



Research Paper

## Alternative dispute resolution and civil litigation barriers to access to justice regarding Civil & Criminal suits how improve to delivery justice system

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**ABSTRACT:** Civil law is the predominate system of law in the world. Civil law as a legal system is often compared with common law. The main difference that is usually drawn between the two system is that common law drawn abstract rules from specific cases, whereas civil law with abstract rules which judges must then apply to the various cases before them. Civil law has its roots in Roman law, Common law and the Enlightenment, alongside influence from other religious laws such as Islamic Law. The legal system in many civil law countries are based around one or several codes of law which set out the main principles that guide the law. On the other hand, Criminal Law as offences and prescribes punishment for them. It not only precludes or prevents crimes but also punish the offender. It is necessary for the maintenance of law, order and peace within state. In criminal cases, it is the state which initiates proceeding against the offender. Laws relating to the Civil Proceeding as the Code of Civil Procedure 1908; the Civil Courts Act 1887; the Suit Valuation Act 1887; the Limitation Act 1908; the Registration Act 1908; & the Specific Relief Act 1877.

**Keywords :** Define alternative dispute resolution & civil litigation; nature of civil litigation; modes of ADR; arbitration; mediation & arbitration; early neutral evaluation; expert determination; ombudsman; limitations of ADR; redress pervasive injustice & human rights problems; resolve disputes between parties who possess greatly different levels of power or authority; resolve cases that require public sanction; resolve disputes involving disputants or interested parties who refuse to participate, or cannot participate, in the ADR process; judicial reform efforts; ADR in INDIA & PAKISTAN; barriers to access of justice in civil suit; address barriers to both quantity and quality; increase access through provision of legal aid; strengthen civil society as the foundation for promoting access to justice; fundamental elements of access to justice;

### I. INTRODUCTION

As we are the human being dispute is a part of human life, it is inalienable part of human life because there is no society without dispute among the people. Dispute arises when interest of more than one person clashes with each other. The people may go the court for seeking remedy. The procedure of the court is very long and hard. To avoid this kind of long process the ADR is introduced. It means to solve the dispute without going to the court. There is no clear correlation between national income distribution and ADR effectiveness. ADR programs are serving important social functions in economies as diverse as those of the United States, Bangladesh, South Africa, and Argentina. Whereas the vigorous legal systems of the world have by creative experiments found solutions to their problems. The legal system's failure to impose the necessary discipline at different stages of trial of cases allows dilatory practice to protract the case life.

#### 1.1 Civil proceedings

Civil stage may be divided into five categories in civil proceedings; as

##### 1.1.1 Pre-Proceeding stage

This is the initial stage of conciliation and mediation with a view to resolving the dispute amicable between the parties.

##### 1.1.2 Proceeding stage

Stage may be discussed under the sub heads; as institution of suit; service of summon; return of summon; alternative dispute resolution; first hearing & examination of the parties by the Court; framing of issues fact in issue; and settling of the date of hearing.

#### **1.1.3 Trial stage**

Stage may be discussed under the sub heads; as opening of the cases; peremptory hear & examination in chief; cross examination & re examination; and argument.

#### **1.1.4 Judgment**

Stage may be discussed under the sub heads; as pronouncement of judgment; and decree or order.

#### **1.1.5 Enforcement and Execution**

Stage may be discussed under the sub heads; as application; hearing; show cause notice for execution; procedure after notice; and mode of Execution.

### **1.2 Criminal proceedings**

Criminal stage may be divided into five categories in criminal proceedings; as

#### **1.2.1 Pre-Proceeding stage**

This stage may be discussed under the sub heads; as F.I.R in the cognizable offence; complaint in non cognizable offence; reporting to the Magistrate (police station case, general register case & complain register case); investigation and maintaining case dairy; final report or charge sheet; final report & naraji petition.

#### **1.2.2 Proceeding stage**

This stage may be discussed under the sub heads; as taking cognizable; how cognizable is taken; & start for trial to an appropriate Court.

#### **1.2.3 Trial Stage**

This stage may be discussed under the sub heads; as trial in the Magistrate Court; & trial in the Session Court.

#### **1.2.4 Post-Trial stage**

A Criminal Judgment ends either with acquittal or conviction.

