bergen/UiB) and **César Rodriguez Garavito**

Course Coordinators: **Lara Cortes** and **Giedre Cassaite** (CMI/LawTransform)

Lecturers include (tbc*): **Michael McCann** (University of Washington/UW), **Jackie Dugard** (Wits University), **Namita Wahi** (CPR, India); **Daniel Brinks** (UT Austin), **Rachel Cichowski** (UW), **Jeff Staton** (Emory Univeristy); **Jeroen van der Sluis*** (UiB), **Fiona Shen-Bayh** (Willian and Mary Univeristy), **Sylvia Tamale** (Makerere University) **Antonio De Lauri** (CMI); **Michael Barnett** (George Wahshington University); **Jayna Kothary** (CLPR, India). **Sudhir Krishnaswamy** (National Law School of India); **Alicia Yamin** (Harvard University); **Rachel Sieder** (CIESAS, Mexico)

Effects of Lawfare

Courts and law as battlegrounds for social change

PhD course 12-21 August 2020

Wednesday 12 August: 9:00 – 16:00 (Registration, Coffee, from 8:30)

8:30 - 9:00	Arrival, registration, coffee & tea	
9:00 - 9:45	Welcome, introductions & course overview	Siri Gloppen
9:45 -10:15	Introducing Humanitarian Diplomacy	Antonio De Lauri
10:15 - 12:00	Introducing Lawfare: Concepts, approaches	Siri Gloppen
12:00 - 12:45	Lunch	
12:45 – 1400	Studying effects of lawfare - Introduction to research methods	Tbc*
14:00 - 14:15	Coffee & Tea Break	
14:15 - 15:15	Researching (in)equality effects of law: Social Rights	Jackie Dugard
15:15 - 15:30	Coffee & Tea Break	
15:30 -16:30	Researching (in)equality effects of law: Land & Indigenous Rights	Namita Wahi
	Social Event	

Thursday 13 August: 9:00 – 17:00 (Coffee, from 8:30)

8:30 - 9:00	coffee & tea	
9:00 - 12:00	Social & Legal mobilization Introduction to social movement theory and theories of legal mobilization	Michael McCann & César R. Garaivito
12:00- 12:45	Lunch	
12:45 - 14:00	What decides how judges rule? Introduction to judicial behavior research	Fiona Shen-Bayh*
14:00 - 14:15	Coffee & Tea Break	
14:15 –15:15	Researching litigation and effects of law	Michael McCann
15:15 –15:30	Coffee & Tea Break	
15:30 -16:30	Researching litigation and effects of law: climate change	César R. Garaivito

Friday 14 August: 9:00 – 17:00 (Coffee, from 8:30)

8:30 - 9:00	Coffee & Tea	
9:00 - 12:00	Discussion of student projects in groups	

12:00- 12:45	Lunch	
12:45–13:45	Critical evidence appraisal and research ethics	
13:45 – 15:45	Gendered effects of law; intersectionality	Rachel Sieder*
14:45 –15:00	Coffee & Tea Break	
15:00 –16:00	Researching effects of law: migration	Jeff Station & Dan Brinks
16:00 – 17:00	International legal mobilization	Rachel Cichowski
18:00 – 19:00	Global Law & Policy Lecture (public)	Tbc*
19:00 – 21:00	reception	

Sunday 16 August: Mountain Walk + Social Event

15:00 - 22:00	<p>Nature walk and informal social event (optional)</p> <p>If you want to join the mountain walk: meet at CMI at 3pm or at Fløibanen at 3:30. After taking the funicular the group will walk to Siri's house (Sølvberget 22) for an informal social gathering.</p> <p>NB! Remember to wear good shoes/boots and bring raingear!!!</p> <p>You can also come directly to Siri's house around 6pm. Bus 83 will bring you close. It leaves from Festplassen at 17:53. There will be a joint departure from Hotel Scandic Byparken at 17:40.</p>
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Monday 17 August - Friday 21 August the PhD course will follow the program for the **Bergen Exchanges on Law & Social Transformation**. For details on events, times and venues [see separate BeEx2020 program](#).

Those who participate in the **Humanitarian Diplomacy Course** will have additional lectures Monday 17 august to Friday 21 August 14:30 – 17:00 [see separate program](#).

Those who participate in the **Global Law and Politics Convergent Workshop** will have additional session on Saturday 15 and Sunday 16 August [see separate program](#).

