

SCALING GLOBAL GOVERNANCE

Institute of Advanced Studies, Durham
University

9th & 10th November 2016

Dates and Locations

9th and 10th November 2016

Symposium -

Seminar Room
Institute of Advanced Studies
Cosin's Hall
Palace Green
Durham DH1 3RL

GPI Lecture –

Wolfson Gallery
Palace Green Library
Palace Green
Durham DH1 3RN

Dinner –

Senate Room
Durham Castle
Palace Green
Durham DH1 3RW

Map: <https://www.dur.ac.uk/resources/map/DurhammapandkeyOctober2014.pdf>

Summary of the Project

Scales as an aspect of Law, Geography and Politics

In 1569 Gerardus Mercator created a projection of the globe that is still commonly used today. This map defined seas and the contours of the world, but its distortions of size and its depiction of an enlarged Europe and North America, are well known. His use and manipulation of scales shaped the way we see the world. In an era where there is an increasing plurality of actors participating in global governance, the fundamental position of the state in international law is being challenged and issues are transnational or trans-boundary, international legal and governance scholarship has to find new ways of understanding the world we live in. The way we use scales such as national, regional and international to label legal systems shapes our approaches to law and global governance.

This interdisciplinary symposium invites scholars from Law, International Relations and Geography, to interrogate the role of 'scale' in international legal and governance scholarship. The symposium will explore the utility of a scalar approach, what the different scales represent, and whether there are lessons to be learnt about norm transfer and the legitimisation of governance across different scales. The symposium will consider whether the way we measure, label and conceptualise

scales influences our approaches to law and global governance. Engaging with 'scale' beyond disciplinary silos will further scholarly understanding of the impact of scale in global governance.

1. **Scales in Global Governance**

In scholarship, there are a variety of scales discussed; local, national, regional, supranational, transnational, international, global and universal. Listing these scales highlights the missing scales in academic commentary. This symposium will interrogate the scales of global governance and the choices the academy makes when electing to use some above others, and it will consider the extent to which these scales can be differentiated.

For example, one question that is not explicitly explored in international legal scholarship is the units that are used to measure these scales; people, number of countries, types of institutions or organisations involved, the organ of the state that is involved. If the units of these scales are geographically defined, this raises the question whether those scales are mirrored in legal discourse and commitments.

2. **Transferability Across Scales**

This panel will be dedicated to the borders or boundaries between scales and the possibility of transferring concepts, norms, measures across the different scales. This panel will address two questions; the theoretical possibility of transfer and the practicalities of transferring.

Across the disciplines, there are a number of mechanisms that are used to 'move' or 'transfer' norms across the boundaries of the scales. For example, some political scientists have discussed norm diffusion, the 'fragmentation' of international law has given rise to discussion on the interrelationship between systems. This panel will explore the processes and the persons involved in the transference of norms. Geographers from pro- and anti-scale schools of thought have debated the relationship between networks and scales. This debate also needs to be had by and with global governance and international law scholars.

3. **Legitimacy Across Scales**

International law, geopolitics and political geography all tackle the perceived legitimacy deficit of global governance. This symposium will consider this legitimacy deficit through the scalar lens.

This panel will consider the extent to which specific 'scales' impact on the legitimacy of norms and governance measures. In particular, considering the legitimisation of global governance raises questions regarding democratic deficiencies. Approaches to the democratisation of global governance have included the suggestion of a translation of national techniques and infrastructure to the global level. Using the 'scalar' lens reframes these suggestions and raises questions about the appropriate scale, level or organisation for certain decision-making.

4. **Scales and “Discord”**

After discussing more theoretical questions around scale and global governance, the following two panels will explore the application and the utility of the instrument of “scale” in specific areas of global governance.

The focus of this panel will be around conflicts (political and/or territorial) and disasters. It will explore the varying use of ‘scale’ in defining and responding to conflicts and disasters. In times of ‘discord’, ‘scale’ can be used politically to garner support, allocate resources, or tell a particular narrative about an event or situation. Legal and policy frameworks can respond to discord and disasters using a ‘scaled’ approach.

