

Microjustice4All

Strategic Plan

2015 – 2018

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* The Annexes will be updated added in the first quarter of 2015.

EXECUTIVE SUMMARY

Based on MJ4All's experience with post-war legal rehabilitation in Serbia/Croatia in 1996, the concept of 'Microjustice' (MJ) was tested and developed in a development context in Bolivia in 2007. Microjustice is defined as (a) the provision of standardized legal services to (b) marginalized target groups so they may have (c) access to and enjoy their basic rights for (d) a nominal fee. The approach was outlined in a MJ Handbook, and the methodology to implement the approach was laid out in various toolkits. Since then, the Handbook and Toolkit have been used to establish Microjustice Country Organizations in Peru (2008), Argentina (2009), Uganda (2010), Kenya (2011) and Rwanda (2012). Together, these Microjustice Country Organizations form the MJ4All International Network that is coordinated by Microjustice4All (MJ4All) in The Hague, The Netherlands.

The long-term Microjustice vision is: *a world where everyone lives in dignity, enjoys basic rights and is protected by a social system of justice.*

In order to achieve this vision, MJ4All has developed a Strategic Plan for 2015 – 2018. The 2015 – 2018 period will be used to change the MJ4All International Network from its current operation as a project-based international network (not yet recognized as such) to a methodologically sound, practical, well-known, expert, and sustainable initiative that helps marginalized people around the world obtain access to and enjoy their basic rights. These goals are further developed and supported by strategies and measurements that will allow the realization of these ambitions, ideas and plans.

GLOSSARY

Case = MJ provides a (practical) legal solution, by drafting a document, initiating a procedure, etc. The costs of a case are usually recovered by charging a fee to the client.

Case Management System = Database in which all consults and cases are recorded and processed.

Consult = meeting with a MJ paralegal in which the client has a question related to a legal problem, and the paralegal gives advice. A consult can also be on a case that MJ is handling for the client (this is classified as a 'follow-up consult')

Microjustice4All (MJ4All) = Dutch foundation that started MJ activities in practice, setting up and supporting MJ organizations in countries where there is a structural need for MJ.

MJ = Microjustice in general, and in context, MJ4All and the Country Organizations together.

MJ4All Country Organizations = local organizations that implement the MJ4All Methodology in a given country; also = MJ Country Organizations or Country Organizations.

MJ4All Handbook = the manual for understanding the MJ4All concept and model, specifically geared to setting up a MJ4All country organization; also Handbook.

MJ4All International Network = the network of the MJ Country Organizations that work with MJ4All; also MJ Network or Network.

MJ4All Methodology = the practical method developed by MJ4All of how to concretely implement the MJ approach through the MJ4All Handbook and MJ4All Toolkit; also Methodology.

MJ4All Products = standardized legal services for basic legal needs identified during a needs assessment; also MJ Products or Products.

MJ4All Services = legal services for which MJ Products have been developed; also MJ Services or Services.

MJ4All Toolkit = the practical, hands-on tools and instruments (toolkits) for running a MJ4All country organization; also Toolkit.

1. INTRODUCTION

Microjustice4All (MJ4All) was established in 1996 under the name International Legal Alliances (ILA) with the intention to enable poor and marginalized citizens in post-conflict and crisis situations to be able to defend and use their lawful rights and to strive for better rights if needed. MJ4All started its work with various post-war legal rehabilitation programs for refugees and internally displaced persons (IDPs) in the former Yugoslavia.

Building on the experience gained in the former Yugoslavia, MJ4All contributed to IDP rehabilitation in Georgia/South Ossetia in 1999 and developed a program for providing legal assistance for refugees and IDPs, facilitating their return from Khartoum to now South Sudan (2005). In Colombia (2005/6) it conducted an assessment that focused on increasing access to social programs and efforts to reclaim housing and land rights. These assessments showed that settling a number of legal issues of displaced populations (in large part related to legal paperwork) is of fundamental importance for successful post-disaster return and rehabilitation (all stakeholders agreed on this). Local groups and government institutions showed much interest in working on these legal issues of the victims.

Based on these practical experiences, MJ4All wished to gain more attention for Legal Rehabilitation on the international development agenda, while making its approach more structural and easily available for use by others. For this, MJ4All organized a roundtable in Madrid in 2006 in cooperation with MPDL (Movimiento por la Paz), the Spanish Government (AECID) and the Dutch Embassy. MJ4All and the University of Tilburg decided to establish an initiative that would put the ideas and recommendations of the Roundtable into practice, bringing together field experience (MJ4All) and academic research (Tilburg University). This resulted in two academic publications¹ and a strengthened, well-researched concept and approach called 'Microjustice', following the example of Microfinance and grounded in the internationally known concepts 'legal empowerment of the poor' and 'the responsibility to protect'.

The concept of Microjustice was tested and developed in a development context in Bolivia in 2007. There MJ4All set up a first MJ4All Country Organization called Microjusticia Bolivia. Applying a learning-by-doing approach, the aim was to develop and refine practical methods and

¹ Maurits Barendrecht and Patricia van Nispen tot Sevenaer, "Microjustice" (2007). TILEC Discussion Paper No. 2008-010 and Benjamin van Rooij, "Bringing Justice to the Poor: Bottom-up Legal Development Cooperation" (March 25, 2009). Available at SSRN: <http://ssrn.com/abstract=1368185> and http://microjustice4all.org/site/dmdocuments/press/2_1.pdf

instruments for the implementation of MJ4All Country Organizations worldwide. The successful pilot resulted in an innovative methodology and instruments for rights-based inclusive development. The successes in Bolivia were used to establish Microjustice Peru in 2008. Based on the initial experiences and best practices in Croatia/Serbia, Bolivia and Peru, the Microjustice approach and accompanying Methodology and instruments were translated into a MJ4All Handbook and a MJ4All Toolkit that were published in August 2009. The Handbook and Toolkit provide guidance, tools and instruments (know-how, models, manuals, and Case Management Systems) for replication worldwide. Since then, the Toolkit has been used to establish MJ4All Country Organizations in Argentina (2010), Uganda (2010), Kenya (2011) and Rwanda (2012). Together, these MJ4All Country Organizations form the MJ4All International Network that is coordinated by Microjustice4All in The Hague, The Netherlands.

Five years after the publication of the Handbook and Toolkit and with the growth of the Network, it is time to evaluate the Microjustice approach and Methodology against practical experiences and to update the MJ4All Handbook and Toolkit. The implementation of the Microjustice approach and Methodology in six countries on three continents has generated many lessons learned and success stories which will be collected and used for a full review, adjustment and update of the Microjustice approach (in the form of an updated Handbook) and Methodology (in the form of an updated Toolkit). By using this updated Microjustice Handbook and Toolkit, Microjustice4All hopes to realize its cherished ambition to promote the Microjustice approach and Methodology as an internationally accepted and practical manifestation of legal empowerment of the poor, used by global and local actors alike to enable marginalized people worldwide to enjoy their basic rights and partake in society. In order to achieve this ambition, the concept of Microjustice as developed by MJ4All will need to become well-known and Microjustice4All and its Network will need to become financially sustainable. This Strategic Plan will guide the operations of Microjustice4All towards the realization of that ambition for e period 2015-2017.

The Strategic Plan has been prepared using the Objective, Goals, Strategies, and Measures (OGSM) method. The OGSM method is a method that helps organizations solidify their ambitions, ideas and plans so that they become realizable. The method guides organizations from vision to action and connects ambitious goals to concrete activities.

2. MICROJUSTICE

Microjustice is the practical manifestation of the internationally recognized concept of 'legal empowerment of the poor'. It is a way to facilitate affordable access to services that meet basic legal needs for marginalized sectors of the population and, in doing so, allowing them the same enjoyment of rights as the rest of the population.

The Microjustice vision is: *a world where everyone lives in dignity, enjoys basic rights and is protected by a social system of justice.*

This vision is achieved by developing Microjustice organizations in countries with a need to integrate marginalized groups in society, in cooperation with local stakeholders and partners. These MJ4All Country Organizations exchange experiences, introduce new methods and mutually support one another through the coordinating role of Microjustice4All.

The work of each of the Country Organizations has impact throughout the layers of the social pyramid:



Figure 1: Impact throughout the social pyramid through its bottom-up approach

Microjustice responds to changes in international development cooperation and to the demand for impact-oriented implementation tools for the new and rights-based approaches to inclusive growth and development.

MJ target groups are the marginalized and excluded (with the purpose to include them in the state, enjoying protection of their person and goods, like anyone else):

- Poorest excluded groups – those who own nothing, so they have little to protect legally but their identity. By obtaining the proper civil documentation they start to participate in society and develop economically. Basically, MJ helps them to enjoy the rights they already have on paper;
- Lower classes: still relatively ‘poor’ who need to have their paperwork in order to protect their property and entitlements, in addition to enjoying their basic rights; and/or
- Special excluded and vulnerable groups, such as women, children, war-victims, displaced populations.

