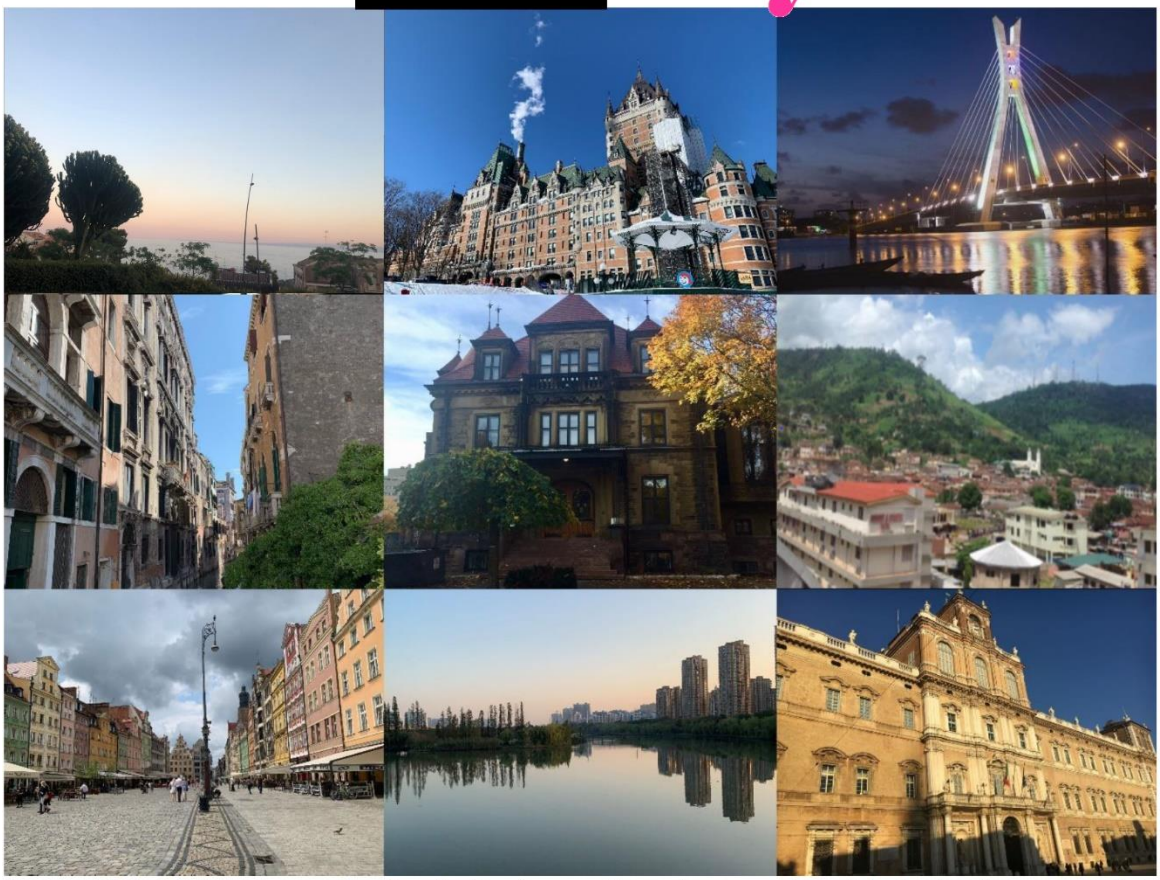
McGill's GLSA 2021

14th Annual McGill Law Graduate Conference

14e conférence annuelle des cycles supérieurs de la Faculté de droit de l'Université McGill

6-7 May/Mai 2021

law and the city



Photos of their hometowns taken by the Conference Committee members (clockwise, from top right): Lagos, Nigeria; Koforidua, Ghana; Modena, Italy; Xiaogan, China; Wrocław, Poland; Venice, Italy; Catania, Italy; Québec City, Canada; centre: Faculty of Law, McGill University, Montréal, Canada

FULL PROGRAMME COMPLET

TABLE OF CONTENTS/TABLE DES MATIÈRES

ZOOM LINKS/LIENS

PLENARY SESSIONS/SÉANCES PLÉNIÈRES

PLENARY SESSION I/SÉANCE PLÉNIÈRE I

Time: May 6, 2021 09:30 AM Montreal

https://mcgill.zoom.us/j/87650110660?pwd=S2RFay82ckI5LzdwSHFQSlNqVkxqdz09

Meeting ID: 876 5011 0660

Passcode: GLSA2021

PLENARY SESSION II/SÉANCE PLÉNIÈRE II

Time: May 6, 2021 01:00 PM Montreal

https://mcgill.zoom.us/j/87236943816?pwd=NWJaRGFFWWhhMnNEN3NkTmVsUGZ0UT09

Meeting ID: 872 3694 3816

Passcode: GLSA2021

PLENARY SESSION III/SÉANCE PLÉNIÈRE III

Time: May 7, 2021 10:00 Montreal

https://mcgill.zoom.us/j/89246835806?pwd=bU1DY0hoZ1ZFbkFNLzg1SEVnTGtUUT09

Meeting ID: 892 4683 5806

Passcode: GLSA2021

PLENARY SESSION IV/SÉANCE PLÉNIÈRE IV

Time: May 7, 2021 14:30 Montreal

https://mcgill.zoom.us/j/85334939012?pwd=cEU5RE5BZi9DSHlvRjdBUFdsTkxQQT09

Meeting ID: 853 3493 9012

Passcode: GLSA2021

SESSION/SÉANCE I

Panel I. LAW, HERITAGE AND THE CITY I

Time: May 6, 2021 11:15 AM Montreal

https://mcgill.zoom.us/j/84693229435?pwd=RVB2REErVW56YlJ6cyt1RmxXSWt2dz09

Meeting ID: 846 9322 9435

Passcode: GLSA2021

Panel II. LAW, COVID AND THE CITY

Time: May 6, 2021 11:15 AM Montreal

https://mcgill.zoom.us/j/89152157461?pwd=dmJKZWx3M2RWQkt6eWZGeUhnOG9nQT09

Meeting ID: 891 5215 7461

Passcode: 935896

Panel III. PEOPLE, POLICE AND THE CITY

Time: May 6, 2021 11:15 AM America/Toronto

https://mcgill.zoom.us/j/88508996029?pwd=STFmMUZkVjdPcjFJQmNSTE5yeXo5Zz09

Meeting ID: 885 0899 6029

Passcode: 633109

Panel IV. LAW AND THE CITY

Time: May 6, 2021 11:15 AM Montreal

https://zoom.us/j/99529172978?pwd=RzNQK2tSZ2dSRkQzZGU0elBHUUdwZz09

Meeting ID: 995 2917 2978

Passcode: GLSA21

SESSION/SÉANCE II

Panel V. LAW, CITY, DATA AND TECHNOLOGY

Time: May 6, 2021 02:15 PM Montreal

https://zoom.us/j/94889473137?pwd=UUZSNDNocHl5ZkJHTmlpNkp3b3pzZz09

Meeting ID: 948 8947 3137

Passcode: GLSA21

Panel VI. LAW, CITY AND HISTORY

Time: May 6, 2021 02:15 PM America/Toronto

https://mcgill.zoom.us/j/87107460662?pwd=UXowaGdCbGE1TWdzRmJCalR2Z1BUUT09

Meeting ID: 871 0746 0662

Passcode: 583792

Panel VII. CITY IN THE CONSTITUTIONAL CONTEXT

Time: May 6, 2021 02:15 PM Eastern Time (US and Canada)

https://mcgill.zoom.com.cn/j/89028765559?pwd=V1VOS053ZlBQZVFBY1RPcis3Q2tDdz09

Meeting ID: 890 2876 5559

Passcode: 379253

Panel VIII. LAW, HERITAGE AND THE CITY II/DROIT, HÉRITAGE ET VILLE II

Time: May 6, 2021 02:15 PM America/Toronto

https://mcgill.zoom.us/j/84663070317?pwd=MHJlWk9qYWlRdXFuK052LzlRRlpLZz09

Meeting ID: 846 6307 0317

Passcode: 614777

SESSION/SÉANCE III

Panel IX. DEAN MAXWELL & ISLE COHEN SEMINAR ON INTERNATIONAL LAW I

Time: May 6, 2021 03:30 PM America/Toronto

https://mcgill.zoom.us/j/85829302183?pwd=U0dqdXBLUmtXMTVKUGVUdU5xQll0QT09

Meeting ID: 858 2930 2183

Passcode: 675983

Panel X. LAW, THEORY AND THE CITY I

Time: May 6, 2021 03:30 PM Montreal

https://mcgill.zoom.us/j/84684261435?pwd=aE5KK25jWmIvbUErdlhod1R6VXhOQT09

Meeting ID: 846 8426 1435

Passcode: GLSA2021

Panel XI. CITY BETWEEN THE LOCAL AND THE GLOBAL.

Time: May 6, 2021 03:30 PM Montreal

https://mcgill.zoom.us/j/82007011908?pwd=M1lCWldGeE43MFA4S3plK2ZjdWhkdz09

Meeting ID: 820 0701 1908

Passcode: 640652

Panel XII. HOUSING AND THE CITY

Time: May 6, 2021 03:30 PM America/Toronto

https://mcgill.zoom.us/j/87246015799?pwd=eFdCS0xoS2lsbWNjS3c2VnZ6Um5Zdz09

Meeting ID: 872 4601 5799

Passcode: 536221

SESSION/SÉANCE IV

Panel XIII: DEAN MAXWELL & ISLE COHEN SEMINAR ON INTERNATIONAL LAW II

Time: May 7, 2021 11:15 AM Montreal

https://zoom.us/j/97669641721?pwd=enJZSHlqVFoxU0ZoWlV2QTVtT0pOUT09

Meeting ID: 976 6964 1721

Passcode: GLSA21

Panel XIV. LAW, LABOUR AND THE CITY

Time: May 7, 2021 11:15 AM Eastern Time (US and Canada)

https://mcgill.zoom.com.cn/j/85923783598?pwd=OU5CVmN1YzQxcDJ1RjZQbU1nc1UyUT09

Meeting ID: 859 2378 3598

Passcode: 004430

Panel XV. PROTEST AND THE CITY

Time: May 7, 2021 11:15 Montreal

https://mcgill.zoom.us/j/84278770626?pwd=T2tidXdGMmVpQ2dpT3VMWmVIbU93QT09

Meeting ID: 842 7877 0626

Passcode: GLSA2021

Panel XVI. CITY, POWER AND THE POLITICAL

Time: May 7, 2021 11:15 AM America/Toronto

https://mcgill.zoom.us/j/83437564822?pwd=UXN0Zk02VXVOS2hwODJOMVR0Nys1dz09

Meeting ID: 834 3756 4822

Passcode: 921620

SESSION/SÉANCE V

Panel XVII. DEAN MAXWELL & ISLE COHEN SEMINAR ON INTERNATIONAL LAW III

Time: May 7, 2021 13:15 Montreal

https://mcgill.zoom.us/j/84383824249?pwd=NU1GcitwUkRoM2cvWlo1cERRRElPZz09

Meeting ID: 843 8382 4249

Passcode: GLSA2021

Panel XVIII. LAW, THEORY AND THE CITY II/ DROIT, THÉORIE ET VILLE II

Time: May 7, 2021 01:15 PM America/Toronto

https://mcgill.zoom.us/j/87264121914?pwd=U2VUWXBleWQwQm8yTXFGMDBGR01aUT09

Meeting ID: 872 6412 1914

Passcode: 039991

Panel XIX. LAW, CITY AND THE ENVIRONMENT

Time: May 7, 2021 01:15 PM America/Toronto

https://mcgill.zoom.us/j/86720964082?pwd=S013c0NJNlY1RzRDcGV6R05MSHErdz09

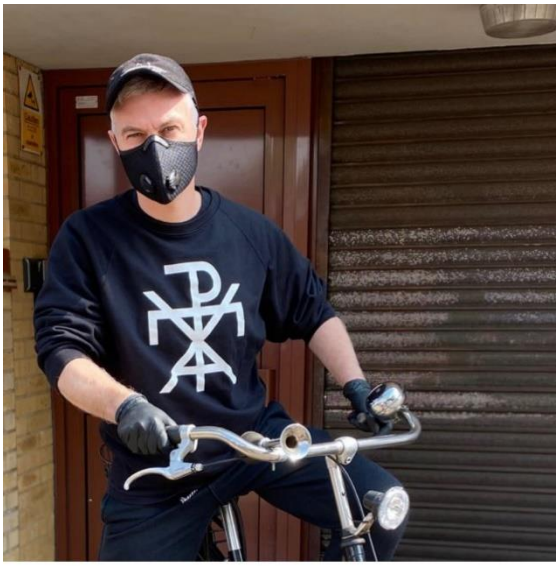
Meeting ID: 867 2096 4082

Passcode: 597097

PLENARY SESSION I/SÉANCE PLÉNIÈRE I 9:30-11:00 6 V 2021

Prof. Andreas Philippopoulos-Mihalopoulos (University of Westminster)

Law and the City – Performance-Lecture



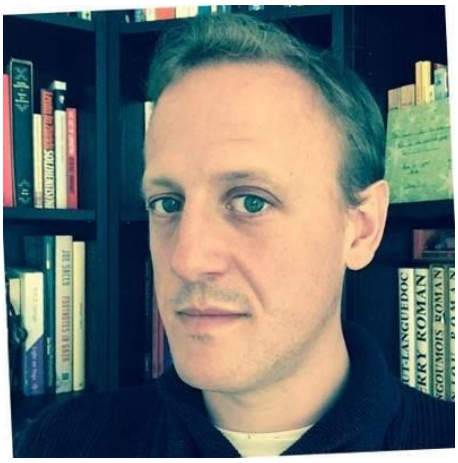
Let us take a walk through the lawscape, that plane of continuum between law and the city. Let's observe our distances, inhabit our propinquities, touch the spaces generated by our bodies, ride the lines of the law scarred on our skins. Let's lift ourselves up to the atmospherics of desire, and drench ourselves to the waters of complicity with consumerism, capitalism, surveillance. Let's vie for the same spaces at the same time, two-meter distance between my ethics and your personal freedom: your mask is the space of my justice.

Andreas Philippopoulos-Mihalopoulos is an academic/artist/fiction author. He works with performance, photography and text, as well as sculpture and painting. His work has been presented at the 58th Venice Art Biennale 2019, the 16th Venice Architecture Biennale 2016, the Tate Modern, Inhotim Instituto de Arte Contemporânea Brazil, Arebyte Gallery, and Danielle Arnaud Gallery. He is a fiction author, with The Book of Water published in Greek and English. He is also Professor of Law & Theory at the University of Westminster, and Director of The Westminster Law & Theory Lab. His academic books include the monographs Absent Environments (2007), Niklas Luhmann: Law, Justice, Society (2009), and Spatial Justice: Body Lawscape Atmosphere (2014).

PLENARY SESSION II/SÉANCE PLÉNIÈRE II 1:00-2:00 6 V 2021

Dr. Stephen Connelly (Warwick University)

Leibniz and the State Space



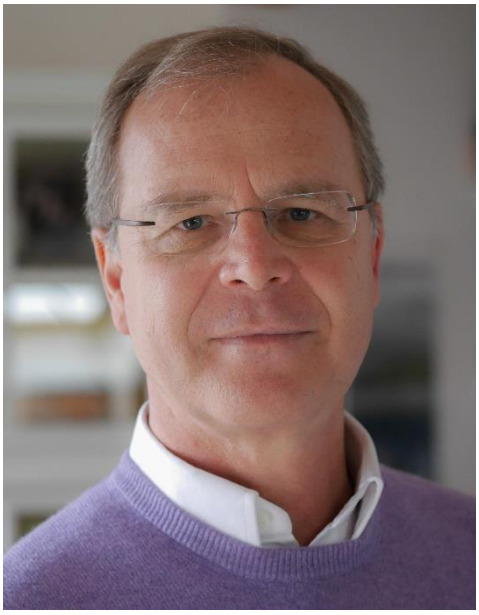
In the 1660s Leibniz appears to relegate power from his system in favour, in his juridical writings, of a concept of an internalised 'state space'. Is it really the case that power lacks any significant role in Leibniz's theory of law, or does the concept of state space now function in its place? If so, what are the theoretical results of combining state and potentiality within each legal subject?

Dr Stephen Connelly is Associate Professor of Law at the University of Warwick. He is author of Leibniz: A Contribution to the Archaeology of Power (EUP, 2021) and Spinoza, Right and Absolute Freedom (Routledge, 2015). He teaches among other modules, History of the Philosophy of Law.

PLENARY SESSION III/SÉANCE PLÉNIÈRE III 10:00-11:00 7 V 2021

Prof. Giuseppe Nesi (University of Trento)

Cities as subjects of international law?



The active participation of cities and local authorities in international negotiations and their follow-up, and their creation of issue-specific coalitions, have suggested a reconsideration of the role of cities in international law and international relations. Could this lead to concluding that cities and local authorities are today subjects of international law?

Giuseppe Nesi is a Full Professor of International Law and Law of International Institutions and former Dean of the School of Law at the University of Trento (2012-18), where since 1993 he also taught European Union Law and International Human Rights Law. He was also one of the founders of the School of International Studies at the University of Trento. He served as Legal Adviser to the President of the United Nations General Assembly of the 65th session (2010-2011). From 2002 to 2010 he was the Legal Adviser of the Permanent Mission of Italy to the United Nations, in New York.

He has published several books and articles on various topics such as international criminal justice, international cooperation in counterterrorism, terrorism and human rights, the Organization for Security and Cooperation in Europe, the United Nations and cooperation with other international organizations, territorial and maritime delimitations, the Peacebuilding Commission, child labour and the International Labour Organization, jurisdictional immunities, and lectured in several Universities and cultural institutions in Italy and abroad.

