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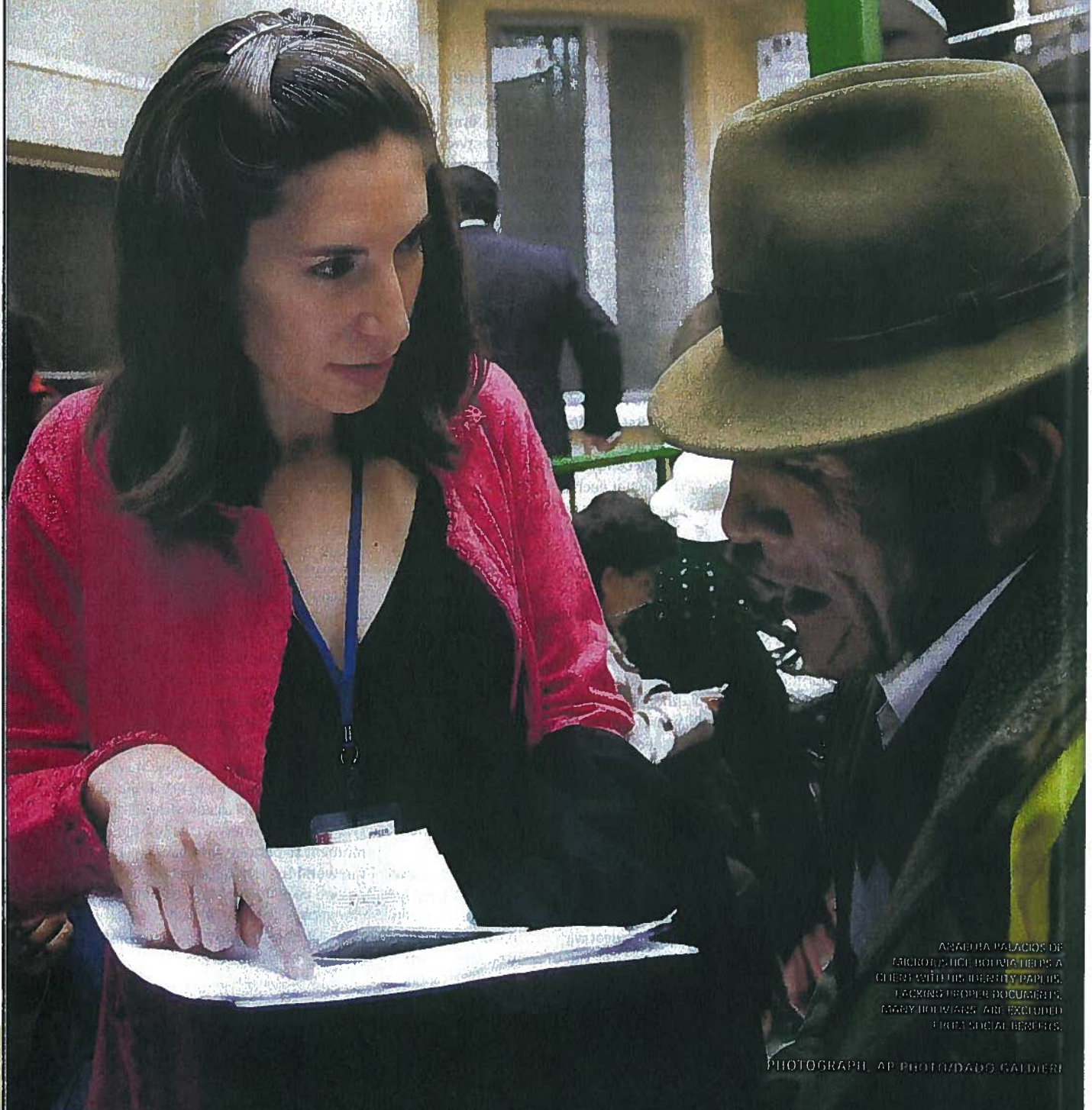
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ANAELBA PALACIOS OF
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PASSION | Development



ARAB RA PADRIS DE
CAIRO, EGIPTO, BOVIA TIE DE A
CIEN EN LOS LIBERTY PAPUS,
LACKING PROPER DOCUMENTS,
MANY DOUBTS, AND EXCLUDED
FROM SOCIAL BENEFITS.

