

LIMITED EDITION

Bergen Exchanges on Law & Social Transformation
17 - 21 AUGUST 2020

PROGRAM



(in)equality & law in times of crisis

GRIP * RCN * RAFTO * BCEPS * DISCRETION * GSU * FrittOrd

#BeEx2020 (in)equality & law in times of crisis what the pandemic has revealed, exacerbated and enabled

PROGRAM

Friday 14 August

15.00-16.30 (BeEx Webinar)

PluriLand: Conflict and Contestation in Plural Land Rights Regimes

Launch of new LawTransform project PluriLand which aims to develop a theory of land rights claiming in plural legal regimes through cross-regional investigation of conflicts over land affecting the land rights of vulnerable communities.

Moderated by **Rachel Sieder** (CIESAS/CMI). Panel: **Jackie Dugard** (University of Witwatersrand, Johannesburg), **Tatiana Alfonso** (ITAM, Mexico City), **Mekonnen Firew** (University of Missouri), **Namita Wahi** (Centre for Policy Research, New Delhi)

Monday 17 August:

15.00-16.00

Opening of the Bergen Exchanges 2020

Opening Keynote: Inequality & Law in Times of Crisis

by **Malcom Langford** (University of Oslo / LawTransform)

The COVID-19 pandemic has exposed, once again, the deep and persistent socio-economic inequalities in society. Across the world, marginalised and low-income groups have suffered the most from both infection transmission and the effects of lockdowns. In this lecture, Malcolm Langford will discuss the possibilities and limitations of using law to tackle inequality, with a focus on socio-economic rights and the current crisis. He will argue that while human rights law holds untapped potential, it will be the strategic framing and mobilisation of law by all actors that will shape and inflect the long-term impact of COVID-19 on inequality.

16:15 - 17:15

Democracy and Autocratization by Law

Across the world, we now see many regimes moving towards less democratic forms of rule. This is often done through legal means and also often by governments who have gained power through democratic elections. In this seminar we ask how law serves the purposes of autocratic backsliding rulers across regimes, and whether it also offers means of resistance. And to what extent and how has governments used legislation related to the Covid-19 to tighten their control?. In this seminar political scientists and legal scholars will

discuss central political developments that challenge law and politics to “speak across disciplines” in order to grapple with how political inequalities are exacerbated by the Covid-19 pandemic.

Roundtable moderated by **Lise Rakner** (University of Bergen/UiB)

With **Matthew Gichohi**,(UiB); **Eirik Holmøyvik** (UiB); **Marta Machado** (FGV Law School, Sao Paulo).

17:30 - 19:00

Urban inequality and securitization

This roundtable will critically engage and probe the relations between multiple forms of urban inequalities and securitization brought on by the pandemic, and ask: In what ways did the pandemic exacerbate, transform or abate already existing urban inequalities in highly unequal cities across the world? How are new technologies of surveillance, such as algorithmic governance, drone technology or facial recognition, related to urban inequalities? Beyond the state, what providers of security are present within global cities today? What are the possible roles of law and legal practice in relation to confronting urban inequalities in an age of security?

Roundtable moderated by **Bjørn Enge Bertelsen** (University of Bergen)

with **Randi Gressgård** (UiB), **Atreyee Sen** (University of Copenhagen), **Antonella Di Trani** (EHESS, Paris), **Tereza Østbø Kuldova** (OsloMet)

Global Research Program on Inequality (GRIP) event

Human Rights City series

Tuesday 18 August:

15:00 - 16:15 Researching Migration & Law

Lives of migrants and refugees are radically marked by law and its absence – they have far weaker and more precarious legal protections than citizens while being subject to harsher restrictions and controls. Increasing politicization of migration has further eroded legal protections, both at domestic and international level and harnessed the cruelty of the law, and the question of how refugees and migrants can be better protected in the current conditions is one of the big questions of our time. This roundtable will present research aiming to understanding the dynamics and impacts of the law as it relates to migrants and refugees – and possibly contribute to change. And we will discuss how the Covid19 pandemic affects their research - and conditions on the ground.

