

Law and Development Research in a Metropolitan Law Faculty

Law and Development Research Group – April 2018

In this submission, the Law and Development Research Group (LDRG) takes stock of its current publication profile against the background of the Flemish benchmark, and develops a vision on a research strategy, including the type of research, the profile of researchers and the publication output it wants to stimulate.

LDRG focuses on questions of global justice and sustainable development. These issues do not only arise at the global level, but also at the European and at the domestic levels. The research group's research focus is on international and human rights law, and this expertise is put at the disposal of the faculty. On the other hand, the research group can also benefit from the expertise of the faculty as a whole and from exchanges with other research groups. Therefore, in this document, we also offer a vision on how research at the faculty level could develop in the future.

About the process

This submission is the result of an inclusive participatory process within the LDRG. On 14 March 2018, the General Assembly, of which all research group members regardless of their formal status are a member, held an open brainstorming exercise about the legal researcher and legal research of the 21st Century. In parallel, a task force met repeatedly in the course of February and March to prepare this submission. At the end of March 2018, a final draft was once again submitted to all members of the Research Group for comments and endorsement.

The entire consultation process took place in English. This submission is therefore in English.

I. Research in the Law and Development Research Group: the state-of-the art

This section describes the LDRG's vision on the profile of both the research group and of individual legal researchers in the field of Law and Development. The document also outlines how such profile is translated into impacts on the functioning of the research group (type of research conducted, the recruitment and selection of researchers, research environment) as well as its research output (publications and practice).

Vision and mission

LDRG starts from social challenges and seeks to understand the role of law as part of the problem and/or part of the solution. In other words, it studies whether and how law can enhance human dignity and global justice, in particular for those adversely affected by economic and other forms of globalization. This question is addressed through the prism of both structural inequality *between* states in North and South ('developed' versus 'developing' states), and *within* states.

The research group unites researchers with diverse disciplinary backgrounds who work on legal research topics that are relevant from a development perspective. Throughout its research, it addresses diversity and conflict as cross-cutting issues. The research group adopts a critical approach to law and seeks to investigate what law actually 'does' in society, amongst others through interdisciplinary and empirical research.

Profile of researchers

LDRG is the institutional home to a wide range of individual research profiles. It values diversity, and actively seeks to attract researchers from other disciplines and continents in order to enrich and strengthen its research community. The research group has a clear vision and mission, but respects the academic freedom of each researcher.

The group has also funded researchers at their own institutions in the Global South to carry out joint research locally. This is partly done out of necessity – research within local communities can sometimes not reasonably undertaken by a Western researcher – but also in an effort to help build research capacity in the South.

Research profile

LDRG is mainly global and international in orientation, but has also engaged in research that is domestically relevant, e.g. on business and human rights, on a human rights-based approach in development cooperation of Belgian or European actors, or on religious diversity in education. The sustainable development goals and targets also apply at the domestic and the local level in Belgium.

LDRG combines more theoretical and conceptual research with action-oriented research. Rather than opposites, these two types of research are intrinsically linked and mutually enrich each other. Sometimes, conceptual research is tested in action-oriented research. At other times, action-oriented research leads to a conceptual meta-reflection.

The LDRG establishes links at both the national and international levels with counterparts engaged in Law and Development research. At the national level, LDRN is a member of the Flemish Law and Development Research Network ('Law & Dev'). Furthermore, the LDRG also collaborates with researchers from different institutions at the University of Antwerp such as the Institute for Development Policy (IOB) and the Institute of Tropical Medicine (ITM) on shared research interests. At the international level, the LDRG forges partnership and cooperation with institutions in the Global South through Memoranda of Understanding on teaching exchanges and research cooperation. One such example is the **Law and Development Research Network (LDRN)** of which the LDRG is among the founders and the catalyser behind the now annual Law and Development Conference. The LDRN focuses on research in the field of law and development, on joint publications as well as training for junior researchers.

International impact

Beyond partnerships and cooperation, the LDRG has been successful in impacting on research internationally, as illustrated by the fact that members of the research group

- are often solicited by international publishers and peer-reviewed journals for reviews
- have been commissioned books by international publishers (Ashgate; Elgar)
- have had a growing numbers of books accepted by international publishers (Cambridge, Elgar, Routledge)
- have been increasingly solicited to contribute a chapter in research handbooks of international publishers
- get published in international peer-reviewed journals
- have been invited by foreign research councils to assess research proposals and researchers

- have participated in foreign PhD juries.

