BERGEN EXCHANGES

ON LAW & SOCIAL TRANSFORMATION #BeEx2023 14-18 AUGUST 2023



DEMOCRACY, AUTOCRATIZATION & RESISTANCE ACADEMIC FREEDOM * DECOLONIZATION * CHILD RIGHTS GENDER, SEXUALITY * REPRODUCTIVE JUSTICE * HEALTH ADDRESSING CLIMATE CHANGE * INDIGENOUS RIGHTS TRANSITIONAL JUSTICE * CRIMINAL LAW * MIGRATION

PROGRAM

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MONDAY AUGUST 14TH 2023

(VENUE: KULTURHUSET, VASKERELVEN 8, TOP FLOOR)

9:00 - 9:15

OPENING of the 2023 Bergen Exchanges

The venue is open from 8:30 for coffee, tea, meet & greet.

9:15 - 11:15

Autocratization, resistance and democratic fragility

Over the past decade, the pressures against liberal democracy have been mounting across the globe, both in historically new and fragile democracies and in what we had come to think of as consolidated and mature democracies. Many states have experienced rapid and marked democratic backsliding — often facilitated through law. At the same time, there are also effective forces resisting autocratization. In these opening keynotes of Bergen Exchanges, five eminent scholars from across the globe will give us insights into the dynamics of autocratization, resistance and democratic fragility as they are playing out in different regions.

This session is part of the LawTransform/UiB project "Autocratization Dynamics" funded by the Research Council of Norway (RCN-INTPART).

OPENING KEYNOTES

African perspectives by Oumar Ba, Cornell University, USA.

Perspectives from Europe at a time of war by Maria Popova, McGill University, Canada.

Latin American perspectives by Francisca Pou Giménez, UNAM, Mexico.

Perspectives from India by Namita Wahi, Centre for Policy Research, India.

Perspectives from the USA by Bruce Wilson University of Central Florida, USA.

DISCUSSION

Comments by **Heinz Klug**, University of Wisconsin, USA, and **Alida Steigler**, University of Oslo.

Moderator: Siri Gloppen, University of Bergen/LawTransform.

11:30 -12:35

PluriLand: researching competing legal orders in contestations over land

METHODS & ETHICS KEYNOTE by Rachel Sieder, CIESAS, Mexico

followed by ROUNDTABLE

Indigenous and traditional land rights are protected in many legal systems. Still, conflicts over land affecting vulnerable communities are rapidly escalating across the globe and are often highly transnational. Our knowledge about the mobilization and traction of protective land regimes remains fragmented, localized, and weakly theorized. Through cross-regional investigation of conflicts affecting the land rights of vulnerable communities who in theory are protected by law, the *PluriLand* project aims to develop a new theory of land claiming. The study is profoundly interdisciplinary, and compares these processes across six countries: South Africa, Ethiopia, India, Brazil, Guatemala, and Colombia. These countries display a mixture of colonial and non-colonial histories and capture a range of circumstances within and between Africa, Asia and Latin America, as well as in terms of periodization of key political moments in contestations over land. In her keynote, Rachel Sieder will present the project and how it combines theoretical and methodological approaches, as well as some of the ethical issues

arising. The keynote will be followed by a roundtable where members of the project team will discuss some of the central findings so far.

The CMI/LawTransform PluriLand project is enabled by a Norwegian Research Council FRIPRO grant.

Roundtable participants: **Tatiana Alfonso**, Red ALAS; **Mekonnen Firew Ayano**, NY State University at Buffalo, USA; **Ana Côrtes**, University of Coimbra, Portugal/LawTransform; **Jackie Dugard**, Columbia University, USA/University of the Witwatersrand, South Africa; **Rachel Sieder**, CIESAS, Mexico; **Namita Wahi**, Centre for Policy Research, India.

Moderator: Ana Braconnier, CIESAS, Mexico.

12:35 - 13:30

LUNCH

CHECK OUT THE PHD STUDENTS' POSTERS & YOUR COLLEAGUES' PUBLICATIONS ... and LISTEN TO THE SÁMI JOIK INSPIRED MUSIC by SONDRE PETTERSEN

Sondre Pettersen has a versatile and multi-artistic background: trained in Jazz vocal; award-winning composer and actor; producer of jazzy electropop, and church organist working with both joik and live electronics. In recent years, his indigenous Sámi heritage from Moskavoutna (Ullsfjorden, Troms) has become a larger part of his identity, artistic work and research. He has completed a master's in "Joik and sustainability from a Sámi perspective", and currently does research and concerts in Moskavoutna, supported by the Arts Council Norway, with the aim of reconciliation through dialog and art. This research will culminate at the Arctic Arts Festival in Northern Norway in 2024, with the premiere of his interdisciplinary art piece "The Cry Of The Earth - Oahpahusmateriála Guoddevašvuohta". You can check out some of Sondre's music here:



Excerpt from the poetry concert "Surtsey LAVALOVE

Excerpt from "Eanan, Eallima Eadni - The Earth, My Mother" (Master's concert at UiB)

13:30 - 14:15

ROUNDTABLE How to create inclusive epistemic communities for transformative climate policy

NB. The music performance will start at 13:15.

Epistemic communities are networks of experts who enjoy social authority, and who attempt — and sometimes succeed in — shaping laws, policies, and practices at national and international level. In the context of climate change law and policy, epistemic communities play a key role. In relation to the court cases that have burgeoned worldwide, scientists help shape litigation among others by supporting lawyers and NGOs in understanding and mobilizing science for climate justice. In this roundtable we will discuss how epistemic networks of knowledge work to bring about action when addressing the unequal burden of climate change between and within societies, as well as on the youth and future generations. When are these networks effective, and which knowledge-keepers and forms of knowledge are included? Can epistemic communities help modify the "present bias" of law — the privileging of present generations' interests over those of future generations? This session is enabled by a grant from the UiB Global Challenges strategic area.

Participants: **Esmeralda Colombo**, ISPI, Italy; **Anand Bhopal**, University of Bergen; **Moira Millán**, Mapuche activist from Argentina; **Yann Robiou du Pont**, Utrecht University, the Netherlands.

Moderator: Catalina Vallejo, EAFIT University, Colombia.

