



Launching the European Joint Doctorate in Law and Development (EDOLAD)

Land and Law

21- 23 January 2015 Edinburgh

Background: The pressure on land use and land access is one of the most pressing global challenges to peace, sustainability and justice of the twenty-first century. Land has become a global resource and as the competition for land increases – driven by the demand of world population growth, changing diets and increasing demands for energy, as climate change diminishes the stock of available fertile land – this competition will become only more urgent, driving conflict and further undermining development efforts. More than 40 million hectares of land have changed hands in recent years in transnational investment deals.¹ Millions of people have already lost access to land and thus to their means of survival; companies are investing in ongoing exploitation strategies; speculation with land prices is driving people from their homes, and ecologies and local livelihoods are threatened with extinction.

The pressure on land poses a profound test to governance structures at all levels – local, regional, national and global – and law plays a complex role in enabling both the transnational exploitation of land, as well as providing possibilities of resistance and of empowerment. In the last 50 years of rule of law reform, tremendous efforts have been made to rationalize land law and install private property rights throughout the world in order to ensure individual ownership rights, promote investment and thus support economic growth. Yet these efforts have failed to provide sustainable futures for the billions of people who rely upon access to land for their survival.

Land exists within a legal framework. Defining a space as place is a legal process. Law is central to creating sustainable patterns of law ownership and use. How should we understand the role of law in the face of irreconcilable competing needs? How can we ensure that legal frameworks enable just, sustainable and fair outcomes within the context of the global market in which land has become just another commodity? How can law facilitate the recognition of the sociological complexity of land, its powerful connection to identity as well as political standing and voice? By re-thinking the relationship of law to land, can we reform legal frameworks in a way that promote sustainable and fair land usage? What role is there for law in settling disputes in high pressure situations, whilst ensuring the protection of the vulnerable? How can law work best to minimize conflicts over land, or is the wrong question? How can law promote the inclusion of the marginalized? What does it mean to speak of 'law' in the context of legal plurality and competing normative orders within the pressure cooker of global competition for resources?

The urgent nature of the challenges makes clear the need for new research agendas that prioritise the relationship between land and law. These agendas must be shaped by lessons from practice and informed critical debate, in which many voices are heard. This conference aims to be a step in the process of setting this new agenda by bringing actors together to share their knowledge and experience, to identify the most pressing challenges for law and development research on land in the context of globalization.

¹ <http://www.landmatrix.org/en/get-the-idea/web-transnational-deals/>



Format: The aim of the conference is to stimulate dialogue between practitioners and academics. In order to build a research agenda that contributes towards addressing the needs of current and future generations, we need not only to identify the most pressing challenges to land and to brainstorm about the role of law in enabling the exploitation of land, in defining our relationship to land and in re-thinking how law can achieve the goals we set for it; but also to identify the knowledge gaps that, if plugged, could make a difference.

To this end, key themes have been selected in consultation with stakeholders and form the subject of panel sessions. Invited speakers are asked to develop a short presentation of no more than 15 minutes, in which they focus on one pressing challenge in relation to land use or access, identify one knowledge gap in relation to law and land, and formulate a question to be discussed in the break-out group sessions. These sessions will be used to build the beginnings of a future research agenda.