International Symposium: Architectures of the Global
Tilburg Law School
October 26, 2023

The symposium aims to reconsider how contemporary developments are transforming the "global" of global law and governance. It approaches this questions by focusing on four major architectures through which globalization is taking shape: global value chains, global states (in the plural), the global biosphere, and global digitalization. This approach allows for the intervention of different disciplinary perspectives, legal and otherwise. Insofar as the global involves a reconfiguration of the spatiality of law and governance, the transformations of space driven by these different architectures are the unifying theme of the symposium. Conversely, the symposium engages with "architectures" of the global to emphasize that globalization processes involve a reconfiguration of spatiality. Each of the panels picks up on this unifying theme, but does so from the distinctive perspective of its theme.

Each panel will be composed of two external speakers and a TLS chairperson. Speakers will offer 10 to 15-minute presentations structured as a succinct and polemical thesis, followed up by an analysis/justification of their theses. The speakers will be requested to submit a 1,500 word version of their presentations 10 days in advance of the symposium. The chairperson offers a succinct response to the two presentations, raising a couple of questions that open up the discussion with the audience. The symposium concludes with a synthesizing presentation by an external speaker, who will reflect on the implications of the panel discussions for education in global law.

Panel 1: Global Value Chains

Global Value Chains (GVCs) are key architectures of economic globalization. They constitute transnational networks for the production and supply of goods and services, and account for over 70% of global trade. GVCs pave the way for economic growth in the Global South. However, they have also led to staggering problems for individuals and communities in low-income countries. Environmental catastrophes in the mining and oil industry, tragedies related to occupational health and safety in the garment sector, and incessant use of child labor in the agri-food sector, are just a few examples. These excesses of global capitalism call for action to check and correct the ways in which multinational corporations headquartered in the Global North have used private law instruments (equity, contracts, IP-rights) to maximize their profits. For these multinationals, GVCs have become transnational conveyor belts transferring regulatory norms from North to South with the purpose of minimizing their risk exposure to whatever happens at production locations. For states, however, GVCs have become objects of regulation with the goal of mitigating the adverse environmental and social impacts they have in the Global South. In this panel we address the changing nature of GVCs and their regulation. How does the unfolding regionalization of global trade affect GVCs, their functions, and their regulation? To what extent do GVCs offer a trusted route towards emancipation and empowerment of the Global South, instead of being merely an economic necessity for those least well-off? Which blend of public/private, hard/soft, global/local rules will govern the environmental and social risks emerging within GVCs? How could conflicts involving environmental and human rights standards of the North and cultural norms and institutions from the South be reconciled? This panel invites speakers to engage with the opportunities and

risks of GVCs from different disciplinary perspectives, considering a diversity of regulatory initiatives and stakeholders.

<u>Speakers and Chair</u>:
- Poul Kjaer, Copenhagen School of Business
- Almut Schilling-Vacaflor, University of Osnabrück
- Paul Verbruggen, Tilburg University

Panel 2: **<u>'Global' Digitalization</u>**

This panel invites reflections on the intersection between globalization and digitalization as seen in narratives emerging around the world. There are a variety of impacts on our social, political, and cultural lives because of the consumption of digital content (such as due to recommender systems). These impacts are due to the market power of big tech companies and the surveillance economy, and to increased securitization of public services such as in policing, social welfare, and health case, where state control is taking precedence over the privacy and autonomy of citizens. Over the last few years, the effects of data and technology are being seen in shaping market relations, creating new economies, challenging labor norms, and impacting democratic practice like freedom of speech. These have resulted in interesting legal challenges about how to regulate the digital as regards issues pertaining to state sovereignty, to (self) regulation and ethical guidelines versus creating legally enforceable safeguards, and to human agency in technologically mediated worlds. The effects of digitalization are seen, regulated, and experienced differently in different contexts and, therefore, in this panel we are interested in unpacking the existence of many worlds around the digital. We take plurality as a starting point in conceiving not just the phenomenon of digitalization but also the ways in which it is systematizing and structuring relations between individuals and communities. In focusing on the architectures of the 'global', including governance issues, we are interested in perspectives on the topic from different standpoints, for instance from an infrastructural level, which looks at the computational influence that implicate digitalization globally; the regulatory level, which examines the location, market power, and legal cultures of regulatory proposals, and an epistemic level, which discuss knowledge making around experiences and contexts with the digital. This panel therefore asks the following questions: Does governing global experiences of digitalization require a different strategy for global law? How do we account for fragmentations of digital infrastructure, regulatory institutions, and technical capacity? What are the tools already available that can ensure enforcement transnationally? What norms and values exist to ensure plurality in regulation?