14:30 - 15:30 BOOK LAUNCH ROUNDTABLE

Indigenous rights versus climate mitigation?

In many parts of the world — including in Norway — indigenous rights are pitted against the need for green energy. Hydroelectric dams, solar energy plants and wind farms are on a large scale being constructed on indigenous lands, often by international corporations, as are mines to extract minerals for battery technology. Mobilization by indigenous activists — in courts, in the arts, and on the streets — are often portrayed as hampering the green transition. This roundtable looks closer at these conflicts and how they play out in different parts of the world. It will also explore the tension between indigenous rights and climate mitigation, the alliances that are formed between indigenous activists and environmentalists, and discuss under which circumstances indigenous legal mobilization is effective. This event is a collaboration with CET--Centre for Climate and Energy Transformation at UiB.

Participants: **Rasmus Berg**, Young Friends of the Earth Norway; **Anne Henriette Nilut**, Sámi Parliament; **Camille Parguel**, University of Gothenburg, Sweden; **Sondre Pettersen** (Sámi artist); **Jorge Peláez Padilla**, Ibero-American University, Mexico; **Catalina Vallejo**, EAFIT University, Colombia.

Moderator: **Siri Gloppen** (University of Bergen/LawTransform).

15:45 - 16:30 BOOK LAUNCH ROUNDTABLE

Climate change mitigation, politics of deforestation and democratic regression

Willams reflects on Indonesia's recent experience with REDD+ (Reducing Emissions from Deforestation and forest Degradation), set within a broader discussion of neoliberal environmentalism, hyper-capitalism, forest rights, and Indonesian carbon politics. The book questions the win-win presumptions underlying REDD+: that foreign state and private financing can be used to protect tropical forests, the carbon stored within them, and people who depend upon them, resulting in local economic development and global climate benefits. It finds that neoliberal approaches to climate change increase the severity of political contestations that must be overcome to reach global climate mitigation goals, and how scholarly advice to couple anti-deforestation approaches with policies that reduce industrial carbon emissions are ignored. The book also links the discussion of deforestation to Indonesia's recent democratic regression, highlighting how the country's environmental performance is inextricably linked to the timbre of its political governance. Following an introduction by the author, the roundtable will discuss neoliberal approaches to climate change in a global perspective.

Introduction by **Aled Williams**, CMI. Roundtable participants: **Anwesha Dutta**, CMI; **Danielle Rached**, University of São Paulo, Brazil; **Emma Jane Lord**, University of Bergen.

Moderator: **Mekonnen Firew Ayano**, University at Buffalo, USA.

16:45 - 17:30 ROUNDTABLE

Prospects for reconciliation?

Norway's Truth Commission in an age of Sámi mobilization

The Norwegian Truth and Reconciliation Commission (TRC) has recently concluded its investigation of the historical wrongs committed against the indigenous Sámi and three national minority groups in Norway (the Kven, Norwegian Finns, and Forest Finns), and the long-term negative implications of state policies of forced assimilation. After five years of work, the TRC handed over its final report to the

Norwegian Parliament on 1st June. The expectations for the report's findings and recommendations were high in Norwegian society. In this roundtable we invite a Sámi politician and two young artists to discuss the findings and recommendations made by the Norwegian TRC and to reflect on the prospects for reconciliation in a turbulent time of Sámi mobilization and contestation.

Participants: Anne Henriette Nilut, Sámi Parliament; Sondre Pettersen (Sámi artist); Julie Felizia

Sara-Skree, Bergen Sámi Society.

Moderator: Elin Skaar, CMI.

18:00 - 19:00

THE BERGEN MAYOR'S RECEPTION

(SCHØTSTUENE, BRYGGEN - by invitation)

NB. We will walk jointly to the reception from the conference venue after the last session.

19:30 - 20:30
EXHIBITION and CONVERSATION with **Brian Maguire**law of the land

(KUNSTHALL 3,14)



Across the USA, indigenous peoples and immigrants suffer high rates of assault, abduction, and murder. A silent crisis is transpiring in the state of Montana, where thousands of indigenous people are missing. Especially young women are disappearing or being found murdered. The cases often go unsolved, leaving grieving families to investigate on their own. Native American and Alaska Native community advocates describe the crisis as a legacy of

generations of government policies of forced removal, land seizures and violence. In Arizona's Sonoran Desert, thousands of unidentified border crossers have been discovered, but no one knows the number of bodies populating the desert sand. The exhibition *law of the land* challenges the modern idea of the nation-state in which law is thought of as a natural extension of territory. It demonstrates how 'equality before the law' fails to provide the same legal protection for all individuals sharing a land, and how the "Law of our Land" causes danger to migrants and minorities. **Brian Maguire** reacts to this violence by memorializing the victims and sharing their fates with the public. His investment in social activism stems from his involvement in the civil rights movement of Northern Ireland in the 1970s. Since the beginning of his artistic career, Maguire has approached painting as an act of solidarity.

Alicia Ely Yamin (Harvard University) will lead the conversation with the artist.

Read more about the exhibition and the artist here: https://www.kunsthall314.art/brian-maquire

TUESDAY AUGUST 15TH 2023

(VENUE: KULTURHUSET, VASKERELVEN 8, TOP FLOOR)
The venue is open from 8:30 for coffee, tea, meet & greet.

9:00 - 10:15

Academic freedom under crossfire

KEYNOTE by **Daniel Brinks**, University of Texas Austin, USA followed by a ROUNDTABLE discussion

Universities are — and should be — spaces of contestation. But the battles over academic freedom as a value and cornerstone of academic life, are unprecedented both in scale and in the multidimensionality of the attacks. In many parts of the world, including in US states like Florida and Texas, right wing populist politicians have turned universities into electoral battlegrounds. They are striking down on critics and upending the life of staff and students. Self-censorship is fuelled by fear of repercussions from right leaning authorities, but also by demands from the left for academic culture to be respectful of minorities and transform patriarchal and colonial knowledge hierarchies. Commercialisation of universities, whether public or private, the scramble for targeted funding and the demand for immediately useful research and learning, are also shifting the goalposts of academia. For individual academics, the questions of who can say what, when and how are becoming more pressing. For universities as public institutions — and for academia as a global idea and ideal — these developments raise fundamental questions about identity, purpose, and strategy.

