

# One-stop Shop Dispute Resolution

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*This policy brief was written by Kanan Dhru (Justice Innovation Advisor), Manasi Nikam (Knowledge Management Officer) and Prof Dr Maurits Barendrecht (Research Director) at Hiil*

One-stop shop dispute resolution systems humanise legal procedures by giving people more control over how their disputes will be resolved. They gradually escalate the dispute resolution process, starting from allowing the disputing parties to negotiate, to having a neutral third party intervention. In this journey, users of the system have a range of available options via which they can resolve the problem, namely: negotiation, mediation and decisions by a judge. Some systems also provide aftercare solutions to the disputing parties. The integration of technology into the dispute resolution processes makes the platforms not only user-centred but also accessible.

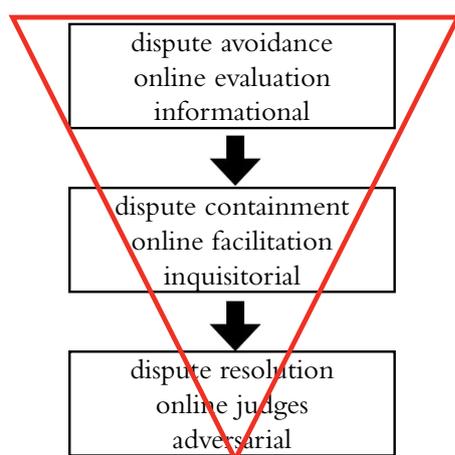
Although the enthusiasm for one-stop dispute resolution systems is huge, and many courts now operate online dispute resolution modules, few examples of large scale implementation exist. In this policy brief, we list a number of critical success factors that we derived from conversations

with leading experts in this field. We also used our experience in dispute system design projects and national programmes oriented towards implementing what is now called people-centred justice. Whilst this remains work in progress, these insights can help ministries of justice, court leaders and private initiatives that are considering implementing one-stop shop dispute resolution systems to focus their efforts.

During the next few years, we expect the best systems to specialise in one dispute type. They are likely to grow fast if lawyers and judges have a clear role in the workflow and if public-private partnerships are fleshed out in detail. Monitoring outcomes and quantifying impact is also expected to improve, strengthening the case for one-stop shop dispute resolution systems, which have a huge potential for ensuring equal access to justice for all.

# 1. Seamless process of dispute resolution

In a difficult conflict, people look for pathways to resolution. The steps going forward may include some form of guided reflection, obtaining advice about rights and possible outcomes, reestablishing communication with the other party, and negotiation and seeking the help of third parties such as mediators. If the conflict is not being resolved amicably, the last resort may involve the courts. This can result in an agreement between the disputing parties or a solution imposed by a judge. one-stop shop dispute resolution systems aim to integrate these steps into one seamless flow (see the example of a simplified three step model below)<sup>1</sup>.



Ideally, the process guarantees that disputing parties achieve outcomes which help them move forward with their lives. When elements of the resolution process are supported by modern communication technology, it is called online dispute resolution.

One-stop shop dispute resolution (OSSDR) systems, using the potential of IT, are widely seen as a *gamechanger*. They are promoted by thought leader Richard Susskind under the title: *Online Courts and the Future of Justice*<sup>2</sup>. Researchers write about one-stop shop dispute resolution systems from a dispute design perspective<sup>3</sup> or show how to integrate current resolution services into a seamless justice journey for the person seeking access to justice<sup>4</sup>. Technology firms including Tyler and Matterhorn specialise in offering the supporting technologies.

Government agencies and private initiatives currently offer one-stop shop dispute resolution systems. Some prominent examples include the Civil Resolution Tribunal in British Columbia, SAMA, Presolve360 and RDO in India, Immediation in Australia, Utatuzi Center in Kenya and Uitelkaar in the Netherlands. At HiiL we follow these trends closely (see our 2016 [Trend Report ODR and The Courts: The Promise of 100% Access to Justice?](#)) and map them on the [One-Stop Shop Dispute Resolution page on our Justice Dashboard](#) where the reader can find more information.

## 1.1 Unlocking the potential

Although enthusiasm is high with many courts now operating online dispute resolution modules, few examples of large scale implementation exist. In this policy brief, we investigate what holds back this promising development. Experts from a number of jurisdictions shared their experiences and identified a number of critical success factors. Whilst this remains a work in progress, these insights can help ministries of justice, court leaders and private initiatives to focus their efforts when considering the implementation of one-stop shop dispute resolution systems.

