

## Regional Dialogue on Legal Empowerment of the Poor Background Paper<sup>1</sup>

**This paper has been prepared as one of three background documents** for the regional dialogue on legal empowerment, held from 3 to 5 March 2009 in Bangkok.

The present paper aims to provide a briefing to dialogue participants by outlining the key issues around legal empowerment. While a wide-range of issues and recommendations have been put forward by the Commission on Legal Empowerment of the Poor in its reports, the paper does not attempt to reflect all such concerns. Instead it aims to provide participants with an overview of the key themes within a legal empowerment framework and an introduction to those issues, which will be discussed at the regional dialogue. The paper also provides a range of illustrative examples from around the Asian region of how legal empowerment has been applied in practice.

A discussion paper has also been prepared, which poses a series of questions and seeks to generate ideas, stimulate discussion and seek input from the dialogue participants on how key challenges surrounding legal empowerment can be addressed and how best to take the legal empowerment agenda forward in the region.

A third paper has been prepared, which provides a discussion of poverty in Asia and the impact of the food, fuel and financial crises. The paper also provides an overview of the work of the Commission on Legal Empowerment of the Poor and the national consultation process across the region.

### ***What is legal empowerment of the poor?***

Legal empowerment of the poor is based on the idea that poverty is the result of market failure and inappropriate public policies. It is an agenda for poverty reduction and inclusive development that complements other strategies but brings a unique new perspective. It argues that exclusion from the law – or legal protections and opportunities – is a major barrier facing the majority of people in the developing world. It makes the case for focusing on four interrelated domains: access to justice, property rights, labor rights and what is coined as ‘business rights’. These are areas where pro-poor reforms can yield big dividends: a larger and more inclusive market economy and a more legitimate state.<sup>2</sup>

### ***Access to justice and the rule of law as the enabling framework for legal empowerment***

Adam Smith, in *The Wealth of Nations*, described how problematic judicial systems can burden an economy. It is easy to imagine how his words might describe the poor in the informal sector:

*“[Commerce] can seldom flourish in any state which does not enjoy a regular administration of justice, in which the people do not feel themselves secure in the possession of their property, in which faith of contracts is not supported by law, and in which the authority of the state is not supposed to be regularly employed in enforcing the payment of debts from all those who are able to pay.”*

His words draw attention to how an insecure legal climate discourages economic growth. In many countries today, unpredictable rules and lack of access to effective dispute resolution mechanisms prevent many individuals and entrepreneurs from participating in the formal justice system.

Access to justice is the right, which guarantees all other rights. *It is the foundation of legal empowerment.* Legal empowerment is impossible when poor people are denied access to a well functioning justice system. Where just laws enshrine and enforce the rights and obligations of society, the benefits to all, especially the poor, are beyond measure.<sup>3</sup>

---

<sup>1</sup> This discussion paper has been prepared by Ewa Wojkowska and Johanna Cunningham. The views expressed in this paper do not necessarily reflect the views of the United Nations Development Programme, its Executive Board or its Member States.

<sup>2</sup> Commission on Legal Empowerment for the Poor Making the Law Work for Everyone: Volume I, 2008.

<sup>3</sup> Ibid.

'Access to justice' is perhaps best envisioned as a process by which a range of different inter-related factors combine to enable individuals to obtain a satisfactory remedy for a grievance. Such factors include, but are not limited to, an adequate legislative framework, basic community legal awareness and functioning formal and informal institutions of justice that are accessible in physical, economic and intellectual terms.

The key elements of the access to justice process:

The **Normative Framework** can be either formal or informal in nature. Formal norms can be reflected in documents such as constitutions, national legislation, government and regional regulations, and jurisprudence produced by the courts. Informal norms evolve through social interaction and reflect customs and accepted behaviours. The normative framework has both the capacity to protect and defend the interests of the poor, but also has the potential to perpetuate injustices and inequities.

Community **Legal Awareness** is critical to securing access to justice. At the extreme, poor and disadvantaged citizens may be unable to exercise their rights because they are simply unaware of them. More commonly, citizens may be aware in general terms that they have been wronged in some way, but be unable to point to a right that has been breached and be unaware of how to seek redress for their grievance. Community legal awareness means that citizens are able to recognise a situation in which they may have legal rights and know when and how they should seek further assistance, and from whom.

In seeking remedies for their grievances, knowledge alone is clearly not sufficient – the poor and disadvantaged require adequate **Access to Appropriate Forums** from both a geographic and financial perspective. An appropriate forum may be either formal or informal, and may include local government offices and processes not normally associated with the formal justice sector. Informal justice systems deal with the majority of disputes in the region.

**The opportunity to obtain legal advice** is imperative to accessing justice. Legal aid services, even where they exist, are highly under-funded and inadequate. Even where poor people obtain legal support, the quality of this is not comparable to that obtained by the rich. This can effect the balance of justice in favour of the rich.<sup>4</sup>

**Effective Handling of Grievances and Provision of Remedies** entails the impartial, timely and consistent application of applicable norms by formal and informal justice institutions, free from corruption or political intervention and in accordance with national and international human rights standards. Effective handling of grievances includes the provision of adequate legal representation when required, the timely enforcement of remedies, and accountability to the public for performance against agreed service standards.<sup>5</sup>

Justice reform programs have generally tended to focus on top-down formal justice sector mechanisms and institutions. This has included training judges; repairing or building more courts; purchase of furniture, computers and other equipment; drafting new laws and regulations; establishing management and administration systems; and supporting international exchanges for judicial personnel. While there is no denying that support to enhance the rule of law and improve the functioning of the formal justice institutions is relevant, Golub argues that the top-down approach is plagued by unproven impact and insufficient attention to the legal needs of the poor and disadvantaged.<sup>6</sup> Others strongly suggest a lack of evidence for the assumption that this approach increases access to justice or improves legal systems operations, and even that it is

---

<sup>4</sup> Ibid.

<sup>5</sup> United Nations Development Programme, *Justice for All: An Assessment of Access to Justice in 5 Indonesian Provinces*, 2007.

