

Legal Empowerment in a Globalizing World

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Findings of the Commission on Legal Empowerment of the Poor

“... at least four billion people are
excluded from the rule of law.”²

- 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.

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Assumptions and Argument of the Commission

Poverty is not Natural but a result of failure of public policies and markets. ³

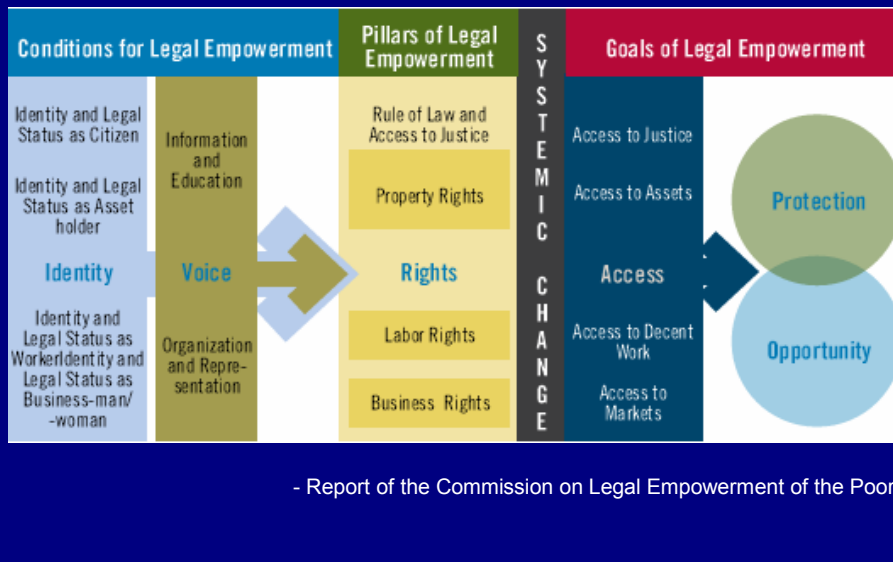
- Unprecedented wealth has been created globally in the last 60 years. Rule of law has made this possible.
- In many countries the laws, institutions and policies are a barrier to prosperity.
- The law provides a platform to the vital institutions of society
- Legal Empowerment is the process through 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.

Assumptions and Argument of the Commission

A Four Pillar Approach to Empowering the Poor. ⁴

- 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



Understanding Property Relations

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.

Harnessing Globalization to Empower the Poor

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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.

Harnessing Globalization to Empower the Poor

8 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

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We need to reframe governance as network governance

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- 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.

The Promise of Inclusive Globalization

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Creating Liveable Cities is critical for this agenda

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- 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