This session is part of the LawTransform/UiB project 'Autocratization Dynamics' funded by RCN (INTPART) and is a collaboration with the Rafto Foundation for Human Rights.

Comments by **Lise Rakner**, University of Bergen. **Gökhan Sen**, University of Oslo, and **Iver Ørstavik**, Rafto Foundation for Human Rights, Norway.

Moderator: Namita Wahi (Centre for Policy Research, India)

10:30 - 11:15 ROUNDTABLE

Labour union's role in mobilizations against authoritarianism

Labour unions have often been in the forefront of mobilizations against oppressive regimes and as quotidian organizations they have tremendous potential in mobilizing society in times of need. Yet, labour unions are also navigating and operating in a difficult political landscape filled with repressions, co-option, restrictions, and containment. This roundtable explores the conditions of labour unions and the trajectories of their work under repressive regimes in different authoritarian contexts. How do labour unions frame and formulate their political action? What kind of mobilizing structures and techniques are used by labour unions? What happens in the aftermaths of the revolutionary moments that the labour movements have been involved in?

This session is co-hosted by GRIP, the Global Research Program on Inequality

Participants: Volodymyr Artiukh, University of Oxford, UK; Çağatay Edgücan Şahin, University of

Ordu, Turkey; Kerstin Hamann, University of Central Florida, USA.

Moderator: Elina Troscenko, GRIP, University of Bergen.

11:30 - 12:15

Continental Encampment

BOOK LAUNCH

Are John Knudsen and Kjersti G. Berg (eds.)

Continental Encampment. Genealogies of Humanitarian Containment in the Middle East and Europe.

During the past decade, Syria's displacement crisis has made the Middle East one of the world's foremost refugee-hosting regions. The measures to prevent refugees and migrants from leaving the region, and returning those who do, has made the region a zone of containment where millions remain displaced. The volume explores responses to mass migration and traces the genealogy of humanitarian containment from the Ottoman Empire and the emergence of the first refugee camps to the present-day displacement 'crises' and the re-bordering of Europe. In this sessions the participants will share insights from the new book. The book was published as part of the RCN-funded project SuperCamp: Genealogies of Humanitarian Containment in the Middle East.

Participants: Synnøve Bendixsen, University of Bergen; Antonio De Lauri, CMI.

Moderator: Kjersti Gravelsæter Berg, NLA Høgskolen, Bergen.

12:15 - 13:30

LUNCH with a thoughtful conversation

Bring your food back for the conversation starting at 12:45

Dealing with trauma as a human rights researcher

Researching human rights violations often means relating to severe traumas suffered by interviewees or their loved ones, or described in the documentation that makes up the data material. As a researcher you are faced with a three-fold challenge: how to approach the trauma of others in ethical ways during data collection; how to communicate this in the published research; and — which is our main focus here — how to deal with the emotional stress and secondary traumatisation that the exposure to human rights violations may cause, individually and as part of a team.

Participants: **Alicia Ely Yamin**, Harvard University, USA; **Davi Málaga**, Federal University of Viçosa, Brazil; in conversation with **Dorothee Alberts**, LawTransform.

13:45 - 14:45

KEYNOTE by **Divine Fuh**, University of Cape Town, South Africa

Decolonising Suffering: On Precarity and New Imaginative Subjectivities

At the heart of the international development and philanthropy enterprise is a project to eradicate suffering. Like all emancipation movements, decolonisation is a human dignity project which aims to ultimately inscribe new terms of recognition. The critique of global knowledge production has demonstrated that progressive ideas even when well intentioned are trapped within resilient oppressive knowledge regimes; shaped by historical patterns of power including those circumscribed by the colonial enterprise. Globally, suffering and the mitigation of it are entangled in this struggle for epistemological pluriversality and the need to repair suffering or indignity. In the midst of decolonisation, should suffering be re-imagined and to what end? What are the possible consequences of such a re-imagination for the re-making of new subjectivities? This reflection is located within the context of global ruptures and promises of instability. At the heart of this context is the displacement of old tenacious imperial regimes. Across the continent youth uprisings against disconnected political elites is threatening the stability of old patterns of power and patronage. At the centre of these protests are demands for a re-articulation of the state, and a rethinking of democracy and its relationship to global systems of domination and accumulation; and as well the resilience of suffering. The violent response to

this challenge by states has further entrenched precarity in the lives of young people across the continent. In this paper I ask how young people respond to this precarity by imagining new subjectivities of being. It examines how urban youth develop new modes of agency that allows them to maintain an active attitude despite the permanent difficulties of establishing themselves as social adults in a society in constant flux.

This session is co-hosted by GRIP, the Global Research Program on Inequality.

Comments: Oumar Ba, Cornell University, USA; Yumba Kakhobwe, University of Pretoria, South Africa.

Moderator: Satang Nabaneh, University of Dayton, USA.

15:00 - 16:00 ROUNDTABLE

Inequality and legal change: perspectives from the Global South (The LawTransform South-South Network)

In this roundtable, a group of young intellectual voices from the South-South Network share their socio-legal perspectives on inequality and legal change from their home countries in Latin America and Africa. Going beyond economic struggle, social, gender, sexual, and structural inequality is explored. The following topics will be addressed: climate change and environmental justice; judicial backlash regarding LGBTQI and indigenous rights; gender inequality and child marriage; and access to justice in a legal pluralistic system. The discussion will address how legal changes for equality were able to produce social transformation and highlight the challenges that remain from the perspective of scholars embedded in the context.

Participants: Lívia Buzolin, FGV, Brazil; Ana Braconnier, CIESAS, Mexico; Adrian Jjuuko, HRAPF, Uganda; Larissa Margarido, FGV, Brazil; Wesley Maraire, University of Cape Town, South Africa; Thalia Viveros-Uehara, University of Massachusetts, USA.