<sup>1</sup> Online Dispute Resolution Advisory Group, *Online Dispute Resolution For Low Value Civil Claims*, 2017, p.17.

<sup>2</sup> Richard Susskind, (2019). *Online Courts and the Future of Justice*.

<sup>3</sup> Amsler, L.B., Martinez, J.K., and Smith, S.E., (2020). *Dispute System Design: Preventing, Managing and Resolving Conflict*. Palo Alto: Stanford University Press.

<sup>4</sup> Christopher Hodges, (2019). *Delivering Dispute Resolution: A Holistic Review of Models in England and Wales*.

Our analysis below shows that numerous barriers persist when scaling one-stop shop dispute resolution systems. This includes issues of integration with the formal legal systems especially when connecting a guided settlement trajectory with adjudication. Funding challenges also remain, especially when such platforms are started as private initiatives. For public sector one-stop shop dispute resolution systems, integration across the different government departments is an impediment in some jurisdictions.

This policy brief takes into consideration the discussions that emerged during the roundtable discussions of the HiilL working group on one-stop shop dispute resolution systems. Along with the discussions, we factor in experiences of setting up one-stop shop dispute resolution systems and combine both to make policy recommendations that can facilitate their scaling.

## 1.2 Types of conflicts addressed and benefits

One-stop shop dispute resolution systems tend to work on justice problems that are more urban in nature. They are specialised in nature, and may deal with family issues, employment problems, consumer complaints, neighbour conflicts, personal injury claims, tax issues or conflicts with local governments. They address justice issues via mediation, conciliation and adjudication, but may also include support services such as referrals to housing or financial services for separating couples. These services are provided both by public and private sector entities and have the potential to develop as public private partnerships over time.

For most pressing justice problems, agencies exist that already take on information and mediation roles. Ombudsmen and specialised tribunals are functioning. These stakeholders offer

distinct services such that the parties to the dispute have to switch to different dispute resolution bodies. one-stop shop dispute resolution systems offer a seamless integration of all different stages of dispute resolution.

one-stop shop dispute resolution systems and procedures tend to create an integrated “treatment” geared towards an agreement rather than a judgement. Court decisions may be needed, but they are less about sanctioning past conduct and more about how solutions work for the future. It provides a platform for the disputants to identify issues, diagnose their problem and be informed about possible solutions.

Besides the obvious advantages for users, these procedures can also relieve overburdened court systems and legal aid budgets. The information collected during facilitation of standardised processes that are offered to many clients stimulates learning and further innovation.

## 1.3 Methodology

To answer the question “How might we increase access to justice for people by scaling and improving one-stop shop dispute resolution systems?”, we formed a working group of external experts. To guide the discussions with working group members, we identified the following design questions:

- ↳ How might we improve the effectiveness of one-stop shop dispute resolution systems?
- ↳ How might we support one-stop shop dispute resolution systems with standardisation and tools?
- ↳ How might we connect one-stop shop dispute resolution systems with the formal justice system?

↳ How might we develop the enabling environment for one-stop shop dispute resolution systems?

↳ How might we make one-stop shop dispute resolution systems affordable and sustainable?

↳ How might we build one-stop shop dispute resolution systems into a scalable operation?

↳ How might we market a one-stop shop dispute resolution systems delivery model?

The working group engaged with these design questions and from this dialogue emerged the critical success factors that can help in scaling one-stop shop dispute resolution systems.

To select members for the group, we identified six experts that represented diverse demographics and expertise (innovators, policymaker, investor, legal professional, civil society) from within and outside HiiL's network. They are:

- Shannon Salter, (Former) Chair, Civil Resolution Tribunal, Canada\*
- Jose Torres Varela, Partner, Lexia Abogado, Columbia

- Aditya Shivakumar, Co-Founder, Resolve Disputes Online, India / UK
- Jin Ho Verderschot, Managing Director, Justix GmbH
- Tariq Mustafa, Investment Associate, Omidyar Network India
- Laura Kistemaker, Co-Founder, Uitelkaar.nl

\*Shannon Salter stepped down from her role in February 2022 following her appointment as the Deputy Attorney General of British Columbia.

We organised four roundtable discussions between June to February 2022 to facilitate the conversations on the design questions among the experts.

