The 2019 LDRN Conference is organized by:

**The Chair for Public Law and Comparative Law (Prof. Philipp Dann)**
at Humboldt University Berlin
on behalf of the Law and Development Research Network.

This conference is made possible through the generous support of:

- The German Research Foundation (DFG)
- The Federal Ministry for Economic Cooperation and Development (BMZ)
- The Konrad-Adenauer-Foundation (KAS)

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Dear Participants,

Welcome to the 4th Annual Conference of the Law and Development Research Network! It is my great pleasure to welcome you all here at Humboldt University Berlin on behalf of the Network.

LDRN was founded to enhance our understanding of the role of law in relation to development and governance. It aims to pool our knowledge to understand better the role that law plays in creating but also in combatting inequality, environmental degradation and social injustice, particularly in the Global South but also through the entanglements between South and North. The annual conferences are our best chance to do so. In the coming days, over 220 participants, the majority of which are coming from Non-European and Non-US countries and a majority of which are female, will present and discuss ideas. We take this response as an impressive manifestation of the vitality and plurality of the field – and hope that all of you will greatly enjoy and profit from coming together here.

The basic idea of this conference is to provide a platform and give space for the diversity that you all and your ideas represent. We will meet on 55 panels in eight different tracks, including conversations between theory and practice (Practitioner Conversations) and book launches. We also want to come together and discuss in the plenary. Therefore, once a day we will have a keynote address. We are truly honoured to welcome Professor Katharina Pistor (Columbia Law School), Justice Madan Lokur (former Justice of the Supreme Court of India) and Professor David Trubek (University of Wisconsin-Madison School of Law).

But conference rooms are not the only places to meet or rest. We invite you to also have a drink in our conference foyer – and to join us at the Ph.D. Evening on Wednesday and on the big river cruise on Thursday evening!

The theme of this conference, 'The Plurality of Law and Development’, might be just an apt description of the great plurality of topics raised here, but it also has a programmatic meaning. In organizing this program, we wanted to highlight the plurality of voices and of stories that mark our field of study. One central component for this was to provide access to more scholars from the Global South. In this regard, we are particularly grateful for the generous financial support that we received from the German Research Foundation (DFG), the Federal Ministry for Economic Cooperation and Development (BMZ) and the Konrad-Adenauer-Foundation (KAS) to provide over 50 travel stipends for scholars from the Global South.

Again, welcome to Berlin! Thank you for your interest and engagement – and enjoy two-and-a-half days of hopefully controversial and fruitful discussions about the 'Plurality of Law and Development'!

Philipp Dann for the organizing team
The Law and Development Research Network (LDRN)

LawDev.org

Who are we?

Launched in 2017, LDRN is a research network which aims to support and connect its members who are involved in academic research and teaching in the interdisciplinary and multi-level field of Law and Development. LDRN is currently made up of 17 partner institutions from Africa, Asia, Europe and South America, as well as a rapidly growing number of individual members from all over the world.

What do we do?

Events: LDRN organizes an annual research conference and Ph.D. school. The network also promotes and supports affiliated events organized by partners.

Information-sharing: LDRN maintains a website (LawDev.org) and a monthly e-mail newsletter to share news about Law and Development research and teaching, publications, events and opportunities.

Outreach: LDRN aims to undertake joint initiatives to engage with policy-makers, practitioners and activists.

What are our upcoming plans?

The 3rd annual LDRN Ph.D. school is planned for mid-2020.
The 5th annual LDRN Conference will be held in late September 2020 at Nelson Mandela University, Port Elizabeth, South Africa.

Further updates on these events will be published on LawDev.org and in our newsletter.

How can I get involved?

Visit LawDev.org to subscribe to our newsletter and/or apply for individual membership!

Individual membership of LDRN aims to bring together a community of Law & Development researchers – both within and beyond the partner institutions – who identify with the LDRN Charter and wish to become more involved.

Via the LDRN website, individual members can make their interests and work more visible through their profiles, as well as share their news and announce their publications. Individual members may also be the first to receive news about certain LDRN initiatives.

We thank you for your patience while we process membership requests, due to the high number of applications.
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PH.D.-EVENING

The Ph.D. Evening is open to all conference participants, but specifically aimed at Ph.D. students and junior academics from inside and outside the LDRN network. This evening on the first night of the conference shall provide the opportunity to connect and exchange experiences and insights in an informal environment. The LDRN wishes to support Ph.D. students and early career academics by creating a space for reflections, discussions, and ideas.

Date: 25 September 2019, 19:30-22:00
Location: The Digital Eatery, Unter den Linden 17, 10117 Berlin
(2 min. walking distance from the conference venue)

Please note that attendance is free of charge. Food and beverages are available for purchase. You can attend even if you have not registered in advance.

CONFERENCE DINNER AND BOAT CRUISE

The Conference Dinner is hosted on a cruise on the river Spree, shipping us through the heart of Berlin. On-board the ‘MS Alexander von Humboldt’ a buffet (veg. and non-veg.), which is included in the registration fee (excluding drinks), is provided. Besides dinner and drinks, there is plenty of time to socialize on the indoor ground floor or on the open-air deck while looking at sights on our route along the parliamentary district, the museum island, the East Side Gallery, and the Oberbaum Bridge. The cruise ends again at the pier Friedrichstraße/Reichstagsufer.

Date: 26 September 2019, 19:00-22:30
Location: Pier Friedrichstraße/Reichstagsufer (walk north along Friedrichstrasse toward the river Spree; before crossing the river, walk down the stairs on the left side of the street to reach the pier; app. 15 min. walking distance from the conference venue). We offer to walk collectively from the foyer of the Kommode (law school) at 18:30.

Please note that the cruise departs at 19:00. A later boarding will not be possible.

SOCIAL MEDIA AND ONLINE CONFERENCE SYMPOSIUM

We invite you to share your thoughts, ideas and discussions with us on twitter under #LDRN2019. If you would like to contribute a blogpost to the online conference symposium on the Völkerrechtsblog (https://voelkerrechtsblog.org), which starts simultaneously on the first day of the conference and lasts for around two weeks, please get in touch with Michael Riegner in due course.
Contact: michael.riegner@rewi.hu-berlin.de
LOGISTICS

MAIN CONFERENCE VENUE

The 2019 Conference of the Law and Development Research Network takes place at the law faculty of Humboldt University Berlin, the so-called Kommode.

Please note that all conference rooms, in which the panels take place, are located in the Kommode (entrance: Bebelplatz 2) as well as the Altes Palais and Gouverneurshaus (entrance: Unter den Linden 9), which are located north of the Kommode. All buildings have a separate entrance but are connected through stairways inside and the courtyard. Please follow the signs to find the rooms and corresponding tracks.

The three keynote speeches do not take place in the Kommode, but in the Fritz-Reuter-Saal at Dorotheenstraße 24, 3rd floor, located north of the university main building.

LUNCH AND COFFEE BREAKS

Lunch is served at the Mensa Süd (university cafeteria) in the university main building across the street from the law faculty. Please check the program schedule for the lunch times. You are handed out two vouchers upon registration which include a lunch menu on Thursday and Friday which you can choose from a buffet. The vouchers state what exactly is included in the meal and have to be submitted at the cafeteria’s cashier. For seating, please use the outside or inside seating areas (ground floor and downstairs).

Coffee, tea, water and snacks during the shorter coffee breaks are served in the foyer of the Kommode (Bebelplatz 2) across from the registration desk. Please check the program schedule for the exact time.

