



Spaces of Rights and Responsibilities Beyond Territory

2½-day interdisciplinary workshop

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FAU Erlangen-Nürnberg

Abstracts:

C

Cobs-Muñoz, Victor; TU Dortmund University

Harm in Plain Sight: Sacrifice Zones and the Architecture of Social-Ecological Disposability:

Why do sacrifice zones persist under democratic, legally robust, and internationally scrutinized governance regimes? This paper argues that the answer lies not in the absence of rights-based frameworks, but in the spatial and structural assumptions built into them, assumptions that prevent accountability from reaching the mechanisms that produce and normalize social-ecological harm as an acceptable cost of development and extraction. Sacrifice zones are territories where environmental degradation and social harm are not incidental but institutionally reproduced: outcomes of an architecture of social-ecological disposability through which certain communities and territories are rendered expendable to sustain extractive economies and development models elsewhere (Juskus, 2023; Pellow, 2018). This harm is not hidden. It is harm in plain sight: documented, contested, and acknowledged by the very governance systems that fail to interrupt it. Rights-based accountability frameworks, organized around the spatial logic of territorial jurisdiction and event-level violations, are structurally ill-equipped to reach the mechanisms that generate and stabilize sacrifice (Knox, 2018; Boyd and Orellana, 2022). The result is an accountability gap that is not incidental but structural.

To explain this gap, this paper articulates a Critical Realist Environmental Justice (CREJ) framework (Cobs-Muñoz and Westerholt, 2025), which distinguishes between the empirical level (where harm is observed and contested), the actual level (where regulatory and legal decisions are made, deferred, or suspended), and the real level (where justificatory governance logics operate as the structural architecture of disposability) (Bhaskar, 2009; Danermark et al.,



2005). These logics, including regulatory deferral, appeals to economic indispensability, technocratic normalization, and legal exceptionalism, are the main mechanisms through which states and institutions render sacrifice administratively tolerable (Davies, 2022). They function beyond territorial borders, operating through transnational investment regimes, extractive infrastructures, and multi-scalar governance arrangements through which responsibility for harm is systematically diffused across actors and scales (Nixon, 2011).

Drawing on explorative and comparative research across sacrifice zones in Chile, Italy, Kenya, Germany, and India, cases that differ in governance regime, legal system, and political economy yet converge on structurally similar outcomes, the paper demonstrates that this architecture of disposability recurs across contexts. This cross-contextual recurrence points to its systemic character: not regulatory failure, but structural reproduction. Accountability frameworks that begin from the question ‘where does harm occur?’ will consistently fall short for communities whose harm is produced by mechanisms that answer a different question: ‘what structures make certain lives and territories acceptable losses?’ This paper contributes to debates on the spatial limits of rights accountability, postcolonial critiques of spatial orders in rights governance, and the interface between spatial theory and environmental geography, arguing that what is needed is not just a spatial extension of rights but a rethinking of the structural architecture through which some places and communities are made disposable.

Cwicinskaja, Natalia; Adam Mickiewicz University Poznan, Faculty of Law and Administration

Distributed Responsibility and the Spatial Limits of Human Rights:

International human rights law traditionally relies on a territorial architecture of responsibility in which states exercise jurisdiction within clearly defined borders and bear primary obligations toward individuals under their authority. This model presumes a relatively stable alignment between territory, jurisdiction and responsibility. Yet contemporary political realities increasingly challenge this assumption. In several regions of the world, governance is exercised within territorial spaces that function as political entities but lack international recognition. These contexts raise questions about how responsibility for the protection of human rights should be conceptualised when authority is not territorially unified but dispersed across multiple actors and legal orders.

This paper examines unrecognised territorial entities in the Eurasian region as spatial configurations in which human rights governance operates through distributed and overlapping forms of authority. Rather than approaching these territories merely as legal anomalies or gaps in international law, the paper conceptualises them as layered spaces in which different actors simultaneously exercise forms of control, influence or practical involvement. These actors may include de facto institutions governing everyday life, parent states maintaining sovereignty claims, external patron states providing political, military or economic support, as well as international organisations and non-governmental actors operating within the territory.



In such settings, the spatial limits of territorially structured accountability doctrines become visible: authority is fragmented across recognised and unrecognised actors, while formal sovereignty, actual governance, external influence and access to remedies do not necessarily coincide. Existing legal approaches, most notably doctrines of effective control, extraterritorial jurisdiction and positive obligations developed in international human rights jurisprudence, remain indispensable for identifying responsible states in contested territories. Yet they only partially capture how human rights accountability operates in practice under these conditions of spatial misalignment.

Drawing on examples from Eurasian unrecognised territorial entities, including Transnistria, Abkhazia, South Ossetia and Northern Cyprus, the paper argues that these territories reveal important spatial tensions within existing human rights frameworks. Rather than representing simple legal voids, they illustrate how human rights protection, violation, rights-claiming and remediation may be shaped by networked, relational and layered forms of authority that do not correspond neatly to the traditional territorial architecture of international law.

By analysing unrecognised territorial entities through the lens of spatial theory and distributed governance, the paper engages with broader debates on the spatial reconfiguration of human rights responsibility and accountability. It examines how existing doctrines of jurisdiction, effective control and positive obligations operate in settings where sovereignty, control and everyday governance do not coincide. In doing so, the paper draws attention to the ways in which responsibility and accountability are distributed in practice across parent states, patron states, de facto institutions and non-governmental or international actors.

D

Desarda, Rahul

Drone Strikes Beyond Territory: Reinterpreting Article 6 ICCPR in the Age of Remote Warfare:

The expansion of drone warfare has profoundly altered the spatial assumptions underlying international human rights law. Armed drones permit states to exercise lethal force across vast distances, often without territorial control, physical presence, or sustained occupation of the territory in which force is deployed. This development raises a central question for contemporary human rights law: whether and how the right to life under Article 6 of the International Covenant on Civil and Political Rights applies when lethal force is exercised extraterritorially through remote technological systems.



The jurisprudence of the United Nations Human Rights Committee has progressively affirmed that the Covenant may apply beyond a state's territory where individuals fall within its "power or effective control." Yet the doctrinal contours of this principle remain uncertain when the exercise of state power takes the form of instantaneous or technologically mediated lethal force. Drone strikes, by their nature, disrupt traditional jurisdictional categories: they involve the projection of lethal authority without physical presence and often without enduring control over territory or persons.

