

Call for Papers: Queering International Law 2.0

Workshop details:

Organisers: Dr Tamsin Phillipa Paige (Deakin Law School) and Claerwen O’Hara (La Trobe Law School)

Date: 10 and 11 November 2022

Place: Deakin Downtown, Melbourne, Australia (and online for those unable to travel)

Theme:

In December 2015, the Institute for International Law and the Humanities (IILAH) hosted a workshop at Melbourne Law School focused on ‘queering’ international law. Convened by Dianne Otto, the workshop was premised on the idea that ‘[j]ust as feminist and postcolonial critiques of international law have exposed some of the ways in which it can work to reinforce hierarchies of power and knowledge, so too can the critical insights of queer theory enrich our understanding of the conceptual and practical limits of the discipline.’¹ Bringing together new and established scholars from around the world, the workshop aimed to reimagine international law in ways that could build solidarity, promote redistributive values, challenge entrenched inequalities, advance positive peace, and ensure environmental sustainability, while also contemplating the associated risks.² The workshop would go on to produce the first book focused solely on queer approaches to international law:³ *Queering International Law: Possibilities, Alliance, Complicities, Risks* (2018)⁴ – a ground-breaking collection edited by Dianne Otto that draws on insights from queer theory to interrogate a range of topics, from the political economy of neoliberal internet governance⁵ to the complicities, indiscretions and subversions of queer border crossers.⁶

In the seven years that have passed since that foundational workshop, there have been significant changes in the field of international law, many of which invite ‘queer curiosity’.⁷ In 2017, the International Criminal Tribunal for the former Yugoslavia (ICTY) came to an end, raising questions about memory and queer temporality.⁸ In 2019, the US unilaterally paralysed the World Trade Organisation’s Appellate Body, inviting queer critique of discourse and decision-making in

¹ Queering International Law Possibilities, Alliances, Complicities, Risks, Provocations II - Legal Theory Workshop Series 14 - 15 December 2015 - Melbourne Law School, program available at

<https://law.unimelb.edu.au/__data/assets/pdf_file/0005/1768856/2015ProvocationsQIL_09112015CMYKfinalcopy.pdf>, 1.

² Ibid.

³ Emily Jones, ‘Book Review: Dianne Otto (ed): *Queering International Law: Possibilities, Alliances, Complicities, Risks* Routledge, 2017’ 27 (2019) *Feminist Legal Studies*, 115, 115.

⁴ Dianne Otto (ed), *Queering International Law: Possibilities, Alliance, Complicities, Risks* (Routledge, 2018).

⁵ Monika Zalnieriute, ‘The anatomy of neoliberal Internet governance: A queer critical political economy perspective’ in Dianne Otto (ed), *Queering International Law: Possibilities, Alliance, Complicities, Risks* (Routledge, 2017) 53.

⁶ Bina Fernandez, ‘Queer border crossers: Pragmatic complicities, indiscretions and subversions’ in Dianne Otto (ed), *Queering International Law: Possibilities, Alliance, Complicities, Risks* (Routledge, 2017) 236.

⁷ Dianne Otto, ‘Embracing queer curiosity’ in Dianne Otto (ed), *Queering International Law: Possibilities, Alliance, Complicities, Risks* (Routledge, 2017) 1.

⁸ Caitlin Biddolph, ‘Queering temporalities of international criminal justice: Srebrenica remembrance and the International Criminal Tribunal for the former Yugoslavia (ICTY)’ 29(3) *Queer/Feminist internationalisms* (2020) *Griffith Law Review*, 401.

international organisations.⁹ In 2020, the UK left the European Union against a backdrop of rival discourses and identities, each of which carried its own sexual¹⁰ and gendered¹¹ narratives. Pandemic has swept across the globe, killing millions, resulting in restrictions that reinforced the ‘subject of public health as monogamous, coupled, and living with their partner or nuclear family’,¹² and radically altering the way many live and work.¹³ Russia’s invasion of Ukraine in 2022 has only reaffirmed the need to rethink the idea of peace in international law from a queer feminist perspective.¹⁴ And the threat of catastrophic climate change looms ever larger, prompting legal scholars to think through anthropocentrism in international law using a queer, feminist and post-human lens.¹⁵

In the specific field of gender and sexuality in international law, there have also been significant changes. In 2020 and 2022, the UN Committee on the Elimination of Discrimination Against Women handed down landmark decisions finding in favour of lesbian women who had had their rights violated on the intersecting grounds of gender and sexuality,¹⁶ signalling the possibility of ‘queering CEDAW’.¹⁷ In the second of these decisions, the Committee also affirmed that the rights enshrined in CEDAW ‘belong to all women, including lesbian, bisexual, transgender and intersex women’. The Committee’s inclusive understanding of ‘women’ echoed another landmark decision handed down the previous year by the Inter-American Court of Human Rights, *Vicky Hernández et al. v. Honduras* (2021),¹⁸ in which the majority held that the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women applied to women in all their diversity, including trans women.¹⁹

⁹ Claerwen O’Hara, ‘Consensus and Diversity in the World Trade Organization: A Queer Perspective’ 116: Queering International Law Symposium (2022) *AJIL Unbound* 32.

¹⁰ Jack Lindsay, ‘Queer(y)ing Brexit: Sexuality and the Shifting Nature of Remainer and Leaver Worldviews’ (2021) *E-International Relations*, available at <https://www.e-ir.info/pdf/90840>.

¹¹ Columba Achilleos-Sarll and Benjamin Martill, ‘Toxic Masculinity: Militarism, Deal-Making and the Performance of Brexit’ in Moira Dustin, Nuno Ferreira and Susan Millns (eds) *Gender and Queer Perspectives on Brexit* (Palgrave Macmillan, 2019) 15.

