# Third conference of the Law and Development Research Network: INTERFACES
## Leiden University, the Netherlands, 19-21 September 2018

**CALL FOR PANELS/PAPERS/WORKING GROUPS**

The Third annual conference of the Law and Development Research Network (LDRN) will take place in Leiden. Just as at the conferences in Oostende and Antwerp, we intend to bring together researchers from the Global South and North who are interested in law and development.

The conference aims in particular to look at the **role of law in addressing problems of development and governance.** The key problems of development with which we are concerned are insecurity, poverty, inequality, disease, illiteracy, environmental degradation, social oppression, cultural alienation. In terms of governance, we look at issues such as failing states, authoritarianism, public mismanagement, corruption, and legal uncertainty. Such problems are even more complex in fragile and conflict-affected settings where state institutions are not able to provide justice and security to their citizens and where non-state actors may - take over these functions.

The conference is meant to create synergy between the different partners within the network and beyond. It is open to participants from partner institutions as well as other interested academics and practitioners. It is meant to inspire, to meet, discuss and develop research and solutions.

**About the Law and Development Research Network:**

The LDRN seeks to enhance knowledge and understanding of the role of law, both domestic and international, in relation to development and governance, as perceived globally and locally, and is therefore concerned with the social functioning of legal systems primarily in the context of countries in the Global South. Actually the term 'development' has mostly been applied to the Global South. However, there is a growing consciousness of its relevance for all countries. This is also the scope of the UN's 2015 Sustainable Development Goals.

The network envisages that the LDRN community will engage in fruitful discussions from both mainstream and critical perspectives on the role of law in development. The LDRN was launched at the Law and Development Conference at the University of Antwerp in September 2017 by the partner institutions. For more information, have a look at https://lawdev.org/. The LDRN is a flexible meeting place where academic concerns meet social and political concerns, and where North and South meet each other. The participants have different perspectives and academic backgrounds, in law, social sciences, and other. Their shared interest in law and development has led to the creation of the network, its conferences and PhD courses.

**Theme: 'Interfaces'**

Law and Development is a broad field; –David Kennedy once referred to it as Law**s** and Development**s**. Here, black letter law meets social science, human rights scholarship meets political economy, legal anthropology meets international law, and so on. In science new and interesting developments often take shape at the interface of different disciplines. We are interested to learn about the problems related to this interdisciplinarity. The LDRN 2018 will pay particular attention to the following interfaces:

*Where legal development meets access to justice.*

Legal rules are supposedly shaped, interpreted and applied in interactions between legislatures, judiciaries, government institutions, lawyers, legal education and research, at local, regional, national and international levels. But to what extent do these legal rules provide 'access to justice'? Research has demonstrated that this depends on power relations, economic resources, social capital.

*Where domestic policy, law and practice meet international assistance.*

In international development assistance, numerous programs and projects are conducted in the fields of law and justice. How well are such projects connected to the existing legal system and expertise within their social context? Do they have a solid knowledge base, or is there in Carothers' words a serious 'problem of knowledge'? If so, how to overcome or at least mitigate such a problem?

*Where state meets market and community-based organisation.*

Since the 1950s state, market and community-based organisation have, in alternating ways, been regarded as the prime movers of development. When the emphasis changed in the 1980s from the state to the market and to community-based organisation, development policies tended to promote/adopt? a paradigmatic consensus: any given development problem could be approached by an adequate mix of state, market and CBOs. As a consequence, combinations of administrative law, private law and 'local laws' could be employed to tackle development issues. What are the current trends in this field?

*Where state-based law meets non-state-based law*

Legal and normative pluralism has a reality on the ground. Notably in remote areas and in fragile contexts, laws and legal institutions may have little impact locally. This raises questions whether other norms, authorities and practices can provide order and settle disputes, based on custom, religion, or other sources, and how they interact with state law.

*Where practice meets theory.*

We invite law & development practitioners to share their actual questions and dilemmas at the conference, and discuss them freely with academics of different backgrounds. In fact, we would like to organize some panels as 'working groups' which seek and discuss the best possible solutions for very real and 'wicked' problems.

**Example of a working group:**

**How to improve law-making processes and their outcomes through legal assistance?**

It is common that development agencies provide legal assistance to government institutions for legislative drafting. While the approaches vary, often this support consists in hiring a foreign or national expert in the topic to be legislated, whom in a couple of weeks quickly drafts the needed legislation based on some inputs of a few members of that government institution.

Many people criticize this approach saying that it results in copy-pasted laws, with little or no acknowledgement of local specificities both in terms of content and implementation, and with questionable democratic legitimacy. Others say that, taking into consideration time and budget constraints of the government and donor agencies, low institutional capacity of national institutions to provide expertise on the matter, and lack of interest of politicians to debate the details of legislation, this approach is often the only possible one under the circumstances.

Between these two opposite views there is maybe some room for improvement. For instance, would change the outcome if the legal support was conditional to at least a few sessions of public consultation? Would the legislative drafting improve if, as part of the assistance, a public report of the drafting process was compiled and published? In this working group we want share academic theory, experiences, views, and suggestions for improving legal assistance in law-making processes. At the end of the session we hope to have compiled ideas and suggestions that can be shared with development agencies and inform new legal assistance projects.

## CALL FOR CONTRIBUTIONS

The conference intends to have plenary sessions where issues of shared interests will be discussed as well as parallel panel sessions/working groups where there is more space for in-depth exchanges and debate. Each of the 12 to 16 parallel panel sessions/working groups is to be preceded by a general plenary where the speaker introduces and connects the content of the session.

We invite people to come up with proposals for panel sessions that fall within the description above. Each panel session will consist of 3 to 4 papers. Panel proposals can be submitted as complete panels or as open ones. People can also submit paper proposals that fit within the general topic of law and development. We will try to accommodate papers in one of the panels.

We also invite people to submit proposals for the organization of working groups that address practical problems. In these working groups the moderator will make a brief introduction of the problem that is going to be analysed, and propose some initial ideas and comments. Participants are invited to add to the description of the problem, propose new ideas and debate proposed ones. Please see the box above for an example of such a problem.

Each proposal should consist of a short abstract (300 words max.). The deadline for proposals for individual papers, panels and working groups is **February 20, 2018.** Please send your proposals to: vollenhoven@law.leidenuniv.nl

For those who are interested: the conference website will be launched soon and be accessible through the network's website https://lawdev.org/.

Trying to reach out to a broad audience, we must apologise in advance for possible cross-posting.

**About us:**

This conference is organised by one of the founding members of the LDRN: the Van Vollenhoven Institute for Law, Governance & Society (VVI). The VVI is part of the Leiden Law School in Leiden, the Netherlands.

The VVI seeks to advance knowledge of the formation and functioning of legal systems in their social contexts, the impact of these systems on society and vice versa, their effectiveness in governance, and their contribution to development.

The Institute adopts a socio-legal and global approach, doing research on law in the books and law in action in Asia, Africa, the Middle East, Europe and North America. VVI staff teaches several socio-legal thematic and regional courses for both Dutch and foreign exchange students. In addition, VVI provides PhD supervision, advisory services and training courses to policy makers and practitioners.