Publication strategy

The evaluation commission that audited the faculty of law and its research groups in 2011-2012 recommended our research group to increase our publication output. In response to this recommendation, the LDRG's general assembly (on 9 October 2012) and the executive committee (on 16 January 2013) decided to define a publication strategy and to set publication targets, both for the LDRG as a whole and for the individual RG members. For post-doctoral researchers and (senior) lecturers/full professors, 10 peer-reviewed high quality publications per 5 year period are required. For pre-doctoral researchers, 4 peer-reviewed high quality publications per 4 year period are expected.

The LDRG uses peer-reviewed high quality publications as the point of reference. The VABB-SHW standard (The Flemish Academic Bibliography for the Social Sciences and Humanities (VABB-SHW) is a database of academic publications from the social sciences and humanities authored by researchers affiliated to Flemish universities) may be indicative of whether a journal publication can be considered a peer-reviewed high quality publication, but for reasons related to how VABB-SHW is produced, peer-reviewed high quality publications and VABB-SHW publications are not synonymous. In addition, we strongly emphasize that most funding channels (ERC, FWO) apply their own, more exacting, publication standards that have to be met.

A baseline was set on the basis of the publication performance in 2012. Every year in Spring, an interim evaluation is held of the LDRG's performance – individually and collectively. Publication incentives have been created for all LDRG members to present work-in-progress. Feedback from peers allows for better quality papers that stand a better chance of being published in peer-reviewed journals. At least two lunch seminars are organized for this purpose. The LDRG has also actively reached out to international publishers and started a fruitful engagement by (co-)editing series; reviewing book proposals and journal articles; facilitating contacts for junior researchers and so on. Some senior researchers also co-publish with junior members to facilitate access to established international peer-reviewed journals.

In 2017, the RG's executive committee decided to check whether journals relevant to the LDRG, featured in the TT(ZAP)BOF list approved by the Faculty Council in February 2017; to draw up a list of journals in which LDRG members have already published or are likely to publish in light of future research output; and to broadly consult the LDRG for feedback and suggestions in order to make strategic choices. The GA welcomed the list as offering useful guidance. The list of journals and publishers is now the main guiding instrument for the LDRG's ambition to have one top publication a year as a group.

Situating LDRG against the Flemish benchmark

The LDRG's publication output meets the Flemish benchmark and is overall above average.

More than half (53 %) of the LDRG's publications in the 2011-2015 period were VABB-WoS publications, which is substantially higher than the Flemish average of roughly 30 %. More than 13 % were WoS publications, which is higher than the Flemish average (of 10 %).

More than 90 % was published in another language than Dutch (mainly English). This is significantly higher than the average Flemish benchmark of around 50 %.

II. Forward looking: proposed research profiles and research strategy

LDRG will continue its research policy as outlined in the previous section. In what follows, we seek to emphasize certain elements and to add some new ones.

Research profile of an L&D researcher

An L&D researcher

- Adopts a critical and contextual approach to law
- Engages with issues of global justice in development
- Has affinity with research from other relevant disciplines beyond the law
- Shows an interest and vocation in issues in the Global South and/or their links to governance challenges globally (including in the North)
- Is open to various methodological approaches
- Aligns her/his research with the research lines on global justice and sustainable development

This research profile will be more explicitly used when scouting or hiring new research group members.

Research strategy

a. Research Environment

The research group seeks to strengthen its capacity to undertake collaborative research that is innovative and accessible to expert audiences as well as beyond. Home to the ever more globalising cosmopolitan city of Antwerp, it wants to contribute to scholarship in an international environment. LDRG will pay more explicit attention to its domestic and local relevance.

Attracting excellent researchers and generating high quality research is only possible in a research environment in which scholars can thrive, feel supported and are encouraged to reach for the highest standards of academic performance.

Not only the PhD supervisor, but the RG is collectively responsible for creating an enabling research environment for researchers at all levels (especially junior researchers). To this end, the RG aims to provide the following opportunities to researchers:

- Possibility of regular feedback and assistance on research and of collaborative co-creation of research when relevant
- Publication Strategy/Possibilities: Additional opportunities (in addition to regular annual Law & Dev meetings, e.g.) for all RG members to present work-in-progress through lunch seminars
- Welcoming environment for researchers from diverse background, including foreign researchers to thrive in their research
- Network opportunities, where relevant for research, in both academic and non-academic sectors

In addition to an enabling and supportive research environment, the research group commits to assisting researchers as they explore a longer term career perspective in research or in practice by promoting post-doctoral placement guidance and counseling for legal researchers at the University level. It continues to work towards tackling continued challenges linked to providing a longer-term perspective to researchers, especially as they transition from junior to more senior researchers. The perspective is currently limited by the routinely shorter-term contracts (research contracts or part-

time teaching assignments). To this end, the LDRG seeks to attract structural funding to finance research in a longer-term perspective. In addition to structural funding, the LDRG has identified a need to foster/promote the research profile of the RG and members and to provide junior researchers networking opportunities in finding research-related employment after graduation.

b. Publication strategy

The following is an indicative list of journals (all on *TT(ZAP)BOF list*) and publishers that can be seen as top publications in the field of law and development. Members of the LDRG are encouraged and supported to consider to publish in these journals and with these publishers.

