

<b>Institution: Anglia Ruskin</b>
<b>Unit of Assessment: Law UoA20</b>
<b>Title of case study: 'I'll fight you for it': land rights and disputes as a global issue</b>
<p><b>1. Summary of the impact</b></p> <p>With national and international impact, Home's research on land titling and Islamic land law has helped develop donor aid policy, through UN-Habitat initiatives on post-disaster issues and Islamic land law, and World Bank initiatives on the rule of law in Africa. Impacts of his research within the UK include his contribution to the UK Government's Foresight Land Use Futures Project (2010), and to current policy discussions on future new housing provision. The case study title comes from a well-known story illustrating the legally dubious origins of land ownership in land-grabbing.</p>
<p><b>2. Underpinning research</b></p> <p>Home, Professor of Land Management, has worked at Anglia Ruskin University from 2002 to the present, where he has developed research on land ownership and titling in the UK and other countries (especially Africa and the Middle East).</p> <p>He was principal investigator for a research project (£220k) funded by the UK Department for International Development (DfID) in 2001-2004. This investigated Hernando de Soto's linkage of land titling and Third World poverty reduction, through interviews with occupiers of informal settlements in three country case studies (Botswana, Trinidad and Zambia). The research found that the benefits of formal land titling programmes for the poor in Third World countries were fewer than expected, and the costs greater. The project outcomes were published in a book, <i>Demystifying the Mystery of Capital</i> (2004, ref.1 below). This research resulted in a consultancy on post-disaster land policy issues (2006-8, see section 4 below), and field research in South Africa and Kenya (contributing to Home's REF2 outputs 1, 2 &amp; 3). His research from archival and other sources found that colonial land laws still significantly influence land tenure and urban governance in African countries, inhibiting land law reforms.</p> <p>Home's research on development land assembly and land ownership involved both UK and transnational research on legal instruments for land assembly. His article on UK land ownership (2009, ref.4 below), while recognizing the fragmented and limited data available on land ownership, summarised the broad changes in land ownership during the past century, and addressed some critical emerging issues, such as environmental protection, risk assessment, and housing land supply, identifying some future directions for land ownership and the role of the state.</p> <p>Comparative research on land readjustment as a tool for development site assembly (ref.3 below) drew Home into the history of land titling in the Middle East, and resulted in his 2007 Pakistan earthquake consultancy discussed in section 4 below. The published outputs included a historical study of colonial and postcolonial land law in Israel/Palestine' in <i>Social &amp; Legal Studies</i> journal. A joint article with PhD student (Haitam Suleiman) (2010, ref.2 below) examines the large-scale transfer of <i>waqf</i> (Islamic trust) land in Israel/Palestine to Jewish control since the creation of the state of Israel in 1948, and places that confiscation within a context of postcolonial legal pluralism. The role of successive Absentee Property Laws in this confiscation was related to Ottoman land tenure categories and the Ottoman Land Code, as modified under the British League of Nations</p>

Mandate. The special legal status of *waqf* in the Old City Jerusalem was discussed, and recent legal disputes over the status of certain mosques and cemeteries examined.

As a result of his land titling research for DfID (above) Home was invited to contribute a chapter for a collection on African land policy in Southern Africa (2011, ref.5 below), linking the colonial legacy in land rights to emerging African Union policy on land. He was then invited to edit a volume (which later grew to two volumes) on African land law, funded by the World Bank as part of a major project on the rule of law in Africa. For this he assembled over twenty contributors from sub-Saharan African countries, His own chapters in the two books examined the difficulties in developing a 'pro-poor' land law for Africa from a postcolonial legal historical perspective, and the continuing influence of colonial township rules upon urban governance.

### 3. References to the research (all available from submitting HEI where no DOI is indicated)

1. Robert Home (2004) *Demystifying the Mystery of Capital: Land Titling and Peri-Urban Development in Africa and the Caribbean* (book edited with H.Lim), Cavendish.  
**Research quality:** peer-reviewed collection of six contributions on funded research project.  
**Content:** findings of DFID-funded research project, with three country case studies and three thematic overviews.
2. Robert Home and Haitam Suleiman (2010) "God is an absentee, too": The treatment of *Waqf* (Islamic trust) land in Israel/Palestine', *Journal of Legal Pluralism* 59: 49-65.  
**Research quality:** peer-reviewed academic journal. **Content:** co-authored with PhD student, examined case law on confiscations of *waqf* land and history of land titling reform in Israel/Palestine.
3. Robert Home (2007) 'Land readjustment as a method of development land assembly: A comparative overview', *Town Planning Review* 78(4): 459-483.  
**Research quality:** peer-reviewed academic journal published by Liverpool University.  
**Content:** cross-country comparisons of land readjustment law, tracing its origins from the Frankfurt *Lex Adicke* and identifying various situations where it can contribute to efficient land development.
4. Robert Home (2009) 'Land Ownership in the UK: Trends, preferences and future challenges' *Land Use Policy* (doi: 10:1016/j.landusepol.2009.08.013)  
**Research quality:** peer-reviewed academic journal. **Content:** based upon author's report to Government Foresight Land Use Futures project.
5. Robert Home (2011) 'The colonial legacy in land rights', chapter in *Land Policy in the SADC region* (ed B. Chigara). London, Routledge.  
**Research quality:** collection of contributions both academic and professional. **Content:** history of colonial land law and recent land law reform.
6. Robert Home, ed (2012) *Essays in African Land Law and Local case studies in African Land Law*, Pretoria University Law Press.  
**Research quality:** Two book collections of academic and professional contributions, all externally reviewed by established academics, published and quality-controlled by Pretoria

## Impact case study (REF3b)

University, funded by World Bank. **Content:** Essays on themes and case studies of land law in sub-Saharan Africa. As well as assembling and editing these books, Home contributed a chapter to each: 'Towards a pro-poor land law in sub-Saharan Africa' and (joint with Dr. L. Onyango) 'Land law, governance and rapid urban growth in Kenya'.