3. THE CURRENT SITUATION

Over the past 17 years, Microjustice4All (MJ4All) has laid the foundation for a worldwide network of MJ4All Country Organizations that span across three continents. To date, Microjustice4All and the Country Organizations have operated on a project-basis and to a small degree (mainly in Bolivia) on income generated from legal case solution. This method of operation has been conducive to gaining further experiences and best practices in the six countries where Microjustice has been implemented, but places a strain on the limited human resources within the coordinating organization MJ4All. With all efforts focused on project implementation and securing funding to keep MJ4All and the Country Organizations in operation, the full-scale development, promotion and (financial) sustainability of the MJ approach and Methodology on a global scale has suffered.

This situation has led the MJ4All team to develop this three-year Strategic Plan for 2015 – 2017. Within this timeframe, it is envisioned that the MJ approach and Methodology are updated and continue to be used: (1) to increase access to and enjoyment of basic rights in the current countries of operation, (2) to increase the awareness of the existence of the MJ approach, Methodology and expertise internationally through the Network, inspiring relevant agents of change to use the MJ approach, and (3) to find ways that Microjustice4All and the Country Organizations can operate in a sustainable manner to enable them to continue to provide legal services to marginalized people. The 2015 – 2018 period will thus be used to change the MJ4All International Network from being a project-based network whose ability to increase access to and enjoyment of basic rights is not yet fully recognized internationally, to a methodologically sound, practical, well-known, expert, and sustainable initiative that helps marginalized people around the world obtain access to and enjoy their basic rights. As such, the 2015 – 2018 time period will be considered a ‘transition period’ for MJ4All and the Country Organizations.

4. **SWOT ANALYSIS**

The SWOT analysis shows external threats and opportunities that may have either a restrictive or enabling effect on the operations of the International Network. It also shows the internal strengths and weakness that may help or harm MJ4All and the MJ Country Organizations. This SWOT analysis underlies the formulation of the objective, goals and strategies and is a way to ensure that the content of the Strategic Plan is realistic and takes into account the operational and organizational environment.

Strengths

The **Microjustice approach** is grounded in internationally recognized concepts such as ‘the responsibility to protect’ and the ‘legal empowerment of the poor’, of which the latter recognizes that legal rights are a precondition for development and poverty alleviation. The Microjustice approach is the practical materialization of these concepts. It offers practical legal solutions for the legal needs of people who are unable to afford lawyers or gain access to public services. The MJ approach makes changes possible for individuals, while contributing to a change of culture (e.g. from conflict solution to conflict prevention). This approach is implemented by **(potentially) strong partner/country organizations**. Microjustice4All currently has six Country Organizations that are familiar with the Microjustice approach as well as the countries of operation. Over the years, Microjustice4All and the Country Organizations have managed to build up expertise in implementation of the approach and have built a **track record** with proven successes (most notably in Bolivia). The MJ Products require a **low degree of legal expertise** (obtainment of a birth certificate), but have **huge impact** (access to health, education). MJ Services are **good value for money** since they do not require large sums of money, yet are able to generate important results. The MJ approach is **flexible** and can be adjusted to the circumstances of the country and needs of the people. People at the **grassroots level** play a central role in the MJ approach. This gives Microjustice Country Organizations valuable insights into the realities and issues at the grassroots level which may not be available everywhere.

Threats

While MJ Country Organizations are generally NGOs, **national legislation** often makes it difficult for NGOs to ask for financial contributions for the services they deliver. In many countries, both governments and populations see NGOs as organizations that should provide their legal services for free. The many donor interventions in developing countries have cultivated a **culture in which services offered by NGOs “should” be free of charge**. This renders financial self-sustainability with paying clients a fragile one, especially when **competing MJ-type organizations** undercut MJ work by providing (unsustainable) free services. MJ Country Organizations offer services that fall within the public (state pension, civil documentation) and

the private (eg. business, marriage) sphere. The services that MJ Country Organizations offer that fall within the public sphere may put Country Organizations at **risk of exclusion by government institutions** based on the argument that the MJ activities are a government task, even though those institutions themselves are actually unable or unwilling to facilitate access to those public services. It is important to note that MJ Country Organizations choose to work alongside national and local governments and that, while initially bridging a gap between the government and the population, ultimately their goal is to remove this gap through evidence-based lobbying for improved procedures. In some developing countries, the **national legislation and/or governmental “culture” restrict interventions by non-governmental actors** which can also constitute a threat to the operational freedom and existence of Country Organizations and highlights a need to study and experiment with alternative organizational forms (eg. social businesses). Finally, the **shrinking availability of classical development aid money** poses a threat to the MJ Network, especially when ‘modern’ resources are not (yet) available.

Weaknesses

Due in part to the fragility of clients’ fees as the main source of self-generating income and the shrinking availability of development aid and donor funding, the MJ Network finds itself **financially limited**. This limitation is further hampered by i) limited fundraising capacity and ii) the fact that the MJ concept (or product) is less known among donors. In the immediate future, there is a need to increase fundraising capacity as well as international awareness and recognition of Microjustice. As a consequence of the financial limitations, **human resources, especially within MJ4All, are strained**. Since MJ works with consultants on a project basis, it is a challenge to retain long-term collective memory. Momentarily, the organization is restricted by a **limited collective memory**. Microjustice4All needs to document this memory in a way that the Network and initiative is able to benefit from it in the future. The majority of the MJ Country Organizations have not sufficiently internalized the MJ **social business model** nor have external actors yet fully understood the MJ social business approach. This is primarily due to a ‘NGO-mentality’ and a prime focus on project implementation rather than a business mindset with a view to creating a permanent self-sustainable legal infrastructure.

Opportunities

Despite the shrinking availability of classic development aid, there is a **growing international recognition of the need for a rights-based approach**, enshrined in such concepts such as ‘legal empowerment of the poor’ and ‘responsibility to protect’ and evident from the inclusion of Access

to Justice in the proposed post-2015 Sustainable Development Goals.² This creates room to lobby to include Microjustice in the justice programs for inclusion, democratisation and conflict prevention in development contexts as well as in post-emergency/conflict legal rehabilitation efforts. In addition, there is a shift in development cooperation to **preference for social business models** over traditional (often non-sustainable) donor and NGO interventions. This leads to an enhanced potential for recognition and funding of Microjustice. As the result of implementing the Microjustice approach and Methodology since 2007 in six countries, there is still untapped knowledge and capacity within the MJ network that presents a **potential for enhanced cooperation/ information exchange within the network** of MJ-type organizations and for **strengthened capacities in Country Organizations** (management; approach to MJ social business model). The many years of operation have shown that the Microjustice approach (see the Handbook) is sound, but the method needs **adjustment based on lessons learned** in each of the countries of operation. Also, there are still **many people in need of MJ services**, creating a **large potential market** for the distribution of the MJ Services. MJ works for vulnerable and impoverished people worldwide. The vast majority of these people does not have their rights secured/paperwork in order, are unable to afford lawyers, and live in countries whose governance/legal systems pose severe bureaucratic obstacles. Together, the people at the 'bottom of the pyramid' have an immense spending power and constitute a great market that is not yet tapped into. It is a **potential** market because the legal needs and opportunities of having legal documents are not always evident to the people themselves.

² See for example Goal 16: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels. A/69/700.

Figure 2: SWOT analysis

Environment	Helpful	Harmful
Internal	<p><u>Strengths</u></p> <ul style="list-style-type: none"> • Microjustice approach changes individuals' lives and contributes to changes of cultures • Availability of (potentially) strong partner/country Organizations: • Expertise and successes: proven track record • Minimum input, maximum output • Good value for money • Flexible (ability to adjust approach to circumstances) • In touch with grassroots level that generates valuable bottom-up information 	<p><u>Weaknesses</u></p> <ul style="list-style-type: none"> • Financial limitations due to: <ul style="list-style-type: none"> i) limited fundraising capacity ii) MJ product less known amongst donors (recognition) • Consequently: limited/strained human resources • Limited collective memory: since MJ works with consultants on a project basis, it is a challenge to retain long-term collective memory. Microjustice4All needs to document this memory in a way that the network and initiative is able to benefit from it in the future • The MJ social business model has not yet been properly internalized among the Microjustice country organizations • External actors have not yet fully understood MJ social business approach
External	<p><u>Opportunities</u></p> <ul style="list-style-type: none"> • Growing international recognition of the need for rights-based approach, which leads to an enhanced potential for recognition and funding of Microjustice • Growing international recognition of the need for a social business model, which leads to an enhanced potential for recognition and funding of the MJ initiative • Potential for strengthened capacities in partner organizations (management; approach to MJ social business model) • Potential for enhanced cooperation/information exchange within the network of MJ-type organizations • The Microjustice approach (see Handbook) is sound, but the method needs adjustment based on lessons learned. • Strong potential demand, market and need for MJ services in the world. 	<p><u>Threats</u></p> <ul style="list-style-type: none"> • National legislation may not allow NGOs to charge fees for legal services • (Donor-induced) culture that legal services to poor and marginalized people should be free of charge • Competing MJ-type organizations undercut MJ work by providing (unsustainable) free services • Government institutions exclude MJ with the argument that the MJ activities are a government task, but which they do not provide • National legislation and/or governmental "culture" restrict interventions by non-governmental MJ actors • Shrinking availability of classical development aid money, while 'modern' resources are not (yet) available

5. OBJECTIVE AND GOALS

The objective presented below is where Microjustice4All wants to be at the end of a three-year period (2018). The objective is translated into goals, which are supported by strategies and measures that follow below. Their achievement will imply the achievement of the overarching objective.

