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THE ROLE OF RELIGIONS IN ADVANCING LEGAL EMPOWERMENT OF THE POOR

Final report from the high-level consultation of religious leaders

Report and Way Forward

March 2008
New York, USA

Convened by *Religions for Peace* in cooperation with the Commission on Legal Empowerment of the Poor.

EXECUTIVE SUMMARY

Exclusion from equal participation in society is currently preventing 70 percent of the world's population—four billion people—from working themselves out of poverty. This is a grave injustice and a violation of the sacred dignity of every human being depriving all, in particular indigenous communities and women, of political voice, equal rights, and participation.

To explore the role religions can play in addressing this injustice, a high-level global consultation of fifteen religious leaders was convened in New York from 5-8 February 2008. These leaders met to forge a stronger partnership among different faith communities, to work together for the well-being of all people, and to examine what role religion can play in advancing legal empowerment of the poor.

The consultation was organized by *Religions for Peace* in cooperation with the Commission on Legal Empowerment of the Poor. The Commission, chaired by former US Secretary of State Madeleine Albright and Dr. Hernando de Soto, aims to make legal protection and economic opportunity a universal right. Hosted by the United Nations Development Programme, the commission was launched in 2005 and comprises eminent policymakers and practitioners from around the world with recognized experience in planning and implementing public policy reforms. Its formal report is due to be released in June 2008.

Objectives and Content of the Consultation

The objectives of the consultation were fourfold: 1) To reach a multi-religious consensus on the issue of legal empowerment. 2) To influence the Commission's understanding and approach to poverty and exclusion based on the shared moral and ethical values of religious traditions (the consultation was organized to take place at the same time as the Commission's final meeting in order to facilitate direct interaction between the religious leaders and the Commission). 3) To build commitment amongst the religious leaders to play an active role in developing the concept of legal empowerment and advance its implementation. 4) To encourage the Commission to acknowledge and facilitate further active engagement of religious communities in the legal empowerment agenda at global, regional and national levels.

Conducted over three days, the programme facilitated a mixture of informative and technical input, direct dialogue with Commission members, and time for the religious leaders to discuss and explore the issue of legal empowerment. In his opening remarks Dr. Naresh Singh, Director of the Commission's Secretariat, described legal empowerment as a process through which four billion poor and excluded people can use the law to protect their assets and advance their rights as citizens and economic actors. This, he argued, can potentially enable the poor to improve their livelihoods and lift themselves out of poverty. He stressed that this approach is based on a firm belief in ordinary people's agency and seeks to invite the poor as partners in their own development. It does not substitute, but rather complements other national and global development initiatives through focusing on the synergy between four rights-based reform agendas: access to the justice system and rule of law, property rights, labour rights, and business rights. Dr. Singh hoped religious communities would find appropriate convergence with the Commission's agenda and invited them to develop further the concept of legal empowerment and mobilize their extensive social infrastructure to help implement this agenda in close partnership with the multilateral system.

Outcomes

Prior to the consultation, *Religions for Peace* commissioned scholars to prepare background papers examining the principle of legal empowerment from the perspective of seven different religious traditions: Buddhism, Hinduism, Indigenous spirituality, Christianity, Judaism, African Independent Churches and Islam. The common themes from these background papers were presented to the group and provided focus for the discussion as well as a framework for the agreed consensus presented in the final statement.

The religious leaders called on the Commission to ensure the following principles are integral to the agenda of legal empowerment of the poor:

- **Advancing legal identity must be based on inviolable human dignity.**
- **Human dignity demands equality before the law.**
- **Advancing social justice must be based on a principle of reciprocity.**
- **Advancing economic opportunities must protect the value and dignity of work.**
- **Advancing the poor's right to property must also safeguard the common good.**

Representatives from the group of religious leaders presented the final statement to the Commission on the last day of the conference. In their address they announced that “our communities are uniquely placed to translate the moral imperatives of legal empowerment into concrete actions. Through multi-stakeholder partnerships [we] can be equipped to act. In partnership, we are ready to use our religious networks to:

- **Raise public awareness** about legal empowerment for global action.
- **Engage in global, regional and national processes** to advance this agenda.
- **Mobilize the strengths of our faith communities** to provide legal education to the poor.
- **Advocate for the reform** of legal systems and laws to empower the poor.”

The religious leaders called upon *Religions for Peace* to endorse the statement and continue to facilitate cooperation between religious communities and the Commission, stating that “working together, we are ready to join others in partnership to advance the legal empowerment of the poor to transform the lives of the majority of our brothers and sisters who have been denied their fundamental dignity.”

INTRODUCTION

To explore the role religions can play in advancing legal empowerment of the poor, a high-level global consultation of fifteen religious leaders and representatives of indigenous spiritual traditions from more than ten countries was convened in New York from 5-8 February 2008. The conference was organized by *Religions for Peace*¹, in close collaboration with the Commission on Legal Empowerment of the Poor², and took place at the same time as the Commission's final meeting, enabling the religious leaders to interact with individual members as well as to address the entire Commission.

In preparation for the consultation *Religions for Peace* commissioned religious scholars to examine legal empowerment from the point of view of seven different religious traditions: Buddhism, Hinduism, Indigenous spirituality, Christianity, Judaism, African Independent Churches, and Islam. The common themes arising from these papers provided a framework for discussion, dialogue, and consensus.

The consultation's aims and objectives were:

1. **To reach a multi-religious consensus** that will compel us to respond to the terrible suffering of the poor and to further the agenda for their legal empowerment.
2. **To influence the Commission's understanding and approach** to poverty and exclusion based on the shared moral and ethical values of our religious communities.
3. **To secure a commitment from religious leaders** to play an active role in developing the concept of legal empowerment of the poor and advance its implementation at the global, regional, and nation level.
4. **In the spirit of reciprocity, to secure commitments from the Commission** to acknowledge and facilitate the active engagement of religious communities in the implementation of the legal empowerment agenda.

This report seeks to provide an introduction to the broad agenda of legal empowerment of the poor and its four pillars—access to justice, property rights, labour rights and business rights. Special reference is given throughout to how legal empowerment relates to the shared values and work of the world's religions. The report presents five points of multi-religious consensus on legal empowerment before outlining a way forward for how to make this agreement into a reality for the world's poor. The report is part of a series of resources designed to enable and inspire religious communities to help advance effective and fair implementation of legal empowerment at the global, regional, national, and local level.

Religions for Peace would like to extend our deepest gratitude to the Commission, UNDP, UNICEF and Norwegian Church Aid for providing the necessary financial resources and support to make this consultation of religious leaders a success.

¹ *Religions for Peace* is a growing global network that advances common action among the world's religious communities for peace. Through more than seventy inter-religious councils and groups, networks of religious youth and women of faith, and a World Council of religious leaders comprising the world's largest and most representative coalition of religious communities, *Religions for Peace* creates effective multi-religious partnerships to transform violent conflict, eradicate poverty, promote just and harmonious societies, and protect the earth.

² The Commission on Legal Empowerment will be referred to as 'the Commission' throughout the report. The Commission, chaired by former US Secretary State Madeleine Albright and Dr. Hernando de Soto, aims to make legal protection and economic opportunity the right of all. Hosted by the United Nations Development Programme, the Commission was launched in 2005 and comprises eminent policy makers and practitioners from around the world with recognized experience in planning and implementing public policy reforms. Its formal report is due to be released in June 2008.

