Basic legal needs and human development

Rule of law and access to justice are essential for basic human security. The quality of people’s lives is closely linked to investments in property. Their human and social capital resides in their key relationships (employment, business, family, community, etc). Protection of this capital is a key element of any strategy to stimulate human development and economic growth.

The following is a shortlist of the most important needs for general prevention and for accessible “paths to justice”:

Security and general prevention of crime:
- prevention of third-party violence
- prevention of extortion
- prevention of property crimes (peace-keeping, policing, etc.)

Access to registration processes:
- property registration
- civil registration (birth certificates, death certificates)
- registration of businesses

Access to dispute resolution processes:
- restorative justice for victims of violence
- eviction of tenants; land use conflicts
- termination of employment and employment conditions
- termination of domestic partnerships (marriages, common law marriages, etc.)
- domestic violence
- resolution of neighborly and neighborhood conflict
- termination of business relationships
- debt collection
- water-use conflicts
- equal access to health care, education etc.
- consumer complaints and quality of goods/services
- pensions and financial services

Nowadays, legal rules tend to grant rights on paper. The problem is the actual delivery of legal protection to those who need it for a price they can afford.

Access to human rights’ processes and good governance:
- unfair detention
- expropriation and fair compensation
- tax conflicts
- abuse of power

Even in countries known as “developed”, full access to these forms of protection is only available to a minority. In the developing countries, access to registration, dispute resolution processes, and human rights is unavailable for many. It is too costly, of poor quality or both.
Innovation:
Stimulate efficiency in the justice market with modern technology

Most ‘Rule of Law’ initiatives are oriented towards improving legislation, establishing reliable courts and training police forces. Access to Justice programs tend to focus on legal aid. The implicit assumption is that the delivery of justice is a matter for the state to take care of and for trained lawyers to help their clients on a one-to-one basis. These development projects aim at improving the institutions within the traditional and established legal system.

The Microjustice Initiative, on the other hand, aims at establishing innovative opportunities within a broader scope of the legal framework. It strives to dramatically increase efficiency in the justice system, by making better use of the forces of supply and demand.

Using the power, scope and range of the Internet, microjustice provides central information combined with a local delivery model. The local delivery model is based on self-help with the assistance of local labor for a small fee. Where necessary, qualified legal experts can be called in to assist. Economies of scale will also be achieved by cooperating closely with local authorities in order to improve their processes and procedures.

Development principles:
Servicing the market at the bottom of the pyramid

Those with less or no access to justice are often also deprived of other (basic) necessities, like water or healthcare. In addition they have little or no access to financial services. In the last decades initiatives have been developed that have delivered workable solutions for those needs using the market mechanism. One good example is microcredit – extending very small loans to impoverished people, thus empowering them to engage in self-employment to generate income. Applied since the 1970s in developing economies by Dr. Muhammad Yunus, microcredit is today gaining increasing credibility in the mainstream finance community. Microfinance is the inspiration behind Microjustice having as its aim adjusting the delivery of justice to the needs and capacities of low budget consumers.

To reach this goal Microjustice Initiative applies the same principles as C.K. Prahalad and Stuart Hart describe in their book ‘The Fortune at the Bottom of the Pyramid: Eradicating Poverty Through Profits’:

- obtain deep insight into legal needs and procedures
- develop low-capital solutions such as self-help, local intermediaries and centralized support
- combine Internet technology and elements of formal legal systems with existing local structures
- adjust to environments with poor infrastructures and limited skills
- look for economies of scale

Approach and values

The Microjustice Initiative facilitates research, development and public affairs in the area of microjustice. It combines the know-how of top experts working on pilot programs in the field, with the insight of top academics in the area of dispute resolution system design.

The Microjustice Initiative is an open source platform for innovation. Microjustice is not adversarial, but neutral and cooperative. It uses the power of transparency in order to make justice affordable for users and ensuring it is sustainable for the suppliers.

The Microjustice Initiative aims at working with the established authorities, while extending the range of access to justice to all levels of society. It accelerates the evolution towards a justice system that effectively reaches the people who need it most.
Strategy: Making justice affordable and accessible to all

A network of Microjustice Programs will be set up in countries throughout the world. They help Microjustice Facilitators to set up businesses that help people address their legal needs for a small fee. The 1st pilot Microjustice program has been started early 2007 in Bolivia. The experiences and the method developed here, will form the basis of a model for Microjustice Programs.

Microjustice Facilitators and their clients will be supported by a multi-layer, customized website with an overview of paths to justice that are common to individuals in various parts of the (developing) world.

The clients can identify their legal need by country (or location); enter objective criteria that have been used locally to settle this specific type of differences; review user-friendly descriptions of the local versions of procedures, together with indicators of costs, procedural quality and outcome quality. Additionally, rules can be compared with 'the going rates' in other jurisdictions.

This information is uploaded by Microjustice Programs, Microjustice Facilitators and possibly by other local contributors in a standard format and in a language that can be understood.

The comparative information on the website stimulates authorities (courts, police, local authorities) to improve the performance of their justice services.

The Microjustice Programs also establish working relationships with relevant authorities, help them to sort out problems, and press them to improve performance.

Open network: Invitation for participation

The Microjustice Initiative is now in the phase of crafting partnerships for the start-up activities. Input and contributions are most welcome!

Initial steps have been taken by:

- **International Legal Alliances** [Setting up and developing Microjustice Programs in Bolivia and Serbia-Croatia]
- **Tilburg University** in close cooperation with The Hague Institute for the Internationalization of Law [Conducting research in dispute resolution system design]
- **Brabers, Douma, van Nispen, Leenen** [Organizational support, legal advice and public affairs]
- **Publiventures BV** [Strategic communication advice and public awareness expertise]

The Microjustice Initiative welcomes various contributions from:

- promoters – to support the initiative with their network and contacts.
- field experts and NGO’s – interested in setting up Microjustice Programs.
- entrepreneurs who see microjustice as a business opportunity
- partners from the IT industry and the legal services who wish to participate in the development of the Microjustice web-platform.
- academic researchers – to contribute to the research and development process.
- governments – to partner with Microjustice Programs in order to improve access to justice.
- sponsors – to support the initiative or local Microjustice Programs with funds, labor, or in kind.

For more information:

- **Prof. Maurits Barendrecht**, Tilburg University
  [ j.m.barendrecht@uvt.nl ]
- **Patricia van Nispen**, International Legal Alliances
  [ patricia.van.nispen@intall.org ]