5.1 Objective

This objective is the overarching guideline for the transition period 2015 -2018.

The MJ4All International Network helps marginalized people around the world to obtain access to and enjoy their basic rights through its approach and sound Methodology and by being a practical, well-known, expert, and sustainable initiative.

Marginalized people – refers to the three categories of people that MJ targets:

- 1) The people who are excluded and are at the bottom of the social pyramid. The focus is on civil documentation that gives them an existence in the system and access to entitlements and protection of the system.
- 2) People who are a bit higher on the social pyramid, who have possessions, run a small-scale business or have a job, but who need to arrange their administrative and legal paperwork (in the form of registrations but also contracts, wills, etc.) in order to be protected, to be economically integrated and to enjoy the opportunities of the system.
- 3) Victims of man-made or natural disasters in their post-disaster legal rehabilitation, for whom it is essential to have access to entitlements related to the disaster and also to restore their pre-disaster legal situation.

Well-known sustainable expert initiative – refers to:

- 1) Microjustice included in the (inter)national justice sector
- 2) Microjustice on the development agenda
- 3) Microjustice has leverage internationally and in the countries of operation, to negotiate and propose ways to gain better access to justice for target groups
- 4) Microjustice business model is developed in such a way that the MJ country Organizations can become (financially) sustainable
- 5) MJ4All is an expert organization with a well-developed method for which stakeholders are willing to pay

5.2 Goals

- 1. Access and enjoyment of rights through a methodologically sound, practical initiative**
 - 1.1 Legal services and solutions are provided to marginalized people in the six countries of operation (and possibly in new countries of operation - see annex 2) by applying the MJ approach and by piloting the varieties of the Methodology (see annex 3), which shall be locally embedded.
 - 1.2 The MJ Methodology, governed by an effective social business model³, is adjusted, on the basis of lessons learned and pilots.
 - 1.3 Local country organizations have built more legal specialization, management capacity and other expertise to carry out the MJ approach and to experiment with the varieties.
 - 1.4 Activities in the countries of operation will allow these to learn from each other, under the recognition that circumstances between and within these countries differ.

- 2. A well-known, expert initiative**
 - 2.1 Awareness-raising and dissemination of the MJ approach and Methodology is successfully carried out among relevant agents of change on national and international levels.

- 3. Sustainable initiative**
 - 3.1 Efficiency in management and communications at the MJ4All level and with the Country Organizations is improved.
 - 3.2 The self-financing capacity of MJ4All and Country Organizations has been enhanced. Identification and networking has taken place with like-minded organizations active in this area, leading to possible cooperation and integration.
 - 3.3 Fundraising efforts have been intensified leading to more income for MJ and its activities.

6. STRATEGIES

The strategies formulated below are choices about the deployment and distribution of human and financial resources as well as the time-line that should lead to the achievement of the objective. The strategies are formulated per goal and are each accompanied by a brief explanation of the reasoning behind the strategy. The strategies are accompanied by measurements and an action plan, which can be found in annex 1.

³ This is a model that is financially sustainable while serving its social objective.

6.1 Strategies for Goal 1: Access to and enjoyment of basic rights

Over the years, the implementation of the MJ approach and methodology has successfully increased Access to Rights for 250,000 people around the world. In 2015 – 2017, MJ4All and the Country Organizations will continue doing this, while experimenting with the varieties of the MJ Methodology in order to respond to the threats and opportunities identified in the external operational environment. Efforts will be taken to evaluate and update the Handbook and Methodology and strengthen the internalization of the social business model. In order to increase access and enjoyment of rights, MJ4All will continue to strengthen the capacities of the MJ Country Organizations and facilitate the exchange of information within the MJ Network.

1.1 *Legal services and solutions are provided to marginalized people by applying the MJ approach and by piloting varieties of the MJ Methodology, which shall always be locally embedded.*

Strategy: Piloting the variety of approaches with the Country Organizations

Themes and target groups

The 2008 report of the Commission for the Empowerment of the Poor recognizes that legal empowerment of the poor is crucial to poverty reduction and the creation of an inclusive Rule of Law. It defines the following four specific areas, or pillars, of legal empowerment: 1) access to Justice and the rule of law; 2) property rights; 3) labor rights; 4) business rights. Identity and legal status as citizen/asset holder are recognized as vital conditions for legal empowerment. The fulfillment of the conditions and pillars of legal empowerment are envisioned to lead to systemic change that will allow access to justice, assets, decent work and the market, which in turn generates protection and opportunity for those who previously fell outside the protective sphere of the law.⁴

Inspired by the report of the Commission, Microjustice's country-programs are based on the needs that facilitate the socio-economic integration of people. These needs correspond to the thematic areas of operation of MJ. The fulfillment of these needs require basic legal documents with a focus on:

1. *Civil documents*: birth certificates and other documents regarding personal identity which give the bearer access to education, health care, social benefits, microfinance, and voting.
2. *Documents relating to property*: housing and land registration, which give property protection, including the right to live somewhere.

⁴ <http://www.undp.org/legalempowerment/>

3. *Documents relating to income-generation*: documents to set up businesses, cooperatives, partnerships and the like, as well as labor contracts and the protection of labor rights. People need an income to subsist, which can be generated through a small, privately-run business, working as an employee, or working the land.
4. *Documents regarding legal issues relating to the above, especially with respect to family*: people, especially women and children, need to be protected and have clear entitlements, i.e. in marriage/divorce, inheritance/succession, and gender-based violence cases.
5. *Specific needs*: these vary according to geographic location and situation: for example, post-war/natural disasters, specific environmental problems, or a specific development context.

In 2015 – 2018, MJ will continue focusing on these thematic areas of operation.

MJ may choose to operate in another theme if the following three basic conditions are met:

- 1) the theme represents a basic legal need of a larger group in the target groups;
- 2) the basic legal need can be translated into practical legal solutions through (a) standardized legal service(s) (MJ Product); and
- 3) someone -- normally the client, but it can also be another stakeholder -- is willing to pay for the (standardized) service.

Other criteria that will be taken into consideration when choosing to operate within a specific theme are:

- The main focus remains on helping people obtain access to and enjoy their basic legal rights following the MJ approach and methods;⁵
- Specialists are available to guarantee the quality of the legal services;
- Demand (quantity of potential clients);
- Value for money in the specific thematic area and the potential for impact;
- The feasibility and practicability of operating in the specific thematic area.

⁵ I.e. in the theme of ‘democratic participation’ the main focus should be on providing people and their organizations with the legal documents and awareness needed to participate in the democratic process.

Themes per MJ Country Organization

Bolivia:

In Bolivia, the legal system and bureaucratic procedures are outdated. As a result, millions of Bolivians live without valid civil documentation. Lacking a valid birth certificate or ID, they cannot access services such as credits, basic health care, and education. While indigenous and elderly people are the main victims of this situation, all Bolivians are affected by the failure of the bureaucracy in one way or another. Even if people have birth certificates, these often contain errors and are thus useless. The lack of valid property documents for houses and lands is another problem that affects almost all Bolivians, and in cities as La Paz, El Alto, Cochabamba and Santa Cruz inhabitants of entire neighborhoods do not have property titles, making them vulnerable. Many home and landowners, mostly indigenous migrants from rural areas, lack knowledge of the registration requirements and get lost in the complex bureaucratic procedures.

In 2006, with the election of the current socialist government, a process was initiated to improve access to the system and to basic rights. In addition, the people had more interest to arrange their civil documentation as it allowed them access to new social benefits such as the state pension (*bono dignidad*). Microjusticia Bolivia (MJB), which started its work in 2007, has contributed to the simplification of bureaucratic procedures by providing legal services to arrange the civil documentation of people in need. Using its experience in doing so, MJB also successfully conducted lobbying activities aimed at the simplification of the laws and procedures. These have resulted in the simplification of the procedures for obtaining civil documentation.

While MJB has contributed to important legal and procedural improvements, much remains to be done. MJB currently mainly assists people with the registration of their homes or lands and with legal issues related to 'violence against women'. Both for property registration and gender-based violence, the government has recently passed new laws and policies, which simplify procedures and make it possible for MJB to help people. In both themes, MJB collaborates with NGOs and government agencies and provides legal education and assistance, which helps empower the people socially, politically and economically.

Peru:

In the last decade Peru has experienced rapid economic growth. While levels of poverty have decreased, large parts of the population have not benefited from the economic boom and still live in poverty or extreme poverty. In addition, Peru is still recovering from two decades of armed conflict (Shining Path, 1980-2000), during which social structures almost completely disappeared, birth registries were destroyed, and large numbers of people from rural areas migrated to Lima and other cities to escape the violence. Since, migration levels to the cities have

remained high. For the migrants, adapting to life in the city is not easy. Many do not have birth certificates and/or identity cards, which excludes them from basic health care, social programs, education, voting, opening a business, obtaining credit...and in general of being a full citizen. In addition, they tend to get lost in complex and sometimes corrupt bureaucratic systems and remain excluded for generations.