PROGRAMME

MAY/MAY 5

WELCOME SESSION/SÉANCE DE BIENVENUE 5:00

MAY/MAI 6

PLENARY SESSION I/SÉANCE PLÉNIÈRE I 9:30-11:00

Prof. Robert Leckey (McGill University)

Opening remarks/Allocution d'ouverture

Prof. Andreas Philippopoulos-Mihalopoulos (University of Westminster)

Law and the City

SESSION I/SÉANCE I 11:15-12:15

I. LAW, HERITAGE AND THE CITY I

Liz Isidro Ferrer (National University of Engineering, Peru)

Implications of urban law in urban renewal projects in collective housing in the Historical Center of Lima

Alice Lopes Fabris (ENS Paris-Saclay)

The reparation of cultural harm in historic cities: the jurisprudence of Brazil

Tania Sebastian (VITSOL, VIT)

Invisibility of Female Street Names in Urban Cities in India: Exploring the Intersection of Culture, Law and Social Situations

Francesca Dona (University of Padua)

The "glocal" perspective of the cities: cultural heritage for the return to being "cives mundi"

II. LAW, COVID AND THE CITY

Mariangela Barletta (Univeristy of Rome "La Sapienza")

Equal rights and opportunities, during the COVID-19 pandemic, in consideration of the huge difference between big cities and small towns

Philipp Renninger (University of Lucerne / University of Freiburg)

Urban COVID-19 Management Through (Non-)Law in Wuhan, China

Yukio Sakurai (Yokohama National University)

Possible Challenges to the Welfare State in a Post-COVID-19 Society: An Illustration from a Citizen's Perspective

Julija Kalpokiene (Vytautas Magnus University)

Contact tracing during the pandemic and associated data protection risks: the lessons from Lithuania

III. PEOPLE, POLICE AND THE CITY

Brandon Alston (Northwestern University)

"The Camera is My Weapon:" Police Violence, Racialized Emotions, and Protective Monitoring

Sandrine Ampleman-Tremblay (McGill University)

Racial Profiling in Montréal: The Unexpected Effect of Section 586 of the Cities and Towns Act

Bruno Muniz and Luana Coelho (University of Coimbra)

Law and order in postcolonial racial cities: the case of black genocide in Rio de Janeiro

Anastasia Konina (Université de Montréal)

The privatization of law enforcement: promoting human rights through procurement contracts

IV. LAW AND THE CITY

Lala Novruzova (Independent Researcher)

Developed and developing countries' approaches to building smart cities and managing their legal aspects

Adity Rahman Shah (University of Oxford)

The City, Human and Animals: An Analytical Approach of the City-laws Regulating Stray Animal from Bangladesh Perspective

Peihao Yuan (The Chinese University of Hong Kong)

Law and the City: Can the Transplant of the Law in a Developed City to Another City Necessarily Lead to a Prosperity of Another Prominent City?

PLENARY SESSION II/SÉANCE PLÉNIÈRE II 1:00-2:00

Dr. Stephen Connelly (Warwick University)

Leibniz and the State Space

SESSION II/SÉANCE II 2:15-3:15

V. LAW, CITY, DATA AND TECHNOLOGY

Sage Cammers-Goodwin (University of Twente)

Making Data Visible in the Urban Environment

Rumbidzai Matamba (Independednt Researcher)

Safer Cities for Everyone: the use of Feminist Legal Theory in Data Regulation

Luigi Bruno and Isabella Spano (McGill University)

Post-Quantum Encryption and Privacy Regulation: Can the Law Keep Pace with Technology?

Monique Kalsi (University of Groningen)

Has the law finally caught up with technology?: A privacy by design approach to achieve privacy-friendly facial recognition technology

VI. LAW, CITY AND HISTORY

Alice Krzanich (University of Edinburgh)

Servants and the City: Cases Concerning Female Domestic Servants in Early Nineteenth Century Scotland

Vittoria Becci (Sciences Po)

The Shape of the Land Reform. Palermo 1960

Fenn Stewart (Douglas College)

Pauline Johnson and the Making of 20th Century Vancouver

Petra Samaha (Sciences Po)

A palimpsest of laws: the legacies of Ottoman and French land management in Lebanon

VII. CITY IN THE CONSTITUTIONAL CONTEXT

Gaurav Mukherjee (Central European University)

The Capital City in Comparative Constitutional Law and Theory

Amal Sethi (University of Pennsylvania)

Special Administrative Regions and Constitutional Space for Cities

Francesco Severa (Univeristy of Rome "La Sapienza")

Rome, legal instruments for the organization of a capital city

Curtly Stevens (Dullah Omar Institute)

Business tax for Metropolitan Cities in South Africa: Principles and Prospects

VIII. LAW, HERITAGE AND THE CITY II/DROIT, HÉRITAGE ET VILLE II

Dominik Światkowski (University of Warsaw)

Les aspects juridiques de la création de l'image de l'espace urbain. Les peintures murales dans la ville du point de vue de la loi sur le droit d'auteur.

Mirosław M. Sadowski, Ermanno Napolitano (McGill University) and Lily-Cannelle Mathieu (Institut National de la Recherche Scientifique)

Dealing with contentious heritage: Case study of Italy and Poland

Charles Breton-Demeule (Université Laval)

Entre protection et démolition: l'immeuble vétuste en droit municipal québécois

David Tilt (Central European University)

Understanding the Role of 'The City' in Developing Complex Regulatory Frameworks: The Case Study of Haute Couture

SESSION III/SÉANCE III 3:30-4:30

IX. DEAN MAXWELL & ISLE COHEN SEMINAR ON INTERNATIONAL LAW I

Itai Apter (University of Haifa)

City Hall v. The World – New Paradigms for Foreign Missions Municipal Taxation

Federica Cristani (Centre for International Law of the Institute of International Relations in Prague)

Defining the role of local authorities under public international law

Camille Bérubé-Lepage (McGill University)

Local law in International Trade and Investment Law

Elif Durmus (Utrecht University)

"Mere Talk"? - A Speech Act Analysis of Local Governments' Jurisgenerative Engagement with International Law

X. LAW, THEORY AND THE CITY I

Aleksandra Guss (University of Gdańsk)

Aesthetics of Law: Law as a Tool of Aesthetization of City's Landscape

Muyiwa Adigun (University of Ibadan)

Judicial Interpretation in Resolving the Conflict on Jurisdiction between the Central Government and the Federating Units

Giacomo Menegatto (University of Padua)

Challenges and horizons of the cities in the "Fratelli tutti" encyclical letter: a juridical look to the "fraternity" in the cities and among cities

Devyani Tewari (University of Victoria)

Tales of a Disabled Woman Living in the Ableist Antifeminist City

XI. CITY BETWEEN THE LOCAL AND THE GLOBAL

Brian Highsmith (Harvard University)

Municipal Hoarding and the Consumerization of Local Public Goods

Miha Marcenko (University of Amsterdam)

The city as a discursive intervention in international law and governance

Daniel Ospina-Celis and Lina Moya-Ortiz (The University of The Andes)

Aporohobia in Colombia: Rich Foreigners over Poor Migrants?

Astrid Voorwinden (University of Groningen)

Local Government and the Regulation of the Smart City: A Case Study of Amsterdam

XII. HOUSING AND THE CITY

Esteban Vallejo Toledo /'stɛbən və'dʒɛhɔ tɔ'lɛdɔ / (University of Victoria)

Performing an anti-homeless city: a legal geography analysis

Abigail Jackson (University of Westminster)

Law, Boundaries and the City

Frantisek Liptak (Independent Researcher)

Cities and housing crisis

Christian Rasquin (TU Bergakademie Freiberg)

Law and the City: Tenancy laws in Berlin – How rent control impedes residential construction, creates black markets, and harms the poor

VIRTUAL DRINKS/COCKTAIL VIRTUEL 5:00

MAY/MAI 7

PLENARY SESSION III/SÉANCE PLÉNIÈRE III 10:00-11:00

Prof. Giuseppe Nesi (University of Trento)

Cities as subjects of international law?

SESSION IV/SÉANCE IV 11:15-12:15

XIII. DEAN MAXWELL & ISLE COHEN SEMINAR ON INTERNATIONAL LAW II

Md Mustakimur Rahman (The Chinese University of Hong Kong)

A New Paradigm for Temporally Distant International Crimes? The John Demjanjuk Trial and the Circumstantial Evidence Model

Wei-Hua Hao (McGill University)

A Room of One's Own: Overcrowding in the Global Law of Urban Migration and the Right to Adequate Housing

Bahareh Jafarian (University of Ottawa)

Extraterritorial Sanctions, Transnational Corporate Activity, and the Protection of Human Rights

XIV. LAW, LABOUR AND THE CITY

Andrea Talarico (University of Ottawa)

Industrial Democracy in the Corporate City-State

Nathan Durham (Simon Fraser University)

Gig Workers and the Employment Contract: Challenges for Law and Public Policy

Shubham Kumar and Priyanka Preet (Ministry of Law and Justice, India/Dr. Ram Manohar Lohiya National Law University)

Manual Scavenging: A Blemish on Indian Cities

Edward van Daalen (McGill University)

A critical look at the functions of cities in the 'making of' and 'resistance to' international law: the child labour case

XV. PROTEST AND THE CITY

Dhiraj Nainani (University of Hong Kong)

Outlaw/Rebel Space: The Legal Geography of Asylum-Seekers in Hong Kong

Michael Poon (McGill University)

Hong Kong Needs More Law: 2019 Protests and Narratives of Illegality

Matthew Jewell (University of Edinburgh)

Zero wrongs can't make it right: Smart cities, civil disobedience and the foreclosure of wrongdoing

Rhiannon Ogden-Jones (McGill University)

Covid, Protests and the European Convention

XVI. CITY, POWER AND THE POLITICAL

Elif Gul Yilmazlar and Zeynep Burcoglu (Erasmus University Rotterdam/Istanbul Bilgi University)

Rethinking the Spatialization of Incarceration

Rohit Choudhary (The North Cap University)

An Imperative Bridge Between State and its Subjects: Press

Pritam Dey and Paridhi Kedia (Anant National University/Indira Gandhi National Open University)

The tabooed city: Power, politics and contestations in the Dharavi Slum, Mumbai

Taryn Hepburn (Carleton University)

No Grown-Ups Allowed: Regulating leaky children's spaces

SESSION V/SÉANCE V 1:15-2:15

XVII. DEAN MAXWELL & ISLE COHEN SEMINAR ON INTERNATIONAL LAW III

Zhen Chen (University of Groningen)

The Restitution of Stolen or Illicitly Exported Cultural Property: Implications of Buddha Mummy Statue Case to Private International Law

Gianluigi Mastandrea Bonaviri and Hani El Debuch (Univeristy of Rome "La Sapienza")

Urban warfare and cultural heritage: current challenges and future perspectives

Giulia Stoppani (Univeristy of Rome "La Sapienza")

Rome international city: an (eternal) quest for the future

Amin Yacoub (New York University)

A World Government: A Critical Look into the Present to Foresee the Future

XVIII. LAW, THEORY AND THE CITY II/ DROIT, THÉORIE ET VILLE II

Chiara Feliziani (University of Macerata)

Law and Urban Degradation. How Reaching "The (almost) Ideal City"?

Zahra Azhar (IRAN-US claims Tribunal / Shahid Beheshti University)

Shia Utopia: A study of Mulla Sadra's thought

Marion Chapouton (Université Panthéon-Assas Paris 2 - CERSA)

Le concept français de droit à la ville : vers le droit à la ville durable ?

Daniel Olika (Kenna Partners)

The Role of the Law in Achieving Sustainable Urban Development Through Fiscal Incentives in Nigeria

XIX. LAW, CITY AND THE ENVIRONMENT

Riccardo Stupazzini (Univeristy of Rome "La Sapienza")

Legal aspects of urban climate change adaptation. Italian cities: a case study

Ling Chen (McGill University)

Climate Clubs and the Law: C40 as a Lawmaker

Li Tian (University of Calgary)

How to deal with the explosion of urban take-out food package waste through environmental legislation and smart-city program in China

PLENARY SESSION IV/SÉANCE PLÉNIÈRE IV 2:30-3:00

Prof. Andrea Bjorklund (McGill University)

Closing remarks/Mot de conclusion

NETWORKING SESSION/SÉANCE DE RÉSEAUTAGE 3:15

I. LAW, HERITAGE AND THE CITY I 11:15-12:15 6 V 2021

Liz Isidro Ferrer (National University of Engineering, Peru)

Implications of urban law in urban renewal projects in collective housing in the Historical Center of Lima

The Historic Center of Lima (HCL) shows signs of physical, socioeconomic and functional deterioration, in a context derived from processes of exclusion and spatial segregation that have characterized Lima's intensive urban growth. In the face of urban deterioration, urban renewal processes are an instrument of transformation that act as surgery for the recovery and reintegration of deteriorated central areas into the functioning of the current city.

Urban law deals with the study of problems derived from the transformation of urban land, such as the urban deterioration of central areas. Likewise, understanding that every city is based on foundations and political-administrative systems that regulate the actions that are carried out on urban land, and that mainly actions in deteriorated central areas with historical value have specific local, national and international regulations on the matter protection of cultural heritage that define and support the development of urban renewal projects.

In this sense, the present research proposes the study of urban renewal projects with action in collective housing in the urban area of the HCL in the period 2000-2010; the "Las Columnas house", the "Housing complex La Muralla" and the "Martinete Pilot Project". Addressing the analysis of the land legal system that includes the activities of management, execution and control of the process of land transformation in urban renewal projects, in order to identify the practical effect of the rules.

Alice Lopes Fabris (ENS Paris-Saclay)

The reparation of cultural harm in historic cities: the jurisprudence of Brazil

Since 1980, Brazil has inscribed 22 sites into the World Heritage List, among them several historical cities, such as Ouro Preto, Salvador, Diamantina, Brasilia, Olinda, and the landscape of Rio de Janeiro. Such sites are thus recognized as "parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole" (1972 UNESCO Convention, preamble). The importance of such heritage for humanity is well established by Brazilians Courts. The Superior Tribunal of Justice, in a case regarding new constructions in Brasilia, the Brazilian capital created ex nihilo, has declared that: "the characterization of world heritage is based on the assumption that 'there is a series of properties whose importance transcends a determined people'" (STJ, Recurso Especial n° 840.918-DF). In this sense, local, regional, and national authorities have to enforce not only national laws concerning the protection of Brazilian cultural heritage but also international rules for the protection of cultural heritage. The tension between international and local interests are present in Brazilian jurisprudence on the destruction and degradation of the cultural property presented in historical cities classified as World Heritage. This article will analyze the determination by national judges of cultural harm from destructions or degradation in historical cities, and if the cultural harm suffered by humanity - since as stated by the

1972 UNESCO Convention: "deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world" - is taken into account.

Tania Sebastian (VITSOL, VIT)

Invisibility of Female Street Names in Urban Cities in India: Exploring the Intersection of Culture, Law and Social Situations

The aim of this article is to offer an analysis of the invisibility of women street names in select Indian cities. This study is comprised of four Indian cities, each one representing the northern (Delhi), southern(Chennai), eastern (Kolkata) and western (Mumbai) parts of India based on the highest population (Indian Census, 2011). These cities have a background of different historical circumstances, diverse political influences, skewed sex ratios and varied population characteristics. The role of law and law-making surrounding the naming of streets is examined through this lens of political, social and historic divisions of these cities in India. This paper then proceeds to examine the baseline guidelines issued by these cites (and the states associated with the cities) that provide specifications for change of name in order to restore a sense of history to the people. The process for naming and renaming in these cities is as easy as moving a proposal with the state government stating the suggested name of the street accompanied by a brief write up about the accomplishments of the individual whose name is proposed- and the disproportionate number of street names of females sends out the message of the non-recognition of their achievements.

The naming of streets as a political choice with traces of the legal history of the city is explored from the ancient background up to the twentieth century spur of 'reclaiming' India by renaming streets. When read together with the denial of public spaces to women leads to the conclusion that the exclusion and bias of leaving out female names are symbolic of the visual aspects of the roles that women play in the society.

The present article is probably one of the first such attempts in scholarly literature that looks at female street names in India.

Francesca Dona (University of Padua)

The "glocal" perspective of the cities: cultural heritage for the return to being "cives mundi"

Cities have always been an expression of local tradition and customs. The natural bond between territory, community and cultural heritage invites the legal expert and, particularly, the expert in public law, to deepen this connection in the perspective of applying and implementing the principle of participation and subsidiarity of the citizen.

Starting from this idea, according to which the cultural heritage of a certain territory itself establishes the collective identity of that given community, it's possible to affirm that between territorial identity and cultural heritage exists a dialectical relationship capable of creating - in the facts, before the norms - practices of "active citizenship".

According to this view, in Italy new best practices – in particular the Regulation on Common Goods and the Collaboration Agreements – are emerging in the context of the enhancement of cultural heritage directly by citizens, with a view of shared administration of the "res publica": the enhancement of cultural heritage can, in fact, represent a vehicle for relaunching the individual territories involved, through the identification of paths and strategies capable of establishing a connection with the reference community and to recognize, therefore, a decisive role to citizens, in the exercise of public functions.

At the same times, cities and, specifically, cities of art represent universal icons, which attract tourists and visitors from all over the world. From this perspective, the legal expert can take a cue to explore the relationship between cities, that are the natural places of cultural heritage, and the universal character of the latter, with particular reference to their ability to arouse interest, to produce a similar feeling towards of those who visit them and to highlight the undeniable link between the cultural heritage with tourism, which becomes, therefore, cultural.

Thanks to their dual nature cities constitute the meeting point between the "local" and the "universal", so they are fully placed in the term "glocal": they represent "constitutional spaces" capable of keeping people together, in the perspective of being (or returning to being) "cives mundi".

