

The Feminism and International Law Interest Group of the  
European Society of International Law Event on the theme of:

# **Whose Global Public Goods, Global Commons and Fundamental Values?**

University of Naples Federico II, [Corso Umberto I, 40](#), Naples, Italy

6<sup>th</sup> September 2017, 2-5pm

Directions [here](#)

## Programme

### 14:00-14:55 - Panel 1: Economic and Social Justice and Queer Approaches

#### **‘Whose Global Economic Justice?’**

*Dr Ralph Wilde, Reader in Law, University College London (UCL)*

#### **‘Droit au logement et analyses féministes du droit: le cas des expulsions locatives en Amérique du Nord’**

*Professor Martin Gallié, Professor of Law, L'Université du Québec à Montréal (UQAM)*

#### **‘Homoglobalism: Global Gay Governance’**

*Professor. Aeyal M. Gross, Professor of Law, Tel-Aviv University*

### 15:00-15:45 - Panel 2: Feminist Approaches to the Environment and the Nonhuman-Animal

#### **‘Looking into the crystal ball: the future of environmental legal history in the case of conservation of marine biodiversity of areas beyond national jurisdiction’**

*Anna Aseeva, Centre d'Etudes Juridiques et Politiques (CEJEP) Université de La Rochelle/ and HEC Paris*

#### **‘Blind Spots of Global Animal Law: What Can Feminist Care Theory Teach Us?’**

*Dr. Charlotte Blattner, Queen's University, Kingston and Odile Ammann, University of Fribourg*

### 16:05-17:00 - Panel 3: Women's Representation and Transformative Potential

#### **‘Women's political representation as a fundamental value’**

*Patricia Rangel, Institute for Latin American Studies (LAI) at Freie Universität Berlin / Faculty of Philosophy, Languages and Literature, and Human Sciences (FFLCH) of the University of São Paulo*

#### **‘La lutte des femmes de la Turquie pour la paix et le droit international’**

*Hülya Dinçer, Université de Marmara, Turquie et Zeynep Kivilcim, Georg-August-Universität Göttingen, Germany*

#### **‘Women in terrorism, counter-terrorist and anti-terrorist strategies’**

*Carolina Jiménez Sánchez, Lecturer in Public International Law, Universidad de Málaga*

#### **Chairs:**

Dr. Loveday Hodson, Associate Professor, School of Law, University of Leicester

Emily Jones, Lecturer in Law, University of Essex

Dr. Troy Lavers, Associate Professor, School of Law, University of Leicester

Abstracts:

Abstract 1

**Dr Ralph Wilde**

### **Whose Global Economic justice?**

*‘are there obligations to ensure strangers are not hungry, poor, without access to the necessities of healthcare and education?’*

Margot Salomon and Ian Seiderman

What is the value of ideas of international human rights in the struggle against global poverty and economic inequality? This question is not new, but recently a new aspect to it has emerged: what contribution might international human rights law make, on the basis of an ‘extraterritorial’ orientation, as far as state obligations are concerned? Such an enquiry has been foregrounded by a major international initiative by experts and activists: the 2011 ‘Maastricht Principles on the Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights’ and its associated commentary. Drawing on a larger study, the presentation will offer a critical evaluation of this enquiry, applying an intersectional methodology drawing on critical, feminist and post-colonial ideas. Challenging the assumption that the application of human rights law in efforts to secure economic justice across borders is necessarily a valuable goal for activists to promote, the paper looks at who is involved in the Maastricht initiative, and whose interests are secured, and in what fashion, by the substantive legal regime as articulated by it. The above quote from Salomon and Seiderman—the former being one of the authors of the Maastricht commentary, both being signatories to the Maastricht Principles—illustrates key features of the initiative that will be evaluated. In the first place, the reference to ‘strangers’ reminds us how post-colonial ideas require a consideration of how the material position and personal perspective of those generating approaches such as the Maastricht initiative can feed into the substantive position taken on key matters, with implications corresponding to the divide between the economically privileged and economically disadvantaged parts of the world. In the second place, the gender split of the duo implicates feminist questions about who gets to participate in initiatives such as these, and what substantive effects the initiatives have on women. The paper will explore these and other critical questions, in the process offering broader observations about the role of human rights law in global activism.