REGISTRATION

Registration opens on Wednesday, 25 September, at 11:00 in the foyer of the Kommode (Bebelplatz 2). Please note that the opening address starts at 13:00 at the Fritz-Reuter-Saal, which is a 10 min. walk from the Kommode. The registration desk is open throughout the conference for any inquiries or urgent matters.

WIFI

Eduroam will be available in all conference rooms. We also provide individual WIFI-accounts upon request at the registration desk. Please note that your account is valid for three days, but you have to login again each day with the login information handed out to you.

SUPPORT

The organizing team is available in case of any questions or complaints. Please do not hesitate to approach us. You can recognize the people in charge by their red name tags.

You can also contact the organizing committee via email at: berlinconference.rewi@hu-berlin.de
A: Pier Friedrichstraße (Reichstagsufer): Conference Dinner
B: Fritz-Reuter-Saal, Dorotheenstraße 24, 3rd floor: Keynote Speeches
C: Mensa Süd, University Main Building, Unter den Linden 6: Lunch Cafeteria
D: The Digital Eatery, Unter den Linden 17: Ph.D. Evening
E: Entrance to Altes Palais, Unter den Linden 9: Main Conference Venue
F: Entrance to Kommode, Bebelplatz 2: Main Conference Venue and Foyer

Underground+S-Bahn: Friedrichstraße
Bus: Staatsoper
Underground: Französische Straße and Hausvogteiplatz
Tracks and corresponding room numbers:

- Track I.: The Plurality of Law and Development
  o Room 213, 2nd floor, Entrance Unter den Linden 9

- Track II.: The Plurality of Law and Development
  o Room E44/E46, ground floor, Entrance Bebelplatz 2

- Track III.: Public Law and Socio-Economic Development
  o Room E34, ground floor, Entrance Bebelplatz 2

- Track IV.: Development Finance, Institutional Law and Int’l Economic Law
  o Room 210, 2nd floor, Entrance Unter den Linden 9

- Track V.: Human Rights and Technological Challenges in Law and Dev.
  o Room E42, ground floor, Entrance Bebelplatz 2

- Track VI.: Gender, Identities and Development
  o Room 139a, 1st floor, Entrance Bebelplatz 2

- Track VII.: Legal Pluralism and Non-State Law
  o Room E14, ground floor, Entrance Unter den Linden 9

- Track VIII.: Practitioner Conversations and Book Launches
  o Room 140/142, 1st floor, Entrance Bebelplatz 2
KEYNOTES (ROOM FRITZ-REUTER-SAAL)

KATHARINA PISTOR, COLUMBIA LAW SCHOOL

‘Towards Comparative Legal Institutionalism’

The keynote is followed by a discussion with David Trubek (University of Wisconsin-Madison School of Law).

***

JUSTICE MADAN LOKUR, SUPREME COURT OF INDIA
Thursday, 26 Sep. 2019, 11:30 – 13:00

‘Social Justice - A Vehicle for Transformative Constitutionalism’

***

DAVID TRUBEK, UNIVERSITY OF WISCONSIN-MADISON SCHOOL OF LAW
Friday, 27 Sep. 2019, 11:30 – 13:00

‘Reflections on the History and Future of Law and Development’

The keynote builds on arguments from the article "Law and development: Forty years after ‘Scholars in Self-Estrangement’." University of Toronto Law Journal 66.3 (2016): 301-329 which participants are encouraged to read beforehand.

The keynote is followed by a roundtable discussion with:
- Johanna Cortes-Nieto, University of Rosario
- Deval Desai, Graduate Institute Geneva
- Morag Goodwin, Tilburg University
- Ralf Michaels, Max Planck Institute for Comparative and Int’l Private Law
- Celine Tan, University of Warwick
**Panel Overview**

**Track I.: The Plurality of Law and Development – Histories and Approaches, Theories and Didactics (Room 213)**

**Panel 1:** Plurality of Histories and Approaches (I.)

*Time:* Wednesday, 25 Sep. 2019, 15:00 – 16:30

- Doing Law and Development: ‘we together’?
  **Morag Goodwin**, Tilburg University

- How history of law, legal transfer and development intertwine. A closer look at the Mexican narrative
  **Tania Atilano**

- Revisiting the Third Wave of Law and Development Moment: An Indonesian Case
  **Agung Wardana**, Universitas Gadjah Mada

- Towards a Chinese Mode of Legal Thought: Reversing the Global Flow of Legal Knowledge
  **Samuli Seppänen**, Chinese University of Hong Kong

**Panel 2:** Plurality of Histories and Approaches (II.)

*Time:* Wednesday, 25 Sep. 2019, 17:00 – 18:30

- Design-based approaches to law and development thinking and practice
  **Amanda Perry-Kessaris**, University of Kent

- A reflection on the econosociolegal approach: a study of sustainable development and waste-pickers in South Africa
  **Allison Lindner**, University of Kent

- The Relational Plurality of Rule of Law in Development
  **Michael Leach**, Tilburg University

- Rule of Law in Africa: The Relevance of an interpretivist sociological Approach
  **John Daniel Ibembe**, Kampala International University
**Panel 3:** German Histories of Law and Development  
**Time:** Thursday, 26 Sep. 2019, 09:30 – 11:00  
**Moderator:** Morag Goodwin, Tilburg University

Brun-Otto Bryde, Justus-Liebig-Universität Gießen / Federal Constitutional Court

Philipp Dann, Humboldt-Universität zu Berlin

Alexandra Kemmerer, Max Planck Institute for Comparative Public Law and International Law

Imme Scholz, German Development Institute

**Panel 4:** Plurality of Histories and Approaches (III.)  
**Time:** Thursday, 26 Sep. 2019, 14:30 – 16:00

Images and Ideas of Development: Promises and Delusions  
Sam Adelman, University of Warwick

Postcolonial approaches to international law and development: main elements and contributions  
Gabriel Mantelli, Getulio Vargas Foundation São Paulo

Roads to a Right to Development Treaty  
Koen De Feyter, University of Antwerp

**Panel 5:** Reflections on Teaching Law and Development: Methods, Theories and Didactics  
**Time:** Thursday, 26 Sep. 2019, 16:30 – 18:00

Beyond ‘moments’ and into different ‘time-zones’: Approaching Law and Development through a didactical lens  
Siddharth De Souza, Humboldt-Universität zu Berlin  
Thomas Dollmaier, Humboldt-Universität zu Berlin

Telling different stories: Overcoming methodological othering and epistemological silences  
Celine Tan, University of Warwick

The end of theory? The empirical turn in L&D and its challenges in the classroom  
Mariana Mota Prado, University of Toronto

From ‘Law and Development’ to ‘Sustainable Development and Global Justice’  
Wouter Vandenhole, University of Antwerp

Teaching Law and Development from the Global South  
Raza Saeed, University of Warwick
Publication, Access to Knowledge and the Future of Law and Development Scholarship (Roundtable Discussion)

Time: Friday, 27 Sep. 2019, 09:30 – 11:00
Moderator: John Harrington, Cardiff University

Publication, career development and access to knowledge are of central concern to law and development scholars in their everyday work. The last decade has seen the growth of dedicated training and mentoring schemes for early career scholars working on law and development and related areas. Organized in a range of formats, these have involved encounters between senior scholars, journal editors and publishers, on the one hand, and academics working at institutions in the Global South, on the other hand. It is worth connecting the experience of participants in these workshops with the larger and pervasive questions of power and inequality in global knowledge production.

