

# THE LAW AS A POVERTY FIGHTING INSTRUMENT: REFLECTIONS ON LAW, DEVELOPMENT AND EMPOWERMENT OF THE POOR

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**Abstract:** The article shows two sides of law; the one who it's used as a defensive mechanism of the powerful elites, and so it's characterized as an obstacle to change; and the other one who it's like an instrument to fight against inequalities, to fight for human or economic rights, functioning as a change mechanism, a legal empowerment of the poor, once that a economic growth is not sufficient enough to promote the wealth in Latin America. In order to face these inequalities and obstacles, some procedures must be taken, like in education area, teaching poors their rights, for example, or in politics, being more effective or eliminating the corruption, or by facilitating the participation of the poor in democratic processes; ecc. Law Empowerment of the poor, this way, could be resumed in a sort of pratices that could help poors to be near of forum practices, easily, quick, less expensive and pratic law procedures, alternative dispute resolution, like arbitration courts, ecc, and guarantee the right to vote, the acess to a good education and a high level of wealth. This could be reach by the public, international, financial and private initiatives, all together.

**Keywords** . Law Empowerment of the Poor. Latin America. Obstacles. Right's Guarantee. Public Iniciative. Private Iniciative. Financial Iniciative.

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The author was part of a team of consultants that produced two documents for the United States Agency of International Development (USAID) on legal empowerment of the poor. They are: USAID, Legal Empowerment of the Poor: From Concepts to Assessment, March 2007; USAID, Land and Business Formalization for Legal Empowerment of the Poor, strategic overview paper, January 2007. Many of the information vested in this paper comes from those documents. Some portions of this paper were presented at the University of Oslo Academic Network on Legal Empowerment of the Poor in Oslo, Norway in October, 2007. The author alone is responsible for any statements made herein.

**Resumo:** O artigo mostrar dois lados da lei; aquele que é utilizado como um mecanismo de defesa das poderosas elites, e por isso é caracterizado como um obstáculo à mudança, e um outro a quem é como um instrumento de luta contra as desigualdades, a luta por direitos humanos ou econômicos, funcionando como um mecanismo de mudança, uma força legal dos pobres, uma vez que um crescimento econômico não é suficiente para promover a prosperidade na América Latina. Para enfrentar essas desigualdades e obstáculos, alguns procedimentos devem ser tomados, como na área da educação, do ensino dos direitos, por exemplo, ou na política, sendo mais eficaz ou eliminando a corrupção, ou, ao facilitar a participação dos pobres nos processos democráticos; etc. O fortalecimento da lei para os necessitados, desta forma, poderia ser retomado em uma espécie de práticas que possam ajudá-los a estar próximos das práticas forense, tornando mais fáceis, rápidos, menos onerosos, menos burocráticos os procedimentos letais, a resolução alternativa de litígios, como nas Cortes arbitrais, etc, e garantir o direito de voto, o acesso a uma boa educação e um elevado nível de riqueza. Isso poderia ser alcançado por iniciativas públicas, internacionais, financeiras e de iniciativa privadas, todas juntas.

**Palavras-chave:** Fortalecimento da lei para os pobres. América Latina. Obstáculos. Garantia de direitos. Iniciativa pública. Iniciativa privada. Iniciativa Financeira.

## SUMMARY

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### 2. Legal empowerment of the poor

### 3. What are the obstacles to LEP?

### 4. What can we do?