5. **Individuals, Institutions and Scales**

This is the second panel that explores the role of ‘scale’ in particular case studies of global governance, building on the insights on institutions and individuals explored in the previous panel.

This panel will look more closely at the role of international institutions and the place of the individual in global governance, as an internal mechanism of global scales. Institutions, as we explored in Panel 3, play a role in moving ideas across the scales of governance. Further questions around the particular institutional mechanisms of global governance will be addressed, particularly addressing the transfer of ideas and the legitimacy of this role for institutions. A focus on institutions as mechanisms of transfer masks the peoples and individuals. This panel considers the individual and their relationship with scales.

Programme

DAY 1: 9 th November 2016 Seminar Room, Institute of Advanced Studies			
9.00 – 9.25	Registration and Refreshment		
9.25 – 9.30	Welcome		
9.30-10.45	Panel 1: Theorising Scales of Global Governance Chair: Dr Pietro Maffettone Discussant: Prof Phil Steinberg	Dr Maria Anna Corvaglia and Ruth Houghton	<i>Introduction to Scaling Global Governance</i>
		Prof David Held	<i>State Consent, Legitimacy and Global Governance'</i>
		Dr Andrew Kythreotis	<i>'The global climate regime: Initiating or attenuating scalar legitimacy for climate policy?'</i>
10.45 – 11.30	ERC Sponsored Lecture	Prof William Twining	TBC
11.30 – 11.45	COFFEE BREAK		
11.45 – 13.00	Panel 2: Legitimacy Across the Scales Chair: Dr Eva Maria Nag Discussant: Matthew Nicholson	Dr Aoife O'Donoghue	<i>Scaling, divide and check? Tyranny, separation of powers and global constitutionalism</i>
		Dr Ming-Sung Kuo	<i>'Resolving the Question of Interscalar Legitimacy into Law? A Hard Look at the Principle of Proportionality in Global Governance'</i>
		Jaya Brekke	<i>'In Blockchain we trust: The role of technology in facilitating trust across scales'</i>
13.00 – 14.00	LUNCH		
14.00 - 15.15	Panel 3: Transferability Across Scales Chair: Prof Robert Schuetze Discussant: Dr Maria Anna Corvaglia	Dr Otto Hospes	<i>'Plural sovereigns and scale frames to govern transferability of norms'</i>
		Dr Henry Jones	<i>Scaling Legal Geography: Re-territorialising international law</i>
		Prof R. Wessel	<i>Upscaling the 'Territory' of the European Union: From Regional to Global Governance and Back</i>
15.15 – 15.30	COFFEE BREAK		
15.30 – 16.30	Round Table Discussion	Dr Alex Arnall	<i>Critical Approach to the notion of "Scale"</i> To kick-start the roundtable, Alex

			Arnall will introduce a number of theories, mostly based in sociology and the geographical social sciences, which attempt to critique and surpass the idea of 'scale' altogether. Discussion will consider what the utility of these ideas – which include network and assemblage-based theories – might be in considering global governance from a more relational, actor-based perspective
17.00 – 19.00	GPI Sponsored Lecture In the Wolfson Art Gallery, Palace Green	Prof Thomas Cottier Chaired by Robert Schuetze	<i>Harnessing Globalization: From Trade Liberalization to Trade Regulation.</i>
19.00	<i>CONFERENCE DINNER</i> <i>Senate Room, Durham Castle</i>		
DAY 2: 10 th November 2016 Seminar Room, Institute of Advanced Studies			
9.00 – 9.15	Welcome and Summary		
9.15 – 10.30	Panel 4: Scales and 'Discord' Chair: Dr Aoife O'Donoghue Discussant: Dr Henry Jones	Dr Joshua Kirshner	<i>Infrastructure space, autonomy and the politics of scale in Mozambique and Bolivia</i>
		Dr Marie Aronsson-Storrier	<i>Defining 'Disaster': Scales and Boundaries in International Law.</i>
		Prof Rosa Freedman	<i>Accountability for Sexual Abuse in Peacekeeping Missions: stretching across scales of governance</i>
10.30 – 10.45	<i>COFFEE BREAK</i>		
10.45 – 12.00	Panel 5: Individuals, Institutions and Scale Chair: Ruth Houghton Discussant: Prof Eleanor Spaventa	Muireann O'Dwyer	<i>'Gender, Scale, and the Legitimacy Problem of the European Union'</i>
		Dr Samantha Velluti	<i>'Questioning EU social trade through the lens of scale'</i>
		Dr Kawtar Najib	<i>Spatial scales of belonging of discriminated people The case of Islamophobia</i>
12.00 - 12.20	Conclude and Thanks		

