

TOWARDS CONSENSUS:

Summary Statement from the Fourth Commission Meeting, July 2007

Legal Empowerment Co-Chairs, Commissioners, Board of Advisors members and donor representatives met at the UN Headquarters in New York on July 12-13, 2007, to discuss and agree on a clear plan for delivery of the final outputs of the Commission. The rapporteurs of the Working Groups were present as observers. Following a high level of convergence in discussions, the meeting wrapped up on a very positive note.

The following summary consists of three sections: (A) key decisions from the meeting, (B) proposed structure for the Commission's final report and (C) some of the messages for inclusion in the final report.

A. The Commission made several important decision during the July meeting, including the following:

1. The commission will seek to complete its work at the end of March 2008 as originally planned. However a brief extension of approximately three months might be required if unforeseen circumstances delay the very tight time line that the Commission has adopted to deliver its key outputs.
2. The fifth and final Commission meeting will be in held in New York on February 6-8. This final meeting will be focused on implementation issues and will use the report of Working Group 5 as substantive input. The institutionalization of the legal empowerment agenda will be a primary objective.
3. The overall final report of the Commission, as well as the final reports of its Working Groups, will be completed towards the end of 2007.

B. The Commission proposed that the final report might be structured as follows:

1. Introduction: We know enough to act effectively now

This chapter will serve as the opening attention grabber of the Report by providing the Commission's perspective on the problems of poverty, exclusion, etc..., and will provide the context of the legal empowerment agenda and the roadmap to the remainder of the report. It will also offer a brief description of the work of the Commission and of the global challenges that led to its formation.

2. Rethinking Development Strategies: Poverty can be made history

This chapter provides an overview of past and current development thinking and experience and offers an assessment of the challenges facing development

cooperation as well as gaps not being addressed. It discusses the complimentary nature of the legal empowerment agenda, revealing how it can add value to existing development strategies.

3. A systemic approach to addressing structural poverty

Presented here is the rationale of the legal empowerment agenda, and insight into the scope and structure of the Commission's work and conceptual framework. It also provides a brief clarification of basic concepts and definitions as a prelude to further details to be included in a glossary.

4. The problem and its scale

This chapter describes the problems that the legal empowerment agenda seek to address and remedy, and provides insight into their nature and scale. It highlights the need for legal empowerment by reviewing the challenges often associated with informality and extra-legality, with special emphasis on the importance of the rule of law.

5. The politics of legal empowerment: Making it happen

This chapter addresses the important power relations and the political dimension of development, areas which are often left out in current development strategies, but which are central to the legal empowerment agenda. It will discuss the dynamics of how to bring about change in development, stressing the need to take into account the local political context and conditions, as well as identifying incentives for different stakeholders, i.e., the poor, government, and the international community.

6. Economics of legal empowerment: releasing the productive potential of workers and businesses

The purpose of this chapter is to show how legal empowerment can help address the economics of poverty. It also provides an analysis of legal empowerment in terms of new institutional economics, and describes how significant economic benefits can be derived by both governments and the poor. It also discusses the economic assumptions and theories associated with legal empowerment.

7. Towards a Global Social Contract – a strategy for legal empowerment and for inclusion of the poor

Presented here is the call for a new Global Social Contract as a way to further the legal empowerment agenda and make effective progress against poverty. It proposes an integrated package of policy reforms drawing on the four thematic areas,

and examines how such a global contract can serve as a platform for an international coalition that works to formulate action plans and policies at global, regional and national levels.

Annexes

C. Some of the substantive issues discussed during the Commission meeting included:

- There is a need for a fundamental rethinking and for new ideas and new initiatives to make the legal systems inclusive and pro-poor.
- In the light of 2015, MDGs and in the light of new global challenges the rethinking of the development strategies has to include the fundamental role of the legal systems for citizens/workers, business and societies together with the fulfilment of the commitments to ODA.
- The Commission should aim to add value to the ongoing rethinking of global development strategies by calling into question conventional wisdom and by taking a systemic approach to the role of the legal systems in the fight against poverty. Such a systemic approach has a great potential in the fight against poverty.
- The legal systems in many countries are deficient and exclusive, and this is the principle reason why people turn to the informal economy to avoid the legal system.
- Reform for Legal Empowerment of the poor has to be designed to support well functioning institutions and markets, which can release the productive potential of workers and businesses.
- There is a huge productive potential among workers and businesses to be released through well designed legal empowerment strategies. The success of this agenda depends on political activities by civil society, on the political will of national governments and on political and financial support from the international community.
- Poverty is a market, governance and public policy failure. This includes the role of the global development institutions, shaped in the middle of the 20th century. These institutions need to be equipped for the realities of the 21st century and for the new challenges.



- The international community has to make legal empowerment a central element in the emerging new development strategies and the international community and the civil society have to work together to bring about change in deficient and exclusive legal systems.