



**Outcome Statement – Fifth Meeting of the  
Commission on Legal Empowerment of the Poor,  
New York, 6-8 February 2008**

*The Commission on Legal Empowerment of the Poor held its fifth meeting from 6-8 February 2008 in New York. The main purpose of the meeting was to finalize the report of the Commission, agree on modalities for its launch and propose concrete guidelines for implementation of the Commission's recommendations.*

The outcome of the meeting included broad agreement on the text of the executive summary, consensus on the main areas of differences which existed prior to the Commission meeting, as well as agreement on a plan of action to bring the Legal Empowerment agenda to the world's attention.

Some of the key issues which were resolved at the meeting include:

- highlighting the need for systemic change, including of the relations between the state and the poor;
- emphasizing the role of access to justice and the rule of law in guaranteeing all other rights and deepening their ability to complement and enhance the rights in the three thematic areas addressed in the report, namely property, labour and what we call 'business rights';
- highlighting important nuances in the area of property rights, including customary tenure, collective rights and security of tenure;
- fine tuning the balance between the state and the market, in particular with respect to social protection, rights to protection and the obligation to protect, not only in social terms but also in human rights terms;
- defining the size of the problem: four billion people who live with at best very modest resources, which can neither be properly protected or leveraged due to the cumulative effects of exclusion;
- highlighting a 21<sup>st</sup> century approach, identifying key partners who will play crucial implementation roles, including civil society, grassroots movements, the private sector and private foundations;
- agreement to include a short piece on the Legal Empowerment concept in the executive summary;

- agreement on the relevance of mechanisms for tracking progress towards Legal Empowerment of the Poor.

### **Launch and Engagement Strategy**

Members of the Commission agreed on the basic elements of a strategy for the launch of the final report of the Commission. The main launch will be in New York with several mini-launches taking place in developing countries. They will be followed by a launch event and briefing at the European Parliament in Brussels shortly thereafter. Developing country launches are likely to include, but are not limited to, South Africa, Zambia, Ethiopia and Benin in Africa, Bangladesh, Pakistan and Indonesia in Asia, and Egypt in the Arab States. Regional launches in Asia could include ASEAN, APEC, etc. For Latin America, a regional launch is being envisaged with the involvement of the Inter-American Development Bank and the Organization of American States, either at their Washington DC offices or in a country to be identified in the region. An event is also contemplated with WRI in Washington DC. The Outreach and Engagement strategy includes events supportive to the launch process and goes beyond, to begin to make practical arrangement to advance the agenda.

Some ideas that Commission and Advisory Board members raised include:

1. Events that could serve as platforms for launching the Commission's report (chronologically):
  - Workshop on Legal empowerment of the poor in the UN ECE region, 10-11 April 2008, Bergen, Norway
  - Commission on Sustainable Development – 16<sup>th</sup> meeting, review session (land being one of the 5 thematic issues) 5-16 May 2008, New York
  - CIVICUS 8<sup>th</sup> World Assembly, 18-21 June 2008, Glasgow, UK.
  - Third High Level Forum on Aid Effectiveness, 2-4 September 2008 Accra, Ghana
  - UN High-level meeting on the MDGs, with a special focus on Africa – September 2008
  - Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, 29 November - 2 December 2008, Doha, Qatar
  - 60<sup>th</sup> anniversary of the Universal Declaration on Human Rights (e.g. 10 December 2008 – Human Rights Day)
2. Other suggestions
  - Briefing to the 27 EU ministers of development and cooperation
  - Nominating a Goodwill Ambassador for Legal Empowerment of the Poor. The meeting was urged to consider more than one Goodwill Ambassador.

- Establishing post of Legal Empowerment Defender (mirroring Human Rights Defenders)
- Establishing an international day for Legal Empowerment of the Poor
- Briefing and involvement of the OECD-DAC

Meeting participants and now other stakeholders are invited to share with the Secretariat any other exciting opportunities through which the work of the Commission might be presented.

