

**Evaluation Report on
“Institutionalizing Alternative Dispute Resolution (ADR)
for Enhanced Access to Justice of the Vulnerable
Communities” Project**

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Executive Summary

This report covers the findings of the final evaluation of the project “Institutionalizing Alternative Dispute Resolution (ADR) for Enhanced Access to Justice of the Vulnerable Communities” project funded by European Commission, conducted during December 2010. The 2 years project has been implemented for the period of February 2009 to January 2011, covering 12 unions of Kaliganj & Shyamnagar Upazila under Satkhira District.

During the process of evaluation, the consultant also had series of discourses with various groups of people covering all types of stakeholders. The consultant cross-checked the opinions of different groups including males and females, beneficiaries and non-beneficiaries also. One immediate problem often comes up relating to evaluation of this kind of project is that people in general identify those persons as beneficiary who were given or directly received some kinds of benefits – cash or kind from the project. In the case of any conflict between the two parties or two persons, the said process of assessment only identifies those two persons or families as beneficiaries of the project, not the people around or involved with them in many ways. However, other people who are passive recipient of the project benefits, indeed, should be taken into account while assessing achievement of this type of project. For example, from the following descriptions one can sense about the types of benefits what the common people identified and felt to delineate to.

Chapter -1 Introduction and Objectives

1.1 Introduction

The project “Institutionalizing Alternative Dispute Resolution (ADR) for Enhanced Access to Justice of the Vulnerable Communities” was designed to improve the effectiveness of traditional salish or the ADR system under which most disputes were supposed to be resolved. The aim was to improve the effectiveness of traditional salish or the ADR systems under which disputes will be resolved thus the rights of justice seekers are protected primarily through institutional support to the ADR system. At the same time the victims are assisted through legal aid to access formal judiciary in case the offenders do not honour the verdict of the salish / ADR system. Towards achieving the project objectives, the actions have been contributing to strengthening the local institutions to effectively administer traditional judiciary (Salish) at the community level specially targeted to vulnerable groups. In the south-west coastal districts of the country the poor, landless, women and several other vulnerable groups such as a small and marginalized tribal community called ‘munda’ have been found especially vulnerable mainly because of remoteness of the area and persistence of high intensity poverty. They still have very limited access to formal judiciary while traditional judiciary and almost no state patronization and needed institutional support.

1.2 Objectives and Scope of the Evaluation

The evaluation was aimed to assess the extent of the delivery of the planned outputs, fulfilled the specific objectives, and contributed to meet the overall objective. The followings were considered as the tasks to be carried out under the present review:

- a. Assessment of achievement in relation to pre-established output indicators and targets as stated in the log frame;
- b. Assessment of the outputs in relation to specific objectives;
- c. Evaluation of the sustainability and long term impact perspectives for the achievements of the project in relation to the long term development objective;
- d. Contribution of the project to cross cutting concerns, especially related to gender equity;
- e. Appropriateness of the implementation strategy, management structure and internal governance of Shushilan;
- f. Involvement of the people’s organizations in project developments and decision making process;
- g. Integrate the RBA into programming by Shushilan;
- h. Assessment of coordination and collaboration with other local organizations, organizations working on the similar issues;
- i. Cost effectiveness in terms of produced outputs or cost-benefit of the project or rationale of making the project expenditure; and
- j. Reasons and justifications for eventual shortcomings, if any.

The activities to be evaluated shall be those financed by the project, including support to:

- Management structure, HR and monitoring system of Shushilan
- Capacity building of people’s organizations and coordination with the Union Parishad, Upazila and district administration.
- Assess formulation and implementation of integrated approach by designing community organizations called **Shusamaj**, **Sadhikar** and **Shuvoshakti**.
- Coordination among the people’s organizations
- Sustainability of the said people’s organizations and overall interventions as well.

Based on the findings of the evaluation, the lessons that were learned from this project were identified and presented in the report.

1.3 Brief Description of the Project

The project is focusing on the capacity building of the people's organizations formed earlier and to establish institutional linkages at the UP, Upazila and District level for ensuring coordination among the stakeholders from the wider range to achieve the project goal as follows:

Overall objective:

Enhanced access to justice for the landless, poor and women in two southwest costal sub-districts of Bangladesh.

Specific objectives of the project:

1. Strengthening the local institutions to effectively administer traditional judiciary (Salish) or ADR systems at the community level specially targeted to the vulnerable groups.
2. Enhanced institutional capacity of the people's organizations enabling them to establish linkages with Union Parisad and Upazila.

Estimated result:

1. Traditional Salish or ADR system strengthened and are functioning effectively in 12 UP of 2 Upazila and 108 ward level citizen's committee (Shushomaj) functional.
2. Relevant actors (Shuvashokti, Union Parishad, Upazila and District Administration, civil society, media etc) are supportive of institutionalizing traditional Salish/ADR system.
3. Women Rights Groups (Sadhikar) empowered and participate in Salish/ADR system and advocacy campaign.

European Commission supported the ADR project which covered 12 Unions from 2 Upazilas under Satkhira District. The total budget of the project was BDT. 29,947,178 for a period of 24 months from February 2009 to January 2011.