PHOTOGRAPH: AP PHOTO/DAVID GALLIERI

AND MICROJUSTICE FOR ALL



MORE THAN 4 BILLION PEOPLE DON'T HAVE ACCESS
TO EVEN THE MOST BASIC LEGAL PROTECTIONS. THE
MICROJUSTICE MOVEMENT IS GIVING THEM A VOICE.

BY CARMEL WROTH

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WHEN HE WAS 63, PASCUAL AQUINO Mamani fell almost 45 feet from the roof of a house he was building outside La Paz, Bolivia, and broke his leg. With no pension, no insurance and no savings, he rushed back to work as soon as his leg healed. His job as construction worker brought in his family's sole income, and he still needed to pay school fees for his younger children. A few years later, he heard about a new government stipend for senior citizens—the *bono dignidad*—and he applied right away, hoping to start receiving \$28 per month, a sum that would have given his family greater financial security. Unfortunately, he didn't qualify. His birth certificate showed the wrong date of birth, and he had no other means of proving his identity.

Aquino spent months going to offices all over La Paz, talking with bureaucrats

most basic building blocks of participation in civil society: identity documents, property rights, labor rights and legal status for small enterprises. "For masses of people, no one is specifically addressing the problem of socio-economic participation," she says. "Without this, you always live on the margins of society."

Microjustice draws its name and philosophy from the microcredit (or micro-finance) movement popularized by Nobel Prize-winner Muhammad Yunus. Like microcredit, microjustice approaches a service that people in developed countries take for granted—legal advice—and seeks to deliver it economically and efficiently to the world's poorest populations.

VAN NISPEN TOT SEVENAER WORKED for the UN in the former Yugoslavia during the mid-1990s, where she encountered tens

large microfinance organization associated with Triodos Bank, an ethical financial institution based in the Netherlands. "The similarity between microjustice and microfinance is largely a way of thinking," Van Swinderen says, "to not look at poor people as victims. Just to be very businesslike serves them much better than to always treat them like poor people who need support. Almost all development programs create a dependency that is not so desirable."

The Microjustice Initiative may still be small but its approach reflects a big change in the way non-governmental organizations think about poverty, law and development. In the past, policymakers tried to improve legal systems in developing nations by working with national governments on court reform. Now, many say it's also necessary to empower people directly at the

"MICROJUSTICE IS ONE OF THE ENABLERS OF AN ECONOMICALLY VIABLE SOCIETY"

—Toon Bullens, Dutch insurance firm Achmea



and filling out forms. But in Bolivia, proof of legal identity requires not just the right paperwork but a legal process to establish evidence in court. And the lawyers he talked to wanted \$250 for their services, the equivalent of three months of income. So, for Aquino, as for thousands of other Bolivians and billions of others around the globe, this most basic token of legal identity was out of reach. "I could not solve the problem," says Aquino. "So I waited and did nothing."

For Dutch lawyer and legal activist Patricia van Nispen tot Sevenaer, doing nothing wasn't an option. In 2006, she moved to La Paz to start Microjustice Bolivia, a legal aid organization that provides services to Bolivians without access to even the most basic protections. Van Nispen tot Sevenaer explains that while many aid organizations assist with criminal justice and human rights problems, few help with the

of thousands of Serbian refugees who'd fled Croatia. In the chaos of war, many refugees left their homes without bringing their identity documents. And without those, they weren't allowed to travel across the newly created national borders to collect the missing papers—without which they couldn't buy property, start businesses or begin new lives. Working with the local legal community, Van Nispen tot Sevenaer set up a network of lawyers, paralegals and volunteers to help the refugees with their paperwork. It was the beginning of the Microjustice Initiative, which supports locally managed microjustice groups. Microjustice Bolivia is the first to use the name; groups in Peru and Colombia will be launched soon.