16:15 - 17:15 ROUNDTABLE

Queer subjectivities/activism in moments of political transformation

Homophobia is contested in societies around the globe. Queer organizations mobilize around LGBT+ rights, while anti-queer governments, transnational groups and churches mobilize against "gender ideology" undermining the family and corrupting children. A growing literature, describing political attacks on the rights of LGBT+ persons, links politicized homophobia to political or economic crises. In response, queer activists have to develop strategies and adapt to complex political landscapes that are often hostile. Queer identities and practices are subject to (re?) criminalisation and a lack of legal recognition. Where queer identities and movements have become a reality, their paths forward are still defined by a need to maneuver the "anti-gender" narratives that seek to curtail their socio-political participation. It is, therefore, necessary to consider the expanding and contracting nature of political spaces. Doing so will illustrate how regulation and mobilization interact to produce complementary and contentious networks that shape political subjectivities. Change, in this model, is neither unilateral nor unidirectional. The roundtable showcases a focus on the agency of queer activists and their subjectivities in moments of political transformation in Kenya, Mozambique, Nigeria, Sudan, Tunisia, Uganda and Qatar. We will examine three interlocking questions: (1) How do queer activists' maneuver in moments of political transformation and uncertainty? (2) What role do language and changing rhetorical landscapes play in the mobilization for and against LGBT rights? (3) What role does the international community play, for better or for worse, in the politics of identity and belonging and how does this create complicated rifts for queer activists to maneuver?

This session is hosted by UiB SkeivForsk, SKOK, and the CMI/Law Transform research project 'RightAct and is enabled by grants from Fritt Ord and the Research Council of Norway (FRIPRO)

Participants: **Sifa Alfakir Jihad**, Bayreuth University, Germany; **Matthew Gichohi**, CMI; **Adrian Jjuuko**, HRAPF, Uganda; **Samah Khalaf Allah**, University of Bayreuth, Germany; **Mari Norbakk**, CMI; **Carmeliza Rosario**, CMI.

Moderator: Liv Tønnessen, CMI/LawTransform.

17:45 - 19:15 FILM SCREENING "La rebelión de las flores"

Introduced by **Moira Millán** (Mapuche activist from Argentina) (BERGEN GLOBAL, JEKTEVIKSBAKKEN 31)



A group of Indigenous women from across Argentina march to Buenos Aires to demand a meeting with the minister of the Interior. In this documentary, Maria Laura Vasquez tells the story of how the women occupy the entrance of the Ministry for days and nights without seeing the Minister. They want justice, self determination over the fate of their people, and an end to the imposition of their land by government and corporations. In the process the women become closer and support each other as they suffer hunger, thirst, and insults from passersby — but also support. And they remain determined to speak to the minister and continue the fight for the rights of their people and the preservation of their land.

NB. We will walk jointly from the conference venue.

19:30 - 22:00

SOCIAL EVENT AT THE CMI ROOFTOP CAFETERIA

(BERGEN GLOBAL, JEKTEVIKSBAKKEN 31)

WEDNESDAY AUGUST 16TH 2023

VENUE: UNIVERSITY OF BERGEN AULA, MUSEUM OF NATURAL HISTORY, Museplassen

10:00 - 11:00

KEYNOTE by **Ezequiel González Ocantos**, University of Oxford, UK BOOK LAUNCH & ROUNDTABLE

Corruption prosecution and democracy in Latin America and beyond

Lava Jato, a transnational bribery case that started in Brazil and spread throughout Latin America, upended elections and collapsed governments. Why did the investigation gain momentum in some countries but not others? The book traces reforms that enhanced prosecutors' capacity to combat white-collar crime and shows that Lava Jato became a full-blown anti-corruption crusade where reforms were coupled with the creation of aggressive task forces. For some, prosecutors' unconventional methods were necessary and justified. Others saw dangerous affronts to due process and democracy. Given these controversies, how did voters react to a once-in-a-generation attempt to clean politics? Can prosecutors trigger hope, conveying a message of possible regeneration? Or does aggressive prosecution erode the tacit consensus around the merits of anti-corruption? **Prosecutors, Voters and The Criminalization of Corruption in Latin America** (CUP 2023) is a study of the impact of accountability through criminalization, one that dissects the drivers and dilemmas of resolute transparency efforts.

Comments by **Luisa Ferreira**, FGV, Brazil; **Jonatán Lemus**, University of Texas Austin, USA, and **Maria Popova**, McGill University, Canada

Moderator: Daniel Brinks, University of Texas Austin, USA.

11:15 - 12:00 ROUNDTABLE

Researching law, (in)equality and inclusion

Inequality and exclusion are societal challenges that are profoundly mediated by law. Law causes, shapes, and upholds inequalities and exclusion, but is also a central tool in seeking to overcome unwanted inequalities and promoting inclusion. In this panel young scholars who are engaged in research in different parts of the world — Brazil, Colombia, India, the Philippines and Ethiopia — will discusses their work on how the law shapes (in)equality and exclusion/inclusion in areas such as political representation of women; citizenship, the right to the city, and in access to justice.

Participants: Catarina Barbieri, FGV, Brazil; Ryan Goehrung, University of Washington, USA; Zelalem Tesfaye Sirna, Bule Hora University, Ethiopia; Suvolaxmi Dutta Choudhury, McGill University, Canada. Mediator: Luciana Gross Cunha, FGV, Brazil.

12:15 - 13:00 ROUNDTABLE

Intersectional barriers for Sudanese refugees

War erupted in Sudan in April, with the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) fighting for control over state power and resources. Ceasefires have been futile and people who have taken shelter in their homes are running out of water, food and medicines. The humanitarian situation is dire. 3 million Sudanese are fleeing. Many attempt to cross the borders of neighbouring states, but meet a myriad of obstacles, in part due to different definitions and perceptions of what

refugeehood is. In this panel we take an intersectional approach to these obstacles highlighting that "refugees" are diverse and that refugee experiences are shaped by multiple identities such as gender, race, national origin, class, age, (dis)ability and sexual orientation. We ask: what are Sudanese refugees' experiences? How have they been received by neighbouring states? How have European states responded? How are the experiences and processes gendered and racialized? How does the definition of refugee and migrant impact various intersectional identities' experiences?

This session is part of the The Sudan-Norway Academic Cooperation (SNAC) project funded by the Royal Embassy in Khartoum, Sudan.

Participants: Munzoul Assal, University of Khartoum; Sara Abbas, Fellow: Open Society Foundation;

Samah Khalaf Allah, University of Bayreuth, Germany.