Chapter -2 Methodology of the Study

2.1 Approach and methods followed

At the outset a review of literature was carried out following the standard method where materials from project authority were collected and used. The review basically covered project proposal, logical framework, baseline survey report, monitoring report, annual report, policies etc. Thus an effort was made to collect information and views from all available sources to articulate, formulate and preparing design of the study particularly the point of investigations.

In order to cover all the questions and issues raised under the evaluation the consultant used qualitative methods such as FGD, KII and the case study. FGDs were carried out with the project staffs, people's organization members and beneficiaries (**Annex -3**) as they were the stakeholders and KII was done with the service providers, community leader and elected representatives. To select them the 12 unions were divided into 3 parts (good, medium & not good) as per achievement of the project which was worked out in the meeting with project staffs. 2 unions from each part were selected through lottery, in totally 6 unions were taken as sample out of 12 unions under the project.

Table –2.1: Number of FGDs and KII pursued

Date	Sampled Location	FGDs
11-12-10	Project staff meeting, Kaliganj, Satkhira	1 (13)
11-12-10	Shuvoshakti Ward Committee Meeting, Ward No. # 8, Bharashimla Union, Kaliganj, Satkhira	1 (21)
12-12-10	Sadhikar Union Committee Meeting, Munshiganj Union, Shyamnagar, Satkhira	1 (14)
12-12-10	Shusamaj Ward Committee Meeting, Ward # 4, Kushulia Union, Kaliganj, Satkhira	1 (15)
12-12-10	Shusamaj Union Committee Meeting, Krishnanagar Union, Kaliganj, Satkhira	1 (18)
13-12-10	Court yard session by Sadhikar members, Nurnagar Union, Shyamnagar, Satkhira	1 (19)
13-12-10	Shuvoshakti Union Committee Meeting, Nurnagar Union, Shyamnagar, Satkhira	1 (17)
13-12-10	Shusamaj – Shuvoshokti Upazila Coordination Meeting, Shyamnagar, Satkhira	1 (20)
	Total	08

Note: Figure in parentheses indicate number of participants

Key Informant Interviews were taken of the following:

From Shushilan: 1. Mr. M. Nuruzzaman; 2. Ms. Shahina Parveen Anny; 3. Mr. Khairul Alam; 4. Ms. Setara Begum; 5. Ms. Dipali Biswas, 6. Mr. Shahin Reza, and 7. Mr. Khagendranath. 8. AHM Rezaul Haque 9. Sanjoy Majumder

From the UP side: 8. Mr. Bakhtiar Ahmed, Chairman, Nurnagar UP; 9. Mr. Mizanur Rahman, Chairman, Bishnupur UP; 10. Mr. Anisur Rahman, Chairman, Kashimari UP.

From People's Organizations: 11. Ms. Selina Sayeed, Union Leader, Munshiganj Sadhikar Committee, 12. Mr. Bishwaranjan Adhikari, Shushamaj Union Leader, Krishnanagar; 13. Ms. Tania Begum, Assistant Union Leader, Sadhikar Committee, Nurnagar; 14. Mr. Prashanta Mondol, CM, Kashimari and 15. Mr. Shahidul Islam, CM, Bhurulia.

A 2 hours long briefing meeting with Shushilan management and key staff was held at the beginning of the Evaluation process for getting an overview of the organization and its project activities. A debriefing meeting was held with the Shushilan officials at the end of the assessment at the field on 14-12-2010.

2.2 Report preparation: As spelt out in the provided ToR, the study team produced and submitted the report keeping in mind the purpose of the program and the policy. The team also ensured that all required information (as stated in the expected result and objectives of the ToR) have been covered by the report.

2.3 Limitations of the study: Despite all attempts for covering everything necessary, some limitations of the study were there. A survey on the beneficiary could not be carried out which could give better numerical assessment of the dispensed benefits. In-depth interview could not be made of the supported households to assess the extent and effectiveness of services provided to them. Economic analysis of the intervention and management efficiency could not be assessed rigorously.

Chapter -3 Assessment of the Project Achievement

3.1 Justification of the Project

Access to justice is one of the most important factors to ensure human rights and good governance. Denial or delayed justice or even making injustice victimizes the poor especially landless, women and ethnic minorities like Munda tribe, Ahmedia etc. This arises out of the target group's inability to access formal judiciary and the inability of the ADR or traditional 'salish' to effectively resolve all conflict particularly due to unfavorable local power structure influenced by village politics or some other reasons. The easily accessible traditional 'salish' or ADR system can be supportive to local people but it lacks appropriate legal support and institutional strengthening. It has several constraints like probability of being influenced by local power structure, local influential elites & politicians, kinship relations often related to local body elections. The local body members, chairpersons and probable candidates for such positions often fail to make justice apprehending adverse reactions from the respective vote banks. Another constraint to the effectiveness of the traditional 'salish' or ADR system is that influential offender may not honour 'salish' verdict and the 'salish' has no mechanism to impose or execute the verdict. In such a situation, awareness and capacity building of community people as well as LEB representatives seems to be necessary. This is the main target of this project also. From this point of view, the project was required.