¹² Kiran Pienaar, Jacinthe Flore, Jennifer Power and Dean Murphy, ‘Making publics in a pandemic: Posthuman relationalities, “viral” intimacies and COVID-19’ 30(3) (2021) *Health Sociology Review* 244.

¹³ See, eg, Austin R. Anderson and Eric Knee, ‘Queer Isolation or Queering Isolation?: Reflecting upon the Ramifications of COVID-19 on the Future of Queer Leisure Spaces’ 43(1-2) (2021) *Leisure Sciences: An Interdisciplinary Journal* 118.

¹⁴ For examples of such rethinking, see Dianne Otto, ‘Rethinking ‘Peace’ in International Law and Politics From a Queer Feminist Perspective’ 126(1) (2020) *Feminist Review* 19; Dianne Otto, ‘Queerly Troubling International Law’s Vision of “Peace”’ 116: Queering International Law Symposium (2022) *AJIL Unbound* 22; Philipp Kastner and Elisabeth Roy Trudel, ‘Unsettling international law and peace-making: An encounter with queer theory’ 33(4) (2020) *Leiden Journal of International Law* 911.

¹⁵ Emily Jones and Dianne Otto, ‘Thinking through anthropocentrism in international law: queer theory, posthuman feminism and the postcolonial - A conversation between Emily Jones and Dianne Otto’ (2020) LSE Centre for Women, Peace and Security, available at <<https://www.lse.ac.uk/women-peace-security/assets/documents/2020/Final-Jones-and-Otto-Anthropocentrism-Posthuman-Feminism-Postcol-and-IL-LSE-WPS-Blog-2019-002.pdf>>.

¹⁶ Committee on the Elimination of Discrimination against Women, *O.N. and D.P. v. Russian Federation*, UN Doc. CEDAW/C/75/D/119/2017, 3 April 2020; Committee on the Elimination of Discrimination against Women, *Rosanna Flamer-Caldera v. Sri Lanka*, UN Doc. CEDAW/C/81/D/134/2018, 23 March 2022.

¹⁷ Gabrielle Simm, ‘Queering CEDAW? Sexual orientation, gender identity and expression and sex characteristics (SOGIESC) in international human rights law’ 29(3) *Queer/Feminist internationalisms* (2020) *Griffith Law Review*, 374. See also Christine Chinkin and Keina Yoshida ‘CEDAW’s Landmark Decision on the Criminalisation of Same Sex Conduct Between Women’, *EJIL:Talk!*, 5 April 2022, available at <<https://www.ejiltalk.org/cedaws-landmark-decision-on-the-criminalisation-of-same-sex-conduct-between-women/>>, noting that some of the Committee’s findings in *Rosanna Flamer-Caldera v. Sri Lanka* ‘will be of particular interest to scholars who are “queering international law”’.

¹⁸ *Vicky Hernández et al v Honduras (Merits, reparations and costs)*, Series C No. 422, 26 March 2021.

¹⁹ For commentary, see Carlos J. Zelada, ‘Vicky Hernández et al. v. Honduras: A Landmark Victory with a Bitter Aftertaste’, *EJIL:Talk!*, 27 August 2021, available at <<https://www.ejiltalk.org/vicky-hernandez-et-al-v-honduras-a-landmark-victory-with-a-bitter-aftertaste/>>

At the same time, the past seven years have seen the rise of an increasingly vocal transphobic ‘feminist’ movement, which has sought to rely on CEDAW and international law documents to justify an exclusionary account of women’s rights.²⁰ Legal scholars who think with queer theory have also noted that the dissenting opinion from Judge Elizabeth Odio Benito in *Vicky Hernández et al. v. Honduras* ‘read[s] like the standard talking points for Trans Exclusionary Radical Feminism rhetoric – an anti-trans hate movement that has little relevance to feminism and is grounded in regressive bio-essentialist gender roles and performance.’²¹ In this way, the intensifying ‘culture wars’ relating to gender diversity in a number of countries also appear to be playing out in the field international law.

This workshop aims to revisit the project of queering international law seven years on. How can queer theory help us to understand the events of international law’s recent past? And what possibilities, alliances, complicities, and risks are held out by international law’s future? We invite submissions from new and established scholars working with queer, feminist and postcolonial theories and practices, in international law and related disciplines, to reflect on these questions.

Submissions:

Please submit abstracts of up to 300 words and biographies of up to 200 words to anzsil.gsil@gmail.com by **1 July 2022**.

Successful applicants will be expected to submit draft papers of between 6,000 and 8,000 words by **10 October 2022**. Our aim is for the workshop to result in a second volume of *Queering International Law* or another form of edited collection. All papers will go to peer review prior to publication.

A number of small travel bursaries are available for interstate and international presenting participants who are unable to claim sufficient funding from their home institution. Please indicate in your application whether you wish to be considered for a bursary.

The Queering International Law 2.0 Workshop is organised by the ANZSIL Gender, Sexuality and International Law Interest Group and proudly supported by Deakin Law School, the Institute for International Law and the Humanities at Melbourne Law School, and La Trobe Law School.



²⁰ For a critique of the use of international law in the ‘Declaration of Women’s Sex-Based Rights’, produced by the UK-based group, Women’s Human Rights Campaign, see Sandra Duffy, ‘An International Human Rights Law Analysis of the WHRC Declaration’ *Sandra Duffy: Word Press*, 26 October 2021, available at <<https://sandradyffy.wordpress.com/2021/10/26/an-international-human-rights-law-analysis-of-the-whrc-declaration/>>

²¹ Tamsin Phillipa Paige and Joanne Stagg, ‘Queer Approaches to International Adjudication’, *Max Planck Encyclopedia on International Procedural Law* (forthcoming, Oxford University Press), [15].