Roundtable with **Hakan Gurcan Sicakkan** (UiB), **Jeffrey Staton** (Emory University), **Jessica Schultz** (UiB) and **Edgar Cordova** (Ciesas, Mexico)

16.30-17.30 Water, Inequality and Rights

In 2010 the United Nations declared the right to water and sanitation as a Human Right. This was part of an effort to secure everyone access to sufficient water for basic consumption in a situation where water is increasingly scarce and commercialized and poor people need losing out in the competition. To what extent has this had effects on the ground. A LawTransform project on

Elevating water rights to human rights: has it strengthened poor people's claim for water has researched this and will present some findings
Roundtable chaired by **Malcolm Langford** (UiO) and **Bruce Wilson** (University of Central Florida) with **Daniel M. Brinks** (UT Austin); **Camila Gianella** (CMI), **Rebecca Shiel** (UCF); **Arkaja Singh** (Centre for Policy Research, Delhi) and **Inga Winkler** (Columbia University)

17.30-19.00 Protecting Children, Creating Citizens:

Participatory Child Protection Practice (BeEx Webinar)

Keynote by **Professor Katrin Kriz** (Emmanuel College, US).

Child participation is one of the core principles of the United Nations Convention on the Rights of the Child (CRC). The Convention asserts that children and young people have the right to freely express their views and that there is an obligation to listen to children's views and to facilitate their participation in all matters affecting them within their families, schools, public services, institutions, government policies and judicial procedures. Although the Convention on the Rights of the Child recently celebrated its 30th anniversary, there is still a way to go on securing children's right to participation. What does research tell us about what inhibits and promotes children's participation? And how can we ensure that the child's needs and preferences are emphasized in decision-making and policy processes?

Short presentations: Perspectives on children's right to participation: **Caroline** and **Mathilde** (Pro's at The Change Factory - Experts by Experience, Norway), **Marthe Sleire Engedahl** (UNICEF, Norway), **Marit Skivenes** (Professor at the University of Bergen, Discretion Director), **Katre Luhamaa** (University of Tartu).

UiB Centre for Research on Discretion and Paternalism (Discretion) event

Wednesday 19 August:

15:00 - 15:45

Gender, (in)Equality and the Law *via Zoom*

Keynote: by **Jayna Kothari** (Centre for Law & Policy Research)

This keynote critically discusses recent constitutional developments on gender (in)equality in India. In the last decade, the Indian Supreme Court has been seen as leading the path on gender equality with its progressive judgments. It broadened the interpretation of discrimination on the grounds of "sex" under to include not just discrimination on the basis of sex, but also on the basis of sexual orientation, gender identity and sex stereotypes. Despite these leaps, the lecture will argue that the jurisprudence of the Court has been selective by passing progressive judgments in cases where is no threat to the status quo. In situations where questions of women's equality are pitted against religious personal laws, or within institutions such as marriage and the family, the Court has not passed very progressive judgments or decisions are not made on the grounds of gender equality at all. The analysis points to a way forward for the Supreme Court to take on difficult questions if it is serious about gender equality.

Comments by **Liv Tønnessen** (CMI) (tbc*)

15:45 - 16:45

Researching intersectionality of gender, ability, class and caste

Women are created equal, but some women are more equal than others. Attention to gender and ways in which social inequalities are gendered have been emancipatory, in society and in research. The same is true for race, disability, and other markers of social inequality. But it is increasingly being acknowledged that we need to understand and acknowledge the ways in which these interact to create disadvantage within disadvantage. But how do we do this in practice in our research.

Roundtable with (tbc*) **Satang Nabaneh** (University of Pretoria); **Liv Tønnessen** (CMI); **Carmeliza Rosario** (UiB); **Jayna Kothari** (CLPR)

17.00-18.30

Knowledge inequalities and possibilities for decolonizing the academy (GRIP Roundtable)

Many recent works from across the globe—including the book *Epistemic Freedom in Africa* (2018), calls us to fundamentally re-think knowledge regimes, epistemic traditions and the nature of academic practice, including the institution of the university. Such discussions relate fundamentally to problematic colonial and postcolonial relations between the so-called South and the so-called North and critiques should be directed against long-standing, hegemonic understandings of (academic and other) knowledges and global academic hierarchies. This roundtable will critically engage and examine such calls for what we could call 'intellectual emancipation' or 'epistemological liberation', and ask: What can the nature of trans-continental research and academic partnerships be in light of such perspectives? What would a decolonization of the academy—or academic practice—involve? What are the possible roles of law and legal practice in relation to confronting global or local knowledge inequalities and, more generally, the horizon of decolonization?

