



Project no. CIT1-CT-2004-506392

NEWGOV **New Modes of Governance**

Integrated Project
Priority 7 – Citizens and Governance in the Knowledge-based Society

Workshop “Law in New Governance”
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Organisation name of lead contractor for this deliverable:
European University Institute, Grainne de Burca

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| Dissemination Level | | |
| PU | Public | X |
| PP | Restricted to other programme participants (including the Commission Services) | |
| RE | Restricted to a group specified by the consortium (including the Commission Services) | |
| CO | Confidential, only for members of the consortium (including the Commission Services) | |

Summary

The aim of Legal Task Force Ia is to provide an analysis for the NEWGOV project as a whole of the implications for law and legal and constitutional values of the development of new modes of governance in the EU and to explain the relevance of law and legal institutions for the operation of these new modes. It is within this framework that the present conference was organised to discuss and develop the earlier findings of the Law Task Force on the relationship between law and new governance. The conference took place in London, 30-31 May, 2006. The papers presented during the conference are currently under revision in the light of the discussions held; and negotiations are underway for their publication in a journal special issue.

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1. Main issues discussed

This conference was organised to discuss and develop the earlier findings of the Law Task Force (see the previous deliverables) on the relationship between law and new governance. The conference began by devoting the first day to more general conceptual questions concerning the shifting relationship between law and new governance, and the second to exploring their interaction in the practice of a number of distinct policy sectors.

Among the highlights of the conference were the crossdisciplinary character of the discussions, as well as insights from US scholars engaged in similar research (into the character of new regulatory and governance forms) both within Europe and the US. Interaction with participants from other parts and clusters of the NEWGOV project offered constructive and fruitful debates for all concerned.

2. Next steps

The papers presented during the conference are currently under revision in the light of the discussions held; and negotiations are underway for their publication in a journal special issue.

As far as next steps are concerned, given that funding of the LTF Ia is exhausted, other ways of continuing scholarly collaboration and research were discussed. Agreement was reached that resources should be pooled so as to allow for the continuation of fruitful discussion. Regarding the substance of the research, during the concluding roundtable of the conference a long discussion ensued on the interaction of theory and practice and the identification of one or other as a focal point for future work. It was agreed that both dimensions are crucial to the usefulness of any research, and that an appropriate balance between the two should be struck. It was noted that the work of PhD students in the field was likely to provide a rich source of empirical and analytical research.

3. Programme

26 May 2006, Friday, Day 1

Room SR1

09:00 – 09:15

Introduction and Welcome

by Gráinne de Búrca, Legal Task Force and Joanne Scott, University College London

09:15 – 11:00

Part I: Conceptualizing Law and Governance

(a) Law as Reflexivity and Universalizability

Gráinne de Búrca and Neil Walker (Legal Task Force, European University Institute), (20 mins)

Commentator: Renaud Dehousse (Science Po Paris) (10 mins)

(b) The Coexistence of Law and “New” Governance

Dave Trubek and Louise Trubek (Legal Task Force, University of Wisconsin-Madison) (20 mins)

Commentator: Joxerramon Bengoetxea (International Institute for the Sociology of Law in Oñate, Basque Country) (10 mins)

Discussion (45 mins)

11:00 – 11:15

Coffee Break

Keeton Room

11:15 – 13:00

(c) Functions of Law in Governance

Law as Non-Hierarchy

Paper 1: Chuck Sabel (Columbia Law School) and Jonathan Zeitlin (University of Wisconsin-Madison) Learning from Difference: The New Architecture of Experimentalist Governance in the EU (20 mins)

Paper 2: Adrienne Héritier (NEWGOV Scientific Director, European University Institute), New Modes of Governance in the Shadow of Hierarchy (20 mins)

Commentator: Bill Simon (Columbia Law School) (15 mins)

Discussion (50 mins)

