



## ***Legal empowerment of the poor: a pathway out of poverty***

Prepared by the ESWD of FAO

Together with clarified and strengthened access to productive resources, rural employment is increasingly seen as central to reducing poverty and food insecurity, and achieving equitable development. Yet, for billions of people worldwide, particularly in developing countries, it is not the absence of assets or lack of work that holds them in poverty, but the fact that they lack legal protection of their assets, their labour, and their economic transactions. Indigenous peoples, migratory workers and women are especially vulnerable.

Recent years have witnessed growing interest and debates about legal empowerment as a strategy for helping the poor getting out of poverty and inequalities, for creating economic opportunities and improving their access to credit and services. Today, it features high on the international development agenda thanks in particular, to the work of the UN-hosted Commission on Legal Empowerment of the Poor (“the Commission”)<sup>1</sup>. In December 2008, the UN General Assembly adopted a resolution on “Legal empowerment of the poor and eradication of poverty”<sup>2</sup> to promote its implementation in practice.

### ***Legal empowerment: the concept***

“Empowerment” is about power and power relationships; it refers to ability or strength to control decisions and processes that affect one’s life. “Legal” points out to law, legal tools, legal processes and services as a route to empowerment.

According to the Commission, starting from the livelihoods of the poor - their assets, their labour and their activities – the three main domains where empowerment must happen are: *property rights*<sup>3</sup>, *labour rights*<sup>4</sup> and *business rights*<sup>5</sup>. *Access to justice and the rule of law* are the enabling framework and necessary pre-conditions for realizing and enforcing these rights in practice. Legal empowerment finds its normative basis in globally agreed standards of human rights, in particular the principle of equality; this means that gender equality should be given particular attention in all four fields of action mentioned above.

Legal empowerment is a bold vision and its implementation is challenging. As a reform process, it requires action not only at the level of institutions, but also at the level of people. It means that States should design laws that respond to peoples' needs and include practical measures that enable them to access justice and enforce their rights. At the same time, it is a bottom-up approach that requires the active participation and buy-in of the poor. This implies improving people's *awareness and knowledge* of their rights (e.g. their right to property, equal wages for men and women, non-discriminatory access to employment opportunities, social protection, and access to credits); improving people's *capacity and confidence to legally assert* their rights through available legal procedures; and improving their *access to legal services*. Focus should be put on particularly vulnerable people, including poor rural women and youths.

People who are legally empowered will have more influence on institutional and legal reforms and social policies, which, in turn, will allow people to enforce their rights as asset holders, workers and business people.

### ***Putting it into action: good practices at FAO***

Whether labelled as legal empowerment or not, FAO's work in land tenure, forestry and fisheries management has long focused on enabling, participatory and community-based approaches. For example, in the field of *fisheries management*, FAO is supporting the empowerment of fishers and their communities through the implementation of the Regional Plan of Action for the Management of Fishing Capacity (RPOA-Capacity) on Lake Victoria. Implementation activities range from on-the-ground awareness raising, education, and training to harmonization of the fisheries laws of the three countries<sup>6</sup>. Capacity building activities with the Beach Management Units (BMUs) of Lake Victoria are geared towards ultimately empowering the BMUs to be able to take up various elements of fisheries management (e.g., data collection and interpretation, vessel registration, enforcement, timing and amount of fishing, to name a few) as part of a shift towards greater co-management and the shift towards a territorial user rights system based around BMUs<sup>7</sup>. In the field of *land tenure*, the participatory land delimitation (PDL) approach has been developed as an innovative method for securing rights acquired through customary and other forms of occupation; it provides a quick and effective form of officially recording already acquired rights. Further, it also creates stronger communities that can then negotiate more effectively with investors who want access to their land and natural resources<sup>8</sup>. The approach has been successfully used in Mozambique, where FAO has also accompanied the drafting and implementation of the progressive Land Law and contributed to capacity development of judges, district officials and NGOs in the application of the law.

More recently, FAO has also focused on bottom-up empowering of young people living in particularly difficult conditions through its Junior Farmer Field and Life Schools (JFFLS) approach<sup>9</sup>. Based on Farmer Field School (FFS), this approach aims at empowering orphans and vulnerable children and youth by using a participatory active learning methodology to pass on agricultural knowledge, entrepreneurial and life skills and gender equal attitudes. The JFFLS in Kenya, Mozambique and Nepal will start field testing of the new curriculum modules on entrepreneurship skills, on land and property rights and on child labour protection. Reaching out to millions of rural men, women and children all around the world, the JFFLS and the FFS are a strategic tool for legal empowerment of the poor.

Poverty is not inevitable, it is manmade. We have to continue to support the legal empowerment process and ensure that its two faces – bottom-up empowerment of people and legal and institutional reforms – continue together in a systemic and coherent manner.

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<sup>1</sup> The Commission was established in 2005, on an initiative by a group of developing and developed countries, and was hosted by the UNDP. It was chaired by former U.S. Secretary of State, Mrs. Albright and the Peruvian economist, Mr. de Soto. It ceased to exist in 2008. Full report of the Commission published in 2007 is available at: <http://www.undp.org/legalempowerment/reports/concept2action.html>

<sup>2</sup> UNGA Resolution A/RES/63/142, of 5 March 2009.

<sup>3</sup> This include e.g. recognition of different forms of property rights, including customary rights; institutionalization of an efficient land governance system; simplified and affordable procedures to register and transfer land and property, gender equality in property rights.

<sup>4</sup> This include e.g. ensuring right to equal wage for equal work, non-discrimination in access to employment, health and safety, social protection, collective bargaining.

<sup>5</sup> The latter term covers various existing rights of individuals and groups to engage in economic activity and market transactions

<sup>6</sup> Kenya, Tanzania and Uganda.

<sup>7</sup> <ftp://ftp.fao.org/FI/DOCUMENT/IPOAS/regional/lakevictoria/RPOACapacity.pdf>

<sup>8</sup> FAO, forthcoming, *Methodological guidelines for Participatory Land Delimitation: an innovative method for securing rights acquired through customary and other forms of occupation*, FAO, Rome.

<sup>9</sup> FAO / WFP, 2007. *Getting started! Running a Junior Farmer Field and Life School*, FAO, Rome; Djeddah, C., 2005. *Empowering orphans and vulnerable children living in a world with HIV and AIDS*, Concept paper, FAO / WFP, Rome.