

Professional capital and informal justice systems

Cindy JEFFERS, Stefan AGAMANOLIS
Distance Lab, Horizon Scotland, Forres, IV36 2AB, United Kingdom
Tel: +44 1309 678123, Fax: + 44 1309 678101,
Email: cindy, stefan@distancelab.org

Abstract: We present the Griotphone, a system with wiki-like functionality that is accessed and interacted with by phone. This technology could serve as a networking tool that would strengthen informal justice systems by facilitating discussion around best practice and establishing an archive of decisions. These objectives are important as many informal justice systems, such as the Abunzi system in Rwanda, lack an archive of decisions and a forum for informal justice actors to discuss their profession. This technology would facilitate information sharing between informal and formal justice systems. This system aims to increase transparency and accountability in informal justice systems. This technology strives to enable informal justice actors to more quickly resolve cases, which would in turn ease tensions in communities and support reconciliation in developing areas of the world.

Keywords: Africa, Rwanda, informal justice system, arbitration, mediation, dispute resolution, Abunzi, Web 2.0, wiki, e-development, social networking, ICT, infrastructure.

"If you never leave your village you think your ideas are the best ones."
Anonymous Abunzi, West Province, Rwanda

1. Introduction

1.1 Background

In September and October of 2008 we met with informal justice actors called Abunzi, in Rubavu District, East Province and Kirehe District, West Province in Rwanda. When meeting with them we found that they repeatedly expressed a need for a network on which to discuss best practice. It was from these meetings that we set out to create a technology to connect the Abunzi. Researching and developing a technology for the Abunzi inspired us to think more globally about informal justice systems and how they could be assisted through technology. The Griotphone is our first attempt at addressing a need in the informal justice sector. This paper is a description of the Griotphone, a proposed technological system not yet implemented, that would be a professional network through which the Abunzi in Rwanda could discuss best practices. It is our hope that this technology would prove useful in other informal justice systems, as well.

1.2 Informal justice in sub-Saharan Africa

"When most sub-Saharan African countries became independent in the 1960s, the majority of African citizens were resolving their disputes using traditional and informal justice forums. Despite their popularity, these forums were regarded as obstacles to development. It was thought that as Africa modernized they would eventually die out. This did not occur. Informal and traditional modes of settling disputes have remained as widespread as ever." [1]

Informal justice systems play an important role in sub-Saharan Africa where they are often the only access people have to justice. They have remained strong partly due to people's preference for them and partly because formal justice systems have not had the capacity for the volume of cases. Penal Reform International suggests that in rural areas people are more likely to prefer informal justice systems, "They are accessible to rural people in that their proceedings are carried out in the local language, within walking

distance, with simple procedures which do not require the services of a lawyer, and without the delays associated with the formal system." [1] Additionally, cost and nature of penalties associated with formal courts were mentioned as reasons people find this form of justice preferable.

Sub-Saharan Africans' preference for informal justice is also due to its involvement of the participation of the entire community,

"They are highly participatory giving the victim, the offender, and the community as a whole, a real voice in finding a hopefully lasting solution to the conflict. Furthermore, they assist in educating all members of the community as to the rules to be followed, the circumstances which may lead to them being broken, and how ensuing conflict may be peacefully resolved." [1]

It is also suggested that consensus and reconciliation, as opposed to "retribution," associated with "Western-style justice," are preferred results, "In most cases, the type of justice they offer – based on reconciliation, compensation, restoration and rehabilitation – is more appropriate to people living in close-knit (multiplex) communities who must rely on continued social and economic cooperation with their neighbours." [1] Informal justice works because of "social pressure," it's being "voluntary," it's ability to "restore social harmony," and it's being "participatory." [1] Taking these characteristics into account we have developed a technological approach in keeping with the way informal justice systems work.

1.3 The Abunzi System, Rwanda

Abunzi in Kinyarwanda means to bring two people together. The Abunzi system in Rwanda is an informal justice system at the village-level based on a traditional form of justice. There are about 32,400 Abunzi divided amongst the 2,150 cells, or villages, nationwide. Every two years each village elects fifteen new Abunzi who comprise a committee. They process 70% of the civil cases in the country. Their objective is to unite two parties who have a disagreement. Depending on the case they will either play the role of mediator or arbitrator.

Land disputes constitute 60% of the cases brought to the Abunzi. An Abunzi we interviewed in Gacuba District stated, "when people came back after the 1994 genocide land was a huge problem... Abunzi help with order and rehabilitating the country." The importance of the Abunzi system is evinced in how it assists in moving the country away from the ethnic tensions that resulted in the 1994 genocide.

