

**Urban Law Initiative, 14 March
2014**



Effectiveness as a challenge for development

Dr. Maria Mousmouti,
Institute of Advanced Legal Studies/
Centre for European Constitutional
Law

Who we are



- The role of the Institute of Advanced Legal Studies:
 - conduct research;
 - promote and facilitate research and scholarship at an advanced level across the whole field of law;
 - disseminate the results of research and scholarship
- The Sir William Dale Centre for Legislative Studies specialises in teaching and research in the field of legislative drafting and law reform

The background



- We are concerned with the law and we look at the law from different angles
 - The process of making the law
 - Law as an expression of policy
 - Law as a ‘technique’ to guide human behaviour
 - Law from the perspective of the end-user
 - Law as an instrument of social change
 - The results of the law



- We ask a lot of questions on the law
 - Is it needed?
 - What is it there to achieve?
 - What are the necessary rules?
 - How best to structure the law ?
 - How to express and communicate rules?
 - How best to enforce and implement it?
 - What are the results of the law?
 - What has the law achieved?



- We acknowledge the impact of the law on
 - Individuals (people, businesses), groups and communities
 - economic development, social justice
 - good governance and the rule of law
- A try to identify the **effectiveness** of the law
 - What does it mean?
 - How is it measured?
 - What works and what does not work?
 - Why do laws fail?



What we have learnt

- To look at effectiveness... you need to see the law as a **continuum** rather than separate stages of policy, drafting, implementation etc
- To look at effectiveness... you need to look at **objectives, means and results**
 - Knowledge of what happens on the ground is necessary
- To look at effectiveness... you need to listen to all actors and stakeholders
 - Many actors are involved in shaping policy, drafting, enforcing, implementing... and several stakeholders in matters of substance
 - They all have different concerns and perspectives

The context: urban legislation



- broad and multidisciplinary - deals with different aspects of life in urban settlements
- Extends in distinct areas of law (planning, taxation, fundamental rights...)
- Has distinct functions
 - Determines conditions for access to land, infrastructure, housing, basic services;
 - Sets obligations eg tax
 - Sets standards for planning and urban development
 - defines the context for governance and decision making
- Failures have an important impact on peoples lives

The partnership: a good 'match'



- IALS is good at generating knowledge
- UN-Habitat is good at using knowledge to create impact
- **The combination of knowledge and impact is a driver for development**

Main pillars of the research partnership



Urban Law Day

- Forum to bring together academics and practitioners, facilitate discussion, the exchange of views and networking

Research

- Generate knowledge through PhD studentships

Technical assistance & capacity building

- Baseline studies, impact studies etc

Information and awareness

- seminars, workshops, conferences, publications

Networking

- Advisory Council / Steering Committee

Purpose of the Urban Law Day



- To bring together academics and practitioners interested in urban legislation
- to have the perspective and viewpoint of all stakeholders heard
- To decide research priorities in an open and participatory way
- To invite you all to become partners in this process