3.2 Strength and Weakness of the Project design

The project design has followed a logical approach and sequences. The design is gender sensitive and participatory at the grass-root level. The project was designed based on previous experiences of ADR intervention in the same region. The strong sides of the project design is that it has consider all most all the preparatory works, conducted a good nos. of trainings, involvement of all the stakeholders. It also has included support for local initiatives and involved people's organizations. Inclusion of court case support is also strength of the project design. However, there are some main weaknesses also in the project design. The design is deficient not including a clear exit strategy, phasing out approach, sharing responsibility with the local govt. Most of the stakeholders who should be actors they are mere spectators. In court case support 2 years time is not enough. In the last part of project implementation, the implementing NGO did not initiate any court case for time factor. The design does not have any clear strategy for the cases after implementation period. The design of the project has involvement of 3 people's organizations but no effective strategy to develop coordination among them.

3.3 Capacity Building of people's organizations

The project included 3 types of people's organizations in the project implementation. The people's organizations are – shusamaj: citizen committee, shuvoshakti: youth organization and sadhikar: women organization. The project conducted trainings for capacity building of the members of the mentioned people's organizations.

Table – 3.1: Number of members in different committees

Level	Total member		
	Shusamaj	Shuvoshakti	Sadhikar
Ward	15 (Male 9, Female 6)	21 (Male 15, Female 6)	--
UP	18 (Male 9, Female 9)	18 (Male 9, Female 9)	18
Upazila	Depend on no. of UP	Depend on no. of UP	Depend on no. of UP
District	21	--	--

For the purpose of capacity building modules on Process and Practices of ADR, Gender & Development and Social Mobilization & Local Development were reviewed with the help project.

For building capacity of committee members of people's organizations, training were provided on "processes and practices of the ADR system and dispute resolution techniques", "human rights and relevant legal provisions", "gender and development", "Social Mobilization and local development", "Roles and responsibilities of the youth group leaders and members", "Leadership development and managing people's organizations", "Network development for women rights groups", and "Leadership development for the women rights group members and leaders". In spite of these trainings, a significant no. of committee members is still not much knowledgeable about the ADR process. Some committee members repeatedly accomplish the process, the rest are spectators only.

3.4 Social Protection of Beneficiaries

The implementing organization tried to provide social protection of the beneficiaries through building mass awareness, legal support, community mobilization and strengthening of people's organizations. Parties involved in conflict were the main beneficiaries of the project. People who have drainage problem, water congestion problem, access problem, general women (divorced, separated, abandoned, abused, deprived, etc), women labour, UP leaders, poor people, community members, and farmers are also the recipient of the services. Ethnic minority like Munda and Ahmadia were also the recipient of the same services. People who are not targeted under the project are also the passive recipients of the project benefits, for example, people who are not involved with any conflict are also the beneficiary when conflict among the members of their community is resolved which otherwise would have affect them. The support of the implementing organization, court case support and organized people's organizations acted like a social protection for the community people from the offenders.

3.5 Comparison between Baseline and Final Evaluation Findings

The project conducted a baseline survey taking a sample size of 432 people from 12 unions of this project. There were Badi-Bibadi (Plaintiff-defendant), Salishkari (arbitrators), Local Elite/Community peoples and UP Members who participated in FGD and KII. There were some interesting findings in the baseline survey, like – To whom the disputants go first when there is any dispute, 55.2% respondents opined that they meet the political leaders, 50.8% a member, 41.8% the chairman, 41% a paritsan, village matbar or a neighbour and 32.8% said that they go to thana and court. 47.8% respondents opined that the decision of Shalish is not neutral and they don't have the capacity to give leadership. 23.9% said that some are neutral and some are not. 19.4% opined that the Matbars are less present in Shalish and involved in nepotism. 16.4% each said that factionalism and nepotism exist and there are political pressures, and the situation aggravated due to factional problem. According to 71.6% respondents, the types are, family conflicts, land disputes, poultry and livestock, poisoning in fishing pond and waterbodies, pick pockets and theft. Only 22.4% respondents opined that murder, rape and acid throwing cases are also settled in Shalish in presence of disputant parties. Another interesting finding was that very rarely the Shalish persons used to be involved in any development activity (85.1% respondents).

It was found that generally, in a year, one UP conduct 100 to 600 nos of salish in its constituency on different aspects and sometimes the number stands even as 1000. The UP is able to resolved about 96% of the total complaints bring to them. In terms of document preserving the UP only, preserve record if they think it is important to filing. Beyond salish, the UP members are involved a lot of activities like VGF, infrastructure development, providing support in disasters and so on that hampers to give concentration in salish. They have to pay monthly 15 to 25 days time in conducting Salish based on location and seasons.

