Panels

International Conference of the Commission on Legal Pluralism and

The Maxwell School of Citizenship & Public Affairs at Syracuse University

Citizenship, Legal Pluralism and Governance in the Age of Globalization

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1. *Between Hegemony and Resistance: The Twists and Turns of Environmental Democratization in America*

Panel Coordinators: *Patricia Urteaga and Cecilia Roa*

In the last decades, together with the rise of extractive industries in America we have witnessed the use of multiple mechanisms for participation in decision-making processes regarding extractivism. On one hand, these mechanisms usually point to the local necessity of keeping some control upon the consequences of global extractivism in local environments. On the other hand, experiences abound on the institutionalization and the cooptation of these mechanisms to guarantee hegemonic development of extractive projects. Some researchers warned these mechanisms respond to what is called multicultural neoliberalism (Assies 2000, Hale 2002), while others see them as potentially liberating (Santos 1995, Allier 2004).

In this panel, we explore so- called "participation" mechanisms that are being used in Latin America and North America, such as the prior consultation, popular consultation, land development plans, public audiences, town hall meetings, and mechanisms through which extractive projects are scrutinized from the perspective of environmental democratization. The goal is to analyze, whether and in what ways these mechanisms contribute to effective environmental democratization and to identify those factors that influence the outcomes.

2. *Challenges to Intercultural Coordination: A View from Cajamarca, Peru*

Panel Coordinators: *Jorge Fernando Bazán Cérdan and John Gitlitz*

This panel will discuss the efforts to enhance coordination between indigenous/peasant justice systems and the state in Peru. The Peruvian Constitution of 1993 recognizes the right of peasant and indigenous communities to administer justice according to their customary law, with the support of the Rondas Campesinas (peasant patrols) under the condition that the Rondas maintain respect for human rights. Ever since 1993, there have been contentious issues over deciding whether the rondas have the same rights to jurisdiction, who has the right to adjudicate potential disputes, and using what criteria to decide whether rights have been violated. In 2009 the Peruvian Supreme Court extended a broadly defined special jurisdiction to the Rondas, yet the ultimate decision as to whether human rights had been violated remained with the State courts, while laid out criteria for determining specific cases. Problems remain. Not all *ronderos* accept the right of the courts to intervene; nor do all lower court judges accept the rondas' right to a special jurisdiction. *Ronderos* continue to assert complaints with respect to the judiciary's administration of justice (and its accusations against the peasants); judges respond with their own complaints about the rondas and their alleged abuses. Panelists will address barriers to coordination between the two, both theoretically and with reference to concrete problems, from the point of the view of the rondas and/or the courts, suggesting where possible avenues for improvement.

3. Citizenship and Customary Law in Africa

Panel Coordinator: *Enyinna S. Nwauche*

As Africa urbanizes and is increasingly a part of the globalized world, it is important to interrogate the relationship between citizenship rights and sub-national identity constructs such as customary law, which has developed on the premise of recognizing the normative orders of communities organized by consanguinity. Citizenship and its liberal entitlements such as the freedom of association and movement suggest a change to the immutability of customary law as personal law and new ways of thinking about membership of communities— and even of the nature of communities. How are we to identify communities in our postmodern world? Should we recognize the normative orders of communities organized around social facts other than consanguinity? What would these facts be? Would diaspora faith language and geographical contiguity qualify? Can citizens appropriate and/or opt out of their customary law similar to the way transnational law recognizes the change of domicile? Can the relationship between citizenship and customary law enable us to rethink customary law from being an essentially immutable traditional patriarchy to a living law reflecting notions of equality, community, equity, fairness, rights and responsibilities for all those who feel obligated to it.

This panel welcomes case studies, comments and reflection on the broad themes sketched above within the domains of faith; language; inheritance; marriage; chieftaincy; kinship; property; identity; and indigeneity as examples.