1. HUMAN RIGHTS LAW REVIEW
2. INTERNATIONAL JOURNAL OF CHILDREN'S RIGHTS
3. HUMAN RIGHTS QUARTERLY
4. JOURNAL OF ENVIRONMENTAL LAW
5. JOURNAL OF HUMAN RIGHTS PRACTICE
6. JOURNAL OF LEGAL PLURALISM AND UNOFFICIAL LAW
7. EUROPEAN JOURNAL OF INTERNATIONAL LAW
8. NETHERLANDS INTERNATIONAL LAW REVIEW
9. AMERICAN JOURNAL OF INTERNATIONAL LAW
10. AFRICAN JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW

Top publishers include OUP, CUP, Routledge, Edward Elgar and Sage.

LDRG has set as a *collective* target for the group that on average, one top publication is produced a year.

At the same time, there is an on-going debate on the need to democratize research, to use more accessible styles of writing (such as blogs), and to use new publication modes (open access). LDRG seeks to strike a balance between these two tendencies.

III. Towards a Metropolitan Law Faculty in Antwerp

Law is an instrument to intervene in society. Ideally, future research at the Law Faculty at the University of Antwerp responds to societal challenges both:

- at the domestic level, and
- at the European and global level.

The population of the city of Antwerp is one of the most diverse in the world. Human rights, poverty and migration issues are at the forefront of the local news. Sustainability discussions are very present in the city and the wider region: mobility; air, land and water quality; urban planning... There is plenty of commercial international activity, including industrial and transport in the port, and strong diamond and fashion industries; international supply chains run through the city... The cultural heritage of the city is of global interest.

Most of these local challenges also have a European and global dimension. The linkages between the local and the global are captured in international documents such as the UN 2030 Agenda for Sustainable Development. The 2030 Agenda is applicable to all countries and involves the entire world. It is an agenda for common action across borders by States and private actors alike to achieve 17

sustainable development goals that address issues that are on the table at a daily basis not only in our local society, but also in Europe and other world regions.

Law is not the only discipline that seeks to assist in solving societal problems. Addressing societal problems inevitably requires an interdisciplinary approach. It is therefore essential that legal research is open to the integration of findings from other disciplines, and to inter- and transdisciplinary research collaboration.

The dichotomy between national and international law may well be a thing of the past. Belgium is the fifth most globalized country in the world (KOF Globalisation Index 2018), and Antwerp is a globalized site. Globalisation impacts on law: it leads to convergence of legal systems, either by design (as in EU law) or in effect, but also to resistance, i.e. a demand to retain policy space and specificity. Domestic law does not operate in a vacuum. In a context of growing interdependence of countries, it is crucial that domestically oriented legal research addresses the question of why a societal problem is addressed in one's legal system in a manner that converges or diverges from the European and/or global trend, and how the choice made should be evaluated. Similarly, it is essential that internationally oriented legal research addresses questions about factors determining its impact on domestic law and policy.

The abovementioned vision of future legal research situates well in the evolving European research landscape. The preparatory 'Lab-Fab-App' report of the European Commission on the successor of the Horizon 2020 funding framework emphasizes the importance of *'cross-disciplinary, cross-sectorial, cross-institutional and cross-border collaboration'* in research programmes. Research should *'adopt a mission-oriented, impact-focused approach to address global challenges'* with the UN Sustainable Development Goals serving as the global reference framework for defining Europe's R&I missions.¹

We support a vision of a metropolitan law faculty in Antwerp (that is different from, but complementary to other law faculties in Flanders) where legal research:

- formulates normative and/or applied responses to societal problems ranging from the local to the global;
- takes place in an interdisciplinary context;
- adopts a comparative, regional (European) and global lens to local law;
- investigates the local impact of regional and global law
- fosters collaboration among researchers in the Faculty as regards communication, cooperation and coordination.

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https://ec.europa.eu/research/evaluations/pdf/archive/other_reports_studies_and_documents/hlg_2017_report.pdf