



# Legal Empowerment of the Rural Poor

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Commission on Legal Empowerment of the Poor

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# Obstacles and Constraints

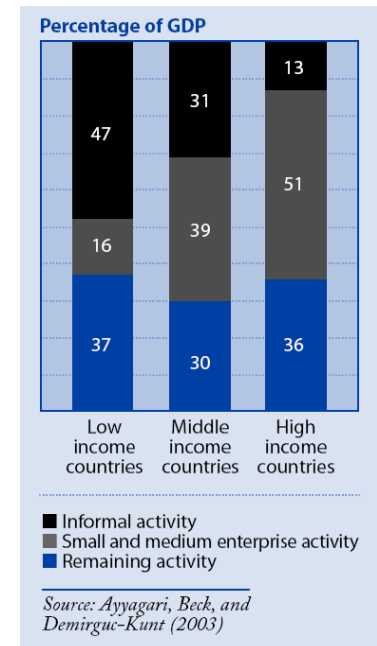
# Wealth is Being Created Now Faster than Ever, but Many are Excluded

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- Rapid economic growth in China and India
- Steady growth over the last decade in most countries of Sub Saharan Africa
- Inequality is becoming more important than extreme poverty in Latin American Countries
- Despite this phenomenon, 80 percent of the world's wealth remains in the hands of 20 percent of the people
- The question is therefore, how to get the 80 percent who remain excluded, to participate in the creation of wealth

# The Excluded (75 percent of the world's poor [less than 1 or 2 USD per day] live in rural areas)

- 1 billion people in extreme poverty  $> 1$  USD per day
- An additional 1.6 billion  $> 2$  USD a day
- A further 1.4 billion  $< 2$  USD a day, unable to use the law to improve their lives
- Total number of people experiencing the effects of exclusion: 4 billion
- But one size will not fit all



# The Rural Poor Lack Rights

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- Poor Farmers: lack property rights, e.g. land, water and forests rights
- Non-Farmers( Including farm laborers): lack labor and business rights in the areas of: social security, pensions, occupational health and safety, collective bargaining, simplify registration of small businesses, appropriate financial instruments beyond microfinance, market access, limited liability protection, etc.
- Poor Women (farmers and non-farmers): lack of women's rights as human rights, inheritance rights, CEDAW non-implementation, etc.
- Household livelihoods normally combine the above.

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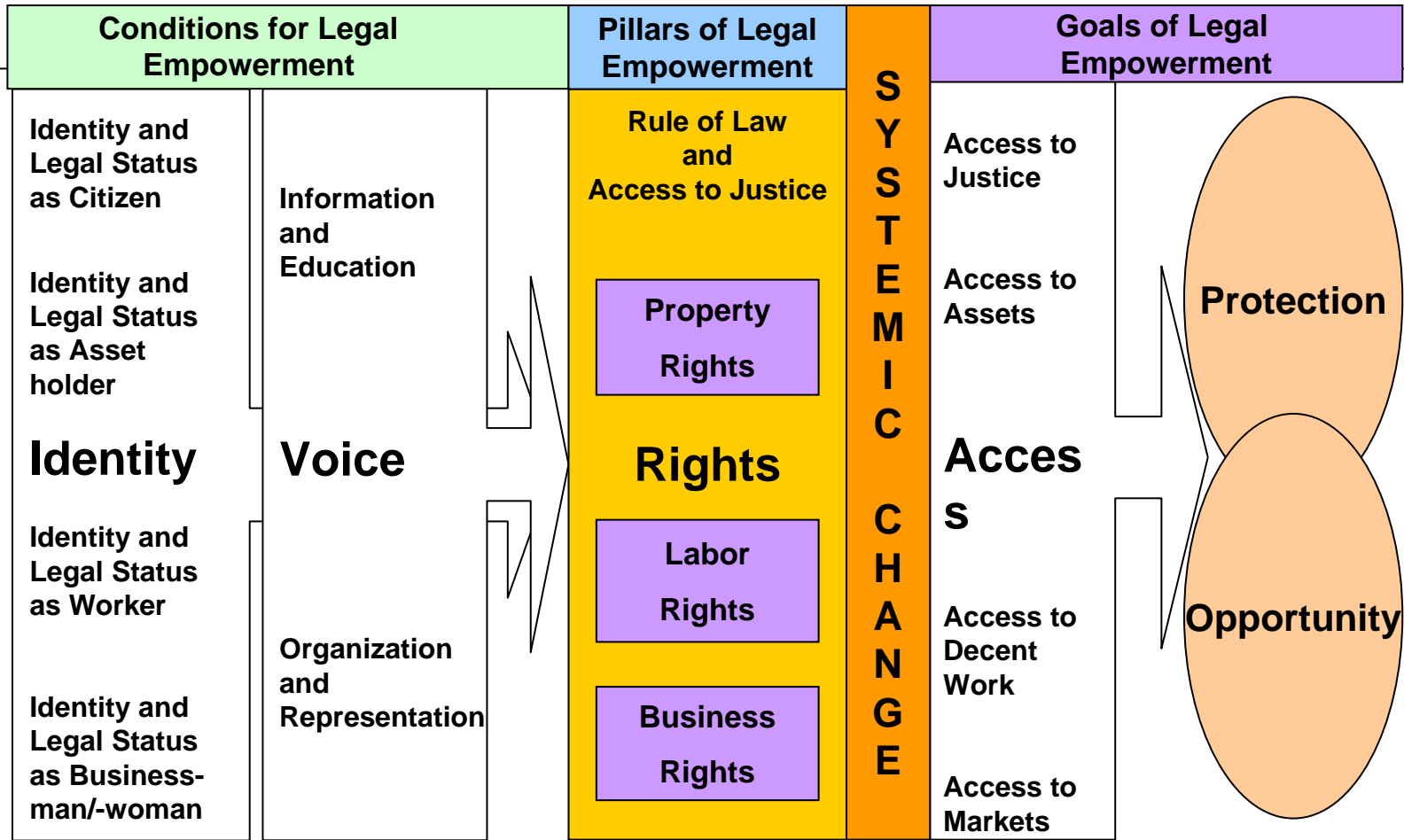
# The Way Forward through the Legal Empowerment Process