Speakers/Participants

Name	Institution
Dr Alex Arnall	School of Agriculture, Policy and Development, University of Reading
Dr Andrew Kythreotis	School of Geography and Planning, Cardiff University
Dr Aoife O'Donoghue	Durham Law School, Durham University
Dr Henry Jones	Durham Law School, Durham University
Dr Joshua Kirshner	Environment Department, University of York
Dr Kawtar Najib	School of Geography, Politics and Sociology, Newcastle University
Dr Maria Anna Corvaglia	Durham Law School, Durham University
Dr Marie Aronsson-Storrier	School of Law, University of Reading
Dr Ming-Sung Kuo	Law School, Warwick University
Dr Otto Hospes	Public Administration and Policy, Wageningen University
Dr Samantha Velluti	Law School, University of Sussex
Ms Jaya Brekke	Geography Department, Durham University
Ms Muireann O'Dwyer	School of Politics and International Relations, University College Dublin
Ms Ruth Houghton	Durham Law School, Durham University
Prof David Held	School of Government and International Affairs, Durham University
Prof Ramses Wessel	Centre for European Studies, University of Twente
Prof Rosa Freedman	Global Development Division , University of Reading
Prof Thomas Cottier	Emeritus Professor, University of Bern
Prof William Twining	Emeritus Professor, University College London

Name	Institution
Dr Eva Maria Nag	School of Government and International Affairs, Durham University
Dr Gleider Hernandez	Durham Law School, Durham University
Dr Matthew Nicholson	Durham Law School, Durham University
Dr Pietro Maffettone	School of Government and International Affairs, Durham University
Mr David van Rooyen	School of Government and International Affairs, Durham University
Mr Faris Al-Anaibi	Durham Law School, Durham University
Ms Isabel Airas	Geography Department, Durham University
Ms Marina Costa Esteves Coutinho	School of Government and International Affairs, Durham University
Prof Eleanor Spaventa	Durham Law School, Durham University
Prof Phil Steinberg	Geography Department, Durham University
Prof Robert Schuetze	Durham Law School, Durham University

Abstracts

Panel 1: Theorising Scales of Global Governance

‘The global climate regime: Initiating or attenuating scalar legitimacy for climate policy?’

Dr. Andrew Kythreotis

This paper questions the legitimacy of the global climate regime as an effective scale for initiating climate policy. It has been argued that effective climate policy implementation requires attention to mainstreaming both mitigation and adaptation strategies in a multi-scalar governance context. Whilst the global climate regime has become the pre-eminent scale in foregrounding climate policy responses, it has tended to promulgate technological-rationalised climate mitigation policies that perpetuate national mitigation interests. I argue that this not only acts to subordinate policy attention to adaptation at the global scale, but potentially short-circuits successful adaptation responses across other scales of policy implementation, leading to inequitable and unjust climate discourses, particularly at the local scale. I conclude by arguing that the policy inertia created through the current global climate regime illustrates how scale remains a central analytical tool in understanding the attenuation of local policy responses to climate change in the 21st century.