THE PRINCIPLE AND AGENDA OF LEGAL EMPOWERMENT OF THE POOR

The Commission identifies four billion “poor” persons worldwide that stand to benefit from legal empowerment. These include the more than half a billion people living in abject poverty and earning less than \$1 a day as well as the 2.6 billion people who live on less than \$2 a day. According to Dr. Naresh Singh, Director of the Secretariat of the Commission, legal empowerment is based on the firm belief that today’s unprecedented scale and global reach of wealth creation means that poverty is neither natural nor inevitable and that its eradication is within our reach if states and markets work for the poor. The normative substance of legal empowerment flows directly from Article 1 of the Universal Declaration of Human Rights, stating that “All human beings are born free and equal in dignity and rights”. Legal empowerment seeks to make this right a reality through enhancing the poor’s protection and opportunities within the domains of property, labour and business. Legal empowerment should be a process through which individuals who are poor and excluded become able to use the law, the legal system and services to protect their assets and advance their rights as citizens and economic actors in a reinforcing cycle. This, in turn, will give them better opportunities to improve their livelihoods and lift themselves out of poverty.



Dr. Naresh Singh, Director of the Secretariat, and Madelene Albright, Co-Chair, at the final meeting of the Commission.

The Commission’s analysis shows that the rules in the domains of property, labour and business are changed through contestation between states and their people. This change process depends on and is pushed forward by a fair system of rule of law and access to justice for all. To achieve legal empowerment the poor require the basic conditions of identity, voice, information, and organization. As people become able to claim their identity and use the law to improve their livelihoods, they are likely to become more aware of their rights and able to demand more from the state, thus strengthening the drivers of legal empowerment.

Dr. Singh stressed that legal empowerment is not a substitute but a compliment to other important national initiatives—such as investment in education, public services, and infrastructure. Legal empowerment will serve to create vital conditions for major international efforts to help the poor succeed, including realising the Millennium Development Goals (MDGs). Legal empowerment requires believing in ordinary people and taking on the poor as partners in their own development, enabling them to realize and enforce their rights, to obtain new ones, and to use them for reducing poverty and increasing stability. This agenda presents a renewed anti-poverty agenda aimed at including the large majority of the world’s population into a network of rights and obligations that can increase equality, connect the economies of developing countries to the global store of knowledge, and provide the poor with instruments that will give them a chance to gain from today’s global market.

Legal empowerment is a comprehensive agenda consisting of the realisation of four bundles of rights—access to justice, property rights, labour rights, and business rights. What follows is an introduction to these four pillars of legal empowerment along with highlights from the dialogue between the religious leaders and representatives from the Commission’s expert working groups ³.

³. The findings of the Commission’s expert working groups can be found in the publication *Making the Law Work for Everyone* (<http://www.undp.org/legalempowerment>). Power Point presentations given during the consultation by members of the Commission’s working groups on property rights, labour rights and business rights are available for download from <http://www.religionsforpeace.org>.

I. Access to Justice and the Rule of Law

Increased attention to the way law is made is urgently needed if legal empowerment is to yield real benefits for the poor. This means understanding ordinary people's interests and needs and working towards equal protection of all citizens through introducing new laws, repealing existing laws biased against the poor, and finding innovative ways to improve access to the judicial system. Equal access to the justice system must also go hand-in-hand with fostering affordable legal services for the poor, particularly targeted at empowering women, minorities, refugees, and indigenous peoples.

The African woman is ignorant of her own rights. We must take special care to make her aware of her own rights so she can take control over her own destiny.

—Ms. Elizabeth Twissa

Mr. Robert Lewis, senior partner at Baker & McKenzie and a member of the Commission's working group on access to justice and rule of law, noted that there is a crisis of legal identity amongst the poor which results in their exclusion from the formal legal and economic system. The working group set out to come up with suggestions for how to overcome governments' lack of capacity and political will to register and empower its citizens. The recommendations included practical suggestions such as distributing semi-portable registration kits to existing social and commercial actors, bundle formal registration with the delivery of social services, or to couple legal registration with traditional name ceremonies. Other suggestions included increasing the use of paralegals and law students to make legal services more affordable, and bringing alternative dispute mechanisms and traditional means of delivering justice into the formal system. Mr. Lewis argued that legal empowerment amounts to a new and comprehensive approach to good governance by making citizens and states more responsible through the realisation of a set of basic rights. Religions have a critical role to play in involving the poor and making bottom-up legal empowerment practically possible.



Ms. Elizabeth Twissa from Tanzania representing the World Union of Catholic Women's Organizations at the high-level consultation in New York.

Property rights mean nothing without the rule of law and fair access to the justice system.

—Mr. Robert Lewis

According to Archbishop Mweresa from Kenya, the poor do not only lack access but are often very suspicious towards the formal legal system due to its colonial origins. How, he asked, can religions promote both inclusion and reform of the formal system at the same time? Both politicians and the poor need to be convinced that it is in their own best interest to give everyone formal legal identity to enable them to participate in the formal society. Ms. Sofia Painiqueo, a representative from the indigenous Mapuche people in Chile, argued that there is no equality before the law because traditional, cultural and religious forms of delivering justice are not respected nor recognised by the formal legal systems.

Local and traditional laws are not respected by the formal system. This prevents equality before the law.

—Ms. Sofia Painiqueo

A pre-requisite for legal empowerment is the establishment of broad-based political coalitions to powerfully advocate for the empowerment of citizens as the best way of governing. Lack of political will is much harder to tackle than a lack of capacity and this, according to Mr. Lewis, is an area where religious groups can help. The shared moral values of religious traditions can provide strong arguments for why legal empowerment of the poor is the right thing to do. This will in turn make the practical implementation much easier. Similarly, one way of addressing the alienation people feel towards the current system of laws could be to campaign for new constitutions—taking the form of a shorter, “living document” of norms and principles open for interpretation in formal and traditional courts. In the US this model has enabled society to move forward and interpret the principles in the constitution on the basis of the current context.

Legal empowerment should not only take into account rights, but also individual's responsibilities and duties to society.

—Dr. Din Syamsuddin

Religious leaders agreed on the importance of equal access to the law, while also emphasising the need to ensure that the law itself is just and understandable. From living and working with the poor, religious communities are acutely aware that unaffordable and incomprehensible systems of law constitute denial of justice. Thus, according to Elizabeth Twissa from Tanzania, educating women and other marginalized groups about their rights is urgently needed to enable them to take control over their own destiny.

II. Property Rights

The right to property is covered by the Universal Declaration of Human Rights Article 17: “Everyone has the right to own property alone as well as in association with others...no one shall be arbitrarily deprived of his property”. However, most people living in poverty, particularly women, are currently excluded from owning property. Equitable property laws that enforce protection of assets can empower the poor, as individuals or collectively, to create and capture capital, pool their assets and increase their economic leverage. According to Dr. Singh, a fair system of property rights can increase social stability and generate environments conducive for business and investment. However, this requires that governments ensure that property rights are inclusive of both men and women, and that customary forms of property rights are acknowledged and made legally enforceable. Property rights must be reinforced through social policy such as improved access to housing, low-interest loans, and the distribution of state land.

If you can't afford justice, then that is justice denied.

—Ms. Sylvia Martinez

The growing share of the world's poor who live in slums and shanty towns have no access to secure property rights, according to Ms. Sylvia Martinez, Visiting Fellow at the Joint Center for Housing Studies at Harvard University and member of the working group on property rights. Slum dwellers are unable to release their productive potential as they have no collateral and are consumed with protecting their property. Two-thirds of the world's poor live in rural areas where landlessness is universally associated with poverty and marginalization, disproportionately affecting women—90 percent of whom do not own land. The lack of formal communal property rights have been a disaster for indigenous peoples who have been stripped of the land and natural resources on which they have relied, protected and lived for centuries. Having been displaced as a result of violent conflict and natural disasters, 163 million people have arbitrarily lost their rights to own property. Ms. Martinez argued that equitable property laws can empower the poor, in the same way as bad regulations and exclusion from property rights have proven to be a cause and a tool of oppression.

