



Dr. Francis Cheneval is a professor of political philosophy at the University of Zurich. He is the editor of *Realizing Property Rights*, in which leading experts examine the manifold problems of the concrete realization of property rights in different cultural and historical contexts and from different thematic angles. In consultation with Chair Ashraf Ghani, Dr.Cheneval is the rapporteur for the Working Group on Property Rights.

What exactly is the role of the rapporteur?

The rapporteur is the technical leader of a Working Group and responsible for the drafting of its report. S/he has to “get the best out of the members” and coordinate the work of highly specialized experts. The ultimate task is to integrate their contributions into a well grounded and compelling storyline that is also in tune with the other Working Groups and the Commission’s main goals.

What are the main areas of focus for this Working Group? What are some of the most interesting points of discussion?

Property rights, our Working Group’s topic, are crucial for the way to prosperity (or further misery) of the poor. They also determine the destinies of societies in general. This has often been neglected or misunderstood. The harm that is done by many property arrangements stems from the fact that property rights are only secured for a small elite and/or that property rights are misconceived with regard to content and context.

Prosperity occurs when property rights systems protect both, property *and* the fair access to property. This twofold core of the property rights concept is also implied in the understanding of property rights as human rights. On the operational level, it leads to a general challenge that we have to address in our Working Group. People owning property often do not have the same interests as people striving to acquire property. The poor are mostly in need of acquiring property and they are better empowered if they can pool secured assets. A pro-poor property system thus mainly protects the opportunities of the poor to have access to property and it promotes legal forms of co-ownership. But some measures that are supposed to protect the poor at the same time risk to break the market dynamics they need to add value to their assets. **The great challenge is thus to design a property rights regime that protects the poor but not poverty as such.**

In its more detailed analyses, the group focuses on (peri-)urban and rural areas and tries to design recommendations for reforms that are appropriate to the given context. For the rural realm, our core message is that customary land interests need to be recognized as private property. This implies the difficult task to respect the interests of individuals, minorities within the community, and especially women. **Women tend to be disadvantaged in customary systems but also in a dangerous mix of individualist western and customary systems favoring the male heads of the households and the chiefs.**



In the urban and rural realm, the Working Group tries to expand the property rights agenda from a focus on titling to a comprehensive policy framework and systemic understanding of the property rights regime. The latter is like a chain only as strong as its weakest link. In many cases, measures to strengthen a country's property rights system have been undermined by the failure of some link in the chain, for instance: absence of transparent and predictable zoning, the lack of enforceability of rights and obligations, lack of access to justice and dispute settlement, lack of access to relevant information, distorted credit markets with unmanageable interest rates, a continuing general separation between formal and informal property rights systems, etc. The realization of a robust and just property rights system emerges from policies that take into consideration all important factors. And: **For the sake of empowerment, the content of property law and policies are as important as the fact that they be designed in a participatory manner at the lowest possible level of governance.**

What do you aim to contribute to the Commission's work, and what do you hope the Commission on Legal Empowerment will achieve?

I hope that our report will give the Commission the concise and substantive evidence it needs in its task of catalyzing, reinforcing, or correcting the international and national agendas of property rights reform. If the Commission achieves to put the right property rights reform at the forefront of the development agenda of states, multilateral organizations and civil society at large, it can have a positive impact on the course of human development. I sincerely hope it will succeed in this endeavor. I also hope that the idea of installing an independent Commission which catalyzes and synergizes the work of UN agencies regarding an overarching topic will be positively received. In this sense, I hope that the Commission of Legal Empowerment of the Poor will contribute to the institutional development of the UN system.

How are you - as the expert leading of the Working Group - ensuring that you are getting a range of perspectives from around the world, that reflect the realities on the ground?

The Working Group was constituted according to criteria of even representation regarding region of origin, gender, area of expertise (urban/rural), and institutional background (governance, academia, civil society). I must say that this has been achieved quite well. But in practice, the idea of representation does not mean simple reproduction of interests and particular experience. It means that representatives mutually put themselves into the position of others and relate to the reality of others. The quality of our work thus depends on the capacity of every member to relate to the background of others. If this works, the woman from the Netherlands is an excellent advocate of African pastoralists, while the expert from Africa gives good advice on slum upgrading in Asia, etc. This kind of dynamic representation and exchange leads to the best results. Ultimately it is all about creating commonsense.



Anything else you would like to add regarding your role or the Working Group overall?

So far, my work as Rapporteur for the Commission on Legal Empowerment is fascinating, mind broadening, and a source of satisfaction. It is also extremely intensive, because the Commission wants to achieve a maximum result using a minimum of time and resources.