In rural areas, the indigenous and farmer populations often see their common lands and water resources threatened by mining and energy generation projects. The Peruvian Laws give them many tools to protect themselves (for example “free and prior informed consent”). However, without identity papers, legally registered communities and associations, and property titles over their lands, it is almost impossible for them to exercise their rights. This is only made worse by the lack of knowledge of these rights.

Microjusticia Perú informs individuals, families, rural associations, and communities about their basic legal rights (birth certificates, identity cards, ownership of a house or land, registration of organizations, etc.) and how to access these. It also solves their legal cases. In addition, it teaches people who have obtained their basic documentation how to use their rights to become socially, politically and economically empowered, for example through participating in the formulation of a tender proposal or accessing social programs of the government.

Argentina

Argentina suffered a deep economic crisis in 2001 that led to the deterioration of social conditions and plunged more than half of its population into poverty. In the wake of this crisis rapid economic growth took place, and today Argentina is considered a middle to high-income country. However, the average income and GDP mask the wide disparity in the distribution of wealth. This disparity is apparent in the larger metropolitan areas, such as Buenos Aires, Rosario and Mendoza, where large “*villas miserias*” (slums) persist. People living in these areas are economically and socially marginalized, hampered by a lack of access to basic rights and documentation. There are approximately 1,275,000 undocumented persons born and living in Argentina who cannot effectively participate in society as full democratic citizens. In addition, Argentina is home to a large population of immigrants, including around 2 million Bolivians, most of them living in very precarious situations and without proper documentation.

Microjusticia Argentina aims to ensure the empowerment and inclusion of the marginalized populations who lack access to basic rights by providing them with legal support and with education aimed at raising their awareness about the rights and responsibilities they have. MJA helps people to strengthen their own capacities and potential to become active and responsible citizens who benefit from basic rights that are currently out of their reach. These rights include: formal education, participation in democratic processes, land ownership, formal employment, and social integration.

Croatia/ Serbia:

After the wars in the former Yugoslavia, the legal rehabilitation of the refugees and IDPs required action in all areas of life and law. Themes varied from reclaiming property and pension rights, solving issues with the pre-war banks that wanted to foreclose on the houses of their former clients, to war crime prosecution, the division of socially owned property, and accessing reconstruction loans. Not one area of social life was left unaffected. MJ4All worked intensively on all these themes from 1997 to 2005. From 2006 the focus has been on obtaining documents for (former) refugees on a cross-border basis: civil documentation, work books, proof of property, etc.

Kenya:

In Kenya, Microjustice Kenya works in informal settlements in the capital Nairobi, where MJ Services are distributed through a network of social organizations which host the Microjustice outlets and promotion events, such as chiefs' offices, churches, health centers and NGOs. For the urban poor and marginalized people who make up 60% of the population in Nairobi County, access to basic rights is limited due to a number of obstacles: the complexity and extensive length of the processes involved, excessive requirements, distance to public institutions, fear or distrust of public institutions and civil servants, lack of information, passivity of the population (civil documentation is not a priority for them in comparison to food and shelter), and corruption. Since its inception in 2011, MJK's focus has been on civil documentation, most notably birth certificates which give access to education (a birth certificate is a basic prerequisite for any child to enroll in a school, register for its final exams and to be eligible for school fee scholarship programs) and health care (people must be able to verify their identity and age to be eligible for the National Health Insurance Fund).

In 2015 – 2017, MJK will continue with the provision of services related to civil documentation and diversify and focus on services that will protect income-generating activities and women's position (both in society and the family). Kenyan people are renowned for their entrepreneurial spirit. Yet, small-scale business owners are constrained by the many steps needed to register businesses and their lack of knowledge about the government regulations. MJK has developed a package for different types of businesses (such as companies limited by shares, by guarantee as well as unlimited companies) that simplifies these procedures and contains templates such as a written application for reservation of a company name, memorandum for incorporation of the company signed by a lawyer, articles of association, other required government forms, and standardized business contracts. This will enable people to generate an income and become more self-reliant.

Women and children in Kenya have gained new rights under the new Matrimonial Property Bill (2013) and Act (2014). The law now allows for equal property and inheritance rights -- previously a woman had to prove her contribution to the

couple's wealth. However, the same law recognizes customary law, allowing polygamous marriages, in line with civil law. This may make it difficult to determine what each spouse is entitled to if one of them divorces or their husband dies. These recent legal developments make it a prime need and opportunity for MJK to develop products that materialize and safeguard the rights of women (and children) under the new law, contributing to strengthening the position of women in Kenyan society.

Rwanda:

From its inception in early 2012, MJR specialized in providing legal services related to cross-border trade in the context of the East African Community. Legal services were provided and awareness-raising activities took place regarding the free movement of people (birth certificates, passports, gate passes, temporary travel passes, etc.) and the free movement of goods (such as the simplified certificate of origin and other customs clearance procedures and requirements). This work resulted in an increase of knowledge of 36%, a reduction of time to cross the border by 88% and 1682 people helped. MJ4All believes strengthened intercommunity trade in the region will help raise the standard of living of all peoples in the region.

Rwanda is a country characterized by rapid development and a high population density (376/km²)⁶, with a large rural, semi-literate population of which almost 60% still live below the poverty line. Due to a number of factors such as cultural superstition, polygamy, and the high prevalence of illiteracy, it is not uncommon for people in rural areas not to have a will, to sign fraudulent contracts, and to go about their business without having contracts. Especially women at the grassroots level risk remaining excluded, creating gaps in the society. Together with both governmental and non-governmental partners in the justice sector, Microjustice Rwanda, supported by Microjustice4All, works to contribute to making justice a reality for Rwandans, especially women living in rural areas.

In 2015– 2018, MJR will focus on legal issues pertaining to rights related to real property, family law, civil documentation as well as business.

For property-related issues, MJR will focus on land title documents, land title transfer, selling of land, and corrections in land titles.

Succession and family law is an area that is known for its many conflicts, often due to the simple lack of a will. Once a husband dies, traditionally the wife loses rights to the property and it is common for the husband's family to come in and claim the property, leaving the wife and her children empty handed. To tackle this, MJR will develop inheritance and succession related products such as wills and a standardized template that helps divide property according to succession laws when a person dies intestate.

⁶ United Nation Statistics Division, 2007]

For civil documentation, MJR will focus on birth certificates and birth registration, which gives access to many essential services such as education, health care and other social benefits. In 2011, the Rwandan government, together with the hospitals, embarked on sensitizing its population on the importance of registering children's births. The hospitals can actually issue the birth certificate, but the certificate is only valid once registered with the Civil Status Office at the sector level. This second step is frequently missed by many Rwandans and is a niche where MJR can add value.

For the income-generation, MJR will focus on women, who are responsible for the majority of the small-scale business in rural Rwanda. Since women living in rural areas are easily taken advantage of and most vulnerable, MJR can step in and offer small-scale and medium enterprises simple contracts such as sale agreements and flexible labor contracts.

In addition, the Rwandan government, through the Rwandan Cooperative Agency, stimulates people to work together in cooperatives. However, most cooperative members do not understand their cooperative's articles and often the articles are not adapted to the actual situation. MJR has started working with several cooperatives to draft their internal rules and regulations to ensure that all rights are enshrined, guaranteed and understood by the members and to enhance the claim-making capacity and operations of the cooperative.

The work in these thematic areas will, amongst others, contribute to the economic independence of women, prevent family conflicts, and protect businesses and livelihoods. A special area of focus will be on raising awareness of gender-based violence.

Piloting varieties of the MJ methodology

General limitations on the continuation or expansion of MJ interventions follow from restricted financial and human resources. Well-functioning interventions in several countries will be continued, while efforts are made to enhance cost-recovery. Some interventions have shown weaknesses and will be adapted based on lessons learned. Alternative approaches will be developed, including a more advanced social business approach, which may be more effective. For this, pilot activities will be initiated. Terms like 'franchising' will be guiding in some of the new initiatives after due situation analyses and feasibility studies. Expansion of interventions within and/or to other countries will be subject to a set of criteria, including but not limited to:

- Relevant demand
- General feasibility in the broader context
- Sustainability
- Availability of sufficient expert staff and financial resources.

A more extensive list of criteria for expansion to other countries can be found in annex 2.

The varieties of the MJ Methodology to set-up a sustainable MJ infrastructure for legal empowerment throughout a country are described in annex 3. In summary, the prime models that have been developed are:

- A) Microjustice implemented as foreseen as a MJ Country Organization⁷, a hybrid social business, separating clearly the NGO and the business-element
 - a) Continue with the “classical” MJ4All approach (direct servicing of the target group with limited or no cost recovery);
 - b) The same as described under a above, but with two organizations (NGO/business) which *de facto* have often the same staff;
 - c) The same as b, separating the NGO and the business, but now the business is really apart from the NGO, consisting of different people. This model may soon grow into a type of:
 - d) Franchising MJ within a country, working with small commercial MJ businesses. Possibly also outsourcing parts of the MJ work to small businesses.