## **II. ALTERNATIVE DISPUTE RESOLUTIONS AND CIVIL LITIGATION**

### **2.1 Define Alternative Dispute Resolution (ADR)**

The term "alternative dispute resolution" or "ADR" is often used to describe a wide variety of dispute resolution mechanisms that are short of, or alternative to, full-scale court processes. Its systems may be generally categorized as negotiation, mediation, or arbitration systems. Negotiation systems create a structure to encourage and facilitate direct negotiation between parties to a dispute, without the intervention of a third party. Mediation and conciliation systems are very similar in that they interject a third party between the disputants, either to mediate a specific dispute or to reconcile their relationship mediators and conciliators may simply facilitate communication, or may help direct and structure a settlement, but they do not have the authority to decide or rule on a settlement. Arbitration systems authorize a third party to decide how a dispute should be resolved. In other sense, ADR is non-adversarial or the inquisitional system of justice that is used instead of civil litigation. If ADR fails, the court shall proceed with hearing of the suit from the stage at which the suit stood before the decision to mediate. Given that an ADR is not undertaken or fails, the court will fix the date for first hearing.

### **2.2 Define Civil Litigation**

Civil litigation is a legal dispute between two or more parties that seek money damages or specific performance rather than Criminal sanction. A lawyer who specialized in civil litigation is known as a 'litigator' or trial lawyer who practice civil represent parties in trials, hearings, Arbitrations and mediations before administrative agencies foreign tribunals and federal state and local courts. Litigation is the process of taking cases through court. The litigation or legal process is most common in civil lawsuit. In litigation, there is a plaintiff (one who brings the charge) and a defendant (one who the charge is brought). Civil litigation generally includes all disputes that are formally submitted to a court about any subject in which one party is claimed to have committed a wrong but not a crime in practice and in ordinary conversation, lawyers and other concerned with civil litigation tend to treat money specialized subject as outside this definition, such as labor law as well as divorce actions and even smell claims cases even though all of these are technically types of civil litigation.

### **2.2.1 Nature of Civil litigation**

Civil litigation takes many forms depending on the type of cases, but in generally, these are the legal process that most people thinks of when the word ‘lawsuit’ is used. A typical lawsuit begins with filing a complaint in court. The other party gets notice of the complaint and an opportunity to answer. There may be opportunities for both parties to discover, what each one intend to present as evidence at a trial and a trial is than schedule.

## **III. MODES OF ALTERNATIVE DISPUTE RESOLUTION**

ADR is a term that refers to solve different method of resolving dispute outside the traditional, legal and Administrative forums. It includes dispute resolution process and techniques that form outside of the Government Judicial process.

### **3.1 Arbitration**

Arbitration is the procedure by which parties agree to submit their dispute to an independent neutral third party who will be known as Arbitration.

### **3.2 Mediation**

Mediation means act of third party to setting of a dispute between contesting parties. Mediation is a process whereby the parties involved whiles an outside party to help them to reach a mutually agreeable settlement

### **3.3 Mediation and Arbitration**

It is the condition, situation between the mediation and arbitration. Where there is an opportunity to resolve the dispute by applying both the modes of mediation as well as arbitration. In this made the third party first will try to exercise the mode of mediation. If the mediation fails to resolve the dispute then there may be opportunity to refer the dispute to arbitration. The third party may act as mediator as well as arbitrator.

### **3.4 Early neutral Evaluation**

In this process both parties may seek the opinion of any expert person. The opinion of such expert person is not binding upon the parties. Generally Neutral Evaluation means the mode of ADR where the parties seek the opinion of any expert person.

### **3.5 Expert Determination**

It is another mode of ADR where one party is appointed to solve the problem. In this process an independent third party is appointed to decide the dispute.

### **3.6 Ombudsman**

Ombudsman is a person who is highly experience and highly expected independent of these holder. The decision of ombudsman are generally binding one the parties.

Although the characteristics of negotiated settlement, conciliation, mediation, arbitration, and other forms of community justice vary, all share a few common elements of distinction from the formal judicial structure. These elements permit them to address development objectives in a manner different from judicial systems. This informality is appealing and important for increasing access to dispute resolution for parts of the population who may be intimidated by or unable to participate in more formal systems. It is also important for reducing the delay and cost of dispute resolution. In societies where large parts of the population do not receive any real measure of justice under the formal legal system, the Drawbacks of an informal approach to justice may not cause significant concern.