40% people said that the decision of salish violated by both the defendants and complainants in current days. 30% respondents told that it is disobeyed when any decision is imposed by the Shalish and when

found any flavor of nepotism, partiality and bribe. It is also disobeyed when complainants are deprived from due entitlement and any political alliance is in-built. The current salish system cannot make any judgment of the influential people because they do not bother anything. Indeed, people have no trust in current salish system, 57% complainants and defendant responded. The other 39% added that salish maker are takes bribe, the rest said that 80% community people do not have any confidence on current salish as frequent changing of date, imposing decision, favoring the rich and influential and adoption of unfair means by the UP.

This evaluation study took these findings into account to assess the change in the scenario after the implementation of the project. There is a huge change in the types of arbitrators. The leaders of people's organizations, especially Shusamaj, are now playing the lead role. Most of the people now go to the leaders of Shusamaj and the Shusamaj leaders involve others like UP chairman, members and other local elites. The acceptability of Shusamaj leader as arbitrators has been increased manifolds. But this is not an achievement of this single project rather a synergic effect of "People's Union Parishad" project funded by DANIDA (Implemented during November 2007 to December 2010, in 41 union parishads of 7 upazilas of Satkhira district) and "Institutionalization of Alternative Dispute Resolution System for Socially Vulnerable Community (IASSVC)" project funded by DANIDA (Implemented during 2004 to 2007, in 12 union parishads of 2 upazilas of Satkhira district).

The record keeping capacity of union parishad regarding the salish has been enhanced and the respective Shusamaj committees keep records of the complains and salish proceedings. Now more than 50% people have faith on the salish system and people have found this system as cost effective and less time consuming as well as providing win-win solutions. The Shusamaj committee members also have achieved confidence of more than 50% people with their neutral decision making and clean image.

3.6 Sustainability of the Project Interventions

The project design included 3 dimensions of sustainability in financial, institutional and policy level. At the end of the project we have found that the sustainability aspects are not achieved up to the projected level.

In case of financial sustainability, the project expected to establish linkage with the local govt. (union parishad and upazila parishad) for financial support after the completion of the project implementation but in most of the cases the LGI representatives are not willing to include financial support for salish. The LGI representatives admit that the system and involvement of Shusamaj are very good and a positive force in accomplishing their work but still not positive in budget allocation for these activities. Therefore, financial sustainability is lagging behind. Another supportive project and advocacy program might be helpful in future.

At institutional level, the project expected to provide them the needed training, little bits of initial logistic support, help establishing linkages and network and train the people's organizations – Shusamaj, Sadhikar & Shuvoshakti to be better organized and to run organizations in transparent manner. In this regard, the achievement of the project is appreciable. Still, the people's organizations are not capable to run on their own (i.e. without support of the implementing organization – Shushilan). A bit more nursing is needed for them in this regard.

At policy level there is no such change is found as result of the project intervention. Therefore, it cannot be said anything about policy level sustainability.

3.7 Impacts of the Project

The project is expected to have impact on “strengthening the local institutions to effectively administer traditional judiciary (Salish) or ADR systems at the community level specially targeted to the vulnerable groups” and “enhanced institutional capacity of the people’s organizations enabling them to establish linkages with Union Parisad and Upazila”. The evaluation study found increased trend of participation at UP level is there, for example, at the first time Shusamaj committee members especially women were not present in the salish, but gradually they appeared and started playing their role. Their role is prominent in conducting salish. Their capacity of the people’s organization members and UP representatives to put the arguments, arbitration skills, negotiation skills, etc. has increased significantly. The project was also successful to establish linkage between people’s organizations and UPs. But no strong linkage was found with the upazila parishad and/or upazila administration.

The project also caused a positive income loss to some groups like lawyers, parties involved with legal system, UP officials, brokers etc. Lawyer’s income loss occurred due to less court cases from those unions as in the case of disputes arbitration or village court solved at least 50% of that. Other parties involved with the legal system such as police, court officials, brokers, etc, also incur some loss of income. With the increased women awareness the wages of women upto even 20-50%, income loss occurred of the labour-using-farming-households. On and off the people’s organization members had also some working hours loss and thereby income loss too.

3.8 Achievement of target

The organization has achieved almost all the numeric target (**Appendix -2**) what has been set in the log frame of the project. In some cases there were some variations. However, since the project not only to achieve the numeric target but also quality of it, the same has been reflected in other parts of the report.

3.9 Project Achievements

Achievements before and after the project have been noted in Figure -3.1. The figure shows a list of change of pre- and post project situation. It shows that among all some factors have been changed over the project period.