- B) In model A, there may be additional ways for MJ organizations to function:
 - a) Microjustice is set up completely as a volunteers initiative, as an NGO that provides legal services for free;
 - b) Having MJ services embedded within existing organizations as other NGOs, or government institutions;
 - c) Consultancy - The MJ country organization provides expertise to others, such as government institutions, other NGOs, universities, civil society groups, international community agents, to make sure that the excluded obtain access to their basic rights.

- C) Model for MJ4All
 - a) Help to set up and spread MJ country organizations all over the world. This can be externally funded or paid for by the clients (MJ country organizations);
 - b) Providing expertise - Working for other organizations and institutions (international community agencies, Governments, NGOs) - Enjoyment of rights audits in specific regions around specific issues.

During the 3-year period, experiments with these varieties of the Microjustice approach will be conducted. For more detailed information about the varieties of the MJ Methodology, please see annex 3. These varieties will be discussed with the MJ Country Organizations, after which strategies and action plans per country and per pilot will be included in annex 3.

7

1.2 The MJ Methodology, governed by an effective social business model, is adjusted on the basis of lessons learned and pilots

Strategy: Update the MJ4All Handbook and Develop the MJ4All Toolkit

The MJ Handbook was published in 2009 based on initial experiences and best practices in Bolivia, Peru and Croatia/Serbia with the purpose of using it as a guideline for setting up other MJ country organizations. Since the Handbook was published, new MJ Country Organizations have been established, notably in East Africa. The running of the Country Organizations has generated new lessons learned and insights which will be reviewed and used to update the Handbook, based on a systematic analysis (internal focus groups, questionnaires, interviews with local partners, and report card/checklist). This way, input from Country Organizations, where there is a great deal of experience, will be incorporated in the development of the Methodology. In addition, MJ4All will collect, evaluate and update the Toolkit.

To become an effective social business model, a change of mentality in country organizations from 'NGO' to 'social business' will be promoted. This change will be further supported by further elaboration in the MJ Toolkit (business tools and pricing calculations, such as target setting and calculating percentages of auto-sustainability).

For an index of the updated MJ Handbook, please see annex 4.

1.3 Local Country Organizations have increased legal specialization, management capacity and other expertise to carry out the MJ approach and to experiment with varieties of methodologies.

Strategy: Continue to further enhance capacity in the Country Organizations based on main successes and lessons learned

The MJ Country Organizations still benefit from technical support provided by MJ4All. As such, capacity-building and technical assistance by MJ4All to the local country organizations will be continued. This capacity building will focus on enhancing the management and support capacity (financial, human resources, IT), the social area (marketing and distribution, the business approach, awareness raising activities), and the legal area (legal expertise and lobbying skills). Where possible, national and/or international expertise (i.e. per legal specialty) will be recruited.

In 2015 – 2017, MJ4All will strengthen and facilitate this capacity building by including main successes and lessons in other countries (through a systemized

feedback system, monthly statistics, quarterly narrative and financial reports, checklists) and based on experiences in the country itself (interviews, questionnaires, etc.). In addition, the manuals, toolkits and templates for organizational and management capacity will be improved. This improvement will draw from successful practices of communication, management capacity, and legal specialization in the different country organizations, which can be replicated and adapted for use in other MJ Country Organizations.

To substantiate a systematic approach, MJ4All will develop a capacity-checklist for Country Organizations (see annex 5). This will be used to develop a strategy and plan to strengthen the capacity for each respective Country Organization, which will be added to the strategic plan early in 2015.

1.4 *Activities in various countries will allow these to learn from each other, recognizing that circumstances between and within these countries differ*

Strategy: Promote information exchange within and between the geographical regions (Europe, Latin America, East Africa)

A great deal of expertise already exists among the respective MJ Country Organizations. This expertise will be documented and made available to all MJ organizations within the Network through, for example, a digital platform that includes information from other countries. In addition, it is envisioned to hold one annual (regional) event (such as a conference). In addition, further thought will be given to the formation of an association or partnership to strengthen the MJ International Network.

6.2 Strategies for Goal 2: A well-known, expert initiative

Microjustice4All responds to changes in international development cooperation and to the demand for impact-oriented implementation tools for the new and rights-based approaches to inclusive growth and development.

MJ4All's strategy to roll out Microjustice over the world is by partnering with the public and private sector, international law organizations, as well as civil society. These partnerships can have multiple forms, such as: financial contributions, cooperation in the distribution of the MJ Services, and sharing of (legal) know-how. By working through independent MJ Country Organizations in cooperation with partners, MJ4All aims to remain an efficient and focused organization that can swiftly develop its strategies, method and tools to the needs and circumstances encountered in the countries of operation.

The objectives of making the expert initiative well-known are: (1) to reach potential clients in countries around the world so they can use the MJ services; (2) to reach

local (eg. districts and municipalities) and national governments, international organizations, and other relevant agents of change so that they are aware of the value of the MJ approach and initiative and incorporate it in their work (post-conflict, post natural disaster and development); (3) to increase sustainability, among other things through reliable funding sources (see goal 3).

2.1 *Awareness-raising and dissemination of the Microjustice approach and methodology is successfully carried out among relevant agents of change on national and international levels*

Strategy: Promote the MJ concept and Methodology

In order to become a well-known initiative, MJ4All and the Country Organizations will develop awareness/dissemination strategies to make the approach and Methodology visible to relevant actors of change on both national and international levels. These strategies will include a list of relevant audiences and specific strategies on how to reach each of them and will be accompanied by the preparation of awareness-raising and dissemination materials (including an accessible version of the updated Handbook, see goal 1 and 2.3). Dissemination is envisioned to be done through newsletters (own and others), promotional movies, documentaries, active participation in relevant events, blogging, and academic/policy-relevant publications. MJ4All will involve external experts (i.e. academics and law practitioners) of relevant legal areas (e.g. land rights, women’s rights, etc.).

6.3 Strategies for Goal 3: A sustainable initiative

Currently, MJ4All and the MJ Country Organizations suffer from limited sustainability because they still rely heavily on donors and project funding. This restricts the further development of the Methodology and threatens the objective of increasing access to justice and enjoyments of rights worldwide. There is a pressing need for the MJ Network to work towards becoming a sustainable initiative.

3.1 *Efficiency in management and communications at the MJ4All level and with the partner organizations is improved*

Strategy: Further standardize procedures

As a coordinating organization, MJ4All works in a special situation. First, the MJ4All team members are spread out over three continents. Second, it is a small team burdened with a high workload. Third, in order to increase sustainability there is a wish to reduce and keep management and overhead costs to a minimum. MJ4All will

therefore work with volunteers and interns where possible. The recruitment of these people will be based on a clear list of tasks and as long as the time invested in the guidance of such individuals generates returns.

These three observations underlie a need to further improve efficiency in management and communications. This requires the standardization of procedures and adapted work methods and modes of communication, which will be improved in the first year of the Strategic Plan. In addition, mechanisms (e.g. questionnaires) will be put in place, allowing MJ Country Organizations the opportunity to provide constructive feedback about the assistance provided by MJ4All.

3.2 *The self-financing capacity of MJ4All and Country Organizations has been enhanced*

Strategy: Implement self-financing activities for MJ4All and with Country Organizations. Identify and network with like-minded organizations active in this area, possibly leading to cooperation and integration

It is important for the overall sustainability of the MJ initiative that both MJ4All and the Country Organizations have a degree of self-financing capacity. During this period, several approaches towards the building of such capacity will be piloted together (see also goal 1). These approaches will be selected on yet to be determined criteria and may include partnering with like-minded organizations active in MJ activities. Such alliances may yield more financial stability. Self-financing activities may also include projects that are not aimed at setting up a permanent structure in a region or country, such as “enjoyment of rights audits” and other consultancies. The self-financing strategies per organization will be developed in December 2014 through early 2015..

3.3 *Fundraising efforts have been intensified leading to more income for MJ and its activities*

Strategy: Intensify fundraising activities

Traditional fundraising through tenders and calls for proposals has been a main strategy to support the MJ4All initiative over the past years. To date the success rate is relatively high. However, due to limited human resources, not all traditional fundraising opportunities have been exhausted. During the period of the strategic plan, the efforts will be continued and intensified. For example, each country organization will be asked to submit concrete proposals for programs that should have priority if sufficient funding were available, and specific donors will be targeted for those proposals.

ANNEXES

ANNEX 1: Measures and Action Plan 2015 -2018

ANNEX 2: Checklist Criteria for Expansion to Other Countries

In the period 2015-2017 the priority for MJ4All is to build up capacity and to become a well-known expert organization. This requires the current MJ Country Organizations to build up their professional capacity in order to replicate the MJ toolkits in new environments.

In this context, until 2017 MJ4All will only expand to other countries if there is:

- a) A clear need for MJ: in a first assessment, there is already clear evidence of basic needs of the people
- b) Good possibilities to develop MJ: there is peace, a basic legal framework or a desire to invite MJ to help build the legal framework, and an organization or legal entity that can work in the MJ way
- c) Opportunities (financial support and/or political will, special situation, group willing to work with MJ, etc.).