Moderator: Mari Norbakk, CMI.

13:00 - 13:45

Knowledge Justice: decolonizing academia

ROUNDTABLE

The debate about decolonizing epistemologies has been on-going since the start of independence in former African colonies. The colonial governments established universities in most of its colonies, and once independence was achieved, these universities were expected to take on a prominent role in the development of their countries. However, after half a century of formal independence, African universities are still firmly embedded in the European university tradition. Administration, organizing of disciplines, curriculum, teaching and the shaping of the academic profession, are modeled after the colonial administrations. Current debates on decolonization address how local and indigenous knowledge can be developed to support liberation from European/colonial ties. What shape should these processes take? Is it necessary to "de-link" and dismiss Western knowledge in a process of de-colonizing structures and epistemologies? Or should the processes build on the current knowledge and emphasize a "translation" and adaptation to local situations and knowledge? The panel asks: How does historically strong and ongoing racism affect North-South relations within universities today? With continued dependence on financial transfers from the Global North, how should one avoid that scholars in the South are relegated to "junior partners" collecting empirical data for theorizing in the North? How can the Global South inform debates on racism in the Global North (for example vis-a-vis Sámi people in Scandinavia)?

This panel is part of the project "Decolonising Epistemologies: The Disciplines and the University in relation to Society and the World" funded by the Norwegian Research Council NORHED program,

Participants: **Grace-Edward Galabuzi** and **Joseph Kasule**, Makerere Institute of Social Research (MISR), Uganda; **Andrea Kronstad Felde**, University of Bergen.

Moderator: Lise Rakner, University of Bergen.

13:45 - 14:30

LUNCH

14:30 - 16:00

How to build fair and robust health systems In an unequal and climate challenged world?

Hosted by BCEPS, the Bergen Centre on Ethics and Priority Setting in Health

BOOK LAUNCH: Tore Godal and the Evolution of Global Health

by Conrad Keating, Trinity College Dublin, Ireland.

Principles for fair allocation of scarce resources by Ezekiel Emanuel, UPenn, USA.

ROUNDTABLE

In the words of the World Health Organization's Secretary General Tedros Ghebreyesus: "The evidence is clear that climate change is already having a serious impact on human lives and health. It threatens the basic elements we all need for good health - clean air, safe drinking water, nutritious food supply and safe shelter - and will undermine decades of progress in global health." Adding to this picture are all the ways in which climate change deepens inequalities within and between societies, including health inequalities. In this context, the fairness and effectiveness of health systems are more crucial, and more challenging than ever before. This session will discuss current global efforts to build health systems that are able to provide health care more effectively and fairly than in the past. The discussion will include looking at the history, ethics, science, law and political visions and leadership needed in pursuit of Health for All; including the role of litigation in moving towards climate-sound health systems.

Participants: **Thalia Viveros-Uehara**, University of Massachusetts, USA; **Alicia Ely Yamin**, Harvard University, USA; **Ana Lorena Ruano**, University of Bergen; **Tore Godal**, special adviser for global health in the Ministry of Foreign Affairs.

Moderator: Ole Frithjof Norheim, BCEPS, University of Bergen.

16:00 - 16:30

BREAK

What about a stroll in the botanical gardens before the Annual Lecture starts?



Courts and social transformation after lawfare and judicial backlash

In recent years, there has been significant discussion surrounding the 'weaponization' of the law as a means to undermine political opponents, as well as various instances where the law has been used to reverse established rights. These occurrences have led some to question whether judicialization, as a tool for social transformation, is coming to an end. Are these concerns valid? Does the increasing prevalence of lawfare and the growing number of cases involving judicial backlash signify the failure of judicialization? This lecture will argue that these two phenomena actually serve as evidence of the effectiveness of judicialization as a political instrument. Furthermore, this lecture will assert that the emergence of lawfare and the diverse cases of backlash highlight that analysis of judicialization needs to consider not only the opportunities that facilitate its occurrence, but also other independent variables such as the nature of the conflicts and types of goods at stake in the process of judicialization. Comments by **Daniel Brinks**, UT Austin, USA, **Maria Popova** McGill University, and **Adrian Jjuuko**, HRAPF, Uganda.

Moderator: **Siri Gloppen**, University of Bergen/LawTransform.

18:00 - 22:00

SOCIAL EVENT AT THE KNUT FÆGRIS HUS

(VILLAVEIEN 9 - by invitation)

We will walk jointly to the social event from the conference venue after the Annual Lecture.

THURSDAY AUGUST 17TH 2023

(VENUE: BERGEN GLOBAL, JEKTEVIKSBAKKEN 31)

9:00 - 10:15

Reproductive justice and democracy

KEYNOTE by Irene Maffi, University of Lausanne, Switzerland.

The concept of reproductive justice was introduced to challenge the abortion rights focus of the debate on reproductive health and rights in the USA, a discourse dominated by white middle-class feminism. A reproductive justice focus broadens the debate to include other rights needed for women of color and poor and vulnerable people more broadly, to have children and be able to raise them in good conditions. It takes into account the system of inequalities and structural violence in which specific categories of women are inscribed within the society and not only in health care facilities. It also contains larger ethical connotations that are absent from the notion of human rights that are more strictly related to international or national law. Reproductive injustice thus includes all structural inequalities limiting the access to health care and the possibility of making autonomous decisions in the domain of reproduction on the basis of class and gender but also marital status, sexual orientation, gender identity, age, citizenship, religion, etc. In this keynote Irene Maffi, will discuss the concept and some of its manifestations.

ROUNDTABLE & BOOK LAUNCH

Following up on Maffi's keynote, **Satang Nabaneh**, University of Dayton, USA, draws on her work on conscientious objection in South Africa to illustrate how intersecting structural inequalities and shifting power relations influence access to abortion care. She will start off the roundtable discussion with participants from different parts of the world offering their perspectives on reproductive (in)justice, with a particular focus on the implications for democracy.

Satang Nabane's new book **Choice and Conscience: Lessons from South Africa for a Global Debate** is part of the CMI/LawTransform RCN funded project "Political Determinants of Sexual and Reproductive Health" This session is also part of the LawTransform/WUN project "Gender Trouble: *Glocalization* of gender politics - challenges for democracy & health".