Figure- 3.1: Pre and Post IAEA JVC project situation

SL#	Name of Activities	Pre-project Situation	Post-project Situation	Magnitude
1.	Shusamaj, Shuvoshakti ward committee formation & meeting	Opposition and discouragement from family, society and religious barriers for women specially young girls	Most of the barriers and obstacles could overcome	In most of the cases in 108 wards
2.	Shusamaj, Shuvoshakti & Sadhikar Union committee meeting	Women were unwilling and had to face problems to manage conveyance for meeting from their husband. Husbands used to oppose them to participate in any union meetings due to distance. The young especially girls have to face a lot of opposition in this kind of	Some of the women members are involved in IGA and earning their conveyance cost. Husbands are more liberal now. Guardians understanding the necessity of these organizations gradually.	Partially

SL#	Name of Activities	Pre-project Situation	Post-project Situation	Magnitude
		activities.		
3.	Shusamaj, Shuvoshakti & Sadhikar Upazila committee meeting	Most of the committee members used to travel 10 to 20 kilometers for a meeting for which problem of conveyance was there. The occupational group members were unwilling to attend meeting.	Committee members are now aware of the importance of the meetings and attending those meetings at own cost. The occupational group members are now more interested.	In most of the cases
4.	Roles and responsibilities of UP	UP chairmen and members were unaware of his/her roles and responsibilities They used to consider the service providing works as the responsibility of the NGOs. They are unwilling to take responsibilities in fear of losing votes	The UP chairmen and members are aware about their roles and responsibilities. But not yet ready to take up the responsibilities.	Mostly
5.	Acceptance of Shushilan	Shushilan's interventions were not well accepted by most of the UP representatives as well as a significant no. of people were not sure about their motives.	Shushilan is now well accepted to them. Only in rare cases personal disliking works as barrier.	In most cases
6.	Importance and acceptance of Shusamaj, Shuvoshakti & Sadhikar to UP	UP representatives used to ignore people's organizations members and considered them as possible competitor in the upcoming election	Now UP chairmen and members consider them as supportive group and dedicated force for social development.	In most cases
7.	Participation of poor community in salish	The poor community people had very little participation and they got less importance	The poor are now participating actively and raising their voice for rights. Others are paying importance and attention to them.	In most of the cases
8.	Importance of people's organizations in arbitration	The participation and importance of Shusamaj, Sadhikar & Shuvoshakti members in <i>salish</i> (arbitration) was minimum	The Shusamaj, Sadhikar & Shuvoshakti members are now actively participating in arbitration and playing a vital role in this regard.	In most of the cases
9.	Coordination meeting between UP and people's organizations	There were no coordination meeting	Coordination meetings are being held regularly but decision implementation rate is not very high. Still the UP representatives are reluctant regarding the meeting	In most of the cases.

3.10 Cost-Benefit Analysis

Due to implementation of the project income of many groups has increased due to social justice; women agriculture workers due to increased wages which amount to Tk.129,60,000 (50 workers X 120 days X Tk. 10 X 9 Wards X 12 Unions X 2 years) because of role of people's organizations especially women empowerment through Sadhikar, sales of local business community due to increased velocity of money in the locality.

The project also caused a positive income loss to some groups like lawyers, parties involved with legal system, UP officials, brokers, and hired labour using farmers (due to higher women wages). Lawyer's income loss occurred due to less court cases from those unions as in the case of disputes arbitration or village court solved at least 50% of that. Other parties involved with the legal system such as police, court officials, brokers, etc, also incurred some loss of income. With the increased women wages upto even 25%, income loss occurred of the labour-using-farming-households. On and off people's organization members had also some working hours loss and thereby income loss too.

In the 2 years of project implementation, the ADR committees resolved about 1700 cases. Women workers and victims of different crimes were the main beneficiary of the project. Increased safety and security of women were reported by the Shusamaj committee members. Increased participation in decision-making in social life has also taken place due to participatory role of Shusamaj committees. Interaction of women at community level was almost absent which has been changed with the implementation of the project.

3.11 Qualitative Findings & Case Studies

It was found that about 1900 cases were recorded for conflict resolution in the project area. The implementation of the project was not very smooth at the starting, as for example, initially 90% UP representatives were negative to the project. They were in apprehension of having challenge from the people's organizations especially, Shusamaj committee members who may emerge as their competitor and even in future can challenge their leadership. The UP representatives also had fear of losing votes from those who lose in the salish. Slowly they realized that the groups were merely helping them in their works without having any expectation or remuneration. After getting confidence into their philanthropic support the UP officials started giving cooperation to the Shusamaj committees. UP officials were playing limited role in conflict resolution. One reason for having such role is that the UP-members and Chairman give many considerations before participating in any conflict resolution activity. But Shushmaj take up all the disputes for resolution as they have nothing to lose in terms of support from the parties involved in the conflict or from the rest of the society.

One member of the district Shusamaj committee mentioned, "Earlier district administration was not listening to the civil society representatives; now due to this Shusamaj committee they listen to the group, they include some of them in different district and Upazila level committees. The DC and UNO directly discuss with them on any social problem of the district or Upazila". In Ramjannager UP one mentioned that "if they go to the court, people have to spend lot of money but now they are solving it at the village level without any cost". They said: "Now their Ward has tranquility. Now in any committee of UP they include us, earlier we were not knowing even what was happening at UP. We understand that in the last 3 years we could progress a lot". Earlier they were paying 20% of the holding tax, now 90% taxes are paid regularly. In all project UPs, 100% sanitation have been achieved. Local level corruption such as selection for VGD, different allowances, REOPA and RMP has been reduced. Mr. Gaosul Azam of Bhurulia said: "Even now there is a contestant group who do not abide by the social justice of the locality but they know that an organization like Shushilan stands by the side of the weak and deprived people.