Several religious leaders expressed concerns about property rights being used as a means of oppression. The right to land is not the same as individual property rights, and religious leaders called on lawmakers to take special care to avoid that property rights are used to further individuals' greed for wealth and power at the detriment of the common good. Ms Martinez drew attention to how British rule in Ireland used laws governing property rights as a powerful tool of oppression. The Penal Laws in Ireland (1881-1906) were a key cause of the devastating Irish famine and gave in turn rise to insurrection and finally independence. Insecure tenure has been found to undermine investment, make people vulnerable to eviction and lower productivity. Ms. Martinez pointed out that land titles in themselves are not enough and that property rights are too often confused with individual tenure, or freehold ownership. An equitable system of property rights must incorporate new ways of bundling rights through including customary laws, communal resource use, stewardship and systems of shared ownership. These reforms should be guided by the principle that ownership, individual or shared, spurs productivity and gives people a stake in their neighbourhoods helping to stabilize communities and defend from unlawful evictions.

Ms. Martinez called on religious leaders to take a more active role and explore both practical and innovative ways of delivering rights to property for the poor. Many religious communities are big land owners and more can be done to build on the positive role played by religious communities in some countries to provide housing and tenure for the poor through facilitating the purchasing of land and systems of communal ownership. Also, religious communities are well-placed to use their moral authority to advocate governments to be more accountable to its people. Ms. Laibidi-Maiza from France called on religious communities to base their involvement in this area on their existing social networks and their knowledge of religious jurisprudence.

The lack of recognition of traditional systems of justice and communal systems of ownership has systematically undermined indigenous peoples' right to control their land and natural resources. From the perspective of indigenous people in Chile, Ms. Painiqueo called on the implementation of legal empowerment to take care to accommodate these forms of traditional systems of law by inviting indigenous groups to take part in the process. Traditional indigenous laws instil a strong sense of responsibility in all individuals to respect each other and the land. According to Ms. Painiqueo, all indigenous people know and respect this while only lawyers seem to know about the formal national laws. This shows the urgent need for better education of the poor and the rich of basic rights and responsibilities if these reforms are to empower the most marginalized. Ms. Martinez stated that indigenous peoples' dire situation raises the greatest challenge for the Commission's work. Property rights must protect indigenous peoples' rights as stewards over their land and empower them to communally protect, care for and benefit from their natural resources. This includes increased efforts to educate indigenous peoples about the ways of the existing formal system to enable them to effectively protect and claim their rights.



Ms. Sophia Painiqueo, representing the Mapuche people in Chile, at the high-level consultation.

I'm haunted by our inadequacy to address the legal rights of indigenous people.

—Mr. Mike Moore

In many countries there is a problem of inherited unjust laws serving the interest of the elites. Dr. Din Syamsuddin from Indonesia stated that politics is often an obstacle to the implementation of pro-poor reforms and that more assistance is needed on how religious communities can advocate for changes in national legislation. From her experience of using the press as a public education tool and as a means to exert pressure and influence change, Ms. Martinez called on religions to use the media strategically to publicly announce the wanted changes and as a means to push members of parliament and the government to respond to or even support the call. Through education and raising awareness, coalitions around particular legal reforms can be built. However, the key to its success is to persuade politicians that giving up power and privilege is a win-win situation as the alternative to reform in many countries is much worse. The religious leaders recommended that *Religions for Peace* and the Commission Secretariat develop a short guide on how to advocate for legal empowerment.

III. Labour Rights

At the heart of the Commission's recommendations on labour rights is the fact that 70 percent of the world's workers are employed in the informal sector. Without legitimacy, the economy of informal employment is characterized by low productivity, low earnings and high risks which means that millions of people are unable to work their way out of poverty. To foster the quality of labour regulation and further the decent work agenda, Dr. Singh argued that governments should respect, promote and realise freedom of association so that the voice and representation of the working poor can be strengthened. In addition to improving access to employment, governments must ensure effective enforcement of a minimum package of labour rights and social protection that guarantees access to medical care, insurance and pensions for poor workers which goes beyond the *Declaration of Fundamental Principles and Rights at Work*. Finally, decent work demands that legal empowerment drives gender equality and meets ILO commitments to promote elimination of discrimination against women.

According to Dr. Martha Chen, Lecturer at Kennedy School of Government at Harvard University and member of the working group on labour rights, the global economy is suffering from a serious "decent work deficit" characterized by an increasing number of workers globally experiencing low earnings and high risks. In India for example, employment is not growing fast enough, wages for most people are stagnant, and youth are primarily unemployed despite high economic growth rates. The situation is worst in the informal economy, which Dr. Chen defined as economic activities, units and workers that are not covered by the formal laws and systems. In developing countries the informal workforce constitutes 50-90 percent compared to 25-40 percent in most industrialized countries. After years of lobbying, the World Summit in 2005 finally adopted the decent work agenda and ensured its inclusion in the MDGs.

Globalisation has resulted in a historically low ratio of global capital to global workers. The largest Trans National Companies control up to two thirds of global trade, but only employ one percent of global labour.

—Dr. Martha Chen

Dr. Chen further argued that the minimum wage and basic labour rights debate is usually mis-framed and that religions can play a role in addressing this. The primary issue is not whether higher minimum wage or the introduction of basic labour rights will result in higher unemployment, since the majority of the world's population is employed. Rather, the issue rests on the lack of labour rights protecting informal employment. The process of defining what constitutes decent work and what kind of regulation is needed to achieve this need to be a participatory, inclusive and gender-sensitive process which must balance the need to promote more work, create a flexible work force and secure a core set of labour rights. Ms. Laibidi-Maiza underlined the need for religious communities to speak out in favour of protecting workers' basic rights. In North Africa, for instance, governments frequently use the stated aim to create more jobs as an excuse to ignore basic labour rights. Dr. Chen welcomed a key role for religious communities in advocating for decent work as people and governments trust and listen to religious leaders. Mobilizing religious community members around the shared identity of workers could further help facilitate inter-religious cooperation advancing global and national social contracts.

We need legal identity of the poor not just as citizens, but as workers.

— Dr. Martha Chen

Labour rights affect religious communities in a number of ways, including their role as employers, and the need to protect the rights and recognise the contribution of the work of monks and clerics. Along with "housewives", domestic workers and migrants these are groups that are currently excluded from being protected by any overarching international system of rights. Dr. Chen called for religious leaders to join forces in working to strengthen workers' voice, improving labour regulations, guaranteeing a minimum package of labour rights, and promoting opportunities and quality of work. This would constitute moving "**towards a global social contract**": a *contract* because everyone has a responsibility to make this a reality, *social* because its implementation would improve living conditions, *global* because all economic and social actors have a role to play, and *towards* because it is an ongoing process of development.

IV. Business Rights

The fourth pillar of legal empowerment, as set out by the Dr. Singh, is to ensure business rights that support and facilitate small and medium-sized businesses. Business rights are of critical importance, allowing entrepreneurs to form management hierarchies, contract to make deals and issue shares or bonds to raise investment capital. In essence, business rights are about building a system of trust that goes beyond existing social and family networks.

Not all people in the informal economy are poor, but most poor people are in the informal economy. And women and indigenous people are overrepresented.

—Dr. Arun Kashyap

Four out of ten workers are poor, according to Dr. Arun Kashyap, Private Sector Development Advisor at UNDP and member of the working group on business rights. Four billion people have no access to the formal banking system and informal businesses (small, medium and self-employed) typically account for 50 percent of all economic activities, 30 percent of GDP and 70 percent of employment in developing countries. The focus on business rights shows that governments have an extremely important role to play in providing public goods that breed private sector activity. Dr. Singh highlighted a number of actions that governments can take to empower local entrepreneurs and facilitate a conducive business environment. These include guaranteeing basic business rights to vend, to have a workspace with related infrastructure (shelter, electricity, water, sanitation), and strengthen effective economic governance that makes it easy and affordable to set up and operate a business.