### **National Consultations**

National Consultations on Legal Empowerment were held in 22 countries around the world in an effort to capture particular knowledge and experience of various countries, provide the opportunity for building a solid constituency of support and galvanize stakeholders into taking strong ownership of the agenda in light of launch and implementation activities. Participants included diverse local actors from Civil Society, think tanks, community leaders, scholars, practitioners, national and local authorities, the local press and intergovernmental officers working in the field. Some of the outcomes of the National Consultations include:

- i. A clearer picture of what the law means to the poor;
- ii. A better understanding of situations in which the law does more harm than good to the poor;
- iii. An analysis of social barriers to legal empowerment.

Findings in these areas informed the work of the Commission and are reflected in its report.

### **Engagement of Advisory Board members**

Members of the Advisory Board representing institutions made suggestion on next steps. Civil society members of the Advisory Board met with several like-minded organizations to discuss their collective options in advancing the Legal Empowerment agenda. The main messages of this meeting were delivered to the meeting of the Commission and are summarised in the 'Parallel Meetings' section below.

#### **a. World Bank**

The World Bank representative informed that the Bank's participation in the Commission had led it to establish a steering committee on Legal Empowerment that brings together many diverse areas of the organisation to act with synergy around legal empowerment issues. What is needed to take legal empowerment forward is not only the launching of the Commission's report, but also some success stories to demonstrate the impact of a legal empowerment approach to development - and this is where the Bank and other multilaterals and agencies could now play a role. The Bank is working to establish a Trust Fund for Legal Empowerment, Human Rights and Development that would help identify pilot countries suitable for projects and carry out pilots to assess the impact of legal empowerment on the lives of the poor. The Trust Fund will provide the Bank with

the opportunity to refine the Commission's approach and recommendations on legal empowerment in accordance with the Bank's mandate and priorities.

**b. UNDP**

The UNDP Administrator proposed follow-up on three levels: within UNDP, as part of its programming to achieve the MDGs, inside the UN System through UNDG and outside the UN, where UNDP would act as coordinator to develop a broad coalition.

**c. ILO**

The representative of the ILO noted that Legal Empowerment was at the heart of ILO's Decent Work agenda. While established mechanisms existed for parts of the Legal Empowerment agenda, the value added of the Commission was in the synergy it produced. ILO would welcome discussion at multilateral level to take the agenda forward including by mainstreaming it into already agreed global agendas.

**d. UN-HABITAT**

UN-HABITAT, with the Global Land Tool Network had begun producing documents related to the work of the Commission. Legal Empowerment of the Poor had already been incorporated into UN-HABITAT's Medium-Term Strategy.

**e. European Commission**

The EC expressed support for the Commission whose work it saw as touching upon the essence of politics – the function and dysfunction of states. The size of the problem deserved the attention of world leaders. Seizing their attention would be crucial and several upcoming international events could serve as useful platforms. Commissioner Louis Michel offered to help with a launch at the European Parliament and the 27 ministers of development. A sizable contribution to the Commission was in its final stages of approval.

**f. ADB**

The representative of the African Development Bank suggested that fragile countries and post-conflict countries could be suitable candidates for LEP projects as such difficult opportunities would offer the best prospects for making the necessary changes.

**g. Citigroup**

Citigroup's representative stated that the challenge now was about reengineering the law to make it more inclusive. Specific guidance in terms of implementation to engage with partners in country projects was welcome.

Donors will examine among themselves and with their partners how to follow up once the report is issued and in order to do so will remain in close contact. As part of the follow-up, the UNDP Administrator announced that he intends to convene a meeting of the heads of institutions which are part of the Advisory Board of the Commission.

**Parallel Meetings**

Three meetings took place in parallel to the main meeting of the Commission. These were meetings of faith-based organizations, civil society and donors.