<u>Speakers and Chair</u>:
- Nanjala Nyabola, writer, political analyst, and activist based in Nairobi, Kenya.
- Angelina Fischer, New York University
- Matthijs Nelemans, Tilburg University

Panel 3: <u>(The) Global State(s)</u>

Oft mistakenly viewed as having a fixed form and configuration until the impact of globalisation, the state has rather been an adaptable construct, regularly undergoing reinvention in response to changing circumstances both within and without. Moreover, the state

as political, geographical, and emotional construct has always been 'global', with its form-taking and self-determined purpose taking shape over the centuries through transboundary 'encounters'. These border encounters and the flow of goods, knowledge and ideas, wealth, and violence have formed understandings of political space and community, of territory, of nationality, of sovereignty that have travelled in multiple directions. In this panel we explore contemporary manifestations of the global state. How are we to understand the global state as a political configuration of place and people, of idea and form, in the 21st century? For example, can a state such as Tuvalu survive rising sea levels via the Metaverse as a digital entity? How should we characterize the challenges that face the state as a political construct, and what adaptations to the notion of state are we seeing? Finally, how do we, as scholars, think with the global state rather than beyond the state?

Speakers and Chair:
- Arnulf Becker Lorca, now at Brandeis, as of September EUI
- Tanzil Chowdhury, Queen Mary University of London
- Morag Goodwin, Tilburg University

Panel 4: **The Global Biosphere**
The heat dome that recently baked the American and Canadian North-West. Massive floods across the world. The Amazon region rapidly approaching a tipping point that will convert the forest into a savannah. Melting icecaps in the Arctic and Antarctica leading to rising sea levels. The sixth mass extinction event. These are but some of the manifestations of the so-called Anthropocene – the current epoch in which some human groups are impacting the functioning of the Earth system in ways that rival the forces of Nature. These events draw attention to the notion of the biosphere, which, according to the online *Britannica*, is the "relatively thin life-supporting stratum of Earth's surface, extending from a few kilometres into the atmosphere to the deep-sea vents of the ocean. The biosphere is a global ecosystem composed of living organisms (biota) and the abiotic (nonliving) factors from which they derive energy and nutrients." The existential, increasingly urgent, challenges posed by the Anthropocene call for a rethink of our contemporary doctrinal interpretations of the spatiality of legal orders, according to which international law joins together a multitude of territorially bounded states. How might legal orders need to be reconfigured if we can no longer count on being able to separate the conditions governing the legal ordering of human polities from the conditions governing the Earth system? Might the biosphere offer an alternative to territoriality as an organizing principle of law? Does the biosphere suggest a new approach to the globality of global law, an approach which would join together humans and other-than-humans in relations of mutual dependency? What would we need to do to rethink global law along these lines?

Speakers and Chair:
- Iván Roncancio, McGill
- Andrea Mühlebach, University of Bremen
- Floor Fleurke, Tilburg University

5. **Synthesis and educational implications**
- Elaine Fahey, City University of London

Program

October 25
19.00: Dinner of the Faculty Board with panel participants at Auberge du Bonheur

October 26
<u>Morning</u>
09:00-09:15 Opening and contextualising of the theme (Geert Vervaeke, Hans Lindahl)

09:15-10:30 Panel 1: Global value chains

30 min coffee break

11:00-12:15 Panel 2: Global digitalizations

Lunch

<u>Afternoon</u>
13:15-13:45: Prerecorded videoclips by Global Law League scholars

13:45-15:00 Panel 3: Global state(s)

30min break

15:30-16:45 Panel 4: Global biosphere

15 min break

17:00-17:30 Synthesis and educational implications

Celebration of 60th and 10th Anniversaries with drinks