This policy brief summarises the findings of the roundtable discussions and lessons learnt from experiences of working group members and other innovators in setting up one-stop shop dispute resolution systems including:

- [BC Civil Resolution Tribunal](#), Canada
- [Utatuzi Center](#), Kenya
- [Uitelkaar.nl](#), Netherlands
- [Resolve Disputes Online](#), India

## 2. Critical success factors

In the sections below, we identified six critical success factors based on discussions with working group members and examples of and to scale one-stop shop dispute resolution systems. We also include main takeaways from experiences of the working group members and other innovators of setting up one-stop shop dispute resolution systems.

### 2.1 User-centred design of the specialised, one-stop process

The civil justice system emerged from interactions between lawyers, courts and attempts to codify procedures<sup>5</sup>. Gradually, this has led to litigation systems with complex rules and procedures, which can only be operated by those with specialised knowledge and access to case law. Moreover, courts radiate a certain level of formality, and a particular kind of dress-code and language. This influences the user experience of a court procedure as a trajectory to a fair solution<sup>6</sup>.

Assistance by a lawyer is not always a solution and may be unaffordable. Several studies indicate that self-represented litigants form a significant proportion of the people who use the court system. For example, in Canada, 40% of the litigants in provincial family hearings are self-represented litigants<sup>7</sup>. In some states in the USA, more than 80% of the litigants are self-represented<sup>8</sup>. Here, the responsibility of manoeuvring the justice system has been put on everyday people, instead of adapting justice systems to needs of users<sup>9</sup>.

Experts of one-stop shop dispute resolution system emphasise the importance of adopting a user-centred design when developing the system. Drawing on the approach taken by the BC Civil Resolution Tribunal when designing the system, we share the following insights on how to implement user-centred design:

- Form a strong user experience and product team that will garner user feedback and incorporate it to improve the usability of the system. Undertake a similar usability study once the platform has been made available to the public to identify gaps in the design of the platform.
- Map the different stakeholders who will engage with the platform such as disputing parties, representatives of parties, intervention providers such as mediators and facilitators and other administrative staff. Develop the dispute resolution procedure and platform based on the unique needs of these stakeholders. Think of how to make the experience of engaging with the system ease to use, access and quick for each of the stakeholders.
- Design the one-stop shop dispute resolution system so it offers seamless justice journeys to people. It should take the disputing parties through each stage of the dispute resolution process in a step-by-step manner.
- Provide people with information relevant to the stage of the dispute resolution cycle, rather than all at once.
- Place rules directly into the processes, forms and interactions, so users know when and how to adhere to them.

5 Salter, S., & Thompson, D. (2017). Public-centred civil justice redesign: A case study of the British Columbia Civil Resolution Tribunal. *McGill Journal of Dispute Resolution*, 3, 2016-2017; Embly, L., Himonas, C., and Butler, S. (2020). [Usability and court dispute resolution platforms](#). National Centre for State Courts.

6 Salter, S., & Thompson, D. (2017). Public-centred civil justice redesign: A case study of the British Columbia Civil Resolution Tribunal. *McGill Journal of Dispute Resolution*, 3, 2016-2017.

7 Ibid.

8 Steinberg, J. K. (2014). Demand side reform in the poor people's court. *Conn. L. Rev.*, 47, 741.

9 Embly, L., Himonas, C., and Butler, S. (2020). [Usability and court dispute resolution platforms](#). National Centre for State Courts.

- Give users the option of interacting with the justice system in multiple ways. Provide services online such that disputing parties are not required to physically present themselves, saving them the cost of travelling, childcare, loss of wages as well as time. For those who are not acquainted with or do not have access to digital devices and the internet, provide services in-person or via phone. This gives users more control on where and when they engage with the dispute resolution process.
- Avoid using technical words or legalese when developing text-based materials that are required in the dispute resolution process.
- Allow disputing parties to undertake self-help measures and to actively participate in the resolution of their dispute<sup>10</sup>.
- Undertake user-testing with the end users. Parameters on which of the procedures can be tested are the intuitiveness of the dispute resolution steps, time taken by users to register themselves on the platform, time taken to fill out a form or any other task.
- Test a prototype of the dispute resolution procedure with lawyers and other relevant legal professionals to ensure that information in the system is accurate.

## 2.2 Solving the 'Submission Problem': Getting the other party to the table

A dispute resolution process can only be effective if both parties participate in the process. They need to be willing to interact, negotiate, agree to use a particular facilitator, and/or submit to the decision of a neutral third party. If the party for whom

solving the problem is most urgent starts a procedure, he or she needs to know that there is a high probability that the other party will participate as well. William Landes and Richard Posner have called this the 'Submission Problem'<sup>11</sup>.