Recent conflicts illustrate the urgency of this problem. The use of armed drones has become widespread in contemporary hostilities, including in the ongoing conflict between Russia and Ukraine, where both sides have deployed remotely piloted or semi-autonomous systems capable of lethal targeting far from conventional frontlines. Similar technologies have appeared in cross-border security dynamics between India and Pakistan, where drone deployments and counter-drone operations increasingly feature in border enforcement and military strategy. In the Middle East, the continuing use of drones in regional conflicts, whether in Gaza, Syria, Yemen, or other theatres, demonstrates the growing centrality of remote warfare in contemporary military practice.

These developments challenge the territorial paradigm historically embedded in the interpretation of Article 2(1) of the Covenant. If the right to life is to retain its normative force in an era of remote warfare, the concept of jurisdiction must accommodate situations in which lethal power is exercised through technological means rather than physical presence. The central issue is not territorial control but the exercise of public authority over life itself.

This paper argues that the deployment of drone strikes constitutes a paradigmatic instance of state power sufficient to trigger obligations under Article 6 of the Covenant. Drawing on the Human Rights Committee's General Comment No. 36 and evolving jurisprudence on extraterritorial jurisdiction, the paper proposes a functional interpretation of jurisdiction grounded in the exercise of lethal authority. Under such an approach, whenever a state intentionally directs lethal force against identifiable individuals through remote systems, those individuals fall within the state's jurisdiction for the purposes of the Covenant. The paper contributes to broader debates about how human rights law must adapt to technological transformations in the conduct of hostilities.

Di Vetta, Giuseppe; Scuola Superiore Sant'Anna

Conceptualizing an Innovative Approach to Corporate Responsibility and Spatiality: The Transnational Due Diligence Laws:

This paper explores emerging conceptualizations of legal spatiality and jurisdiction in corporate accountability for human rights abuses. The field of corporate legal liability is witnessing



significant developments in prescriptive jurisdiction that challenge traditional Westphalian conceptions of the relationship between law, responsibility, and territory. These developments are particularly evident in the legislations governing the legal liability of companies operating within transnational spaces, such as global value chains.

The paper unfolds in three sections. The first addresses the governance gap in corporate accountability for

human rights abuses occurring primarily within global value chains. These transnational production infrastructures exhibit intense conditions of normative and spatial pluralism. Traditional conceptions of territorial spatiality prove inadequate for addressing this complexity, thereby preventing companies operating through transnational corporate networks from being held accountable for human rights violations. Therefore, the governance gap reflects the limitations associated with the so-called "territorial trap" affecting jurisdiction.

The second section examines due diligence laws and their distinctive jurisdictional approach. The paper argues that mandatory due diligence legislation employs a transnational approach well-suited for addressing the spatial complexity of global value chains and the responsibility of lead firms operating within them. This approach operates on two complementary levels. First, regarding prescriptive jurisdiction, these laws introduce an innovative approach to jurisdiction model («territorial extension») that differs from extraterritoriality and has been implemented in frameworks like the Corporate Sustainability Due Diligence Directive. Second, as the paper shows, due diligence plays a crucial role in those laws. Firstly, it functions as an interlegal device enabling the courts and enforcers to connect multiple legalities belonging to different state jurisdictions in setting out the legal standard of corporate liability in cross-normativity situations. Secondly, due diligence serves to project human rights standards internationally recognised into foreign jurisdictions, crossing territorial confines, unless raising concerns of interference. The third section frames these laws under the transnational due diligence law – TDDL paradigm and provides a theoretical analysis of their distinctive spatial approach. This approach is situated within the evolution of prescriptive jurisdiction concepts relating to corporate liability, particularly regarding human rights violations. Drawing on transnational law theory and legal geography's critique of "methodological territorialism", the paper argues that these approaches represent a departure from traditional conceptions and enable the development of prescriptive jurisdiction models suited to the transnational spaces of contemporary corporate capitalism.

Dodde, Paula; Federal university of Rio de Janeiro (UFRJ)

The Spatiality of Consent: Legal Concepts and Territorial Resistance in Indigenous Territories in Latin America:

This research explores the spatiality of rights by analyzing the interface between international legal frameworks and the contested indigenous territories of Latin America. The study focuses



on the implementation of Prior Consultation (PC) and Free, Prior, and Informed Consent (FPIC) (as defined by International Labour Organization - ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples - UNDRIP) within the context of large-scale extractive and infrastructure projects. Through a qualitative metasynthesis of 35 peer-reviewed studies (2013–2023), it investigates how legal concepts are not merely abstract norms but are spatially produced and politically contested practices.

The central tension lies in the ontological collision between the State's view of space as a neutral container for resources and the indigenous conception of territory as a relational space of existence, memory, and self-determination. The analysis reveals that legal practices of consultation often operate within a "bureaucratic trap", where the State exercises territorial sovereignty to pre-define development as inevitable, effectively silencing indigenous spatialities. This creates a pattern of institutional violence where rights are spatialized only after decisions are finalized, reducing consultation to a tool for legitimacy rather than a space for power.

The study further discusses how indigenous peoples respond to these restrictive legal geographies through the production of counter-geographies, spatial reconfigurations that go beyond resistance to actively produce alternative territorial orders. These include the development of autonomous consultation protocols (e.g., Kachi Yupi in Argentina and the Mura protocol in Brazil) which repoliticize the consultation space by asserting "Buen Vivir" (Good Living) as a non-negotiable criterion for consent. These protocols represent an "interface" where indigenous legal systems challenge Western state-centered spatial orders by mapping territory according to their own ontologies and cosmologies.

In conclusion, the research argues that for human rights practice to be effective, it must move beyond tokenism and recognize that rights take place within specific, lived territorialities. True democratic participation requires a shift from the state-entrepreneur decision-making monopoly toward a legal pluralism that respects the holistic nature of indigenous territory, integrating the material, cosmological, and relational dimensions of indigenous territory into the core of human rights governance.

Fehlhaber, Makaela; Northumbria University, Newcastle upon Tyne

The causal enquiry and extraterritorial harm: Analysing the themes in the jurisprudence:

The question of causation for cases concerning extraterritorial harm is a largely new phenomenon. Responsibility for extraterritorial harm is requiring further critical evaluation as a consequence of globalisation, technologies which transcend borders, and the looming threat of climate change. When considering responsibility for "extraterritorial harm", one is discussing an assessment of the causal relationship between conduct and harm which occur respectively in different territorial boundaries, with the harm causing a corresponding



extraterritorial effect, breach or violation out of the territory in which the conduct occurred. The purpose of this paper is to consider the jurisprudence of international courts and tribunals on the question of the causal enquiry for extraterritorial harm and identify whether any commonalities can be identified. I will review the jurisprudence of the International Court of Justice (ICJ), the European Court of Human Rights, (ECtHR), and the Inter-American Court of Human Rights (IACtHR) with a focus on the inconsistencies in the court's reasoning. Moreover, this paper will consider whether these international courts and tribunals have altered their causal justifications depending on the nature of the obligation (i.e. positive/negative), in addition to the locale of the harm. I argue that fragmentation in international law has curated a situation in which the rule of law, and specifically, legal certainty, is challenged by specialist

regimes having created their own formulations of causal tests to address extraterritorial harm which are not cohesive with one another, and further entrench a conflict of laws scenario. The solution to this is to attempt to utilise interpretative maxims such as *lex generalis* and *lex specialis* to define situations in which the causal enquiry should be altered, an approach which the ICJ recently endorsed in its Climate Change Advisory Opinion. Courts and tribunals have adopted expansionary doctrines in the hope of maintaining flexibility in the law to respond to evolutionary change. I argue that such an approach is based on abstract purposiveness, which undermines the development of an international rule of law and needs to be addressed.