If these three conditions are fulfilled, and MJ can freely or quickly build up its capacity (through e.g. good financial opportunity), then MJ4All will choose to expand to a new country.

In a post-disaster rehabilitation phase the needs are over-evident. Based on the experience in the legal rehabilitation in post-war Yugoslavia, the Humanitarian Innovation Fund of Save the Children UK is funding MJ4All as of 2015 to develop a post-disaster MJ toolkit for the legal rehabilitation of victims of natural disasters. Once the toolkit has been developed, it can be expected there will be more interest to test MJ in some post-disaster rehabilitation situations, where MJ4All may indeed expand, as long as criteria a) to c) above are fulfilled.

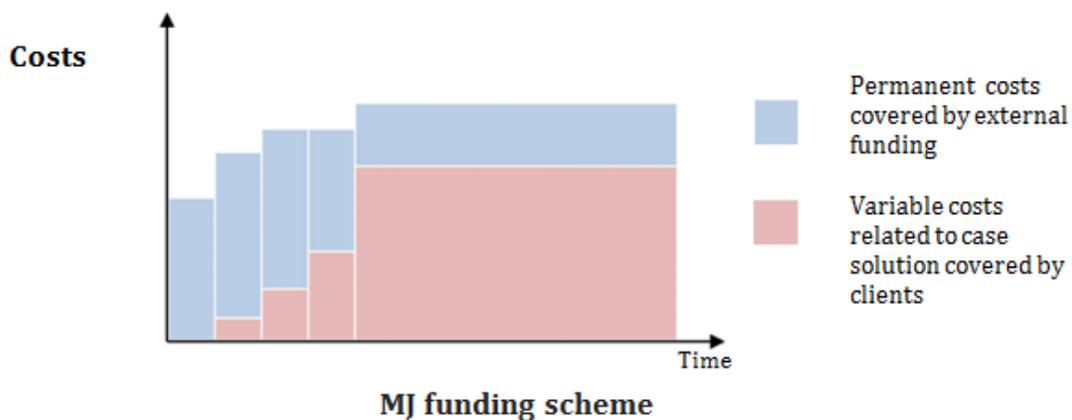
ANNEX 3: Descriptions of Varieties of the MJ Methodology

PROBLEM STATEMENT

In the period 1996-2006, MJ4All worked on the post-war legal rehabilitation of the refugees and Internally-Displaced Persons (IDPs) in the former Yugoslavia. This work was completely funded by the donors such as Dutch Ministry of Foreign Affairs, EU, UNHCR. MJ4All functioned purely in the NGO subsidy logic on project-funded basis. This was fine in a situation characterized by a temporary problem, limited in size, for which donors want to pay the bill. However, in a normal development context, working on the legal empowerment of the poor (the excluded groups), it is impossible to present the bill to the donors permanently for all target groups in the country. This realization is at the source of the adjustment of the working model into 'Microjustice' as it has been developed since 2007.

The Microjustice model is a mixed model:

- External funding from donors (public and private sector) for the start-up phase and there-after for the permanent, non-variable costs for the activities which have a public function (where there should still be a role for the modern development cooperation on the basis of the responsibility to protect)
- Billing the clients for the service-delivery: in this way, MJ may structurally develop a distribution network throughout a country without needing more funds from the donors.



Obstacles in this hybrid business model

By functioning as an NGO whilst at the same time being a business, different logics are mixed that are confusing for the stakeholders:

- Internally the project staff: is more committed to project implementation, complying with the donors' wishes than with the challenge of becoming a sustainable business
- Clients: are used that all what is done by NGOs is for free, and they distrust the fact that they have to pay for the service
- Governments in the countries of operation: most have problems with this; they think 'why would we sign an MoU and work with them?' whereas we don't do this with commercial lawyers. For them also NGOs should be for free, and some Governments even prohibit paid service delivery in their legislation

As a result, all MJ organizations try to hide that they charge for their services, and are not really looking for the sustainability of the organization by charging fees to their clients.

Another obstacle is related to the scale of the operations. This model is the correct one for the start-up phase, but now that the MJ country organizations are growing the question is how Microjustice can be scaled up throughout a country while remaining flexible, non-bureaucratic, answering to the needs of the (excluded) people.

The Challenge to make come true the mission of developing a sustainable MJ infrastructure for legal empowerment throughout a country

To be able to obtain donors' funds, all Microjustice organizations have been set up as a non-for-profit NGO type organization (foundation, association or Ltd, depending on the legal framework in the country of operation). This is/was excellent in the development phase of MJ from 2007 – 2014; but as of now, to adapt to the growth, we are considering to experiment with different models in which the NGO unit (externally funded) is formally separated from the MJ business which provides the legal service delivery. The growth also entails that we start experimenting with new models to grow, without being responsible for the service delivery.

The Microjustice Country Organization will remain the backbone of experiments, being the NGO. However, even in the split between NGO and business (for service delivery), the NGO part can become a sustainable business as well by not only looking to the external funders, but also charging for their services to others not

being the clients of their legal services (in eg the franchise, consultancy, etc described below).

Various Business Models

A) Microjustice implemented as foreseen as a MJ county organization, a hybrid social business, separating clearly the NGO and the business-element

- 1) **Continue with the current approach of the hybrid social business**, being an NGO while charging for the legal services, but the weaknesses should be adjusted:
 - This seems to be a model that may work in newer smaller organizations in the start-up phase but as soon as the service-delivery really starts to grow, one has to monitor if the model still works and does not encounter too many of the obstacles described above.
 - Also it is very important that the staff is stimulated to have one's mind constantly focused on the goal to set up a sustainable business. Therefore, from the very start, it should be clear what activities are paid for by the donors and what activities should be paid by the clients (business delivery). For the business delivery a business plan has to be made and monitored, detailing the start-up funds needed, the pricing, how many cases to break-even etc. The entire organization has to be set up from the start as if it were already 2 organizations: 1 NGO and 1 business
- 2) The same as described under 1 above, but now really **having 2 organizations which *de facto* have often the same staff**. This means that there needs to be a good plan for:
 - a) The NGO: its function, from where funding will be obtained etc
 - b) Business apart from the NGO – business plan; which products, pricing, volume, distribution, marketing etc
 - c) Mechanism of coordination between a) and b)
- 3) The same as 2, separating the NGO and the business, but now the **business is really apart from the NGO**, consisting of different people. This model may soon grow into a type of
- 4) **Franchising MJ within a country**, working with small commercial MJ businesses. The same as 3, but now there are many businesses working with

the MJ country organization (NGO), which is providing them with a toolkit for implementing MJ services. 2 types:

- This may be a way for young lawyers to start
- Working in every city with a different lawyer who will receive the MJ package and will be monitored, but will adjust the products to the situation in her/his city.

B) In the model A, there may be additional ways for MJ organizations to function:

As described in A4 (the franchising model) the MJ country organizations start to work with a number of external entities in the service delivery, the MJ country organization may also spread its mission in additional ways, providing expertise and guidance to other 'clients' than the ones benefiting from the legal services:

- 1) Microjustice is set up completely as a **volunteers initiative**, as an NGO that provides legal services for free (Argentina case, but MJ Argentina should as a country organization actually become apart from the service delivery and start to work with various volunteers groups if they want to develop MJ structurally in the country; if they just want to remain as they are they should not pretend to be the country organization excluding others (as happened when someone was starting MJA in Cordoba, where they actually forbid them to continue, on the contrary, MJA should guide and monitor such initiatives in other places).
- 2) Having MJ services embedded within existing **organizations as other NGOs, or government institutions**
- 3) **Consultancy** - The MJ country organization provides expertise to others to make sure that the excluded access their rights, such as to government institutions, other NGOs, universities, civil society groups, international community agents. Example: Spark in Rwanda

C) Model for MJ4All

- c) Help to set up and spread MJ country organizations all over the world. This can be externally funded or paid for by the clients (MJ country organizations)
- d) **Proving expertise** - Working for other organizations and institutions (international community agencies, Governments, NGOs) - **Enjoyment of rights audits** in specific regions around specific issues

ANNEX 4: Index of the Updated MJ Handbook

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5: DRAFT CAPACITY-CHECKLIST FOR MICROJUSTICE ORGANIZATIONS

INTRODUCTION

The concept of 'Microjustice' was tested and developed in a development context in Bolivia as of April of 2007. The successful pilot resulted into an innovative methodology and instruments for rights-based inclusive development. The concept and approach are explained in the Microjustice Handbook and the methodology is supported by a variety of toolkits. In 2015, MJ4All will work together with the MJ country organizations that are part of the Microjustice Global Network to make a checklist, whose purpose is two-fold:

- 1) Determine organizational capacity and efficiency of the MJ country organization as well as the level and way that the organization implements the Microjustice Approach and Methodology.
- 2) Help identify the areas of the organization that require improvement and, based on that, help design the capacity-building programme.

The first version of this checklist was developed by MJ4All in November 2014 and will be shared with the MJ country organizations in December 2014 for their input. A final version will be ready in March 2015 after which it will continuously be updated as new insights arise.