**Professor Martin Gallié**

**Droit au logement et analyses féministes du droit :  
le cas des expulsions locatives en Amérique du Nord**

À partir des apports des travaux féministes et anti-racistes, qui questionnent le *droit au logement* sous l'angle des rapports sociaux de sexe et de race (Farah, 2002), cette proposition de communication souhaite contribuer à documenter les *causes* et les *conséquences* des expulsions locatives sur les femmes.

Selon les Nations unies, des dizaines de millions de personnes sont chaque année expulsées de leur logement, selon des procédures expéditives et en violation du droit au logement. Les travaux des rapporteur.es onusiens ont également déjà permis de souligner les *causes* et les *conséquences* spécifiques et dramatiques de ces expulsions sur les catégories sociales les plus vulnérables des sociétés, au premier rang desquelles les femmes, monoparentales, célibataires, autochtones, racisées et migrantes notamment (E/CN.4/2003/55, E/CN.4/2005/43, E/CN.4/2006/118). Parmi les *causes spécifiques* déjà identifiées on peut mentionner « les lois patriarcales », « les mentalités et les coutumes », les « violences conjugales » ou encore « la « financiarisation de la terre et du logement » qui participent à « marginaliser encore plus les femmes et réduit leur sécurité d'occupation » (A/HRC/25/54). En ce qui a trait aux *conséquences spécifiques* les rapporteur.es ont déjà eu l'occasion de relever que les femmes ne perdaient pas seulement leur logement mais également leurs moyens de subsistance, leur travail, la garde des enfants, leur famille et qu'elles étaient confrontés à des risques accrues de traumatismes physiques et psychologiques et des taux de mortalité supérieurs aux hommes (E/CN.4/2006/118).

Ce projet de communication souhaiterait contribuer à poursuivre cette réflexion à partir, notamment, des récents travaux réalisés en Amérique du Nord, et tout particulièrement aux États-Unis. Les données disponibles dans ce pays révèlent notamment que ce sont les femmes, au premier rang desquelles les femmes racisées des quartiers pauvres, qui sont les premières concernées par le phénomène des expulsions. Une récente et vaste étude conclut ainsi que les expulsions sont aux femmes racisées ce que l'incarcération est aux hommes racisés. « These twinned processes, eviction and incarceration, work together—black men are locked up while black women are locked out—to propagate economic disadvantage and social suffering in America's urban centers » (Desmond, 2012, p. 91)<sup>1</sup>.

Aussi, après avoir exposé les apports des travaux onusiens pour saisir le caractère sexué de l'expulsion de logement et la centralité du droit au logement pour l'exercice des droits (I), cette proposition de communication souhaiterait ensuite présenter les contributions des analyses féministes et anti-racistes du droit au logement (II).

Ces études permettent notamment de mettre en lumière les liens étroits entre le droit au logement et deux enjeux au cœur des revendications féministes et anti-racistes : les violences sexuelles (Deborah Zalesne, 1996-1997; Aric K. Short, 2008) et leur caractère racisé (Kate Sablosky Elengold, 2016) d'une part ; et d'autre part le caractère discriminatoire du droit (genre et raciste) des politiques publiques d'accès aux logements sociaux (Melissa A. Cohen, 2009; David W. Koeninger, 1996-1997) ou celles relatives aux allocations financières pour le logement (Madeline Howard, 2007).

Ces études offrent ainsi, nous semble-t-il, de précieux outils pour réfléchir sur l'articulation entre les revendications juridiques féministes et anti-racistes mais également pour tenter de penser le logement comme un « bien public » et non seulement privé (III).

**Professor. Aeyal M. Gross**

### **Homoglobalism: Global Gay Governance**

In 2016, the UN Human Rights Council appointed an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (SOGI), and the World Bank President announced the appointment of an advisor on SOGI. Both developments are part of a wider trend of global institutions beginning to engage with LGBTI issues.

