

Reading guide: Exploring primary justice in insecure contexts

This document is one of the written outputs of an applied socio-legal research project that was carried out jointly by the Van Vollenhoven Institute (VVI) of Leiden University's Law School and Cordaid together with The Liaison Office (TLO) in Afghanistan and the Justice and Peace Commission (JPC) of the Catholic Diocese of Tombura-Yambio in South Sudan. The idea for this collaboration between academics and practitioners came about at a series of meetings of the Knowledge Platform on 'Security and Rule of Law', organised by the Netherlands Ministry of Foreign Affairs. Here Robert Sijstermans of Cordaid and Jan Michiel Otto of VVI met and developed the idea of what would become a research project titled 'Supporting Primary Justice in Insecure Contexts: South Sudan and Afghanistan'. In the drafting phase Frédérique van Drumpt of Cordaid and Bruno Braak and Dennis Janssen of the VVI contributed considerably. The project was carried out from October 2014 until June 2016 with funding provided by the Ministry of Foreign Affairs, and managed by NWO/WOTRO under its Security & Rule of Law programme, most notably the Applied Research Fund for Embedding Justice in Power and Politics. The initial proposal was informed both by the experiences of Cordaid and partner organisations with aid projects on the ground and the experience of VVI with socio-legal research in developing countries on access to justice at local levels.

In this research we have aimed to explore a) people's concerns and conceptions of justice, notably with regard to dispossession and other property conflicts; b) the responses and remedies provided, in particular to women, through community-based, state-based and other (e.g. religion-based or militia-based) mechanisms and practices, and c) the potential of synthesising 'elements that work' for strengthening paths to justice.

On the basis of the field research, reports have been written on [South Sudan](#) and [Afghanistan](#). These reports provide country-specific details about our research and 'case studies' on justice seekers and justice providers and constitute the core of our findings. The [synergy report](#) provides a brief summary of these country reports and an analysis of the combined findings from Afghanistan and South Sudan. We discuss some of the main challenges, similarities and differences, with particular attention to the 'elements that work' within both state and non-state justice mechanisms, in both countries. We do not pretend this to be a systematic comparative analysis of the two research sites, as the conditions and research data from various research sites differed considerably.

In addition to these reports, the project has produced literature reviews for both [South Sudan](#) and [Afghanistan](#). The reviews provide up-to-date descriptions of literature on state and non-state justice mechanisms and discuss major challenges that justice seekers and providers encounter in both countries. A strategy document is meant to be used for programming and builds on the analysis in the country reports and synergy report. The strategy document provides recommendations that we hope will serve the community of practitioners and policy maker – those who work 'on the ground' or 'behind a desk'; those who represent state institutions, or local and international NGOs. Some of our findings and recommendations are obviously country-specific while others may have relevance in comparable contexts. Finally, [a policy brief](#) provides a short overview of key messages and recommendations that have come out of the project with a focus on South Sudan.

For further information please consult the project documents:

- 1) [Exploring Primary Justice in South Sudan: Challenges, concerns, and elements that work](#), by Bruno Braak
- 2) [Exploring Primary Justice in Afghanistan: Challenges, concerns, and elements that work](#), by Friederike Stahlmann
- 3) [Exploring Primary Justice in Insecure Contexts: South Sudan and Afghanistan](#), by Carolien Jacobs and Jan Michiel Otto
- 4) [Literature Review: Justice in South Sudan](#), by Bruno Braak and Carolien Jacobs
- 5) [A Decade and a Half of Rebuilding Afghanistan's Justice System](#), by Ali Wardak
- 6) Supporting Primary Justice in Insecure Contexts: Strategy document on policy and programming recommendations, by Cordaid
- 7) [Policy brief South Sudan: Working with local institutions to improve the provision of justice](#), by Bruno Braak