Legal Empowerment in a Globalizing World
The Institute for State Effectiveness, June 16th 2008

Findings of the Commission on Legal Empowerment of the Poor

“... at least four billion people are excluded from the rule of law.”

- World Bank CPIA: Only 5 out of 76 countries scored 4+ (out of 6) on objective measures of property rights and rule based governance.

- At least one third of the world’s poor - a billion people - live in slums without any legal protection of their assets.

- Women, who constitute half the world’s population, own around 10% of the world’s property.

- Indigenous people have become largely disenfranchised - this is not only an issue of developing countries.

- The amount of Informal Capital: $74 billion in Peru alone.
Poverty is not natural but a result of failure of public policies and markets.

- Unprecedented wealth has been created globally in the last 60 years. Rule of law has made this possible.

- In many countries the laws, institutions and policies are a barrier to prosperity.

- The law provides a platform to the vital institutions of society

- Legal empowerment is the process through which the poor become protected and are enabled to use the law to advance their rights and interests.

- This requires changing the legal systems to strike a new balance between the authority of the state and the rights of citizens.

A Four Pillar Approach to Empowering the Poor.

I. Access to Justice and the Rule of Law

II. Property Rights

III. Labor Rights

IV. Business Rights
The Commission’s Approach to Legal Empowerment

**Conditions for Legal Empowerment**
- Identity and Legal Status as Citizen
- Identity and Legal Status as Asset Holder
- Identity
- Identity and Legal Status as Worker, Identity and Legal Status as Businessman/woman

**Pillars of Legal Empowerment**
- Voice: Information and Education
- Rights: Rule of Law and Access to Justice
- Rights: Property Rights
  - Labor Rights
  - Business Rights

**Goals of Legal Empowerment**
- Systemic Change
  - Protection
  - Opportunity

"The four key building blocks are *interdependent*. When one or more of the blocks is missing, dysfunctionality results.

**Four Dysfunctionalities:**

I. Misalignment of social practices and legal provision.

II. Misuse of rules governing property.

III. Lack of access to information and justice.

IV. Misuse of eminent domain.

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Understanding Property Relations
Harnessing Globalization to Empower the Poor

We have the assets to address this problem, but leadership is required.

- Globalization is of human making but not of human design.
- Failure to lead the first wave of globalization produced two World Wars.
- Forty five years of ideological division and conflict followed.

Five Challenges for Harnessing Globalization

I. Build functioning states and markets in the 40-60 states that are the weak links of the international system.

II. Tailor Strategies and Partnerships to BRICS and other emerging countries.

III. Bring corporations into a global developmental compact.

IV. Rethink relations between regional and international security as well as political organizations.

V. Invest in national, regional and international leadership and management.
The Promise of Inclusive Globalization

We need to reframe governance as network governance

- The task is to bring states, markets, corporations, civil society and international organizations together.

-$42-44 Trillion will be invested in global infrastructure in the next 25 years.

-These investments make global economic integration possible, but could also have severe negative consequences.

- Getting the design right is critical.

Creating Liveable Cities is critical for this agenda

- But experience in Afghanistan and a range of other developing countries suggests that we cannot unleash economic potential.

-Money is not the constraint. We need to create institutions that can open the virtuous cycle of asset creation.

-The International Federation of Surveyors and the Swedish Association of Chartered Surveyors bring tremendous knowledge and wisdom: the challenge is to harness this to an inclusive agenda of globalization.
The Promise of Inclusive Globalization

Conclusion

- "We do not inherit the earth from our ancestors, we borrow it from our children"
- Native American saying