4. Decentralised Governance and Legal Pluralism

Panel Coordinator: *PP Balan*

Justice is crucial for good governance. A functioning justice system is not only an indicator of development but it is also an outcome. Access to justice is not only central to the realization of constitutionally guaranteed rights, but also to broader goals of development and poverty reduction. Denying access to justice has led to a mushrooming of parallel judicial systems, such as religious courts, revolutionary councils, etc. The preference for using such non-state, at times even anti-state, systems reflects more a weakness of the formal justice system than satisfaction

with the informal justice systems— this choice is based on the availability rather than quality of the goods/services provided. These non-state informal systems also have their problems with accessibility, impartiality, independence and accountability. As with the formal system, poverty and weak governance limit access to such systems. It is imbued with social norms and values of the dominant patriarchal culture that perpetuates discrimination against women, marginalized groups and the poor.

Legal Pluralism is taken from an anthropological or sociological point of view. This is the most obvious theoretical framework to interpret the broad variety of approaches to achieving justice outside the conventional state-administered systems. In a decentralized government all formal and informal justice systems should be brought under one umbrella for ensuring cost effectiveness, acceptance and accessibility.

5. *Governing Plural Societies: Religiously and Culturally Sensitive (In)justice*
Panel Coordinator: *Federica Sona*

In the contemporary socio-legal arena, the discourse on access to justice is characterized by a dichotomy. Whilst state legal systems may increasingly promote ADR mechanisms (in some specific areas of law) and carefully consult religious/cultural experts in legal proceedings; concern and anxiety are voiced when groups engage in "customized and privatized" (informal) justice processes. Complex dynamics indeed emerge at the intersection between state laws and religious/cultural-compliant legal orders.

Given the relevance of the phenomenon on a global-glocal scale, the panel aims to
- Ascertain various models of ad hoc religiously/culturally sensitive approaches to justice;
- Identify the legal/social actors and give voice to the parties' needs, claims, expectations and power relations;
- Investigate the relationships between state and non-state actors, as well as amongst religious/cultural-compliant alternative fora;

- Examine the advantages and disadvantages of personal laws and competing/ concurrent/parallel/separate/alternative/facilitative procedures in the accommodation or "exceptionalisation" of religious/ethnic groups;

- Explore the effects of the (violation of) rights descending from the culturalization-religiosification of citizenship in the domestic, international and transnational scenario;

- Discuss whether official authorities should further outsource justice mechanisms and favor personal agency, or, at the opposite, whether alternative fora and cultural/ religious experts are to be made redundant;

- Compare different models of (in)effective intercultural dialogues, as enacted by ethnic/ religious/migrant communities and/or official legal systems.

Papers addressing these issues and related themes are welcomed.

6. *Indigenous Law and State Law in Canada: Is Cooperative Legal Pluralism Possible?*
Panel Coordinator: *Ghislain Otis*

In Canada, indigenous and non-indigenous laws have long coexisted and interacted without any general system of coordination. Generally, this has been due to the state's indifference or hostility toward indigenous laws. Today, however, the recognition of indigenous legal traditions and systems is increasingly described in political, legal and academic discourse as a necessary step towards some degree of decolonisation. Knowledge about indigenous legal systems and about viable models for a new relationship between such systems and state law remains underdeveloped. This panel will present the results of ongoing collaborative research conducted jointly by indigenous and non-indigenous experts on some indigenous legal traditions in Canada and on new cooperative approaches to the management of legal pluralism. It will also include reference to comparative research on the South Pacific experience.

The papers will present methodological innovations for the ascertainment of indigenous laws; the current state of some indigenous legal systems in areas such as family law, justice and land law; and the development of mechanisms for a more effective dialogue between indigenous and western laws.

7. *Legal Pluralism and Plural Governance in War-Torn Societies*

Panel Coordinator: *Markus Weilenmann*

When it comes to matters of legal pluralism and plural governance, many legal anthropological and ethno-political enquiries challenge state centric approaches by insisting on the limited capacities of the political central power to penetrate the social, legal and political relationships in society. Rightly, they point to the unintended consequences that hierarchical normative and political orderings may provoke in society as processes of power formation do not usually automatically lead to the dissolution of former legal regulations, but rather to a regrouping of formerly valid and often convoluted concepts of order and disorder. Frequent therefore are political and legal struggles over the validity and legitimacy of imposed frameworks.