There is a separate sign-up for the parallel **BeEx2020 Research Methods and Ethics Workshop** sessions in the afternoon of Wed19 August (unless you take part in the **Humanitarian Diplomacy Course** which runs at the same time)

It is possible to sign up for **Mentoring sessions**, which will take place in the afternoons during the BeEx2020, 17-21 August 14:30 – 19:00

Training in Humanitarian Diplomacy

Bergen, 17-21 August 14:30 – 17:00

With participation in the **2020 Bergen Exchanges on Law & Social Transformation**

Concept

Providing ongoing access to humanitarian aid in the context of conflict and complex emergencies has always been a major concern for policy makers and humanitarian actors. Thus, humanitarian negotiations have historically been conducted in situations of extreme insecurity and unstable political conditions to secure access, assistance and protection for civilians. The implicit, sometimes even hidden, practices of humanitarian negotiations led to the concept of humanitarian diplomacy (HD), which emerged in the early 2000s. HD is generally defined as persuading decision makers and opinion leaders to act at all times and in all circumstances in the interest of vulnerable people and with full respect for fundamental humanitarian principles. HD encompasses activities carried out by humanitarian actors to obtain the space from political and military authorities, within which they can function with integrity. These activities include, for example, arranging for the presence of humanitarian organizations in a given country, negotiating access to civilian populations in need of assistance and protection, monitoring assistance programs, promoting respect for international law and norms, and engaging in advocacy at a variety of levels in support of humanitarian goals. In this scenario, HD is understood as a means to reach the most vulnerable people. The commitment to “leave no one behind” has been a key feature of discussions on the Sustainable Development Goals (SDGs) and there is now a growing political consensus that operationalizing “leave no one behind” is the crucial element of the 2030 Agenda. However, a significant tension is embedded in HD. Diplomacy, for instance, is essentially about representation of one polity vis-a-vis another polity. Humanitarianism is about advocating for and helping people in need. Therefore, diplomacy is characterized by compromise and pragmatic dealings whereas the public image of humanitarian action is the opposite: it is about working for ideals and universal principles regardless the interests of specific political actors. How and at what costs is possible to reach the “most vulnerable” in complex emergencies? What diplomatic and practical tools can humanitarian organizations put forward in this task? To what extent are humanitarian principles (humanity, impartiality, neutrality, independence) negotiable?

Lectures

- 17 August: The Art of Diplomacy and the History of Humanitarian Diplomacy
- 18 August: Humanitarianism and Human Rights
- 19 August: The Politics of Humanitarian Negotiations and Diplomacy
- 20 August: Humanitarian Organizations and Frontline Negotiations
- 21 August: Independence and Neutrality in Humanitarian Work

Lecturers include: Antonio De Lauri (CMI), Michael Barnett (George Washington University), Costas Costantinou (University of Cyprus)

First Annual Global Law and Politics Convergent Workshop

Bergen, Norway 15 and 16 August 2020

Today the forces of legalization are proceeding at unparalleled rates around the globe. Domestic and international political and economic interactions are increasingly regulated through law; traditionally local norms and legal institutions are increasingly subjected and responding to global pressures; the most complex and vexing problems of the globe are being addressed, with varying degrees of success, through a hybrid of local and global law and legal processes. Our research methods, data collection practices, graduate training and collaborative networks must adapt to face the challenges presented by law in a global age. This workshop is part of a long-term project to develop and institutionalize convergent research communities spanning the disciplines of political science and law, and the subfields of comparative and international law.

This – our first annual – workshop brings people together to present work at the research design phase, in order to facilitate the convergence of ideas, approaches, expertise and technologies. In contrast to traditional conferences in which participants present nearly complete projects in more or less finished papers, here we intend to do two things: present early-stage projects for feedback and discussion; and present one or two fully completed projects that we believe to be excellent models of research design and innovation. The overall goal is to build networks and stimulate innovation and discovery across comparative and international law and politics through a series of annual events.

As a graduate student participating in the **Effects of Lawfare PhD Course**, you can apply to participate in the **Global Law and Politics Convergent Workshop** and present your research design there on **Saturday 15 August** instead of in the PhD course presentation session on Friday 14 August. This is particularly recommended for those who do their PhD in political science - or in law with an empirical or socio-legal approach.

Whether you present your research design in the **Convergent Workshop** or in a **PhD Course** session, you will present to a smaller group of students and faculty where you will have 10 minutes to present your research design followed by 20 minutes for discussion.