**4. Details of the impact**

Home's DfID research on land titling and poverty reduction (published as *Demystifying the Mystery of Capital* in 2004) has continued to involve him in a range of impact activity in the current REF period. He contributed to a UN-Habitat expert group meeting in Geneva (2009), attended by about twenty representatives of international disaster relief agencies, which led to the development of post-disaster guidance for aid and relief agencies (2010). Home acted as a consultant in Pakistan in 2007 on land law issues following the 2005 earthquake. The impact of this consultancy is reflected in his report, *Post-Disaster Land Issues Case Study: Pakistan Earthquake of October 2005* (joint with Nilofer Afridi Qazi, 2008), which was also subsequently included in publications of UN-Habitat and the Global Land Tools Network (GLTN): *Guide to Post-Conflict Land Issues* (2009) and *Land and Natural Disasters: Guidance for Practitioners* (joint UN-Habitat, GLTN, FAO) (2010).

Home's research on land readjustment, land titling in the Middle East, and joint work with PhD student Haitam Suleiman resulted in an invitation to present a paper on Islamic land law to an international professional conference in Bergen (2008), organized by the International Federation of Surveyors (FIG) and the UN Economic Commission for Europe, with 200 delegates. The conference theme was the legal empowerment of the poor, following the international commission report on the same subject sponsored by the Norwegian Foreign Ministry. Two subsequent consultancies in Kenya (2009 and 2010) concerned land and planning implications of the new constitution and land code, influencing subsequent Pan-African Parliament initiatives on land grabbing in Africa.

His research on development land assembly and land ownership in the UK led to an invitation by the Government Chief Scientific Officer to contribute a specialist scientific report on UK land ownership for the Foresight Land Use Futures Project (2008-2010). The final project report was launched at an event held in the Royal Academy (London) in 2010, and attended by some two hundred professionals, NGO representatives and academics. His contribution (ref.4 above) was cited in the Building and Social Housing Foundation study, *More Homes and Better Places: Solutions to address the scale of housing need* (2011). This research was cited in the books of Kevin Cahill, *Who Owns Britain?* and *Who Owns the World?* Further, it has developed into international impact. For instance, Home was invited in 2009 by the World Bank to participate in a major project on the rule of law in Africa, (Grant TF 090558: Enhancing Access to Legal Information, intended to strengthen public awareness and rule of law materials) co-ordinated by the Institute of Human Rights in Pretoria (South Africa). He assembled and edited two books of contributions on African land law, with local case studies, as part of a book series, copies of which were distributed widely to Universities and land professionals and policy-makers in Africa. Opportunities for African land law specialists to meet and discuss are few, so the author workshops held in Kenya and London in 2010, which Home organized, provided such an opportunity. The book series was launched in Pretoria in March 2012, an event attended by about twenty representatives of government and non-governmental organizations, including Chief Executive Officers of banks involved in funding land and housing development, and government officials concerned with land law reform and constitutional guarantees of land rights. Home was subsequently invited to present a paper at a symposium in 2013 sponsored by the Thabo Mbeki Foundation, and is currently an invited Scientific Committee member for a continuing project on

'Land Grabbing in Africa' sponsored by the Pan-African Parliament and African Union.

#### 5. Sources to corroborate the impact

- (1) 'Post-Disaster Land Issues Case Study: Pakistan Earthquake of October 2005', UN-Habitat report (2008, presented at Expert Group Meeting, United Nations Geneva (2009).
- (2) *Guide to Post-Conflict Land Issues* (2009), later revised into the publication *Land and Natural Disasters: Guidance for Practitioners* (2010). ISBN 978-92-1-1322361, available at <http://www.unhabitat.org/pmss/listItemDetails.aspx?publicationID=2973>.
- (3) Robert Home, 'Islamic land law and empowerment of the poor', paper to international conference on Legal empowerment of the poor, Bergen, organized by International Federation of Surveyors (FIG) and UNECE Working Party on Land Administration (WPLA). See [http://www.fig.net/news/news\\_2008/bergen\\_april\\_2008.htm](http://www.fig.net/news/news_2008/bergen_april_2008.htm).
- (4) Government Office for Science (2010) *Foresight Land Use Futures Project: Final Project Report* (Crown Copyright URN 10/631). Home is listed as contributor to evidence base. Project report was launched at the Royal Academy (London) in February 2010. Available at <http://www.fcsm.org.uk/research-library/land-use/general/foresight-land-use-futures-report>.
- (5) Building & Social Housing Federation *More Homes and Better Places: Solutions to address the scale of housing need* BHSF, London, (2011), Home's research cited at footnote 135. Available at <http://bshf.org>.
- (6) Launch of World Bank book series Rule of law in Africa, Pretoria 20 March 2012 <http://www.chr.up.ac.za/index.php/centre-news-2012/955-pulp-launches-the-world-bank-rule-of-law-in-africa-series.html>.
- (7) Representative of Thabo Mbeki Foundation (contact under corroboration section).
- (8) Representative of Africa Land Grab (contact under corroboration).