Business rights should expand the definition of a “legal person” to include legal liability companies that allow owners to separate their business and personal assets—and thus enable prudent risk-taking. Key to creating an enabling environment for entrepreneurs is the promotion of inclusive financial services that offer entrepreneurs in developing countries what their counterparts in Europe, the United States and Japan take for granted: savings, credit, insurance, pensions, and other tools for risk management. Finally, Dr. Singh suggested that governments take an active role in expanding access to new business opportunities through specialized programs to familiarize entrepreneurs with new markets, to help them comply with regulations and requirements, and to support backward and forward linkages between larger and smaller firms.

Paraphrasing former UN Secretary General Kofi Annan’s quote about sustainable development, Dr. Kashyap said, “Our biggest challenge in this new century is to take an idea that seems abstract—legal empowerment—and turn it into a daily reality for all the world’s people”. Religious communities are uniquely placed to help meet this challenge by helping to translate the ethical imperative of legal empowerment into everyday services and rights for the poor. Based on the multi-religious notion of equality of all human beings religions can facilitate making the poor equal partners in their own development. While some religious leaders expressed scepticism to working closely with the private sector, several leaders also drew attention to their communities’ unique experiences of providing micro-credit to the poor. This can be used as a starting point for developing stronger teachings and practices in support of individual entrepreneurship.



Consultation participants Ven Yeath, Dr. Vendley, Archbishop Mweresa, Mrs. Oswal, Sheikh Mubaje and Mr. Dai outside the United Nations.

ENGAGING RELIGIONS IN LEGAL EMPOWERMENT

Commission member Michael Moore, former Director General of the WTO and Prime Minister of New Zealand, told the high-level consultation that religions have always played a key role in helping to ensure the implementation of social justice through holding power to account. All religious leaders and founders were at the forefront of challenging status quo and this proud tradition shows the immense potential for religions to advance legal empowerment of the poor. Implementing deep legal empowerment reforms will demand broad-based political coalitions that can challenge vested interests and build new trust between the governing and the governed. Religions, according to Mr. Moore, are uniquely placed to contribute to building these coalitions due to the trust people have in them. By including people and legally recognising their identity as citizens the pressure on governments to deliver social justice for its citizens will increase. Furthermore, Archbishop Mweresa from Kenya argued that that one of the key roles religions can play is to ensure that the implementation of legal empowerment is not misused by corrupt governments and lawyers for their own interest.

One of the biggest assets religions have is the trust that people have in you.

—Mr. Mike Moore

Mr. Moore stated that the strength of the poor lies in their numbers, and religious groups are well placed to help turn numbers into real political leverage by campaigning for the recognition of their voice as voters. Rev Staccato Powell, representative of the World Council of Churches, welcomed the aim of including the poor as partners in their own development as a crucial step towards breaking the cycle of transferring poverty and feelings of disempowerment from one generation to another.



Commission-member Mike Moore addressing the high-level consultation in New York.

Legal empowerment is an important step towards moving away from seeing the poor as victims, to bringing them out of the shade and including them as partners in their own development. —Mr. Mike Moore

Commission member Allan Johnson, former finance minister of Sweden, described legal empowerment as “good governance for the local economy” which increases national and local governments’ responsibility to deliver. The purpose of the Commission is to present legal empowerment in a way which invites active involvement from states, civil society and citizens alike: Firstly, it is a concept that is not yet finalized and the Commission’s wishes to invite religious communities among others to engage in dialogue to further develop legal empowerment as a tool for social justice and poverty reduction. Secondly, it is a comprehensive strategy that focuses on advancing access to justice, labour, business and property rights together, not piecemeal. This demands broad-based political support which religious communities are well placed to help mobilise. Finally, the Commission seeks to offer suggestions for implementation which can be taken forward by governments and civil society actors guided by the need to strengthen governments accountability and responsibility towards its citizens, as well as its effectiveness in delivering basic rights and services.

The Commission members were eager to stress that the role of the Commission is not to prescribe, but to suggest new ways forward. “Legal empowerment” is not to be a “one size fits all”-model, but rather an all-encompassing principle of development theory and implementation, much like what the terms “sustainable development” became after the Brundtland report. However, to make it work and to make it relevant for the poor, Mr. Johnson called for the establishment of regional contact points to develop what legal empowerment means for every region of the world. He invited religious leaders and their communities to play an important role in the work of interpreting, adapting and implementing legal empowerment at the regional, national, and local level.

Religious communities worldwide must use their voice to advocate for the realization of poor people's rights as well as their vast social infrastructure to help service the poor.

—Mr. Stein Villumstad

Mr. Stein Villumstad from *Religions for Peace* highlighted that whilst the poor are outside the formal systems, they are very much within and a part of religious communities. Religious communities reach where the poor live, whether in the rural areas, in the shanty towns or the slums. This starting point makes religious communities able to both challenge and cooperate with the legal empowerment agenda. Religious communities worldwide, according to Mr. Villumstad, must use their voice to call for the realization of the poor's rights, and their social infrastructure to provide legal services that reach the poor. One way of achieving the latter, according to Mrs Aruna Oswal of the World Jain Federation in India, is for the Commission to support religious communities to establish so-called *Legal Service Organisations*. These have been very effective in India at mobilising members of religious communities to use their professional expertise to provide awareness, affordable and accessible legal services to the poor, crucial to enable the poor to take advantage of any legal reforms.



Ven. Yeath, Ms. Painiqueo, Sheikh Mabuje, Ms Albright, Dr de Soto, H.H. Tep Vong, Dr. Vendley, Archbishop Mweresa and Mr. Villumstad at the United Nations, New York.

MULTI-RELIGIOUS CONSENSUS ON LEGAL EMPOWERMENT

Drawing on fundamental tenets of religious traditions and using examples from the seven commissioned background papers, the religious leaders reached agreement on five points of convergence with the Commission's agenda of legal empowerment of the poor. The areas of common ground show that religions are compelled to act and offer religious communities a value-based starting point for engaging with the agenda of legal empowerment. The statement distances itself from some religions' tendency to spiritualize and romanticize material poverty by highlighting the right of all to live dignified lives in freedom, equality and harmony with other people and the environment. It affirms that the poor require the basic conditions of identity, voice, information and organization to achieve legal empowerment and that no group has greater potential to help realize these conditions at the grass roots than religious communities. Tremendous efforts and investment are needed in education, awareness raising and service delivery if equal access to justice and universal "legal literacy" is to be achieved. Religious communities can play a pivotal role in achieving this by using their members' professional capacity and their networks' extensive social reach.

The following five points of consensus express preparedness on behalf of religious communities to engage as partners in the process of legal empowerment. The engagement is centred on how legal empowerment can advance human dignity and help overcome exclusion and marginalisation and calls on the Commission and all implementing bodies to ensure that the following principles are integral to this agenda: ⁴

Advancing legal identity must be based on inviolable human dignity

Religious traditions hold as a fundamental tenet the dignity of every person rooted in the sacred origin of life. The exclusion of four billion people from formal legal systems violates this dignity and threatens their rights to civil—and at times—religious identity. Securing legal identity for all as equal citizens is a first and necessary step to advance the dignity and flourishing of life.