This roundtable offers a forum for reflection on the form such workshops take and on the broader context in which they exist. It asks the following questions:

- How can the neglected heritage of critical southern scholarship best be brought to the attention of scholars in all parts of the world?
- What have we learned about the ethics and etiquette of running and participating in writing workshops?
- Are there lessons and insights to bring from these events to bear in our working relations with publishers and journals?
- What strategies can we deploy to reduce or challenge barriers to accessing knowledge, e.g. open access, licensing schemes?
- What are the specific challenges of widening audiences for scholarship produced in languages other than English, given publishing and linguistic hierarchies?
- Can the LDRN play an active role in debates around these issues?

Discussants:

Joanna Botha, Nelson Mandela University

Morag Goodwin, Tilburg University

Stéphanie de Moerloose, University of Austral

Sharifah Sekalala, University of Warwick

Gamze Erdem Türkelli, University of Antwerp

Access to Justice, Clinical Legal Education and Teaching

Time: Friday, 27 Sep. 2019, 14:30 – 16:00

An oddly standardized diversity. Financialization, identity discourses and the challenges to the teaching of law and development in Brazil

José Ghirardi, Getulio Vargas Foundation São Paulo
Access to justice for internally displaced persons (IDPs). The global legal order
**Leonard Opara**, Nelson Mandela University

Increasing Access to Justice by Using Legal Incubators to Empower Law Graduates to Establish Sustainable Solo Practices
**Lynette Osiemo**, St. Augustine College of South Africa

From theory to practice: Building bridges to make law and development a reality in the post 2015 era
**Elizabeth Bakibinga-Gaswaga**, Commonwealth Secretary

**TRACK II.: THE PLURALITY OF LAW AND DEVELOPMENT**

**– HISTORIES AND APPROACHES, THEORIES AND DIDACTICS (ROOM E44/46)**

**PANEL 8:** **INTERDISCIPLINARY APPROACHES TO LAW AND DEVELOPMENT**

**Time:** Wednesday, 25 Sep. 2019, 15:00 – 16:30

Law and Political Economy: an institutionalist approach
**Diogo Coutinho**, University of São Paulo

The legal constitution of political agency: toward an institutional approach to law in politics
**Henrique Almeida de Castro**, University of São Paulo

The role of law in the studies on the implementation of public policies
**Mariana Levy Piza Fontes**, University of São Paulo

From Pixo to Graffiti: A Latin American Perspective of cultural criminology in São Paulo, Brazil
**Julia de Moraes Almeida**, University of São Paulo

Is International Trade Law, Economic?
**Mario Osorio**, Georgetown University

**PANEL 9:** **LAW AND DEVELOPMENT: GENERAL THEORY AND APPLICATION**

**Time:** Wednesday, 25 Sep. 2019, 17:00 – 18:30

Law and Development: Theory and Practice
**Y.S. Lee**, The Law and Development Institute

Toward a General Theory of Law and Development: In Defence of Capabilities
**Clair Gammage**, University of Bristol

Law and Development in Botswana—Applying Y.S. Lee’s “General Theory”
**Sara Ghebremusse**, University of British Columbia
**Panel 10:**  **Measuring Development and Its Alternatives**  
**Time:**  Thursday, 26 Sep. 2019, 9:30 – 11:00

Credible Development Goals: An Interdisciplinary and Comparative Approach  
**Giuseppe Bellantuono**, University of Trento

Alternatives to development in the Andes: Contesting Cosmovisions and their Path towards Recognition  
**Jessica Eichler**, Max Planck Institute for Social Anthropology

**Panel 11:**  **SDGs and the Human Right to Health (I.)**  
**Time:**  Thursday, 26 Sep. 2019, 14:30 – 16:00  
**Moderator:**  **Layla Latif**, Cardiff University  
**Discussant:**  **Sharifah Sekalala**, University of Warwick

Pathways to the Right to Health – Global Health Governance and UHC2030  
**Rachel Hammonds**, University of Antwerp

“Leave no one behind”: Indigenous Peoples Health Plea in Sustainable Development  
**Faith Simiyu**, Cardiff University

**Smith Ouma**, Cardiff University

**Panel 12:**  **SDGs and the Human Right to Health (II.)**  
**Time:**  Thursday, 26 Sep. 2019, 16:30 – 18:00  
**Moderator:**  **Faith Simiyu**, Cardiff University

The Challenges of Implementing the FCTC: An analysis of tobacco litigation in Africa  
**Sharifah Sekalala**, University of Warwick

No SDG 3 without SDG 17: Addressing the role of health finance in Kenya in launching ‘the road to dignity by 2030’  
**Layla Latif**, Cardiff University

“Do You Have Children?”: Debating the Regulation of Breastmilk Substitutes in Kenya  
**John Harrington**, Cardiff University

Time: Friday, 27 Sep. 2019, 9:30 – 11:00

Localization of the Gender Equality in Development Goals – How International Gender Norms Change the Gender Equality Landscape in Japan
Ayako Hatano, University of Tokyo

Realisation of human rights of persons with disabilities
Akiko Sato, Kotonoha Law

Roles of Regulatory Intermediaries and Impacts of International Norm-Evolution in Social Protection of Foreign Workers in Japan
Naoyuki Okano

Self-Portrait of an Asian Donor: Japanese Legal technical assistance and its representation
Sayaka Takano, Chuo University

Panel 14: Public Procurement and Aid Effectiveness: A Roadmap Under Construction (Book Launch)

Editors: Annamaria La Chimia, University of Nottingham
Peter Trepte, University of Nottingham

Publisher: Hart Publishing, 2018

Time: Friday, 27 Sep. 2019, 14:30 – 16:00

Abstract:

This edited collection explores the economic, political and legal relationship between procurement and aid effectiveness in developing countries, and examines the initiatives undertaken by the international community to make aid more effective through procurement taking stock of current debates in the field.

The authors show that the link between procurement and aid effectiveness is key to understanding what is happening with the aid effectiveness agenda, yet this link has been overlooked by the development community more broadly. The nexus between procurement and aid effectiveness needs to be rediscovered to understand where the aid effectiveness agenda is heading, if anywhere at all (is the agenda dead as some experts claim?).

Procurement linked to development aid (i.e. development aid procurement) is at a critical juncture, the on-going international reform process for development aid procurement will shape the future success of development aid, yet little is known about the shape, form, governance and power imbalances that underpin it. Reforms tend to be piecemeal and respond to isolated problems. The absence of a broader academic debate has resulted in a limited framework and restricted parameters with which to address the problems raised analytically. This is the gap in the literature that this volume seeks to fill. Ultimately the purpose of this publication is to create a forum within which that discussion can take place.
Discussants:

Annamaria La Chimia, University of Nottingham
Annika Engelbert, Ruhr Universität Bochum
Daria Davitti, Lund University
Clair Gammage, University of Bristol

**Track III.: Public Law and Socio-Economic Development (Room E34)**

**Panel 15:** Contemporary State-Business Relations in Developing Countries: Assessing the Latin American Experience after Liberalization Reforms

Time: Wednesday, 25 Sep. 2019, 15:00 – 16:30

- Shaping Gateway Cities in Local and Global Production Networks: The Case of São José dos Campos’ Science and Technology Park
  **Patricia Mello,** Getulio Vargas Foundation São Paulo

- The Federal Housing Program “Minha Casa Minha Vida”: What Happens When a Public Goal is Achieved Through a Private Logic?
  **Claudia Acosta,** Getulio Vargas Foundation São Paulo