Comments by **Juliana Cesario Alvim**, Federal University of Minas Gerais, Brazil, **Francisca Pou Giménez**, UNAM, Mexico, and **Andrea Melberg**, University of Bergen.

Moderator: **Liv Tønnessen**, CMI/LawTransform.

10:30 - 11:30 ROUNDTABLE

Sex education – gender at the illiberal frontier

Contestations over comprehensive sex education currently plays out in myriad domestic and international arenas across the globe, with particularly heated discussion concerning whether, when and how children should learn about different sexual orientations, gender identities and expressions, abortion and contraception. This seems to be a 'glocal' phenomenon in that developments in different parts of the world are interwoven, yet play out differently, with different effects in each context. So while the developments in different countries and regions of the world are interlinked, they manifest in distinct ways in each context with different social and political consequences. This roundtable will discuss how local dynamics are interwoven at transnational level in ways that (re)shape this global phenomenon; how global driving forces combine with diverse local cultures, gender norms, and power-structures to shape the form and force of gender politicization in specific contexts, and what the

consequences of the politicization are in different localities, with regard to public health and democratic processes.

This roundtable is part of the LawTransform/WUN project "Gender Trouble: Glocalization of gender politics - challenges for democracy & health".

Participants: Juliana Cesario Alvim, Federal University of Minas Gerais, Brazil; Lívia Buzolin, FGV, Brazil; Ana Côrtes, University of Coimbra, Portugal, University of Bergen/LawTransform; Bela Hümmelgen, Central European University, Austria. Moderator: Satang Nabaneh, University of Dayton, USA.

11:45 - 13:00

Research methods in studies of international lawfare

METHODS KEYNOTE by Malcolm Langford, University of Oslo.

Lawfare processes — where highly contentious social issues such as abortion and queer rights are played out as battles in courts and legislatures — are not confined to the domestic level. International courts and treaty bodies are increasingly the subject of legal mobilization by opposing actors. What drives these international lawfare processes? Who are the main actors? How do these tribunals — that differ significantly from domestic courts both structurally and in terms of their legitimacy — deal with these contentious cases? What are the effects? And, most importantly, for this session: how do we know? In his keynote, Malcolm Langford will explain how a multi-method research project on Sexual and Reproductive Rights Lawfare has approach these questions.

The 'Sexual and Reproductive Rights Lawfare' book project is a collaboration between LawTransform and PluriCourts, University of Oslo.

ROUNDTABLE

Participants: **Ana Côrtes**, University of Coimbra, Portugal and University of Bergen/LawTransform; **Rachel Cichowski**, University of Washington, USA; **Adrian Jjuuko**, HRAPF, Uganda, **Rachel Sieder** (CIESAS, Mexico/CMI) Moderator: **Siri Gloppen**, University of Bergen/LawTransform.

13:00 - 14:00 **LUNCH**

14:00 - 15:15

Criminal unaccountability and mental disorders: challenges for cross-country research

KEYNOTE by **Linda Gröning**, University of Bergen

The legal doctrine of 'criminal insanity' concerns a defendant's lack of capacity for responsible action and is found in most legal orders. It defines the justifiable use of punishment, steers decisions about compulsory treatment, and is one of the most controversial legal constructs in the legal discourse today. In modern criminal law, this doctrine has been linked to concepts about mental disorder. At the same time, we understand very little about the contemporary legal relevance of mental disorders for criminal unaccountability, not least because current research on criminal insanity has concentrated on Anglo-American doctrines. Starting from Norwegian law as an alternative to the Anglo-American paradigm, this lecture will outline key challenges for further cross-country research.

Linda Grönning is PI for the DIMENSIONS research project, funded by the Research Council of Norway (SAMKUL)

ROUNDTABLE

Insanity defense across the globe

This roundtable explores the cultural and practical differences in how societies view and respond to insanity and mental illness and how they deal with it within the criminal law, going beyond the focus on western countries dominating the research discourse.

This session is part of the project "Criminal accountability and mental disorders around the world", funded by a CMI/UiB collaborative grant.

Participants: Luisa Ferreira, FGV, Brazil; Ronnie Mackay, De Montfort University, UK; Khadija Omar, Kidongo Chekundu Psychiatric Hospital, Zanzibar; Alicia Ely Yamin, Harvard University, USA.

Moderator: **Stephen Mathis**, University of Bergen.

15:30 - 16:30 ROUNDTABLE

Truth Commissions and Sexual Violence

Sexual violence — like mass rape — is used as a weapon of war in almost all (internal) armed conflicts. This roundtable investigates how Latin American and African truth commission have evolved since the early 1980s to deal with conflict related sexual violence (CRSV) in their mandate, throughout their operations and in their recommendations. To what extent has changing international norms and legal frameworks shaped the agenda of truth commissions when it comes to CRSV? How, in turn, have truth commissions contributed to advancing international norms, including the Women, Peace, and Security agenda (set by UN Security Council Resolution 1325) and its focus on the gendered experience of conflict? Drawing on an interdisciplinary research project that is establishing a first-ever database on the connections between truth commissions, CRSV, and international law, we discuss a selection of truth commissions that have been actively addressing CRSV. Cases that will be discussed include Liberia, Tunisia, The Gambia, Nigeria and Guatemala.

This session is part of the CMI/LawTransform project "Truth Commissions and Sexual Violence" funded by the RCN. Participants: **Elin Skaar**, CMI; **Rachel Sieder**, CIESAS, Mexico; **Sinqobile Makhathini** and **Lesego Sekhu**, Centre for the Study of Violence and Reconciliation, South Africa; **Chianaraekpere Ike**, University of Washington, USA. Moderator: **Pilar Domingo**, Overseas Development Institute (ODI), UK.

16:45 - 17:45 ROUNDTABLE

Women on the Bench

In long-established western democracies, women have made inroads as judges only during the past few decades. In post-conflict and transitional developing countries, however, women constitute an increasingly larger proportion of judges. Why is this so? Situations of political rupture generally create new opportunity structures; some may favour the entry of women into public positions of power. Post-conflict assistance often includes gender friendly rule of law reforms, and the conflict itself may have attracted more attention to rights issues. How do these conditions affect women's access to, and utilization of, positions of judicial power? What are the main pathways of women judges to the bench? What are the gendered experiences of women on the bench? In this roundtable we invite participants from the "Women on the Bench" research project to reflect on the experiences of women judges in five fragile states across the world: Afghanistan, Angola, Guatemala, Haiti, and Uganda.