Moderated by **Bjørn Enge Bertelsen** (University of Bergen)

Conversation with **Divine Fuh** (University of Cape Town), **Ernesto Seman** (UiB), **Temi Odumosu** (Malmö University), **Maria Paula Meneses** (University of Coimbra)

Global Research Program on Inequality (GRIP) event

Thursday 20 August:

15:00 - 16:00

Legal and Political determinants of sexual and reproductive health

- effects of lockdown

Health is politics, and sexual and reproductive health and rights are arguably most political of all. It is the subject of politics and severely affected by politics – from criminalization of abortion and same sex intimacy, to provisions for in-vitro fertilization and comprehensive sex education. In the context of the Covid-19 pandemic the political measures taken to deal with the pandemic, including closing of services and lockdowns, have affected groups differently, and in many societies gay, lesbian and trans- (LGBT) people are particularly vulnerable. This seminar present findings from a survey of the LGBT community in Mozambique concerning their experienced during the lockdown, as well as a perspective from Uganda

Roundtable moderated by **Siri Gloppen** (UiB) with **Carmeliza Rosario** (UiB); **Camila Gianella** (CMI) and **Adrian Juuko** (HRAPF).

16:30 - 17:30

Global Health & Inequality - the role of health research diplomacy

Inequalities in health - within and between societies – are closely linked to how we organize our societies and how resources are distributed. This seminar will discuss why it is important to research inequality in health – its drivers, dynamics and effects - as well as how this research can be made politically relevant – including in the context of the Covid-19 pandemic – for example when it comes to how vaccines are distributed.

Ole Frithjof Norheim (UiB/BCEPS) and **Alicia E. Yamin** (Harvard University/Partners in Health) in conversation with **Anja Ariansen** (UiB)
Bergen Centre on Ethics and Priority Setting (BCEPS) event

Friday 21 August:

15.00-15.45 Social Rights in Climate Lawfare - via Zoom

Keynote by César Rodríguez-Garavito (NYU School of Law)

As the climate crisis intensified and became acutely visible over the last few years, advocacy organizations are increasingly taking governments and corporations to court. Importantly, human rights actors, who had initially been slow to take on the climate emergency, have joined and boosted this trend and infused climate litigation with human rights norms, concepts and frames. This keynote lecture will explore the origins, legal innovations, conceptual challenges and practical impact of rights-based climate litigation around the world, with particular attention to cases based on socio-economic rights that tackle the deeply unequal impact of global warming on different populations and countries.

15.45-17.00

Science in Climate Litigation - Epistemic Communities at work

Epistemic communities is a term used by political scientist Peter Haas to describe networks of knowledge-based experts who enjoy social authority, and who attempt - and sometimes succeed - in having their ideas institutionalized within state policies and practices, including international treaties. In the context of the 1,587 climate change cases that have burgeoned worldwide, the role of epistemic communities is crucial: natural scientists help shape litigation by supporting lawyers and NGOs in understanding and mobilizing science for climate justice. But is the process that simple? How do these networks of knowledge work when science proves challenging, for instance to attribute specific climate effects to fossil fuel companies? Are courts becoming epistemic fora where international climate science is integrated in the legal reasoning through bottom-up pressure? Can climate science help expand traditionally anthropocentric concepts, such as human rights, to also encompass Nature and make Nature rights enforceable against companies?

Roundtable moderated by Siri Gloppen (UiB/LawTransform) with:

Randall Abate (Monmouth University), **Yann Robiou du Pont** (IDDRI), **Jeroen van der Sluijs** (UiB, tbc*) and **César Rodríguez-Garavito** (NYU School of Law)

17.00 Closing of the 2020 Bergen Exchanges