Panel 2: Legitimacy across Scales

‘Scaling, divide and check? Tyranny, separation of powers and global constitutionalism’

Dr. Aoife O’Donoghue

Tyranny has a very old pedigree. From Socrates across Machiavelli to Arendt tyranny takes a specific role as a form of governance and power that generally is to be avoided. While we commonly think of tyranny as a single brutish figure it can have other forms including both the centralisation of governance and majoritarianism. During the American Constitutional Convention these two, centralisation and majoritarianism, became key points of debate and the fix put forward was US constitutionalism. The separation of powers, a central feature of US constitutionalism, aims to curtail tyrannical tendencies. The separation of powers aims to restrain and divide the covetous character of governance authority. The separation of powers operates at both vertical and horizontal levels and both divides power itself and checks its operation. But the debate on global constitutionalism rarely touches upon it. From, as early as Kant’s Perpetual Peace the fear of centralisation of power in a global government was regarded as a form of tyranny. Further, law making through customary international law has often been regarded as problematic for states not part of the majority. Each of these fears has echoes in the American Constitutional debates; concerns that the US territory was too big a geographical space, too vast in scale to possibly be anything other than tyrannical in governance. This paper examines the possibility of global governance being regarded as tyrannical and looks at whether the scale of global majoritarianism and centralisation may be countered by the separation of powers. I ask whether looking at these issues through the prism of scale may address global governance’s tyrannical tendencies.

'Resolving the Question of Interscalar Legitimacy into Law? A Hard Look at the Principle of Proportionality in Global Governance'

Dr. Ming-Sung Kuo

The principle of proportionality has been taken as a testament to the rise of global constitutionalism as it continues to spread across jurisdictions. Beyond the domestic courts, it has also become the ultimate rule of law in the hands of international and regional judiciaries. This is the well-told story about proportionality: its character as an analytic framework makes itself adaptable to local situations and thus globally applicable. Yet, in response to the fragmentation of global governance, proportionality is further turned to for the resolution of the conflicts between distinct regimes. In this light, proportionality appears to emerge as the global scale of global governance.

In this paper, I shall aim to provide critical perspectives on the prominence of proportionality in legal commentary on global governance. I shall argue that the trend of taking proportionality as the governing principle of inter-regime conflicts in global governance suggests attempts to resolve the question of interscalar legitimacy into law. Legitimacy is translated into legality. Considering the framework character of proportionality and its permutation in the transnational context, I shall contend that the widespread of proportionality neither answers the calls for the global scale nor solves the question of interscalar legitimacy but rather exposes the thinness of the principle of proportionality in general, which calls its own legitimacy into question. In conclusion, proportionality fails to solve the question of interscalar legitimacy while it becomes the epitome of the question.

'In Blockchain we trust: The role of technology in facilitating trust across scales'

Jaya Brekke

The blockchain is a core aspect of the Bitcoin cryptocurrency architecture that allows for the emergence of distributed consensus on the state of accounts across the network, eliminating the need for government or financial authorities to secure and validate transactions. Rising to fame just as the global financial crisis turned into sovereign debt crises, Bitcoin represented the possibility of an alternative currency system on a global scale, that is decentralised and does not place its trust in central authorities.

Since, the blockchain has seen a wave of innovation beyond currencies in what has been called FinTech for finance and RegTech for new governance technologies – a process that could be understood as a translation and delegation of institutional processes into technical infrastructures. Governments and major global financial institutions are currently conducting their own blockchain research in order to stay at the forefront of what is perceived as a game changer for re-establishing and managing trust across scales. In the meantime, the Bitcoin network is facing its own governance crisis on technical issues of scaling, dubbed as Bitcoin's "constitutional moment", which is likely to determine the future distribution of power and governance in the network.

This paper analyses the Bitcoin scaling conflict in order to reflect on the potential role of technology in efforts for reestablishing legitimacy and trust in global scale governance.