They have to abide by the local justice system now. If the same project is suspended this spirit will be spoiled. They need further support for the next few years.”

One Shufia Begum of Ratanpur UP mentioned that “Women could not tell everything to the male, to the UP representatives but now they can share their problems with the female members of people’s organizations. We have solved many of their problems. They can discuss everything with us”. The formation of Sadhikar committee has contributed a lot in developing women leadership. Selina Sayeed, leader of Shusamaj and Sadhikar committee of Shyamnagar upazila said, earlier the males used dominate their opinion in decision making. They had very little scope to say anything in salish but now the scenario has been changed, sometime women decide herself about the salish verdict which is also accepted by people. She narrated a story saying that how a polygamy was prevented by them. Husband of one lady of their village was forced to get marry by her husband’s parent as she does not have any children even after 7-8 years of their marital life. When her husband was forced he was not willing to get married further. She was also not giving her consent. When they asked her about what happened to them, initially the lady was not willing to tell them, but later on after long persuasion from the Shusamaj committee side she disclosed that her husband is an impotent one. They prevented that unwanted marriage.” They did many works like Salish, prevention of child/early marriage, polygamy, divorce, dowry, women and child trafficking, sanitation, helped in birth control, VGD, VGF, relief work, tax collection, trade license, drinking water supply, resolved conflict between wife and husband, conflict between mother-in-law and daughter-in-law, conflict over land boundary, conflict over drainage, promoted tree plantation, recovered due or embezzled fund, etc.

One Mr. Azibur Rahman of Kashimari union said: “Members-Chairmen are only 13 in one UP. They cannot solve so many problems. Moreover, we solve so many small-small day to day problems. We members of Shusamaj can do it”. Another Abu Hashem of the same union added, “UP officials do not undertake all the issues as they think of their vote in the next election. But Shusamaj people address all the issues impartially”. They also did many works which include even fund raising for safe delivery of a poor mother, attendance checking of schoolteachers. It was observed that the leaders of all the people’s organizations know better than their followers in the committee. Information retention capacity of the other members of the committees was less. One Sapna Ghose of Shuvoshakti committee told that the involvement of youths in social work in this organized form has increased the unity among the youths of the area. The understanding among boys and girls has been increased; girls are now comfortable on the way to school or elsewhere. The incident of eve-teasing is almost zero. Another young leader of Shuvoshakti told us that, they fill proud to be part of the social activities. The elders used overlook their opinions in decision making earlier but now they count the youth brigade.

The whole approach was the social development approach which has economic dimensions as well. The main social implications include: social solidarity, family re-organization, community harmonization, conflict resolution, etc. all have both direct and indirect economic benefits either in the form of cost saving or income earning. The UPs does not have any survey on crime rate of the past or of the present. They believe that many things could be done without even any fund. Another former secretary of Krishnanagar UP said: “Due to Shusamaj people are now getting better services from the UP.” He however, also got chance to be involved with UP activity through Shusamaj. Ratanpur UP Chairman agreed to finance partly the Shusamaj activities from his UP budget. In the next year budget they can keep some provision for that. They believe that in that UP at least 60% court cases have been reduced. One Ratanpur UP member mentioned that “from the small conflict big conflict is created that has been stopped.” Upazila Shusamaj Committee member Sahana Hamid mentioned that “the UP leaders sometime treat us as their competitor”. They feel that in the village they need a neutral place where they can conduct arbitration or Shalish. She asked for conducting orientation of CM and ACM on Shalish issue. For that also they asked

for more support from donor agencies like European Union. Women participation in all the committees (Ward, UP, Upazila and District) are there and they were found enthusiastic.

Village court was found functioning well in the Bishnupur UP and both the plaintiff and accused were present there during running the court. The court duly delivered the verdict. The issue was centering money litigation what accused owed and agreed to pay to the plaintiff. The accused was asking for more time as earlier also he promised to pay within 3 months but did not do it. It seems he is a habitual defaulter. Question was raised as to who is going to take the responsibility of ensuing the payment. Finally as part of giving him last chance the village court ordered him to pay in three installments of Tk. 3300. In Noornagar UP the team discussed with the beneficiaries. About 20 beneficiaries were present there who received different types of support from the Shushamaj Committees such as one disable girl of class –VIII got stipend, one divorced lady got Tk. 60,000 from her husband, another divorced lady got Tk.10,000 (she paid tk. 23,000 in total as dowry but got back only Tk. 6000, another got back Tk. 40,000), many received different types of house structure supports, arranged food for sick person as her husband spent all money for her treatment, and so on.

Some case studies have been presented here to show the nature and extent of achievement of the project. It does not mean in all the cases the initiatives succeeded.

Case Study - 1: Compensation for Shamima

Complainant:

Mst. Shamima Khatun
D/O Abbas Ali Sardar
Village: Gangati
Post Office: Kashmiri
Upazila: Shyamnagar
District: Satkhira

Defendant:

Md. Mohasin
S/O Malek Gazi
Village: Gangati
Post Office: Kashmiri
Upazila: Shyamnagar
District: Satkhira

Kasimari is a union which was severely affected by the cyclonic storm Aila. Shamima lives there. The best thing in her is that she is very hard-working. She thinks about the common people and wants to do something for them. She is now a student of HSC and she has been giving tuition to the junior student of the village from long ago thus she is maintaining the cost of her education and helping her parents.