However, there is a striking risk that such authority and power related approaches lose sight of the traumatic consequences, such as ethnic clashes, widespread massacres, torture or other cruel forms of ill-treatment, which might negatively impact the community living together possibly damage societal relationships for generations, regardless of who the offenders are. Deep-rooting social mistrust, close nexuses between political rumours, uncontrolled fears and paranoid interpretations quickly lead to an almost complete deterioration of social cohesion. The Great Lakes Region in Central-East Africa— especially the ongoing and multi-layered wars in the Central African Republic, in Eastern DRC or South Sudan as well as the renewed political and legal decomposition of Burundi— provide good examples for the persistence and the impact and manipulation of such problematic and highly common psychic profiles. In war-torn societies, legal pluralism and plural governance express existential problems of social cohesion; and they might become important triggers for new and traumatic life experiences, which are often related to remembered but unsolved crises in the past.

With this panel, I would like to address such questions and focus on how legal pluralism and plural governance in war-torn societies may shape issues of political legitimacy and the strengthening or weakening of political institutions; welcomed are also papers which address the promulgation of extremely narrow containers of identity in order to cash on experiences of the traumatising past; a further issue concerns the promotion of human rights by competing actor groups in highly fragmented and often violent communities.

8. Legal Pluralism and Challenges for Family Law Governance in Muslim Majority Countries

Panel Coordinator: *Stijn van Huis and Theresia Diya Wirastri*

All over the world non-state mechanisms exist in the realm of family law, reflecting the existing religious and cultural diversity. Proponents of narrow state regulation argue that non-state mechanisms can be a welcome addition to state governance of family law. Others oppose a prominent role for customary and religious mechanisms, as they fear those will challenge statutory rights of individual members - especially rights on equality. This debate is especially manifest in Muslim majority countries, as state regulation and interpretations of Muslim family law are prone to challenging views.

Even in a situation of exclusive state regulation of family law, customary and religious mechanisms may continue to operate, which may result in practices of unregistered marriages and out-of-court divorces. Government institutions may show leniency towards such practices and recognize its full or particular legal consequences: for instance, when an underage marriage is registered, or when in case of an unregistered religious marriage the court puts an obligation upon a father to pay child support. The consequences of such leniency can be paradoxical: it grants rights to individual women and their children, but at the same time it maintains a normative system which challenges basic statutory family law provisions aimed at protecting women and children in general.

Participants in this panel will address the challenges that legal pluralism pose for family law governance in Muslim countries; the ways in which government institutions, communities, minorities, and/or individuals deal with those challenges; and the consequences this has for family law governance and individual rights of citizens. The panel aims at increasing our knowledge about how in family law matters, normative systems interact and how this interlegality affects family law governance.

9. Legal Pluralism and Indigenous Perspectives

Panel Coordinator: *Christine Zuni Cruz*

Presenters: *Christine Zuni Cruz, Christine Black, and Val Napoleon*

In dialogue, this panel will explore the existence of foundational indigenous legal tradition, its current interaction with dominant nation-state legal tradition, and the shadow cast by each on the other. The "shadow" can be analyzed at an institutional or organizational, a personal, or a collective level. Indigenous peoples possess a legal tradition that is foundational to an indigenous identity. It is rooted in oral tradition and narratives, land, language, and philosophy. Nation state laws typically emerge from a different legal tradition. If not outright hostile to the indigenous legal tradition, nation states are, for the most part, indifferent, and lack a frame to grasp the indigenous legal tradition. To function, as well as to preserve their identity, legal tradition, and lands, indigenous peoples must interact, adapt, conform to, and in some instances, adopt the dominant legal tradition. When legal pluralism exists but is unrecognized or where existing diverse legal traditions are treated unequally, this challenges the maintenance of a living indigenous legal tradition. The ability to simultaneously represent, describe, and pass on law within a vibrant indigenous knowledge frame is essential. What is the impact of this rigid interaction of dominant legal tradition with the foundational legal tradition of indigenous peoples? What are the shadows of law cast by each on the other? How do indigenous peoples perceive this shadowing effect and in what creative ways are they responding?