II. LAW, COVID AND THE CITY 11:15-12:15 6 V 2021

Mariangela Barletta (La Sapienza, University of Rome)

Equal rights and opportunities, during the COVID-19 pandemic, in consideration of the huge difference between big cities and small towns

The current pandemic has imposed the need to apply protective measures to prevent the spread of the virus. These include, in particular, restrictions on freedom of movement, with all the ensuing consequences. In some states, governments have chosen to impose total lockdowns for a certain period, which is useful for lowering the levels of contagion, while others have preferred to adopt semi-lockdowns. The Italian government, for example, in recent months, has chosen to divide the regions into colors: red, orange, yellow and green, depending on the needs and severity of the conditions within each territory.

The decisions that have been made, however, do not take into account the important differences between regions, given that some of them offer more opportunities than others, nor they have considered the differences between cities and towns. In fact, there is a huge difference between people who live in big cities with all the conveniences that allow them to live comfortably for some time within their own municipalities, and people who live in small towns, where there are no opportunities for recreation or where, more generally, the same opportunities do not exist. Therefore, stopping people, for many consecutive days, from moving between one municipality and another, as happens for those who live in red and orange regions, means violating the principle of equality and other fundamental rights related to the expression of personality. In situations of extreme emergency, such as the current one, therefore, it is important to consider the idea of revising cities and towns, adapting services to actual needs, in order to balance the protection of public health with the right of the citizens to live in dignity.

The government restrictions of fundamental rights should never be discriminatory, but always proportionate, according to the context in which they are applied. When it becomes difficult for mothers to even reach hospitals to give birth to their babies, or for people to access essential services due to restrictions, it becomes necessary to ask how the space of the actual cities should be reviewed during the COVID-19 pandemic.

Philipp Renninger (University of Lucerne; University of Freiburg)

Urban COVID-19 Management through (Non-)Law in Wuhan, China

Although COVID-19 was first detected in the People's Republic of China, the pandemic now appears contained there. Urban entities provided critical contributions to China's COVID-19 management, particularly in the pandemic's first epicenter: Wuhan city in Hubei province. Chinese cities like Wuhan can fight public health emergencies through legal and nonlegal instruments. Although Wuhan had prepared for possible pandemics, its existing plans, institutions, and warning systems initially failed against COVID-19. The city did not contain the viral outbreak beginning in November 2019. As a result, Wuhan officials were forced to use strict measures to manage the COVID-19 pandemic. From

January 23, 2020, a lockdown cordoned off the city, and from February 10, a closed management of neighborhoods introduced a curfew-like shutdown.

These two cordons sanitaires and other so-called normative documents were imposed by Wuhan's own COVID-19 Headquarters, a municipal mixed party–state organ. Still, the central level must approve—or even directly command—all fundamental decisions of urban COVID-19 management. The center controls urban entities in Wuhan not through channels of the state but through the vertical and horizontal conduits of the Communist Party, treating "the whole country as a chess game." This central–local "chess game" has proven itself an effective method of pandemic containment. However, China's "COVID-19 chess" yielded detrimental effects for many individuals within and outside Wuhan. The reason is that China's central level supports drastic measures in order to eliminate COVID-19 instead of merely flattening the curve. Neither do national law and politics require Wuhan to contain COVID-19 proportionately and balanced. Nor do they allow individuals to challenge Wuhan's containment measures in court, and to change the future course of the city through free and direct elections. Therefore, without being held accountable, Wuhan could encroach on myriad rights and freedoms for millions of individuals for several months.

Yukio Sakurai (Graduate School of International Social Sciences, Yokohama National University)

Possible Challenges to the Welfare State in a Post-COVID-19 Society: An Illustration from a Citizen's Perspective

The essay aims to clarify possible challenges to the welfare state in a post-COVID-19 society and to illustrate conceptual ideas on how to tackle those challenges from a citizen's perspective. This is based on interdisciplinary studies, particularly the literature survey in English and Japanese. The direct and indirect impacts of the COVID-19 pandemic in the global community have been examined from a broader perspective. The paper clarifies that the impacts of the COVID-19 pandemic are expected to be far larger and more complicated than those originally expected. The issues regarding possible challenges to the welfare state in a post-COVID-19 society are discussed in the three contexts of (1) the vulnerability approach, (2) governmental policy priority, and (3) social distancing in a civil society. Then, some ideas are illustrated from a citizen's perspective. Through the discussion, it can be assumed that the government of each welfare state will make its best endeavors to respond to the requests of citizens but will face challenges that cannot be resolved easily with respect to the national budget, skilled human resources, technology, information, etc. International cooperation among states would be of paramount importance to cope with a global issue like the COVID-19 pandemic. Another importance to bear in mind is that the future will be created by people in civil society embracing universal values and social ethics while maintaining a good relationship with the government. When facing inexperienced challenges, good citizenship in civil society would be a starting point because governments, parliaments, and courts cannot respond to sudden challenges. Individuals may take actions to express their ideas where the information technology of social networking services has developed.

Julija Kalpokiene (Vytautas Magnus University)

Contact tracing during the pandemic and associated data protection risks: the lessons from Lithuania

During the Covid-19 pandemic many countries implemented various measures, which are not ordinarily in place under the normal circumstances. Such measures were introduced in order to trace contacts and to prevent the spread of the virus. Some of the measures, included travel restrictions, mobile applications tracing one's whereabouts, compulsory registration when traveling or entering public premises, and many others. However, some of the measures could and did raise serious data protection concerns.

This paper will look at some of the measures introduced during the first wave of Covid-19 in Lithuania and what challenges these measures posed in respect to data protection obligations. It is important to look back and critically evaluate the legal requirements that were imposed and to take stock in order to evaluate the risks to data protection as this will enable to improve the laws if they are re-introduced in future. It is important to avoid unnecessary and avertable data protection risks in future and to ensure that good practices are carried forward.

In these unprecedented times, we faced a dilemma – how best to balance, on the one hand, the protection of personal data and, on the other hand, avert the risks posed by the pandemic, manage the public health risks, and ensure public safety, including the public's right to health and a safe working environment.

The author will point out the data protection risks which data controllers (including employers, service providers and other businesses) faced when striving to comply with the newly introduced requirements in respect to Covid-19, in particular, compulsory disinfection (and closure) of the premises when Covid-19 are detected and the compulsory registration of customers for entertainment and restaurants industries. Suggestions will be made as to measures that should be taken in order to avoid compromising personal data protection when complying with the newly introduced requirements for the duration of the pandemic.

III. PEOPLE, POLICE AND THE CITY 11:15-12:15 6 V 2021

Brandon Alston (Northwestern University)

"The Camera is My Weapon": Police Violence, Racialized Emotions, and Protective Monitoring

In the wake of countless police killing black men, cellphone-generated videos have exemplified one way that proactive police techniques maintain a chokehold over black men's lives. In poor black communities, proactive policing creates a pervasive form of surveillance by which police treat black men as categorical suspects through stares, stops, and searches (Fagan et al. 2016). Research observes that black men respond to pervasive police surveillance by enacting a model of masculinity tied to dominance and control (Rios 2011; Jones 2018). Another study demonstrates that black men navigate policing by overemphasizing care and emotional sensitivity (Stuart & Benezra 2017). Existing studies suggest that legal structures coerce black men into adopting deviant forms of masculinity, whether hypermasculine or hypomasculine. This article asks: how does the threat of police violence shape black men's social perceptions and positions to influence black men's use of cellphones during police stops?

This article advances research on the social life of law in the city by examining how neighborhood conditions, emotional dispositions, and social positions facilitate the use of cellphones among poor black male residents. Focusing on ethnographic observations and 30 in- depth interviews with men living in a heavily policed neighborhood on the South Side of Chicago, I explore how the social context of perpetual police violence expands the visceral fear black men experience during police stops and shapes their use of cellphones to negotiate their safety and status as men. Deeply fearful that police will abuse or kill them, men deploy their cellphones to shield against institutional and interpersonal acts of harm and assert agency, a strategy I term "protective monitoring." In monitoring police, men also use cellphones as a symbolic resource to

project a multidimensional expression of manhood tied to individual and community protection. By enacting protective monitoring, men resist criminalization, appeal to the dominant gender expectations, and reinforce community ties. This article demonstrates that police interventions impose emotional norms on poor black residents that inform how residents use cellphones to take a protective stance during subsequent interactions with legal authorities.

Sandrine Ampleman-Tremblay (McGill University)

Racial Profiling in Montréal: The Unexpected Effect of Section 586 of the Cities and Towns Act

Racial profiling by the *Service de police de la ville de Montréal (*'SPVM') has made headlines for now 40 years. A victim of profiling could use civil liability to obtain damages for the injury caused by the police. This is also true for victims of other types of police misconduct when the said misconduct infringes the rights and freedoms guaranteed by Québec or Canada's Ch*arters or* amounts to a civil fault under art. 1457 C.C.Q. in some other way. However, since police officers from the SPVM are employees of the City of Montréal, s. 586 of the Cit*ies and Towns Act pre*scribes the action by six months. Indeed, this section reads as follow:

Every action, suit or claim against the municipality or any of its officers or employees, for damages occasioned by faults, or illegalities, shall be prescribed by six months from the day on which the cause of action accrued, any provision of law to the contrary notwithstanding.

This section of the *Cities and Towns Act* applies in the absence of bodily harm (art. 2930 C.C.Q.). This presentation will argue that the effect of s. 586 of the *Cities and Towns Act* is to create two classes of victims of profiling: victims of municipal police forces and victims of other police organizations. This results in inequality in victim's treatment and an amendment of the *Civil Code* or the *Cities and Towns Act* is required to offer the same remedy (or at least the same access to justice) to victims of racial profiling and other police misconduct who cannot make use art. 2930 C.C.Q.

Bruno Muniz and Luana Coelho (University of Coimbra)

Law and order in postcolonial racial cities: the case of black genocide in Rio de Janeiro

In post-colonial contexts, the naturalization of inequality in the production of urban space has mainly looked at poverty as the cause of urban segregation and neglected the intricated relation between race and class in the afterlife of slavery (Hartman, 2008). This work aims to analyze the class action current at the Brazilian Constitutional Court contesting the use of helicopters by Rio de Janeiro's police as a shooting base during operations in Maré - a neighborhood in Rio de Janeiro with 62,1% of black population -, to assess both the narratives and social mobilization denouncing black genocide. David Delaney argues that legal discourse is a historical artefact and plays a central role in legitimizing inequality. The analysis of this case reveals that spatial, racial and juridical structures, which have been established by the racial colonial project, create the conditions for genocidal acts to be produced as a long-lasting process. On the other hand, the Genocide Convention establishes that the "intent to destroy, in whole or in part" a specific group is fundamental to the crime of genocide. Considering that black genocide results from institutional racism, the conditions allowing it to happen are not simply associated with intent. Black genocide is implemented through the normal functioning of justice institutions, as we discuss in the case study. Then, only by considering the heritance of racial slavery one can analyze the structural conditioning behind the need to control the black body and how the white fear is exercised to justify genocide (Flauzina 2006). In this context, black death is central to sustain power relations, as "rigidly hierarchical societies need the death ceremonial as a spectacle of law and order" (Batista 2003, 32). Space is shaped by racial and legal boundaries, as "the meaning of social space is, in large part, about social relations of power" (Delaney, 1998 p. 14). Denialist discourses use this long-lasting condition to normalize genocide and extra-judicial killings. Nonetheless, the concept of institutional racism enables us to understand that genocide can also result from day-to-day decisions being taken by politicians, legal professionals and institutions.

Keywords: genocide; law; spatial justice; racial segregation; police violence

Anastasia Konina (Université de Montréal)

The privatization of law enforcement: promoting human rights through procurement contracts

The year 2020 ushered in growing calls to defund the police. In Canada, as in other countries where movement to defund the police has gained momentum, activists demand transferring money from police departments to social workers, reducing the number of police officers, and increasing police departments' democratic accountability. This last group of reform initiatives is, perhaps, the least controversial one because it calls for improving the familiar structures of democratic oversight over police departments - such as municipal (city) councils, independent police oversight boards and complaints bodies, and others.

The demands for greater accountability of police departments to the public are a symptom of a deeper problem - there is a growing discrepancy between the goals of policing and the consequences of the police's actions. This discrepancy conspicuously manifests itself when the police's attempts to ensure public safety result in the marginalization of racialized communities, particularly in larger cities across Canada. In order to understand why laudable policy goals lead to deeply problematic consequences, it is necessary to analyze the policing process in our cities. While it has traditionally been assumed that this process is left to the discretion of separate police departments, this paper demonstrates that externalities - such as data generated by private surveillance technologies - play an important role in undermining the goals of policing. Reliance on private data and technology does not absolve the police of accountability for resulting human rights violations. However, it has important implications for the reform of public oversight over police budgets. This paper argues that cities should condition the funding of procurement contracts for police surveillance technology on legal protections and technical specifications. For example, to meet the funding requirements, manufacturers of algorithmic policing technologies must make the source code publicly available in machine-readable and human-readable forms, procurement contracts must provide for third-party enforcement mechanisms and override the doctrine of trade secrecy.

While this paper is mostly descriptive and analytical, it also has a larger conceptual purpose. It demonstrates, perhaps counterintuitively, that the privatization of law enforcement does not necessarily erode democratic values. Rather, it creates opportunities for additional democratic control over the police.

IV. LAW AND THE CITY

Lala Novruzova (Independent Young Researcher)

Developed and developing countries' approaches to building smart cities and managing their legal aspects.

The idea and construction of smart cities have grown rapidly over the last 10 years, and this process is still ongoing. Many countries have included the construction of smart cities in future urban development plans, taking into account the advantages of such cities. Considering the main governance features of smart cities, we see that a number of new issues related to legal regulation are emerging in these cities, especially differences in legal approaches are sharply differentiated in developed and developing countries. It has been observed that the establishment of smart cities in developing countries helps to make certain changes in the legislation of such countries and to prevent significant violations, however, in developed countries, completely different features are emerging in the construction and governance of such cities. This article analyzes the differences between the legal governance of smart cities established in developed and developing countries, as well as the changes that are required in the legal systems of certain countries. The main points to be discussed are the forms in which criminal law, environmental law, and administrative law have been changed in such cities to suit the circumstances, and what states and relevant organizations are obliged to do.

Adity Rahman Shah (University of Oxford)

The City, Human and Animals: An Analytical Approach of the City-laws Regulating Stray Animal from Bangladesh Perspective

The history of cities is intertwined with the history of human development. Human have been building cities for ages to achieve different benefits of organized communal living and to facilitate such community life, the city dwellers also have different laws to regulate the conduct of the members of the society to protect collective rights. For instances, rules for traffic, security checking, waste management, laws protecting easement rights and preserving energies, different penal provisions etc. To put it more clearly, cities are human-oriented. But what about the animals who live in cities? Apart from zoo and pet animals, there are stray animals in almost every city on this earth. Besides being an ecological adding, these animals are often liable for attacking the passerby and spreading various diseases causing serious health problem. In 2011, the European Court of Human Rights held that failure in addressing stray animal issues may cause violation of human rights. However, any project to reduce animal existence in a city is always opposed by the animal rights activists. In Bangladesh, the problems of stray dogs are not new and different methods, like culling, sterilization etc. have been applied so far. Failing in these efforts, Dhaka City Corporation recently ruled to relocate a huge number of dogs outside the Dhaka city which faced extreme outrage and Government was forced to remove such order. On such background, the paper explores the legality of these city-laws which regulates stray animals and explores the way to bring a more right-based regulation in the context of international standards from both Human and animal aspects. In doing so, it would also attempt to discuss, as the statistics affirm the stray animals to be a poor-country problem, whether the city-laws of the developing countries are more anti-animal rights or not.

Peihao Yuan (The Chinese University of Hong Kong)

Law and the City: Can the Transplant of the Law in a Developed City to Another City Necessarily Lead to a Prosperity of Another Prominent City?

Recently, the controversial issue as should Shenzhen transplant Hong Kong law with the purpose of deepening the economic reform and realize another world financial center in mainland China has become a hot topic in China. This study will operate with a fundamental legal question: can the transplant of the law in a developed city to another city necessarily lead to a prosperity of another prominent city? Based on the above question, this study will discuss the following arguments specifically:

Firstly, whether a region's economy can develop to be prosperous or not, such inquiry is not entirely related to the rule of law in this region. The legal system to be applied in a city or region is often closely related to the local economic, political and cultural environment. For example, Ghana in Africa transplanted the law of Hong Kong in its entirety, while other British-colonized African countries transplanted Ghanaian law. Yet as the years passed, none of them looked anything like Hong Kong. Secondly, Hong Kong law and Common Law are derived from the same origin, so if Shenzhen fully transplants Hong Kong law, it means that its basic economic system will inevitably change from socialism to capitalism, which is impossible in the current situation.

Thirdly, since a comprehensive legal transplantation is impossible, is it feasible for Shenzhen to transplant only the laws in Hong Kong related to the economic field? The answer for this question is uncertain. To achieve this purpose, an efficient, clean, and administratively competent civil servant system and judge's system are indispensable.

With the above perspectives, this study will explore the Hong Kong laws which are worth learning for Shenzhen and which are unrealistic and impossible to be transplanted. It will also pay attention to how do common law and civil law integrate in the commercial and economic fields to reach a better balance. Last but not least, it will draw preliminary conclusions on the transplantation of legal system and the direction of further research, so as to facilitate the comprehension of the essence of legal system and its development in a certain city or region.

V. LAW, CITY, DATA AND TECHNOLOGY

Sage Cammers-Goodwin (University of Twente)

Making Data Visible in the Urban Environment

Tools for data acquisition are approaching omnipresence in a growing proportion of today's cities. Whether they be load sensors connected to street lamps, transportation cards that monitor commuter patterns, or public Wi-Fi networks that track search history. That brief list does not even include the CCTVs that have become a permanent staple of buses, trains, alleyways, store fronts. Frankly, many steps within the city are monitored, and, with increasing machine learning capabilities, will soon be understood.

This paper uses the case study of a sensor embedded, 3D printed bridge soon to be installed in De Wallen Amsterdam to discuss the rights and desires of city users when it comes to data acquisition in the urban context. What is the best way to inform citizens that their data is being collected? Should their be alternate paths of movement to avoid tracking? What rights must one give up to live an anonymous life in a city?