In this paper, I identify and analyse these developments, arguing that we are witnessing an emerging phenomenon of ‘global gay governance’ (GGG). The institutional developments discussed are part of an emerging ‘homoglobalism’. The rise of homoglobalism cannot be detached from recent developments at the national level — the shifts from the depiction of the homosexual as a threat to the nation, to the notion of the homosexual as embedded in the nation, or of LGBT rights as *de rigeur* in the branding of states as liberal and democratic. Some of this process has been captured in the discussion of ‘homonationalism’. The changing relationship between LGBT rights and the state has given rise to complex questions about the appropriation of LGBT rights both internationally and domestically. However, the appropriations at the national and global levels can differ. While GGG is only in its infancy, it is already receiving concerted opposition. Many states oppose treating violence and discrimination on LGBT grounds as a human rights issue. Of course, there is also opposition at the national level. But at the global level, the opposition is interstate, rather than intrastate, and the political context is different.

Puar describes homonationalism as an analytic category deployed to understand and historicise how and why a nation’s status as ‘gay-friendly’ has become desirable in the first place, and posits that homonationalism ‘goes global’ as it undergirds US imperial structures through, in her words, ‘an embrace of a sexually progressive multiculturalism justifying foreign intervention’. The paper argues that the shifts by global institutions, as well as the associated activism by LGBT advocates, are not limited in their impact to the politicised use of LGBT rights by states. What I call GGG is not limited to, and quite different from, the global aspects of homonationalism described by Puar. The shifts discussed also change attitudes towards LGBT issues at the global level, a change that is advocated not only by global North states, but by some states from the global South, as well as by civil society activists. These shifts go beyond the politicised use of a state’s status or image as gay friendly, and its wish to vilify other states as homophobic or to justify intervention, even if these elements also exist. The gay governance framework I offer, and specifically the GGG framework, considers not only the changing attitude of the state to homosexuality, but also the growing participation of LGBT advocacy and ideas — and sometimes people — in governance itself. The paper argues that in assessing global gay governance there is a need to carry out a cost-benefit analysis that assesses the promise of advancing LGBT rights at the global level against the risk of co-option by global institutions for their own purposes.

**Anna Aseeva, Centre d'Etudes Juridiques et Politiques (CEJEP) Université de La Rochelle/  
and HEC Paris**

**'Looking into the crystal ball: the future of environmental legal history in the case of conservation of marine biodiversity of areas beyond national jurisdiction'**

In 2015, the United Nations Convention on the Law of the Sea (UNCLOS) members launched the consultative process on a new global agreement on the conservation and sustainable use of the marine biodiversity of areas beyond national jurisdiction (ABNJs). Despite its name, the red tape going through this UNCLOS agenda is a continuous commodification of nature, however sustainable it is presented. Leading economies and industries may seek to sustainably explore and exploit relevant natural resources for the welfare of (at least, some) humans. Nevertheless, those life forms that would be used as 'resources' would in a way be denied access to the resources that they might need for their welfare, and possibly, mere survival.

This paper generally aims at:

- (i) outlining and unpacking the multilayered legal space that currently and prospectively governs marine biodiversity of ABNJs, and
- (ii) mapping out the more discursive and narrative space that has impacted the legal mechanisms at play and that also dominates current consultations and future negotiations in the field.

The study discusses alternative visions of justice beyond present bifocal projects 'man-nature' in an attempt to move further the debate about the nexus between conservation and justice. While drafting this paper, some of such visions even become reality, as, for example, granting in March 2017 legal personhood to such non-human entities as rivers.

Another dynamic of the study is a kind of 'double movement': ie. expanding legal rights and thereby legal standing further to other forms of life, while simultaneously rolling back the frontiers of mainstream international law 'properly so-called'. On the one hand, historically, different 'forms of life', including that of slaves, women, children and foetuses were not always endowed with legal personhood and rights. Today, the discussion is about legal personhood of natural entities incorporated in our natural environment, such as for example various watercourses and their ecosystems. On the other hand, in modern international law, the project 'sovereign ownership-private property' currently dominates biodiversity, commons, and nature as a whole. As a legal and policy update, we as international lawyers should seek to develop a pluralistic vision and approaches to look and go beyond relevant ownership types: ie. how to depart from, or at least initially complement, private and sovereign ownership by management by traditional groups and societies, through 'limited' commons, to pure unregulated commons. That is, in order to leave the pattern of conquerors seeing nature through the prism of its resources and shift to a more humble paradigm of the 'locals' of the Earth preoccupied by the conservation of our common biodiversity, we should start thinking how to roll back the frontiers of sovereignty, private property, technology, and the Anthropocene – hence, maybe also the frontiers of contemporary international law.

