

SUMMER SCHOOL

OWNING THE LAND: FROM PRIVATE PROPERTY TO COMMONS

Dottorato in Diritti Umani
Dottorato in Pluralismi giuridici
Università degli Studi di Palermo

Strathclyde Centre for Environmental Law and Governance, University of Strathclyde

Palermo, 14-18 June 2021

The Summer School *Owing the land: from private property to commons* is part of the PhD programmes in *Human Rights* and *Legal Pluralisms*, Department of Law, Università degli Studi di Palermo. The Summer School is organized with the external cooperation of Professor Elisa Morgera – an internationally renowned expert in human rights and biodiversity – and Dr. Giulia Sajeve – expert in human rights and the conservation of the environment –, both members of the Strathclyde Centre for Environmental Law and Governance, University of Strathclyde.

Introduction

The Summer School aims at elaborating on the concept of property from a juridical, anthropological, philosophical and economic point of view. In particular, the program focuses on: land property rights and property of natural resources; property of the genetic resources of plants and animals; food sovereignty and the rights of indigenous peoples; the idea of commons and challenges of commons; land grabbing and violation of the rights of local communities; special features of ocean property/sovereignty; the cognitive origins of property; the concept of property and intellectual property rights.

Themes and objectives

The concept of property is often understood solely as concerning private forms of property, disqualifying as *res nullius* all the rest. The Summer School will provide participants the possibility to critically reflect on the diversity of the existing forms of property. It aims at exploring the tension between private property and commons, and looking at the critiques that have been raised towards different governance structures and their relevance for the conservation of the environment and the protection of human rights.

The Summer School will aim at widening the typical list of goods to be held under property rights, looking at the ownership of natural resources, including the genetic resources of plants and animals, international waters or trans-boundary waters and fisheries. It will also look at the difference between property and sovereignty.

The Summer School will also look at the theoretical relationship between human rights and property: is property a human right?; what are the foundation of property and intellectual property rights?; is there a human right to intellectual property?

Last but not least, the Summer School will analyze topics related to land grabbing and violations of human rights, and food sovereignty, looking at the recently adopted United Nations Declaration of the Rights of Peasants and other People Working in Rural Areas.

Methodology

Two seminars are held each morning, both looking at the same theme from different perspectives. Seminars last about 45 minutes and are followed by a 30 minutes Q&A session.

The Summer School also features three afternoon workshops that will be run by experts of the chosen themes.

Students will receive the course material at least two weeks in advance.

Language

All seminars and workshops will be held in English.

Format and COVID-19

Given the current COVID-19 pandemic, the summer school will have a blended format: some invited scholars will be present in Palermo, while others will give their lectures remotely. This format will allow us to accommodate different personal preference and different national restrictions.

The programme attached to the present call indicates whether each seminar will be held remotely or both remotely and in present. Whether each seminar will be held remotely or in presence may, however, be subject to changes given the high variability of COVID-19 restrictions.

Similarly, some students will attend in presence while others will participate remotely. As explained in the enrolment section below, this preference will have to be communicated in advance.

For those scholars and students that will attend in presence (in Palermo) the Department of Law of the Università degli Studi di Palermo will ensure the respect of all health and safety procedures.

Students that will attend remotely will receive the Zoom details in due time.

The organizers reserve the right to move all activities to a remote online format if COVID-19 restrictions require to do so or if, for related reasons, they will consider it more appropriate to ensure the health and safety of all participants and invited scholars.

Applicants, Conditions for Admission

As provided by the *Regolamento per l'attivazione di Corsi Internazionali di Studi Avanzati - Summer and Winter School* of the Università degli Studi di Palermo, the Summer School is open to students holding or attending a Master or an LL.M course, as well as Ph.D students and researchers who are interested in the topics.

The Summer School is open also to undergraduate students who are working on their final dissertations (towards the end of their curriculum) and have knowledge of relevant topics. However, no more than 10 undergraduate students will be accepted to the Summer School and their selection will be based on their CV and motivation letter.

No more than 50 applications will be accepted.

Of these, no more than 30 applications for *in presence* participation will be accepted.