Rwanda's Vision 2020, in which it lays out its future goals, explains that the government's biggest goal for the country is to move it from an agricultural to a knowledge-based economy. The eGovernment project aims to assist with this goal by providing internet access to all levels of government except the Abunzi and Gacaca judicial systems. Considering how important the Abunzi are to the judicial process in Rwanda we propose a technology that will further assist in moving the country towards this economic goal.

1.4 Abunzi professional needs

We found that Abunzi typically have a hand-written archive of the arbitrated decisions. Furthermore, they do not have access to how other Abunzi around the country make decisions when faced with similar disputes. The Abunzi we spoke with felt that a network on which to discuss best practices would supply them with the knowledge to more quickly make decisions. They expressed a desire to do a better job more quickly and efficiently. They stated that they do not always have access to enough information regarding laws or

knowledge of the myriad ways similar cases have been solved in other parts of the country, partly because of their limited training. They expressed a desire to learn about what other Abunzi in other parts of Rwanda were working on and how they solved cases as a way to more quickly come to a decision. Currently the only way Abunzi learn about how Abunzi in other towns solve problems is to travel to nearby towns and speak with them. They expressed a desire for a nationwide dialogue with their peers about the challenges and types of cases they face. They lamented their inability to travel to meet with other Abunzi. They said they would enjoy participating in such a dialogue and that they would learn a great deal from their peers. They also mentioned a desire to have increased communications with the government so that they better understand the laws that govern them.

The Abunzi we spoke with expressed a need for a professional network so as to access the wealth of knowledge and expertise of all 32,400 Abunzi. Professional networks are an invaluable and commonly utilized professional tool that people all over the world benefit from. Without access to the internet the Abunzi cannot take advantage of Web 2.0 applications, wikis, blogs and networking tools like LinkedIn. To address these concerns we are developing a technology that would equip Abunzi around Rwanda with a database of best practices that would allow them to begin a dialogue around their profession.

1.5 Technological Background

Many people in professional settings around the world now take advantage of Web 2.0 applications, wikis and blogs. However, the internet does not go everywhere, including most parts of Rwanda, and results in large groups of impoverished people who are not served by such advances. Due to limited availability and prohibitive cost, only 1% of Rwandans use the internet [2]. To compound this problem illiteracy further limits those with access to the internet. Users living in countries where oral traditions are strong are not usually included in a target audience because online content is typically textual. The Griotphone aspires to address the professional needs of Abunzi with a technological solution in step with their limited access to resources, and compatible with future migration to web-based technology.

2. Objectives

The primary objectives of the Griotphone are the following:

1. Build technologies that connect disadvantaged communities to emerging telecommunications infrastructures
2. Increase access to justice
3. Strengthen informal justice systems
4. Facilitate information sharing among informal justice actors
5. Facilitate information sharing between the informal and formal justice systems
6. Facilitate more efficient and transparent informal justice systems
7. Create archives of decisions made in informal justice systems
8. Generate awareness around oral societies' technological needs

3. Technology Description

The Griotphone is a proposed database technology that would store audio recordings of Abunzi decisions. It would provide record, playback, tagging and commenting functionalities akin to those found on wikis. It would be accessible by phone and internet and would enable the ranking of decisions made by Abunzi. After two

disputing parties arrive at a decision a recording could be made. The recording would need to encompass a verbal summary of the dispute and the decision. Abunzi and the formal justice system would each need to play a vital role in the database.

3.1 Database interfaces: Phone & internet

The Griotphone would be accessible by phone because our primary user, the Abunzi, have greater access to phone than to internet. In the near-term the phone-based interface will be the primary emphasis of the project. The technology would also be available online for participants with access to internet such as those in government. The internet interface would provide for a smooth transition to an online setting once an internet infrastructure is in place in Rwanda.

Core phone functionality

To interact with the technology users would listen to verbal prompts on the phone and respond orally or by touching the numbered keypad.

Record a decision

Users could call into the database to record a verbal summary of a decision made for a dispute. After making the recording it could be tagged with related categories.

Rank decisions

To establish best practices we propose a system whereby the Abunzi would contribute to the database by ranking a certain number of recordings each month. Abunzi could make comments on others' decisions. This form of commenting on others' voice posts is comparable to the commenting capabilities on blogs and wikis where users may respond to a post. As the recordings are ranked, the highest ranked recordings would emerge as best practice examples.