## **IV. THE LIMITATIONS OF ALTERNATIVE DISPUTE RESOLUTION**

Although ADR programs can play an important role in many development efforts, they are ineffective, and perhaps even counterproductive, in serving some related to rule of law initiatives. In particular, ADR is not an effective means to;

### **4.1 Redress pervasive injustice, human rights problems**

As noted above, ADR systems often reflect the accepted norms of society. These norms may include discrimination against certain groups and populations. When this is true, ADR systems may hinder efforts to change the discriminatory norms and establish new standards of group or individual rights.

### **4.2 Resolve disputes between parties who possess greatly different levels of power or authority**

These power imbalances are often the result of discriminatory norms in society, and may be reflected in ADR program results. Even when the imbalance is not a reflection of discriminatory social norms, most ADR systems do not include legal or procedural protections for weaker parties. A more powerful or wealthy party may press the weaker into accepting an unfair result, so that the settlement may appear consensual, but in fact result from coercion.

#### **4.2 Resolve cases that require public sanction**

Since the results of ADR programs are not public, ADR programs are not appropriate for cases which ought to result in some form of public sanction or punishment. This is particularly true for cases involving violent and repeat offenders, such as in many cases of domestic violence. Societal and individual interests may be better served by court sanctioned punishment.

#### **4.3 Resolve disputes involving disputants or interested parties who refuse to participate, or cannot participate, in the ADR process**

This is true because the results of most ADR programs are not subject to standards of fairness other than the acceptance of all the participants. When this happens, the absent stakeholders often bear an unfair burden when the participants shift responsibility and cost to them. ADR is more able than courts to include all interested stakeholders in disputes involving issues that affect many groups, such as environmental disputes.

#### **4.4 ADR may undermine other judicial reform efforts**

There is a concern that support for ADR may siphon money from needed court reforms, draw management and political attention from court reform efforts, or treat the symptoms rather than the underlying causes of problems. While these concerns are valid, they will rarely materialize if ADR programs are not designed to substitute for legal reform.

### **V. ALTERNATIVE DISPUTE RESOLUTION IN DIFFERENT COUNTRIES**

Alternative Dispute Resolution have applicable many different countries, which participants mainly three countries discussed under given bellow; such as,

#### **5.1 Alternative Dispute Resolution in INDIA**

Alternative Dispute Resolution in India is not new and it was in existence even under the previous Arbitration Act, 1940. Section 89(1) of CPC provides an option for the settlement of disputes outside the court. It provides that where it appears to the court that there exist elements, which may be acceptable to the parties, the court may formulate the terms of a possible settlement and refer the same for arbitration, conciliation, mediation and judicial settlement.

#### **5.2 Alternative Dispute Resolution in PAKISTAN**

In Pakistan, ADR is in vogue since long. The relevant laws or particulars provisions dealing with the ADR are summarized as under; section 89-A of the Civil Procedure Code, 1908 (as amended in 2002) read with Order X, Rule 1-A (deals with Alternative Dispute Resolution methods); recently the following Acts have been enacted in the arena of the ADR practice, which beget satisfactory result in civil litigation.

- a. The Muslim Family Laws Ordinance 1961
- b. The Family Courts Ordinance 1985
- c. The Arbitration Act 2001
- d. The Code of Civil Procedure (CPC) 1908 (as amended in 2003)
- e. The Bangladesh Labour Act 2006

Alternative Dispute Resolution mechanism in the Muslim Family Laws Ordinance, 1961 section 7 provides that any man who wishes to divorce his wife shall give the chairman notice in writing of his having done as soon as after the pronouncement of talaq in any form whatsoever so an shall supply a copy thereof to the wife. Within the 30 days of the receipt of the notice, the chairman shall constitute an Arbitration Council for the purpose of bringing about reconciliation between the parties and the Arbitration Council shall take necessary to bring about such reconciliation.

Alternative Dispute Resolution mechanism in the Family Court Ordinance 1985 section 10 provides that having filed the written statement by the defendant, the family court shall fix a date ordinary of not more than 30 days for pre-trial hearing of the suit. On the date fixed for pre-trial hearing, the court shall examine the complaint, the written statement and documents file by the parties and shall also, if it so deem fit hear the parties. The court shall ascertain the points at issue between the parties an attempt to affect a compromise or reconciliation at this stage, if this is be possible between the parties. The Court shall frame the issue in the suits

and fix date if no compromise or reconciliation is possible ordinary of not more than 30 days for recording Evidence.