**Dr. Charlotte Blattner, Queen's University, Kingston and Odile Ammann, University of Fribourg**

**‘Blind Spots of Global Animal Law: What Can Feminist Care Theory Teach Us?’**

Feminist approaches to law have long debunked and criticized biases of law, arguing that women “form the largest group whose interests remain unacknowledged in the structure of the state and its sovereignty.”<sup>1</sup> Besides denouncing sexism, feminist approaches have triggered a broader debate about discrimination and injustice through law, including towards animals. Feminist care theory<sup>2</sup> in particular, which criticizes traditional moral theories’ neglect for virtues traditionally associated with women,<sup>3</sup> points to a link between the subjugation of women and the human domination of animals, and challenges the masculine bias of these practices.

Despite the ongoing internationalization of animal law (often referred to as “global animal law”<sup>4</sup>), international legal scholars have not yet studied these processes through the feminist lens. Feminist theories of global animal law are warranted, however, since they can help explain some of its deficits and propose more viable future regulatory options.

In our paper, we examine the following questions:

- Can feminist care theory explain the absence of animal protection treaties (which contrasts with the abundance of international environmental law treaties)?
- Does androcentrism explain animals’ exclusion from the addressees of fundamental (legal) rights (e.g., the right to water or food)?
- Does feminist care theory make proposals that do not only de-androcentrize, but even de-anthropocentrize international law?

We expect that applying feminist care theory to global animal law offers valuable responses to these queries because 1) the theory questions features of contemporary international law that are based on traditional gendered views; 2) it links violence towards animals with violence towards women, and thereby provides tools to critically evaluate the institutionalized “globalization of animal cruelty”;<sup>5</sup> 3) it posits that feminized NGO-work that emerges from feelings of compassion and empathy<sup>6</sup> may make animals more visible on the international plane;<sup>7</sup> 4) it emphasizes sameness of humans and animals rather than their difference.<sup>8</sup>

<sup>1</sup> Hilary Charlesworth, *Feminists Critiques of International Law and Their Critics*, 13 THIRD WORLD LEGAL STUDIES 1, 3 (1995).

<sup>2</sup> A. JOSEPHINE DONOVAN & CAROL ADAMS, *THE FEMINIST CARE TRADITION OF ANIMAL ETHICS* (2007); CAROL J. ADAMS & JOSEPHINE DONOVAN, *ANIMALS & WOMEN: FEMINIST THEORETICAL EXPLORATIONS* (1995).

<sup>3</sup> Rosemarie Tong, *Feminist Ethics*, in *STANFORD ENCYCLOPEDIA OF PHILOSOPHY* (Edward N. Zalta ed., 2009), at 2.1.

<sup>4</sup> E.g., Anne Peters, *Global Animal Law: What It Is and Why We Need It*, 5 TEL 9 (2016)

<sup>5</sup> Steven White & Deborah Cao, Introduction: Animal Protection in an Interconnected World, in *ANIMAL LAW AND WELFARE: INTERNATIONAL PERSPECTIVES* 1, 2 (Deborah Cao & Steven White eds. 2016). <sup>6</sup> THOMAS G. KELCH, *GLOBALIZATION AND ANIMAL LAW: COMPARATIVE LAW, INTERNATIONAL LAW AND INTERNATIONAL TRADE* 71 (2011). <sup>7</sup> NGOs increasingly urge governments to protect animals and to bring animal welfare issues before international courts and tribunals See e.g., Appellate Body in Appellate Body Report, EC – Measures Prohibiting the Importation and Marketing of Seal Products, WTO Doc. WT/DS400/AB/R, WT/DS400/AB/R (adopted Jun. 18, 2014); Whaling in the Antarctic (Austl. v. Japan: N.Z. Intervening), Judgment, 2014 I.C.J. Rep. 2014 (March 31). <sup>8</sup> Maneesha Deckha, Vulnerability, Equality, and Animals, 27 CANADIAN JOURNAL OF WOMEN AND THE LAW 47 (201)