Among the 50 applications, preference will be given to participants not enrolled at the Università degli Studi di Palermo (at least 15 participants will be selected among applicants from other universities. Only if less than 25 people apply, more applications from the Università degli Studi di Palermo will be considered).

Candidates must submit the attached form – underlining whether they wish to attend in person or remotely - and attach their CV to their application.

The minimum number to activate the Summer School is 15 candidates.

The selection of candidates will be necessary if more than 50 applications (or 30 in presence) are received, and it will be based on the candidates' CVs (and, for undergraduate students, letters of motivation). The scientific committee will prepare a waiting list. In case the admitted students withdraw, the students in the waiting list will be admitted in their place.

General Information and Final Certificate

The Summer School is composed of two different parts. In the first part, participants study the reading materials – articles adopting both a theoretical and practical approach, court decisions, official reports – that are either uploaded on an online folder (password to be sent to enrolled participants) or uploaded on the website of the Ph.D. program in “Human Rights” and on <https://res-project.eu> at least two weeks before the beginning of the School. In the second part, participants engage in lectures by speakers coming from Italian and foreign universities, Q&A sessions based on the lectures and on the reading materials, and in participatory Workshops.

The teaching part of the School will be held in Palermo, Italy, at the **Dipartimento di Giurisprudenza, Piazza Bologni 8**. Lectures will be held from 9.00 a.m. to 6.00 p.m.

Students will have full and free access to the library of the Department of Law (subject to COVID-19 restrictions). The students who will attend at least 90% of the seminars and will comply with the requirements of the *Regolamento per l'attivazione di Corsi Internazionali di Studi Avanzati Summer and Winter School*, will receive a certificate, corresponding to 6 ECTS.

Access to the Wi-Fi network of the Università degli Studi di Palermo will be allowed following a written request to be submitted at least two weeks before the beginning of the Summer School to Andrea Fattorini (email: andrea.fattorini@unipa.it).

Enrolment

Prospective participants will find the Application form attached to this Call. Applicants can fill in the Application form in English, French, Italian or Spanish according to their preferences.

The application should be sent jointly with a CV and a copy of a valid ID (and, for undergraduates, a letter of motivation). The application, together with the supporting documents, must be received by 31/05/2021.

Prospective candidates should send their application to: andrea.fattorini@unipa.it

For info, please contact giulia.sajeva@strath.ac.uk

Fees

The fees include the inscription to the School, the reading materials, the final certificate, and the insurance cover.

Students of the following courses are exempt from the payment of registration fees: 5 students (postgraduate and PhDs) affiliated with the Strathclyde Centre for Environmental Law and Governance and with the Strathclyde Centre for the Study of Human Rights Law (University of Strathclyde); students attending the Master in Legal Theory, European Academy of Legal theory (University of Frankfurt); PhD candidates based in the Department of Law of the Università degli Studi di Palermo attending the Programs in “Human Rights: Evolution, Protection and Limits” and Pluralismi Giuridici.

For all other students:

For participants willing to attend in presence, in Palermo, the registration fees is **€ 250,00.**

For participants willing to attend remotely, online, the registration fees is **€ 80,00.**

Registration fees shall be paid to the Università di Palermo bank account by the 7th day after the results of the publication of section procedure.

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Via Roma 185, Palermo, Italia.

Causal transfer: “Property and Commons 14-18 Giugno 2021”.

More information about the payment of registration fees (in particular the payment procedure) will be made available on these websites:

<https://www.unipa.it/dipartimenti/dipartimentogiurisprudenza/>

For further information on the programme, please visit:

<https://res-project.eu/>

CONTACTS

For further information on the Summer School, please contact:

Dr. Giulia Sajeve (giulia.sajeve@strath.ac.uk)