Fernandez Almeida, Victoria Daniel; Universidad Nacional de Tucumán

Legal Sensibilities and Geographies of Resistance: An Ethnography of Women Environmental Defenders Facing Mining Extractivism in Jujuy:

This paper presents the results of a recently defended doctoral research, in which I analyze the local conceptions, uses, and ways in which the right to the environment is reinterpreted by a group of indigenous women, organized as legally mobilized women environmental defenders, in territories traversed and potentially affected by mining extractivism.

The research employs the interpretive principle of legal sensibilities (Geertz, 1994). In this way, it addresses the tension between formal environmental law and its legal categories, and the native categories that emerge from the daily experience of inhabiting or anticipating harm.

The thesis begins by proposing an analysis based on two types of relational territorial scenarios: on one hand, scenarios traversed by the extractive model where mining has operated for decades (such as El Aguilar), configuring a "private state" or "total institution" that regulates circulation and access to basic rights, challenging the

State's territorial jurisdiction, and where environmental harm is inhabited and challenged. On the other hand, it proposes scenarios potentially traversed by extractive models, where the imminent threat of lithium mining activates anticipatory and preventive legal mobilization. Based on this proposal, the thesis challenges the conception of space as a neutral container.



Drawing on an 18-month multi-sited and reflexive ethnography, positioned from a decolonial feminist perspective, four native categories were identified that overflow and tension traditional legal definitions and incorporate more-than-human agencies.

Among these we have: "Reparar" (To Repair) and "Remediar" (To Remedy), both transcend technical compensation to focus on recomposing broken bonds with the territory, the hills, and animals, integrating ethical-spiritual dimensions and memory.

On the other hand, "Controlar" (To Control), as a category, implies an exercise of territorial surveillance "from below" that disputes the authority of expert knowledge and the invisible infrastructures of environmental impact assessments and participatory environmental sampling.

Finally, "Cuidar el agua" (To Care for Water): this legal sensibility understands water as a living being with subjectivity (Pachamama) and links its defense with the right to protest as a condition of possibility for its defense and effective exercise.

As a conceptual contribution, beyond the native categories, the work proposes the analytical category of "Rights Defense Agenda," to describe how subalternized groups—in this case, indigenous peoples and indigenous women environmental defenders—collectively elaborate, prioritize, and update the meanings of law in contexts of socio-environmental conflict. Ultimately, the thesis contributes to the decolonization of environmental legal theory, demonstrating that law is not a static code, but a spatialized and political practice produced in the movement and territorial resistance against global infrastructures of power.

G

Geiselhart, Klaus; FAU Erlangen Nürnberg

Spirituality within post-colonial constraints?

Human rights grant the freedom of thought, conscience, and religion (article 18 Universal Declaration of Human Rights). More specific, indigenous communities are permitted to "practise develop and teach their spiritual and religious traditions, customs and ceremonies" (United Nations Declaration on the Rights of Indigenous Peoples 2007). In southern Africa however, in particular Botswana, the international recognition of indigenous cosmologies is divided. While traditional healing is more or less accepted by the WHO, witchcraft is barely recognised as part of African culture, despite both phenomena rest on the same spiritual basis.

As colonial administrations have not been able or willing to understand the role of spirituality in African societies they established laws to ban respective practices. Sometimes these rules have been carried on after independence as remnants of the colonial era. One such law is the Betschuanaland Protectorate administration Witchcraft Proclamation of 1927. Healing practices that contained spirituality in some way (such as divining, fortune-telling, or trance dancing) were forbidden and branded as witchcraft. This act has shaped public understandings of



traditional healing and was adopted by the Government of Botswana after 1966 so that it is still in legal force up to today. How can the rights of indigenous or traditional communities be upheld when their worldviews are neither fully understood or even dismissed as superstition in some respects? The talk doesn't present any results but first approaches to a new research undertaking on the question of how the tension between the universality of human rights and the particularity of traditional Tswana worldviews is navigated under the post-colonial constraints of Botswana?

Gläßer, Ulla; European University Viadrina Frankfurt (Oder)

Out of Bounds? Trans-Territorial Conditions of Human Rights Violations of Female Migrant Workers in the Andalusian Agribusiness – a Case Study of Intersectional Vulnerability:

Many European countries rely on Spain as an important production country in transnational fruit and vegetable supply chains. This has turned certain regions in Andalusia into “the greenhouse of Europe” – with an immense need for seasonal workers. A large and indispensable part of this seasonal workforce in the Andalusian agribusiness are female migrant workers from Eastern Europe and Africa, in particular Morocco.

Our empirically-grounded case study demonstrates how various intersecting factors contribute to the heightened vulnerability and exploitability of these workers: Pressing economic dependency, an insecure migrant status with temporary, work-related right of residence, the resulting dependency on employment contracts, widespread illiteracy, and gender-related susceptibility to sexual transgressions result into a plethora of human rights violations that are well-known but rarely remedied.

The case study is based on our empirical work, including a field trip to Andalusia in March/April 2026, as part of our current DFG-funded research project “Beyond access – the potential of non-judicial grievance mechanisms to improve effective remedy for vulnerable groups in the field of Business and Human Rights”, in which we work with sociological as well as legal methods. Drawing from the theoretical foundations of this project, the discussion of this case study will be informed by a critical deconstruction of the concept of “vulnerability”, taking into account the effects of intersectionality. The territorial dimension of this case study goes beyond the effects of temporary work migration and the specific spatial situation of Andalusia at the border of the EU.

The study analyses why the extraterritorial obligations resulting from the current legal frameworks of transnational supply chain/corporate due diligence regulation (the German LkSG and the EU CSDDD) tend to fail the described group of rightsholders as they provide neither effective preventative protection nor effective ex post facto access to remedy.



It critically discusses the shifting allocation of responsibility and accountability for occurring harm in the network of actors entangled in cross-border business relationships (international buyer corporations, local supplier businesses, transnationally operating recruiting agencies).