<sup>6</sup> Golub, Stephen, "Improving Access to Justice Efforts: UNDP's Legal Empowerment and Assistance for the Disadvantaged Project in Indonesia", in Ayesha K. Dias and Gita H. Welch, *Justice for the Poor: Perspectives on Accelerating Access*, Oxford University Press, forthcoming 2009.

demonstrably ineffective.<sup>7</sup> Partly in response to these top-down, state-centric reforms, ‘access to justice’ as a bottom-up, ‘demand side’ approach has been adopted by numerous organizations over the past decade or so. The meaning of access to justice has been broadened from gaining access to the formal justice system to a more general emphasis on obtaining remedies for grievances, through either formal or informal institutions of justice.<sup>8</sup>

Access to justice is not just a moral imperative, but a legal right, under the ambit of international law, and the constitution and national laws of States. Under international law, and the laws of most states, this is not just a legal right but a human right, which must be recognized, implemented and practiced by all states. Despite various legislative instruments, there are various impediments to obtaining justice at all stages of the formal judicial process for many of the world’s people.<sup>9</sup> This inability to seek remedy to injustice maintains the cycle of poverty and inequity.

### **An example of anti-poor legislation in India**

From time to time, governments declare war on beggars. The most recent skirmish in this sporadic warfare is a recent notification by the Delhi Traffic Police under the Motor Vehicles Act, which slaps fines of Rs. 1,000 on those who give alms to people begging at traffic lights. Beggars are therefore seen not as a spectacular human tragedy but an impediment to traffic. This view is endorsed by courts. In response to what was claimed to be a “public interest” litigation filed by a group of advocates — which characterised beggars as “the ugly face of the nation’s capital” which cause, among other sinister things, “road rage” — the learned judges of the Delhi High Court agreed that beggars should be removed from Delhi as they “obstruct the smooth flow of traffic”. The Delhi Social Welfare Department holds those who give money to beggars guilty of even more than delaying traffic. In an advertisement blitz last year in many national newspapers, it claimed dramatically that those who give beggars “alms may cause traffic jams, accidents, illiteracy, inconvenience, unemployment, biri, cigarette, alcohol, bhang, ganja, charas, heroin... mandrax, robbery, rape, sex, theft, murder, prostitution, handicapped, assault, hooliganism” and then even more darkly “slums, poverty, debt, ignorance, aggression, encroachment, molestation, mugging...”

The operation of this patently anti-poor law is even more merciless and problematic. Teams of policemen and women with lay aides and armed with sticks, conduct periodic drives against homeless populations, rounding up men, women and children, not those who are actually found begging, but mostly those whose only crime is that they are manifestly penniless and unwashed. They are beaten into waiting vehicles, and it is usually only the most nimble street urchins who manage to escape. They are then presented before specially designated magistrates of beggars’ courts, who summarily enquire whether those rounded up, are people who live by begging. We have observed the functioning of these courts for several years, and found that it is very rare for elementary procedures of law to be applied in these courts.

The litigation in the Delhi High Court seeks not reform but more extensive application of this law. The court has therefore directed the establishment of mobile beggars’ courts to facilitate larger application of this law. The Director of Social Welfare complained to the court that beggars’ court magistrates were too lenient in applying the law against offenders. Humane voices of dissent are rare, such as of Justice Sarin, who maintained that detaining beggars was “nothing short of dehumanising them and they should be let of after an admonition.”

*Source: The Hindu, January 2009*

### **Enhancing Access to Justice: Reflecting the circumstances of the poor**

Starting from the legal needs of the poor is essential to legal empowerment. Such an analysis can clarify which elements of the rule of law are particularly important for the poor and to which neutral interventions they need access. It takes the perspective of individuals needing law to protect them and solve their disputes, rather than the perspective of the lawyer who applies rules. In relations in which the poor are dependent on others, they need a credible threat of an

<sup>7</sup> See for example *ibid*; Patrick McAuslan, “Law, Governance and the Development of the Market: Practical Problems and Possible Solutions,” in Julio Faundez, (ed.), *Good Government and the Law: Legal and Institutional Reform in Developing*, 1997; Thomas Carothers, *Promoting the Rule of Law Abroad: The Problem of Knowledge* (Carnegie Endowment for Int’l Peace, Working Paper No. 34, 2003).

<sup>8</sup> De Langen, Maaiké & Barendrecht, Maurits, “Legal Empowerment of the Poor: Innovating Access to Justice”, in Jorrit de Jong & Gowher Rizvi (eds.) *The State of Access: Success and Failure of Democracies to Create Equal Opportunities*, 2008 and United Nations Development Programme, *Programming for Justice: Access for All*, 2005.

<sup>9</sup> Ayesha K. Dias and Gita H. Welch, *Justice for the Poor: Perspectives on Accelerating Access*, Oxford University Press, forthcoming 2009.

intervention by a neutral and trustworthy person. They need the shadow of the law to get access to fair and just settlements of their differences.<sup>10</sup> Making the law work for everyone is a very ambitious target, but through bottom up processes real progress may be made in this area.

### *Engaging with Informal Justice Systems*

Access to justice from a legal empowerment perspective emphasizes local solutions and builds on local mechanisms. As discussed earlier, justice reform generally concentrates primarily on providing support to the formal institutions of the justice sector. This approach has generally not been successful in improving access to justice for poor and disadvantaged populations and has not been cognizant of where people actually go to seek justice. Informal justice systems are the cornerstone of accessing justice for the majority of the population in many countries in the region and recourse to the formal system is only contemplated, if at all, as a last resort.<sup>11</sup>

#### **Undercover team of villagers exposes chicken theft racket: An example of dispute resolution through an informal justice system in Indonesia**

‘A group of serial chicken-thieves were apprehended in Potuho Jaya village in Indonesia and brought before the village head’s house to be tried in an informal hearing chaired by the village head. Those present at the hearing included the victims, the thieves’ parents, the undercover team who caught the thieves, village administrators, community leaders and several members of the village’s civil defence unit. Next, the victims were asked to testify as to the losses they had suffered, and finally the thieves were given an opportunity to explain their actions. After hearing all of the facts, the village head opened the floor to community and youth leaders who were invited to give their opinions as to what punishment should be imposed upon the perpetrators. It was eventually decided that the appropriate sanction was a fine of ten sacks of Portland cement for each of the six thieves and a fine of five sacks of Portland cement for the other two accomplices. Before the sanctions were finalised in writing, the perpetrators and their families were given an opportunity to express their exceptions to the punishment. One of the perpetrators’ families argued that the size of the fine would impose an undue burden on their family, and after a round of bargaining between the family, the village head and other community and youth leaders, the fine was reduced to five sacks of cement for the thieves and two sacks of cement for the accomplices. ‘Community members in Potuho Jaya summed up the benefits of this method of dispute resolution in this case as follows: (i) The fine was not unduly harsh but nevertheless served as a good lesson to the young men; (ii) the cement could be utilised by the community to build a small bridge, a benefit they would not have received had the case been reported to the police; (iii) the dispute resolution process was simple, timely and inexpensive, and; (iv) the entire village could monitor the enforcement of the punishment.’