**Patricia Rangel, Institute for Latin American Studies (LAI) at Freie Universität Berlin / Faculty of Philosophy, Languages and Literature, and Human Sciences (FFLCH) of the University of São Paulo**

### **Women's political representation as a fundamental value**

This presentation introduces a research on the links between feminist movements and femocrats/ women's policy agencies (WPAs) in Argentina, Brazil and Chile. It focuses on the concept of "state feminism", commonly defined as the study of "the connection between women's movements, women's policy agencies and the state within a particular conceptual relation" (Scheidegger 2014). Most studies on state feminism have focused on post-industrial democracies, as the project conducted by the Research Network on Gender Politics and the State (RNGS). In the past few decades, however, an increasing institutionalization of women's movement actors can be noted in Argentina, Brazil and Chile, generating a community of experts who interact with the state.

This projects probes to each extent South American feminists, through interaction with women's policy agencies, have influenced institutional politics. It relocates a key two-fold question put forward by RNGS: "to what extent and why do WPAs bring about positive state responses to movement claims that expand women's representation?" (Mc Bride & Mazur 2010). I address this question empirically, employing an analytical model based on RNGS which is aware of Global South countries specificities. The variables are: women's movement impact (dependent variable); and women's policy agencies (independent variable).

I have selected 49 political debates concerning women's political representation. Each debate was tracked to determine how it reached the public agenda, how it was framed and whether or not it was gendered. Then I conducted documentary analysis, using a coding scheme to visualize features of those debates. I was able to trace the characteristics of WPAs and learned that the collected data contradicted a traditional hypothesis: "WPAs emerge to represent the voice of the women's movement within the state not only as the women's movement is fragmenting into a series of diverse groups and loosely aligned networks" (Squires 2008: 179). Brazil has a very vibrant and active feminist movement, and political gains were largely accomplished via women's policy agencies. Brazilian WPAs acted as allies in 81.8% of the cases. In Argentina, in 36.4% of the cases analyzed; and, in Chile, in 16.6%. The alliance between Argentinean and Chilean movement and femocrats seems to be less significant than in Brazil. Given these points, we argue that South American state feminist differs from dynamics observed in post-industrial democracies.



**Hülya Dinçer (Université de Marmara, Turquie) et Zeynep Kivilcim (Georg-August-Universität Göttingen, Germany)**

### **La lutte des femmes de la Turquie pour la paix et le droit international**

En Turquie, depuis la fin du processus de paix en 2015, 321 civils ont perdu leurs vies, des dizaines de milliers d'habitants ont été forcés à quitter leur logement lors des couvre-feux imposés entre Aout 2015 et Aout 2016 dans plusieurs villes kurdes de la Turquie dans le cadre des opérations contre le terrorisme. Parmi ces morts civiles figurent 79 enfants, 71 femmes et 30 personnes âgées plus de 60 ans. Les corps des décédés ont demeurés dans les rues pendant des jours, ont été conservés dans les frigos par des familles des défunts. Pendant ce processus, n'ayant pas pu quitter leur domicile dans des quartiers bloqués, les femmes ont majoritairement pris refuge avec leurs enfants dans les sous-sols des immeubles ou dans les granges. Outre le manque d'électricité, d'eau potable, de nourriture et de chauffage, les femmes ont aussi souffert des problèmes d'hygiène et de santé, dû au manque de services essentiels. Tout en se chargeant de l'organisation quotidienne de la famille, de la sécurité et de l'entretien des enfants et des vieux, d'autre part les femmes ont aussi régulièrement fait face aux harcèlements et menaces des forces de sécurité.