10. Legal Pluralism and the Practice of Human Rights

Panel Coordinator: *Giselle Corradi*

The relationship between human rights and legal pluralism can and has been investigated from different angles. A common entry point to this field is to examine the connection between legal pluralism and human rights *law*. These studies analyse the links between international standards and the substantive or procedural norms of non-state legal orders, reflecting on areas of tension and overlap. In addition, these studies enquire into the effects of particular state policies on non-

state law and disputing forums in terms of advancing or constraining the protection and implementation of human rights.

This panel adopts another perspective, focusing on the interplay between legal pluralism and human rights *practice*. The panel is concerned with how the social life of human rights, i.e. the ways in which human rights are mobilised in concrete struggles, informs and is informed by multiple registers of law. The panel welcomes papers exploring how human rights discourse and practice acquire meaning in contexts of legal pluralism, and in turn influence interactions that are subject to regulation by more than one body of law.

Papers may address questions such as: how are practices and discourses on human rights influenced by plural legal orders? How are plural legal orders in turn shaped by ideas of human rights? What are the consequences thereof?

11. Legal Pluralism as an Answer to International Law's Lack of Legitimacy
Panel Coordinator: *Vincent Dalpé*
Presenters: *Vincent Dalpé, Cassandra Steer, Pierre-Alexandre Cardinal and Olivier Barsalou*

International law is intrinsically pluralistic. Its normative corpus is intended to rule the world's different states and peoples. As such, these rules are intended to find their echo throughout the world's various cultures. They are intended to appeal to a number of values common to most nations, gaining sufficient legitimacy for men to comply with its injunctions. However, international law is unfortunately known for the gap between its aspirations and reality. Its injunctions have a poor record of compliance. And this is especially the case in countries of the global south, where values and legal traditions may operate on the basis of different paradigms. In such cases, it seems, international law fails to find its echo. Its message, which is largely derived from Eurocentric thought, fails to resonate with foreign cultures and to establish itself as truly legitimate on the global scale. While international law's poor record of compliance may be attributed to a number of different factors, we assert that this cultural divide plays a key role in this issue.

This panel will argue that legal pluralism can inform our understanding of international law so as to improve its legitimacy on the global scale. From different perspectives, we will claim that legal pluralism, which to this date remains marginal in international legal scholarship, comports a number of answers to international law's recurrent lack of legitimacy. The discussion will begin with the contentious project of international criminal law, and will subsequently move to international adjudication.

12. Legal Status and Identity

Panel Coordinator: *Jennifer Corrin*

Where different rights and obligations are conferred on different members of society by law the 'qualifications' for membership of a particular group are obviously important. Unfortunately, guidance does not always exist and, where it does, it is not always clear. Where more than one legal system applies to the situation in question, the position may be even more complex, as different legal systems may determine the question in different ways. Belonging may be regarded, for example, as a matter of descent, domicile or of allegiance to a philosophy. What appears on its face to be a simple question of definition, on further examination, is exposed as a matter of some complexity, typical of the issues thrown up by legal pluralism. Is identity a question of self- selection or something to be determined by the state or by individual sub-groups? What happens when legal status and cultural identity are misaligned? May an individual belong to more than one group? The political relevance of being an 'insider' or an 'outsider' and increases in migration, displacement and statelessness makes answers to these questions all the more pressing.

13. Livelihood, Indigenous People's Rights to Forest and Social Inclusion: Generating and Practicing Sustainability Science to Support the Delivery of Sustainable Development Goals

Panel Coordinators: *Helmi and Shyama Prasad Rout*

The life system on earth consists of eco and social systems that influence the division of scientific fields into the natural and social sciences. Both systems are interacting with each other and creating complex problems of sustainable development. These complex problems arise from driving forces within the social system that consist of economic, institutional, social and cultural issues. They operate in the context of property rights, laws, and trade incentives. In a number of cases the outcome of such complex interactions has been the exclusion of indigenous people and the decline in their livelihood. Given the complexities and interdisciplinary nature of sustainable development problems, of course, innovative solutions could not be formulated based on natural or social science separately. There have been failures in responding to sustainable development problems significantly in the past partly due to the inability to bridge social and natural sciences in generating integrated knowledge and formulating innovative solutions to sustainable development problems. Efforts to respond to this failure require the development of a new science discipline that is called sustainability science. There is a need to generate and practice sustainability science in order to promote: social inclusion; an improvement in livelihood for poor and marginalized groups; and indigenous peoples' right to forest.