This session is part of the CMI/LawTransform project "Women on the Bench" funded by the RCN.

Participants: Ana Braconnier, CIESAS, Mexico; Antonio De Lauri, CMI; Marianne Tøraasen, CMI; Monica Kirya, U4/CMI; Aslak Jangård Orre, CMI. Moderator: Elin Skaar, CMI.

18:00 - 22:00

ANNUAL LAWTRANSFORM PARTY AT THE UIB LAW SCHOOL CAFETERIA

(MAGNUS LAGABØTESPLASS 1 - by invitation)

NB. We will walk jointly to the party from the conference venue.

FRIDAY AUGUST 18TH 2023

(VENUE: BERGEN GLOBAL, JEKTEVIKSBAKKEN 31)

9:00 - 9:45 ROUNDTABLE

The European Court of Human Rights – quo vadis children's rights?

Since 2018, the European Court of Human Rights has found the Norwegian Child Protection system in violation of the Convention in 14 child protection cases - more than for any other country. This roundtable asks why this is so, and what the implications of the rulings are likely to be. The European Convention of Human Rights provides protection for children in the same way as for adults. The Convention does, however, not have specific provisions for children's rights and children have not been a central concern for the European Court of Human Rights, even though many cases brought before the Court are inherently about children's rights, interests, and well-being. This is not least true for the many cases concerning child protection and removal of children from the care of their birth parents. These cases require the Court to balance parental rights and children's rights and bring center stage fundamental questions concerning the role of human rights — and of the European Court of Human Rights — for child protection systems and for children's rights. The many rulings against Norway, has led scholars to express concern about a potential backsliding of children's rights - but could the ruling also lead to improvements? The roundtable will discuss implications and consequences for children's rights, both for Norway and for other countries' policies and laws.

This session presents findings from the book project *The Road to Strasbourg – and Back: The European Court of Human Rights and Child Protection,* which is part of the DIPA/RCN research project "Legitimacy challenges for children's rights and the child protection system. An analysis of mistrust in core institutions and the normative foundation of the welfare state".

Participants: Elaine Sutherland, University of Stirling, UK (online); Hege Stein Helland, University of

Bergen/DIPA; Asgeir Falch-Eriksen, OsloMet University.

Moderator: **Marthe Sleire Engedahl**, University of Bergen/LawTransform.

10:00 - 10:45 ROUNDTABLE

Why does the anti-liberal countermovement care about the Norwegian child protection services?

We are witnessing a rise of conservative family values and a backlash against gender equality and "liberal gender ideology" in many parts of the world, including in Europe, seemingly driven by an organized, transnational, anti-liberal countermovement. An aspect of this that has received little attention is the "war" on child protection services. The Norwegian child protection system has for example been the subject of vocal and emotional demonstrations in many parts of the world, drawing attention from traditional and social media as well as from Bollywood filmmakers. This seems to be

fueled in part by organizations with traditional family-values that are also active in relation to issues like abortion and queer rights. They also utilize formal channels of impact, such as intervening in child protection cases before the European Court of Human rights. This roundtable discusses if there really is an organized, transnational, anti-liberal countermovement involved in these cases. If so, who are the central organizations and actors? How do they frame children's rights and the role of the state in the protection of the well-being of children? And how does this fit into the broader anti-liberal agenda and political project?

This session is part of the DIPA/RCN research project "Legitimacy challenges for children's rights and the child protection system. An analysis of mistrust in core institutions and the normative foundation of the welfare state".

Participants: **Neil Datta**, European Parliamentary Forum for Sexual and Reproductive Rights; **Rachel Cichowski**, University of Washington, USA. Moderator: **Hege Stein Helland**, University of Bergen/DIPA.

11:00 - 11:45 ROUNDTABLE

Structuring Children's Participation in a Legal Culture

The Convention of the Rights of the Child states clearly that children have a fundamental right to participate in matters affecting them. The right seems fairly straightforward for governments, the judiciary and public authorities to implement, including in the child protection system where the State intervenes based on the best interests of the child. Yet, research, public audits, and reports from children themselves, demonstrate clearly that children are not involved and do not participate as legally prescribed. Recently, the Norwegian Parliament instructed the government to «ensure that the child protection law is in accordance with the UN Convention on the Rights of the Child on children's right to information, to be heard, decisions in the best interests of the child and children's right to privacy." (Decision 637 of May 28th, 2020). This roundtable discusses structures designed to assist, and dilemmas that hinder, decision makers in meaningfully involving children in matters that concern them.

This session is part of the DIPA/RCN research project "Children's Right to Participation".

Participants: **Tarja Pösö**, Tampere University, Finland; **Audun Gabriel Løvlie**, University of Bergen/DIPA; **Tuğba Dik**, Heidelberg University, Germany and, from the Change Factory, Expert by experience **Dania**, and advisor **Marit Sanner**. Moderator: **Marit Skivenes**, University of Bergen/DIPA.

12:00 - 13:00 ROUNDTABLE

Researching dynamics of politicization, autocratization, and resistance

Many societies experience increasing polarization and politicization of new policy fields, often as part of broader contestations over the nature of the regime, and the legitimacy of liberal democracy. In this panel, young researchers from Brazil, South Korea, and Zimbabwe share findings from their research on the role of courts and international law in autocratization processes and in democratic resistance, and on how policy processes and institutions become politicized and generate legitimacy.

This session is part of the LawTransform/UiB project 'Autocratization Dynamics' funded by RCN (INTPART)

Participants: **Jihyeon Bae**, University of Washington, USA; **Bianca Villas Bôas**, University of São Paulo, Brazil; **Julia Goldani**, FGV, Brazil; **Tinashé Hofisi**, University of Wisconsin, USA; **Sofia Rolim**, FGV, Brazil. Moderator: **Heinz Klug**, University of Wisconsin, USA.