Dr. Andrea Fattorini (andrea.fattorini@unipa.it) – for administrative purposes

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SUMMER SCHOOL SECRETARY

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SCIENTIFIC BOARD

Elisa Morgera (University of Strathclyde); Giulia Sajeve (University of Strathclyde); Ugo Mattei (Università degli Studi di Torino); Saskia Vermeulen (University of Strathclyde); Chris Armstrong (University of Southampton); Maria Ntona (University of Strathclyde); Lorenzo Del Federico (Università degli Studi G. D'annunzio Chieti Pescara); Pasquale Pistone (Ibfd - Wirtschaftsuniversität Wien - Università degli Studi di Salerno); Marco Brigaglia (Università degli Studi di Palermo); Rowan Cruft (University of Stirling); Guido Noto La Diega (University of Stirling); Adriano Zambon (Università Degli Studi di Milano); Daria Coppa (Università degli Studi di Palermo); Isabel Trujillo (Università degli Studi di Palermo); Giuseppe Di Chiara (Università degli Studi di Palermo); Margherita Brunori (Università di Trento); Christophe Golay (Geneva Academy of International Humanitarian Law and Human Rights).

PROGRAMME

Monday 14 June 2021

Seminars

RES NULLIUS OR COMMONS? BEYOND PRIVATE PROPERTY

CHAIR: ELISA MORGERA, *University of Strathclyde*

9:00

Isabel Trujillo, Elisa Morgera, Giulia Sajeve, Giuseppe Di Chiara

Opening remarks

9:30-10.15

UGO MATTEI, *Università degli Studi di Torino* (in Palermo)

10.15-11.00

Q&A

11:00-11.30

Coffee Break

11:30-12:15

ELISA MORGERA, *University of Strathclyde* (in Palermo)

Transitioning from biodiversity ownership - sovereignty to nature knowledge co-production

12.15-13.00

Q&A

Workshop

URBAN COMMONS?

ANTONIO VERCELLONE, ALESSANDRA QUARTA *Università di Torino* (in Palermo)

15.00-17.00

Tuesday 15 June 2021

Seminars

BIODIVERSITY, GENETIC RESOURCES AND THE SEA: OWNERSHIP AND SOVEREIGNTY

CHAIR: GIULIA SAJEVA, *University of Strathclyde*

9:30-10.15

SASKIA VERMEYLEN, *University of Strathclyde*

From Property to Generosity: A Legal and Ethical Journey into a Phenomenological Understanding of Land “Ownership”

10.15-11.00

Q&A

11:00-11.30

Coffee Break

11.30-12.15

CHRIS ARMSTRONG, *University of Southampton*

Enclosing the Ocean

12.15-13.00

Q&A

Workshop

MY JOURNEY INTO STUDYING PROPERTY FROM THE KALAHARI TO THE OUTER SPACE

SASKIA VERMEYLEN, *University of Strathclyde*

15.00-17.00

Wednesday 16 June 2021

Seminars

TAXES AND PROPERTY

CHAIR: DARIA COPPA, *Università degli Studi di Palermo*

9:30-10.15

LORENZO DEL FEDERICO, *Università degli Studi G. d'Annunzio Chieti Pescara* (in Palermo)

Fees and taxes for access to public goods.

10.15-11.00

Q&A

11:00-11.30

Coffee Break

11.30-12.15

PASQUALE PISTONE, *IBFD - Wirtschaftsuniversität Wien - Università degli Studi di Salerno*

Taxation and confiscation: the constitutional and European limits to the levying of taxes.

12.15-13.00

Q&A

Thursday 17 June 2021

Seminars

A HUMAN RIGHT TO (INTELLECTUAL) PROPERTY? FOUNDATIONS AND CONFLICTS

CHAIR: MARCO BRIGAGLIA, *Università degli Studi di Palermo*

9:30-10.15

ROWAN CRUFT, *University of Stirling*

Property and the common good: why property's moral foundations cast doubt on the idea of property as a right

10.15-11.00

Q&A

11:00-11.30

Coffee Break

11.30-12.15

GUIDO NOTO LA DIEGA, *University of Stirling*

The Tragedy of the Internet of Things (You Don't Own). Intellectual Property, Private Power, and Digital Serfdom

12.15-13.00

Q&A

Workshop

THE COGNITIVE DIMENSIONS OF PROPERTY

ADRIANO ZAMBON, *Italian University Line, Firenze*

15.00-17.00

The right of property has always inspired many important analyses in legal philosophy. One of the main problems raised concerns its definition: what is the right of property? This question can be answered by taking into consideration the cognitive dimensions of property. It requires to question what place the concept of property has in our minds, i.e. what mental representations are connected to property. This approach will allow us to better understand the way human beings see and employ rights, whether moral or legal.