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|---------------|---|--------------------|
| 13:00 – 14:30 | Lunch Break | Keeton Room |
| 14:30 – 15:10 | <i>Law and Citizenship/Participation</i> Stijn Smismans (Legal Task Force, University of Trento) (20 mins) Commentators: Richard Bellamy (NEWGOV Democracy Task Force, University College London) and Daniela Obradovic (NEWGOV project leader on “Democratisation/Participation of Civil Society in New Modes of Governance”, University of Amsterdam) (10 mins each)) | |
| 15:10 – 15:40 | <i>Accountability and the role of courts</i> Joanne Scott (Legal Task Force, University College London) and Susan Sturm (Columbia Law School) (20 mins) Commentator: Damian Chalmers (London School of Economics) (10 mins) | |
| 15:40 – 16:30 | Discussion (50 mins) | |
| 17:00 | End of first day | |
| 19.00 | Conference Dinner | |

27 May 2006, Saturday, Day 2

Room SR1

- 09:30 – 12:30 **Part II: Law and Governance in Action – Sectoral Themes**
Economic Coordination
Imelda Maher (Legal Task Force, University College Dublin) (20 mins)
Waltraud Schelkle (NEWGOV Project ECONPOL leader, London School of Economics) (20 mins)
Employment and Social Inclusion
Claire Kilpatrick (Legal Task Force, Emmanuel College, Cambridge) and Kenneth Armstrong (Legal Task Force, Queen Mary, University of London) (20 mins)
- 10.30 am – 10.50 Coffee break **Keeton Room**
- 10.50 – 12.30
Health
Tamara Hervey (Legal Task Force, University of Nottingham) (20 mins)

Commentators: Ioannis Lianos (London School of Economics) and Diamond Ashiagbor (University College London) (10 mins each)

Discussion (one hour)
- 12:30 – 14:00 Lunch Break **Keeton Room**
- 14:00 – 15:30 **Roundtable on Law in the NEWGOV Project, and Future Directions**
Chair: Gráinne de Búrca, Legal Task Force
Roundtable: Joanne Scott (Legal Task Force, University College London), Adrienne Héritier (NEWGOV Scientific Director, European University Institute), Neil Walker (Legal Task Force, European University Institute), Dave Trubek (Legal Task Force, University of Wisconsin-Madison)
- 15:30 – 16:00 Discussion and Conclusions

4. List of Participants

1. Gráinne de Búrca, Legal Task Force Leader, European University Institute
2. Despina Chatzimanoli, Legal Task Force Research Assistant, European University Institute
3. Kenneth Armstrong, Queen Mary, University of London
4. Diamond Ashiagbor, University College London
5. Richard Bellamy, University College London
6. Joxerramon Bengoetxea, International Institute for the Sociology of Law in Oñate, Basque Country
7. Damian Chalmers, London School of Economics
8. Renaud Dehousse, Science Po, Paris
9. Adrienne Héritier, NEWGOV Scientific Director, European University Institute
10. Tamara Hervey, University of Nottingham
11. Claire Kilpatrick, Emmanuel College, Cambridge
12. Ioannis Lianos, University College London
13. Imelda Maher, University College Dublin
14. Daniela Obradovic, University of Amsterdam
15. Chuck Sabel, Columbia Law School
16. Waltraud Schelkle, London School of Economics
17. Joanne Scott, University College London
18. Bill Simon, Columbia Law School
19. Stijn Smismans, University of Trento
20. Susan Sturm, Columbia Law School
21. Dave Trubek, University of Wisconsin-Madison
22. Louise Trubek, University of Wisconsin-Madison
23. Neil Walker, European University Institute
24. Jonathan Zeitlin, University of Wisconsin-Madison

25. Beate Braams, University of Jena
26. Sandra Eckert, European University Institute
27. Lucinda Miller, University College London
28. Bettina Lange, Keele University
29. Nafsika Alexiadou, Keele University
30. Patrycja Dabrowska, European University Institute
31. Eimear Farrell, Research Assistant to former EU Commissioner David Byrne, Ireland

32. Deborah Mabbett, Birkbeck College, University of London

33. Katerina Sideri, University of Exeter

34. Katie Young, Harvard University

35. Matthew Jennejohn, Shearman & Sterling, London