Source: UNDP, *Justice for All: An Assessment of Access to Justice in Five Provinces in Indonesia*, (2007)

Some of the strengths of informal justice systems include:

- They are understandable and culturally ‘comfortable’;
- They focus on consensus, reconciliation and social harmony;
- They can be good partners with the formal justice system by reducing court congestion for non-serious offences;
- They offer swift solutions to disputes;
- They tend to enjoy social legitimacy, be trusted, and understand local problems;
- Informal justice systems often survive violent conflict; and
- They provide geographical and financial accessibility.

<sup>10</sup> De Langen, Maaik & Barendrecht, Maurits, “Legal Empowerment of the Poor: Innovating Access to Justice”, in Jorrit de Jong & Gowher Rizvi (eds.) *The State of Access: Success and Failure of Democracies to Create Equal Opportunities*, 2008.

<sup>11</sup> Wojkowska, Ewa, *Doing Justice: How Informal Justice Systems Can Contribute*, 2006.

**Clear preference for informal justice systems:**

In Timor Leste there are around 17 different languages. The lack of sufficient translation facilities in the formal justice system continues to create problems during hearings. The informal systems proceedings, on the other hand, are always heard in the local language of the area.

An access to justice assessment in Indonesia revealed that 28 percent of respondents thought that the formal justice system treats everyone fairly, as opposed to a much greater 69 percent of respondents for the informal system. 50 percent of respondents felt that the formal justice system favored the rich and powerful whereas only 15 percent held this view about the informal system.

*Ewa Wojkowska, Doing Justice: How Informal Justice Systems Can Contribute, (2008)*

Despite informal justice systems being widely viewed by many communities as the most likely way of achieving an outcome that satisfies their sense of justice, there are situations in which they fall well short of realizing that ideal. The main weaknesses of informal justice systems include:

- Unequal power relations and susceptibility to elite capture – where power imbalances exist between disputing parties the weaker party is vulnerable to exploitation;
- Unfair and unequal treatment of women and disadvantaged groups;
- Lack of accountability;
- Arbitrary decisions;
- Non-adherence to international human rights standards;
- They are unsuitable for certain disputes that are important for security and sustainable development – informal justice systems do not work in cases such as dealings with government service delivery, companies, complex cases such as serious crimes, and inter-village, inter-community and third party disputes as the authority of the informal justice actors rarely extends beyond their own sphere of influence.<sup>12</sup>

Despite such problems, it must be acknowledged that in many situations replacing informal or customary justice systems with the formal institutions of the state is either impossible or would do more harm than good. Therefore, alongside programmes to improve the state justice systems, opportunities should be sought out for strategic interventions that improve the operation of informal justice.

Empowering the poor to demand changes in the customary system will be of critical importance. Reformers can encourage transformation from within by providing information about individuals' legal rights under the constitution and about the norms of the formal legal system. In Bangladesh, for example, the Constitution forbids the practice of oral divorce, but in poor rural communities, the practice is still widespread. A Bangladeshi NGO found that simply informing the members of local customary courts that oral divorce was forbidden by the constitution substantially reduced the practice. More generally, this NGO found that it was possible to introduce norms from national law into community deliberations and mediation practices otherwise based on customary law and traditional norms.<sup>13</sup>

## **Legal Empowerment – Two Overarching Concerns**

### *Legal identity*

Legal identity is a cornerstone of access to justice. It is the formal, legal recognition by the state that a person exists. In developed countries, or for the wealthy, this is taken for granted. In many countries in the region however, the situation is much different. Due to weaknesses in the management of birth registries, costly and time consuming procedures needed to register and other obstacles can make securing a legal identity a challenge. A person without legal identity is denied a whole range of benefits essential for overcoming poverty. She may be unable to attend school, obtain medical services, vote in elections, own property, file a complaint through public

---

<sup>12</sup> Ibid.

<sup>13</sup> Commission on Legal Empowerment for the Poor *Making the Law Work for Everyone: Volume I*, 2008

administration services, or open a bank account. Those who lack a legal identity are also often unable to take advantage of anti-poverty programmes specifically designed for them. They are especially vulnerable to exploitative practices, including child labor and human trafficking.<sup>14</sup> Although reliable systematic data is limited, the available evidence suggests that the number of people who lack a legal identity number in the tens of millions.<sup>15</sup> Those without legal identity are disproportionately poor, and are often members of disadvantaged indigenous peoples or other ethnic minorities. According to UNICEF, roughly 23 million South Asian children – over 60 percent of all children born in the region – are born but not registered each year.<sup>16</sup>

#### Birth Registration, % coverage

	Total (1999 – 2006)	Urban (1999 – 2006)	Rural (1999 – 2006)
Bangladesh	10	13	9
Cambodia	66	71	66
India	41	59	35
Indonesia	55	69	43
Lao	59	71	56
Philippines	83	87	78
Thailand	99	100	99
Viet Nam	87	94	85

Source: UNICEF, *State of the World's Children (2006)*

#### Removing Barriers to Registration

Barriers	Possible solution
Initial costs or late fees	The national government could decide initiate a year of free registration to all, with reduced costs thereafter, as was done in Bangladesh 2007-2008
Distance	Mobile registration units are cheap and can reach even remote communities
Lack of knowledge of the importance of registration or where to register	It is necessary to conduct effective and accessible information campaigns across the country. This can include linking registration with vaccinations where vaccination rates are high.
Lack of support	National governments can consider collaboration with religious groups, NGOs, the civil service, or the armed forces.