To begin, feedback from a workshop on Data in the City will be analyzed for normative values that participants expressed such as rights to freedom and autonomy. Next, tensions in data visibility techniques will be explored – does a sign telling one that they are being monitored fully bring to light the unforeseen consequences of rapidly "datafying" public space? Can there be such a thing as informed consent when sensors are embedded into infrastructure? Does it matter who is collecting the data?

Finally, some suggestions for data visibility for the bridge 3D printed bridge and universal data collection will be shared.

Rumbidzai Matamba (Independednt Researcher)

Safer Cities for Everyone: the use of Feminist Legal Theory in Data Regulation

An array of different technologies have been deployed across our cities to contain and mitigate the Covid-19 pandemic. While these technologies have been instrumental in the global fight against this pandemic, we have had to reconcile with the fact that they use vast amounts of our personal data - without our consent or knowledge at times. This has led to numerous raging debates about the regulation of data collection and use by tech companies. However, an even more important question within these debates is who these data regulations are supposed to protect. This is because while it is true that several rights are violated by the use of personal data without consent, there are specific gendered harms that women and people from gender diverse communities experience. There is a new wave of technological violence against women and gender diverse people. For example, the circulation of deepfake pornographic videos, remote tracking technologies used to stalk and harass women, and increased hacking to expose the identities of members of the LGBTQIA+ community. The conversations around data regulations are not cognizant of these realities and, consequently, will not lead to policies which protect these individuals.

Therefore, this paper seeks to employ the use of feminist legal theory in drafting data protection policies and regulations which will make our cities better and safer for everyone. This will be achieved by assessing select existing data protection policies within the context of gendered technological harms as set out by Chair (2020) and discussing the use of feminist legal theory in drafting more robust data protection policies and regulations. The research methodology will focus on assessing the adequacy of select data protection policies in protecting against gendered harms and draw from feminist legal theory to offer more robust policy recommendations.

Luigi Bruno and Isabella Spano (McGill University)

Post-Quantum Encryption and Privacy Regulation: Can the Law Keep Pace with Technology?

Quantum computing is still far from mainstream adoption and is currently only used for scientific research purposes. Nevertheless, its impact on existing encryption algorithms and data protection and privacy regulation is already generating concerns that require close attention. Extensive research has shown that quantum computing can break modern symmetric and asymmetric cryptography, threatening current data protection and privacy practices. Regulation and laws worldwide rely on encryption as a tool to protect personal information. The pace of development in quantum computing should inspire legislators and supervisory authorities alike to reconsider at once how laws and regulation can cushion quantum's impact on data protection. This article discusses the impact of quantum computing on modern cryptographic algorithms from the interdisciplinary perspective of law and computer science. Its goal is to explore how data protection and privacy regulation need to be reimagined to keep up with technological development, using quantum computing and its perils to start the conversation on the implementation of more dynamic privacy and data protection regulation.

Monique Kalsi (University of Groningen)

Has the law finally caught up with technology?: A privacy by design approach to achieve privacy-friendly facial recognition technology.

The recent development of artificial intelligence (AI) powered facial recognition technology (FRT) and the resulting promises of accuracy have led to the widespread use of this technology by the public sector for law enforcement and border control purposes. With FRT's extensive development and deployment, the global facial recognition market is estimated to generate over $7billion of revenue by 2024. However, several examples of large-scale uses of FRT highlights its impact on human rights and fundamental freedoms. This paper explores the human rights implications and the risks of the use of FRT under the European legal framework, especially in the case of law enforcement and border control systems. This paper argues that with advancements in technology, the use of FRT is no longer limited to traditional functions of identity verification and authentication. The deployment of live facial recognition can easily allow tracking and geo-localization of individuals and hence pose new risks to individual rights and freedoms.

In light of the risks identified, this paper seeks to evaluate the obligation under the new European data protection framework requiring technologies using personal data to follow data protection by design and by default approach. According to this approach, the design and deployment of technologies must include necessary safeguards to protect the data protection rights of individuals. As a consequence, any use of FRT must be proceeded by a risk analysis and risk management plan to protect the rights of individuals. This paper aims to evaluate the effectiveness of this approach in safeguarding privacy and argues that such an approach is effective only if a holistic view of risk is adopted.

VI. LAW, CITY AND HISTORY 2:15-3:15 6 V 2021

Alice Krzanich (University of Edinburgh)

Servants and the City: Cases Concerning Female Domestic Servants in Early Nineteenth Century Scotland

Female domestic servants were an ubiquitous presence in urban households in nineteenth- century Scotland, performing domestic work that included cooking, cleaning, childcare as well as shopping in local businesses. Their ubiquity can be explained by multiple factors, including population growth in towns and cities; economic change brought about by the Industrial Revolution; and an increase in middle-class wealth in Scotland, all of which stimulated both supply and demand for domestic servants. In particular, domestic service was an acceptable means by which women could earn money to support themselves, meaning it was an important source of income for many working-class Scottish women.

This paper will consider three cases from the Court of Session – Scotland's supreme court for civil claims – from roughly the first half of the nineteenth century which display these social and economic forces. The cases concern employment disputes between female domestic servants and their employers, usually around a dismissal from service that the servant argued was illegal. The conflict between master and servant took place in either a Scottish city or in Lowland Scotland, where most urban areas were located. Certain themes arise in these cases that highlight their urban setting, including suspicion of servant theft; moral judgment of female servants and their interactions with men of the city; servant migration; and cultural divides between Highland and Lowland Scots. These are all themes that will be discussed.

These cases also highlight the influence of class and gender on the law relating to female domestic servants in early nineteenth-century Scotland, which is the focus of my doctoral research. The city was a place where both gender and class norms could be contested and affirmed, meaning that the cases which form the focus of this paper also help to illustrate class and gender dynamics. This in turn helps to show how socio-economic factors like class can have an impact on the law's application and doctrinal development, as well as showing the value of studying the law relating to working-class people like female domestic servants.

Vittoria Becci (Sciences Po)

The shape of the land reform. Palermo 1960.

The constitutional land reform in Italy, which took place in the 1950s, was accompanied by profound changes that affected not only the countryside, but cities as well. The reform was mainly addressed toward the south, il mezzogiorno, and Sicily in particular where the reform was intended to affect all cities in the region. On the one hand this was a social change dictated by the new constitutional principles, such as redistribution and employment increment in the agricultural sector. On the other hand, an economic boom complemented the redistribution, especially in the building sector. This combination was a main force in dictating the shape and the form of the cities during those years. Sicily's main city, Palermo, experienced a major "restyling" during the twenty years that followed the

reform. The depopulation of the historic city centre, due to the WWII bombings, provided an opportunity to think about new urban areas. Contrary to what was expected, a dark chapter in the history of Italian urbanization unfolded: the so-called Sacco di Palermo. The city was "ravaged" by property speculation, illegal constructions, and it was aesthetically deprived of its identity by the demolition of entire art nouveau districts and 18th century buildings which were later replaced with tower blocks (eg. Via Libertà, La Favorita), with new conceptual neighborhood (eg. ZEN) or with a wild informality (eg. Bagheria). These real and concrete consequences are part of a network of connections through which law creates space, connections that this paper aims to study by shifting the perspective by asking: how does space create law? and how architecture regulates society? It takes Palermo as case study, in order to study spaces that the law creates intentionally and unintentionally. In giving a shape to the law, this paper aims to take into consideration urban spaces that will help to better understand how the idea and the definition of law relate to space, to cities and its main actors especially in terms of redistribution and property.

Fenn Stewart (Douglas College)

Pauline Johnson and the Making of 20th Century Vancouver

My paper will consider how Mohawk poet Pauline Johnson's life and work have been incorporated into the "material ordering practices" through which settlers have constructed the city of Vancouver, BC. During the last years of her life, Johnson published her bestselling *Legends of Vancouver* (1911), in which she rewrote narratives she learned from Skwxwú7mesh Chief Joe Capilano (Sahp-luk) and Mary Capilano (Lixwelut). At the same time as Johnson was being celebrated as a "purely Canadian" author who made "Indian legends" available to the settler city, both Vancouver and the province of British Columbia were actively involved in land "purchases," including the illegal dismantling of at least one reserve within city limits, in order to appropriate ever more land from the Skwxwú7mesh, xwməθkwəy̓əm, and səlí, lwətaʔɬnations (who continue to claim these lands and waters as their unceded territories). In considering the settler uptake of Johnson's life and work, in the context of the "legal" production of the city of Vancouver, my paper will illustrate key interconnections between law and literature in the construction of the settler city, and nation.

Petra Samaha (Sciences Po)

A palimpsest of laws: the legacies of Ottoman and French land management in Lebanon

The built environment, even the part of it that is tagged informal, is the materialization of urban policies (or lack thereof). The link between policies and cities not only spans centuries, but it was one of the attributes of what was defined by Max Weber as early urban settlements. In fact, laws are institutional frameworks that defined the relationship of people to each other, and to the places they inhabit way before Weber's nation state. More specifically property laws have shaped the way land is used since early settlements in Babylonia. Land ownership was organized through deeds documented on cuneiform tablets. Patterns of ownership were various and were shaped to facilitate or organize work and family relations. Greeks also owned goods, land, even people. However, Aristotle differentiated accumulation for household management from moneymaking. Hence, land ownership

was linked to subsistence and property arrangements were all linked to the soil and the produce. Within the Roman/Justinian law that is still applied today in many parts of the world, there was also a firm separation between produce, labor and land with three characteristics for land ownership: *usus, fructus, abusus*. In the Levant, and until the second half of the 19th century, Ottoman land laws also differentiated between the use and the ownership rights of *Miri* land. Those lands belong to the "state" with a right of usufruct for the people for a tax collected. Hence, land ownership has taken different forms throughout history until modern societies became organized as "property owners". The historical paths towards land commodification were varying. In the Levant, the shifts in legal frameworks that affected people's relation to land are still under-researched. Taking the case of Lebanon, I aim first for an in-depth review of the local context and history of property management legal frameworks since late Ottoman rule to understand broader economic shifts in land commodification in the country. Second, I aim to elaborate on the implications of this palimpsest of frameworks on shaping the built environment and propose alternative ways for thinking the "right" to the city in a country burdened with an economic crisis.

VII. CITY IN THE CONSTITUTIONAL CONTEXT 2:15-3:15 6 V 2021

Gaurav Mukherjee (Central European University)

The Capital City in Comparative Constitutional Law and Theory

Classical theories of federalism are usually silent on cities as a fulcrum of sub-national politics, federal practice, and social provisioning. This, however, is not the case with the National Capital Territory of Delhi (Delhi). Delhi has a sui generis constitutional status that severely constrains the governing capacity of the ruling party in Delhi, in a number of fields of law-making, in part because many of its decisions require the approval of the Central Government appointed Lieutenant General (LG). The Supreme Court, when called upon to definitively decide cases on a number of issues arising out of this ongoing tussle between the elected government of Delhi and the LG, has used a combination of the techniques of evasion, ambiguity, and revisionism to further entrench the power of the Central Government - representing a concerted institutional effort to undermine the constitutional principles of federalism and the rule of law. In this article, I use a comparative constitutional methodology to explain the case of Delhi, where a capital city in a parliamentary democracy has a government that is at odds with the Central Government. Such a view advances our understanding of how and why the containment of the capital city as an arena of constitutional politics has been undertheorized in comparative federalism theory. I do so by advancing arguments based on necessity (resisting demands for devolution and claims to statehood), constitutional factors (the ability of constitutions to respond to the rise of cities), and political factors (the interplay of incentives alongside national and sub-national governments' interests in facilitating or subverting city emancipation).

Amal Sethi (University of Pennsylvania)

Special Administrative Regions and Constitutional Space for Cities

Constitutionalism in Greater China seldom enters the broader constitutional discussion across the globe. Nevertheless, there is one emerging area of constitutional studies where there is more to understand from Greater China than any other case-study. This is the debate regarding 'Constitutional Space for Cities'. Greater China, with its present constitutionally recognized Special Administrative Regions ("SAR"), i.e., Hong Kong and Macau, has tailor-made examples to help envision 'Constitutional Space for Cities.'

Ever since Paul Romer made a case for international charter cities, cities with constitutional protection and greater autonomy in the mould of SAR are being mooted time and again. The question that then arises is whether the SAR model can effectively be duplicated on a mass scale beyond Greater China. Consequently, this article proposes to critically analyze the SAR model in an attempt to shed light on the aforesaid question. In addition to introductory and concluding sections, the body of this article will have three sections corresponding to the creation, history, and design of the current SAR; what has worked and not worked for the SAR model across a range of issues; and what lessons can the SAR model provide for reimagining cities in the existing statist framework.

Despite the challenge's SAR face in their operation and the recent controversies in Hong Kong, the SAR model, has worked better than many would have projected. It could be argued that there are few

prima facie grounds to question why the SAR model would not be a useful way to reimagine cities and provide them with enhanced constitutional capabilities. However, the success of the SAR model has a lot to do with the history of SAR, the geographical positions of Hong Kong and Macau, and the socio-political realities in Greater China. While the SAR model does provide crucial takeaways, replicating the model would be a hurried step. The city-state gave way to the nation-state for a valid reason, and that should not be overlooked.

Importing the SAR model in its entirety would have the potential to amplify the challenges of decentralization and open a pandora's box of predicaments.

Francesco Severa (University of Rome "La Sapienza")

Rome, Legal Instruments for the Organization of a Capital City

There is always a relationship of identification between a State and its capital city. It holds a symbolic role of political and cultural representation for a national community (Berlin); it provides a model to which the other urban areas of the country will be conform (Paris); it becomes a synthesis of the various identity and ethnic souls of a nation (Ottawa). These functions are usually accompanied by the construction of a special juridical and administrative status for the capital city. This results in the granting to the capital city of the same powers and functions as the regional bodies of the State (Berlin has the same functions of a Land), or in the creation of special metropolitan entities with strong powers regarding police and transport (the Greater London Authority, for example).

On this issue, Italy certainly represents an exception. Rome, in fact, does not have a particular status that differentiates it from other large Italian cities and is organized according to a multilevel administrative system (municipal, metropolitan and regional), which reflects the legal model of Italian local authorities, but which is obviously insufficient to governing the tasks that the status of capital imposes on the largest city in Italy.

The Italian Constitution of 1948 did not mention the city and its role as capital, with the idea that it was necessary to erase the "myth" that Fascism had created around the history of Rome. Only the constitutional reform of 2001 revised art. 114, inserting a reference to Rome as a city to be recognized, through a specific law, a special form of organization.

Attempts to follow up on this provision have not been lacking in these twenty years, with a plurality of legislative proposals and a heated debate, which however has given rise only to timid interventions of financial autonomy. We propose to offer a report that retraces this debate, unique in the current world panorama, analyzing the legislative proposals currently under study and trying to trace a path regarding the future perspectives of the organization of the "Eternal City", thus attempting to make some proposals.

Curtly Stevens (Dullah Omar Institute)

Business Tax for Metropolitan Cities in South Africa: Principles and Prospects

Throughout the world, cities in both developed and developing countries (including South Africa) are struggling to meet the growing service demands of their urban populace. While the prominence of South African metropolitan cities cannot be overstated - they accounting for 63 percent of the national gross domestic product (GDP) – they are confronted with a widening fiscal gap, a mismatch between their expenditure responsibilities and existing revenue sources. In 2018, the fiscal gap in South Africa stood at R18 billion and it is projected to grow to R83 billion by 2026. The Covid-19 pandemic has exacerbated the crisis. In a recent attempt to ameliorate the fiscal gap, the Financial and Fiscal Commission recommended that metropolitan cities be authorised to levy a local business tax. Notwithstanding this proposal, a solid theoretical and practical basis for the imposition of such a tax remains wanting.

This paper within the context of South Africa's constitution, explores whether and the extent to which, metropolitan cities can tax businesses. In particular, it assesses whether a local business tax in the form of a Business Value-Added Tax (BVT) will pass constitutional muster if authorised by national legislation. Drawing on both literature and practice, this study finds that a BVT will pass constitutional scrutiny since it is not a prohibited tax namely, income tax, value-added tax, general sales tax, or customs duty. The paper is structured in four parts: Part I commences with background on metropolitan governance in South Africa. Part II explores the literature on fiscal federalism as it relates to tax assignment. Part III briefly reviews the history of local business taxes in South Africa. Part IV concludes the study by reviewing the legal framework applicable to the assignment of local taxes.

VIII. LAW, HERITAGE AND THE CITY II / DROIT, HÉRITAGE ET VILLE II 2:15-3:15 6 V 2021

Dominik Świątkowski (University of Warsaw)

Les aspects juridiques de la création de l'image de l'espace urbain. Les peintures murales dans la ville du point de vue de la loi sur le droit d'auteur.

Les peintures murales, en tant qu'exemple d'art de rue, jouent un rôle très important dans l'espace urbain, offrant souvent une expérience esthétique inhabituelle et soulevant des problèmes socialement pertinents. Le rôle de ce type d'art est capital, comme en témoigne le fait qu'il suscite souvent de nombreuses émotions, tant positives que négatives. Le caractère controversé des peintures murales et leur qualification juridique ambiguë sont une source d'inspiration pour envisager cette question du point de vue du droit d'auteur et de la création d'une image de l'espace urbain. Les objectifs de cet écrit sont dans un premier temps d'examiner comment la loi qualifie et devrait qualifier les peintures murales dans l'espace urbain et dans un deuxième temps de définir le cadre juridique de ce type d'activité artistique. Le point de référence sera la législation polonaise, mais aussi d'autres, tels que la britannique, française ou américaine.