Alternative Dispute Resolution mechanism in the Shalish Ain 2001 relates to international arbitration, recognition and enforcement of the foreign arbitrate award and other arbitration. However, International Commercial Arbitration means Arbitration contractual or not considered as commercial under the law in force in Bangladesh an where at least one of the parties is an individual who is a national of , or habitually resident in, any country other than Bangladesh; a body corporation which incorporate in any country other than Bangladesh or a company or an association or a body of individuals whose control management and control is exercise in any country other than Bangladesh; to Government of a foreign Country. According to this Act any international commercial dispute shall be settled arbitrarily through arbitration agreement by the parties by arbitration tribunals making a decision on the issue in dispute. The entire proceeding has been incorporate in the said Act.

Alternative Dispute Resolution Mechanism in the Bangladesh Labour Code 2006 provides that the provision of the ADR has been enumerated in the Bangladesh Labour Code 2006 for the settlement of industrial dispute under section 210. Sub section (2) provides within 15 days of the receipt of a communication under sub-section (1), the party in consultation with the other party shall arrange a meeting with a view to reaching with a view to reaching an agreement on the issue raised thereon, through the procedure of a dialogue as such meeting may also be held between repetitive of both the parties authorized in this behalf. If the parties reach a settlement of the issue discussed a memorandum of settlement shall be recorded in writing a signed by the both parties and a copy there of shall be forwarded to the Government Directors of Labor and Conciliation. If the receiver of a letter sent under sub-section fails to arrange the meeting within the time stipulate that other party or if no settlement can be reached within one month from the date of the first meeting held for settlement of dispute through the process of reciprocal dialogue of both parties or within the time extend through the written consent of the both parties, any of the parties may report thereof to the conciliator referred to within 15 days of the expiry of the time stipulated as the case may be a request him in writing to settle the dispute through the conciliation.

## **VI. ACCESSES TO JUSTICE**

Access to justice is a vital part of the UNDP mandate to reduce poverty and strengthen democratic governance. Within the broad context of justice reform, UNDP specific place lies in supporting justice and related systems so that they work for those who are poor and disadvantaged. UNDP is committed to using a human rights-based approach in its programming, guided by international human rights standards and principles. Access to justice is a basic human right as well as an indispensable means to combat poverty, prevent and resolve conflicts. This practice note is intended to suggest strategies for UNDP support to access to justice, particularly for the poor and disadvantaged, including women, children, minorities, persons living with HIV/AIDS and disabilities.

### **6.1 Barriers to Access to Justice**

From the user's perspective, the justice system is frequently weakened by; such as, Long delays; prohibitive costs of using the system; lack of available and affordable legal represent-action, that is reliable and has integrity; abuse of authority and powers, resulting in unlawful searches, seizures, detention and imprisonment; and weak enforcement of laws and implementation of orders and decrees. Severe limitations in existing remedies provided either by law or in practice. Most legal systems fail to provide remedies that are preventive, timely, non-discriminatory, adequate, just and deterrent, gender bias and other barriers in the law and legal systems: inadequacies in existing laws effectively fail to protect women, children, poor and other disadvantaged people, including those with disabilities and low levels of literacy. Lack of de facto protection, especially for women, children and men in prisons or centre of detention lack of adequate information about what is supposed to exist under the law what prevails in practice, and limited popular knowledge of rights. Lack of adequate legal aid systems limited public participation in reform programmed; excessive number of laws, formalistic and expensive legal procedures; (in criminal and civil litigation and in administrative board procedures); avoidance of the legal system due to economic reasons, fear, or a sense of futility of purpose.

### **6.2 Barrier to Access to Justice in Civil Suit**

Access to justice is more than improving an individual's access to courts or guaranteeing legal representation. Access to justice is defined as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with human rights standards. There is no access to justice where citizens (especially marginalized groups) fear the system, see it as alien, and do not access it; where the justice system is financially inaccessible; where individuals have no lawyers; where they do not have information or knowledge of rights; or where there is a weak justice system. Access to justice involves

normative legal protection, legal awareness, legal aid and counsel, adjudication, enforcement, and civil society oversight. Access to justice supports sustainable peace by affording the population a more attractive alternative to violence in resolving personal and political disputes.