INSTRUCTIONS: USE OF THE CHECKLISTS

The checklists are developed in such a manner that, were the criteria all to be fulfilled, only external threats or extraordinary internal events could jeopardize successful implementation of MJ. There are two checklists: one specifically for the MJ approach methodology, and one for what is needed to build a strong organization that supports the implementation of the MJ approach and methodology.

The intention is that the checklist is first given to the MJ organizations, including MJ4All⁸, so that they can rate themselves and identify their own areas of improvement. After auto-rating, an MJ4All representative will use the checklist to review the MJ country organizations and agree on joint areas of improvement. With time, this review could be done by peer MJ country organizations.

⁸ Not all criteria will be relevant as MJ4All is a coordinating organization, not an implementing organization. MJ4All's review would have to be done by the MJ4All Supervisory Board.

Each criterion will be rated with a score. This rating/point system will be developed throughout December 2014 and early 2015 in cooperation with the country organizations.

BASIC CHARACTERISTICS FOR A MJ COUNTRY ORGANIZATION

Minimum basic characteristics for a MJ country organization on the basis of which the checklists have been developed:

- a) Basic legal services are provided with economies of scale to excluded population groups
- b) Practical legal solutions (cases) are offered which allow the excluded groups to participate, to enjoy the rights they have on paper and to protect their belongings and entitlements
- c) A structural sustainable infrastructure is being set up, which may be replicated all over the country
- d) As many people as possible are structurally reached through: a) legal awareness-raising/education b) consults c) cases
- e) In a bottom-up way on the basis of the encountered obstacles evidence-based lobbying is undertaken; this is technical lobbying in an amicable way with the relevant authorities and institutions
- f) Cooperation with all relevant civil society organizations, business, universities, public institutions in order to:
 - have as low costs as possible to keep the price of the service as low as possible (by using the infrastructure of others for outlets, awareness raising, save time by having agreements with public institutions, access cheap labor having paralegal from universities etc)
 - have as much impact as possible on the practical importance of Microjustice as an instrument to structurally reach social inclusion
 - guarantee quality by having access to the best experts (for free)
 - build trust by being embedded in society
 - be able to facilitate gradual endemic change bottom-up
- g) Organizational development, including sound systems: financial, CSM, project management and quality control system

CHECKLISTS

MICROJUSTICE APPROACH AND METHODOLOGY

Microjustice is the practical manifestation of the internationally recognized concept of ‘legal empowerment of the poor’. It is a way to facilitate affordable access to services that meet basic legal needs for marginalized sectors of the population and, in doing so, allowing them the same enjoyment of rights as the rest of the population.

The Microjustice vision is: *a world where everyone lives in dignity, enjoys basic rights and is protected by a social system of justice*. This vision is achieved by developing Microjustice organizations in countries with a need to integrate marginalized groups in society, in cooperation with local stakeholders and partners. These Microjustice country organizations exchange experiences, introduce new methods and mutually support one another through the coordinating role of Microjustice4All.

The Microjustice initiative responds to changes in international development cooperation and to the demand for impact-oriented implementation tools for the new and rights-based approaches to inclusive growth and development.

The checklist below focuses on basic elements that ought to be present at a minimum level in order to be able to conclude that the Microjustice approach and methodology are implemented.

No.	Criteria	Observation	Score	Points for improvement
Mapping and Needs Assessment				
1.	A mapping ⁹ of all client groups, universities, government institutions, business organizations, MFIS, legal organizations and lawyers, and relevant civil society organizations for: (1) needs assessment; (2) product development (practical information and external legal expertise); (3) distribution system (sharing of office space, reaching clients, joint promotion, etc), (4) referral network, (5) awareness raising and promotion; (6) human resource (interns).			
2.	The needs assessment must be undertaken in a manner that it generates quality answers from participants (ie. focus group discussions, in-depth interviews, one-on-one administration of questionnaires). Sound research design (including			

⁹ Tool to be provided by MJ4All

	questionnaires that are tested and improved) that underlies the needs assessment amongst the target groups ¹⁰			
3.	Identified list of legal needs that is used for the product development			
Standardized legal product development				
4.	The products must be based on the basic legal needs of the excluded population groups (thus based on the needs assessment). If working with specific vulnerable groups (eg. children (child protection policy), women (gender policy)), a concise policy on how to deal with these groups must be drawn up ¹¹			
5.	The products must fall within the 4 categories identified by the Commission on the Legal Empowerment of the Poor: (1) civil documentation; (2) property protection (3)business protection, (4)family law related. In addition, (5) MJ can developed products that address special legal needs required by the operational context (eg. post- natural disaster/ conflict, environmental situations, unique to the country/culture)			
6.	There should be a focus in the products that are offered: not too many (MJ is about standardized legal services with economies of scale that a paralegal should be able to provide)			
7.	The legal services contain <i>practical</i> legal solutions (cases) which allow the excluded groups to participate, to enjoy the rights they have on paper and to protect their belongings and entitlements			
8.	The services (and thus products) must be subject to a do-no-harm / conflict sensitivity analysis to minimize any unintended adverse affects.			
9.	Product manuals are developed, contain all elements of a product manual (essentially all practical and legal information), and reviewed for a need to update on a monthly basis (include a last updated date on the product manual title page/colophon) ¹²			
10.	Services are reasonably priced so that they are affordable, yet sufficient to cover			

¹⁰ Guideline and sample questionnaires to be provided by MJ4All

¹¹ MJ4All will provide a sample child protection policy

¹² Guideline and sample product manuals to be provided by MJ4All

	all related costs and leave some room for profit ¹³			
11.	Product lists including their prices are displayed in the office and outlets ¹⁴			
Legal service provision				
12.	A structural sustainable infrastructure is being set up, which may be replicated all over the country: outlets are in shared office space and populated areas			
13.	MJ staff (and external paralegals offering MJ services) are trained in how to offer the services and the content of the products ¹⁵			
14.	The services are offered through an efficient, low-cost distribution system (eg. use of partnerships, website, other marketing strategies) ¹⁶			
15.	Basic legal services are provided with <i>economies of scale</i>			
16.	Use of digital gadgets to optimize efficiency of procedures			
17.	Basic legal services are provided to <i>excluded</i> population groups			
18.	As many people as possible are structurally reached through: a) legal awareness-raising/education b) consults c) cases			
19.	MJ deals with many people and has access to sensitive and very private information. How does the organization deal with this? Does the organization have a privacy policy? ¹⁷			
20.	Case management: Have a case management system in place that keeps track of all consults, cases as well as number of people reached in an efficient manner ¹⁸			
21.	Have a separate financial administration (in CMS) to keep track of the income and expenses for the legal service provision			
22.	Keep systematic and frequent (eg. daily data collection at outlets, weekly review at HQ, monthly meetings with relevant institutions) track of obstacles to			

¹³ MJ4All has a pricing tool that will be given

¹⁴ MJ4All has a template that will be given

¹⁵ MJ4All can provide sample outlines and instructions for trainings in the form of a training manual

¹⁶ MJ4All will provide an overview of best practices for an efficient, low-cost distribution system

¹⁷ MJ4All will see to recruit external expertise who can help develop a privacy policy for dealing with sensitive client information

¹⁸ MJ4All will provide a MJ Case Management System (CMS) with templates and instructions on how to use it

	manifestation and claim of legal rights. Write evidence-based lobby reports ¹⁹			
23.	Implementation of legal awareness-raising campaigns and training sessions by, amongst others, use of media (radio, newspaper, tv); existing channels through partners. ²⁰			
24.	Impact: keep track of the impact that the MJ services have on have their clients. This may include baseline studies/measurements and periodical evaluations. It will help paint a picture about the practical importance of Microjustice as an instrument to structurally reach social inclusion ²¹			
25.	Quality: (In/external) quality control system in place that allows management to check quality of services and clients to provide feedback on the services. Guarantee quality by having access to the best legal experts (for free)			
Lobbying				
26.	By using evidence-based lobby reports, lobby in a bottom-up way (i.e. by representing the needs and interests of people at the grassroots level), evidence-based (i.e. on the basis of the encountered obstacles) lobbying is undertaken. This lobbying is technical lobbying in an amicable way with the relevant authorities and institutions.			
27.	Be able to facilitate gradual endemic change bottom-up			
Partnerships and level of cooperation				
28.	With relevant institutions/government: for effective products and advocacy: constant amelioration of the products			
29.	With lawyers'/legal aid network: for having access to expertise and for referral of cases that are not in the MJ product portfolio Referral system in place (and referrals kept track of in CMS) if the person's matter falls outside MJ's mandate/expertise yet to ensure that clients do not leave MJ office/outlets without recourse to another channel to solve their legal problem			

¹⁹ MJ4All will see to include this in the CMS. Until then, MJ4All will provide templates to be used for the data collection, management and writing of the reports.