Human dignity demands equality before the law

Religious traditions are in agreement about the importance of equality before the law based on the equality of all human beings. Religions teach that human beings are obliged to stand with the marginalized and advocate for their equal access to justice. Achieving equality before the law will require not only extensive investment to bring the law to the people, but also educational efforts with the poor to promote 'legal literacy' and awareness of their rights. In every society there exist multiple systems of law, and the implementation of legal empowerment must adopt an inclusive notion of what constitutes justice in order to recognize and integrate cultural, religious and traditional systems of justice.

Advancing social justice must be based on a principle of reciprocity

Religious traditions understand that the well-being of each person is related to the well-being of all as well as the environment. This ethics of reciprocity require us to treat all people as we would like to be treated, and sets a high standard for legal systems to ensure fairness and justice for individuals and to promote the common good.

Advancing economic opportunities must protect the value and dignity of work

Religious traditions value work and the fair enjoyment of the fruit of one's labor as a means to overcoming poverty and achieving human satisfaction. In promoting the value of work, one must also protect the dignity of work so that individual workers are treated with respect and shielded from immoral or exploitative practices. The poor's identities and rights as workers should be advanced as an essential part of a global social contract.

Advancing the poor's right to property must also safeguard the common good

Religious traditions value the right and freedom of people to own property and manage their own land. Most of the poor, especially women, are excluded from owning property. While affirming that ownership of property is an important way for people to become self-sufficient, efforts to implement legal empowerment should support both individual and collective rights to property as a means to enable people to live sustainable and dignified lives. This right must be accompanied by a legal responsibility to preserve and manage the shared earth for future generations.

⁴ Please see appendices for the complete Final Statement from the consultation and an overview of key examples from the different religious background papers validating the five points of consensus.

ACTION PLAN—THE WAY FORWARD

Following the presentation of the final statement to the Commission at the United Nations head quarter, Mr. Moore addressed the religious leaders in appreciation of their engagement with the Commission's agenda and invited close partnerships between religious communities and the multilateral and national implementing bodies. He welcomed the strong and comprehensive multi-religious consensus which he said posed a real challenge to the Commission to strike the right balance between acknowledging individuals' legal rights—to own property, vote, work and operate businesses—whilst at the same time safeguarding the common good.

In the final statement the religious leaders announced that “our communities are uniquely placed to translate the moral imperatives of legal empowerment into concrete actions.” Through multi-stakeholder partnerships religious communities can be equipped to act and are ready to use their social networks to advance legal empowerment in the four following ways:

- Raise public awareness for global action.
- Engage in global, regional and national processes to advance this agenda.
- Mobilize the strengths of faith communities to provide legal education to the poor.
- Advocate for the reform of legal systems and laws to empower the poor.

The action plan sought to translate these four principles into two phases: Firstly, effective participation in the launch of the Commission's report events around the world and secondly, active engagement in the implementation of the agenda. *Religions for Peace* is committed to working with allies and partners to secure the necessary fund and resources needed to implement the action plan.

I. Report Launch Phase

The *Religions for Peace* Executive Committee has been asked to endorse the final statement and to support *Religions for Peace's* engagement with the broad agenda of the Commission. The consultation delegates agreed to form a legal empowerment reference group for the *Religions for Peace* network to help give a broad and deep mandate to move the process forward.

The main report launch event will take place in New York in June 2008 but the Commission Secretariat is planning a number of pre- and post- launch events around the world. *Religions for Peace* is liaising with the Commission Secretariat about incorporating multi-religious involvement in a number of these events. To enable broad multi-religious constructive engagement and equip leaders and their communities to organise parallel events and workshops on legal empowerment, *Religions for Peace* will seek to produce, circulate and translate the following resources:

- The **final report** from the consultation
- The religious leaders' **Final Statement** (see Appendix)
- A summarized **overview of examples** from different faith traditions (see Appendix)
- **Press releases** from *Religions for Peace* and the Commission sending a strong of engagement and support for the Commission's agenda (see <http://www.religionsforpeace.org>)
- Legal empowerment **fact sheets** on the Commission's agenda broad agenda and for each of the four pillars: access to justice, property rights, labour rights and business rights.
- A mobilisation **video** showing religious leaders and commission members explaining the importance of legal empowerment and the role of religions in advancing it. The video will emphasize the advantages of multi-religious cooperation in building the necessary political support and securing effective and fair implementation of legal empowerment.

II. Implementation Support Phase

The religious leaders urged *Religions for Peace* to secure a close working relationship with the multilateral institutions that will be charged with coordinating the implementation of the legal empowerment agenda when the secretariat closes down. This is important to position *Religions for Peace* within the implementation mechanism. UNDP looks to become the institutional custodians of the agenda, while the World Bank is likely to establish a specific legal empowerment trust fund. It is yet unclear to what degree legal empowerment will be incorporated into the core G8 and MDGs agenda.

To enable effective participation and engagement in the implementation phase, *Religions for Peace* and the Commission Secretariat will develop the following materials to provide clear guidelines and suggestions for how religious communities can conduct effective advocacy and support the implementation of legal empowerment:

- A list of ideas for how religions can engage with the legal empowerment agenda through mobilising the communities' social infrastructure and their members' expertise.
- An advocacy guide to enable religions to mobilise a broad-based political coalition and put forward conducive policy choices for legal empowerment at the regional and national level.

The consultation participants also suggested that *Religions for Peace* conducts a survey of on-going initiatives by religious communities that is closely related to the Commission's agenda. Special attention should be given to initiatives in which there are existing partnerships with the UN. This survey may best be carried out regionally working to a shared T.O.R. coordinated centrally.

The Commission will announce a number of countries in which they will pilot their implementation efforts. *Religions for Peace* should initiate national multi-religious consultations or workshops in these countries to explore what role multi-religious action can play. Some support will be needed to support regional and national adaptation of the basic legal empowerment messages, priorities and actions in other countries. Regional consultations, seminars and workshops under the auspices of the regional *Religions for Peace* bodies will be important initiatives to build the necessary ownership and commitment. *Religions for Peace* should actively look for existing multi-religious events where legal empowerment can be included in the agenda and action plans.

APPENDICES

1. Final statement (p.17)
2. Common themes and examples from the background papers (p.19)
3. List of consultation participants (p.24)
4. Consultation programme (p.25)

Appendix 1: Final Statement

Multi-religious consensus on legal empowerment

As religious leaders, men and women, representing our religious communities from across the world, we convened in New York from 5-8 February 2008, under the auspices of *Religions for Peace* and in collaboration with the international Commission on Legal Empowerment of the Poor. We have met in the spirit of forging a stronger partnership among our faith communities to work for the well-being of all people and to address the role religions can play in advancing legal empowerment for the poor.

We find it unacceptable that 70 percent of the world's population – four billion people – are currently unable to improve their livelihoods no matter how hard they work due to multiple forms of exclusion. This exclusion is a grave injustice and a violation of the sacred dignity of every human being. Indigenous communities face even greater challenges as they are often deprived of political voice and rights; poor women face a triple threat of exclusion: poverty, gender, and *de facto* barriers from owning property.

The shared moral and ethical values of our religious communities compel us to respond to the terrible suffering of the poor and to further the agenda for their legal empowerment.

Our communities have spiritual, moral and social assets that equip them to help translate the concept of legal empowerment into reality for poor people in ways that will honor their dignity, enable them to take control over their own destinies, and break generational cycles of poverty. Among our assets is a vast infrastructure of local churches, mosques and temples; of women's groups and youth networks; and of social welfare institutions. Our communities reach from the grassroots to capitals, bringing together the poor and the elite. Through multi-religious cooperation, these assets can be effectively mobilized for the legal empowerment of the poor.

We welcome the Commission's mandate to bring the critical issue of legal empowerment to the world's attention and to place it on the global development agenda. We affirm that the poor require the basic conditions of identity, voice, information and organization to achieve legal empowerment. No group has greater potential to help realize these conditions at the grass roots than our religious communities, and it is urgent to build the partnerships necessary to mobilize this potential.