Friday 18 June 2021

Seminars

FOOD SOVEREIGNTY AND LAND GRABBING

CHAIR: ISABEL TRUJILLO, *Università degli Studi di Palermo*

9:30-10.15

CHRISTOPHE GOLAY, *Geneva Academy of International Humanitarian Law and Human Rights*
Human Rights Responses to Land Grabbing: A Right to Food Perspective

10.15-11.00

Q&A

11:00-11.30

Coffee Break

11.30-12.15

MARGHERITA BRUNORI, *Università di Trento* (in Palermo)

The Journey for a Right to Land: evolution of concepts, principles and standards

12.15-13.00

Q&A

Organizers and Presenters

Ugo Mattei

Università degli Studi di Torino



Ugo Mattei is the *Alfred and Hanna Fromm* Professor of International and Comparative Law at the University of California, Hastings College of the Law, in San Francisco, California and a full Professor of Civil Law in the University of Turin, Italy. He is the Academic Coordinator of the International University College of Turin, Italy, a radically new school where issues of law and finance in global capitalism are critically approached.

Ugo Mattei has many research interest – ranging from family and social policy, comparative welfare state, gender studies, work-family reconciliation issues, childcare and elderly care policies – and he particularly oriented the focus of his research on the study and practice of the commons. For his ground-breaking studies on the commons, in 2017 Mattei won the *Elinor Ostrom Award* for the Collective Governance of the Commons.



Saskia Vermeylen is a socio-legal scholar researching property in 4 distinctive but related areas of property law and ethics: (i) Tangible and intangible property of semi-nomadic hunter gatherers, this work has been mainly developed around legal anthropology and her work has developed new understandings of legal pluralism and customary law of indigenous peoples; (ii) Property theory/ethics, Saskia is the first property scholar using the work of Emmanuel Levinas to develop a new Levinasian based property theory around the idea of property as generosity; (iii) Property frontiers, in this body of work she critiques the extension of liberal property discourses into new and accelerated property regimes with a specific focus on outer space and the deep seabed; (iv) Materialities of property, this area of research engages methodologically with feminist posthumanism, eco-philosophy and speculative philosophy which is applied to new property regimes in the area of microbes and fugitive natural resources. Her methodological framing is quite unique as Saskia's research combines ethnography, cultural studies, and philosophy.



Elisa Morgera is Professor of Global Environmental Law at the University of Strathclyde Law School and Director of the GCRF One Ocean Hub programme. She specializes in international, European and comparative environmental law, with a particular focus on the interaction between biodiversity law and human rights (particularly those of indigenous peoples and local communities), equity and sustainability in natural resource development, oceans governance, and corporate accountability. Elisa has also researched the environmental dimensions of the external relations of the European Union (EU). She has been contributing to the Scottish debate on the implications of Brexit for environmental governance and human rights in a variety of roles – currently as an appointed member of the National Task Force on Human Rights Leadership. Elisa has served as a consultant for the Food and Agriculture Organisation of the UN (FAO), IUCN, the Organisation for Economic Cooperation and Development (OECD), the European Commission and the Secretariat of the Convention on Biological Diversity (CBD). In addition, Elisa has participated as an observer in international environmental negotiations, including under the CBD and on marine biodiversity of areas beyond national jurisdiction, since 2005. Prior to joining academia, Elisa served as a legal officer for FAO, advising over fifty countries in Africa, Asia, Latin America and the South Pacific on improving domestic legislation on natural resources; and as an environmental management officer for the United Nations Development Programme (UNDP) in the Eastern Caribbean. Elisa has completed the five-year ERC Starting Grant BENELEX.