Solving the submission problem — making sure both parties agree to use the same process to address their dispute — remains a critical challenge for the one-stop shop dispute resolution systems. This is true for other dispute resolution procedures such as mediation and arbitration where the disputing parties have the option of participating i.e it is voluntary. Factors that prevent a disputing party from agreeing with the dispute methods can be lack of trust in decisions of third parties, communication gaps and hostility or disagreements between the disputing parties, tactics to undermine the other disputing party and many more<sup>12</sup>.

In order to resolve the Submission Problem, the working group members shared the following insights:

- For publicly run one-stop shop dispute resolution systems, the government can solve the problem by mandating their use and providing a solution by default if the defending party does not participate. For example, the [Civil Resolution Tribunal](#) has exclusive jurisdiction over the disputes related to condominiums, small claims and personal injury in British Columbia. In the past, mandates have worked to increase the usage of dispute resolution procedures such as mediation.
- For privately run platforms, solving the submission problem effectively is still a challenge, as in the case of Uitelkaar in the Netherlands. To address this problem, experts suggest getting one of the divorcing partners on board and then help him/her to convince the other party. Here, it is important to create a safe environment where the party avoiding

10 Salter, S., & Thompson, D. (2017). Public-centred civil justice redesign: A case study of the British Columbia Civil Resolution Tribunal. *McGill Journal of Dispute Resolution*, 3, 2016-2017.

11 W. M. Landes and R. A. Posner, 'Adjudication as a private good', *Journal of Legal Studies* (1979), p. 235.

12 Barendrecht, M. (2017). Rechtwijzer: [Why online supported dispute resolution is hard to implement](#), ILAG Conference, HiiL.

the dispute resolution can speak and may have something to gain from a good solution<sup>13</sup>.

- Governments can undertake awareness campaigns that can boost confidence among the public about the effectiveness and legal enforceability of one-stop shop dispute resolution systems. One example is the efforts of Niti Aayog, the think tank of the Government of India, which recently pitched one-stop shop dispute resolution systems as a viable alternative dispute resolution platform for businesses<sup>14</sup>. Having said that, whether awareness campaigns are successful in overcoming the submission problem is uncertain. We have not been able to locate evaluations of such campaigns that show an increase in usage after the campaign.

### 2.3 Monitoring outcomes

Monitoring the outcomes that dispute resolution platforms provide to users helps in assessing the effectiveness of the services as well as in identifying any gaps. Monitoring outcomes is also instrumental in attracting investors who are looking for measurable returns on their investment and social impact. If the dispute resolution procedure is government-led, outcome monitoring enables governments who undertake performance-based budgeting to assess procedure, identify the ones that are effective in resolving disputes<sup>15</sup> and therefore should continue to receive funds.



*Examples of key outcomes that are safeguarded by separation agreements and family court interventions<sup>16</sup>*

13 Barendrecht, J. M. (2012). *Courts, competition and innovation. The Romanian Judges' Forum Review*, 7(4), 44- 48.  
 14 Niti Ayog, (2021). *Designing the future of dispute resolution, the ODR policy plan for India*.  
 15 HiiL, (2020). *Charging for Justice: SDG 16 Trend Report*.  
 16 Ibid.

Currently, there are no industry standards to monitor outcomes. To aid the monitoring of outcomes provided by one-stop shop dispute resolution systems, following are some insights that we developed along with the working group members:

- Service providers need to first fully understand the outcomes that people want from the resolution of the justice problem. For example, they need to examine the kind of outcomes that people may want from a family dispute or a personal injury dispute and then monitor whether the dispute resolution system is able to deliver those outcomes to people.
- Other parameters on which satisfaction of users with outcomes delivered by the dispute resolution system can be monitored are distributive justice, restorative justice, effective problem resolution and transparency of the outcome (meaning: why this outcome and not another one)<sup>17</sup>.
- To monitor these outcomes, a systematic data collection and analysis team and procedure needs to be established. Qualitative data can be derived from user surveys, and should include a limited subset of key metrics. Interviews and focus group discussions can also be used.
- Another way of monitoring outcomes is conducting a user satisfaction survey. Both the BC Civil Resolution Tribunal and Uitelkaar conduct surveys with users. In the case of the BC Civil Resolution Tribunal, it helped in consistently receiving funds from the government as the surveys indicated that the services offered are accessible, efficient and affordable. Moreover, by demonstrating success through monitoring outcomes in resolving disputes in one area of justice service delivery, the [BC Civil Resolution Tribunal](#) was able to gradually expand the scope of its services offered to other justice problems.