The legal analysis also examines how the interplay of different pertinent legal regimes leads to a collision of (transnational) supply chain due diligence regulation with Spanish national laws (in particular migration law and whistleblower law) to the detriment of migrant workers. Hereby, a particular focus is placed on scrutinizing the effectiveness of available grievance mechanisms in providing realistic (access to) remedy.

Finally, the study traces the efforts of awareness raising and protection strategies by human rights defenders in civil society and academia, on a local/regional, national and international level.

H

Halder, Tonmoy; Khulna University, Bangladesh

Decolonizing the Spatiality of Responsibility: Invisible Infrastructures and the Limits of Territorial Jurisdiction in the Global South:

Traditional international human rights law remains anchored in territorially-bounded jurisdiction, a spatial configuration that assumes rights and responsibilities are contained within the fixed borders of the nation-state. In the contemporary Global South, however, this Westphalian model often acts as a “territorial trap.” This paper argues that the insistence on territoriality creates “spaces of non-responsibility,” where transnational actors and global infrastructures produce significant human rights harms that elude established legal definitions. Drawing on postcolonial and decolonial critiques of spatial orders, the paper explores how contemporary human rights governance often fails to capture the spatial conditions under which rights are contested. I argue that the globalized economy relies on “invisible infrastructures”—such as digital networks and global supply chains—that function as networked forms of power. These configurations allow the extraction of labor and resources in the Global South while shifting legal accountability to distant, often unreachable jurisdictions. By conceptualizing space not as a neutral container but as relationally produced, materially mediated, and politically contested, I examine how these socio-technical configurations unevenly distribute vulnerability and protection. The paper contrasts traditional human-centered legal assumptions with more-than-human constellations of agency—including planetary environmental crises—that challenge the spatial limits of current law.

The paper also engages with the historical and spatial legacy of Nuremberg as a symbol of territorially bounded international justice, reconsidering its relevance for addressing



contemporary networked harms. It argues for a reconfiguration of responsibility that accounts for the relational, topological, and assemblage-based nature of contemporary power. Ultimately, this paper seeks to bridge the gap between spatial theory and legal practice. It proposes a decolonial framework that advances a “post-territorial” understanding of human rights, ensuring that responsibility is not lost in the gaps between borders but is anchored in the actual sites where power is exercised and harms occur. By centering the Global South perspective, the contribution aims to foster a deep interdisciplinary dialogue on the future of human rights in a world beyond territory, highlighting how legal frameworks can be reimagined to respond to transnational, infrastructural, and environmental forms of harm.

Hutta, Jan Simon; Universität Hamburg

From global governance to transversal politics: Struggles against enforced disappearance in the age of destruction:

After human rights governance has expanded globally over the last half-century, many of its key agents, including UN and state bodies as well as NGOs, are now in a process of eroding as the post-World War II liberal order is being dismantled. Rather than signalling a straightforward path to authoritarianism, though, we might understand this erosion as part of a more complex reassembling of the human rights landscape. This understanding can be furthered by considering institutional bodies of human rights governance in connection to the situated struggles from which human rights claims emerge in the first place. Such a ‘transversal’ approach, while interrogating how human rights governance supports hegemonic interests, simultaneously considers the transformative impulses emerging from the often paradoxical relationships among affected communities, grassroots activists, NGOs and state institutions. To develop this argument, my focus will be on human rights advocacy around ‘enforced disappearance’ in Latin America, particularly in Brazil. While this category has been institutionalised in various legal norms and bodies of global governance, it has remained intimately connected to fundamental critiques of state violence. Further, in view of the authoritarian politics that continue shaping Brazilian politics – the current centre-left government notwithstanding – activists have increasingly sought to expand their networks both nationally and transnationally, including in Germany. This poses a series of questions around where, how and, enacted by whom human rights take place.



J

Jaja, Ibifuro

Algorithmic Rights in the Shadow of Concerns About Rights Inflation:

The language of rights is increasingly being invoked to mitigate the risks posed by artificial intelligence systems (AI) (Mittelstadt et al., 2016; Floridi et al., 2018; Susser et al., 2019; Yeung, 2017). Traditional human rights have been invoked to address longstanding challenges arising from the deployment of AI systems. For instance, the right to privacy has been invoked to safeguard privacy in this digital era, given data commodification and the attendant risk to privacy in this digital era. However, AI systems introduce novel forms of harm that are not fully captured by these traditional rights. For instance, the opacity of machine-learning models often makes it difficult for individuals to understand or challenge automated decisions. Thus, algorithmic rights have emerged and are being proposed to address the novel challenges that AI systems pose (Laukyte, 2022). In this paper, I will propose a framework for adapting the language of rights to the technologically evolving society while remaining attentive to the enduring concern about rights inflation.

Algorithmic rights are emerging or proposed entitlements that address the distinctive challenges that AI poses. They are safeguards to guarantee the dignity of individuals subject to AI systems (Laukyte, 2022). These rights include the right to explanation, the right to be forgotten, the right to algorithmic transparency, the right to be informed if we are interacting with an automated system; the right to be known, the right not to be subject to a decision based solely on automated processing; and the right not to depend on an algorithmic system for compliance with our fundamental rights, but to instead choose human interaction in ensuring such compliance, etc (Pasquale, 2015; O’Neil, 2017; Cohen, 2019).

The emergence of algorithmic rights, however, intersects with a longstanding concern in human rights theory about rights inflation—the concern that the proliferation of rights claims may weaken the force of rights language and overburden duty-bearers. Alston (1984) and Glendon (2001) have argued that the inflation of rights risks diluting their normative authority and transforming the language of rights into a rhetorical tool rather than a practical framework for protecting interests. The proposal and emergence of algorithmic rights expand the rights framework. Thus, the questions raised are: Does the emergence of algorithmic rights contribute to rights inflation? How can the human rights framework respond to the novel challenges posed by AI as well as guard against rights inflation?

In this paper, I will argue that Vredenburg’s positive Scanlonian account of rights provides a promising framework for addressing these questions.



Jia, Yifan

Human Rights Protection Beyond Borders: Global Human Rights Sanctions and the Spatial Reconfiguration of Accountability:

Human rights protection has long been anchored in a territorial imaginary in which responsibility is primarily assigned to the state within whose borders violations occur. Yet contemporary governance practices increasingly unsettle this spatial assumption. The rapid proliferation of Global Human Rights Sanctions Regimes (GHRs), commonly known as Magnitsky-style sanctions, offers a particularly revealing case. These regimes enable states to impose targeted measures — including asset freezes, travel bans, and financial restrictions — on foreign individuals and entities implicated in serious human rights abuses, thereby enabling accountability claims that operate beyond the territory in which harm takes place.