Dans un premier temps, sera analysée, la situation juridique de l'auteur d'une œuvre d'art et du propriétaire du support sur lequel la peinture murale a été créée. Ensuite, le problème de la création illégale de peintures murales sera examiné, ce qui génère un conflit entre deux droits subjectifs : le droit de propriété et le droit de l'auteur sur l'œuvre. Attribuer la primauté à l'un d'entre eux est une affaire clé pour déterminer la nature légale des peintures murales illégales. Les conditions d'utilisation et de distribution des peintures murales dans d'autres œuvres (photographies, films) seront également indiquées. En outre, l'analyse portera sur le caractère juridique de l'utilisation de symboles protégés par les auteurs de peintures murales.

Afin d'illustrer la signification, l'exemple de la Finlande sera montré, où pour la première fois, l'art de rue, grâce à une campagne publique, a provoqué un changement de la loi, ce qui montre que cela reste important pour la société et nécessite une législation fiable. Enfin, on soulignera que les peintures murales sont un élément de plus en plus important de l'espace urbain, car elles peuvent jouer un rôle social capital comme la lutte contre l'indifférence ou l'éducation. Leur popularité croissante montre qu'une analyse juridique de ce phénomène semble nécessaire.

Mirosław M. Sadowski, Ermanno Napolitano (McGill University) and Lily-Cannelle Mathieu (Institut National de la Recherche Scientifique)

Dealing with contentious heritage: Case study of Italy and Poland

The purpose of this paper is to examine national governments' policies with regards to contentious heritage of fascism and communism in the cases of Italy and Poland, respectively, by demonstrating how little has been done to properly contextualise it, give voice to those who may be hurt by such heritage, and by beginning the discussion on which new inclusive approaches could be undertaken to address these issues. In the introductory part of the paper, the authors explore the laws defining and protecting cultural heritage, attempting to identify the balance between the protection of material

heritage of artistic and historical value, the respect for the collective memory of those affected by their origins, as well as their role in shaping a society's identity. The second part of the paper investigates the policies dealing with the legacies these contentious heritage in Italy and Poland brings, and the legal, political and cultural reasons for these countries' continuous failure to give proper voice to those hurt by the ideology represented by such heritage. Beginning with Italy, the authors look into the ways in which law deals with sites of "cultural interest", taking as a model the "Palazzo della Civiltà Italiana", a reinterpretation of the ancient Roman monumentality architecture through simplified forms, considered by many a masterpiece of neoclassic style, which at the same time represents a disturbing legacy of fascism. Then, moving on to Poland, the authors analyse how various governments have dealt with urban legacy of over four decades of communism, from the most obvious issues, such as street names and monuments, to various buildings, which were strongly associated with communism, e.g. the Warsaw Palace of Culture and Science, which to many remains a painful symbol of the communism rule. In the third part of the paper, the authors compare and contrast the two governments' policies and look at how other countries have advanced their approaches to contentious heritage towards the protection of those who are hurt by it, while also pondering upon civil society's response to such material heritage.

Charles Breton-Demeule (Université Laval)

Entre protection et démolition: l'immeuble vétuste en droit municipal québécois

En droit québécois, la propriété dispose d'une protection minimale qui permet au législateur et aux municipalités de limiter son exercice de manière importante. À cet égard, la vétusté immobilière constitue depuis l'époque de la Nouvelle-France un motif d'intérêt général offrant aux municipalités des pouvoirs pour forcer l'entretien et la démolition d'immeubles qui contreviennent à la réglementation municipale. Si ces pouvoirs existent depuis longtemps en droit québécois, ce n'est que de manière contemporaine qu'ils ont été complétés par des dispositions relatives à la protection du patrimoine culturel immobilier. De nos jours, l'immeuble vétuste se trouve donc à la frontière de deux régimes: celui de la démolition et celui de la protection. Les pouvoirs discrétionnaires des municipalités permettent de mobiliser l'un ou l'autre de ces régimes pour déterminer l'avenir d'une immeuble patrimonial. Les considérations relatives à la sécurité publique, la propriété privée, à l'intérêt collectif et à la participation citoyenne modulent l'exercice des pouvoirs municipaux. Cette présentation propose une lecture théorique, pratique et critique de ces pouvoirs à l'heure où le législateur québécois a proposé des réformes en ce domaine avec l'adoption du projet de loi 69 en mars 2021.

David Tilt (Central European University)

Understanding the Role of 'The City' in Developing Complex Regulatory Frameworks: The Case Study of Haute Couture

OVERVIEW

This paper considers the relationship between the legal regulation of haute couture in Europe and the importance of 'the city' as the locus of complex cultural, legal, and geographical forces. Haute couture and its legal framework are used as a case study to investigate how local dynamics – in this case,

focusing on the role of the city – can shape the national and international legal responses to a cultural phenomenon.

Connecting the role of 'the city' and legal regulation is particularly interesting through the lens of haute couture because while cities are frequent hosts to artistic or cultural movements, haute couture resulted in an elaborate system of strict regulation that extends beyond the ordinary intellectual property toolbox. This framework has a broader function than national intellectual property law because it not only reflects the legal dynamic of a particular industry, but the cultural and artistic practices of a specific, and particularly local in this case, city.

PRELIMINARY CONCLUSIONS

This paper presents two major conclusions and contributions, the first of which is the use of haute couture as a demonstration of the complex relationship between local, national, and international modalities of law-making. Haute couture emerged as a niche, city-specific, cultural development yet it resulted in a national framework of regulation and stands as a model for other jurisdictions internationally.

The second conclusion is that haute couture demonstrates the importance of the physical or geographical component of legal development. Haute couture and the legal framework that emerged could have been developed in any legal forum, but it is the highly-localized place of origin – of Paris – that provided the contours of legal regulation and the cultural values it reflects and supports.

IX. Dean Maxwell & Isle Cohen Seminar on International Law I 3:30-4:30 6 V 2021

Itai Apter (University of Haifa)

City Hall v. The World –New Paradigms for Foreign Missions Municipal Taxation

International law and cities interactions have been extensively explored in the global governance studies, focusing on how cities implement international human rights and trade law, and their role in forming international relations and norms.

The paper chooses a different direction, focusing on municipal taxation imposed on missions of states and international organizations, seeking new paradigms to adapt frameworks to modern realities. While seemingly a technical issue, foreign missions municipal taxation can be controversial, impacting bilateral relations. Regulation of foreign missions municipal taxation under customary international law (CIL) also represents one of the earliest examples implementation of international law by cities.

Discourse begins by describing trends in studying international law and cities interactions, highlighting the increasing role cities play in international relations and international law implementation. Debate then surveys early origins and practice of foreign mission municipal taxation which became CIL, followed by analysis of the treaty based norms, embodying the "payment for services rendered" principle, and controversies over modern municipal taxation forms.

Discussion continues by exploring dilemmas of imposing municipal taxation in the context of the taxonomy set earlier. Relevant international norms were formalized in the 1940's and 1960's, while studies of interrelationships between international law and the cities are of a much more contemporary nature. This disparity necessitates considering new paradigms, to better balance interests of municipal authorities and local residents and the need to ensure the functioning of foreign missions and international relations.

Next, analysis draws lessons from the foreign missions municipal taxation new paradigms debate to international law and cities wider themes. This, with the aim of evaluating how contemporary pragmatic approaches can transform traditional notions of relationships between legal frameworks and municipal authorities' conduct, to support innovative legal solutions to better balance competing interests.

City halls can be in constant confrontation with the world (or foreign missions) on treaty based municipal taxation norms. This confrontation and the new paradigms offered constitute an important case study for understanding interrelationships between international law and the cities to facilitate further research the pragmatic elements of these interactions.

Federica Cristani (Centre for International Law of the Institute of International Relations in Prague)

Defining the role of local authorities under public international law

Local authorities, and especially urban municipalities, have become more and more relevant in the international arena. The increasing role played by local authorities in tackling global questions (e.g.

migration and climate change) is well demonstrated by the manifold initiatives that have been spreading at the regional and international level and are specifically aimed at facilitating networking among mayors.

However, from a public international law perspective, a deeper analysis is required in order to assess whether and to what extent local authorities may be considered 'global' actors and what is their role in shaping the international agenda.

The present paper is thus devoted to the analysis of the relationship between cities and international law, with a first overview of which international instruments deal with local authorities – with a special focus on the regional context of the Council of Europe (with the Congress of Regional and Local Authorities) and the European Union (with the European Committee of the Regions) – in order to identify the rights and obligations of local authorities at the international level. Secondly, the active role of local authorities in international fora is evaluated, taking into account to what extent they collaborate with other international actors and how they cooperate among themselves in the development of the international agenda. In this respect, in particular, it is analysed how local authorities engage with other international actors through four main channels: (1) through their formal representation in dedicated organs within international organizations (e.g. the UN Advisory Committee of Local Authorities within the UN system); (2) thanks to the 'consultative' status that is granted to associations of local authorities as non-governmental organizations (NGOs) within the UN framework; (3) thanks to ad hoc agreements between intergovernmental organizations and associations of local authorities (e.g. the 2004 Agreement of Cooperation between UN- Habitat and the United Cities and Local Governments); and (4) through the activities of local authorities-led partnerships – in forms of associations or (in)formal networks (e.g. the Covenant of Mayors or the World Association of the Major Metropolises) – for the development of international-related policies.

Camille Bérubé-Lepage (McGill University)

Local law in International Trade and Investment Law

The primary and immediate international law subjects are states, which are themselves composed of multiple actors that may differ in their interests and therefore in their policies, laws and regulations. In this respect, in addition to central governments, cities are largely involved in commercial law issues. States negotiate trade and investment agreements with other states or enter into contractual agreements with corporations, and municipalities are not always consulted, although they are essential parties to trade. Indeed, when a company wishes to establish a plant in a particular territory, municipal law may apply. What happens when municipal law contains provisions contrary to a central government's commitments in contracts or even treaties? The case of Metalclad Corporation v The United Mexican States in 2001 raised the issue of transparency and predictability for foreign investors. There was confusion about which law applied between federal and local law after the Mexican government welcomed Metalclad's investment into its territory. Nevertheless, the local government refused to grant the license required for the project, and the investment never proceeded. The arbitrator concluded that Mexico had failed to provide a transparent and predictable framework for the foreign investor. On review, this conclusion was overturned due to the lack of transparency and predictability obligations in NAFTA. Nevertheless, the latter decision highlights the difficulty at the

international level posed by local government measures as opposed to central government measures. More importantly, treaty obligations such as national treatment, which is widely incorporated into investment and trade agreements, may be of concern with respect to local measures that may contravene the obligation.

Elif Durmus (Utrecht University)

"Mere Talk"? - A Speech Act Analysis of Local Governments' Jurisgenerative Engagement with International Law

Local governments and their networks have been engaging with matters concerning international law in varying intensity since as early as the Hanseatic League. Today, local governments, their mayors and city networks demonstrate an impressive portfolio of engagement with international law, not only in making statements and issuing local ordinances that make references to international law, but also through the creation of normative documents that seek to influence, regulate and codify certain types of behavior. From the pluralist standpoint of the ('New') New Haven School of International Law, cities have already become internationally relevant actors as well as a "norm-generating community" (P. S Berman) negotiating and contesting what international law ought to look like, at times creating and advocating for their own "alternative" imaginations of international law. There has been however criticism of this approach, arguing that cities are not engaging in law but "mere politics". With one foot firmly in international legal theory and another in language philosophy (in particular the speech act theory and its applications for social and legal norms), this paper will seek to explore and analyse the extent to which normative documents created by networks of local governments (both loose and institutionalized) carry the qualifications and characteristics, according to the speech act theory, to constitute "law". For this purpose, a number of case studies in form of normative documents by city networks which demonstrate a high-level of intended legality and similarity in form and language to international law, will be analysed according to the typology of speech acts created by J. Searle and elaborated upon from the perspective of international law by N. Onuf. This will finally be compared to early international law and the infamous debate on whether it actually constituted law, to reflect upon the potential of cities' engagement with international law.

X. LAW, THEORY AND THE CITY I 3:30-4:30 6 V 2021

Aleksandra Guss (University of Gdańsk)

Aesthetics of Law: Law as a Tool of Aesthetization of City's Landscape

The aesthetics of law appears as one of the parts of the philosophy of law that focuses on the relationship between law and aesthetical values, in their broadest sense. The aesthetics of law can be closed in its three dimensions: external, internal and the approach defined as „law as a tool of aesthetization". This division was made from the perspective of the subject of research, which is the law.

The third approach refers to the law as „tool of aesthetization" of everyday life, which indicates the aesthetic function of law, implemented mainly by legal regulation and the legal norms they contain, which are the determinants of what is aesthetic. We can distinguish three basic fields in which the law can affect the aesthetization of everyday life: 1) legal norms that set and promote certain aesthetic standards, 2) legal norms that serve to protect and preserve aesthetic values and 3) the field where law, as an instrument of politics, can be used to fight against certain aesthetic values that are inconsistent with the ideology promoted by the ruling class – the so-called art in the service of state power.

The first group of norms is used to make the overall „pretty" but when interpreting such legal regulations, can be concluded that there's something more than only this - that it's promoting aesthetic standards and values through legal norms. The policy of many countries focuses on introducing legal regulations aimed at ensuring the aesthetics of the landscape of their cities.

The speech will be aimed at presenting the implementation of the third approach to the aesthetics of law in various countries, including in Poland (Gdańsk's Landscape Resolution) and Italy (Urban Regulations for the City of Rome) and discussing legal measures and activities undertaken to ensure the aesthetics of the landscape.

Muyiwa Adigun (University of Ibadan)

Judicial Interpretation in Resolving the Conflict on Jurisdiction between the Central Government and the Federating Units

The tension between the central government and the federating units has always been an intractable issue between the forces of centralization and decentralization in a federalism with the judiciary at the intersection of the conflict. Therefore, this article examines judicial interpretation in resolving the conflict on jurisdiction between the central government and the federating units. It applies Henri Lefebvre's theory of space, Richard Ford's analysis of jurisdiction, Benjamin Cardozo's and Oliver Wendell Holmes Jr's psychology of judging to judicial interpretation in resolving the conflict on jurisdiction between the central government and the federating units. It finds that the justices on the majority and the minority who interpret the constitution to resolve questions of jurisdiction between the central government and the federating units often play politics of space hidden within the interstices of legal rules without being conscious of their psychological biases. Hence, it argues that instead of playing politics of space, what the justices should do is to apply the principles in Keynesian federalism bolstered by the rule of presumption. With this, the influence of politics borne of

psychological biases can be downplayed while both the central government and the federating units are given equal chances. In conclusion, it recommends that whenever the judges are called upon to resolve the conflict between the central government and the federating units, the principle in Keynesian federalism with the rule of presumption should be applied.

Giacomo Menegatto (University of Padua)

Challenges and horizons of the cities in the "Fratelli tutti" encyclical letter: a juridical look to the "fraternity" in the cities and among cities

In his last encyclical letter, entitled "Fratelli tutti", Pope Francis, in several, crucial passages, mentions the theme of the city, hoping for an openness of the city itself to the other cities and to the entire world in a perspective of "social friendship", preserving its "cultural and religious identity" but, at the same time, proving to be "open to differences" and aware of the importance of the way "to promote" its dimension "in the spirit of human fraternity". So, fraternity not only among people in the cities, but also among the cities themselves, trying to go beyond the "innate tension" that "exists between globalization and localization".

Already in the ancient times, Rome used to establish specific pacts (called foedera) with the closer towns, whose citizens obtained, in this way, some particular rights and privileges, although often in a subordination relationship with the Eternal City.

This contribution aims to investigate, starting from the sparks contained in the encyclical letter and valorizing its more significant passages, the concrete legal forms that could be considered useful to actualize the Pope's auspice of real "fraternity" (now – differently from some ancient experiences – based on an essential parity relationship) among cities, including, first of all, the twinning agreements, promoted in Europe by the Council of European Municipalities and Regions and widespread also in the Canadian and, generally speaking, North-american experience, also thanks to the Sister Cities International programs. More specifically, dialogue between cities can also be reached through particular pacts, for example in order to organize together remarkable events (an example can be represented by the italian cities of Milan and Cortina, joined, initially, for the candidacy and, now, for the organization of the 2026 Winter Olympic Games) or to achieve some peculiar political purposes, instituting strategic types of cooperation (e.g., in the E.U. contest, the so-called Covenants of Mayors).

Therefore, this proposal would like, firstly, to give an overview of some experimented ways, examining, then, the existence of further perspectives and additional forms of cooperation, in order to improve, in the city context, that "openness to the world" encouraged by Pope Francis.

Devyani Tewari (University of Victoria)

Tales of a Disabled Woman Living in the Ableist Antifeminist City

"Thinking is periodically nudged, frightened, inspired, or terrorized into action by strange encounters." As a thirteen-year-old girl living in India, I was diagnosed with epilepsy. Maybe one already knows this, but cities are not the kindest worlds to persons with disabilities, especially women with invisible

disabilities. Years later as a law student and as a faculty member at different universities, I could sense wrongs. Campuses and university cities are meant to accommodate only certain bodies . When you are in places where you are not expected to be, you have different experiences from the rest of your peer group. It takes you years to pinpoint the wrongs you felt as instruments of ableism and sexism.

To use the metaphor of the basement employed by Crenshaw , disabled women are stacked towards the middle and/or bottom of the basement. The latter happens if the disabled women are queer, disadvantaged in class, non-white, from a religious minority and/or lower caste. When we study discrimination meted out to disabled women in cities, either by non-provision of reasonable accommodation or sexual harassment, we need to take into account a theoretical framework comprising intersectionality . This is because multiply-disadvantaged women like me experience discrimination from discrete sources such as gender, disability, race, etc.

Disability is never the norm or the dominant narrative in legal education, it is always the 'other'. When we study disability, we seldom study it from the standpoint of disabled women. Therefore, disabled women rarely get the opportunity to constitute knowledge by sharing their truths.

I explore the question of how the city is ableist as well as antifeminist. I engage with this question by adopting an autoethnographic approach whilst delving into Foucauldian as well as feminist analyses on power and norms and critically examining the Rights of Persons with Disabilities Act, 2016 .