Source: UNICEF, *'the Rights Start to Life'*, (2005)

A recent Asian Development Bank report, based on findings in Nepal, Cambodia and Bangladesh however, notes however that on its own increasing legal identity documentation does not grant more people opportunities to open bank accounts, apply for credit, permission to travel and work abroad, *if those opportunities do not exist in the first place*. These findings stress that efforts to improve registration need to accompany continuous efforts to build the capacity to protect these rights.<sup>17</sup>

#### Corruption

Between 2006 and 2007 most regions experienced a decrease in the number of citizens who paid a bribe to obtain a service, whereas in the Asia-Pacific region this number increased by almost 7 percent. It is a well documented fact that even so-called 'petty' corruption can have a debilitating impact on low to middle income earners who experience corruption in many ways - from the most common, bribery, to theft and extortion – often resulting in threats or physical violence. The continuous upward and outward flow of meager profits keeps disadvantaged groups in a cycle of poverty and injustice. It becomes more difficult for them to save for real needs such as growing a business, higher levels of education for their children, contributing to insurance or

<sup>14</sup> Commission on Legal Empowerment for the Poor *Making the Law Work for Everyone: Volume II*, 2008.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Asian Development Bank, *Legal Identity for Inclusive Development*, 2007.

collective funds to build economic security for 'rainy days'. The vulnerable are then more susceptible to smaller shocks which spiral them further into poverty.

According to surveys by Transparency International (TI), the judicial system is perceived as being the third most corrupt institution in the Asia-Pacific region. Rated 3.3 (with 1 being no corruption at all, 5 being 'extremely corrupt') the judicial system scored only slightly better than the police and political parties. TI also suggest that if the figures for the Pacific were separated, Asian perceptions of corruption in the judicial system would be much higher.<sup>18</sup>

Poor people often pay more for government subsidised services, the kickbacks going to service providers, middlemen or local government. Transparency International's 2007 barometer showed women and younger people as most likely to pay illegal bribes for basic services which middle and higher income earners are able to take for granted.

Cultures of corruption lead to distorted patterns of public expenditure. Corrupt officials are attracted to large-scale projects which offer greater opportunities for bribery, fraud, abuse of discretion or nepotism. To that end, public spending shifts away from common goods such as public health, education, sanitation and environmental protection, towards new roads, airports or military hardware.<sup>19</sup>

While not only cutting into resources for public services, the poor are affected by high-level corruption on public projects because of their already vulnerable position in society. It is they who are most likely to live in areas susceptible to the ill-effects of cut corners in housing projects, of illness due to poor sanitation or lack of utilities, and of economic and cultural loss from disregard for the environment.

A study in Bangladesh of 3,000 households shows that 97 per cent of households that bought land had to pay bribes for land registration, 88 per cent of the households who mutated their land ownership had to pay bribes for it, 85 per cent households who collected land related documents had to pay bribes, 83 per cent households had to pay bribes for land survey, and 40 per cent households who received land had to pay bribes.<sup>20</sup>

### **Understanding Informality**

The 'informal economy', defined by ILO as 'all economic activities that are – in law or practice – not covered or insufficiently covered by formal arrangements' is an integral part of regional economies. The size of the informal economy, while under-researched, is exceptional. It is generally understood that informality continues to grow in scale and scope.

In India, nearly 93 percent of the workforce is in the self-organized informal sector, with nearly 10 million persons and their dependents relying on just on street vending for their livelihood. In Bangladesh and Pakistan, the proportion of self- employment accounts for nearly 70 percent of the total employment.<sup>21</sup>

Legal empowerment reforms will only be effective if they are based on empirical evidence of practices in the informal economy, and are developed with a clear understanding of local environments and ownership systems, and, perhaps most importantly, with the active participation of those whom policy initiatives are meant to assist.<sup>22</sup>

The world's poor operate in or interact with the informal sector daily. Informality generally manifests itself in one or more of the following three forms:

<sup>18</sup> Transparency International Index, 2008.

<sup>19</sup> United Nations Development Programme *Tackling Corruption, Transforming Lives*, 2008

<sup>20</sup> Ibid.

<sup>21</sup> Commission on Legal Empowerment for the Poor *Making the Law Work for Everyone: Volume I*, 2008

<sup>22</sup> Commission on Legal Empowerment of the Poor, *Overview Paper*, 2006.

**1. Land and housing ownership:** Within the sphere of land ownership, informality is often equated with lack of title.

**2. Businesses and services:** While large enterprises typically operate in the formal economy, small and medium-sized enterprises (SMEs) are marginal in the formal economy. Informal SMEs lack access to bank financing and long-term capital, so their activities remain subscale. These businesses are unregistered, do not pay taxes, and do not have legally binding contracts.

**3. Labor informality:** The informal work force itself is comprised by many constituents, including migrant, seasonal, and temporary workers, sub-contractors, home-based and micro-enterprises, but these workers — many of which are women — all lack adequate representation and protection, and they endure sub-standard pay and working conditions.<sup>23</sup>

While these elements often appear together, compounding the disempowerment of the poor, the subsequent discussion will address each form of informality separately.

*Contributing Factors: what drives informality?*

- **Rural migration to urban areas.** Urban populations are growing unsustainably as migrant opportunity-seekers flood to peri-urban areas. Many of these laborers cannot find formal employment.
- **Excessive regulations** and burdensome legal codes.
- The **tax burden in the formal economy** makes it preferable for small firms to operate informally. Where informality is high, the paucity of legal registrants — whether for businesses or land titles — tends to raise the burden on those that do register.
- **Historical customs and practices** can contribute to insecurity of land tenure. The lack of recognition by national law of customary tenure can create serious insecurity.
- **Weak judicial systems** exacerbate all of these problems. When courts do not work effectively, vast numbers of poor people see no benefit to entering into legally bound business and labor agreements.<sup>24</sup>

*The impact of informality on society is far-reaching. For example, informality breeds:*

- **Fear and insecurity.** Squatter populations in big cities are highly vulnerable to dispossession. The consequence of these evictions are severe: besides destroyed property and lost assets, social networks are broken and access to essential services is absent.
- **Environmental and sociopolitical repercussions.** Urban migration is expanding the number and size of informal settlements, creating serious environmental and sociopolitical implications that affect not only the residents of informal areas, but the growing urban population as a whole. Informal settlements increasingly encroach on environmentally sensitive areas, near protected water reservoirs, on public land, and into terrain that cannot be made habitable at reasonable cost.
- **Labor exploitation.** Many of the world's poor are forced into the informal labor sector, including illegal spheres such as child labor, where they receive fewer benefits and lower wages than formal workers, as well as endure longer hours and more hazardous working conditions. They also have less bargaining power and representation than the formal work force achieves through unions and other labor organizations.
- **Lack of healthcare.** More and more of the world's poor — especially those in the informal sector — lack adequate access to healthcare. The poor who already bear the brunt of the world's worst maladies, from malnutrition to HIV/AIDS, are made more vulnerable by their inability to access and pay for medical care.
- **Social-political alienation.** Informality cannot be viewed only in terms of individual needs and rights. Security of individual property rights, for example, must be combined with a

---

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.



broader, collective approach as regards the need to promote socio-spatial integration. Informality also breeds gender inequality, corruption, and political disenfranchisement — all of which compound the position of the under-classes.