- State Support to Brazilian Multinational Corporations: Was There an Industrial Policy Behind “National Champions” of the 2000 Decade?
  **Sarah de Matos Marinho,** University of São Paulo / University of Wisconsin Law School

- Foreign Direct Investments (FDIs) as instruments to promote sustainable development in Brazil
  **Andréia Costa Vieira,** Catholic University of Santos - São Paulo

**Panel 16:** Economic Constitutionalism and Labour Law

Time: Wednesday, 25 Sep. 2019, 17:00 – 18:30

- Institutionalizing Economic Democracy in Development
  **Jedidiah Kroncke,** University of Hong Kong

- The Hurdles of Reconceiving the Corporate Entity for Development
  **Neeraj Grover,** Azim Premji University

  **Eric Kibet Morusoi,** United States International University Africa
National Labour Dispute Settlement in Buyer-Driven Value Chains; The case of the Arbitration Council in Cambodia

Christian Schepener, Universität Duisburg-Essen
Anna Salmivaara, University of Helsinki

Panel 17: Fiscal Regimes and Austerity
Time: Thursday, 26 Sep. 2019, 09:30 – 11:00

Testing the Limits of Constitutional Democracy: Taking Fiscal Austerity from Institutions to the Constitution in Brazil
Michelle Ratton Sanchez Badin, Getulio Vargas Foundation São Paulo

30 years of the Brazilian Constitution: social rule of law, new fiscal regime and the challenges of the 4th industrial revolution
Luis Graca

Disciplining Public Law. The OECD in Colombia
Johanna Cortes Nieto, University of Rosario

The Efficacy of Tax Law Interpretation in Achieving Development Goals: Lessons Learned from Indonesia
Fadhilatul Hikmah, Gadjah Mada University
Rizky Septiana Widyanty, Gadjah Mada University

Panel 18: Economic and Social Regulation
Time: Thursday, 26 Sep. 2019, 14:30 – 16:00

Law in books and law in action: How to empower the anti-corruption potential of public procurement systems
Annika Engelbert, Ruhr Universität Bochum

Challenging the mantra of irregular migration in international development policies
Jeff Handmaker, Erasmus University Rotterdam

Hybrid Governance Regime in Turbulent Times: The Role of State in China’s Stock Market Crisis 2014-2016
Chen Li, Chinese University of Hong Kong

Time for the reformation of fishing boundaries regulations: illegal fishing being solved by the private sector
Panupong Chalermsim, Prince of Songkla University
Nutcha Sukhawattanakun, Prince of Songkla University

Pluralism and Regime Fragmentation Patterns in Kenya’s Marine Fisheries Sector
Erick Komolo, Kenyatta University
**Panel 19:** Social Rights and Judicial Review  
**Time:** Thursday, 26 Sep. 2019, 16:30 – 18:00

Strategic litigation as a means of protection of Economic, Social and Cultural Rights. Special focus on environmental issues in the global south

**María Cristina Alé**, Friedrich-Alexander-Universität Erlangen-Nürnberg

Juridification and judicialization of politics in Brazil: The Accountability Problem of the Brazilian Judiciary

**Daniel dos Santos Rodrigues**, Federal University of Minas Gerais

Theorising the Indian Supreme Court’s “Social Justice Bench”

**Jahnavi Sindhu**, Humboldt-Universität zu Berlin

**Vikram Aditya Narayan**, Humboldt Universität zu Berlin

Sustainable development across borders: new frontiers in international law

**Ralph Wilde**, University College London

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**Panel 20:** Transformative Constitutionalism and Judicial Review  
**Time:** Friday, 27 Sep. 2019, 09:30 – 11:00

The Transformative Mandate of the Inter-American Court of Human Rights

**Armin von Bogdandy**, Max Planck Institute for Comparative Public Law and International Law

**Rene Urueña**, Universidad de los Andes

Transformative constitutional judges, institutional failure, and judicial populism

**Diego Werneck Arguelhes**, Insper Institute for Education and Research

Transformation in South Africa: A Law and Development Approach

**Joanna Botha**, Nelson Mandela University

Transformative Constitutionalism: From Rights to Economic Institutions

**Michael Riegner**, Humboldt-Universität zu Berlin

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**Panel 21:** Intellectual Property  
**Time:** Friday, 27 Sep. 2019, 14:30 – 16:00

Agricultural transformation and government regulation of farmers' local knowledge in Indonesia

**Christoph Antons**, University of Newcastle

Trading, Copyrighting, and Privatising Education in Africa: Can Extraterritorial State Obligations Rescue (the Right to) Education?

**Klaus D. Beiter**, North-West University
An Exploration of the Role of Law and Development in the Relationship between Human Rights and the Intellectual Property Rights System

**Dennis Ndambo**, Jomo Kenyatta University of Agriculture and Technology

The potential of Geographical Indications in achieving Sustainable development Goals with a special focus on developing countries

**Devanshi Saxena**, University of Antwerp

**TRACK IV.: DEVELOPMENT FINANCE, INSTITUTIONAL LAW AND INTERNATIONAL ECONOMIC LAW (ROOM 210)**

**Panel 22:** THE 'PRIVATE TURN' IN DEVELOPMENT FINANCE

**Time:** Wednesday, 25 Sep. 2019, 15:00 – 16:30

The Global Compacts: Attracting Private Investment to Address Migration and Refugee Flows

**Daria Davitti**, Lund University

Development Finance and the Promise of (Multi-Stakeholder) Partnership in Delivering Development: Scrutinizing the Modalities of Financing and Addressing Accountability

**Gamze Erdem Türkelli**, University of Antwerp

Regulating the New Development Partnerships: Investment Law Dimensions of Aid's 'Private Turn'

**Celine Tan**, University of Warwick

Connecting the Regulators: Institutional Foundations for a global supply Chain regulatory Structure

**César Rosado Marzán**, IIT Chicago-Kent College of Law

**Panel 23:** RIGHTS AND DEVELOPMENT IN THE MANDATE AND WORK OF INTERNATIONAL INSTITUTIONS

**Time:** Wednesday, 25 Sep. 2019, 17:00 -18:30

**Moderator:** **Enrique Delamónica**, UNICEF

The emerging social protection interest in the IMF: Time to revisit conventional truths

**Viljam Engström**, Åbo Akademi University

Addressing human rights and gender equality concerns in the context of investment in agriculture: Examining the collaborative framework between the World Bank and FAO

**Sisay Alemahu Yeshanew**, Addis Ababa University

Individual and collective responsibility, and motivation, to build social change

**Cornelia Walther**, UNICEF
Panel 24: Accountability and Redress in the New Financial Frontier
Time: Thursday, 26 Sep. 2019, 09:30 – 11:00

What Role do Development Finance Institutions play in the Provision of Grievance Mechanisms and Access to Remedy?

Kinnari Bhatt, Erasmus University Rotterdam

The World Bank’s “Forests and Community Project” and legal pluralism in Northern Argentina: who decides who participates?

Natalia Sabrina Castelnuovo Biraben, UBA – CONICET
Stéphanie de Moerloose, University of Austral Argentina

Accountability Mechanisms in Sovereign Bond Financing of Development

Jeremmy Okonjo, University of Warwick

Panel 25: Modalities of Law and Regulation in Development Finance
Time: Thursday, 26 Sep. 2019, 14:30 – 16:00

Towards A Legal Theory of Development Finance

Siobhan Airey, University College Dublin / University of Ottawa

The Echternach Procession of Untying Aid

Annamaria La Chimia, University of Nottingham

Pay for success contracts in India - lost in transplantation?