This paper argues that GHRs should be understood not merely as a new legal instrument but as a spatial reconfiguration of human rights accountability. Rather than locating responsibility within territorially bounded jurisdiction, GHRs mobilizes transnational financial, legal, and mobility infrastructures to produce forms of governance that are networked, relational, and deterritorialized. Accountability is enacted through global circulation systems — banking networks, visa regimes, and cross-border regulatory cooperation — which redistribute where and how sanctions power can be exercised.

Conceptually, the paper interprets GHRs as a form of “back-up responsibility” within an expanded Responsibility to Protect (R2P) framework. While R2P’s supplementary responsibility traditionally operates through multilateral institutions such as the United Nations, GHRs introduces a distinct layer of third-state, unilateral intervention. This shift relocates accountability from institutionalized collective mechanisms to dispersed yet interconnected sites of action across multiple jurisdictions.

Empirically and normatively, I show that this configuration produces a dual mode of accountability, targeting both state responsibility and individual responsibility. While third-party countermeasures may provide legal justification for measures directed at states, the targeting of individuals raises distinct normative questions. Here, the paper explores what additional justificatory work R2P can perform when accountability is exercised through sanctions infrastructures rather than territorial enforcement.

By analysing sanctions as spatial practices rather than solely legal tools, the paper contributes to broader debates about how responsibility, power, and protection are assembled across transnational constellations that exceed jurisdictional borders. It speaks directly to discussions of networked authority, infrastructural governance, and the spatial tensions between territorial law and distributed forms of human rights enforcement.



L

Laltaika, Elifuraha; Tumaini University Makumira (TUMA)

Territorial Jurisdiction, Extraterritorial Obligations, and the Spatial Limits of Human Rights Law: A Case of the Maasai Pastoralists of Kenya and Tanzania:

One of the negative impacts of the imperative of the 1884 Berlin Conference in Africa was the interference and interruption of the family and cultural ties of communities through disconnecting them by international borders hence fragmenting their natural resource-base and sacred sites. Nevertheless, after the attainment of political independence, the Organization of African Unity (OAU)—now the African Union (AU)—resolved to respect the international law doctrine *uti possidetis*, implying that borders drawn by the colonisers should be maintained. This resolve, aimed at avoiding interstate conflicts in Africa, has, in fact, managed to avoid or minimise many conflicts. Apart from sanctioning and legitimizing colonial disruptions and atrocities committed against African peoples, the resolve to respect the *uti possidetis* doctrine further deepened the silencing of discussions on borders and simultaneously heightened the importance of state sovereignty and the concomitant international law principle of state territorial jurisdiction. An example of the communities impacted include the Maasai who have found themselves divided by the international border of Kenya and Tanzania. Impacts include disconnection of the various clans of the Indigenous communities under review and the fragmentation of the rangelands on which the clans depend for their traditional livelihood as livestock herders. It is noteworthy that these rangelands also harbor sacred sites where the communities under review would traditionally go to pray and perform other spiritual, ceremonial, and cultural rituals. The dormant volcanic mountain—Oldonyo Lengai (Maasai for “mountain of God”)—is a case in point. Traditionally, the Maasai would climb the mountain for spiritual matters such as praying for rains. Since it is now located in Tanzania, the holy mountain is out of bounds for the Maasai of Kenya, at least without undergoing lengthy permitting requirements, including payments of fees because the mountain is now an iconic tourist destination in northern Tanzania. Further, the divided rangelands comprise shared refuge in terms of strategic grazing lands reserved for use during prolonged droughts or livestock-disease outbreaks. By way of a 15–20-minute presentation followed by extended discussion, this talk will employ interdisciplinary approach to revisit the concepts of territorial jurisdiction, extraterritorial obligations in relation to the spatial limits caused in the enjoyment of human rights by indigenous communities divided by international borders. The Maasai speaking peoples divided by the Tanzanian and Kenyan borders, but who share a cosmology and history that predates colonial experience will be used as a case study.



M

Mussi, Francesca

Rethinking Human Rights Protection in the Context of Sea-Level Rise Affected States:

Contemporary human rights law is built upon an implicit territorial premise: rights are primarily guaranteed by States within defined borders. Yet emerging environmental transformations increasingly challenge this assumption. This is the case, for instance, of low-lying island States threatened by climate-induced sea-level rise, which may ultimately lose their territorial basis. This raises profound questions about where human rights protection takes place and who bears responsibility when the territorial State can no longer function as the primary guarantor of rights.

This contribution examines how international human rights law might be reconceptualized when the spatial anchor of the State erodes or vanishes. It argues that the territorial model embedded in the contemporary human rights regime is not fully equipped to respond to situations in which populations persist while their territory disappears. In such scenarios, individuals risk falling into legal and institutional gaps: they may remain nationals of a State that no longer effectively governs territory, or become displaced into jurisdictions unwilling or unable to assume full human rights obligations toward them.

Building on studies conducted by international bodies on the legal implications of sea-level rise – including the work of the United Nations International Law Commission on “Sea Level Rise in relation to international law” – as well as the jurisprudence of international human rights bodies and tribunals, the paper develops the concept of post-territorial responsibility. Rather than tying obligations primarily to territorial control, this framework emphasizes relational forms of responsibility grounded in governance capacity, functional authority, and transnational interdependence. The analysis focuses on two emerging configurations of protection beyond territory: (1) distributed responsibility of the international community to cooperate with States affected by sea-level rise; and (2) the growing role of international organizations, regional bodies, and non-state actors in filling protection gaps. Through these configurations, the paper explores how human rights obligations might be reallocated or shared when territorial sovereignty is no longer the central organizing principle. It also examines the normative and institutional challenges this shift raises, including questions of jurisdiction and the risk of responsibility fragmentation.

Ultimately, the paper argues that the phenomenon of disappearing states as a consequence of sea-level rise compels a rethinking of the spatial foundations of human rights protection. Rather than viewing territory as the exclusive site where rights “take place,” international human rights



law must increasingly operate across dispersed and overlapping spaces of governance. By articulating a framework for post-territorial responsibility, this study contributes to ongoing debates about how international law can adapt to new spatial realities while preserving the core promise of universal human rights protection.