In this context, this panel posted the following questions: what are the important conceptual bases to bridge the social and natural sciences to produce knowledge and innovative solutions to sustainable development problems? What will be the framework to generate sustainability science (especially those related to livelihood improvement, indigenous people rights to forest, and social inclusion)? How would the sustainability science be effectively implemented in the field (at community level) in the context of delivering SDGs? Researchers and practitioners are invited to share the results of their works and experiences in order to help advance sustainability science to support the delivery of Sustainable Development Goals.

14. *Natural Resource Conservation: Customary Tribal Law and State Law in Afro-Asian Nations*

Panel Coordinator: *Premananda Panda*

Different nations have introduced natural resource conservation laws at different points in time. In certain federal nations, a few constitutional mandates empowered the state government and the central governments to 'manage' these natural resources. However, in response to the agitations and contestations raised from non-governmental and grassroots organizations, the concerned nations have administered amendments. The traditional concept of property of the commons and sharing of resources by indigenous ethnic groups across generations have not been understood as a result the infringement of national law often perceived as an instrument of exploitation, which generates conflict between the state and its societies. Thus these interest groups and the state fight over issues of conservation and the use of resources such as water, forest and land. This often poses challenges to the constitutional rights of people such as PESA and FRA of India and Common law and indigenous customary law of South Africa. Unequal negotiation in the matter of natural resource conservation and use put indigenous communities at the receiving ends, which paves the way for resource exploitation.

With a changing global economy, many nations have invited global players and faced challenges based on issues related to the use and conservation of natural resources. This situation has grown in the post liberal economy, in which the state takes the role of a mediator between its citizens and the corporate houses interested in resources exploitation. The state's tendency to favor these corporate houses over other interests leads to marginalization of the natives, begetting crises of political instability and resource scarcity.

15. *New Theoretical Developments in Legal Pluralism*
Panel Coordinators: *Melanie G. Wiber and Keebet von Benda-Beckmann*

This panel will explore how legal pluralism theory is engaging with or challenging other theoretical developments from law and/or the social sciences. The organizers welcome papers on any theoretical influences that flow into legal pluralism, or ideas from legal pluralism that have influenced/challenged other strands of social theory.

Papers may be theoretical, methodological or both. Theoretical contributions or challenges may come from (but not be restricted to):

1) theoretical constructs such as Global Legal Pluralism, Actor Network Theory, Risk Society and cosmopolitanism, rational choice, ecological resilience/socio-ecological systems, or theories pertaining to gender, development, or property; and

2) themes or social issues such as globalization, (de)construction of the state, natural resource management, neoliberalism, soft law and market regulation, international and transnational law including religious law, conflict resolution, aboriginal and post-conflict reconciliation, migration and refugee analysis and more.

Methodological problems may include temporal, spatial and scalar issues such as the interaction of legal and quasi-legal systems across territorial borders, as well as power, and the challenges of participatory action research. Other methodological issues may relate to the question of the end goal of legal pluralism research – can our work contribute to state policy and institutional design, or do instrumental approaches only strengthen technocratic solutions that enhance the power of one legal system against another?

The aim of the panel is to query the relevance of numerous theoretical developments to understanding legal pluralism, and/or to assess how legal pluralism is challenging other theoretical models. Panel papers may be included in a proposed special issue for the Journal of Legal Pluralism.