Varsha Aithala, Azim Premji University

Microfinance in Bangladesh and India: Implication for Law and Development Studies

Arpita Gupta, O.P. Jindal Global University

Panel 26: Accountability in Development Cooperation Law
Time: Thursday, 26 Sep. 2019, 16:30 – 18:00

International institutional law, development and the participation of the "most affected"

Markus Hasl, Universität Tübingen

Contract-based Accountability, Protection of Public Interests and Sustainable Development

Giedre Jokubauskaite, University of Glasgow

Preempting Human Rights Violations: a proposal for the World Bank Group to adopt a risk management database for Latin America

Constanza Ortiz, University of California, Hastings College of Law
Aid Partnerships and the Emergence of International Legal Obligations of Aid Donors towards Aid Recipients

Elena Pesina, University of Auckland

**PANEL 27: TRADE AND AFRICA**  
Time: Friday, 27 Sep. 2019, 09:30 – 11:00

Making Regional Trade Integration Work for Poverty Reduction  
Jonathan Bashi Rudahindwa, Université Protestante au Congo

The potential of the Economic Partnership Agreement as a legal instrument for economic growth and development in West Africa  
Juliet Ogbodo, University of Eastern Finland

Towards A State of Regional Integration in Africa?  
Jonathan Klaaren, University of the Witwatersrand

**PANEL 28: ACCOUNTABILITY IN DOMESTIC DEVELOPMENT LAW**  
Time: Friday, 27 Sep. 2019, 14:30 – 16:00

When too much is not enough: accountability and development policies  
Raquel Pimenta, University of São Paulo

National Human Rights Institutions (NHRIs) in Southeast Asia: A Comparative Analysis on Human Rights Protection Capacity and Limits to the Effectiveness of the NHRI in the Philippines and Thailand  
Stanati Netipatalachoochote, University of Groningen

Transitional justice and the right to justification  
Geraldo Miniuci, University of São Paulo

**TRACK V.: HUMAN RIGHTS & TECHNOLOGICAL CHALLENGES IN LAW AND DEVELOPMENT (ROOM E42)**

**PANEL 29: BUSINESS AND HUMAN RIGHTS**  
Time: Wednesday, 25 Sep. 2019, 15:00 – 16:30

Human rights in dispute: transnational corporations in Latin America  
Flávia Do Amaral Vieira, Federal University of Pará

Justice served? Empowering Communities through international ‘judicialisation’ of Conflicts in Peru – Lessons for the future  
Talia Vela-Eiden, Hochschule Düsseldorf

Due Diligence and extra-territorial Human Rights obligations of the Home State of Transnational Corporations  
Alex Ekeke, University of Pretoria
What do we mean by Corporate social responsibility in a developing country context? An analysis of the law and its impact on society

**Kizito Kabengele**, University of Pretoria

Business-Human Rights Interface: Challenges and Feasibility to the Global, Local Governance and Judicial Activism in an Indian Context

**Aneesha Pookkadassery Rehim**, School of Indian Legal Thought / Mahatma Gandhi University

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**Panel 30: Indigenous Peoples and Collective Rights**

- **Dealing with new subjectivities: the "Kukuma mothers" and oil pollution in Maranon**
  - **Roxana Vergara Rodríguez**, Pontifical Catholic University of Peru

- **The Legal Framework of Tribal and Indigenous Lands in Brazil: Past and Present under the 2019 New Presidential Government**
  - **Mariana Monteiro de Matos**, Max-Planck-Institute for Social Anthropology

- **Undoing Historical Injustice through Legal Empowerment: Reclaiming Citizenship Rights through Forest Rights Act in India**
  - **Satyapriya Rout**, University of Hyderabad

- **Human rights and group empowerment: Regional human rights frameworks compared**
  - **Cornelia Klocker**, University of Konstanz

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**Panel 31: Regulatory Challenges and Digitalization**

- **ASEAN 5G Technology toward European Union Legal Aspect: The Plurality of State’s Practice on Multi-Band Spectrum**
  - **Panupong Chalermsoin**, Prince of Songkla University
  - **Pornpon Thedthong**, Prince of Songkla University
  - **Arachamon Pichetworakoon**, Prince of Songkla University
  - **Nutcha Sukhawattanakun**, Prince of Songkla University

- **Legal aspects of the language technology development in the context of the European digital economy**
  - **Ilya Ilin**, University of Tartu

- **Institutional transformation and the law-finance paradox: a case study on Fintech credit regulation in Brazil**
  - **Alexandre Rebêlo Ferreira**
Panel 32: Execution of Judgments of the Regional Human Rights Courts (Practitioner Conversation)

Time: Thursday, 26 Sep. 2019, 16:30 – 18:00

Abstract:

Regional human rights systems, consisting of regional instruments and mechanisms, play a significant role in the promotion and protection of human rights and the rule of law. Three regional tribunals stand at the core of those systems: the Inter-American Court of Human Rights (IACHR), the African Court on Human and Peoples’ Rights (ACHPR) and the European Court of Human Rights (ECHR). 2019 marks historical dates for two of them: the IACHR was established in 1979 and celebrates its 40th anniversary. The older ECHR was created exactly 60 years ago. The ACHPR, established in 2006, constitutes the youngest of the three. Together, they have handed down more than a million decisions and judgments.

However, jurisprudence only works if implemented and enforced. It is no secret that the execution of judgments is a laborious endeavor and often threatened by failure. The causes and reasons are manifold, reaching from a lack of resources to lack of political will.

The panel will identify the instruments that have been installed to implement the rulings of the three regional courts. It will then discuss the rate of implementation of the judgments and the reasons for non-implementation. Finally, the panel will discuss what the courts might be able to learn from each other, what best practices are to be shared and what role international development cooperation can play in supporting them.

Moderator: Yannic Körtgen, Advisor, Rule of Law, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

Discussants:

Ana Lucia Aguirre Garabito, Lawyer, Department for the Monitoring of Compliance with the Judgments of the Inter-American Court of Human Rights

Clare Brown, Head of Section, Department for the Execution of the Judgments of the European Court of Human Rights

Sègnonna Horace Adjolohoun, Principal Legal Officer, African Court on Human and Peoples’ Rights

Panel 33: Development, Freedom and Digitalization

Time: Friday, 27 Sep. 2019, 9:30 – 11:00

Online profiling, automated decision making and data protection in South Africa: Lessons from the European Union

Melody Musoni, University of Witwatersrand

The Public Hearing of the WhatsApp Block in the STF

Camila Modesto, Pontifical Catholic University of São Paulo
Freedom of Information: A Case for Classifying Access to ICTs as a Human Right

Nnenna Ifeanyi-Ajufo, Lancaster University Ghana

The Right to Information in Sri Lanka: Promoting Open Governance

Mario Gomez, International Centre for Ethnic Studies

Panel 34: Displacement and Land

Time: Friday, 27 Sep. 2019, 14:30 – 16:00

Reparation for arbitrary displacement in the decisions of international (quasi-)judicial human rights mechanisms: contributions and blind-spots

Deborah Casalin, University of Antwerp

Assessing the Development of a forced eviction: Voices of the women in Kebun Sayur Village, Jakarta

Eva Maria Putri Salsabila, Kotonoha Law

Land Acquisition for Economic Development- A Comparative Analysis of some landmark US and Indian court judgments

Malabika Pal, Ambedkar University Delhi

Track VI.: Gender, Identities and Development (Room 139A)

Panel 35: Reconciling Indigenous Peoples’ Individual and Collective Rights – Participation, Prior Consultation and Self-Determination in Latin America (Book Launch)

Author: Jessika Eichler, Max Planck Institute for Social Anthropology

Publisher: Routledge, 2019

Time: Wednesday, 25 Sep. 2019, 15:00 – 16:30

Abstract:

This book critically assesses categorical divisions between indigenous individual and collective rights regimes embedded in the foundations of international human rights law.