## 2.4 Form effective public-private partnerships

In the current justice system, stimulating the peaceful resolution of disputes is mostly a partnership between public courts and private lawyers. Additional roles are available for experts informing the courts or assisting the lawyers in building their case. One-stop shop dispute resolution systems require new partnerships, in which there is also a place for providers of legal design, standardised information, help desk services, IT systems supporting resolution, facilitators of the resolution process and specialised interventions for particular disputes. Establishing effective public-private partnerships is crucial for a successful one-stop shop dispute resolution procedure.

The government agency or court that is aiming to set up a one-stop shop dispute resolution process can develop its own platform. But the public sector may be reinventing the wheel, if platforms performing certain dispute resolution tasks have already been developed and can be integrated with court procedures.

In that regard, the working group members came up with the following options for creating synergies between public and private sector players:

- One-stop shop dispute resolution upsets the current arrangements of the justice system. Here, judges and lawyers are expected to play a different role than what they are accustomed to. Lawyers may be involved in development of the platform and become neutral facilitators rather than litigators. Similarly, processes are also different. Adjudication is more likely to be supervising a resolution process and deciding open issues, rather than giving an opinion and issuing a judgement. If the roles of judges and lawyers are too unclear or unattractive, their professional bodies may oppose

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17 Ibid.

the implementation of a one-stop shop dispute resolution system and regulatory bodies may hesitate to promote their use<sup>18</sup>.

- Private-sector led one-stop shop dispute resolution systems are more likely to integrate with the court systems if this provides a win-win solution. The private platform has a need to attract users and can reduce the backlog in courts by improving the settlement processes or by improving information flow to the courts, making it less cumbersome to decide a case. By using private platforms, the courts can increase their production and fulfil their role as a public service. They can monitor and supervise the operations of the platform to ensure that the interests and the fundamental rights of users are protected, which adds value to the platform.
- Regulatory bodies can make the use of one-stop shop dispute resolution systems mandatory for certain disputes. Instead of developing a system, or creating a monopoly for one system, they can certify a certain number of private players to provide this service.
- Courts can integrate private one-stop shop dispute resolution systems into their everyday operations and jointly run the platform, along with the private player. Here, the private provider would operate the platform under the supervision of the court system, with minimal involvement of the latter. Alternatively, court organisations can request private providers to design and build a one-stop shop dispute resolution system, and then operate it themselves.

## 2.5 Government stimulating initiatives: opening the regulatory doors

For one-stop shop dispute resolution systems to scale, an enabling regulatory and financial environment is a prerequisite. Courts, legal aid boards and other regulatory bodies need to carefully consider how to bring about structural changes in the way disputes are resolved. They may be tempted to invest in digitising current court procedures, instead of redesigning them. Online platforms may be developed on a project basis, without a long term strategy towards implementation<sup>19</sup>. It may be unclear which government agency is responsible for effective dispute resolution and adjudication. In the US, for instance, the state courts have a key role and judges will need to accept the fact that they are the legal sector's regulator and the ones who can take initiatives<sup>20</sup>.

To develop an enabling regulatory environment, we came up with the following insights along with the working group members:

- The economic argument to bring about a change in the way the justice system operates needs to be formulated for policymakers and legal professionals to understand the full potential of efficient dispute resolution systems. This is likely to convince policy makers that a change of approach is needed. Agami, a not for profit organisation in India calculated the cost of dispute resolution borne by Indian citizens and business as an aggregate loss to the Indian economy by USD 56 billion per year<sup>21</sup>. Even with this conservative estimate, this would amount

18 Kistemaker, L. (2021). Rechtwijzer and Uitelkaar. nl. Dutch Experiences with ODR for Divorce. *Family Court Review*, 59(2), 232-243.

19 Kistemaker, L. (2021). Rechtwijzer and Uitelkaar. nl. Dutch Experiences with ODR for Divorce. *Family Court Review*, 59(2), 232-243.

20 Henderson, B (2022). *State Supreme Courts and the challenge of people law* (287).

21 Agami, (n.d). *Online Dispute Resolution: Shifting from dispute to resolution*.

to 1.88% of India's GDP<sup>22</sup>. More studies need to be conducted to strengthen the economic argument for change in dispute resolution systems in order to create a larger buy-in among courts, ministries and legal aid boards for change.