Listen to best practice recordings

If Abunzi call into the database to listen to best practices they would listen to a selection of recordings that represent best practice for a particular type of case. Users could sort the recordings by type of dispute or by level of government, such as district or sector. Abunzi could rank a recording, leave voice comments about decisions and listen to others' comments. A key feature of the system would be the fact that it is oral, which would allow everyone, including Abunzi who are not able to read and write, to submit decisions to the database.

4. Decentralization and participation

The Griotphone would give Abunzi a tool similar to what one might find in blogs and wikis, but on the phone, a platform with which they are already familiar. It would place the responsibility of participation in their hands. According to Tapscott and Williams,

“the participation revolution now underway opens up new possibilities for billions of people to play active roles in their workplaces, communities, national democracies, and the global economy at large. This has profound social benefits, including the opportunity to make governments more accountable and lift millions of people out of poverty” [3].

By bringing participation to the fore, the Abunzi will play a key role in the establishment of best practices for the informal justice system in Rwanda. The participatory nature of the Griotphone compliments the participatory nature of informal justice systems. This technology is a unique solution to the lack of a quick means to discuss professional challenges, a dilemma many working in the developing world face.

In his May 2009 TED Talk, Clay Shirky described the breakthroughs achieved through online social networking tools as the “largest increase in expressive communication in human history” [4]. While this explosion of human communication has served to connect millions of people globally, large portions of the world's populations, particularly those in rural and impoverished areas, have been excluded from the fruits of those tools. Shirky goes on to explain that “Media is less and less often about crafting a single message to be consumed by individuals. It is more and more often a way of creating an environment for convening and supporting groups” [4]. The Griotphone would establish just this type of environment for a group of people whose professional networking needs have not yet been addressed. Shirky uses the term "social capital" in reference to the investment participants make in social networking environments like Facebook and Twitter [4]. We would like to extend this concept to the professional realm where investment into this type of environment could bring together collective knowledge, build professional capital and expertise and build capacity in communities in Rwanda.

Giving the Abunzi access to such a technology will promote the development of important content, “The growing accessibility of information technologies puts the tools required to collaborate, create value, and compete at everybody's fingertips. This liberates people to participate in innovation and wealth creation within every sector of the economy” [3]. Out of such a discussion could evolve better informed decision-making.

The Griotphone would contribute to Rwanda's National Decentralization Policy by facilitating communication between local and central government and by moving some of the responsibility of determining best practice out to the Abunzi. This theme of decentralization is also embedded in the Griotphone system of participation whereby Abunzi contribute to content and moderate it, “a new form of horizontal organization is emerging that rivals the hierarchical firm in its capacity to create information-based products and services, and in some cases, physical things” [3].

5. Expected Impact

When asked about the usefulness of the Griotphone one Abunzi we met with felt that such a technology would promote:

1. “Responsibility”
2. “Transparency”
3. “Transmission of their decisions”
4. “Regulate the Abunzi system”
5. “Provide a better more efficient service”
6. “Abunzi can correct errors in the community with this tool”
7. “[Abunzi] can more quickly make a decision”

With the Griotphone, the Abunzi could become more knowledgeable about ways to solve cases they face.

The technology would allow the Abunzi to make quicker decisions and process more cases per week. People would more quickly move forward with their lives, which would lead to a reduction in poverty. The Abunzi would provide a better level of service to their communities. The oral nature of the database addresses potential barriers to entry caused by a lack of literacy. The Griotphone would provide the 32,400 Abunzi with training in a new technology that would build capacity in their profession, as well as in their communities.

6. Conclusions

The Griotphone could offer the Abunzi a professional network, information sharing, a decision archive and greater accountability and transparency. Increased access to information through information communication technologies better position disadvantaged communities with the benefits of the information age and everything it has to offer. We hope that this technology will assist Abunzi in virtually traveling to other villages to listen and debate their profession with their colleagues.

Our proposed technological solution is based on the notion that working at the community level might help bring two people together, which could in turn bring reconciliation to communities where informal justice is key to the social fabric. Informal justice actors like the Abunzi have an expertise and understanding of the challenges their fellow citizens face. They have a wealth of knowledge to offer their fellow citizens, their governments, and the world. In post-conflict countries their work assists in moving people away from conflict by offering a forum for reconciliation. For these reasons informal justice actors should be given the means to share and archive their knowledge.

We imagine the Griotphone, if successfully implemented, could be used or built upon for dispute resolution and other informal justice settings in oral societies. We are geared towards building technologies that address specific professional needs and serve communities that are overlooked by investors. We seek to bridge these communities to emerging technological infrastructures with the intent of giving people in those communities the tools to improve their quality of life.

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