Both conceptual ambiguities and practice-related difficulties arising in vernacularisation processes point to the need of deeper reflection. Internal power struggles, vulnerabilities and intra-group inequalities go unnoticed in that context, leaving persisting forms of neo-colonialism, neo-liberalism and patriarchalism largely untouched. This is to the detriment of groups within indigenous communities such as women, the elderly or young people, alongside intergenerational rights representing considerable intersectional claims and agendas. Integrating legal theoretical, political, socio-legal and anthropological perspectives, this book disentangles indigenous rights frameworks in the particular case of peremptory norms whenever these reflect both individual and collective rights dimensions. Further-reaching conclusions are drawn for groups ‘in between’, different formations of minority groups demanding rights on their own terms.
Particular absolute norms provide insights into such interplay transcending individual and collective frameworks. As one of the founding constitutive elements of indigenous collective frameworks, indigenous peoples’ right to prior consultation exemplifies what we could describe as exerting a cumulative, spill-over and transcending effect. Related debates concerning participation and self-determination thereby gain salience in a complex web of players and interests at stake. Self-determination thereby assumes yet another dimension, namely as an umbrella tool of resistance enabling indigenous cosmovisions to materialize in the light of persisting patterns of epistemological oppression.

Using a theoretical approach to close the supposed gap between indigenous rights frameworks informed by empirical insights from Bolivia, the Andes and Latin America, the book sheds light on developments in the African and European human rights systems.

Discussants:

Jessika Eichler, Max Planck Institute for Social Anthropology

Roxana Vergara Rodríguez, Pontifical Catholic University of Peru

Hans Enrique Cuadros Sanchez, Pontifical Catholic University of Peru

Vincent Bellinkx, University of Antwerp

Panel 36: Gender, Law and Development: A Critical Appraisal
Time: Wednesday, 25 Sep. 2019, 17:00 – 18:30

(Re)shaping the interaction between Gender, Law, and Development through the sustainable Development goals: risks, opportunities, and lessons

Kate Bedford, University of Birmingham

Where all the Missing Women Are: The Paradoxes of India’s Low Female Labour Force Participation Rate

Prabha Kotiswaran, Dickson Poon School of Law King’s College London

Value Chain Trade, Development and Social Reproduction

Donatella Alessandrini, University of Kent

Panel 37: LGBTQ+ Rights in Different Jurisdictions
Time: Thursday, 26 Sep. 2019, 9:30 – 11:00

An economic perspective on the exclusion of gay rights in Kenya

Seth Wekesa, University of Nairobi

Same-Sex Marriage in Brazilian High Courts

Flacia Portella Püschel, Getulio Vargas Foundation São Paulo
Prevalence of Caste and Its Policy Implication within the Hirja Community

Astha Dhanda, Bennett University

Panel 38: Protection of Vulnerable Groups
Time: Thursday, 26 Sep. 2019, 14:30 – 16:00

Empirical research of (legal) norms related to children's rights violations
Marieke Hopman, Maastricht University

An assessment of the socio-economic needs and rights of refugee in Africa: Tanzanian and South African perspectives
Leah Ndirmurwimo, Nelson Mandela University

‘No one left behind’: Disability and Sustainable Development in the Global South
Heléne Combrinck, North-West University

Enhancing access to justice through clinical legal education
Anne Kotonya, Strathmore University

Panel 39: Personal Laws in India, Indonesia and Iran
Time: Thursday, 26 Sep. 2019, 16:30 – 18:00

Gender Discrimination in Indian Personal Laws
Swathi Alakattoor Purushothaman
Anusha Murti

Pursuing Women Rights in a Pluralistic Legal Setting: A Case of Bali
Ni Putu Yogi Paramitha Dewi, Gadjah Mada University

Feminist Legal Activism in India
Tanja Herklotz, Humboldt-Universität zu Berlin

Legal Pluralism and minority women in Iran
Afrooz Maghzi, Max-Planck-Institute of Social Anthropology

Panel 40: Law, Development and Gender-based Violence
Time: Friday, 27 Sep. 2019, 09:30 – 11:00

How Domestic Violence became a Development Issue: Feminist Internationalism, Governance by Indicators and Legal Reform
Saptarshi Mandal, Jindal Global Law School

Elimination of the use of digital technologies to perpetrate violence against women and girls in Kenya
Buluma Bwire, University of Nairobi
Pakistan’s gender binaries: A case of changing social hierarchies
Neha Ali Gauhar, Leiden University

Panel 41: Development, Rights and Participating through the Lens of Gender
Time: Friday, 27 Sep. 2019, 14:30 – 16:00

Sustainable Development Goal 5.5 and Brazilian Political Gender Gap
Fabiano Teodoro de Rezende Lara, Federal University of Minas Gerais
Ana Luiza Gambogi Cardoso, Federal University of Minas Gerais

Empowering rural Zulu women bead-makers through social entrepreneurship and open and inclusive collaboration: case study of the Woza Moya project of Hillcrest Aids Centre Trust, KwaZulu-Natal, South Africa
Desmond Oriakhogba, University of Cape Town

Where are the women? An analysis of the place of gender in the interplay between land, politics and law in Kenya
Agnes Meroka-Mutua, University of Nairobi

Track VII.: Legal Pluralism and Non-State Law (Room E14)

Panel 42: Land Rights and Legal Pluralism
Time: Wednesday, 25 Sep. 2019, 15:00 – 16:30

Access to Justice: Securing Indigenous Customary Land Rights through Legal Pluralism
Ramy Bulan, University of Malaya

Court, Resource Conflicts and Tribal Lands: A Case Study
Kriti Sharma, Jindal Global Law School

Considering plural legality in land titling in Indonesia
Rikardo Simarmata, University of Gadjah Mada

Property notions in conflict and changes in land tenure through formalization processes: the case of Orcotuna peasant community in Peru
Hans Enrique Cuadros Sanchez, Pontifical Catholic University of Peru

Panel 43: Environmental Governance, Natural Resources and Human Rights
Time: Wednesday, 25 Sep. 2019, 17:00 – 18:30

The Implementation of Human Rights impact assessment in mining policies in Africa: A Measure to foster development
Oluwatosin Busayo Igbayiloye, University of Pretoria
Misaligned goals in disjointed regimes: interactions of international watercourses law and development

**Julie Gibson**, Strathclyde Centre for Environmental Law and Governance

Theory and Reality: The Pitfalls of Regulatory Transposition in Nigeria’s Petro-Governance

**Ebele Onyeabo**, Chinese University of Hong Kong

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**Panel 44:** **Climate Transition and Community Interests**

**Time:** Thursday, 26 Sep. 2019, 09:30 – 11:00

Realizing Rights and Ensuring Development in India: Does the Polluter Pays Principle Deliver?

**Lovleen Bhullar**, University of Edinburgh

Food security in a time of climatic crisis: a community interest at stake?