- Governments can also help by putting some of their own disputes on the one-stop shop dispute resolution systems, and lead by example.
- Governments can stimulate the development of one-stop shop dispute resolution systems by ensuring that investments in R&D can lead to positive returns. Ideally, the regulatory environment ensures that an effective system for resolving a particular type of dispute can be offered to the people experiencing this dispute. This increases access to justice and creates a level playing field for innovators.
- R&D for the early stages of development is unlikely to be provided by private initiatives. The government may want to invest in the basic technologies that have to be developed, before start up funding becomes available. Private funders may also be hesitant to invest in the time and resources for developing political buy-in and improving the regulatory environment.

## 2.6 Sustainable revenue model

one-stop dispute resolution systems need a sustainable revenue stream. The revenues have to cover the operational costs and the investments needed to design and implement the system. Investments can be substantial. Operators need to build and upgrade technology that can support the dispute resolution process. This may include the use of AI-driven chat-bots or mechanisms like blind-bidding. But most of the work in dispute resolution will still

consist of efficient human interventions that have to be supported by protocols and standard operating procedures. The budget will also have to include marketing and advertising costs to expand the customer base.

The working group members came up with following insights on creating a strong financial model:

- There are three kinds of revenue models that have emerged to finance one-stop shop dispute resolution systems. The most basic model is the per-dispute model where the disputing parties pay the online dispute resolution service provider for each dispute that gets addressed. In higher value disputes, there might be a fee that gets charged as a proportion of the settlement value. In most cases, the fee is split into two parts - one which gets paid upfront when the dispute resolution is initiated and second which gets paid once the dispute is resolved. Depending on the value of the dispute, a proportion of the revenue (ranging from 20% to 60%) is paid to the neutral (mediator, arbitrator).
- The second revenue model, which is used by SaaS online dispute resolution providers, is an annual subscription fee - with multiple plans based on the platform features the customer requires and the number of disputes that they want to resolve. This model is suitable when high volumes of disputes have to be resolved for one company or organisation.
- Three, this is what is sometimes called an "insurance model" where one of the counterparties to any commercial contract pays an annual premium to the online dispute resolution service provider; in return the online dispute resolution service provider ensures that the dispute (whenever it arises) is resolved without any additional cost from the counterparties. While the first and second

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22 Ibid.

revenue models are fairly common, the third revenue model is not used that often.

- To ensure the service is sustainable, service providers could explore multiple revenue streams including revenues from resolving disputes for private sector clients (core revenue), revenue from setting-up and maintaining their platform for other stakeholders (e.g., courts, tribunals, government departments), and providing neutral training services.

### 3. Outlook

One-stop dispute resolution systems humanise legal procedures by giving people control over how their disputes will be resolved. They gradually escalate the dispute resolution process, starting from allowing the disputing parties to negotiate, to having a neutral third party intervention. In this journey, users of the platform have a range of available options via which they can resolve the problem, namely: negotiation, mediation and decision by a judge. The platforms also provide aftercare solutions to the disputing parties. The integration of technology into the dispute resolution processes makes the platforms not only user-centred but also accessible.

One of the most pressing challenges in scaling one-stop shop dispute resolution systems is the submission problem. The most viable way of resolving this problem is by ensuring that governments make it mandatory for particular disputes. To protect the interests of users, governments need to form a committee that oversees the quality of the services provided by the platform. Governments also need to explore different forms of public-private partnerships to create synergies between the two. They need to outline the role that lawyers and judges can play in the new procedures.

We expect the best platforms to start off by specialising in one dispute type, such as family (separation) or small claims disputes. By monitoring outcomes that the platform is able to provide users one this one dispute and thus demonstrating its effectiveness, the platform can make a case to expand its jurisdiction to other justice problems.

The potential for one-stop shop dispute resolution platforms to increase access to justice for everyday people and businesses is considerable. To realise this potential, policymakers and legal professionals need to lead the way.

#### Read the case of

- [BC Civil Resolution Tribunal, Canada](#)
- [Utatuzi Center, Kenya](#)
- [Uitelkaar.nl, Netherlands](#)
- [Resolve Disputes Online, India](#)

#### Contact information

##### **Kanan Dhru**

Justice Sector Advisor  
+31 (0) 70 762 0700  
kanan.dhru@hiil.org

##### **Manasi Nikam**

Knowledge Management Officer  
+31 (0) 70 762 0700  
manasi.nikam@hiil.org

[www.hiil.org](http://www.hiil.org)  
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