Panel 3: Transferability Across Scale

‘Plural sovereigns and scale frames to govern transferability of norms’

Dr. Otto Hospes

This article uses and develops insights from legal anthropology and political geography to reflect on transferability of concepts, norms and measures across scales. To start with, the article conceives law as legal pluralism and as maps of misreading, that consist of three dimensions: scale, projection and symbols (Sousa Santos 1987). Using this legal pluralistic notion of law, the concept of global law is reviewed to problematize transferability of norms across scales. To better understand the theoretical possibility of transfer and practicalities of transferring in the new era of globalization, my first proposal is to adopt a pluralistic notion of sovereignty (Comaroff and Comaroff 2009, Hospes 2015). My second proposal is to focus on translators and scale framing (Hospes and Kentin 2014, Merry 2006). To illustrate my proposals, I problematize the vernacularisation of human rights as universal norms and the introduction of global private norms for sustainability in national contexts.

‘Scaling Legal Geography: Re-territorialising international law’

Dr Henry Jones

This paper will address three research questions – what are the failings of international law’s spatial model, what is happening as a result, and are alternatives possible.

The first question deals with the idea of de-territorialisation, taken from the work of Deleuze and Guattari. This is useful for analysing the changing role of the state. Trends which are generally glossed as globalisation, from the international corporation to humanitarian intervention, speak of a literal de-territorialisation of the state – it no longer has absolute authority over this geographic space. It can also be used in a more abstract sense, to denote the undoing of established ways of thinking. In this paper I will use the concept in both ways to look at the challenges faced by international lawyers as the spatial concepts which underpin international law – primarily the territorial defined sovereign state – fail to address or explain major global political challenges in the 21st century.

Every de-territorialisation has an accompanying re-territorialisation. In international law there is a significant body of work which seeks to accommodate this new reality, in terms of global administrative law, global constitutionalism, and other related endeavours which seek a new global territory. There is also a re-territorialisation present in the development of multilateral trade treaties such as TTIP, increased international arbitration, and other arrangements which work alongside traditional international law. A third form of severe re-territorialisation is at work in the global refugee crisis, as territory exerts a new lethal force on the bodies of those alienated and disposed by globalisation.

In a search for answers, my argument will turn to the work of legal geographers and scholars working in the broader spatial turn in legal scholarship, particularly at work on radical property practices. In this work there are both theoretical and practical examples of how to re-territorialise differently, whether it be new commons, localism, alternative forms of belonging, or social organisation without the state. These lessons need scaling up to the international, as the international has ever greater influence on the local.

‘Upscaling the ‘Territory’ of the European Union: From Regional to Global Governance and Back’

Prof R. Wessel

The coming of age of the EU as a global actor may slowly turn the EU from a recipient into a contributor to the further development of the international normative system. Already ten years ago the European Commission stated that ‘the EU is emerging as a global rule maker, with the single market framework and the wider EU economic and social model increasingly serving as a reference point in third countries as well as in global and regional fora’. And, since the Treaty of Lisbon in particular, the EU treaties clearly reveal the EU’s global ambitions in this area, which basically boil down to the idea that the EU should – at least partly – shift its focus from its own Member States to third countries – thereby even limiting the possibilities for its own Member States to contribute on their own to international law-making. This paper aims to approach these developments from a ‘territorial’ perspective.

The notions of territory and jurisdiction are central in international law. Indeed, state sovereignty implies that states are the sole rule makers and rule enforcers within a jurisdiction that is closely linked to their territory. The question of whether in the case of international organizations one may speak of a ‘territory’ is somewhat unsettled in international law. During the process of drafting the Convention on the Law of Treaties, the International Law Commission had difficulties in accepting the existence of a ‘territory of the organization’. Despite its ‘state-like’ characteristics, the case of the European Union is not too different. At the same time, its competences to make and enforce rules within a given ‘territorial space’ are undisputed.