XI. CITY BETWEEN THE LOCAL AND THE GLOBAL 3:30-4:30 6 V 2021

Brian Highsmith (Harvard University)

Municipal Hoarding and the Consumerization of Local Public Goods

In impoverished communities across the United States, local governments are responding to growing fiscal pressures in ways that have subtly transformed the relationship between citizen and state. Unable to access increasingly concentrated sources of mobile wealth and burdened with the budget costs of an elaborate punishment bureaucracy, governments representing poor neighborhoods have underinvested in critical infrastructure—undermining opportunity in communities already targeted by various forms of oppression. Where they do endeavor to provide public goods and services, municipalities increasingly are adopting regressive "user-fee" financing models that convert their vulnerable residents into market consumers. But because the resulting financial obligations ultimately are owed to the state, the consequences of non-payment often vastly exceed those accompanying private debts.

This paper will explore how residential segregation contributes to these fiscal pressures in "excluded" communities, which in turn encourage jurisdictions to shift the costs of public goods onto vulnerable residents. Research has shown that segregation within a city is associated with lower spending on public goods; this project seeks to extend this finding by considering the role of jurisdictional boundaries that overlap onto (and thus reinforce) patterns of racial and economic segregation. Where people live in segregated neighborhoods, they may be less willing to pool resources and fund collective goods. But where those segregated neighborhoods are separated not only by space by also by jurisdiction, constituting different political entities, the task of redistribution through local public goods approaches an impossibility—no matter the preferences of those in the excluded communities.

As a result, residents of wealthy neighborhoods can use self-drawn municipal boundaries to construct legal walls around their wealth. City limits can in this way function as effective tax shelters, protecting wealth from public use for redistributive ends. Although this basic dynamic is not new, I will discuss how the combination of rising economic inequality, accelerating corporate consolidation, and declining intergovernmental transfers have resulted in a concentration of wealth across geographic space—increasing the stakes of jurisdictional boundary drawing. And I will connect these trends to contemporary policy problems, from school lunch debt utilities rate hikes to infrastructure privatization to revenue-driven overpolicing.

Miha Marcenko (University of Amsterdam)

The city as a discursive intervention in international law and governance

This paper examines the city as a discursive means with which different institutional actors and networks of actors attempt to influence and intervene in the international normative and institutional processes. It argues that institutional actors discursively develop the city as an international actor, an object of international governance and a political arena, through which international norm-and-policy-making should be shaped and executed.

The network of actors that promote the city's international role includes mayors of global cities, representatives of transnational intercity organisations, representatives of international NGOs and officials of international organisations. These actors understand the city's increased international role as crucial for achieving the progress of international normative agendas. One can observe this in international human rights law, sustainable development, and governance of climate change. Therein, networks of institutional actors construct the role of the city as a subject and an object with the inclusion of which international norm-and-policy-making can achieve greater efficiency and legitimacy.

Approaching the city as a means of discursive intervention in international law and governance allows this paper to pose two broad arguments. One argument is that promoting the city's international role offers institutional actors a way to rethink formal and substantial boundaries of international law and governance and the role of the state. It is by giving the city a role in international law and governance that the divide between formal and informal normative action, as well as the division between global and local scales of norm-and-policy-making, become destabilised. And the second argument is that since a network of actors develops the city's international role, its role is a dynamic and plural discursive phenomenon. In other words, there are several international roles of the city shaped through cooperation and contestation between actors as they participate in various international normative projects. Therefore, the interaction between cities and international law and governance is a complex and conflicting discursive dynamic.

Daniel Ospina-Celis and Lina Moya-Ortiz (Universidad de los Andes)

Aporophobia in Colombia: Rich Foreigners over Poor Migrants?

In recent years, Colombia and its capital city, Bogotá, have witnessed a transformation in terms of human mobility. In a contradictory scenario where economic wealth, growth and opulence overlap with hunger, unemployment, conflict and poverty, Colombia experienced two main forms of human mobilization: internal displacement from rural areas to cities as a result of the armed conflict, and emigration looking for new opportunities abroad. However, recently Colombia has become a key point for human mobility—due primarily to the international human mobility from Venezuela. As a result, it is today an immigration, emigration and transit hot spot. The Covid-19 pandemic and an increase of human mobility in Colombia have emphasized the contrast between two groups: those who arrive by foot and those who can afford aerial transport. We will argue that during the Covid-19 pandemic, national authorities in the main cities have adopted differing treatments towards low-income migrants, as opposed to foreign tourists/investors. To do this, we will focus our analysis on the restrictions imposed to enter the country, as a policy has been structured to exclude migrants crossing by foot trying to reach a main city, while appealing to foreign tourists/investors. This paper aims to show how local narratives separate the terms "migrants" and "foreigners" as starkly different. "Migration" usually refers to the poorer individuals from Latin America (predominantly Venezuelan), while the concept of "foreigner" typically refers to the wealthy people from the global north. In this sense, the way in which a person enters the country determines how they will be treated by authorities and communities. This is a consequence of a normalized aporophobia, as Cortina defined, that undervalues migrants and favors foreigners.

Astrid Voorwinden (University of Groningen)

Local Government and the Regulation of the Smart City: A Case Study of Amsterdam

This paper studies the legal consequences of smart cities. Specifically, it looks at the complex legal framework of the smart city through an in-depth case study of the projects implemented in Amsterdam. In this paper, the term 'smart city' refers to urban centers that use ubiquitous computing technology to gather, process, and utilize large amounts of data in order to monitor the city and its users, automate urban infrastructure, and inform public policy and decision-making.

Although every smart city develops within an administrative territory regulated by a local government, this dimension remains overlooked by legal literature, which focuses on privacy and data protection. Indeed, the smart city is a complex subject for legal analysis for multiple reasons. First, smart city technologies rely on partnerships with tech companies and thus concern both public and private legal arrangements. Secondly, smart cities are regulated on multiple levels, from local law to national and supranational law (e.g., European law). Thirdly, they involve many different topics and combine sectoral legislation: public order, service and infrastructure provision, security, mobility, energy, environmental law…

Therefore, this paper uses a case study of Amsterdam to delineate how local governments interface with the adoption of smart city initiatives within their administrative territory, and the challenges this poses. Municipalities can act upon smart city development through their existing competences, and this paper considers the relevant municipal competences under Dutch law: spatial planning, environmental protection, local by-laws, financial subsidies, and public-private partnerships.

However, through an analysis of the Amsterdam Smart City program and the Marineterrein Amsterdam Living Lab, this paper will also show that this traditional public law framework faces multiple challenges. Three challenges are underlined: fragmentation (wide variety of independent projects and issues covered), networked governance (shift towards governance through public-private networks), and experimentation (misalignment with traditional public procurement frameworks). These elements invite municipal governments to find new ways to exercise public authority (soft law, innovative procurement), and question how accountability can be exercised as citizens' rights come under pressure.

To support this analysis, this paper will present the results of an empirical study, including semi-structured interviews.

XII. HOUSING AND THE CITY 3:30-4:30 6 V 2021

Esteban Vallejo Toledo /'stɛbən və'dʒɛhɔ tɔ'lɛdɔ / (University of Victoria)

Performing an anti-homeless city: a legal geography analysis

In the last decades, many cities around the world, including the city of Victoria in BC, have engaged in a development model fueled by investment, tourism and economic immigration. The success of such a model requires cities to implement public policies that contribute to making cities worthy of capital, tourists and immigrants. Digital connectivity, real estate development, local amenities, and revitalized neighbourhoods are essential ingredients for economic development. In contrast, poverty and urban decay are not good for the way of life that politicians, entrepreneurs, tourists, and urbanites desire. According to this development model, all visual manifestations of urban decay should be restricted by law. This includes people who "disturb the harmony" of the system, like homeless people. In response, homeless people are forced to perform actions that are banned like building tent cities in parks. In doing so, homeless people perform public space in a way that challenges how cities are shaped by exclusionary social processes.

In this presentation, I will explain how a performativity-based approach to legal geography can contribute to explaining that 1) anti-homeless cities are not the outcome of law because 2) anti-homeless cities are the outcome of reiterated social interaction that performs law and space in an exclusionary way. To this goal, I will refer to some of the performative practices of local authorities, homeless people and other social actors in Victoria during the last decades. In doing so, my presentation will approach two ideas that challenge the apparent disconnection between legal geography and performativity theory. First, law and space are the outcomes of social interaction which materializes an ideological discourse that has turned Victoria into a city hostile towards homeless people. Second, homeless people are individuals that relate and perform law and urban space in a specific way to transform the current social framework.

Abigail Jackson (University of Westminster)

Law, Boundaries and the City

In London, exclusion is an everyday event. Planning laws, local regulations and housing practices may contribute to the production of space in a neighbourhood, with the effect that an area is shaped by the interests of those in power or with the ability to influence decision-making, to the detriment of the most vulnerable members of the community. Often, exclusion is context-specific and spatially dependent, as the actions of individuals, groups and the local authority create conditions that may be welcoming or hostile to outsiders.

Against that background, this paper will examine how a local authority in England may attempt to control the conduct of its residents through a series of bordering or boundary-making practices that are designed to address anti-social behaviour and improve the characteristics of a neighbourhood. These practices may create divisions in a locality, which distinguish between friends and enemies, insiders and outsiders, or the "self" and the "other".

Using a case study of landlord licensing in the London Borough of Newham, this paper will argue that such a scheme may operate to exclude landlords and tenants who do not conform to the local authority's concept of an ideal community. By introducing landlord licensing, the local authority is making a judgement about how individuals use their homes and carry out their day-to-day activities. In doing so, it is privileging an ideal or a mythological conception of the neighbourhood, where some residents have a shared common identity and diversity is excluded. To use Sennett's terminology, there is a risk that this may lead to the creation of "a purified community".

Frantisek Liptak (Independent Researcher)

Cities and housing crisis

Our societies are facing current global housing crisis. It ranks among most pressing social issues. As urbanization continues, investments and influx into cities will lead to further increase in property prices for ordinary people and make it less affordable. What are the possible solutions in European and international perspective?

We start by discussing two case studies, at two places in Europe, where lack of access to housing is most pressing and prevalent. Prague, which was described as least affordable city in Europe on basis of ratio of income to home purchase prices and Slovakia, where greatest proportion of young people live with parents after 30, due to unaffordability of housing. There is to note that access to housing is pressing issue not only for the poorest, but also for middle income class.

There are several reasons behind housing crisis. Sufficient growth of supply on housing market has been neglected in long term, subsidies were aimed at individuals what only stimulated demand side and price growth. Secondly, slow issuance of building permits, does not allow more rapid development, what is more, public officials and civil servants were accused of abusing their power by postponing development projects. In such climate, there is broad space for bribery and corruption in building permits.

However, there are solutions offered by possibility of legal reform. There is also a range unconventional ideas on how to stimulate further housing development on more affordable basis, Housing crisis is Europe-wide and also World-wide problem for many cities and if we want to create more inclusive and just democratic society, this issue cannot be ignored.

Living conditions are not only about economy but also about human dignity. Legal change is one of the critical aspects to provide access to housing and offer people in cities perspective and stability in their lives.

In our contribution we will review legislation and policies on affordable housing in international comparative perspective. We will discuss possible limits imposed by EU state aid, public housing model in Singapore and its possible application for Europe, as well as further models of development of and affordable housing.

Christian Rasquin (TU Bergakademie Freiberg)

Law and the City: Tenancy laws in Berlin – How rent control impedes residential construction, creates black markets, and harms the poor

Law shapes the city. Nowhere this becomes clearer as in the field of tenancy law, which is supposed to solve the conflict between tenants and homeowners. In my paper, I would like to focus on newly introduced rent control regulation in Berlin. Due to extremely expansive monetary policy and a concomitant decrease of real interest rates in Europe, Germany's property market has faced a significant inflow of money. With Berlin catching up on economic development and attracting many new citizens, the city has faced a considerable increase in property prices. At the same time, rents have more than quadrupled for many tenants, who enjoyed very low rental rates after the fall of the Berlin Wall. As a result, many locals are forced out of their neighborhoods. This has put the city's politicians under pressure. Therefore, the Senate has implemented laws according to which rents are retroactively frozen on the level of 2019. While this has brought unexpected windfall gains for many tenants, lessors and housing cooperatives face losses of revenue. This jeopardizes the construction of new and the modernization of existing dwellings, while increasingly more flats are converted into condominiums to circumvent the rent control regulation. Black markets that trade access to flats are thriving. At the same time, fixed rents impede the signaling effect of prices, with the lower rents attracting even more potential tenants to the city. Such rent control laws don't incentivize residential construction, but instead harm those that are seeking cheap housing. Even though Covid 19 has caused Berlin's population to decrease for the first time in decades, the situation is likely to worsen after the pandemic. Which means of tenancy and property law can instead be used to create cheap housing and make the city a vibrant place to live, will be subject of my paper.

XIII. DEAN MAXWELL & ISLE COHEN SEMINAR ON INTERNATIONAL LAW II

Md Mustakimur Rahman (The Chinese University of Hong Kong)

A New Paradigm for Temporally Distant International Crimes? The John Demjanjuk Trial and the Circumstantial Evidence Model

The common perception of prosecuting decades old atrocity crimes is that, in light of the significant passage of time, particularized evidence of culpability will be necessary to establish guilt beyond a reasonable doubt. Thus, such prosecutions conjure up the image of the eyewitness survivor testifying in court as to the defendant's cruelties from decades ago or the yellowing aged document that attests to the defendant's firing bullets or ordering deportations. But the 2009-2011 trial in Munich of John Demjanjuk, a Ukrainian who served as a guard at the Nazi death camp of Sobibor, changed all that. Demjanjuk was convicted as an accessory to the murder of 27,900 Jews at Sobibor. This was the first defendant convicted of temporally distant atrocity crimes with no evidence of his being involved in the death of any specific victim. Rather, proof of guilt was based on an identification card showing service at Sobibor, the nature of the mass killing operation at the camp, and the ordinary, everyday tasks of a guard working at that camp. The testimony was from historians, not eyewitnesses. And, apart from the identification card, the documentation was of camp operations and murder statistics, not orders for extermination specifically linked to the defendant. Does the Demjanjuk case represent a new paradigm in the prosecution of temporally distant atrocity crimes? If so, how could it affect the future trajectory of international justice? This paper considers these questions, as well as older atrocity cases for which charges have never been filed, including Indonesian mass killings in the mid-1960s, massacres in Guatemala in the 1980s, and the 1993 extermination of Tutsis by the majority-Hutu populace in Burundi. In the end, the paper concludes that the Demjanjuk paradigm will not easily be repeated as it involved a defendant's presence at a fixed killing center with extremely well-documented evidence of guard duties necessarily involving participation in the killing operations. Still, with the proper evidentiary standards and documentation, the Demjanjuk precedent gives hope that, in certain scenarios, justice for victims long since forgotten might still be possible, however belatedly.

Wei-Hua Hao (McGill University)

A Room of One's Own: Overcrowding in the Global Law of Urban Migration and the Right to Adequate Housing

Housing has always been the center of urban living. Although the laws around the globe as well as dozens of international charters have eventually recognized the right to adequate housing, at least paying lip service, many problems of how remain unresolved. Among those, the issue of density increased exceptionally in the housing crisis of urban migrate families.
For the most part, inadequate housing related to urban migration results from dual restrictions arising from the laws imposed on this group: laws of status and of property. Globally, urban or central authorities tend to repress the aliens/outsiders with less complete status, or set untenable restrictions on the movement to urban areas, like those measures of influx control in Grootboom South Africa or in current urban China. Lack of equal access to property title, urban migrate families are easily

locked in informal housing or temporary housing, facing reluctant overcrowding and acute health risks.

This article intends to tackle the density issue of living space in urban migrate ghettos, its origin and consequences. Then I try to provide some possible legal instruments to clarify and improve the situation of inadequate living space. Through a comparative analysis, and restating the basis rights in the international human rights, this article stands for the future trend of respecting and protecting informal or illegal housing for urban migrate. The high density of inadequate housing should be shed light in the right to shelter, or right to life. Although through pioneering judgements, the courts in India and South Africa have stressed the importance and spelt out the general principle of this right, the overcrowding remains a relatively blind spot in the criteria of reasonableness and requires further inquiry. Housing issue should lie in the responsibility of the state, whether the government of central or local or combined. They need to take reasonable measures and positive initiatives in housing related sector.

Bahareh Jafarian (University of Ottawa)

Extraterritorial Sanctions, Transnational Corporate Activity, and the Protection of Human Rights

Sanctions are often considered to be valuable instruments in international efforts to safeguard peace and security, and to promote democracy and human rights. Nevertheless, unilateral economic sanctions, that are often imposed on states and non-state actors by another state, are incompatible with international human rights law. Major powers use their dominant positions in the global economy to attempt influence the political behaviour of states by imposing economic measures against them. The countless sets of sanctions that the US has enforced against various business entities, with limited or no US connection, that have economic relationships with Iran is a salient example. Nevertheless, the principal Business and Human Rights (BHR) instruments including United Nations Guiding Principles on Business and Human Rights, the Organization for Economic Co-operation and Development Guidelines for Multinational Enterprises and the Global Compact do not address extraterritorial sanctions and their negative impacts on the operation of MNCs and the consequent human rights violations. These sanctions threaten a wide range of rights and freedoms enshrined in international human rights law and cause irreparable collateral damage. This governance gap related to the impacts of unilateral coercive measures on the operation of corporations and the BHR framework requires examination.

My research is a critical inquiry into the relationship between unilateral sanctions and the BHR normative framework. The focus of the research will be to understand the weaponization of economic sanctions by powerful states against developing states, their constraining impacts on the operation of corporations in target states, and their detrimental impacts on the target state's populations. For example, what limits does public international law impose with respect to the sanctioning of foreign business entities? Most importantly, what is the relationship between sanctions law and the responsibility of businesses to respect human rights and the duty of states to protect human rights?