- **Conflict.** The poor are highly vulnerable to conflicts over scarce assets such as land.<sup>25</sup>

Informality undermines economic growth and the prospects for prosperity. Informal assets cannot be leveraged as collateral, lack of secure tenure discourages households from investing in their homes, informal settlements lack basic infrastructure and services, informal businesses are often sub-scale and underinvested, and informal workers often lack access to the requisite education and training. Informal activities, therefore, fail to add to productivity and growth to the same degree as formal activities.

*Property, labor and business as crucial empowerment domains upon which the livelihoods of the poor depend.*

### 1. Property

Secure property rights facilitate economic transactions, ensure efficient and sustainable resource use, allow for the evolution of effective credit markets, improve business climate and investment opportunities, and ensure economic accountability and transparency.<sup>26</sup> The urban poor are managers of complex asset portfolios but which are exposed to shocks and stress, and the poorer the household, the lower its ability to cope with such crises. Urban households cope by diversifying their income sources (including illegal ones). However, the one asset they can least afford to lose, is access to housing in the city. However small or squalid a shanty may be, it represents probably the largest investment its owners have ever made. Its loss through eviction often leads to a downward spiral of homelessness, marginalization and further poverty. Thus, insecure housing and land tenure is the main source of vulnerability for the urban poor.<sup>27</sup>

Less than 25 percent of rural parcels of land in Indonesia have formal certificates of title, which apart from creating a fertile environment for disputes over land ownership, also has the indirect effect of hampering investment and agricultural productivity. For example, in Desa Wayame, Ambon, sharecrop farmers have been harassed by 'outsiders' with no apparent connection to the land in question who threaten retribution if the farmers do not pay a 'fee' for using the land. To avoid this harassment, the farmers have shifted their crops deep inside the forest, damaging the environment and contaminating the local water supply.

Similar stories of exploitation emerge in West Kalimantan, where lack of certainty of title to rubber plantations in Bengkayang District has caused headaches for farmers who are rendered vulnerable to land grabs by 'newcomers' moving into areas to take over lands abandoned by the Madurese. This situation arose after many companies abandoned their plantations before farmers had finished paying off their debt to the companies under a scheme by which farmers would only receive certificates of title to their plantations upon settlement of their debt.

*Source: Commission on Legal Empowerment*

Lack of property titles disadvantages owners, whether individuals or businesses, in numerous ways. For example, they:

- **Have less access to public infrastructure than titled land owners.** Only when land holders have official addresses and land deeds do municipal utilities find it financially feasible to incur the fixed costs of installing power and phone lines, and other services. Residents of informal settlements have no such services and are forced to spend time meeting basic needs, such as traveling to find water.
- **Have little incentive to invest in their land** because there is no guarantee that the resultant increase in value will accrue to them, especially if eviction is a possibility. In a community of squatters, for example, dwellers often have little incentive to work to collectively better their

<sup>25</sup> Commission on Legal Empowerment of the Poor, *Overview Paper*, 2006

<sup>26</sup> Commission on Legal Empowerment of the Poor *Making the Law Work for Everyone: Volume I*, 2008

<sup>27</sup> *ibid.*

immediate surroundings because they face risk of eviction.<sup>28</sup>

- **Do not have easy and fair access to credit.** Without formal property titles, small entrepreneurs often have difficulty obtaining loans to start businesses.

The Baan Mankong secure housing programme in Thailand seeks to help 300,000 households in 2,000 poor communities in 200 Thai cities over five years. This programme provides government funds (infrastructure subsidies and housing loans) to poor communities to plan and carry out improvements to their housing and basic services, and offers a diverse range of mechanisms by which people currently living in illegal settlements can obtain land legally. A key feature of this programme, critical to its success, is that it is city-wide: horizontal linkages are strengthened by engaging all urban poor communities collectively in processes of city-wide planning.

*Source: Commission on Legal Empowerment*

*Property rights as they pertain specifically to women and indigenous communities:*

Property rights are likewise tied to the livelihoods and social status of marginalized groups, including women and indigenous peoples. Forced evictions, lead to a sense of insecurity among women. Asia is a traditionally patriarchal society and the loss of a home represents a breakdown in social infrastructure and leaves women feeling increasingly vulnerable and insecure. Women with strong property rights are less likely to become economically vulnerable in their old age or in the event of widowhood or divorce. Several countries have taken steps to require joint titling of land in the names of husband and wife, bolstering women's effective right to land, particularly during the husband's absence. In addition to the direct economic benefits of property ownership, property rights may serve to empower women within the community and society at large. World Bank research shows a positive relationship between the amount of assets a woman possesses and the share of household expenditure devoted to food, education, health care, and children's clothing.<sup>29</sup>

Indigenous peoples experience a loss of community when their lands are forcibly taken without due process. Tribal communities maintain their own systems of property allocation and have little recourse against the state or private companies when their land is appropriated. A failure to integrate local norms within the legal framework of the state has facilitated a cycle of injustice. The national consultation process in Indonesia suggested that new strategies for integrating indigenous practices with formal legal systems be implemented in addition to issuing compensation for tribal lands taken for their agricultural and economic value.<sup>30</sup>

#### **Resolving Land Disputes: "Team 13"**

The Indonesian province of Lampung experiences a high number of land disputes due to transmigratory and investment policies initiated during the Suharto era which did not consider original land rights of the local population. Fishing, forestry and plantation industries were given favourable land developments and facilities without the consultation or compensation of the local communities. Hundreds of disputes caused a backlog in the formal justice system and led the provincial government of Lampung to agree to establish an independent team to mediate land disputes. 'Team 13' is overseen by LBH Lampung (a Legal Aid NGO) and comprised of various actors, 5 representing government offices and 8 members from non-government organisations such as legal aid activists, lawyer's associations, and campus communities. The team independently gathers information relating to the dispute, including interviews and site visits and then, after analysing the information brings both parties together to negotiate a conclusion. If both parties cannot reach agreement, the mediation goes to the governor's level and a solution is provided by the governor's assistance team. If that too fails, the matter then goes to court.

