Abstract

This project addresses the critical issue of access to land and land reform in the Southern African Development Community (SADC) countries. It recognises the critical importance of land and its centrality in promoting wellbeing in local contexts. Scholars at Edinburgh, Botswana, Zimbabwe and Malawi universities will explore the impact of current land tenure systems on livelihoods and the extent to which proposed land reforms underpin processes of continuity, transformation and change. We investigate how land regulation contributes to development in accordance with international standards of human rights and poverty reduction. We:

* compare law’s role in land reform and access to justice in the region;
* create a framework for building and sustaining local scholarship capacity;
* publish joint results in academic and public journals and media with local and international dissemination;
* create a regional database on land regulation that can be expanded and enhanced by ongoing research by academics, NGOs, and others.

Research Project

The project examines the critical importance of land in Southern Africa where land reform is currently on the agenda in accord with international, regional and national debates on economic, social, ecological/environmental planning, development and sustainability. A key resource for family livelihoods at the local level, land has generated much deliberation in the broader context of nation building and development. Its multi-dimensional nature, engaging with global and local domains, involves law as an important regulatory agent. Recently recognised as one of the four pillars of legal empowerment, land enters not only into questions of material deprivation but also of political marginalisation due to a lack of access to justice. Within Africa, rights to land have always been contested, fuelled by changes in demography, the mobility and density of populations and economic development. We will collate data on land reform from current and draft legislation and existing case studies to create a new regional database. These data are essential for critically assessing international land reform initiatives that often ignore southern perspectives in this process. Its creation will mark the start of a process of research capacity building that will develop with the aim of creating future research collaboration. By taking account of traditional or informal systems involving customary law (oral, unwritten law) we will add multiple dimensions of the regulatory structure of land administration missing from current disputes over land tenure, 80% of which are adjudicated by customary courts in Southern Africa. By integrating discussions of formal (statutory) and informal (customary) law we will provide a much needed, more concrete and holistic understanding of all the elements that are at stake in this process of land regulation.

We employ an innovative, interdisciplinary approach drawing on the fields of socio-legal studies and legal anthropology. Such an approach acknowledges

multi-dimensional aspects of land, from the territorial and geo-spatial, to the social and political elements, all of which involve law. This approach draws on our differing forms of expertise, building on existing strengths and research interests, and also creates a new framework for engaging in collaborative research in Southern Africa. By comparing and evaluating current land tenure systems and land reforms to gain a regional perspective, as well as developing much needed empirical research, we will provide a database for the region, managed by Edinburgh and Zimbabwe, for informing policy makers, law reform initiatives and international agencies on land tenure issues. Senior personnel will interview Ministry and Land officials and supervise juniors who will examine Tribal, State, Town statutes, archives, and case records. By addressing current debates on land from a variety of perspectives, we draw upon and develop research expertise through the collective engagement of senior and emerging scholars at the participating institutions. This will be done through research workshops that will contribute to the development of a collaborative research agenda as well as teaching and knowledge exchange among the institutions. This will lead to joint publications with significant academic and policy-oriented impacts that, along with the on-line database, will make an important ongoing contribution to building research and publishing capacity among the institutions across the region.