**Theodora Valkanou**, University of Copenhagen

The role of public participation as normative influencer in the South African energy transition: looking at the law from below

**Vincent Bellinkx**, University of Antwerp

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**Panel 45:** **Practical Questions of the Rule of Law-Promotion by German Institutions (Practitioner Conversation)**

**Time:** Thursday, 26 Sep. 2019, 14:30 – 16:00

**Abstract:**

Rule of Law is not only a value in and of itself, but also a prerequisite to accomplish all other sustainable development goals. Rule of Law promotion is thus a focus area of German development cooperation.

A broad variety of German actors are active in the field of Rule of Law promotion in the context of international development. Those range from governmental actors such as the Federal Ministry for Economic Cooperation and Development (BMZ) or GIZ - over the German political foundations, such as the Konrad-Adenauer-Stiftung (KAS) - to core bodies of the German justice system, such as the Federal Bar Association (BRAK).

The panel will identify the different approaches that are used by German development actors in the context of Rule of Law promotion and discuss current trends and focus areas. Moreover, it will assess their best practices and success stories, but also the challenges and potential pitfalls they face.

**Discussants:**

**Franziska Rinke**, Coordinator, International Rule of Law Programs, Konrad-Adenauer-Stiftung (KAS)
**Veronika Horrer**, Director, International Legal Cooperation, The German Federal Bar (BRAK)

**Karin Pluberg**, Advisor, Support to the African Governance Architecture (AGA), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

**Panel 46:** **Managing Religious Contestations in Plural Societies**

**Time:** Thursday, 26 Sep. 2019, 16:30 - 18:00

Beyond Positivism: revealing the Politics of Law on the recognition of Adat Law and the Expansion of Islamic Law in Indonesia

**Sahid Hadi**, Center for Human Rights Studies of Islam University Indonesia

**Laiza Aprilia Almira**, Islam University Indonesia

Centralization or Decentralization: The Law and Politics of Managing religion and Diversity in Malaysia and Indonesia

**Dian Shah**, National University Singapore

Breaking the Silos of religious Majoritarianism: Women's Struggle for Access to the Temple in India

**Sumit Sonkar**, Chinese University of Hong Kong

Religious Otherness as a Source of Normative Conflict: Contested Identities in Need of Protection

**Kyriaki Topidi**, European Centre for Minority Issues

Reading Santi Romano’s The Legal Order in India

**Pratyush Kumar**, University of Eastern Piedmont

**Panel 47:** **Governance within Legal Pluralism**

**Time:** Friday, 27 Sep. 2019, 09:30 – 11:00

Democratic or autocratic conceptions of customary law and its implications for governance struggles in rural South Africa

**Janine Ubink**, Leiden University

Chiefs, Street Level Bureaucracy and Cross-Cultural Dialogue among the Kipsigis in Kenya

**David Ngira**, Utrecht University

Introducing the Issue of Legal Pluralism in Police Anthropology Class at Police Sciences School in Indonesia

**Lidwina Inge Nurtjahyo**, University Indonesia

Legal Empowerment in Informal Settings: the law as a tool to overcome exclusion and poverty?

**Adrian Di Giovanni**, International Development Research Centre

**Luciana Bercovich**, Global Legal Empowerment Network
Panel 48: Relations between Formal and Informal Law
Time: Friday, 27 Sep. 2019, 14:30 – 16:00

Significance of structure and agency interaction: Insights from South-East Nigeria
Jane Diala

The Making of Unlaw: Crimilegality and social order in developing countries
Markus Schultze-Kraft, Universidad Icesi

Legal Pluralism and Bangsamoro Organic Law in the Philippines- Conflict Resolution in new Muslim Autonomous Government
Masami Mori Tachibana, Kyoto Bunkyo University

Customary and Modern law’s Invitation into a Harmonious Uganda
Namyalo Lavendah

Track VIII.: Practitioner Conversations (PC) & Book Launches (BL)
(Room 140/142)

Panel 49: Advocating Social Change through International Law: Exploring the Choice between Hard and Soft International Law (Book Launch)

Editors: Daniel Bradlow, University of Pretoria
        David Hunter, American University Washington College of Law

Publisher: Brill, 2020

Time: Wednesday, 25 Sep. 2019, 15:00 - 16:30

Abstract:
The book explores the strategic use of hard and soft international law in advocating for social change. Using case studies rooted in inter alia human rights, international crimes, environmental protection, public heath, and financial regulation, the book focuses on state and non-state actors’ strategic choices regarding the use of hard and soft international law in advocating for social change. This perspective provides new insights into the interplay between soft and hard international law, the costs and benefits associated with hard and soft international law in different contexts, and the factors affecting the effectiveness of hard and soft international law.

Discussants:

Daniel Bradlow, University of Pretoria

David Hunter, American University Washington College of Law

Koen De Feyter, University of Antwerp

Angela Mudukuti, Wayamo Foundation
Panel 50: Between Impunity and Imperialism: The Regulation of Transnational Bribery (Book Launch)

Author: Kevin Davis, New York University
Publisher: Oxford University Press, 2019
Time: Wednesday, 25 Sep. 2019, 17:00 – 18:30

Abstract:

When people pay bribes to foreign public officials, how should the law respond? In recent years, the U.S. and other members of the OECD have joined forces to make anti-bribery law one of the most prominent sources of liability for multinational enterprises. The modern regime is premised on the idea that transnational bribery is a serious problem which invariably merits a vigorous legal response. The shape of that response can be summed up in the phrase “every little bit helps,” which in practice means that: prohibitions on bribery should capture a broad range of conduct; enforcement should target as broad a range of actors as possible; sanctions should be as stiff as possible; and as many enforcement agencies as possible should be involved in the enforcement process. An important challenge to the OECD paradigm, labelled here the “anti-imperialist critique,” accepts that transnational bribery is a serious obstacle to development but questions the conventional responses. This book uses a series of high-profile cases to illustrate key elements of transnational bribery law, and analyzes the law through the lenses of both the OECD paradigm and the anti-imperialist critique. It ultimately defends a distinctively inclusive and experimentalist approach to transnational bribery law.

Discussants:

Kevin Davis, New York University
Morag Goodwin, Tilburg University
Raquel Pimenta, University of São Paulo
Mariana Mota Prado, University of Toronto

Panel 51: Institutional Bypasses (Book Launch)

Author: Mariana Mota Prado, University of Toronto
Publisher: Cambridge University Press, 2019
Time: Thursday, 26 Sep. 2019, 09:30 – 11:00

Abstract:

Institutional bypass is a reform strategy that creates alternative institutional regimes to give citizens a choice of service provider and create a form of competition between the dominant institution and the institutional bypass. While novel in the academic literature, the concept captures practices already being used in developing countries. In this book, Mariana Mota Prado and Michael J. Trebilcock explore the strengths and limits of this strategy with detailed case studies, showing how citizen preferences provide a benchmark against which future reform initiatives can be evaluated, and in this way change the dynamics of the reform
process. While not a 'silver bullet' to the challenge of institutional reform, institutional bypasses add to the portfolio of strategies to promote development.

In this book panel, discussants will be invited to offer their reflections about the concept, discuss if it offers a useful contribution law and development scholarship and reform efforts, and analyze if it effectively addresses some of the methodological challenges faced by law and development scholars today.