<sup>28</sup> Commission on Legal Empowerment of the Poor, *Overview Paper*, 2006

<sup>29</sup> Palacio, Ana, *Legal Empowerment of the Poor: An Action Agenda for the World Bank*, 2006.

<sup>30</sup> Commission on Legal Empowerment of the Poor, *Towards a regional compact on legal empowerment in Asia*.

### *A complex undertaking*

Formalization of land title is a complex undertaking. In a presentation to government officials and donors in Jakarta, Commissioner Ashraf Ghani forcefully made the case for formalization of land title as essential for prosperity. But he equally laid out the trade-offs inherent in pursuing this agenda. Formalize land titles, he argued, and some people will inevitably lose in the short-term. But fail to formalize, and genuine prosperity will never be realized.<sup>31</sup>

Many legal land titling programs, some of them quite extensive in scope, have been carried out by developing countries in recent decades, as in Thailand. Legal titling programs have also covered non-real estate assets such as machinery and tools (the Asset Credit Bureau in Thailand is an example). Slum upgrading programs (and to some extent sites and services upgrading, such as street addressing initiatives) have also addressed the formalization of property rights for the poor.<sup>32</sup>

### **'Doing Business' statistics on Ease of Registering Property:**

	World Rank	No of Procedures	No of days	Cost as % of property value
Thailand	5	2	2	1.1
China	30	4	29	3.2
Viet Nam	37	4	57	1.2
Malaysia	81	5	144	2.5
Pakistan	97	6	50	5.3
Philippines	97	8	33	4.3
India	105	6	45	7.5
Indonesia	107	6	39	10.7
Cambodia	108	7	56	4.4
PDR Lao	159	9	135	4.1
Bangladesh	175	8	245	10.4

### **Cadastral Commissions in Cambodia**

The majority of land in Cambodia is unregistered, resulting in uncertainty and confusion regarding land ownership and land rights. A legal framework for establishing cadastral commissions, administrative bodies responsible for hearing land disputes about unregistered land has been developed. Importantly, the project is raising public awareness of land law and increasing people's access to mechanisms to realize their rights under the new law. Given that illiteracy prevented many Cambodians from gaining access to written accounts of the new law in newspapers, the project included the filming of a public awareness video in drama format, entitled *Our Land*, and a cartoon book of the video. To assist poor people who cannot afford lawyers, or who live in remote areas of Cambodia, ADB is supporting the training of grassroots NGO staff to represent the poor before cadastral commissions.

*Source: Asian Development Bank, Law and Policy Reform in Asia and the Pacific, 2005*

## **2. Labor**

Asia's poor suffer from a lack of labor rights and business policies that can adequately address their needs and vulnerabilities. The wake of the 1997 financial crisis left countries scrambling to rebuild their economies. In the struggle to do so, a breakdown in workplace standards and regulations led to dangerous and often illegal conditions. Many of Asia's poor were left without any formal employment and were forced to eke out a living in the informal sector.<sup>33</sup>

Among those who work in the informal or unregulated sector, many perform labor under health and safety conditions that were not compliant with industry standards. In the case of injury, informal laborers, who are likely to lack proper identification, have difficulty gaining access to the

<sup>31</sup> Stephens, Matthew, "The Commission on Legal Empowerment of the Poor: An opportunity missed" *Hague Journal on the Rule of Law*, vol. 1 no. 1, forthcoming 2009.

<sup>32</sup> Palacio, Ana, *Legal Empowerment of the Poor: An Action Agenda for the World Bank*, 2006.

<sup>33</sup> Commission on Legal Empowerment of the Poor, *Towards a regional compact on legal empowerment in Asia*

judicial system. Even if workers do gain access to the courts, they are unable to seek appropriate redress as they seldom possess documented labor contracts.<sup>34</sup>

Of the many categories of informal workers, home-based workers typically have the least security and lowest earnings. Home-based work exists in a wide range of sectors, including personal services such as shoe repair and childcare, clerical services such as data processing and invoicing, handicraft production, and manufacturing. Home-based work is a growing global phenomenon, with over 100 million people working from their homes, in countries both rich and poor. The vast majority are women, who often face the double burden of performing both paid market work and unpaid care-giving work in their homes. Isolated and often entangled within complex chains of contractors and subcontractors, home-based workers face significant challenges in organizing themselves collectively. Despite this, home-based workers' organizations in several countries have achieved important victories, including coverage by minimum wage laws and access to social security and health care programs.<sup>35</sup>

Thailand provides an example of how the labor law has been extended to home workers through a ministerial regulation. In this case, home workers are considered "employees" those who use raw materials and tools that come from the employer. The Ministerial Regulation also affirms the application of the Fundamental principles and rights at work to these workers.<sup>36</sup>

#### *Impact of informal labor on Women:*

Under a system where poor laborers have no legal recourse, employers are able to overlook regulations, pay employees poorly and discriminate on the basis of gender. Reports from Bangladesh, India and Indonesia found that poor women earned less per hour than their male counterparts. Women who work in small enterprises or who endeavour to form their own are confronted by a social structure that is unwilling to provide them with the same support and patronage that is given to men. Indonesia cites it is far more difficult for women who work in small enterprises to obtain credit or loans from local banks.

While measures have been taken to provide women with the resources to improve their businesses, more initiatives geared toward the improvement of labor and entrepreneurial rights among women must be developed. India's National Consultation cited effectiveness of cooperatives supported by local NGOs as a step forward in the legal empowerment of women. The engagement of women from the grass-roots level will give their concerns a more central voice. NGOs have a vital role to play in encouraging local banks to award more loans to women entrepreneurs or home workers and putting a voice to their concerns can help shift the balance in the way policies affect their livelihoods.<sup>37</sup>

#### **SEWA's Integrated Social Insurance**

The Self Employed Women's Association (SEWA) in India set up a bank for its members. When it found that one of the main reason for people not repaying loans was sickness, it started a primary health care programme and later a social insurance programme (Vimo SEWA) that includes life insurance, asset insurance and health insurance with a maternity component. SEWA now insures more than 100,000 women workers and provides the following insurance options:

**Life insurance:** When the member or her husband dies, an amount is paid to the survivor and family.

**Asset insurance:** When a homemaker's sewing machine is stolen, the insurance will pay to replace it, so that she can earn an income again as soon as possible.