These days we are witnessing an ‘upscaling’ of that ‘territorial space’. Obviously also as a consequence of the enlarged membership of the EU, but more importantly because of the ‘global reach’ of EU law. This paper will assess the effects of EU norms and rules by looking through a ‘territorial’ lens and by taking the following different perspectives:

- The extra-territorial effects of internal EU rules, resulting in an extended reach of EU law beyond the EU; both in substantive terms (‘the EU as a normative actor’) and as a result of external effects of the international market.
- The transfer of competences from states to the EU, which seems to lead to a ‘downscaling’ of ‘state-prerogatives’ for the EU member states, and an ‘upscaling’ of the EU as a ‘state-like’ actor (EU conclusion of international agreements, EU Embassies, EU foreign policy, etc.); as well as to new questions of democratic legitimacy (cf. TTIP, Brexit).
- The influence of global developments on the EU as well as the limits set by the international legal and political system to view the EU in territorial terms.

Panel 4: Scales and ‘Discord’

‘Infrastructure space, autonomy and the politics of scale in Mozambique and Bolivia’

Dr. Joshua Kirshner

In Mozambique and Bolivia, two states on the periphery of global capitalism, recent claims for sub-national autonomy are historically rooted. These claims have roiled national politics

and created tensions between regions. In both cases, political and economic elites have responded with a politics of scale, deploying calls for unity based on national or regional affiliation and identity, while seeking popular support and buy-in. These two states are also energy-rich, enjoying growing inward investment in extractive resources and infrastructure. To what extent do sites of energy extraction and resource wealth become focalized areas of conflict and contestation over claims of sub-national autonomy and the politics of scale? How do the conflicts differ in each case, and what do they illuminate about governance? To scrutinise these dynamics, this paper suggests that it is necessary to overcome state-centric perspectives and adopt a relational approach that attends to inter-scalar dynamics and the politics of scale.

‘Defining ‘Disaster’: Scales and Boundaries in International Law.’

Dr. Marie Aronsson-Storrier

As international disaster law, encompassing both disaster risk reduction and disaster response, is developing into a specific area of international law, debates around its scope are intensifying.

The definition of ‘Disaster’ as recently adopted by the International Law Commission (ILC) in the Draft Articles on the Protection of Persons in the Event of Disasters describes it as ‘a calamitous event or series of events resulting in widespread loss of life, great human suffering and distress, mass displacement, or large-scale material or environmental damage, thereby seriously disrupting the functioning of society’.

While not necessarily controversial, this definition leaves a number of questions unanswered. For example, how do we decide what is ‘great human suffering’ or ‘large-scale material or environmental damage’? And how do we measure the serious disruption of ‘society’ in relation to hazards that know nothing of legal and political boundaries?

This paper unpacks the definition of disaster in the ILC Draft Articles and analyses it in relation to time, damage and territory. It further compares it to definitions found in other relevant instruments, including the Sendai Framework for Disaster Risk Reduction 2015-2030, in order to map out the boundaries and position of the emerging field of international disaster law within the field of international law.

‘Accountability for Sexual Abuse in Peacekeeping Missions: stretching across scales of governance’

Prof Rosa Freedman

The appointment of a new United Nations Secretary-General brings new opportunities to address issues that have beset the Organisation over recent years or even decades. A priority in that regard ought to be accountability for harms caused within peacekeeping. These issues have received significant attention over recent years, with scrutiny of mass harms caused by the UN – from cholera in Haiti to lead poisoning in Kosovo – and of sexual abuse perpetrated by peacekeepers. While legal scholarship in recent years has focused on how to reform UN accountability, particularly in relation to the *Haiti Cholera Claims*, there are fewer proposals on how to address crimes committed by UN peacekeepers. To that end, this article sets out why there is a need for a wholesale reform to accountability for peacekeepers who perpetrate sexual abuse, and provides the theoretical underpinnings for proposing a new justice mechanism to deal with such crimes. The article focuses on the

historical reasons for the complex and deficient laws governing peacekeepers who commit crimes, the ways in which those laws ought to operate and what occurs in practice, the problems with previous reform proposals, and the human rights-based approach that ought to be adopted when creating a justice mechanism that can and will hold peacekeepers accountable if they commit crimes of sexual abuse.