We are prepared to engage as partners in the process of legal empowerment, and we call on the Commission to ensure that the following principles are integral to this agenda:

Advancing legal identity must be based on inviolable human dignity

Each of our religious traditions holds as a fundamental tenet the dignity of every person rooted in the sacred origin of life. The exclusion of four billion people from formal legal systems violates this dignity and threatens their rights to civil—and at times—religious identity. Securing legal identity for all as equal citizens is a first and necessary step to advance the dignity and flourishing of life.

Human dignity demands equality before the law

Our religious traditions are in agreement about the importance of equality before the law based on the equality of all human beings. We are obliged to stand with the marginalized and advocate for their equal access to justice systems. In working and living with marginalized people across the world, we know that unaffordable or difficult to understand legal systems in effect constitute a denial of justice. Achieving equality before the law will require not only extensive investment to bring the law to the people, but also educational efforts with the poor to promote 'legal literacy' and awareness of their rights. We acknowledge that in every society there exist multiple systems of law, and we call on the Commission to adopt an inclusive notion of what constitutes justice in order to recognize and integrate cultural, religious and traditional systems of justice.

Advancing social justice must be based on a principle of reciprocity

Our religious traditions understand that the well-being of each person is related to the well-being of all as well as the environment. This ethics of reciprocity require us to treat all people as we would like to be treated, and sets a high standard for legal systems to ensure fairness and justice for individuals and to promote the common good. To achieve social justice, we call on the Commission to address the rights and responsibilities of all actors in the legal empowerment process on national and global levels.

Advancing economic opportunities must protect the value and dignity of work

Our religious traditions value work and the fair enjoyment of the fruit of one's labor as a means to overcoming poverty and achieving human satisfaction. In promoting the value of work, we must also protect the dignity of work so that individual workers are treated with respect and shielded from immoral or exploitative practices. We call upon the Commission to advance poor peoples' identities and rights as workers as an essential part of a global social contract.

Advancing the poor's right to property must also safeguard the common good

Our religious traditions value the right and freedom of people to own property and manage their own land. Most poor people, especially women, are excluded from owning property. We affirm that ownership of property is an important way for people to become self-sufficient. We call on the Commission to support both individual and collective rights to property as a means to enable people to live sustainable and dignified lives. This right must be accompanied by a legal responsibility to preserve and manage our shared earth for future generations.

The world's religious communities and indigenous spiritual traditions are uniquely placed to translate the moral imperatives of legal empowerment into concrete actions. Through multi-stakeholder partnerships they can be equipped to act. In partnership, we are ready to use our religious networks to carry out the following actions in this regard:

- **Raise public awareness** about legal empowerment as a way to strengthen a common global agenda for action.
- **Engage in global, regional and national processes** to concretely advance this agenda.
- **Mobilize the strengths of our faith communities** to provide legal education to the poor.
- **Advocate for the reform** of legal systems and laws to empower the poor.

We call upon *Religions for Peace* to continue to facilitate our cooperation as religious communities. Working together, we are ready to join others in partnership to advance the legal empowerment of the poor to transform the lives of the majority of our brothers and sisters who have been denied their fundamental dignity.

Appendix 2: Common themes and examples

Extracts from the religious background papers

In preparation for the consultation *Religions for Peace* commissioned scholars to examine legal empowerment from the perspective of Judaism, Islam, Indigenous spirituality, African Independent Churches, Christianity, Buddhism and Hinduism. These papers found that all these religious traditions have spiritual, moral and social assets that equip and compel them to translate the concept of legal empowerment into a reality for the poor in ways that honour human dignity and enable people to take control over their own destinies. Below are some examples drawn from these background papers validating the five main points of consensus in the final statement:

Advancing legal identity must be based on inviolable human dignity

Each of our religious traditions holds as a fundamental tenet the dignity of every person rooted in the sacred origin of life. The exclusion of four billion people from formal legal systems violates this dignity and threatens their rights to civil—and at times—religious identity. Securing legal identity for all as equal citizens is a first and necessary step to advance the dignity and flourishing of life.

- **African Independent Churches** understand the situation of poor people as being unable to participate in the ‘triangle of life’ – traditionally understood as land, cattle, women. We must first, however, keep in mind the origins of this concept as having taken root in a patriarchal society; in modern interpretation, this inability to participate is applied to the widespread feeling amongst the poor in Africa of being excluded from the formal legal system which is perceived as corrupt, alien/colonial and in the service of elites. This marginalisation is therefore seen as a major contributor to the unrest in Kenya.
- **Indigenous Beliefs:** When indigenous people are asked about what it means to be poor they will mostly make reference to social injustices they experience, rather than the lack of basic material/human needs that follow as a symptom. For example, the injustice of land grabbing, or the diversion of water that originates from natural sources in indigenous territories to urban areas.
- **Buddhism** teaches that poverty is bad because it involves *dukkha*. The Pali term *dukkha* is arguably the most fundamental concept in Buddhism. The usual English translations are “suffering, frustration, dissatisfaction,” but “**ill-being**” is perhaps the best in this context. This goes beyond material needs to also involving a spiritual/moral dimension.
- **Judaism and Christianity** draws on the Old Testament approach of focusing not only on immediate needs but also with the long term issue of self sufficiency and human dignity. In particular the year of Jubilee focused on personal freedom, respect for the integrity of creation and economic rehabilitation. More recently Julio de Santa Ana (1979) described a life free of poverty in his influential book *Towards a Church of the Poor*: “Such a life would not be limited to the satisfaction of basic human needs but would include an existence with dignity, based on the exercise of justice, participation and freedom.”
- **Islam**, before it treats the symptoms of poverty which are within society, calls for adopting the lifestyles which lead to not falling into poverty and needing others – hence emphasizing self sufficiency and causes of poverty – through its call for work and aspiration to earn profits and a religiously permissible livelihood, while warning against laziness, idleness, and sitting in wait of what others have earned.
- **Hindu** scripture say, *Compassion is the desire of removing the sufferings of miserable ones in an impartial spirit.* commentary on Hemacandracarya’s *Yogasastra* 2.15

Human dignity demands equality before the law

Our religious traditions are in agreement about the importance of equality before the law based on the equality of all human beings. We are obliged to stand with the marginalized and advocate for their equal access to justice systems. In working and living with marginalized people across the world, we know that unaffordable or difficult to understand legal systems in effect constitute a denial of justice. Achieving equality before the law will require not only extensive investment to bring the law to the people, but also educational efforts with the poor to promote 'legal literacy' and awareness of their rights. We acknowledge that in every society there exist multiple systems of law, and we call on the Commission to adopt an inclusive notion of what constitutes justice in order to recognize and integrate cultural, religious and traditional systems of justice.