**Health insurance:** When a street vendor's ankle was broken by a push-cart, the insurance paid for her visit to the hospital.<sup>38</sup>

<sup>34</sup> Ibid.

<sup>35</sup> Lund, Francie & Nicholson, Jillian, *Tools for Advocacy*, 2006.

<sup>36</sup> Thanachaisetharut, B and V. Charoenlert. 2006. "Extending Labor Protection to the Informal Economy in Thailand."

<sup>37</sup> Commission on Legal Empowerment of the Poor, *Towards a regional compact on legal empowerment in Asia*

<sup>38</sup> Source Tools for Advocacy: Social Protection for Informal Workers, WIEGO and Homenet Thailand, 2006

### 3. Business

In confronting issues surrounding business, the national consultation in Bangladesh concluded that current laws place a strain on home based and other micro enterprises. Lengthy and expensive registration procedures make it difficult for the poor to begin the application process and enter the formal market in a cost efficient manner. It has been suggested that in order to bolster incentives for joining the formal sector, short to medium term tax exemptions could be granted in order to provide relief to businesses as they finance the registration process.<sup>39</sup>

Making business registration affordable and efficient solves one end of the problem of informality, but only begins to grapple the more difficult issue of merchants who set up shop in public spaces. National Consultation reports from the Philippines and India reflected the universal enforcement of similar laws against the use of public space to sell goods without a proper title. Police in India have the right to evict any person who exposes goods for sale without a license and local authorities frequently accept bribes from merchants who wish to illegally peddle their wares on the streets.<sup>40</sup> One solution to these problems was seen in terms of creating local registries which would allow merchants to obtain a vendor I.D card and become eligible for social security benefits in return of paying a small fee. National Consultations also reflected a need for a greater formation of workers collectives and unions.<sup>41</sup>

#### *Deterrents to formalization*

In most developing countries it is costly to be formal. Formal players are often overtaxed (a vicious circle, since they are overtaxed because only a few formal companies carry most of the tax weight). Registering a business can also be a long and expensive proposition. Regulations and government requirements are complex—and compliance costs high. The opportunities for bribery increase with the complexity of regulations, exposing smaller players who lack the legal resources to defend themselves.<sup>42</sup>

#### Starting a business

	World Rank	No. of Procedures	No. of Days	Start up cost as % of GNI per capita	Minimum capital required as % of GNI per capita
Thailand	44	8	33	4.9	0
Malaysia	75	9	13	14.7	0
Pakistan	77	11	24	12.6	0
Bangladesh	90	7	73	25.7	0
PDR Lao	92	8	103	14.1	0
Viet Nam	108	11	50	16.8	0
India	121	13	30	70.1	0
China	151	14	40	8.4	158.1
Philippines	155	15	52	29.8	6.0
Cambodia	169	9	85	151.7	43.9
Indonesia	171	11	76	77.9	74.2

Source: Doing Business Report 2007

Corruption deters formalization as businesses stay off registries and tax rolls in order to minimize contact with corrupt public officials. One broad study of 69 countries found a direct link between decreasing corruption and an increasing formal economy.<sup>43</sup>

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Commission on the Private Sector and Development, *Unleashing Entrepreneurship: Making Business work for the poor*, 2004.

<sup>43</sup> Commission on Legal Empowerment for the Poor *Making the Law Work for Everyone: Volume I*, 2008

## Advancing the Legal Empowerment Agenda

### *Initial challenges: starting at the very beginning*

The foremost concern when addressing the issue of informality in business and labor dimensions of legal empowerment is seen as the inability of governments to properly gauge the number of workers and businesses that comprise the sector. What is known of the informal market in Asia is that it is comprised of labor intensive activities that generate low wages and experience low productivity rates. A recommendation common to nearly all countries where national consultations were held was the need to adopt more stringent methods of monitoring the informal sector, even if this means commissioning NGOs and municipal workers to conduct a door-to-door assessment in low-income neighbourhoods.<sup>44</sup>

### *Doing business with the poor*

Doing business with poor people brings them into the marketplace – a critical step on the path out of poverty. The poor participate in the private sector. All are consumers. Most are employees or self-employed. Yet fragmented and informal markets prevent too many of them from obtaining the resources they need, and from using their resources productively.<sup>45</sup>

The Government of India has set up the National Commission on Enterprises in the Unorganized/Informal Sector, chaired by Dr. Arjun Sengupta, as an advisory body and a watchdog for the informal sector. The Commission will recommend necessary measures for bringing about improvement in the productivity of these enterprises. These measures include the generation of large-scale employment opportunities on a sustainable basis, particularly in the rural areas; enhancing the competitiveness of the sector in the emerging global environment; linkage of the sector with institutional framework in areas such as credit, raw material, infrastructure, technology upgrades, marketing and formulation of suitable arrangements for skill development.

*Source: Commission on Legal Empowerment*

Sometimes poor people pay more than rich consumers for essential products and services. People in the slums of Jakarta, Manila and Nairobi pay 5–10 times more for water than people in high-income areas of those cities—and more than consumers in London or New York. In Mumbai, slum-dwellers in Dharavi pay 1.2 times more for rice, 10 times more for medicine and 3.5 times more for water than do middle class people living at the other end of the city on Bhulabhai Desai Road.<sup>46</sup> The ‘poverty penalty’ is similar in credit, electricity and health care. Business models that offer better value for money—or entirely new products and services to improve the lives of the poor— can reap pioneer profits in return.

### **GrameenPhone**

The largest single foreign corporate investment in Bangladesh is manifested in the GrameenPhone experience. GrameenPhone is a commercial joint venture to provide cellular phone services. The company currently has 2 million subscribers which covers two-thirds of all phone subscribers in Bangladesh. Telenor, the largest mobile phone company in Norway holds a 51 percent ownership stake in Grameen-Phone and has so far invested over \$600 million in the joint venture making it the largest single foreign investor in the country. Thirty five percent of GrameenPhone is owned by Grameen Telecom, a sister organization of Grameen Bank which, in turn, is owned by 2.3 million poor rural women in Bangladesh. As and when GrameenPhone goes public it will be possible for these rural women to become direct stakeholders in the largest private enterprise in the country. The goal of Grameen Bank is to make these poor women into the majority owners of the company as Telenor meets their commitment to gradually divest their equity stake in the company to local investors. The prospect of poor rural women in Bangladesh owning one of the largest corporate enterprises in the country could have a transforming effect on how the poor perceive their role in the national economy.