Giulia Sajeva is a Marie Skłodowska Curie Individual Fellow at the Strathclyde Centre for Environmental Law and Governance, under Prof. Elisa Morgera's supervision. Her two years project on [Rights for Ecosystem Services: a framework to protect the environment and sustainable local communities in the EU](#) aims at developing an innovative theoretical and legal framework – labelled *Rights for Ecosystems Services* (RES) – to guide policy and legal developments towards reducing the risk of local communities abandoning their sustainable practices due to the lack of effective protection. Giulia Sajeva is a researcher whose background builds, mostly, on legal theory and concentrates on human rights and the conservation of the environment. Giulia has Master in Conservation Science (Imperial College London), a Master in Global Rule of Law and Constitutional Democracy (Università degli Studi di Genova), and a PhD in human rights from the Law Department of the Università degli Studi di Palermo for which she researched the biocultural rights of indigenous peoples and local communities. On this topic, she recently published her first book [When Rights Embrace Responsibilities. Biocultural Rights and the Conservation of Environment](#) with Oxford University Press.

University of Southampton



Chris Armstrong is Professor of Political Theory at the University of Southampton. He has held Fellowships from the Economic and Social Research Council, The British Academy, and The Leverhulme Trust, as well as visiting positions at the University of Uppsala, University of Oxford, and the Australian National University. He is the author of *Global Distributive Justice* (Cambridge University Press, 2012), *Justice and Natural Resources* (Oxford University Press, 2017), and *Why Global Justice Matters* (Polity, 2019), and he is currently completing a book on ocean justice.

Università degli Studi G. d'Annunzio Chieti Pescara



Lorenzo del Federico graduated with honors in the Faculty of Law and the University of Bologna in 1983. He worked as a lecturer at the Faculty of Law and attended the Master degree in Tax Law “A. Berliini”. At the moment he is full professor at the University of Chieti-Pescara where he also works as co-director of the Master in Tax Law and of the PhD Programme. He was a Member of Committees and Working Groups for the Italian Government and the Ministry of Economy and Finance for significant reforms. He is a member of Scientific committees and executive bodies of several journals. Moreover, he is the founder and director of the *Rivista Trimestrale di Diritto Tributario* and of the scientific series *Il Diritto Tributario Italiano ed Europeo*. He was a member of the Directive Committees of AIPDT from 2013 to 2015. He was a member of Doctoral Committees at the Università degli Studi di Catania, Università di Roma La Sapienza, Universidad de Salamanca, Universitat de Barcelona Pompeu Fabra, Università Alma Mater Studiorum di Bologna. He was lecturer in several conferences of national and international significance. He published four monographs and more than 300 contributions in Italian, English and Spanish. From 2015 to 2017 he was visiting professor (and held courses in Comparative Tax Law) at the Universidad de Santander and at the IBFD in Amsterdam.

IBFD - Wirtschaftsuniversität Wien - Università degli Studi di Salerno



Academic Chairman of IBFD (Netherlands). Holder of a Jean Monnet *ad Personam* Chair in European Tax Law and Policy at WU Vienna (Austria). Habilitated as Full Professor of Tax Law in Italy. Associate Professor of Tax Law at the University of Salerno (Italy).

Professor *honoris causa* at the Ural State Law University (Russia) and at the University of Cape Town (South Africa), doctor *honoris causa* at the University of Örebro (Sweden).

Secretary General of the European Association of Tax Law Professors (EATLP), Member of the Permanent Scientific Committee of the International Fiscal Association (IFA). (Co-) Director on the IBFD Observatory on Taxpayers' Rights. President of the Italian Association for Latin American Tax Law (AIDTLA) and Member of the Board of Directors of the Latin American Institute for Tax Law (ILADT).

Editor-in-chief of the IBFD World Tax Journal, the International Tax Studies and of the Doctoral Series. Co-editor of the IBFD Global Tax Treaty Commentaries and of *Diritto e Pratica Tributaria Internazionale*. Fluent in seven languages. Has (co-)edited 60+ and authored 7 books and 220+ articles and book chapters, published in twelve languages around the world.