With the cooperation of the villagers she established a school in her house for displaced children by the help of another organization. On the date of 03/01/10 evening she was conducting class in her school suddenly she heard sudden buzz on the tin roof of the class room. It was her neighbor Mohasin son of Malek Gazi who threw stone on the tin roof. Shamima protested and asked why he did so. But the sad fact is that Mohasin's whole family came there and mercilessly beat her physically when her mother and brother came to save her they started beating them too.

After the incidence, firstly Shamima went to the union parishad (UP) member for judgment but he paid no attention to her complain. Then Shamima went to Shushilan's Shushomaj committee on 5/01/10 for fair judgment. The Shushomaj committee members primarily thought of a mutual settlement and visited the house of Md. Mohasin. As Shamima was severely injured, Shushomaj committees decided to go to arbitration.

Shushomaj committee then called arbitration in the union parishad on 07/01/10 with the presence of civil society and Shuvashatki which is the youth community committee of Shushilan. It was proved easily that Mohasin and his family did the crime. The arbitrators severally criticized Mohasin and his family and they also fined them tk.3400 for the treatment of Shamima. The arbitrators also made them to promise that they would not do such things again.

To conclude, this is not one example that Shushilan worked to restore social justice, there are a lot of examples are available and the common people wish all the best of European Union and Shushilan from the core of their heart.

Case Study - 2: Relief of Sonyasi

Complainant:

Sonyasi Biswas
S/O Vireshwar Biswas
Village: Harnagari
Post Office &
Upazila: Shyamnagar
District: Satkhira

Defendant:

Md. Faruk Hossain
S/O Jobbar Gazi
Village: Harnagari
Post Office &
Upazila: Shyamnagar
District: Satkhira

Most of the people of south-western region are involved in fish farming. Most of them are poor and often they are exploited by the upper class people. Sonyasi Biswas is one example from the exploited group.

Sonyasi Biswas son of Vireshwar Biswas lives in the harinagari village of Shymnagar, Satkhira. He has been involved in fish farming for 5-7 years. Faruk Hossain another native of the village, cleverly took the DCR of Sanyasi's fish farm and some other land around it. He made a dike in the fish farm of Sonnasi illegally.

Sonyasi requested him to remove the dike and told him to discuss the issue to solve patiently, but Faruk refused him. Then Sonyasi went to the village court and gave application about his problem. The chairman instantly asked Mr. Khalilur Rahman, who was the leader of Shushamaj Union Committee to arrange the arbitration in this regard.

By discussing this issue with the ward Shushamaj committee Mr. Kalilur Rahman sent notice to complainant Sonyasi and defendant Faruk with the message that 19/12/09 was the date for arbitration.

The complainant and defendant came on the fixed date and the arbitration held successfully. The arbitration was led by members of Shushomaj committee named Md. Anwarul Huq, Md. Abdul Majid, Hassain Chowdhury. Representative of civil society was also present there. All the presents of the arbitration heard both the parties and it was clear that Faruk occupied the land of Sonyasi. They ordered Faruk to return the land to Sonyasi but he refused. But all the leaders of Shushamaj committee and the civil society were very strict and they finally made Faruk to give the promise that he would remove the dike from the land of Sonyasi.

Finally Sonyasi got his land back and started fish farming with a new hope and inspiration and he did well in his business lately.

Thus, they hope that European Union and Shushilan will stay always beside the deprived people for their rights.

Case Study - 3: Taslima got justice

Taslima, a beautiful lady, was living in the Jaynagar village of Kasimari union under Shyamnagar upazila. Her father arranged her marriage with Zakir Hossain, son of Md. Habibur Rahman, who was living in Nawbeki village of Atulia union under same upazila.

However, they started living happily but ironically it is the starting of the story. They became parents of two baby girl. The sad thing is that Zakir Hossain get involved in an extra marital relation and consequently he sent her wife back to her parents and asked 10, 000 tk as dowry from his wife's parents. Four month passed by but Habibur held the same ego that he need 10,000 tk. Somehow Taslima came to know about the extramarital relation of her husband and thus she understand that this relation made her husband so cruel about her that after years of their married life he dare not to ask the dowry. She filed a case in Satkhira court against her husband complaining the asked dowry by her husband.

But things became harder, it was tough maintaining the case in the court for Taslima as it was expensive. So she went to the Shushamaj committee of Shushilan for a solution. Shushamaj sent notice to Zakir hossain and Taslima that they have to present to the Kasimari union parishad for arbitration.

The arbitrators were Prasanto Kumar Mandal (leader of Shushamaj), Dr, Mizanur Rahman, Md. Fazlur Rahman, Muslima Khatun, Mahfuza and Shushilan's staffs. They tried hard to solve the problem but Taslima did not want to live with the unfaithful husband. They came to the decision to divorce each other. The arbitrators gave the decision that Zakir had to pay 60,000 tk as mahr and living cost of Taslima within the date of 22/12/09. Habibur Rahman paid the money to Shushamaj committee on the due date.