16. Non-State Laws, Religion, and Gender

Panel Coordinator: *Mengia H. Tschalär and Latif Tas*
Presenters**:** *Mengia H. Tschalär, Latif Tas, and Gopika Solanki*

Justice systems around the world are not immune to gender, sexual, racial, and economic stereotyping. Therefore, litigants placed at the margins of society often draw on legal authorities that are not a part of the formal legal system. However, these non-state law practices have the potential to discriminate on the basis of gender as well. All too often, the relation between non-state law– secular and religion-based law– and gender justice is reduced to one of conflict between misogynist values/practices and the classic liberal tradition of equality. The continuing controversy has been on polemic and ideological positions but it often falls short on facts. As a

result, we know very little about the attitudes of community leaders, religious officials, social workers, and women's rights activists towards non-state law, and their everyday struggles for gender justice in the area of family law. This panel invites scholars and researchers from all disciplines who examine processes by which ideas around secularism, religion, and women's rights are interpreted in a variety of socio-legal settings, and the manner in which they are relevant to the everyday lives of local communities.

17. Pluralism in Governance: Global Challenges, Failures and Success Stories

Panel Coordinator: *Christa Rautenbach*

Traditional leadership and authority is an institution found in many African jurisdictions; coexisting, and often, in conflict with a governance system based on Western values and principles. Traditional leadership is an institution that governs, inclusive of the authority or power to rule. It is grounded in the belief that the power of a traditional leader to rule was from time immemorial informed and maintained by the ancestors. The general viewpoint is that traditional leadership does not fall within the modern understanding of 'government' but it definitely shares some of its features: being an organised form of organised government; the existence of 'a people', a territory, independence and a legal system.

In spite of commonalities between the 'governing' of traditional and modern 'governments' co-existing in one legal order, there are important differences between how modern and traditional governments conduct their business. A modern government generally accepts the constitution of a country as supreme law binding and directing all organs of state, adherence to the rule of law, and separation between the three arms of government; the legislative, the executive and an independent judiciary. In contrast, a traditional leader's reign is guided by living customary law. He embodies the executive, the legislative and the judiciary. His position is usually acquired through the operation of the rules of kinship, and he is rarely elected by the people in his community.

The plurality of governance systems in one legal order certainly has its challenges and there are many stories to be told. The aim of this panel is thus to map out the complicated, varied and

ever-developing specifics of how traditional leadership functions in the wider democratic society, or more specifically how traditional authority fits into the decentralised governance structures of global jurisdictions.

18. Science and Technology Studies in Legal Pluralism
Panel Coordinators: *Bertram Turner and Melanie Wiber*

While science and the law are often mutually reinforced in the West, scientific and technological change is currently challenging legal orders and legal institutions on a broad front. New non-governmental institutions are increasingly involved in regulatory processes. Yet normative processes have their own inherent logics and materiality, which together with the social, political, religious and economic issues provide both strong resistance and some vulnerabilities to technocratic change. This panel aims to further explore the concept of Legal Pluralism (LP) as an analytical tool in the field of Science and Technology Studies (STS). Currently, the study of law and STS (L-STS) concentrates primarily on the law of the state and institutions of global governance. A more sophisticated look at complex legal configurations is needed. The panel seeks empirical and theoretical contributions as to the ways that law, science, and technology intersect in plural legal configurations and how they are linked with processes of law production at various scales. Differentiated global spaces are interconnected through law and science and technology co-production, as when mutually reinforcing technology and law are exported into the developing world. New models of order in health, food safety, energy, security, environmental sustainability, communication and transport rely heavily on western science and technology as well as on imported legal concepts in the setup of global standards.

We invite topics across a broad range of interests:

Development; land, ocean and water management; food safety; security and territorial control; risk; policing, forensics; mapping (zoning, urban deregulation); technologies of knowledge transfer, knowledge co-production; quantification and data indexing; taxonomies and legal measurement; technical assistance and more.

19. Secularism and the Modern State: Interrogations of Legal Pluralism in Anthropology and Political Theory

Panel Coordinator: *Haris A. Durrani*

Presenters: *Haris A. Durrani, Aisha Ghani, and Sam O'Hana*

John Griffiths characterized "strong legal pluralism" by the existence of multiple, symmetric fields of law within a society, where law is not only that made explicitly by the state. In this arrangement, the law of the state does not overpower but rather holds equal footing with other kinds of law. Griffiths wrote that this strong legal pluralism empirically describes every society. Others, such as Brian Tamanaha, have argued that, if law is any kind of reglementary regime across social spheres, then any definition of law becomes meaningless.

