

**AFRICAN UNION**

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## **ASSEMBLY OF THE AFRICAN UNION**

### **Twelfth Ordinary Session**

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**Addis Ababa, ETHIOPIA**

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## **LEGAL EMPOWERMENT OF THE POOR**

*(Item proposed by the United Republic of Tanzania)*

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**The Commission for Legal Empowerment of the Poor**

1. The Commission on Legal Empowerment of the Poor was the first global initiative to focus on the link between exclusion, poverty and the law. Hosted by the United Nations Development Programme, and chaired by former US Secretary of State Madeleine Albright and Peruvian Economist Hernando de Soto the Commission brought together a remarkable diversity of political views and geographical origins. It gathered some of the most eminent global leaders and thinkers from North and South including five former heads of state or government, academics, chief justices and a Nobel Prize winner.
2. Commissioners from the African Union member states included: Benjamin Mkapa, formerly President of Tanzania and currently Co-Chair of the Investment Climate Facility for Africa and an active peace negotiator; Clotilde Aniouvi Medegan Nougbo, President of the High Court of Benin, and a founding member of the Benin Association of Law Practitioning Women; Medhat Hassanein, Professor at the American University of Cairo, formerly Egyptian Finance Minister; Lindiwe Sisulu, Minister of Housing and Member of Parliament, Republic of South Africa.
3. Between 2005 and 2008 the Commission launched expert working groups on areas of legal exclusion and poverty, held national consultations in a range of countries including Uganda, Kenya and Tanzania, and deliberated internally and with an advisory board of leading civil society and other organisations. In 2008 it published its final report, *Making the Law Work for Everyone*.

***Making the Law Work for Everyone***

4. The Commission found that most of the world's people – an estimated four billion – are excluded from the protection and opportunity of the rule of law. It affirmed that the poor were not poor in assets, but that their assets were not protected, and that they were certainly not poor in talents, but frequently unable to exploit their talents. The Commission identified four pillars on which rested the legal empowerment of the poor: access to justice, labour rights, property rights and entrepreneurial rights. Legal Empowerment of the poor therefore derives from nationally driven systemic change, and the Commission asserted its view that there is no technical fix for development.
5. Born of this holistic view, legal empowerment speaks to the manifold challenges of development, from climate to the failure of financial markets, from contexts of emerging economies to countries emerging from conflict. Legal empowerment is a challenge for all countries, North and South. It is also a challenge to countries' management of their relations with each other and of global affairs. Only in a world with fair rules for all, and reformed international institutions can the poor enjoy protection and opportunity.

6. Legal Empowerment is designed not to replace other development strategies but to compliment them, pointing the way to a framework in which more technical work can thrive. It requires nationally driven change with will and vision rather than traditional aid, but the Commission nonetheless calls for internal and external resources.
7. The Commission on Legal Empowerment of the Poor has published a second and supplementary volume which elucidates the extensive research base of the Commission's work. All the Commission's work can be found at <http://www.undp.org/legalempowerment/> .

### ***Legal Empowerment of the Poor: from Words to Action***

8. In June 2008 the Commission launched its report at United Nations Headquarters, in the company of the President of the General Assembly and Permanent Representatives. In December 2008, the UN General Assembly adopted a resolution on legal empowerment by consensus, sponsored by 48 countries from North and South, requesting the UN Secretary-General to issue a report on legal empowerment of the poor for a debate at the next session of the General Assembly.
9. National governments, the United Nations Development Programme, other UN agencies and development actors have begun to adopt legal empowerment as a means of driving achievement of the Millennium Development Goals. UNDP has worked with a wide range of governments including Egypt, Zambia and Tanzania to pilot legal empowerment projects for poverty-reduction, on such issues improving employment conditions and entrepreneurial opportunities in the informal economy, and supporting legal inclusion for the poor. Now the challenge is to match global interest and the potential of such work to drive MDG achievement and compliment other development efforts, to a wider and deeper application.

### ***A Vital Role for the African Union***

10. Given the involvement of various African Union member states in the formulation of legal empowerment, early interest in implementation, and the special needs of Africa, the African Union provides an appropriate forum for leaders to take note of the importance of the legal empowerment of the poor, and take ownership of some of the themes of the report of the Commission for Legal Empowerment of the Poor.
11. The African Union General Assembly may wish to request UNDP, the AU Secretariat and other actors to promote and support legal empowerment efforts. They may wish to urge the UN Secretary-General to consider the special needs of Africa in his report, and they may wish to urge further international action.

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