- **Islam:** in the Prophet's (peace be upon him) saying "Not even an imam closes a gate before someone in need without God closes the gates of heaven before (the imam)" and "Anyone who assumes authority over the Muslims then closes the door before the poor, the oppressed, and those in need, the God Almighty will close the doors of His mercy before his need. Islam calls for opening doors before the poor so to reach their rights, and puts strong responsibility on leaders - religious and political - to do so."
- **African Independent Churches:** To achieve fair and equal access to justice the current legal system of foreign origin and close association with elites must be indigenized, or at least be reformed to facilitate real participation from people.
- **Judaism** calls for equal access for Jews and non-Jews to a justice system that is fair, open and beyond corruption is fundamental for any civilized society. The Talmud lays down the obligation to establish accessible courts in every city and every town. And the assumption is always that Justice will follow the biblical insistence that it be fair and honest and above corruption. It was the great Talmudic scholar Shmuel who first established what has become one of the most important legal principles in Judaism. He established that "The Law of the Land is the Law" and must be obeyed (Babylonian Talmud Gittin 10b).
- **Christianity:** Proverbs (140, 12): The "LORD maintains the cause of the needy, and executes justice for the poor". Proverbs, (31. 8-9): "Speak out for those who cannot speak, for the rights of all the destitute. Speak out, judge righteously, defend the rights of the poor and the needy." The poor have a right to a fair hearing in judicial contexts and are entitled to food from the harvest and sabbatical fallowness. A poor person should not have to fear interest if he has to take a loan. "If you lend money to my people, to the poor among you, you shall not deal with them as a creditor; you shall not exact interest from them" (Ex. 22, 25).
- **Indigenous ancestral education** teaches that everyone and everything is equally important. One key value is respect, and its practice is fundamental for the promotion and preservation of peace among human beings. For indigenous peoples respect is directed towards all aspects of creation, mother earth, family, elders, other members of community and society, our own culture as well as other cultures. The values of respect, solidarity, reciprocity and unity encourage us to improve constantly on how we relate to fellow human beings and these are the laws of creation that are more powerful than any of the laws created by men. No individual and no nation must be denied the opportunity to benefit from development. The equal rights and opportunities of women and men must be assured.
- **Hindu:** Mahatma Gandhi's call for *Poorna Swaraj* - or total freedom - included both internal and external dimensions. Freedom from prejudice and discrimination was as much discussed as much as political and economic freedom.

Advancing social justice must be based on a principle of reciprocity

Our religious traditions understand that the well-being of each person is related to the well-being of all as well as the environment. This ethics of reciprocity require us to treat all people as we would like to be treated, and sets a high standard for legal systems to ensure fairness and justice for individuals and to promote the common good. To achieve social justice, we call on the Commission to address the rights and responsibilities of all actors in the legal empowerment process on national and global levels.

- **Obligatory charitable spending** as a duty for all believers to ensure appropriate redistribution of wealth and relieve the symptoms of poverty is prominent in most religious traditions including Buddhism (Dana), Islam (Zakat is one of the five pillars), Judaism (the law of charity), Christianity (Koininia/solidarity in Catholicism) etc.
- **Indigenous peoples' ancestral spirituality** is the foundation of a unique way of life and understanding of the universe and the world. This vision is called Cosmovision and is the expression of the interconnectedness of all that exists in the Universe and on Mother Earth emphasising solidarity through the belief that every individual action affects someone else.
- **Hindu:** Mahatma Gandhi said: "The Ganga (river considered holy by the Hindus), of rights has to emanate from the Himalaya of responsibilities." Only one of the four stages of life are working – the Householder stage. Those working are under a strong obligation to provide for the other parts of society. Furthermore, Hindu teaching tells us that "He who sees everything in himself and himself in everything never hates anything." This identification of oneself with the other as well as the divinity that is present in every being calls upon every responsible Hindu to care for each other. Every Hindu finds meaning in the empowerment of the poor if she or he recalls the words of Krishna in the Mahabharata: *Compassion is indeed supreme dharma. He who compares his own joys and sorrows with the joys and sorrows of others and He who understands that others feel as I feel, knows the Dharma*
- **Judaism:** Responsibility to feed non-Jews for the sake of peace (Judaism). With regards to the Jewish law of charity there are two overriding principles: (1) One should help the poor to take care of themselves with dignity, and (2) anonymity is the preferred way of giving.
- **Buddhism:** The Lion's Roar sutra implies that social breakdown and unrest cannot be separated from people lacking basic needs and suffering from social exclusion. Crime can rise out of want and therefore the solution is not severe punishment but rather to grant people the rights and means to enable them to participate as equal members of the society and thus provide for themselves.
- **Islam:** the law must address inequality to avoid conflict and unrest. The Prophet (peace be upon him) said: "If anyone fulfils his brother's needs, God will fulfill his needs" and "Whoever relieves a believer from a grief of the world, God will relieve him of a grief on the Day of Resurrection, and whoever protects a Muslim, God will protect him in this world and the next, and God is in the aid of the servant who was in the aid of his brother", and said "He who is full while his neighbor is hungry is not a believer." Furthermore, Islamic finance promotes entrepreneurship and risk sharing, and its expansion to the poor could be an effective development tool. The social benefits are obvious, since the poor currently are often exploited by lenders charging usurious rates.
- **African Independent Churches** see Justice as an application of love (relational and political more than legal) with focus on personal encounter, repentance, mutual understanding and reconciliation.
- **Old Testament notion of the Jubilee Year** - Most important during that year was the restoration of deranged balances in nature, in social structures and in the distribution of property within the societal fellowship. The aim was to address injustice and inequality through giving poor people a new start from an equal footing

Advancing economic opportunities must protect the value and dignity of work

Our religious traditions value work and the fair enjoyment of the fruit of one's labor as a means to overcoming poverty and achieving human satisfaction. In promoting the value of work, we must also protect the dignity of work so that individual workers are treated with respect and shielded from immoral or exploitative practices. We call upon the Commission to advance poor peoples' identities and rights as workers as an essential part of a global social contract.

- **Islam:** There are several prophetic traditions that urge work in order to earn a livelihood and avoid the humiliation of need such as the Prophet (peace be upon him) saying that "No one has ever eaten better food than that he has obtained from the work of his hands" (reported by al-Bukhari). Thus work reduces poverty, lowers unemployment, increases production, creates much investment, and opens the doors before human energies to innovate in various fields.
- **Christianity:** Paul said: "if somebody does not work, he shall not eat" and maintained that those who want to give their children a rich inheritance should give virtue and skill, not material riches. A change of attitude regarding the questions of capital, interest and profit came during the time of the Reformation. Work was now considered to be a holy call to be performed in the sight of God. It became a Christian duty to work hard. This, again, gave more income, but the religious ideal for life was simplicity. This led to saving-up, which led to investments and accrual of capital.
- **Buddhism** does not criticize wealth itself. As in the Bible, love of money, not money itself, is the source of evil. But Buddhism emphasizes that wealth must be acquired by righteous means, through one's own efforts without using immoral or exploitative methods. Greed is considered one of three poisons.
- **African Independent Churches** recognize that it is weak on business rights but provide interesting examples of communal saving and credit groups developing as a parallel system to the distrusted formal financial system based on trust and community solidarity. However, challenges arise when individuals want loans bigger than the group can provide. This points to the need for poor people's inclusion into the formal system and the demand for theology more supportive of individual's entrepreneurship (emerging in some Pentecostal churches). African Independent Churches do not welcome material poverty, rather their leaders and members cry out to God in their worship services to be released from unemployment, poverty and hunger. The largest of congregation, the Church of Jesus Christ on earth through his envoy Simon Kimbangu based in the Democratic Republic of the Congo, also stresses hard work as a key component of Christian faith. Its members regularly contribute their skills freely to the building of church projects, including clinics and hospitals.

Advancing the poor's right to property must also safeguard the common good

Our religious traditions value the right and freedom of people to own property and manage their own land. Most poor people, especially women, are excluded from owning property. We affirm that ownership of property is an important way for people to become self-sufficient. We call on the Commission to support both individual and collective rights to property as a means to enable people to live sustainable and dignified lives. This right must be accompanied by a legal responsibility to preserve and manage our shared earth for future generations.