**Faith-based organizations**, who were convened under the auspices of Religions for Peace, met from 5-8 February 2008. On February 8, representatives addressed the meeting of the Commission. Dr. Vendley, Secretary-General of Religions for Peace noted that religious communities had spiritual, moral and social assets that would equip them to help translate the concept of legal empowerment into reality. Multi-religious cooperation could effectively mobilize such assets as well as a vast infrastructure for the legal empowerment of the poor. Sheikh Shaban Mubaje, Grand Mufti, Uganda Muslim Supreme Council stated that the religious leaders participating in the gathering identified the following principles as critically relevant to the Commission's work: Advancing legal identity must be based on inviolable human dignity; human dignity demands equality before the law; advancing social justice must be based on a principle of reciprocity; advancing economic opportunities must protect the value and dignity of work; advancing the poor's right to property must also safeguard the common good. Religions for Peace has since issued a statement on the role of religions in advancing Legal Empowerment of the Poor in which the participants expressed their strong interest in helping to advance the LEP agenda as described by the Commission.

A **meeting of civil society** actors took place in parallel of the meeting of the Commission. The message of civil society was voiced to members of the Commission during their meeting. The Commission had brought together people who would otherwise not interact with each other and the idea of what the Commission could now do had triggered the imagination of all present. The challenge, therefore, was to ensure a sustainable process capable of producing new synergies and strengthening a simultaneous top-down, bottom-up approach. Now was the time to think of flexible but sustained mechanisms to expand the circle of inclusion through a global civil society network. In the implementation phase, civil society identified important roles for Chief Justices and senior law makers to interact with their peers. Embedding the Legal Empowerment of the Poor (LEP) process into academia and emphasizing the fundamental role of the private sector would also be important. In many respects civil society was already engaged in work relating to the legal empowerment agenda and support for mapping what already existed in this area was sought. Learning lessons from strategies that worked and those that failed would be crucial. LEP's contribution to the Millennium Development Goals and Human Rights agendas was critical as well. Civil society representatives urged the Commission to consider additional national consultations in the North and South.

**Donors** met on 7 February to discuss the output of the Commission and the working groups and addressed members at the meeting on 8 February. Donors noted that the Commission in its work had developed a much needed holistic approach to the fight against poverty in which legal empowerment could no longer be ignored. The report's analysis weighing public responsibility to protect against the will and interest to promote private initiatives, its focus on vulnerable populations, also in terms of user rights and customary rights, and recommendations to governments were particularly welcome. Donors urged the Commission in its report to avoid using standards that fall below globally agreed ones. Donors encouraged the Commission to give clear guidance to relevant multilateral institutions, including, the World Bank, UN-HABITAT, ILO, FAO,

and UNDP on how to take the LEP agenda further. Donors were looking forward to a launch that would emphasize the close connection between Legal Empowerment of the Poor, Human Rights and the Millennium Development Goals. When they receive the report they will do a close analysis on how to mainstream the recommendations into their own portfolios and political decisions. In terms of follow-up recommendations contained in the report, some donors showed particular interest in the proposal of arranging regional compacts that could feed into a global compact for legal empowerment of the poor, noting that the different UN regional bodies would have a role to play in this and that involvement of civil society would be of utmost importance. Donors also suggested that the Global Land Tool Network based in UN-HABITAT could play a facilitator role.

**Conclusions and Follow-through:**

- Based on the discussions and recommendations of the Commission members during the meeting, the Secretariat under the supervision of the co-Chairs will finalise the executive summary and text of the Commission Report and circulate them as the full report by the end of February 2008 for sign off by Commission members during the first week of March 2008.
- The Secretariat will then do final copy editing, design layout and print to have report ready in print form (but embargoed until launch) by end of March 2008.
- The launch date is now being finalised. The exact date will be decided before end of February and communicated to all. The UNDP communications office will assist with launch.
- As part of the outreach and engagement strategy several pre and post launch activities will take place. Some of these are mentioned in this report and others in the outreach and engagement strategy. Meeting participants agreed to continue to inform the Secretariat of other opportunities for outreach and to carry the message of the Commission in their regions.
- UNDP has agreed to carry out the necessary activities when the Secretariat formally concludes its work on March 31<sup>st</sup>, 2008.