<sup>44</sup> Commission on Legal Empowerment of the Poor, *Towards a regional compact on legal empowerment in Asia*

<sup>45</sup> United Nations Development Programme, *Creating Value for All: Strategies for doing business with the poor*, 2008.

<sup>46</sup> Commission on the Private Sector and Development, *Unleashing Entrepreneurship: Making Business work for the poor*, 2004

For most firms business with the poor will not be business as usual. Perhaps the greatest obstacle is the lack of information about the poor. What goods and services do they need? How much can they pay? What goods could they produce and what services could they provide?

Engaging with poor communities is a mutual learning process. Companies learn about local preferences, needs and capabilities. They learn to design processes that function in the market and to make collaborations work. Poor people receive new information, upgrade their skills, take on new roles and gain confidence. Development practice has produced a rich set of methods and approaches to engage the poor, which could be used to engage effectively and do business with the poor.

#### **Helping local workers access bigger clients**

Peace Dividend Trust (PDT) is a non-profit foundation dedicated to making peace and humanitarian operations more effective and building formal connections to local enterprise.

In Afghanistan and Timor-Leste, PDT supports long-term economic recovery by increasing purchasing of goods and services available in country. When the international community buys and hires locally, a substantive part of their operational spending directly enters the local economy and supports private sector development and entrepreneurship. PDT help capable local enterprises gain access to international procurement opportunities and better understand the processes involved. They also provide training to local businesses on how to meet the needs and expectations of international buyers and deliver outreach seminars to local entrepreneurs on international procurement needs and the purchasing process.

#### *Access to credit*

Inadequate access to credit is one of the biggest obstacles for businesses in many developing countries. Smaller businesses are constrained the most, as are women, who are more likely to run small businesses. Banks often want proof that applicants own property or other collateral or attest to reliable future earnings or revenues. Many people are forced to access finance informally, sometimes through savings and credit clubs or mutual insurance societies, but often through dubious routes such as pawnshops, or moneylenders. All of these informal options carry high transactions costs. Moneylenders often charge staggeringly high interest and abuse clients who fail to pay on time. The Economist reports, “In the Philippines, lenders who zip from town to town on motorcycles expect six pesos back for every five they lend. That translates into an annual interest rate of over 1,000% on a loan for a month”.<sup>47</sup>

Banks also face high costs or cannot acquire information that they can trust, even when small and medium enterprises are credit-worthy. These factors raise interest rates and reduce lending volumes, setting up price and quantity barriers to small and medium enterprise growth. In fact, the poor typically have little option but to store their money privately, or to invest it in the form of livestock, jewelry, and cash — forms that can be illiquid, insecure, and fail to earn returns comparable to those offered by interest-bearing bank accounts. When banks are willing to service the poor, the product offering is seldom attractive or viable. Even when basic savings and credit products are available to the poor, there is rarely access to important risk mitigation instruments such as life, health, property, or catastrophe insurance.

Yayasan Mitra Usaha (an NGO) in Indonesia placed fund guarantees at a number of its BPRs (Village Credit and Loan Bank) in order to provide micro credit (less than Rp.1 million) without collateral. Even in cases where collateral was needed, the BPRs would be flexible – for example, allowing the use of a wedding certificate as collateral.

*Source: UNDP, Justice for All: An Assessment of Access to Justice in Five Indonesian Provinces, (2007)*

In the past, it was often assumed that the poor were badly served because they were neither of interest nor suitable as clients for sophisticated service providers. Recently, however—especially as a result of the strong emergence of microfinance—many of the myths surrounding the

<sup>47</sup> Commission on Legal Empowerment of the Poor, *Overview Paper*, 2006

importance and reliability of the poor as users of financial services have been effectively challenged. The inadequate availability of financial services to large segments of the population is viewed essentially as the result of massive market failure, institutional shortcomings, and policy neglect.<sup>48</sup>

Streamlining bureaucratic procedures will enable greater access to public services and more enticing pathways to formality. Kiosks and one-stop shops that simplify business and title registration make registration more efficient, and the greater transparency minimizes corruption at all levels.

#### **Simplifying business and title registration**

In India, the amount of bribes paid every year by users of land administration services is estimated at \$700 million, three-quarters of the public spending on science, technology, and environment. Computerizing records in the Indian state of Karnataka is estimated to have saved users \$16 million in bribes.

*Commission for Legal Empowerment of the Poor, Final Report 2007*

#### *A continuum from informal to formal*

Legal empowerment measures have to take place within a policy and regulatory approach which recognizes that the two parts of the economy – formal and informal -- do not exist independently of each other. There is a constant exchange of ideas, people, skills, goods and services between the two parts. At the base of the private sector are millions of small, micro, and mini entrepreneurs, who provide the bulk of the raw material for formal sector production, engage intermittently as labor in the formal enterprises, and use products made in the formal sector.

Successful design and support of appropriate policies and institutions for an integrated economy must begin with analysis of innovations emerging at the interface between the informal and formal. Small producers and micro entrepreneurs are daily developing strategies for dealing with the demands of formal institutions, while the latter have also developed ways of managing their inevitable encounter with those who are the majority in the poorer countries of the world. These coping strategies hold clues as to what development interventions can and should build upon, within the context of particular cultures, economies and industries. Contextual specificity, and lessons from on-the-ground experience, are important principles for policy and institutional innovations for an integrated and inclusive economy.<sup>49</sup>

#### **The benefits of informal waste collection**

Informal waste collectors perform an essential role in the economies and societies of developing countries. The benefits created by informal waste collection include:

- Contribution to public health and sanitation.
- Employment and a source of income for poor people.
- Provision of inexpensive recycled materials to industry.
- Reduction in municipal expenses. In Bangkok, Jakarta, Kanpur, Karachi, and Manila, informal waste collectors save each city at least USD 23 million a year in costs for waste management and raw material imports.
- Contribution to environmental sustainability.

*Source: WIEGO 2008*

<sup>48</sup> Commission on Legal Empowerment of the Poor, *Financial Sector Development and Expanded Access to Credit*, 2006.

<sup>49</sup> Commission on Legal Empowerment for the Poor *Making the Law Work for Everyone: Volume I*, 2008