- **Buddhism:** From the Lion's Roar Sutra it is clear that solution to poverty-induced crime is not punishment but helping those in poverty to provide for their basic needs. For example, the sutra encourages economic activity, not welfare: the king evidently reforms the first thieves by giving them enough property to become self-supporting.
- **Indigenous Peoples** that have the right and freedom to manage their land and territories, to be custodians of the natural resources available, to own a dwelling house, to access fresh water and collect or produce their food supplies do not necessarily consider themselves poor. For Indigenous peoples the *Right to Land* is very important but should not be understood as the same as *Property Right*. Indigenous Peoples do not favour individual property right, but rather the consensus among all tribes is to maintain the *Collective Property Right* of the people (ILO Convention 169 and United Nations Declaration on the Rights of the Indigenous Peoples.)
- **Hindu:** The basis for Gandhi's idea of trusteeship is Isopanishad which says, *Tena Tyaktena bhunjithab* – i.e., “All that is in the universe is pervaded by God. Renounce first therefore, in order to enjoy. Covet not anybody's riches”. According to this, one can earn wealth by following just economic activities. However the one who generates wealth should understand that wealth does not belong to him but to the people. He can take what he requires for his legitimate needs and use the remainder for society. The spiritual approach to wealth is that one could enjoy wealth by renouncing it. Trusteeship was developed as an alternative to private ownership, and was first used in relation to property and its ownership. In India the word ‘Trustee’ is used in connection with temples and mutts. The word ‘Trustee’ means a person who manages the property of the temple without any selfish interest.
- **Christianity:** Augustine, a key-person in Western church tradition of the Middle Ages argued that the idea that legitimate ownership must be conditioned by a just use of what is owned. He pointed out that it is private ownership that leads to fighting, hatred, injustice, murder and the like. Furthermore, Ambrose of Milan (4th century) argued that the limitation of private ownership has to be the real need, not greed.
- **Islam:** “A servant of God will remain standing on the Day of Resurrection until he is asked about four things: his life and how he spent it, his youth and how he used it up, his property and how he acquired it.”

Appendix 3: High-level consultation participants

Religious Leaders:

1. **H.H. Samdech Tep Vong**, Supreme Patriarch, Cambodia
2. **Rev. Dr. Staccato Powell**, AME Zion Church, USA, Representing the World Council of Churches
3. **Mrs. Elizabeth Twissa**, Vice-Chair, World Union of Catholic Women's Organizations, Tanzania
4. **Ms. Hellen Grace Wangusa**, Anglican Observer at the United Nations, Representing the Archbishop of Canterbury
5. **Monsignor Bernardito Auza**, Deputy Permanent Representative, Holy See Observer Mission to the United Nations
6. **Archbishop John Gwini Kivuli Mweresa**, African Israel Nineveh Church, and Chairman, Organization of African Instituted Churches-Kenya Chapter, Kenya
7. **Ms. Aruna Oswal**, Vice-President, World Jain Federation, India
8. **Sofia Painiqueo**, Education and Culture Director, Mapuche Artisans Association Folilche Aflaiaj, Chile
9. **Mr. Nari Tandon**, Arya Samaj, India
10. **Sheikh Shaban Mubaje**, Mufti, Uganda Muslim Supreme Council
11. **Dr. Hasyim Muzadi**, Chairman of Nadhlatul Ulama, Indonesia
12. **Prof. Dr. M. Din Syamsuddin**, President, Muhammadiyah, Indonesia
13. **Ms. Mehrezia Labidi-Maiza**, Secretary, Association for Women Progress, France; and Coordinator, *Religions for Peace* International Women's Coordinating Committee
14. **Ven. Dr Yifa**, Buddhist Light International Association and University of the West
15. **Fr. Leonid Kishkovsky**, Moderator, *Religions for Peace* World Council
16. **Dr. William F. Vendley**, Secretary General, *Religions for Peace*
17. **Mr. Stein Villumstad**, Deputy Secretary General, *Religions for Peace*
18. **Ven. Yon Seng Yeath**, private secretary to H. H. Samdech Tep Vong

Commission for Legal Empowerment of the Poor:

19. **Mr. Allan Larsson**, former Minister of Finance, Sweden
20. **Mr. Mike Moore**, former Prime Minister of New Zealand, former Director General of the World Trade Organisation (WTO)
21. **Dr. Naresh Singh**, Director of the Commission for Legal Empowerment

Working Group Experts:

22. **Mr. Robert Lewis**, partner at Baker & McKenzie
23. **Ms. Sylvia Martinez**, Visiting Fellow, Joint Center for Housing Studies, Harvard University
24. **Ms. Martha Chen**, Lecturer, Kennedy School of Government, Harvard University and Coordinator of *Women in Informal Employment: Globalizing and Organizing*.
25. **Mr. Arun Kashyap**, Private Sector Development Advisor, UNDP

Religions for Peace staff:

26. **Mr. James Cairns**, director of programs
27. **Ms. Deepika Singh**, associate director of programs
28. **Ms. Andrea Louie**, communications manager
29. **Mr. Rasta Daei**, intern
30. **Mr. Øistein Thorsen**, conference coordinator

Appendix 4: High-level consultation programme

AGENDA: 5-7 FEBRUARY 2008, NEW YORK

Tuesday, 5 February

- 8:30 am Breakfast
- 9:30 am Welcome: Opening remarks from *Religions for Peace* and Commission Secretariat.
- Presentation by Dr. Naresh Singh, Director of the Commission, on key themes/findings from the Commission's report
 - Presentation by Mr. Øistein M. Thorsen of common themes from the religious background papers
- 10:30 am Preparation of key points for afternoon dialogue session with Commission members. Focus on key dimensions, the role, assets and challenges for religious communities in particular in advancing the legal empowerment agenda.
- 11:00 am Coffee break
- 12:30 pm Lunch
- 2:00 – 5:00 pm Dialogue session between religious leaders and members of Commission. Opening remarks by religious leaders, followed by Commission members' response. Moderated dialogue focused around the following key questions:
- What are the most important messages, principles, recommendations that you see coming out of the Commission's work?
 - What are the key moral and ethical principles at stake behind the legal empowerment agenda?
 - How does the Commission envisage the creation of broad political coalitions and the leadership needed to make legal empowerment a reality for poor people?
 - What role does the Commission envisage religious communities playing to advance this agenda?
- 3:30 pm Coffee break
- 5:00 – 5:30 pm Debrief

Wednesday, 6 February

- 8:30 am Breakfast
- 9 – 10:30 am Working Sessions with Experts:
Discussion 1: Access to Justice and Property Rights
- Presentation (15 min): **Mr. Robert Lewis**, partner, Baker & McKenzie, followed by a brief Q&A (10 min)
 - Presentation (15 min): **Ms. Sylvia Martinez**, Visiting Fellow, Joint Center for Housing Studies, Harvard University, followed by a brief Q&A (10 min)
 - Open conversation between the participants and panelists (40 min)
- 10:30 am Coffee break

- 11:00 am Discussion 2: Labor and Business Rights
- Presentation (15 min): **Ms. Martha Chen**, Lecturer, Kennedy School of Government, Harvard University and Coordinator of the research policy network Women in Informal Employment: Globalizing and Organizing, followed by brief Q&A (10min)
 - Presentation (15 min): **Mr. Arun Kashyap**, Advisor, Private Sector Development, UNDP, followed by brief Q&A (10 min)
 - Open conversation between the participants and panelists (40 min)
- 12:30 pm Lunch (experts are invited to stay for lunch)
- 2:00 – 5:00 pm Working sessions with the religious leaders to prepare the statement and agree commitments from religious communities
- 3:30 pm Coffee break
- 6:30 pm Formal Dinner

Thursday, 7 February

- 8:30 am Breakfast
- 9:30 am Plenary session to review and adopt draft statement of commitment
- 11:00 am Coffee break
- 12:00 pm Closing of conference

Friday, 8 February

Representatives from the religious consultation to present the final statement, recommendations and commitments to the Commission for Legal Empowerment of the Poor, at the UN head quarters (room 8).