XIV. LAW, LABOR AND THE CITY 11:15-12:15 7 V 2021

Andrea Talarico (University of Ottawa)

Industrial Democracy in the Corporate City-State

The modern corporation resembles a city-state in its approach to its workers and, depending on its size, in its relation to the domestic legal system of the host countries in which it operates. In this context, parallels can be drawn between efforts to protect freedom of association within the corporation and social movements seeking increased democracy. The idea of the workplace as a location of private government stems from the work of philosopher Elizabeth Andersen. This paper takes Andersen's reflection one step further and compares the modern corporation to the city-state both in its methods of internal control and surveillance, as well as in its desire to negotiate a relative autonomy from the surrounding state. For example, the hiring of internal security to report on unionization drives within a large multinational corporation is an example of a corporation taking a state-like approach (policing) to curtail the exercise of a right protected in the host country's legal system. In this context, attempts to establish democratic control within the corporation take on an increased importance. Industrial democracy expresses itself locally through collective bargaining and transnationally through the negotiation of international framework agreements (IFAs). Industrial democracy is examined internally through the Supreme Court of Canada's use of democracy as an underlying Charter value used to expand freedom of association to include duties to collectively bargain in good faith. Transnationally, it is examined through the process of bargaining and enforcing an IFA.

Nathan Durham (Simon Fraser University)

Gig Workers and the Employment Contract: Challenges for Law and Public Policy

This paper reviews the current policy and legal landscape in Canada that is leading toward widespread recognition of many gig workers as dependent contractors and identifies a potential problem for policymakers pursuing this path—the policy impact of a dependent contractor designation under employment law deviates substantially from its impact under labour law. While dependent contractors have established individual rights to notice of termination and severance at common law without reliance on statutory recognition, they have not established the same rights as employees to protection under minimum wage and hours worked regulations, overtime rules, paid leave, and other employment benefits. Tests established at common law may also prove insurmountable for many gig workers, particularly those working multiple jobs.

I recommend that provincial governments adopt into employment law the statutory definition of dependent contractor under labour law to clarify that they are in fact employees. I also recommend that governments require that employers bear the burden of proof in misclassification claims. In making my argument, I first present an overview of the gig economy as conceptualized in the legal and social scientific literature. Next, I explain the multi-factor tests Canadian courts and regulators use to determine whether someone is a dependent contractor.

Then, I examine how Canadian courts and labour authorities have started to expand the dependent contractor designation to accommodate gig workers. While the policy changes I recommend do have tradeoffs, the potential for negative consequences has been overstated.

Shubham Kumar and Priyanka Preet (Ministry of Law and Justice, India/Dr. Ram Manohar Lohiya National Law University)

Manual Scavenging: A Blemish on Indian Cities

India's sustained focus on urban sanitation and eradication of open defecation has led to a surge in toilet coverage in cities. However, this effort is undermined by the presence of 2 million manual scavengers employed to clean dry latrines, sewers, railway tracks and septic tanks. The practice of manual scavenging has been prohibited by the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and a 2011 Supreme Court of India verdict but continues to plague urban sanitation practices. Dalit women (one of the backwards castes in India), the primary practitioners of scavenging, are compelled to manually handle sewage, faeces, animal carcasses, bio-medical waste in deleterious conditions at minimal wages while battling sexual harassment and societal ostracization. Since manual scavenging is outlawed, urban municipal corporations employ scavengers on a contractual basis and thereby restrict their access to sick leaves, workman's compensation, maternity leave and employee insurance under the Indian Labour Code.

The 2013 legislation and consequent policies have fallen short of eradicating the practice as the Government continues to be the largest employer of manual scavengers for clearing septic tanks and railway tracks, predominantly in the cities. Indian cities which were intended to reflect the aspirations of India's rising middle class and a centre for economic opportunities, become a tool to perpetrate generations of poverty and discrimination towards Dalit women scavengers. They encounter several layers of discrimination through their gender, caste and religion which is unaddressed in the Act of 2013 and allied policies for rehabilitation.

The authors will scrutinise the role of cities in exacerbating the socio-economic distress of female manual scavengers, compare the urban sanitation management with other South Asian nations, analyse the lack of gender sensitivity in the current legislation and policies and suggest the path forward for the rehabilitation of victims of scavenging.

Edward van Daalen (McGill University)

A critical look at the functions of cities in the 'making of' and 'resistance to' international law: the child labour case

This paper is derived from my PhD project 'Decolonising the Global Child Labour Regime: The ILO, Trade Unions, and Organised Working Children', which was recently defended at the University of Geneva. The legal backbone of this global regime is a series of international legal and soft-law instruments regulating child labour, that span a process starting with the first international (European) labour conventions adopted at the end of the 19th century, all the way to a UN General Assembly Resolution declaring 2021 the International Year for the Elimination of Child Labour. One thing that

said instruments – and all those that came in between – have in common is that they were adopted during high-level meetings and conferences in Western capitals (e.g. Berlin, Geneva, New York, Amsterdam, Oslo).

At the same time, ever since the 19th century, groups of organised working children have resisted the idea that child labour should be eliminated and instead claimed rights to and at work, so to improve their working conditions. Movements of working children from different continents (Africa, Latin America, Asia) have formed an international alliance and have come together in cities all over the Global South (e.g. Kundapur, India; Dakar, Senegal; La Paz, Bolivia; Lima, Peru) to draft their own declarations that were widely distributed with the aim to influence international law and policy making on child labour. This paper will focus on the instrumental and symbolic functions of cities have played in the shaping of the global child labour regime, and the resistance by which it has always been, and still is, challenged 'from below'.

XV. PROTEST AND THE CITY 11:15-12:15 7 V

Dhiraj Nainani (University of Hong Kong)

Outlaw/Rebel Space: The Legal Geography of Asylum-Seekers in Hong Kong

In conducting what Irus Braverman calls a 'theory-oriented ethnography' of subaltern urban space in Hong Kong, it is possible to demonstrate how certain spaces collide against and are messily entangled within the city's larger urban assemblage. The subaltern space that is studied, Chungking Mansions, is a sixty-year-old mixed-use building complex that is also considered 'home' to a sizable percentage of the city's asylum-seeking community. As such, it is a paradoxical site: to some, it is the seedy underbelly of Hong Kong, or even its 'last ghetto'; to others, it is a thriving hub of alternative or non-hegemonic processes of globalisation.

This presentation uses the theoretical contributions of Michel Foucault, Henri Lefebvre, and Andreas Philippopoulos-Mihalopoulos and applies them to see how asylum-seekers occupy 'outlaw' spaces of screening, lawlessness, and othering in Hong Kong, and 'rebel' against these spaces in their spatio-legal usage of Chungking Mansions. This presentation therefore aims to demonstrate how studying Chungking Mansions as a subaltern spatio-legal assemblage allows for a better understanding of the co-constitutive relationship between law, space, and power in cities.

Each of the three spaces reveals a different aspect of how the law is materially embedded in space, as well as how it shapes (and is shaped by) space. Three distinct forms of legal materiality can be traced in the process: bodies, borders, and objects, all of which are prone to spatio-legal forms of regulation and resistance enacted by a variety of actors – asylum-seekers, police officers, non-governmental organisations, municipal authorities –at different registers and scales.

Michael Poon (McGill University)

Hong Kong Needs More Law: 2019 Protests and Narratives of Illegality

Cities and popular protests are intertwined in narratives of the media and popular culture. While they usually feature physical bodies in a specific geographic area, with authorities responding in a similarly localized physical context, protests and the responses have messages and objectives that are often transnational. The 2019 Hong Kong protests have sparked accusations of illegality against individuals, but also external states, including China, the United States and others; these claims and supporting discourses are found beyond local media in international venues. As a unique city with elements of formal and substantive autonomy, Hong Kong provides an illustrative site of struggle between its pre-existing hybrid legal order and incoming Chinese ones, a legally plural situation that can be exploited by actors for receptive audiences. The spectre of anarchy and lawlessness, curiously, is invoked by both protestors and governments, with demand for "rule of law" demanded by all parties. More ominously, the narratives often switch from registers of criminality to that of national security and war. This paper will explore the use of legal narratives from protestors and states (particular China) for the Hong Kong protests, gathered from available scholarly sources, traditional and social media. It will suggest that the hybrid warfare model (which includes Lawfare) is a useful analytic tool to examine discursive strategies of protest and response. Key areas of narrative focus will be jurisdiction

(what law ought to apply), security (of persons and society) and sovereignty (from the individual to international level).

Matthew Jewell (University of Edinburgh)

Zero wrongs can't make it right: Smart cities, civil disobedience and the foreclosure of wrongdoing

Cities are being made and remade in the idiom of the smart city, using technologies that offer to guide, shape and control behaviour in ways that plausibly impact the practical fulfilment of rights. Taking into account the historic importance of the city as a site where social practice, private ordering and government confront each other and with an awareness of the changing nature of cyber-physical objects and the practice of law, the case for legal scholarship to engage in the critical discourse of smart cities is easily made.

The promise of new technologies often traps us in the language of enablement. Data-driven practices of personalisation, profiling and optimisation may allow us to use resources more efficiently, to interact with each other more safely or to participate more effectively. However, enabling these outputs often involves disenabling certain capabilities. For example, an automatic speed governor and associated public road infrastructure may make spaces safer by limiting the speed with which a person can drive. However, in the design of such things we intuitively may ask what happens in the case of emergencies such as seeking medical care. This paper discusses an example that reflects this concern but where the calculus of benefit and harm are less intuitive. Civil disobedience enjoys a rich legal, philosophical and historical tradition and is considered a valuable mode of contestation that serves to support and enhance democracies. However, it is one that law recognises with difficulty due to the apparent paradox of "allowing" or accommodating acts of civil disobedience. Theorists treat it as a presumed practical possibility, spending more time discussing definitional problems than the conditions of its possibility.

With seamless efficiency driven by smart city initiatives, and with regulators empowered by new modes of regulation that promise to make actions practically impossible (e.g. Brownsword's "technological management"), how do we guard against a slow erosion of the practical ability to exercise civil disobedience? In an environment designed to steer away from (or limit altogether) the choice to do the "wrong" thing, what would be a useful intervention to guard against "designing out" room for dissent?

Rhiannon Ogden-Jones (McGill University)

Covid, Protests and the European Convention

In recent years Europe has been gripped by a wave of political dissent, with most major cities seeing numerous protests; from climate strikes to anti- discrimination. Yet the public health concerns raised during the pandemic present countries and cities with a difficult Civil Liberties question: How do you juggle the Convention Rights when their objectives seem to be competing? Article 2 of the European Convention on Human Rights (ECHR) provides for the Right to Life, whereas Article 10 and 11 provide for Freedom of Expression and Freedom of Assembly respectively. The interesting aspect of the ECHR however is that in these cases, both a positive and a negative obligation exists. This means not only do states need to guarantee these Articles but also actively ensure they are not breached. Moreover, all three Articles are considered core Civil Liberties, necessary for ensuring an effective democracy and protecting citizens from the tyranny of state. These rights can only be derogated from in extreme circumstances. The COVID-19 pandemic forces governments to balance the Right to Life and the positive obligation to ensure this right, with Freedom of Expression and Freedom of Assembly.

This piece explores the different approaches taken across Europe and the UK in respect of city protests, assessing how different countries balance the competing requirements of Article 2 and Articles 10 and 11. The diversity of approaches emanating from the Convention is surprising, given its standard interpretation, highlighting the rich cultural differences of European cities. Some countries (such as Spain and Germany) authorised protests only in certain cities, others (such as France and Belgium) banned protests outright. Many other countries can be seen to allow some protests but not others (i.e. the UK and Cyprus), often being determined by a subjective political assessment of the protest's cause. A question emerges as to whether these decisions to curtail protests in the interests of public health go far enough to still guarantee Articles 10 and 11, and if not, is this limitation of fundamental rights proportional?

XVI. CITY, POWER AND THE POLITICAL 11:15-12:15 7 V

Elif Gul Yilmazlar and Zeynep Burcoglu (Erasmus University Rotterdam/Istanbul Bilgi University)

Rethinking the Spatialization of Incarceration

The current status of individual states' penal policies and the reasons and dynamics because of which an act is accepted as a crime in the modern world are generally affected by political choices. In other words, political choices are highly influential in the criminalization of certain acts, and these choices are frequently the quintessential expression of "economic rationality". Creating most economic and secure carceral spaces has accordingly become crucial in the criminal justice system. In parallel with this, prison buildings have recently turned into spaces that hold "maximum people" within "minimum square meters" by providing "maximum control" with "minimum security staff". Thus, the design approach of the architecture of carceral spaces mostly aims to maximize profit instead of the effectiveness of criminal sanctions. An important question accordingly arises: How can we improve the performance of the criminal justice system in carceral geography?

In the area of criminal law, this question introduces the topic of "punishment theory". Following the distinction of Protagoras and Seneca, punishment theory has been discussed since ancient times. In the most general sense, punishment theory is divided into two views. According to the backward-looking school, punishment is retrospective and looks to the past (quia peccatum). This view accordingly is not intended to prevent any (harmful) conduct, and it just serves the purpose of justice. Contrary to backward, forward-looking school claims that punishment is prudential and looks to the future (preventive).

This research mainly analyses whether prison typologies are compatible with punishment theory. Despite the tendency of criminal law scholars and architects to work in isolation, this research aims to further address the interaction between punishment theory and carceral spaces. In this context, we will introduce two points of discussion. The first point of discussion is that there is a contradiction between carceral spaces and the purpose of criminal sanctions. The second point of discussion is that prison buildings and their design approach are incompatible with punishment theory. This research is premised largely on classic doctrinal legal research methods but also includes legal theory methods as far as engaging with legal theory philosophies regarding punishment theory.

Rohit Choudhary (The North Cap University)

An Imperative Bridge Between State and its Subjects: Press

What it takes to codify a law is unworthy until it is proclaimed to those who will be subjected to it. Such promulgation is dogmatically important and that's the idea behind the deep establishment of press in our society. But its essence does not fold here and continues to be a medium for exchanging ideas between the law-makers and law-bearers. In the normal parlance, press has an equal freedom of speech and expression as any individual have and thereby, undoubtedly is entitled to a right under Article 19(1)(a) of the Indian Constitution. However, for instance, if the owner of a newspaper has a political vendetta with the ruling government, then what will be communicated to the people would

be an incitement for sedition and the resultant societal rupture. Democracy being the paramount consideration for a welfare State cannot be left at the whims and fancies of any body, whether legal or otherwise and requires a constant check by the judicial wing of the government. Also, the reverse of the aforesaid instance will be an equal perfidy as what the conveyed information will reveal is a mere cloak or sham on the truth. Thus, one can imagine the possible repercussions of portraying a law by a politically-colluded press.

To ensure a delivery of authentic information and determining its ramifications, the Indian Apex Court seeks to review the same in the light of immediate facts and circumstances, reasonable restrictions enumerated under Article 19 and any other constitutional or statutory provisions amongst other sources. In the recent past, the court has also adopted the Proportionality Test influentially propounded by Aharon Barak. In the above context, the test will gain significance when the State will frame a law or order restricting the freedom of press in any way. The test consists of a four-prong review of the impugned law and screens the same by determining its legitimate goal, rational connection, necessity and balancing.

Pritam Dey and Paridhi Kedia (Anant National University/Indira Gandhi National Open University)

The tabooed city: Power, politics and contestations in the Dharavi Slum, Mumbai

The year 2009 shall remain a milestone year in the century as the year which witnessed the major shift of diaspora in urban centers of India for the first time in human history. In this context, it is essential to understand the socio-spatial negotiations happening and may happen ahead between the physically growing city and the everyday life, work-live relationship of these invisible communities within the city. Does the growing city with an economic disparity and tremendous polarization of amenities consider their criticality and social aspects which are deeply rooted within these communities, thriving in the vast and continually changing physical fabric?

The planning framework of the cities are manifestations of a bigger play of byelaws and demonstration of power often blurs out the existence of inculcating the 'excluded' quarters of the city within a holistic whole. As a result, these quarters grow sporadically within the city creating a sense of anarchy. This paper tries to seek the relationship of state and political hegemony with these "excluded zones" where profit, political stability, and a constant saga of the failure of proposals to regenerate a highly diverse settlement within the financial capital of India. The Dharavi slum in Mumbai is a sprawling 525-acre area with shanty roofs and deleterious sanitation conditions, housing over one million residents diversified in terms of its religious and ethnic matrix along with a wide gamut of informal occupations which makes it unique. Dharavi's residents like most slum dwellers around the world, live in illegal housing units lacking basic amenities and suffer from social exclusion.

The paper would critically investigate the failure of community engagement and mobilization attempts forming cooperatives, formation of the several schemes across three decades and failures of almost all policies raising questions of redevelopment, how costing and finance schemes were mostly inefficient at large.

The paper would also try to understand the scale and scalability of various neo-liberal redevelopment processes initiated by political will, largely vested in the interest of capitalistic gains and focusing less on addressing the complexities and issues of the existing socio-economic conditions.

Taryn Hepburn (Carleton University)

No Grown-Ups Allowed: Regulating leaky children's spaces

The space of an elementary school is expected to regulate the bodies of the children within its fences. While the space of the school does this expected, it also exerts regulation on adults inside and outside of the school space. I engage in formal participant observation of a public street and public school over three days, alongside an immersive ethnography. I rely on Deleuzian concepts of coding machines, facialization, and affect to address how space codes and recodes bodies, through their interactions with boundaries and "leaking" affect (Manning 2009). I pose the school space as leaky and argue that the space touches bodies both inside and outside of its boundaries and is affectively touched by those bodies in return. In this presentation, I argue that members of the neighbourhood and general public who pass by the school are in a constant negotiation of permissions for their gaze; some may look into the yard, while others (particularly adult men) must look down or away. By considering these findings in light of increasingly popular by-laws banning "unaccompanied adults" from children's spaces (Chiaramonte 2010), this presentation considers the conceptions of acceptable bodies in particular places and the processes, formal and informal, which allow some bodies into space and deny others.

