

Feminism and International Law Interest Group

European Society of International Law

Annual Conference: Naples, 7-9 September 2017

Whose Global Public Goods, Global Commons and Fundamental Values?

Agora Proposal: Call for Papers

Feminist approaches to international law have long worked to challenge the “global” nature of international law through various means. One way this area of scholarship has done this has been to show how international law in many ways ignores and silences women’s experiences.¹ At a more pragmatic level, access to global public goods has been a key issue with access to things like water, food and health often being gendered and racialised with women and other minorities gaining unequal access. International law has therefore proved to be a discursive space which broadly promotes itself as liberal, yet this also works to disguise the limitations of international law too, with international law often ignoring the pleas of people whom it, at the same time, promotes itself as helping. This can most plainly be seen in the area of international human rights law but also in development and other areas of international law.

There is no denying that women and their needs have been given more recognition and attention in international law in the past two decades, through the recognition of women’s rights for example. However, feminist work has also noted the way that this promotion of women’s rights as a fundamental value has been appropriated and used as a tool for power, for example, by Western States to justify the war in Afghanistan (the war being called for, in part, in order to “save” Afghan women). The “feminist”² focus of liberal international law can be seen as limited in that it largely only works within the realm of liberal feminism, thereby silencing the diversity of voices within feminist and gender theory as well as ensuring that international law itself focuses primarily on certain women. Illustrating Spivak’s work, international law’s liberal feminist project can be seen as ‘white (wo)men saving brown women from brown men.’³ Of course, there are now more and more women and actors marked by racial difference working within the international realm in the contemporary world. However, it must be noted that the voices heard remain limited: adding more women or even more women of colour does not, alone, work to change the structures and often by the time such voices reach positions of power they are already deeply embedded in such structures.

This agora thereby suggests that feminist scholars need to rely on intersectional and/or postcolonial and decolonising perspectives in order to capture the complexities of the oppression suffered locally and globally by individuals marked by both gendered and racial differences as well as by other intersects including disability, class and sexuality.

¹ Charlesworth and Chinkin, *The Boundaries of International Law: A Feminist Analysis*, (Manchester UP, 2000)

² Inverted commas used to note that this is merely one form of feminism.

³ Spivak, ‘Can the Subaltern Speak?’ in Williams and Chrisman (eds.), *Colonial Discourses and Post-Colonial Theory: A Reader*, (Harvester, 1993), p. 93.

The same critique, it is noted, applied to the status of LGBTIAQ people and activists in international law. Queer scholarship, such as Puar's work on homonationalism,⁴ has shown how "the global" has been willing to promote LGBT rights as a, yet again so-called, fundamental global value. This promotion has been used as another tool for further domination as can be exemplified through pinkwashing. With the emergence of a homonormative standard for the liberal assessment of legitimate nationhood or communitarian projects, in the context of LGBT rights, this often being done through the promotion of rights such as marriage, the more radical elements of queer thought, which challenge these structures as being founded on racist and heteronormative functions, are suppressed. Further, by aiming to impose the Western, liberal LGBT framework globally, as a fundamental value, many LGBT activists work to ignore the contexts in which queer people live in and what the people themselves may see as liberation (which may not, for example, be the possibility to marry). The collusion and cross-fertilization between Western heteronormativity and its homonormative pendant is undoubtedly a field where certain values are translated, adapted and rekindled in view of sustaining Western masculine hegemony, and therefore a territory where postcolonial and decolonial feminist exploration are much needed.

Further to this, the focus of international law on promoting civil and political rights over economic, social and cultural i.e. the rights which ensure equal access to global public goods such as water, has worked in many ways to silence women's needs through promoting a limited, liberal account of freedom.⁵ With global goods such as water now being largely commodified across many parts of the world, there have been many calls in recent years for these public goods to belong, instead, to the commons.⁶ Liberalism, as one of international law's fundamental values, has become neoliberalism, as can be shown in the IMF's reductive accounts of freedom for women and LGBT people as access to the market alone⁷ (without account to the fact, for example, that having a low paid job is not necessarily freedom, especially in a world where things like water are commodified and may thus be inaccessible for those on low wages, for example).

Fundamental values are not things which are universally shared: feminist scholarship have shown the need to question such values and their implications. The use of both women's rights and LGBT rights to promote specific agendas, for example, pinkwashing or the promotion of civil and political rights of women over their other rights, is an example of this, with both agendas having promoted liberal accounts of freedom. This has allowed these agendas to also be incorporated in neoliberal structures. Thus, it seems that the accommodation and incorporation women and LGBT people into the international, within the scope of widely accepted global fundamental values such as liberalism, democracy and human rights, has worked to silence broader accounts of equality and ideas of freedom which move beyond liberalism, as well as to silence other voices within these groups including colonised subjects.

We therefore welcome papers on (but not exclusive to), for example:

- Women's access to and feminist perspectives on global public goods such as water, food, free trade and public health, the fight against terrorism.

⁴ Puar, *Terrorist Assemblages: Homonationalism in Queer Times*, (Duke University Press, 2007).

⁵ For example, see: Kapur, 'Precarious Desire, Postcolonial Justice and the Epistemic Fishbowl of Human Rights,' talk held at the Graduate Institute of Geneva, 19th May 2016.

⁶ E.g. see the call for this in Ireland and across Europe: <http://europeanwater.org/news/press-releases/519-in-ireland-and-in-the-rest-of-europe-water-should-be-a-commons>

⁷ See: Rao, 'Global Homocapitalism,' *Radical Philosophy*, (2015), 194 and Bedford, *Developing Partnerships: Gender, Sexuality and the reformed World Bank*, (University of Minnesota Press, 2009), p. 11-34.

- Feminist and queer critiques of international law's 'fundamental values' such as liberalism and neoliberalism
- Feminist perspectives on the global commons such as: the law of the seas, the law of outer space and immaterial cultural heritage (for example).
- Feminist perspectives on fundamental values such as: human rights, peace, protection of the environment, self-determination and democracy.

Application Process

A selection committee will be composed of members of the coordinating committee of Feminism and International Law interest group. Please submit an abstract in Word or PDF of no more than 500 words to Emily Jones at ej9@soas.ac.uk.

The following information must be provided with each abstract:

- The author's name and affiliation;
- The author's CV, including a list of relevant publications;
- The author's contact details, including email address and phone number;
- Whether the author is an ESIL member;
- Whether the abstract should be considered for the ESIL Young Scholar Prize.

The following selection criteria are drawn from the criteria for acceptance to the ESIL annual conference:

- Originality and innovativeness of the work;
- Links to the conference theme;
- Geographical, linguistic and gender balance;
- Only one abstract per author will be considered.

Abstracts will be selected for inclusion in the agora proposal on the additional basis of their alignment with the agora description and objectives. The selection committee wants to insist on the importance of bilinguism and welcomes papers in French.

The deadline for submission of abstracts is **20th January 2017**.

The selection committee will submit a panel proposal to the ESIL conference organizers by 31 January 2016 and will have a response by 31 March 2016. If accepted, full papers will be due by 15th July 2017.

If this proposal is not accepted by ESIL as an Agora, we will instead be hosting this as an Interest Group event. This would most likely happen the day before the main ESIL Conference.

The Interest Group is unable to provide funding for travel to and attendance at the conference. Please see the ESIL website for information on finances and for other relevant information about the conference.

Agora Selection Committee

Loveday Hodson, Troy Lavers, Emily Jones and Bérénice K. Schramm