L'exposition en internet du corps nu d'une militante kurde accompagnée d'insultes sexistes a stimulé cette peur chez des femmes vivant sous les couvre-feux. Lorsque les femmes ont regagné leurs maisons, elles ont vu leurs chambres à coucher saccagées, leurs possessions pillées, leurs photos déchirées et garnies d'insultes sexistes, leurs sous-vêtements dispersés, les murs des maisons remplies d'écritures racistes et sexistes et même des condoms laissées au hasard. Après la levée des couvre-feux les vidéos ont été exposées au public montrant les insultes et les menaces subies par les enfants et les femmes civiles qui ont été forcés à enlever leurs vêtements lors de l'évacuation.

Plus récemment dans le cadre de l'état d'urgence instauré après la tentative de coup d'état plusieurs associations de femmes opérant dans la région kurde ont été fermées, les députés femmes kurdes, y compris la présidente du parti kurde HDP et les maires ont été arrêtés par force et demeurent toujours en détention. Les administrateurs nommés par le gouvernement à la place des maires élues par le peuple ont arrêté tout de suite les activités des centres de femmes les centres de refuge pour les femmes victimes de violence domestique.

Toutes ces attaques s'inscrivent dans le registre de violence d'Etat qui continue à cibler le corps et l'existence même des femmes d'une façon délibérée depuis les années 90 dans sa stratégie de guerre. La violence physique et symbolique contre les femmes pendant les derniers couvre-feux constitue en effet la facette actuelle de l'attaque destructive de l'Etat contre l'identité et la résistance des Kurdes. Contre cette violence Etatique, en Turquie les femmes continuent d'être les acteurs importants de la lutte pour la paix. La lutte des femmes pour la paix en Turquie a mis à son agenda à la fois l'exposée du caractère colonialiste de la violence masculine de l'état et la réclamation de la vérité et de la justice à la fois la lutte pour les droits fondamentaux tels que le droit à la langue maternelle et le droit à l'identité. Les femmes de la Turquie

Cette présentation vise à offrir une analyse de la violence colonialiste de la guerre en Turquie dirigée vers les corps féminins. Elle veut discuter la possibilité de l'utilisation des instruments établis par le droit international en vue de renforcer la lutte des femmes pour la paix en Turquie.

**Carolina Jiménez Sánchez, Lecturer in Public International Law, Universidad de Málaga**

**Women in terrorism, counter-terrorist and anti-terrorist strategies**

Women have always developed remarkable roles in traditional conflicts as combatants: from the ancient divinities to the latest technological armed forces. Also, they have performed all kind of positions inside militias, guerrilla or national liberation armies. Furthermore, girls compound the 40 per cent of child soldiers and they have been always considered as the largest and most vulnerable group of victims. But also in a minor proportion teenager girls have experienced conflict in some emancipatory ways. New armed conflicts have exacerbated gender roles inside armed groups. In the context of Islamist terrorism and Islamist armed groups, innovative types of female combatants have emerged as counter-insurgency under the flag of Women's Rights. International Community has given poor attention to this phenomena.

On the other hand, Boko Haram terrorism has focused on girl persecution in a renewed dramatic form: the use of weapon-girls as unintentional female suicide bombers after having been abducted and enslaved. On this scenario, new wars offer uncovered elements of analysis in two distinct directions. First, women as combatants in "Feminist struggle". Second, weapon-girls as the saddest face of the latest victims in armed conflicts.

A third variable refers to the need to implement a gender perspective in anti-terrorism strategies; they have been traditionally gender-blind policies to specific situation of women and girls. An example can be the UNSCR 2178 (2014) or the 2332 (2016). The Resolutions lacks of a gender perspective and a coherent approach, in conformity with the Women, Peace and Security agenda. In this sense, the UNSCR 2242 (2015) "Calls for the greater integration by Member States and the United Nations of their agendas on women, peace and security, counter-terrorism and countering-violent extremism which can be conducive to terrorism, requests the Counter-Terrorism Committee (CTC) and the Counter-Terrorism Committee Executive Directorate (CTED) to integrate gender as a cross-cutting issue throughout the activities within their respective mandates".

The paper will examine what is the role of women in terrorism, counter-terrorist and anti-terrorist strategies, and whether the national and international strategies are being coherent or not with the women, peace and security agenda.