# Goal: Sustainable Rural Livelihoods

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- **LIVELIHOODS** of people are based on assets (such as land), activities (business or labor) and entitlements (protections, freedoms, opportunities)
- **SUSTAINABILITY**: economic efficiency, ecological integrity, social equity, resilience (capacity to cope with and recover from shocks and stresses)
- **VULNERABILITY** is the inability to cope with and recover from shocks and stresses to the livelihood system
- **EMPOWERMENT** is the process through which people gain greater control over their lives and livelihoods
- **LEGAL EMPOWERMENT** is the process through which threats are reduced, protection is increased and opportunities are enhanced by use of the law

# The Process of Legal Empowerment



# Access to Justice and Rule of Law

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- Repeal anti-poor laws
- Promote legal identity
- Make the formal justice system more accessible and grant formal recognition to informal, traditional systems
- Encourage courts to be an institutional voice for the poor
- Increase access to legal services



# Property Rights

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- Promote an inclusive property rights system
- Institutionalize an effective property rights system
- Create a functional market for exchanging assets
- Reinforce property rights through social and other public policies



# Labor Rights

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- Strengthen identity, voice, representation and dialogue
- Support minimum package of labor rights for the informal economy
- Strengthen access to opportunities
- Support inclusive social protection
- Promote gender equality



# Business Rights (some basic recommendations)

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- Guarantee basic business rights
- Simplify business registration
- Expand the definition of legal persona
- Promote inclusive financial services
- Help new businesses access opportunities
- Promote consultation, participation and inclusive rule-setting



# Making Reforms Happen: The power challenge

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- Legal empowerment is essentially a political endeavor and therefore new forms of leadership will be required from both the top and bottom
- In the long run, legal empowerment is about the change in power relations
- Power is never freely given, self-empowerment is required
- Legal reform is necessary, but not sufficient for legal empowerment

# Recommendations:

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- CSD 16 should recommend that the report of the Commission be an item for discussion at the Intergovernmental Preparatory Meeting (IPM) and the policy session
- Regional groupings at the UN such as the Africa Group, SIDS, EU, JUSCANZ, etc. should discuss the report within their groups with the purpose of advancing the agenda to the GA
- Report will be presented to the Secretary General and then officially launched on June 3<sup>rd</sup>, at 11:00 am in the Trusteeship Council chambers, and you are all invited to attend
- Americas Launch: OAS Headquarters in Washington D.C., June 13<sup>th</sup>, 10:0 am
- Asian Launch: ASEAN Headquarters, tentatively scheduled for the last week of June
- Africa Launch : AU Summit in Sharm-el Sheik, Egypt, scheduled for the first week of July
- Europe Launch: Presentation to the European Parliament (date to be determined)

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# Legal Empowerment of the Poor:

## A Plan of Action\*

# The Need for a Plan of Action

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- With a growing international movement of membership based organizations of the working poor in the informal economy, there is a growing need to increase documentation, dissemination and integration of these initiatives
- The working poor in the informal sector have legal needs and demands that must be identified and addressed
- By focusing on the concrete legal needs, constraints and demands of specific categories of the working poor, legal empowerment can obtain critical information that will allow for a targeted approach when determining appropriate legal reform and related action and inputs
- In order to convene these dialogues between the working poor and relevant actors and stakeholders, this proposal calls for the establishment of dialogue that will lead to a program of action

# Priority Groups of the Working Poor in Urban Areas

<div style="text-align: center;">                     What                      \                     Who                 </div>	Legally Empowering Waste Pickers	Legally Empowering Street Vendors	Legally Empowering Domestic Workers	Legally Empowering House Based Producers
<b>1. Membership Based Organizations of the Working Poor</b>				
(a) Members & Leaders (b) Organizers				
<b>2. Legal Experts</b>				
(a) Justices & Judges				
(b) Activist Lawyers				
(c) Law Students				
<b>3. Support organizations</b>				
(a) NGOs				
(b) Donors				
(c) Private Sector				

# Priority Groups of the Working Poor in Rural Areas

<div style="text-align: center;">                     Who \ What                 </div>	Legally Empowering Farmers	Legally Empowering Fishermen	Legally Empowering Farm Laborers	Legally Empowering Non farm laborers, (e.g. mechanics, artisans)
<b>1. Membership Based Organizations of the Working Poor</b>				
(a) Members & Leaders (b) Organizers				
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# For Further Information, Please Contact:

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