Discussants:

Mariana Mota Prado, University of Toronto

David Trubek, University of Wisconsin-Madison School of Law

Diogo Coutinho, University of São Paulo

Jedidiah Kroncke, University of Hong Kong

Celine Tan, University of Warwick

Sara Ghebremusse, Peter A. Allard School of Law at University of British Columbia

Deval Desai, Graduate Institute Geneva

Adrian Di Giovanni, International Development Research Centre

**Panel 52:** The Role of the International Investment Regime in Anti-Corruption Efforts (Practitioner Conversation)

**Time:** Thursday, 26 Sep. 2019, 14:30 – 16:00

**Abstract:**

Corruption is a barrier to economic development, especially in the world’s most vulnerable regions. It stifles economic growth and diverts public funds from public services such as education and healthcare. The fight against corruption is therefore a key element in global economic development strategies.

Foreign investment, also crucial to economic development, has not been immune from corruption. International investment disputes have recently dealt with corruption allegations, and the "corruption defense" has emerged. This defense posits that if corruption was involved at the inception of the investment, the foreign investor is barred from presenting claims against the host State.

The corruption defense reflects a zero-tolerance approach to corruption. The machinery of international justice cannot be invoked by corrupt investors, and their claims must be dismissed. But this approach creates an obvious asymmetry: the State – the other corrupt actor—escapes all liability. In investment arbitration the State will always be the defendant and knows that tainting foreign investments with corruption can inoculate it from liability. Is the corruption defense fair and effective?

**Moderator:** César Coronel Ortega, Three Crowns
Every year, millions of Euros are spent on the promotion of the rule of law in fragile countries. The effects of these interventions, however, are far from clear. Logframes get increasingly hypothetical as the level of abstraction grows – if they are used at all. Three aspects must be addressed. First, how can "effectiveness" be conceptualized and measured? Second, how can non-intended side-effects be included in such analyses? Third, how can the answers be integrated into political practice, i.e. in strategic decision-making, project design, and evaluation. Addressing these questions might well turn common approaches towards rule of law promotion upside-down.

Five experts will discuss these questions with Dr. Tilmann J. Röder (RSF Hub, Freie Universität Berlin), who chairs this conversation. Elizabeth Bakibinga-Gaswaga, LL.M. (Oslo) is Legal Expert at the Commonwealth Secretariat. She has significant experience as former legal advisor of the Parliament of Uganda. Dr. Tillmann Schneider is an independent advisor on justice sector reform and organizational development. He intends to present examples of projects in Sierra Leone, which did not lead to the intended effects. Dr. Ilaria Vianello is Country Manager at the Max Planck Foundation for International Peace and the Rule of Law. She will report from projects in the area of administrative law. Daniela Vogl, M.A. is head of the S01 unit at the German Federal Foreign Office, which deals with fundamental questions of stabilisation and crisis prevention. Dr. Gregor Walter-Drop (Freie Universität Berlin) is senior scholar at Freie Universität Berlin. He will take a more analytical look at the question of effectiveness.

Moderator:  

Tilmann J. Röder, RSF Hub, Freie Universität Berlin / Federal Foreign Office

Discussants:

Elizabeth Bakibinga-Gaswaga, Commonwealth Secretariat

Ilaria Vianello, Max Planck Foundation for International Peace and the Rule of Law

Tillmann Schneider, Independent Rule of Law Expert

Daniela Vogl, Federal Foreign Office – Stabilization Unit
Gregor Walter-Drop, Freie Universität Berlin

**Panel 54:** **Mapping Constitutional Control in the MENA Region: Recent Developments, Challenges and Reform Trends (Practitioner Conversation)**

**Time:** Friday, 27 Sep. 2019, 09:30 – 11:00

**Abstract:**

In recent years, the question of constitutional control and its design has become increasingly relevant in states of the Middle East, North Africa, and the Gulf region. While some institutions charged with constitutional control have been established for the first time (e.g., Bahrain in 2002, Iraq in 2004 or Saudi Arabia in 2009), others have been subject to fundamental reforms (e.g., Morocco in 2011, Tunisia in 2014). However, a comprehensive survey on how constitutional control works in the region is still lacking. In this panel, scholars and practitioners from the MENA region will present key developments in theory and practice, with regard to international developments, to provide a deeper understanding of regional or country-specific challenges. The panel marks the outcome of a two-year research project conducted by the Rule of Law Program Middle East/North Africa of the Konrad-Adenauer-Stiftung, Beirut.

**Moderator:** Anja Schoeller-Schletter, Rule of Law Program Middle East/North Africa, Konrad-Adenauer-Stiftung

**Discussants:**

- **Anja Schoeller-Schletter**, Rule of Law Program Middle East/North Africa, Konrad-Adenauer-Stiftung
- **Zaid Al-Ali**, International IDEA / Wissenschaftskolleg zu Berlin
- **Yussef Auf**, Arab Association of Constitutional Law
- **Fawaz Almutairi**, Kuwait University, Department of Public Law
- **Nizar Saghieh**, The Legal Agenda
- **Ghassan Moukheiber**, Lawyer / former Member of the Lebanese Parliament

**Panel 55:** **Transnational Law and State Transformation: The Case of Extractive Development in Mongolia (Book Launch)**

**Author:** Jennifer Lander, De Montfort University

**Publisher:** Routledge, 2019

**Time:** Friday, 27 Sep. 2019, 14:30 – 16:00

**Abstract:**

This monograph offers an empirical study of the powerful, co-constitutive relations between state, market and law in the global political economy, through an in-depth case study of natural resource-based development in Mongolia. The key conceptual
argument of the book is that distinct processes of legal, political and economic transformation together promote practical reconstitutionalisation within the national state. Empirically, the monograph shows how the pursuit of extractive development in Mongolia has introduced transnational legal norms as well as forms of market-based constituent power within the apparatus of the state which realign three crucial axes of state power: the configuration of central state institutions, the relationship between central and sub-national institutions, as well as state-citizen relations. The realignment of state power along these three critical axes evidences a process of state transformation and de facto constitutional change. The monograph contributes to the wider transnational/global law and development literatures by emphasising – empirically and conceptually – the pressing need to refocus attention on the national state as the key node through which “global” transformations occur in order to fully comprehend the realities of contemporary constitutionalism.

Moderator:  
John Harrington, Cardiff University

Discussants:

Jennifer Lander, De Montfort University

Giedre Jokubauskaite, University of Glasgow

Sara Ghebremusse, Peter A. Allard School of Law at University of British Columbia

Johanna Cortes-Nieto, University of Rosario
Statistics

Please note that the date of data collection was 13 September 2019.

Total number of countries represented:
- 39 countries in total

Gender balance:
- 54% female

Institutional affiliations with more than four participants:
- Getulio Vargas Foundation (FGV), Brazil
- University of Antwerp, Belgium
- University of São Paulo, Brazil
- The University of Warwick, United Kingdom
- Nelson Mandela University, South Africa
- Gadjah Mada University, Indonesia

Countries in which participants are based:
- Explanation: The size of the country name is roughly proportionate to the number of participants coming from that country.
Number of participants from different continents:

Number of recipients of travel funding from different continents:
**LIST OF PARTICIPANTS**

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Pal  Malabika  Ambedkar University Delhi
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Pesina  Elena  University of Auckland
Pichetworakoon  Arachamon  Faculty of Law Prince of Songkla University
Pimenta  Raquel  University of São Paulo
Pistor  Katharina  Columbia Law School
Pluberg  Karin  Deutsche Gesellschaft für int. Zusammenarbeit
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