O

Okeyo, Nelson Otieno; Kenyatta University

Reconciling Core Legal Assumptions in Human Rights and Data Protection Discourses:

The rapid expansion of digital networks and global infrastructure increasingly crosses traditional borders. The expansion creates spatial configurations that challenge established territorial conceptions of human rights law and governance. This paper examines the burgeoning tension between the traditional human rights discourse and the emerging data protection discourse. While human rights discourse is rooted in the assumption of inherent, universal, and holistic personhood centered on human dignity, data protection discourse often adopts a fragmented approach. In the latter, individuals are recognized as ‘data subjects’ capable of rights protection only when they are identifiable through specific technologies, effectively commodifying rights and stripping them of their moral and universal dimensions. The conceptual fragmentation creates data injustices that are particularly acute in cross-border contexts where digital infrastructures elude clear territorial definition. The paper will argue that the shift toward data-driven personhood, often prioritized for business continuity and risk management, undermines the universality of rights and creates a technological dystopia where data handlers can selectively apply rights protections.

Reconciling the discourses is thus necessary to safeguard humanity’s future from abuse and injustice. Fortunately, human rights offer a pathway to reconciliation. The pathway has received notable scholarly attention. However, the efforts to frame data governance through a human rights lens remain fundamentally Eurocentric and overlook critical supply chain dynamics, emerging paradigms of group rights, and learnings on recognition of multiple actor positionalities.

The presentation shall have four sections. Section I of the paper will employ doctrinal research, literature review, comparative study, and case studies to demonstrate the clash of assumptions, emphasize the need for reconciliation, and note reconciliatory trends. Section II will introduce the sphere transgressions framework as the conceptual frame for understanding invisible infrastructures, the clash of the two discourses, and the reconciliation pathways. Section III shall use research outcomes to reconstruct the theory of ‘reconfiguring human rights law’ by revamping it with new legal pathways for reconciliation that account for the dynamics of the supply chain, group rights approaches, and multiple-actor positionalities. Section IV shall



demonstrate how combination of the frames shall: merge legal theory, digital geography, and socio-technical analysis, and reframe human rights accountability in transnational digital networks; offer a policy blueprint against surveillance capitalism and rights commodification; and imagine an ecology of discourses presented in a manner lacking in the recent analyses, such as those by Zuboff and Bygrave.

P

Plotnikova, Elena; Univerisity of Jyväskylä

Environmental and Human Rights Due Diligence: Sensemaking in Small and Medium Enterprises Across the Borders:

The Corporate Sustainability Due Diligence Directive (CSDDD), adopted by the European Union in 2024 and reshaped recently through the Omnibus simplification package, establishes mandatory environmental and human rights due diligence requirements for large companies while excluding Small and Medium Enterprises (SMEs) from its formal scope. Despite not being directly regulated, SMEs, core actors in the EU economy, are deeply integrated into supply chains with larger companies that are subject to the new rules. As a result, they face indirect, market-based pressure to engage in environmental and human rights due diligence (also sustainability due diligence or SDD). At the same time, civil society and consumers increasingly expect all businesses, regardless of size, to operate responsibly. Following the Omnibus voluntary SDD practices become even more central, raising the key question of why and how firms-particularly SMEs-should go beyond what is legally required.

Environmental and human rights due diligence, significantly rooted in Business and Human Rights (BHR), represents a complex and abstract managerial obligation requiring organizational sensemaking (Weick, 1995). BHR scholarship emphasizes that once obligations are formulated, managers must interpret and internalize them to enable implementation (Olsen et al., 2025). However, how human rights responsibilities are understood and enacted within organizations remains underexplored (Goethals et al., 2025; McVey et al., 2023; Obara, 2017; Olsen et al., 2025; Schrempf-Stirling & Van Buren, 2024). Sensemaking is seen as an important step “for businesses and managers to respond to new stimuli, such as new expectations for responsible conduct that emanate from external environment” (Olsen et al., 2025, p.9).

This study examines how SMEs are making sense of environmental and human rights due diligence and how this differs in Finland, France and Germany. Although all three EU members will implement CSDDD, France and Germany have already introduced national sustainability due diligence legislation, unlike Finland. Drawing on qualitative interviews with two groups of SMEs-locally operating firms and firms aiming for internationalization-the research explores how sustainability due diligence is translated into business-relevant language. In particular it



investigates how SMEs make sense of the due diligence processes that require them to consider their potential human rights and environmental impacts abroad.

Preliminary findings from Finland suggest that SMEs struggle to recognize possible environmental and human rights harms linked to their own operations outside the national context. As a result, their understanding of responsibility and accountability remains largely limited to where they operate domestically.

Porčnik, Tanja; Faculty of Law, University of Hamburg

From Conceptualizing Digital Sovereignty to the Protection of Human Rights in a Digital Space:

Human rights are defined and protected by the institutions of a polity. When this institutional framework is disrupted by tectonic changes such as digitalization, the capacity of public actors to safeguard human rights is weakened, and existing institutions often appear inadequate in their defense. In this context, digital sovereignty has emerged in European Union political discourse as a potential response aimed at preserving a liberal model of polity and safeguarding fundamental rights (Christakis 2020). However, digital sovereignty remains an unsettled concept, primarily due to the absence of a stable definition (German Presidency of the Council of the European Union 2020), resulting in divergent interpretations in political and academic discourse (Lambach & Oppermann 2022; Glasze et al. 2023).

Across global regulatory and legal applications of digital sovereignty, this article identifies two clusters of objectives: first, the protection of the values and norms underpinning political orders, including human rights, the rule of law, and democratic accountability; and second, the framing of digital infrastructures as strategic resources essential for economic resilience, geopolitical autonomy, and long-term competitiveness.

Crucially, digital sovereignty extends beyond territorial jurisdiction, operating also through infrastructural control, data extraction, and algorithmic governance (DeNardis 2014; Cohen 2019). Jurisdiction in digital space is therefore not solely territorially grounded but also constituted through organic, material, and functional criteria.

This article contributes conceptual clarity by developing a theoretical framework that structures political actors and their relations within digital space. I conceptualize digital sovereignty with relations among three categories of actors—public institutions, individuals, and non-state actors—embedded in a dynamic process combining two dimensions of sovereignty: sovereignty as constituent power shaping constitutional order (*potestas*), and sovereignty as command authority within that order.

Within this theoretical framework, jurisdiction is no longer exclusively tied to the Westphalian territorial model but is instead defined through infrastructural spaces such as cloud computing systems, algorithmic infrastructures, global platforms, and transnational data flows. Within



these spaces, actors exercise original or derived forms of digital sovereignty as an extension of traditional sovereignty.

This conceptualization enables the construction of a system of relations of authority and immunities among digital actors that is anchored in constitutional principles equivalent to those in physical political orders. In constitutional democracies, these relations are grounded in human rights relating to autonomy, independence, and control over digital technologies and content, emphasizing human dignity, liberty, equality, and popular sovereignty.