XVII. DEAN MAXWELL & ISLE COHEN SEMINAR ON INTERNATIONAL LAW III 1:15-2:15 7 V

Zhen Chen (University of Groningen)

The Restitution of Stolen or Illicitly Exported Cultural Property: Implications of Buddha Mummy Statue Case to Private International Law

The Buddha Mummy Statue case has brought intense debate on the restitution of stolen and illicitly exported cultural property both in China and in the Netherlands. With regard to the restitution of cultural properties, the fundamental questions are, in essence, about the interests of the original owner and the good will purchaser. Accordingly, private International law rules have to choose a side and decide which party should be protected more than another party when competing interests are at stake. Some countries choose to protect the original owner, whereas some prefer to protect the good will purchaser. With different preferences, private international law rules differ in many countries, which has resulted in great challenges for original owners to recover stolen or illicitly exported property by means of International litigation. Such challenges have been demonstrated in the recent Buddha Mummy Statue case, in which two Chinese Village Committees have initiated legal proceedings both in China and in the Netherlands against a Dutch art collector for the return of a golden Buddha Mummy Statue which was enshrined by the Chinese villagers but was stolen in 1995. The questions involved in this case include, but not limited to, parallel proceedings, the classification of the Buddha Mummy Statue, jurisdiction, choice of law, as well as the recognition and enforcement of such judgment. The judgment is a milestone for Chinese private international law with regard to cultural property protection, but its implications are not limited to China. For instance, regarding applicable law, the court interprets the lex rei sitae laid down in Article 37 of the 2010 Chinese Conflicts Act as the lex furti, in accordance with the principle set out in the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 1995 Convention on Stolen or Illegally Exported Cultural Objects. The overarching question about this article is how to strike a balance between the protection of original owners and good will purchasers of cultural property under private international law.

Gianluigi Mastandrea Bonaviri and Hani El Debuch (Univeristy of Rome "La Sapienza")

Urban warfare and cultural heritage: current challenges and future perspectives

Urbanization is a relentless trend: while cities grow and expand, armed conflicts spill into urban areas, making cities the battlefields of our time. This has warranted the creation of new warfare tactics, which challenge the basic principles of International Humanitarian Law (IHL), and cause devastating consequences to civilian population, hospitals, schools, infrastructures, and cultural heritage.

After having secured a thorough definition of "urban warfare", still lacking in international law, this paper will explore the legal and political consequences that this phenomenon entails, paying particular attention to the protection of urban cultural heritage.

During urban warfare, cultural sites are often destroyed as specific military targets, especially by Armed Non-State Actors (i.e. Palmyra) or transformed into battlefields (i.e. Aleppo and the Damascus

Citadels). Moreover, urban cultural heritage is increasingly suffering the reverberating effects of armed attacks, as shown in Sana'a, Mosul, Raqqa, Gaza, Sabratha, Lubumbashi and Donetsk.

To contrast this scenario, a reassessment of local, national, and international regulations is required. The 1954 Hague Convention and its Protocols, together with the 1977 Additional Protocols to the 1949 Geneva Conventions, oblige States to guarantee the protection of cultural heritage but lack any specific provision concerning urban warfare, where it is actually more threatened.

Guaranteeing accountability for perpetrators of violations is also crucial. With reference to the destruction of mausoleums in Timbuktu in 2012, the International Criminal Court referred to armed attacks against urban cultural heritage as a war crime for the first time. No other judgments like this were made by the ICC though, regardless of the letter of intent signed with UNESCO (2018), still poorly implemented to date.

This paper sets out to outline innovative and concrete solutions to guarantee the protection of urban cultural heritage, particularly through a better implementation and/or a revision of the relevant local, national, and international regulations. It will also explore effective ways to strengthen accountability mechanisms, thereby guaranteeing deterrent effects to future violations. Lastly, the role of international and regional organizations will be analyzed, with a view to propose pioneering practices, such as the establishment of a permanent annual forum for cooperation.

Giulia Stoppani (Univeristy of Rome "La Sapienza")

Rome international city: an (eternal) quest for the future

2021 is city of Rome's year.

On a national level will be celebrated the 150th anniversary of the official proclamation of Rome as the capital of Italy. But it is on an international level that the eternal city will have its greatest consecration: President of the G20, partner of the United Kingdom in COP 26 and Chair city of Urban20.

In order to capitalize on this unique opportunity, the city has been granted the legal status of metropolitan city in the Rome Chart and endowed with special powers and the express recognition "right of the city to represent historical, cultural and civic values". And what about sustainability value? It is recognized in practice. For instance, the protection of the environment by the establishment of a permanent Commission for Technological Innovation; the social inclusion by the connecting neighborhood apps provided by the public administration; the urban regeneration by the implementation of smart squares.

From an analysis of the Charter, it is immediately apparent that a large number of provisions are dedicated to a complex system of governance in a network with the State, other administrations and bodies. Yet even this tangle could gradually be transformed in e-governance by the free circulation of a growing amount of information.

The paper will highlight how the two forecasts (positive provisions and e-governance) are nowdays articulating and wants to offer some hints for pursuiting the complex balance, especially in the eternal

city, beetween protection of the past and necessity of innovation, between the role of guarantor of national unity and broader international horizons.

Will the Eternal City be able to unite its two souls?

Amin Yacoub (New York University)

A World Government: A Critical Look into the Present to Foresee the Future

Philosophers, legal scholars, and economists have long contemplated the possibility of establishing a world government: a super-state that will rule over planet Earth and prevent war to achieve the dream of perpetual peace. Both advocates and critics of the idea of world government have adopted an array of contrasting ideologies—from anarchism and liberalism to Nazism and communism—in order to justify their positions. Before pursuing the project of establishing a world government, perhaps as an outcome of globalization, policymakers and scholars must discuss the theoretical question of whether world government is a solution to humanity's problems, or a curse that threatens states' self-determination. In order to consider whether world government is theoretically desirable, this article will scrutinize the effectiveness of two current models of unification, the United Nations (UN) and the European Union (EU). These models show that three main factors can either unite or divide nations: the power of money, the sense of oneness, and the power of media. Based on an analysis of the UN and the EU, this article reaches the conclusion that a world government is feasible, yet no matter how desirable it is, it poses endless threats to the International Law Concept of self-determination.

XVIII. LAW, THEORY AND THE CITY II / DROIT, THÉORIE ET VILLE II 1:15-2:15 7 V

Chiara Feliziani (University of Macerata)

Law and Urban Degradation. How Reaching "The (almost) Ideal City"?

One of the city's most problematic aspects is represented by urban degradation. Despite it is usually considered as a sociological concern, coping urban degradation requires above all legal instruments. In fact, problems that arise from urban decay have to be properly solved first of all by urban law tools (i.e. the maintenance of the old historical towns that are going to be abandoned, or the utilization of buildings in disuse, as well as the environmental deterioration). Moreover, urban degradation poses also wider problems affecting public order, security and urban cleaning. Also with regard to these concerns the law plays a crucial role. In this perspective, for example, the Italian legislator has recently created a new legal tool aimed at facing urban decay and guaranteeing a "city Renaissance".

Such a tool consists in article 5 septies of Legislative Decree n. 32/2019, concerning Urgent measures about degraded buildings or buildings placed in degraded areas. This article (second coma) posits that the Mayor of the city (or town) has the power of adopting an ordinance to declare that a building (both a public or private one) is degraded. In so doing, the legislator has introduced in the Italian legal order a new figure of ordinance – "anti-decay ordinance" – by which it is intended to cope all of those situations that appear critical as far as aspects of public order, security and urban cleaning are concerned. Given that, the paper is aimed at analysing both art. 5 septies of the Legislative decree n. 32/2019 and some concrete cases in which it has been already applied. In doing so, the essay would also offer some considerations about the potentialities of the new "anti-decay ordinance" in dealing with situations of urban degradation and in reaching the objective of "The (almost) Ideal City".

Zahra Azhar (IRAN-US claims Tribunal / Shahid Beheshti University)

Shia Utopia: A study of Mulla Sadra's thought

Utopia in Shia thought is a concept tied to one of Shia's basic principles. Hence, Utopia has a special place not only in Shia scholars' opinions but also in the beliefs of every Shiite. This is because the concept of Utopia is tied to the promised future and the emergence of the absent Shiite Imam, promised Mahdi. Hence, the definitions provided by Shiites and their thinkers, from philosophers to sociologists, describe the Utopia in such a way that it describes characteristics of the promised society at the time of the advent of the absent Shiite Imam(Zohoor). Thus, metaphors that are formed in Shiite beliefs and are familiar to them are used to describe the Utopia of Shiites.

Among Shiite thinkers and philosophers, the study of Mulla Sadra's thought is of particular importance. This is because Mulla Sadra presented his theory during the Safavid period, that is, the beginning of the Shiite state and the formation of an independent Shia government in Iran. An idea that tries to talk about the Shiite Utopia while using modern concepts in the Shiite government. This paper attempts to define Shia Utopias' shared characteristics through the study of Mulla Sadra's

teachings. Elements that have been practically relied upon by the various Shia States in Iran to legitimize themselves and justify their connection to the Absent Imam's Promised government.

Marion Chapouton (Université Panthéon-Assas Paris 2 - CERSA)

Le concept français de droit à la ville : vers le droit à la ville durable ?

Le phénomène d'urbanisation est un facteur majeur de mutation des sociétés depuis le XVIIIe siècle. Ce mouvement remet en question les processus d'intégration et de cohésion sociales, mais également de régulation. Son accélération a conduit à la juridicisation de la question urbaine, le droit s'est saisi de l'urbain : il organise le fonctionnement juridique de la ville. Le passage d'une approche en droits et non plus en besoins des attentes des citadins va consolider une notion plus large encore, celle de "droit à la ville".

Cette notion d'origine philosophique a fait l'objet d'une reconnaissance législative à l'article 1er de la Loi d'orientation du 13 juillet 1991. Considérée à l'origine comme dénuée de juridicité, elle est aujourd'hui en plein essor, envisagée par les organisations internationales comme un droit fondamental, un droit global à la ville durable solidaire, saine, sûre, et participative.

Le sens et la rhétorique du concept français de droit à la ville sont revisités ; il est renforcé par les engagements internationaux de la France et l'affirmation par le droit objectif de la ville durable de certains droits subjectifs en faveur des citadins (droit au logement, à la mobilité, etc.). Cette nouvelle lecture amène à considérer l'existence d'un droit à la ville durable destiné à assurer à tous les habitants des villes un égal accès aux potentialités urbaines, dans une logique de subjectivisation de certains droits sociaux et environnementaux. Il présente deux volets : le droit d'accès à la ville durable et le droit à participer à la ville durable.

Le droit à la ville durable est un assemblage de règles relevant de différentes catégories : union entre droits-créances, voire droit opposable, et droits-libertés, mais aussi éléments relevant du droit souple. C'est un faisceau de droits réunit au sein d'une ambition globale.

En dépit des interrogations concernent la normativité ou l'impérativité des « droits à » urbains, ces derniers gagnent en effectivité. La judiciarisation des problèmes de la ville permet aux citoyens de faire valoir certains éléments de leur droit à la ville durable. L'ouverture des recours administratifs contentieux contre des mesures de droit souple consolide ce mouvement.

Daniel Olika (Kenna Partners)

The Role of the Law in Achieving Sustainable Urban Development Through Fiscal Incentives in Nigeria

As the Nigerian population increasingly becomes urban; the situation has had harmful societal, environmental, health and infrastructural effects on the urban centers. The situation has been worse for the urban poor. It is exacerbated by the fact that as the population becomes increasingly urban, the rate of land urbanization in the country is moving at a slower pace; thereby placing pressure on

the existing urban centers. Various research conducted on urbanization in Nigeria has revealed that the rate of urbanization is unsustainable, serves as a constraint on economic development, and Nigeria's cities are among the worst to live in; with poverty, inadequate infrastructure, inadequate social amenities, insecurity, etc. being the feature of life in these cities.

Research conducted on the urbanization policies of various governments, globally, reveals that Nigeria is one of the few countries in the world without a clear urban policy. Meanwhile, Nigeria's population continues to increase and is expected to have doubled by 2050. It is against this backdrop that this paper undertakes a multidisciplinary study of how the law's adoption of fiscal incentives can help drive sustainable urban development in Nigeria. The aim of this paper is to critically analyze how Nigeria can ensure that its land urbanization moves at a faster rate than its population urbanization. This paper argues that this will help the state governments in the decongestion of the existing urban centers (as the population urbanization increases), ensure the creation of new urban centers, utilize fiscal incentives to attract businesses/ urban population to the new centers, and have enough fiscal revenues to sustainably manage the urban centers. This will be critical to achieving sustainable urban development.

This paper makes its case by comparatively analyzing how China's legal system has contributed to its state-led land urbanization moving at a faster rate than its population urbanization, thereby avoiding the ills usually associated with urbanization such as; congestion, unemployment, etc. With China and Nigeria sharing a similar decentralized tax and fiscal system, state ownership of land, and a large population; this paper argues that the Chinese model can be adopted with much success in Nigeria.

XIX. LAW, CITY AND THE ENVIRONMENT 1:15-2:15 7 V 2021

Riccardo Stupazzini (Univeristy of Rome "La Sapienza")

Legal aspects of urban climate change adaptation. Italian cities: a case study.

Much of the climate discourse of today is held the reduction of greenhouse gases (GHG) emissions and reducing humanity's ecological footprint on earth. However, as climate change is present in our current reality, there is also a need for adaptation to our changing climate. Rising temperatures, the multiplication of intense precipitation events and related pluvial and river floods, drought events and water scarcity, the increase of frequency of wildfires represent few of multiple climate change impacts that governments and citizens have to deal with.

For ecological reasons, climate change affects regions and areas very differently based on geographic location. Consequently, local authorities play key roles in adapting to climate change by making cities resilient. The aim of this essay is to analyze new legal aspects of adaptation strategies set by local governments to prevent and manage damages related to the mentioned risks.

International as well as European Union policy frameworks which been set in order to incentivize these adaptive processes considering the related impacts on local regulations are herein analyzed, focusing especially on the Paris Agreement, the 2030 Agenda for Sustainable Development, the New Urban Agenda, the EU Strategy on adaptation to climate change, the Urban Agenda for the EU, the Covenant of Mayors for Climate & Energy as well as the other policies within the context of European Green Deal.

Despite acting within the same European judicial area, European cities which belong to different Member States have distinct limit of competence at different level of governments and different national rules regarding specific areas of policy. For these reasons, this essay encompasses legal aspects of urban climate change adaptation of cities which belong to the same legal system. Therefore, the analysis is devoted to legal tools and judicial consequences of climate change adaptation measures set by Italian cities, as municipalities significantly affected by climate change impacts. Within this section of the article, particular attention is given to local adaptation planning and its integration with other urban and sector planning instruments required by a multi-level governance legal system.

Ling Chen (McGill University)

Climate Clubs and the Law: C40 as a Lawmaker

Operationalizing multilateral environmental agreements is key to orchestrating international cooperation on climate action. Unfortunately, the U.N. climate regime has periodically experienced disruptions. Climate clubs have attracted significant scholarly attention. The basic idea behind them is to unify like-minded partners, primarily governments, in small-scale groups to collaboratively deliver climate action. The surge in attention to the clubs, especially from political scientists and economists, has focused on explaining their emergence, evolution, and effectiveness. Little is known about the legal aspects of climate clubs, including their legal structure, their role in generating and disseminating legal norms, and the issues that they raise under domestic and international law. To fill this gap, I will

employ an interdisciplinary research design that combines legal analysis and qualitative case study research.

I create an analytical framework that includes three dimensions: (1) the types of actors involved in clubs; (2) the legal foundations underpinning clubs; and (3) the functions performed by clubs. The first two criteria enable the consideration of how to establish and maintain the authority of climate clubs. The third criterion helps observe the ways through which the process of club-based governance operates. In order to generate a richer understanding of clubs as norm- and lawmakers and influencers in global climate governance, I adopt an eclectic theoretical framework that brings together theories from law, international relations, and economics. These diverse theoretical perspectives together illuminate the role of various actors in constructing and implementing (legal) norms as well as (re)framing the engagement and contribution of clubs in the processes and practices of climate law and governance.

I identify C40 Cities Climate Leadership Group as a club for my case study. First, I analyze C40's legal structure and competence of authority. Second, I examine the different forms of (legal) norms C40 has generated, how its members align individual climate law and policy, and the pathways through which these members internalize the club rules. Third, I address the constitutional issues that subnational governments like Montreal and Toronto face when participating in C40.

Li Tian (University of Calgary)

How to deal with the explosion of urban take-out food package waste through environmental legislation and smart-city program in China

This article explores how environmental legislation deals with the surge in the waste of take-out food package waste in Chinese cities through their smart--city programs. One of the biggest problems that big Chinese cities faced in recent years is garbage caused by the take-out food industry. In 2019, China's food and beverage delivery industry scale was 653.6 billion Chinese Yuan (121billion CAD); out of 1.4 billion people there are 460 million people are consumers. The amount of waste generated by food delivery was 2 million tons per year, most of which were concentrated in cities, caused garbage disposal problems and various ecological problems. Due to the lack of comprehensive and implementable legislation, China's big cities struggle to deal with the surge of takeaway waste. This article has studied both Germany and Japan's legislation and implementation experience in solid waste, it appears that Chinese environmental law and relevant regulations fail to identify the subject of liability and the division of legal liability. In terms of improving legislation, this article provides constructive opinions in regards to clarifying the subject of liability; it has also unified the environmental standards of take-out packaging and how to learn from the German legislation of solid waste. Concerning the implementation, almost all major cities in China have introduced smart city projects, the article proposes more efficient environmental legislation through the smart-city system, so as to solve solid waste pollution caused by takeaway packaging in the big cities of China. Although the quantity of garbage produced by China's take-out industry is particularly severe, the increase in this type of garbage is a trend in all major cities globally--especially after the outbreak of COVID-19. This study may provide new ideas for related environmental legislation and implementation in other countries around the world.