His core research areas are on international and European tax law. His current specific research interest includes the analysis of CJEU tax case law, tax treaties, taxation of the digitalized economy, the protection of taxpayers' rights, inter-nation tax equity in the relations with developing countries, settlement of cross-border tax disputes.

University of Stirling

Rowan Cruft has taught philosophy at the University of Stirling since 2002. He focuses on the nature and justification of rights and duties, including especially human rights, rights of democratic participation and property. His work has been published in journals including *Ethics*, *Law & Philosophy*, and *The Philosophical Quarterly*. He is co-editor of *Crime, Punishment and Responsibility: the Jurisprudence of Antony Duff* (OUP 2011), and *Philosophical Foundations of Human Rights* (OUP 2015). His monograph - *Human Rights, Ownership, and the Individual* (OUP, 2019) - starts from a new account of the nature of rights as formally bringing together duty-bearer and right-holder first-personally. Work on this book was supported by a British Academy mid-career fellowship.

Guido Noto La Diega

University of Stirling



Prof Guido Noto La Diega is Associate Professor of Intellectual Property Law and Privacy Law at the University of Stirling, Law & Philosophy Division. Noto La Diega's main expertise is in Internet of Things, Artificial Intelligence, cloud computing, robotics, and blockchain. An Unipa alumnus, Noto La Diega has 10-year academic experience in Italy, the UK, Germany, Switzerland, Russia, and Brazil.

Holder of a PhD in Private Law (Unipa), a Postdoc in Cloud Computing Law (QMUL), and an HEA Fellowship, Noto La Diega published on leading international journals such as the European Intellectual Property Review and the European Journal of Law and Technology. Their works – published in English, Italian, Russian, and Korean – have been cited by the EU Court of Justice's Advocate General, the House of Lords, the European Commission, and the Council of Europe.

Italian University Line, Firenze



Dr. Zambon has a PhD in Juridical Sciences and currently is a post-doc at the Cesare Beccaria Department of Law – Philosophy and Sociology of Law section – at the Università degli Studi di Milano. He worked on the relationship between the legal concepts and cognitive sciences, with particular focus on property. He has also worked on consumer law theory.



Christophe Golay is Senior Research Fellow and Strategic Adviser on Economic, Social and Cultural Rights at the Geneva Academy.

He is also an external member of the Council of the Interdisciplinary Institute for Ethics and Human Rights at the University of Fribourg. In 2013 he was Visiting Fellow at the McGill Centre for Human Rights and Legal Pluralism.

His expertise and publications relate to economic, social and cultural rights (ESCR), the right to food, access to justice for victims of human rights violations, human rights and development, the rights of peasants, the legal framework of humanitarian action, and the work of UN special procedures and treaty bodies.

Dr Golay is supervising the legal dimension of two research projects on the right to food in Bolivia, Cambodia, Ghana and Kenya, jointly funded by the Swiss National Science Foundation and the Swiss Agency for Development and Cooperation.

Since 2009 Dr Golay has been providing legal advice to a number of stakeholders in relation to the negotiation, adoption and implementation of the UN declaration on the rights of peasants and other people working in rural areas. From 2001 to 2008 he was Legal Adviser to the first UN Special Rapporteur on the right to food and undertook missions with the UN in Brazil, Guatemala, Bolivia, Cuba, Niger, Ethiopia, Bangladesh, India and the Occupied Palestinian Territory. In that capacity, he participated in the definition of the right to food in international law and published two books, including his PhD dissertation, on the right to food and access to justice.

Dr Golay holds a PhD in International Relations (with a specialization in International Law) and a double Master's in International Law and International Relations from the Graduate Institute of International and Development Studies.



Margherita Brunori is a post-doc research fellow at the University of Trento, Department of Sociology, Italy, and previously worked for the University of Milan. Her research interests are Agriculture and Food Law, Natural Resources Governance, Human Rights and Corporate Responsibility. She has worked on the participatory dimension of the right to adequate food and access to natural resources, and currently follows a project on socio-technical innovations in European food systems. She has obtained a PhD at the Scuola Superiore Sant'Anna with a thesis on the emerging international standards on access to land and security of tenure and the role of soft law in the UN system.