Ultimately, digital sovereignty is conceptualized not merely as a geopolitical claim over infrastructures and data flows, but as a normative-legal project of embedding digital governance within constitutional order. Developed theoretical framework provides a tool for evaluating EU regulatory approaches that link technological capacity-building, market integration, and innovation with the protection of fundamental rights, the rule of law, and democratic governance.

Alessia, Preti; University of Bologna (UNIBO)

Localisign Human Rights Monitoring:

International human rights that States commit to respect, protect and fulfil often take place at the local level. In fields such as education, housing, health or the environment, it is frequently local governments (LGs), rather than the central State, that shape human rights situations on the ground. Across different constitutional architectures, LGs exercise relevant domestic powers and competences, an aspect strengthened by decentralization trends. By virtue of their closeness to the populations they govern, LGs are best placed to design and share human rights responses that are locally grounded and responsive to the specific needs of their communities.

However, international human rights law monitoring mechanisms, mandated with ensuring human rights accountability and improving human rights compliance, are built around the nation-State as the primary unit of engagement, leaving LGs largely at the margins. At the United Nations level interest is now growing in creating a space for LGs within monitoring mechanisms and ensuring that monitoring processes can reach the local level. The object of the presentation will be to address the opportunities and challenges that emerge in relation to such ‘localisation’ of human rights monitoring, taking the Universal Periodic Review (UPR) of the Human Rights Council as a case study by reason of its comparatively high level of accessibility for all relevant stakeholders.

The presentation will proceed as follows. A first section provides an overview of the context of the analysis: examining the ways LGs engage in the domestic realization of human rights, as well as the functioning of monitoring in the form of the UPR, and identifying the two converging trends at the basis of the growing interest for the involvement of LGs in human rights mechanisms, namely the shifting focus of monitoring from the State to domestic human



rights actors in a quest for effectiveness and the emergence of LGs as human rights actors. Then, a further section will examine the current levels and forms of engagement of LGs in the UPR, considering in particular practice emerging from the fourth cycle of the review. Building on the analysis of the current practice, the presentation will also look at alternative forms of engagement that are visible in regimes close to the human rights one. The presentation will conclude by reflecting on the localisation of monitoring as an opportunity to broaden the localisation of the human rights regime itself: through the creation of spaces for local practices to emerge and shape measures and standards of implementation.

R

Raible, Lea; University of Glasgow

Power over Space: How Extraterritoriality Structures Human Rights Law:

The call identifies the territorial framing of international human rights law. In this paper I want to explain (1) how this territorial framing operates to shape human rights law, (2) why the framing has conservative and exclusionary consequences, (3) that shifting the debate from territory to power has more emancipatory potential, but is not a guarantee for this emancipation to materialise, and (4) that the real question of extraterritoriality is about the very function of human rights. I use human rights obligations relating to GHG emissions as an example to illustrate the argument.

Extraterritoriality structures international human rights law in two ways. First, it draws the focus to territory as an ordering force, treating territory as a fact rather than a juridical construct. Second, the notion of extraterritoriality implies that territoriality is the norm and extraterritoriality is not, constructing an implicit baseline. This structuring has two consequences:

- ➔ The concept of extraterritoriality is conservative. It reinforces the status quo because it restricts potential responsibility and entrenches international human rights law's limited emancipatory force.
- ➔ The concept of extraterritoriality is exclusionary. Its focus on territory places it in a context of colonial continuities. The obligations it excludes would usually benefit those who are most vulnerable because of these continuities.

The conceptual root of these consequences is that extraterritoriality as a principle and doctrine in human rights law confuses territory as space with power. What matters is not space, but the institutions that exercise power and make decisions that affect individuals and communities. This shift in understanding moves the debate away from space towards theories of power. The nature of international human rights law and the values that are traceable in it suggest political



power in a strict sense as a foundation. But – like notions of territory – it makes extraterritoriality conservative and exclusionary in its result because it requires power over the right-holder. Applied to GHG emissions, this account cannot generate human rights obligations towards victims of climate harms abroad.

Other theories of power would be more transformative. Structural accounts of responsibility and justice, or those inspired by political economy promise more progressive and inclusive outcomes but would significantly change the normative scope of human rights law. These theories of power would allow a conclusion that power over structures or sources of harm could ground human rights obligations towards those who experience the harm regardless of where they might be. So understood GHG emissions could ground human rights obligations across borders.

Giving up territory as space and confronting power uncovers that the real question about extraterritoriality is what human rights ought to do in a connected world.

Rau, Sabrina; FAU Erlangen Nürnberg

Conceptualising AI-Facilitated Human Rights Harm: Towards a Typology:

International human rights law constructs harm as something that happens somewhere, to an identifiable person, caused by an identifiable act, in a jurisdiction. This spatial logic underpins not only the attribution of responsibility but the entire architecture of remedy: you cannot remedy what you cannot locate. This contribution argues that ‘AI-enabled human rights harm’ exposes the limits of that spatial logic and, in doing so, reveals structural gaps in existing remedy frameworks under international human rights law (IHRL).

Drawing on my doctoral research examining the appropriateness of company-based grievance mechanisms (CBGMs) as instruments of effective remedy for AI-enabled harm under international human rights law, I identify a foundational tension: the right to effective remedy under IHRL (anchored in Article 2(3) ICCPR, Article 13 ECHR, and UN HRC General Comment 31) presupposes a harm that is discrete, attributable, and temporally bounded. AI-enabled harms frequently are none of these things. They are distributed across systems rather than acts; they aggregate across populations rather than attaching to individual rightsholders; they may be invisible to those they affect; and the decision-producing behaviour of the system may shift over time, destabilising the evidentiary basis for any remedy claim.

This matters especially for pathways to effective remedy. CBGMs have proliferated in the technology sector as a first-response mechanism for AI-related complaints. I argue that when the harm is collective or systemic, when it is produced by the logic of an evolving system rather than a discrete decision, CBGMs cannot satisfy what effective remedy under IHRL actually requires: not merely reparative content for the individual, group of society, but accountability directed at the harm-producing actor. The corporate actor cannot deliver accountability for



systemic harm to itself. Where the traditional spatial conditions for remedy recognition are absent, the existing IHRL framework offers little adequate substitute and guidance.

The third chapter of my thesis proposes five analytical dimensions: (1) identifiability of the rightsholder, (2) identifiability of the harm-causing behaviour, (3) scale and aggregation of harm, (4) visibility to the affected party, and (4) reversibility. It works as a framework for mapping the gaps between where AI-enabled harm takes place and where IHRL can reach it when it comes to effective remedies and grievance mechanisms. This mapping through the dimensions, I argue, is a precondition to thinking about the existing gaps in IHRL frameworks and pathways to effective remedies for affected rightsholders of AI enabled human rights harm.