Panel 5: Individual, institutions and Scale

‘Gender, Scale, and the Legitimacy Problem of the European Union’

Muireann O’Dwyer

The European Union poses a significant puzzle for the scholarship of legitimacy. Its nature as an intergovernmental organisation, with supranational institutions and multi-level operations and impacts limits the usefulness of relying on state-based legitimacy theories. Conceptualisations of legitimacy based in state theory are incapable of capturing the quality and level of legitimacy of the EU’s exercise of authority. New frameworks for assessing legitimacy at the EU level have been developed in response to this puzzle. This paper outlines the theory of cultural legitimacy, as a promising approach for capturing the legitimisation processes of the EU. Cultural legitimacy is a narrative and symbolic process that seeks to normalise the exercise of political authority. This approach moves past the binary of input and output legitimacy, and seeks to capture legitimacy processes in a constructivist way.

This paper outlines research that seeks to gender the debate on cultural legitimacy through an examination of the role of gender norms in the legitimacy narratives of the EU’s post crisis economic governance. A discourse analysis of the post crisis regime highlights key narratives that rely on gender norms in the process of normalisation and legitimisation. This research highlights the role of congruence with the existing European gender orders as a key mechanism of legitimisation. Further, it argues that the gender blindness of the majority of analysis in this field limits the ability of this literature to understand the process. A gender analysis enables a deeper understanding of the role of narratives, advancing the inquiry into the resilience of dominant ideologies, and bringing a more nuanced appreciation of the mechanisms of cultural legitimisation.

Additionally, this paper explores how gender, or more specifically gender norms and gendered discourses, can be useful in coming to understand how legitimacy varies and interacts at different scales across local, national, European and global governance. It identifies several key avenues for a gender analysis of legitimacy and scale, and highlights how engagement with existing feminist scholarship can move the debate around legitimacy and scale forward. Through the framework of cultural legitimisation, it is possible to build a critical theory of the role of gender in legitimacy across scales.

‘Questioning EU social trade through the lens of scale’

Dr. Samantha Velluti

In a recent article published in *European Papers – Carnets Européens* Carol Harlow refers rather emphatically to the “limping legitimacy of EU lawmaking [...] as a barrier to integration” and in the Editorial of the same journal Enzo Cannizzaro in unequivocal terms questions whether “disintegration (as opposed to integration) through law” has now become the leitmotif of contemporary events in Europe. Both capture the growing sentiment of dissatisfaction with the European project.

The EU’s fundamental rights myth is dependent on the economic myths that speak most directly to the foundational core of the EU as a market-building project. In light of the ongoing economic (and non) crisis that the EU is worryingly confronted with the tension between “reality” and “fiction” in the EU’s fundamental rights myth has arguably been stretched to the point that its role as a political myth that provides legitimacy for its own existence is at serious risk.

When comparing this state of affairs with the EU external action we are inevitably presented with a puzzle: does, and, if so, to what extent and in what ways does this situation internally affect the legitimacy of the EU’s role as a global human rights actor?

Indeed in the past decade, the human rights dimension of EU trade agreements has grown exponentially. It can be hardly disputed that the human rights clause has become a fixture of EU foreign policy and with the new generation of trade agreements the labour-trade linkage has acquired arguably an undisputed status.

Moreover, in a series of EU official documents there is reference to the need for change in order to foster growth, develop synergies between trade and development policies and the importance of projecting the EU’s values and interests in the world, highlighting how the respect for human rights represents one of the Union’s core values in its external action.

The paper is thus set to examine the role of the EU as a global human rights actor in its external trade policy using the ‘scalar’ lens. In particular, it looks at whether recent developments at European level confirm an increased commitment of the EU to pursue human rights objectives more vigorously in the context of its deep trade agenda. The analysis will draw examples from the EU’s practice of promoting human rights in various EU trade instruments.

‘Spatial scales of belonging of discriminated people: The case of Islamophobia’

Dr Kawtar Najib

This paper focuses on a theoretical analysis of spatial scales of belonging for people who are discriminated against because of their perceived religious faith. My work focuses on discrimination against Muslim populations or people who are perceived as Muslim, and is part of a postdoctoral research project about Spaces of Anti-Muslim Acts in the Greater Paris and Greater London regions (SAMA). My main goal is to expose the different spatial contexts to which discriminated people belong ranging from the finest scale (individual) to the largest scale (global and transnational). The idea is to identify the various scales of belonging and show how these scales interact with each other. This multi-scalar reality refers to the many facets that make up the identity of individuals who are discriminated against.