²⁰ MJ4All can provide a tool on how to develop an awareness-raising strategy

²¹ MJ4All will provide guidelines on how to keep track and measure the impact of the services

30.	Civil society and other organizations working with the target populations (eg. MFIs, social institutions, community based networks, churches, authorities, neighborhood councils etc): for developing a distribution network (for reaching clientele for service provision) and for awareness building activities			
31.	Universities for having access to interns, which serves on the one hand the function of building a MJ capacity in a country and on the other low-cost, quality manpower.			
32.	Build trust by being embedded in society			
33.	Participate in relevant and effective fora/networks/coalitions for joint partnership building and lobbying efforts			
34.	Relations: how does the organization maintain its relations? Eg. use of Contact Relations Management System, minutes of meetings, etc			

ORGANIZATIONAL CAPACITY

In order for the Microjustice approach to be implemented, the MJ country organizations must be well-developed and have a strong organizational capacity.

Since 2007, MJ4All has experimented with several forms that were envisioned to allow for the implementation of MJ (as described above). The classical organizational structure for a MJ country organization, which is enshrined in the handbook, has been developed as follows:

- 1) Legal unit: to have the most efficient legal services by a) product development b) providing legal advice/consults c) developing practical legal solutions d) working with a team of lawyers and paralegals e) ameliorating the legal system
- 2) Social Unit: to reach the people en masse, legal education, distribution network, working with other civil society organizations
- 3) Support unit: financial administration, IT-related work, human resource management, communications, etc.

We have not encountered a better form yet. The checklist is based on the current experience. If another form is being developed, serving the basic objective/definition of MJ as described above, we are open to include this in the method, and in the checklist.

The organizational capacity checklist aims to be able to build strong MJ organizations that are able to coordinate and implement Microjustice in an efficient and professional manner.

No.	Criteria	Observation	Score	Points for improvement
Organization and Internal Communication				
1.	Legal entity: NGO-type organization (foundation, association, LTD etc) for the NGO part of the work, and a business legal entity for the service provision (ideal situation)			
2.	Board: does the board consist of a variety of people (lawyer, financial person, business, etc) that are involved with the organization and are in a position to supervise the director?			
3.	Permission/certificates/licenses: does the organization have all the required authorization to operate?			
4.	Organizational structure: Legal Unit, Social Unit, Support Unit. ²² Do they operate as a cohesive whole?			
5.	(Multi/annual) strategic plan: does the organization have a (multi/annual) strategic plan that details the Objective, Goals, Strategies and Measurements to guide its implementation? ²³			
6.	Periodical reports to MJ4All: does the organization send monthly (or quarterly) narrative reports to MJ4All in a timely manner (every 6 th day of the month)? How is the quality of the reports? Does the organization incorporate feedback by MJ4All in the report? ²⁴			
7.	Project reports to donor: how is the organization included in writing the report to the donor? ²⁵			
8.	Annual narrative report: does the country organization write an annual report which may be requested by the national authorities, donors, potential donors, partners and MJ4All. ²⁶			
9.	Knowledge management information			

²² MJ4All will include a classic MJ country organizational structure with responsibilities per unit.

²³ MJ4All has a OGMS toolkit and template for a Strategic Plan

²⁴ MJ4All provides the reporting templates

²⁵ If MJ4All is the grant holder, MJ4All is responsible for providing the country organization with the donor's reporting template

²⁶ MJ4All can provide the organization with a template for an annual report. The country organizational is responsible for adapting this to any national requirements.

	system: MJ's core business revolves around legal expertise and the implementation (and optimisation) of an efficient MJ methodology. This means that knowledge is vital for the organizations and must be stored in a way that it is easily accessible and supportive to the organizations operations. Does the organization have a knowledge management system (eg. (digital) filing system, back-up systems, etc) ²⁷			
10.	Information exchange: how does the organization interact and exchange information with other MJ country organizations in the MJ Global Network? (eg. a monthly skype with MJ country organizations in the region, working groups with representatives of other MJ country organizations, etc)			
11.	Cost-efficiency: everything must be organized in such a way that minimum of costs allow for maximum output in all aspects of the organization: <ul style="list-style-type: none"> - The office: can we get it for free in partnership, or at least do the utmost to get good value for money - In procurement of goods and services always look for the best price/quality through a comparative approach including call for proposals - The partners' infrastructure is used for things as the outlets in the premises of the partners 			
12.	Level of sustainability ²⁸			
Financial administration				
13.	Financial policy: including control procedures, cash handling, checks and balances, budget management, dealing with exchange rates, etc in line with MJ4All financial policy ²⁹ and national requirements			
14.	Financial administration: accounting records and source documents. All MJ country organizations must maintain proper accounting records (preferably by using digital accounting software such as			

²⁷ Together with MJR, MJ4All will be working on a standardized knowledge information management system

²⁸ MJ4All has a tool to measure the level of sustainability

²⁹ MJ4All will share the MJ4All financial policy

	Quickbooks) and neatly keep (and make back-ups of) all source documents for verification and control purposes.			
15.	Financial reporting to MJ4All ³⁰			
16.	Financial reporting to donors ³¹			
17.	Annual financial report: does the country organization write an annual report which may be requested by the national authorities, donors, potential donors, partners and MJ4All. ³²			
18.	Procurement policy ³³			
19.	Anti-corruption policy ³⁴			
20.	AO/IC (administrative organization and internal control) standards (eg. inventory of goods and equipment) ³⁵			
Human Resources				
21.	Quality team: have the right people in the right places in order to make optimal use of skills, qualities and strengths. Passionate people that believe in the MJ vision and are willing to go the extra mile to achieve it. Key team: Director, Head Legal Unit, Head Social Unit, Head Support Unit			
22.	Paralegals/field officers/facilitators: *In-house (under supervision of Head Legal and/or Head Social. University students – internship of minimum of 6 months) or *External (community paralegals, social workers, etc) Do they adequately and pro-actively reach out to people, do they provide quality legal services (provision of consults and intake of cases), are they client-oriented, representative? Work with community-based promoters who raise awareness about MJ services?			
23.	Case managers: work in the MJ HQ and solve the cases			
24.	Recruitment: how does the organization conduct its recruitment (objective to avoid conflict of interests) ³⁶			

³⁰ MJ4All has shared templates for periodical reporting

³¹ If MJ4All is the grant holder, MJ4All is responsible for providing the country organization with the donor’s reporting template

³² MJ4All can provide the organization with a template for a financial annual report. The country organizational is responsible for adapting this to any national requirements.

³³ MJ4All will share the MJ4All procurement policy

³⁴ MJ4All will share the MJ4All anti-corruption policy

³⁵ MJ4All will provide the country organizations with a AO/IC toolkit

25.	Orientation and initial training: how does			
26.	Human resource policy: does the organization have a human resource policy and how is it implemented? (eg. internal rules, staff files, result probation period, sick leave, paid leave, warning letters, resignation/termination letters, targets, appraisals/evaluations, forms for taking/giving back equipment, etc ³⁷)			
27.	Rewards/Salary scales: does the country organization have standardized salary scales, work with a bonus/performance system. How does the organization reward the team members?			
28.	Do all team members (whether volunteers/employees/consultants) have appropriate contracts and are all taxes being paid according to the national laws?			
29.	Team environment: how does the organization nurture an environment in which people feel motivated, stimulated and work as a sum that is more than its part, where ideas and out of the box thinking is stimulated and people are rewarded for asking critical questions, making suggestions. ³⁸			
30.	Personal development of team members: How does the organization facilitate the personal development of team members? ³⁹			
Marketing and External Communication				
31.	Style: Does the organization have its own house-style that is in line with the MJ International Global Network (eg. logo, letter templates, business cards, etc ⁴⁰)			
32.	IT: does the organization have its own website that is representative, updated, has useful information (including the products that are offered?) ⁴¹ How does the organization use IT for efficiency of operations?			
33.	Marketing: Does the organization have a			

³⁶ MJ4All will provide a number of standard vacancy texts that can be adapted to the specific country and position

³⁷ MJ4All will provide example forms if needed

³⁸ MJ4All will provide the country organizations with tips

³⁹ MJ4All will provide the country organizations with a tool (core quality quadrant) that can facilitate this

⁴⁰ MJ4All will provide the country organizations with the instructions for the MJ style and provide template business cards, logos etc.

⁴¹ MJ4All has paid for the domains and provides templates for the websites of all MJ country organizations to create unity in image and style within the network

	marketing strategy that guides all marketing activities (eg. use of radio shows, advertisements, but also events such as community charity work, road shows, printed promotion materials, etc)			
34.	Social media: how does the organization use social media (facebook, twitter, etc) to market itself and reach out the clients			
35.	Printed materials: does the organization make use of printed marketing/communication materials such as posters, flyers, etc. Are the outlets visibly-indicated with signs? ⁴²			
Fundraising				
36.	Capacity to raise funds from donors (i.e. seek out fundraising opportunities such as tenders and write the proposals)			
37.	Self-sustainability strategy			
38.	Income-generating activities within bounds of mandate (eg. not chicken farming, but doing consultancies related to legal work)			

⁴² MJ4All can provide the country organizations with examples of printed materials

ANNEX 6: Capacity-Building Program per Country Organization

To be added by March 30, 2015

ANNEX 7: Self-financing Strategies per Country Organization

To be added by March 30, 2015