S

Schliehe, Anna; Universität Bonn (GIUB)

From the inside, looking out: perspectives on the uneven geographies of rights and justice from prison:

Considering the vast numbers of research outputs engaging with human rights, prisons might not one of the crucial spaces that come to mind. However, a human rights lens has long featured in prison research to engage with prison conditions (Van Zyl Smit & Dünkel 2001; van Zyl Smit 2006; Van Zyl Smit & Appleton 2019; among others) as well as political regimes in which prisons are paramount to the security infrastructure of the state (Drake et al 2021, particularly Wacquant 2021). While prisons and similar carceral spaces are firmly ‘set’ within the law, in practice they also routinely trespass, limit and contest human rights frameworks as well as national laws that detail their judicial settings. At a time where we see an unprecedented rise with the prison population, exceeding 11 million people globally according to World Prison Brief [WPB] (2024), we need to firmly include prisons as sites of visible legal and political decision making as well as opaque and unclear sites of rights-infringements. We thus need to ask critical questions about ‘rights’ to analyse the political logics behind incarceration as it is designed, made (in)visible, (im)mobilized, experienced, and/or resisted. Many of these questions circulate around the fact that ‘borders and prisons – walls and cages – are a sign of global crises’ (Loyd, J. M., Mitchelson, M. and Burrridge 2012, 1). In this paper, I therefore want to “think with and through” the space(s) of imprisonment and set the scene with regards to the harms they produce while supposedly making our societies more ‘just’ and more ‘safe’. In this vein, I also aim to take into view their opaque territorial position: while clearly bounded and set within distinct systems of law, they clearly elude the individual judicial spaces in which they are set. Finally I want to report from inside these spaces by highlighting some prisoners’ voices with regards to their view on ‘rights’, ‘harms’ and ‘justice’.



Titz, Alexandra; FAU Erlangen Nürnberg

Fundamental human rights in the context of disasters – technoscientific knowledge versus lived experience in the daily lives of internally displaced persons (IDPs) in urban areas of Nepal:

Disaster displacement risk, and the specific needs of displaced people, are widely recognized as a key humanitarian, human rights and development challenge in several global policy frameworks, as for example the Agenda for Humanity, the New York Declaration for Refugees and Migrants, and the Human Rights Council.

This paper is based on qualitative fieldwork with internally displaced persons (IDPs) who migrated to the Kathmandu Valley after the 2015 earthquake. These IDPs lived in makeshift settlements on vacant lots in the Kathmandu Valley for years, often without formal assistance. This paper uses this urban post-disaster setting to shed light on important spatial issues in contemporary human rights discussions.

Firstly, it highlights the limitations of territorial jurisdiction, while also pointing to extraterritorial obligations and interconnected forms of power. In Nepal, rights to reconstruction aid and housing were organised on the basis of place of origin: eligibility and disbursement were tied to proof of ownership and damage assessments at the place of origin. Those in need of shelter in Kathmandu were not covered by the territorial grid of municipal jurisdictions. At the same time, translocal funding and governance logics (ministries, municipalities, international organisations, and donor states) structured access to services. These arrangements generated a 'topology of rights' in which responsibilities circulated along databases, programme criteria and infrastructural connectivity — with extraterritorial effects, insofar as decisions and logics beyond Nepal shaped the realisation of rights on the ground.

Secondly, we can observe the spatial reconfiguration of responsibility and accountability. Visible sites of legal and political decision-making, such as city halls, courts and NGO offices, have given way to inconspicuous infrastructures and technologies, such as beneficiary lists, land registries and citizen registries. Inclusion and exclusion now take place at 'data borders' and distribution nodes. Responsibility was delegated or diffused along these material-digital interfaces between municipal service providers, security authorities, aid programmes and residents. Consequently, traditional attributions of liability have shifted from clear territorial chains of authority to networked geographies of responsibility.

Thirdly, the case study links issues of migration, internal borders and unequal geographies of protection and vulnerability. Although no national borders were crossed, registration regimes, residency requirements and property boundaries created effective demarcations, resulting in unequal access to protection and legal recognition.



T

Trumble, Ruth; Hofstra University

Unsettling Territory: UXO Landscapes and Human Rights Responsibility:

Through the case of decades-old unexploded ordnance (UXO) contamination in post-conflict environments, this working paper examines how human rights and responsibility are spatially configured in landscapes where harm exceeds politically constructed borders and jurisdictions. Drawing on critical human geography (Smith 2000; Gregory 1994, 2004; Hyndman 2001, 2004; Mountz 2010) and Stuart Elden's understanding of territory as a political technology (2013), I examine human rights as spatially differentiated and relationally produced frameworks that emerge through material, infrastructural, and environmental conditions. I argue that UXO landscapes reveal the limitations of territorially bound approaches to responsibility and call for a more relational and multi-scalar understanding of accountability for explosive remnants of war.

International humanitarian law—most notably the 1997 Mine Ban Treaty (Ottawa Treaty)—attempted to stabilize responsibility through the universal prohibition of anti-personnel (AP) landmines. Framed as inherently indiscriminate weapons and unquestionable violations of human rights, AP mines became the object of a regime that anchored accountability to sovereign states. Through mapping, demarcation, and certification practices, clearance regimes aim to render contaminated land legible and ultimately “safe.” Yet the apparent clarity of legal prohibition masks significant spatial and material ambiguities. While the Treaty focuses specifically on AP landmines, many explosive remnants of war—including unexploded cluster munitions—function in practice as de facto anti-personnel weapons (Nixon 2007).

Territory operates here as a political technology through which responsibility is territorialized, administered, and made governable. While clearance regimes rely on cartographic and bureaucratic forms of certainty that presume harms can be contained, UXO contamination routinely exceeds both physical borders (such as rivers and shifting landscapes) and constructed political boundaries. Clearance efforts, meanwhile, depend upon global donor networks, technical standards, digital mapping infrastructures, and humanitarian labor regimes (Pardo Pedraza and Fontanilla 2023). The spatial origins of harm and the spatial allocation of responsibility rarely coincide. Recent withdrawals from the Ottawa Treaty by several European states further expose tensions between human rights commitments and the geopolitical logics of territorial security.

UXO landscapes—whether contemporary, as in Ukraine, or in recent history, as in Laos and Bosnia-Herzegovina—therefore provide a productive lens through which to reconsider where



and how human rights “take place.” These landscapes demonstrate how rights and harms are produced through transnational infrastructures, environmentally dynamic terrains, and uneven political geographies that cannot be fully understood through fixed territorial frameworks alone. In this context, a human rights approach attentive to spatial relationality could redistribute responsibility for their long-term removal and remediation across the actors, institutions, and infrastructures through which these harms persist.