Hierarchies of feelings can work to influence whether people feel a stronger sense of belonging to a neighbourhood or district than to a city or nation. For instance, an individual could feel more a Bellevillois¹ or a Courneuvian² than a Parisian or even a French citizen, like he could feel more an inhabitant of Tower Hamlets³ than a Londoner or a British citizen. Indeed, some researchers have shown that Muslim populations were more attached to their city than their region or country (Koedfoed et Simonsen, 2010; Lorcerie et Geisser, 2011; Millington, 2011). This finding does not mean that Muslim populations want to live separately from others and disengage from the society (Phillips, 2006) but rather that they pursue strategies of “invisibility” when negotiating the city and how they opt to live in areas they perceive to be safe in order to minimize feeling of anxiety and insecurity. Because of a certain climate of suspicion, which has hindered both Muslim access to resources and their spatial mobility (Amin, 2002), these strategies are rooted in a sense that Muslim belonging in 21st century Europe is conditional (Phillips, 2007). Therefore, this glocal approach (Brenner, 1998; Pain and Smith, 2008) shows the importance, in everyday life, of connecting the global scale with the micro-local scale especially in matters related to fear and inequality. Similarly, Aitchison et al. (2007) show how important the spatial context is in the construction of Muslim identities. They explain that the “local, regional and national contexts [emphasise] the importance of place [but also of time] as significant influences over how Islam is experienced, lived out and practiced on an everyday basis”.

Further Useful Information

The Institute of Advanced Studies (IAS):

The IAS is based at Durham University on the Palace Green. It is an ideas-generating research institute. It is interdisciplinary in its approach and seeks to bring together academics across the university to talk on one issue (for example, Scale). Events include workshops, public lectures, conferences and seminars. You can read more about the IAS here: <https://www.dur.ac.uk/ias/>

Global Policy Institute (GPI):

The GPI conducts multidisciplinary and interdisciplinary research focused on the scholarship, politics, and policy of pressing global collective action problems. Alongside the *Global Policy Journal*, the Castle Lecture Series and the Masters programme, the Global Policy Institute organize a series of seminars across the academic year. More information can be found here: <https://www.dur.ac.uk/gpi/>

ERC Funded Project – ‘Neo-Federalism’:

This ERC project seeks to make legal and philosophical sense of these developments through the lens of federal theory. The ‘federal principle’, which provides a legal structure that attempts to find ‘unity in diversity’, offers a key to analysing the changing loci of political power; yet international and constitutional federalism continues to be – largely – misunderstood by mainstream legal scholarship. You can read more about this project here: <http://www.federalism.eu/>

Contact Information and Organising Committee

Ruth Houghton

Ruth Houghton joined the Law School in September 2013 as a Graduate Teaching Assistant and Ph.D. candidate. From September 2016, she will be a Doctoral Research Assistant on the ERC-funded research project “*Dividing Political Power among People(s)*”. Her doctoral research explores democracy as a norm of constitutionalism and in particular, she considers how this is discussed within Global Constitutional Law scholarship. In addition, Ruth is currently researching on the emerging idea of 'Global Law'.

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Maria Anna Corvaglia

Dr Maria Anna Corvaglia joined the Durham Law School in January 2015 as a Post Doctoral Research Fellow in the context of the ERC-funded research project “*Dividing Political Power among People(s)*”. Her research to date has focused primarily on international trade multilateral framework.

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Aoife O'Donoghue

Dr Aoife O'Donoghue is a Senior Lecturer at Durham Law School. Aoife's research focuses on public international law with a specific interest in global governance. Aoife's current research centres on global constitutionalisation and the legal structures which have developed within international law to regulate governance including courts and international organisations.

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