### **6.3 Civil Justice System**

The threat of unfavourable posting or of blocking promotion gives an opportunity for the executive to influence the decision making capacity of lower judiciary over decisions, and in particular over interim orders. Such threats, together with the endemic nature of corruption in lower courts, mean that more often than not justice may be purchased by the highest bidder, whether a private party or the Government, bidding in currency of commerce or of power. In addition, the deputation of judicial officers to executive posts in different ministries allegedly contributes to creating an 'executive' mindset in many judges, given that they may spend significant parts of their career engaged in working within a Ministry or Department, with a resulting loss of impartiality. The physical placement of judges within executive, and working side by side with executive officers, may also have facilitated the growth of a symbiotic relationship between certain corrupt officers within the lower judiciary and civil servants.

## **VII. BARRIER TO ACCESS TO JUSTICE IN THE CRIMINAL SUIT**

### **7.1 Criminal Justice System**

There are many reported instances in which Magistrates have used their executive powers at the instance of executive to issue warrants of arrest, to sanction arrest without warrant under section 54; consequent remands to police custody under section 167 to control; impose restrictions on public gatherings under section 144 to control police firing; and use of civil and military force according to sections 128 & 129 of the Code of Criminal Procedure. The warrants had been issued without any preliminary inquiry and without any evidence that the Magistrate had been satisfied on objective materials that their issuance was merited. In many cases, the Magistrates have directed that a person had been taken to remand in police custody, where they may be vulnerable to ill-treatment, although no cogent reasons had been provided for why such lengthy remand was necessary.

### **7.2 Approach Equal Access**

In societies emerging from conflict, large segments of the population may not have had access justice. Equal access involves extending the reach of formal rule of law institutions to the population by removing barriers to their use. Strengthening access also involves engaging the informal sector to enhance its reach, effectiveness, and compliance with human rights standards.

### **7.3 Address barriers to both quantity and quality**

In a society recovering from violent conflict, several barriers to justice financial, geographic, linguistic, logistical, or gender-specific are present. Improving access is not just about more courtrooms or more staff. It is also about quality of justice. Justice systems that are remote, unaffordable, slow, or incomprehensible to the public effectively deny legal protection. Increase the quantity and quality of justice administration to address these problems. The justice system should be linguistically accessible with local language proceedings or provision of interpretation.

### **7.4 Increase access through provision of legal aid**

Legal information centres and legal aid offices that offer free or low-cost legal advice and representation that train people to represent themselves, and paralegal-based projects that train and employ people to serve as advocates and mediators, can all increase public knowledge of the legal system. Paralegals are trained in criminal law and procedure in order to provide legal advice to suspects or accused persons who are brought before the informal justice system. They also sit in on police interviews and go to court to provide advice. Legal assistance can also be provided by law students or recent graduates through their law schools or legal resource centres.

### **7.5 Promote legal awareness**

For the population to access justice, they must understand their rights and the means for claiming them. For most people in a war-torn state, the laws and the formal justice system are alien institutions they fear or do not understand. Legal awareness helps counter this misunderstanding and promote access to justice. Legal awareness campaigns can be conducted by the state but they are most effective when conducted by civil society at a grassroots level or through the media. Because providing information to huge populations is a significant challenge, trusted and familiar social networks can be used to enhance legal awareness efforts. Legal awareness of suspects and the accused should also be promoted.

### **7.6 Strengthen civil society as the foundation for promoting access to justice**

Even though civil society may be shattered after violent conflict, its role in promoting access to justice and for reforming rule of law is important. Civil society organizations should have a legal status to appear in court to undertake public interest litigation. Legal barriers to their work will need to be removed (e.g., laws that prohibit civil society from criticizing the judiciary).

#### **7.7 Support the adjudication of claims for a remedy through the informal non-state justice system**

The non-state justice system will generally deal with close to 80 percent of dispute in many countries. Non-state justice systems are systems that have some form of non-state authority in providing safety, security, and accessible justice to the population and include traditional, customary, religious, and informal mechanisms. In the short term, international and host nation actors should consider some of the following options:

- a.** Restoring internal accountability mechanisms and training non-state justice authorities in mediation techniques and familiarizing them with domestic laws.
- b.** Encouraging the recording of cases and their resolution to promote consistency of decisions and to provide a basis for appeal to the formal system.
- c.** Working with customary authorities, state actors, and civil society to incorporate restorative principles such as compensation and reconciliation, into cases dealt with by the formal justice system.