This panel applies social and political theory, anthropology, and philosophy to assess the extent to which strong legal pluralism empirically describes particular societies. What is the foundation of the claim that state law is equal to that of other reglementary regimes, how has this been stratified historically in colonial locations, and what are its political consequences for religious, ethnic, and other minorities today? Are the lives of individuals more grievable in particular legal contexts? With a view to Timothy Mitchell's concept of "State as Effect" and Talal Asad's work on asymmetries of power in liberalism and secularism, how do power and justice intersect at the state/society boundary, and do "States of Exception" apply uniformly across legal spheres? How does scrutinizing asymmetries of power, operating through the subtle, pervasive character of the modern state, complicate traditional formulations of strong legal pluralism? Ultimately, can socio-political and citizen-oriented inquiries into legal pluralism advance the way we (academics, lawyers, policymakers, laypersons) understand "law"?

20. State-Traditional Authority Relations in Comparative Perspective

Panel Coordinator: *Katharina Holzinger*

Traditional forms of governance play an important role in many countries around the globe. Not only do many people shape their communal life according to traditional rules, principles, and customs but traditional institutions might even play an important political role. They are involved in conflict resolution by taking up issues in customary courts; they provide and distribute collective goods, such as land governance, and they are sometimes involved in security provision. In many states, this form of traditional governance is closely connected to the state. Depending on the context, their relationship to the state might be cordial or conflictive, substituting or supplanting, harmonious or hazardous. In this panel, we comparatively explore the state-traditional authority relationship by examining their formal and informal interaction in different spheres, be it in resource governance, public good provision, security or policy-making. Both qualitative and quantitative assessments of this state-traditional relationship are welcomed. Due to the fact that comparative knowledge on the state-traditional relationship is rather limited, we especially welcome papers that explore variation in this relationship between cases or within cases.

21. Supply-Chain Legal Pluralism
Panel Coordinator: *Bertram Turner*

This panel foregrounds the variety and intertwining of legal components that inform the performance of global supply chains. As neoliberal manifestations of global modernity supply chains (commodity, global value, traceability chains, global production networks, etc.) connect resource extraction in the global south with consumption in the global north, they constitute channels through which goods are translated into commodities. Law is one component in the construction of supply chains. In addressing the role of law, the contributions to the panel will shed light on the ways in which components of plural legal configurations at various scales coalesce with specific chain normativity and other supply chain constituents. The aim of this panel is to shed light on the complexities of normative entanglements that are only cursorily addressed in conventional analyses of supply-chain normativity. Scholars of legal pluralism go beyond these conventional approaches in two respects. First, they include components other than law into the analysis inherent in supply-chain legal pluralism. For instance, technology may also

exercise normative power and increase the legal complexity in supply-chains. Second, they address how this supply-chain normativity interacts with the plural legal environment in which supply-chain activities are embedded. Cross-border chain governance and the emergence of global citizenship of responsible, ethical consumers are central topics that are currently debated in this respect. Producers in the global south and consumers in the global north are connected with one another throughout the supply-chain and both take effect on the plural legal chain configuration to which they are attached.

Topics of interest with respect to global supply-chain legal pluralism:
- Access to natural resources, land grabbing, dispossession, property rights
- Mining and other forms of resource extraction
- Corporate social responsibility
- Fair trade and certifications
- Labour standards and Ethical consumerism
- Global citizenship
- Human Rights