13:00 - 13:45

13:45 - 14:00 DOCUMENTARY SCREENING "Matlooga"

"Matlooga" is a derogatory term that Sudanese society uses for a woman who defies heteronormative expectations. In this intimate short documentary by **Samah Khalaf Allah**, Weam — a feminist once called "the most hated Sudanese woman" — guides us through her house, sharing her personal archive of the revolution and reminiscing about her dear friend, Sitto, who tragically lost her life during the Sudanese protests.

14:00 - 15:00 ROUNDTABLE

Feminist (in)security talks

In this talk, we discuss the cases of Afghanistan, Haiti, Mozambique, and Sudan in light of feminist approaches to (in)security and what they can offer in advocating for more inclusive overall peace and security discussions, and particularly for women, persecuted and marginalized groups.

Feminist theories understand security as a multidimensional concept. This means that human security should be understood beyond the physical or psychological, to also include structural and ecological aspects. Also, it should not be restrained to a dichotomy between conflict and peace. Access to food, shelter, education, health care, environmental stability, and civic participation should be included in the conceptualization of (in)security and as such broaden the women, peace and security agenda internationally and nationally. How are women and (in)security understood and expressed across contexts? What are the implications of a feminist take on (in)security?

Participants: **Samah Khalaf Allah**, University of Bayreuth, Germany; **Carmeliza Rosário**, CMI; **Marianne Tøraasen**, CMI; **Egna Sidumo**, CMI; **Torunn Wimpelmann**, CMI.

Moderator: **Liv Tønnessen**, CMI/LawTransform.

15:15 - 16:00 ROUNDTABLE

Learning Exchanges: Conversation with PhD students on how to rethink student-led learning on democracy and law

Bergen Exchanges is an integrated part of the annual PhD course on "Effects of Lawfare: courts and law as battlegrounds for social change". A central aim of the course - and OF the #BeEx - is to develop a learning environment that is horizontal, interdisciplinary, and collegial, and that stimulates intellectual creativity and growth. Every year we seek to make improvements based on what we learn from the students and the #BeEx participants. In this roundtable, current and past students from the PhD-course will discuss their experiences of the course, how it can be improved - and more broadly how we can advance student-led learning and teaching on democracy and law. How can students be enabled to learn - and teach - in ways that stimulate engaged, critical thinking, and provides useful resources for defending, reassessing, and enhancing democratic values? And that combines insights into liberal democracy with critical openness to other epistemologies and traditions of democratic thought? At a time when democracy, human rights, and liberal values such as academic freedom, are under increasing pressure - also in what has long been considered as consolidated democracies - these are urgent issues and require universities across the globe to rethink learning and teaching of democracy

and law. This session is part of the LawTransform/UiB projects 'Autocratization Dynamics' funded by the Research Council of Norway (RCN-INTPART) and "Rethinking Democracy and Law" (HKDIR)

Participants: **Milkiyas Bulcha Abdi**, Bule Hora University, Ethiopia; **Enya Silva da Costa**, University of São Paulo, Brazil; **Martine S.B. Lie**, University of Oslo; **Larissa Margarido**, FGV, Brazil.

Moderator: Lara Côrtes, LawTransform.

16:00 - 16:30

CLOSING of the 2023 Bergen Exchanges

19:30 - 22:00

DINNER

(BERGEN GLOBAL, JEKTEVIKSBAKKEN 31, ROOFTOP - by invitation)

The Bergen Exchanges on Law & Social Transformation (#BeEx2023) is a meeting place for scholars and practitioners from across disciplines and world regions who seek to understand how law is used as an instrument of change, and how it shapes and is shaped by power relations. In a week of public discussions we scrutinize strategic uses of rights and law and how legal institutions function as arenas for political contestation (lawfare). The multi-disciplinary and international nature of the Bergen Exchanges makes it a unique space for improving research strategies and methods to grasp the effects of law and lawfare. This includes the use of legal instruments by governments to shape societies – whether through constitutional change, international treaties, statutes, or regulations – as well as by social actors who go to court or otherwise engage rights and law to advance their goals. Effects take different forms. How legal strategies alter political dynamics, ideas and discourses can be as important for long term transformation as more immediate changes in laws, policies, or the distribution of resources. We also seek to better understand the functioning of legal and administrative institutions as they adjudicate,

#BeEx2023 is hosted by the CMI-UiB Centre on Law & Social Transformation.

LawTransform is co-owned by the Chr. Michelsen Institute (CMI) and the University of Bergen (UiB), faculties of Law and Social Sciences and is based at the Department of Government. But most importantly, it is a global community and collaborative network for research and education on law and social change. Co-directors are Siri Gloppen (UiB) and Liv Tønnessen (CMI). Lara Côrtes is the LawTransform Coordinator.

All #BeEx2023 events are public, and participation is free of charge.

interpret, and implement legal norms.

Most sessions are recorded and streamed online, and photos from the events may also be published. If this is a problem for you, please let us know.

If you require adjustments or equipment to participate on an equal basis with others, please let us know in advance at info@lawtransform.no

#BeEx2023 is an integrated part of the interdisciplinary PhD course; "Effects of Lawfare: Courts and law as battlegrounds for social change" open to students from across the globe. The course is hybrid, with the option of being present in Bergen during the week of #BeEx2023. 24 Students were accepted this year, and 20 will come to Bergen and contribute to the #BeEx2023 public sessions.

#BeEx2023 is made possible through contributions from the research projects that form part of LawTransform, and whose research is presented throughout the Exchanges, as well as through collaboration with our partners: Bergen Global; the Global Research Program on Inequality (GRIP); SkeivForsk—the UiB interfaculty queer research network; the Bergen Centre for Ethics and Priority Setting (BCEPS); the Centre for Research on Discretion and Paternalism (DIPA); the UiB Centre for Women's and Gender Research (SKOK), the Centre for Climate and Energy Transformation (CET), and the Rafto Foundation for Human Rights. We are also grateful for financial and in-kind support from the Bergen Municipality, Fritt Ord, UiB Global Challenges; the Norwegian Research Council. And last but not least: by the contributions from our many dedicated LawTransform interns and volunteers!

CONTRIBUTORS at #BeEx2023 INCLUDE:

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