When she started Microjustice Bolivia, Van Nispen tot Sevenaer worked with Anne Marie van Swinderen, a micro-finance consultant with Triodos Facet, a

grassroots level. Even the UN is taking note. In 2005, it hosted the Commission for the Legal Empowerment of the Poor, which found that more than 4 billion people live outside the legal framework of the modern state. Without effective legal protection, these people are vulnerable to losing their property, small businesses or income from labor, and remaining trapped in poverty. The UN Development Programme (UNDP) is sponsoring microjustice-like projects in 10 countries to address the legal needs of the poor.

Toon Bullens is convinced this kind of bottom-up approach will yield results. An executive with the Dutch insurance firm Achmea, Bullens runs a micro-insurance company and was an early supporter of microjustice which he sees as critical to developing economies. "If people lack security, they will never develop the self-confidence to set up their own businesses,"



PATRICIA VAN NISPEN
FOUNDED
THE MICROJUSTICE
INITIATIVE TO HELP THOSE
WHO ARE EXCLUDED FROM
THE LEGAL SYSTEM

he says. "I didn't realize at first how it was that people didn't see the opportunities to improve their lives. Then I realized we had forgotten to take the first step: to give people the possibility to exercise their rights. Microjustice is one of the enablers of an economically viable society."

That's true on a macro- as well as a micro-economic level. "To people working on more technical issues, like energy and environment, the legal framework is assumed to be there and be functional but very often it isn't," says Maaike de Langen, a UNDP researcher specializing in legal issues. "Or it's functional but not inclusive, so if you try to do a technical project assuming this framework is functioning, your project will not be able to achieve its aims." According to De Langen, the UNDP considers legal empowerment the prerequisite for the success of other development strategies. "In terms of world-wide resonance," she says, "it's an idea whose time has come."

Since it was founded in 2007, Microjustice Bolivia—which employs 12 young lawyers and 13 student interns—has helped some 900 people establish their legal identities. The World Bank estimates that some 24 percent of the Bolivian population—roughly 2.2 million people—lack identity documents, not including papers bearing minor clerical errors that invalidate them, necessitating mandate lengthy court

cases. Without these documents Bolivians can't go to school, open savings accounts, use public health services or receive pensions. Anaelba Palacios, country manager for Microjustice Bolivia, says identity cases typically take eight months and more than a dozen court visits to resolve. Many of her clients are illiterate, and the Bolivian court requires written rather than oral arguments, so they could never handle the process on their own. And many people end up with unscrupulous lawyers who take their fees but never process their papers.

Microjustice's clients pay only a small fee, around \$57, which mostly goes to cover court fees with a little left over for the organization's overhead. The attorneys, all young recent graduates, are paid from grants and foundation funding, though Van Nispen tot Sevenaer hopes the organization can eventually become self-sustaining. She says they're also lobbying the courts to create a more efficient, and therefore more affordable, process. "We've reached people who really needed help and wasted so much time in something that is kind of simple," Palacios says. "But for some people, it's really a fight and a struggle."

BEFORE JOINING MICROJUSTICE BOLIVIA, lawyer Maria del Rosario Choque Ajata had seen the effects of legal exclusion personally in the experience of her family. Choque's father, originally a miner

from a rural village, worked hard his whole life, starting a small business and saving enough money to send his children to college. After his wife died, his soft drink distribution company began to suffer and he needed to sell his house so he could reinvest in the business. But his wife's death certificate wasn't in order, so he couldn't get the proper title for the house. Choque spent a year working on the problem before she was able to fix it for him.

When Choque graduated from law school, she went to work for Microjustice Bolivia, hoping to make it easier for others to resolve this kind of dispute. "This is the life of my family," she says of the struggles her clients go through. "Now we have a team that is willing to give people their time and treat people with dignity. Clients say nowhere else are they treated this way. The best thing is to see the joy in their faces when people realize you can solve their problems."

And what of Pascual Aquino Mamani? It took seven months, but Microjustice Bolivia put Aquino's identity documents in order and he's receiving pension payments. "These young people, they did everything for me and very easily," he says. "I just gave them the papers and that was it."

CARMEL WROTH, who's glad she has a valid passport, wrote about ethical banking in the January/February issue.