The villagers said they were really happy about the Shushilan's endless effort to restore social peace.

Chapter -4

SWOT Analysis

4.1 Strength

1. High acceptability of the organization among all types of residents, which was an added advantage of the project
2. The program supported all irrespective of their class, ethnic groups, religion, and community.
3. The community people got support through salish and court-case support.
4. Using local resource minimized cost but maximized benefit.
5. The participation of community people through people's organizations increased acceptability.
6. The implementing NGO has the experience to implement projects on institutionalizing salish system
7. The NGO has the right background and experience of doing the work for the targeted people.
8. The NGO has the own skill, human resources, command over the area of work, link with the local bodies and support from the community.
9. It has its own project management experience particularly with the local people and the area.
10. The NGO maintained a clear register and excellent documents with them for each dispute handled as part of their intervention. It has set an example how the local government bodies can do by themselves also.
11. Most of the UPs have high appreciation for the work that has been done by the NGO
12. Monitoring of the intervention using a fixed format was done properly, which could show a clear trend of achievement of the intervention.

4.2 Weakness

13. Management of the intervention could be done with further competency such as with sharing financial and management responsibility with the local bodies.
14. The coordination among the involved people's organization were not strong, sometimes absent.
15. Sharing responsibility by the UP could not be developed rather the UP Officials enjoyed support and services as passive recipient.
16. Training of the people's organizations could be done more effectively with efficient use of resources
17. Dependency on donor agencies for funding and implementing organization kept the people's organization behind from self-sufficient
18. The community people, local bodies and people's organizations highly appreciated the interventions but did not get the message properly that it is their work, they did not take responsibility.

4.3 Opportunity

19. The project contains a wonderful scope of reducing social conflicts and unrests in the villages and in turn, reduce the wastage of resources of poor and marginal households. . It can also save the cost of crave for justice of the community people as well as law enforcement cost of the government significantly.
20. Some UP representatives are already willing to provide financial support for involving people's organizations in salish (ADR) system.
21. Increase in women participation and development women leadership has created new dimension in salish system and women rights establishment.
22. Increasing acceptability of the people's organizations among the community people and their eagerness to participate in the activities of these organizations.

4.4 Threat

23. Change in funding policies of the donor agencies.
24. Some UPs gave less support to the people's organizations as they feel threat to the mono-leadership and risk of losing their seat in the UP.
25. The linkage developed with the union parishad may be hampered after the upcoming UP election.
26. The service from the project may appear as a threat to UP representatives as with the services Shusamaj people are getting more acceptances to the community. They feel some kind of threat.

4.5 Lessons learned

- ⇒ Most of the UPs were positive and extended their moral support to the project. At present they appreciate the project rather than owning it.
- ⇒ Some unions were less responsive for various reasons which include personal liking and disliking of UP chairman and Members, link with other competing local NGOs and their programs.
- ⇒ The program needs to start with adequate motivation of the UP leaders as normally they were found less committed to the Good Governance and Human Right issues.
- ⇒ Training for the staff needs to continue as some staff will leave the project and others will join. In order to train the newly recruited persons a provision of their training should continue.
- ⇒ Sustainability of the organization may be linked with this kind of project.
- ⇒ Without clear exit strategy sometimes good outcomes of a project gets lost.

Chapter - 5 Recommendations

- ⇒ Action research for working out a clear exit strategy, phasing out approach, sharing responsibility with the UP, sharing activities with other agencies, and making the UP an active actor.
- ⇒ Trained animators may be engaged at UP and ward level to motivate the LGI officials and local people for adapting the people's organization model as their opinion would be more acceptable.
- ⇒ To ensure more women participation, the project design in future should be more gender sensitive and careful.
- ⇒ This has to be made clearer to all residents of the UP about the disadvantages of conflict. At present this realization is almost absent (People do not realize it when there is no conflict but realize it when it is there)
- ⇒ Action research could be done for making the project more cost effective by doing the work in less time and with less cost. Cost-benefits gap may be widen further.
- ⇒ Cost sharing has to be increased further through planned effort. In some UPs Shusamaj Committee members are raising fund through monthly subscription of Tk. 5 from each member.
- ⇒ The villagers should identify a neutral place and sit there.
- ⇒ The committee leader should be trained more extensively or given ToT.
- ⇒ An effective checklist should be used to assess the progress of the project more precisely; just not to count the number of events but to assess the information disseminated to and learned the users particularly by the members of people's organizations.
- ⇒ Pre-implementation meeting may be arranged there where the contractor, and monitoring committee may be engage from people's organizations and a site book may be given to them for writing about the quality of works.
- ⇒ Service charge can be imposed on the households for the project. This may be experimented as a pilot program.
- ⇒ A national seminar can be organized on the key findings of the project where people from different donor agencies can be invited including from GoB. The dissemination seminar may be participated by some people's organization leaders of the project to discuss the potential of it.

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