22. The Political Economy of Customary Justice Programming
Panel Coordinator: *Erica Harper*

The policy framework governing how programmatic actors engage with customary justice systems has evolved significantly over the past decade. It is now broadly accepted that the customary justice system forms part of the overall access to justice architecture. While this has facilitated a growth in programming which targets the customary justice sector, the nature and typology of programing is redolent of orthodox engagement strategies. This raises the question of whether such interventions will be successful, or whether they will fall equally short in closing access to justice gaps. One driver of the dominant programming approach is that the policy discourse contains ambiguities and inconsistencies that arguably obstruct innovation and the development of more effective interventions. These tensions – principally between the pragmatics of facilitating reform in developing and fragile country contexts against minimum

human rights standards – need to be resolved to make way for more impactful engagement. This panel will examine these tensions and explore ways in which donors and programmatic actors can move towards a programming space that is both realistic and likely to meet shared aims. It will also look at the evidence on effectiveness in customary justice programming, the barriers to evidence collection and uptake, and latest thinking on more effective approaches.

23. **The Role of Law in the Ideal Model of the Sustainable Eco-village or City**

Panel Coordinator: *James S. Krueger*

Much has been written about the design elements of a sustainable eco-village or city. It is often assumed that the current model of positivist state law will suffice for the purposes of planning and achieving sustainability and community. This panel examines alternative models of law that might better facilitate the ideal eco-village or city. Such models might be derived from legal pluralism case studies, or from indigenous law and land tenure, or from new versions of property rights like Community Land Trusts, or from some other source. The panel invites both utopian and practical thinking – about the challenge of community in an era of globalization and urbanization, about multiple citizenship identities and conflicting duties of citizenship(s), and about overlapping land and resource rights.

24. Travelling Institutions in African Countries

Panel Coordinators: *Katrin Seidel and Tillmann Schneider*

Legal pluralism is characterized by the interaction of multiple normative frameworks. International interventions in the area of "rule of law" add even more complexity. Most of these interventions still rely on the idea of transferring certain models to receiving countries. Often not only norms, but whole institutional designs (e.g. mobile courts, ombudspersons) travel between different normative orders. They serve as global blueprints that are applied all over the world in order to improve access to justice.

These global models undergo changes as soon as they move and arrive in the different contexts, where they are then translated and re-framed. Sometimes they endure complete changes of meaning. In order to better understand such processes of diffusion and appropriation, a number of approaches have been developed. Yet, these approaches often focus either on the global or on the local sphere.

We invite participants to analyze this double process of global creation and local translation with a focus on African countries and "access to justice", and to explore what kind of relationships exist between these two spheres in two interconnected panels.

- Why and how do some institutional designs become global blueprints? Which actors, actants, structures, or interests are involved?
- What does 'adoption' mean in different contexts? How are global models appropriated, adapted and transformed by the involved actors?
- What kind of interdependencies exist between the global and the local?

While each of the panels focus on either the global or local sphere, we hope to engage in a dialogue that moves beyond this juxtaposition.

25. *Women Challenging Patriarchy within and across Legal Cultures*
Panel Coordinator: *Kimberly Inksater*

The panel will examine women's multiple legal identities and how their different identities, which cut across cultures and culturally-specific legal mechanisms, are used by women's organizations or women's rights' champions to challenge culturally-embedded forms of patriarchy. Because law is culturally constructed and both law and culture have the potential to evolve, the panel seeks to examine successful examples of how the law has been used to challenge and change discriminatory norms or practices within a culture (e.g. a religious, customary, indigenous, parallel, community-based, or dominant (state) legal culture).

The Just Governance Group will present the results of a global exploratory study currently being prepared for International IDEA and UN Women that assesses how courts apply constitutional provisions to address clashes between gender equality and culturally-rooted laws and practices.

In addition, the group invites academics and practitioners to present and discuss papers addressing questions such as:

- Vernacularization:[1] How do women challenge patriarchal traditions and practices within a community-based, customary or religious system by strategically invoking international human rights norms?

- Evidence of change: How has law (legislation, litigation or alternative justice mechanisms) changed patriarchal behavior and empowered women?

- Gender-based violence: Are legal mechanisms (culturally-based, national, regional or international) the most appropriate mechanism to end gender-based violence?

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[1] Levitt, P. and Merry, S. (2009) Vernacularization on the ground: local uses of global women's rights in Peru, China, India and the United States. *Global Networks,* vol. 9, n. 4 (pp. 441-461).