## **VIII. Human rights-based approaches to access to justice**

UNDP is committed to using a human rights-based approach in its programming, guided by international human rights standards and principles. A human rights-based approach is useful to; focus on the immediate, as well as underlying causes of the problem the factors impeding access; identify the “claim holders” or beneficiaries the most vulnerable (rural poor, women and children, people with diseases and disabilities, ethnic minorities, among others); Identify the “duty bearers” the ones accountable for addressing the issues/problems (institutions, groups, community leaders, etc.); and assess and analyses the capacity gaps of claim-holders to be able to claim their rights and of duty-bearers to be able to meet their obligations and use analysis to focus capacity development strategies. Access to justice is, therefore, much more than improving an individual’s access to courts, or guaranteeing legal representation. It must be defined in terms of ensuring that legal and judicial outcomes are just and equitable. A grievance is defined as a gross injury or loss that constitutes a violation of a country’s civil or criminal law, or international human rights standards.

### **8.1 Fundamental elements of access to justice**

The promotion of access to justice may require various types of support as Particular attention should be given to crisis and post-conflict countries, where challenges to access to justice may be aggravated because the public administration lacks sufficient capacity to provide effective public service. In some cases, police and other judicial institutions might be a source of public insecurity, intimidation or violence, or they are mistrusted because of abuses by previous regimes. In these cases, a country is often faced with a significant need to undertake a large number of reforms related to past violations of human rights and atrocities, and factors contributing to recurrent instability. Furthermore, the justice and security sector may have collapsed due to damage to infrastructure, insufficient capacity and leadership, and a continued threat of conflict and violence. It is impossible to cover in this Practice Note the vast and complex issues associated with justice in post-conflict situations. It should be noted that BCPR is planning to prepare a Practice Note devoted to these issues. Annex II sets out entry points for justice programming in a post-conflict context.

### **8.2 Recommendations**

Law is more than norms; it is reflection of the aspiration through which a nation passes. The legal system we have inherited had been formulated in the context of aspirations available then. Therefore, our legal system is not only logic but also the experience, situations and circumstances, many of which do not exist anymore; as a result it has become antiquated and overburdened by its in built inability to recognize new problems. The legal system’s failure to impose the necessary discipline at different stages of trial of cases allows dilatory practice to protract the case life. As a result, the current backlog and delay problem in our country has reached such a proportion that it effectively denies the rights of citizens to redress their grievance. While presiding over mediation a judge does not robe nor does he dictate, he just facilitates mediation by explaining the legal position of the parties. The greatest achievement of the mediation courts is changing of mental attitudes of the judges, lawyers, litigants and general public who were sceptical about mediation. Initially, there were feelings of opposition and suspicion by some in the legal profession for this entirely differently based discipline but it is changing. Those who used to come to the court with a confrontational mood are accepting the idea of mediation and more are coming repaired to settle dispute through mediation. It is interesting to note that the same lawyers who fight tooth and nail to win a suit in trial also try hard to find out solution through mediation

### **IX. Concluding remarks**

ADR programs can serve as useful vehicles for promoting many rules of law and other development objectives. Properly designed ADR programs, undertaken under appropriate conditions, can support court reform, improve access to justice, increase disputant satisfaction with outcomes, reduce delay, and reduce the cost of resolving disputes. In addition, ADR programs can help prepare community leaders, increase civil engagement, facilitate public processes for managing change, reduce the level of community tension, and resolve development conflicts. An advantage of informal ADR systems is that they are less costly and intimidating for underprivileged communities, and therefore tend to increase access to justice for the poor. These systems are also less expensive for the state, and can be more easily placed in locations that will improve access for underserved populations. It is not clear from the evidence to date whether ADR programs are more suitable for civil or common law jurisdictions. Further exploration of non-rule of law uses of ADR is critical to complete the picture of the range of ADR applications. More in-depth research and analysis in this area would be extremely useful to development professionals and others seeking to understand the strengths and limitations of ADR programs in developing and transitional societies.

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