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INFORMAL JUSTICE ON THE INTERSECTION OF MEDIATION,

ARBITRATION AND REFERRAL: PROTECTION MECHANISMS

USED BY SYRIAN REFUGEES AND VULNERABLE LEBANESE



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¹ Muzna Al-Masri, Marianna Altabaa, and Zeina Abla conducted the case study research on informal justice in 2016 and wrote an earlier draft of parts of this report, and Nawal Ramadan held reflection sessions with community mediators and produced the case studies on *community mediation and support* in 2018.

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EXECUTIVE SUMMARY

Syrian refugees in Lebanon, like the local Lebanese communities that host them, rely on their social networks of family, friends, employers, and trusted figures in the community for solution when their rights are violated. Such informal mechanisms exist both within the refugee and Lebanese communities, though they differ across locations. While both communities prefer informal mechanisms, Syrian refugees are particularly reluctant to resort to the police and judiciary when their rights are violated. This is due to their precarious legal status in the absence of valid residency permits and irregularities in their documents, low trust in the security and judiciary systems in Lebanon, and fear of retaliation.

This report relies upon case studies from rural and urban areas across Lebanon to identify pathways through which vulnerable individuals and families seek protection and justice. It aims to inform donors, UN agencies, and practitioners about the advantages and limitations of community mediation and support as a pathway to informal justice; and to highlight the ways in which peacebuilding approaches can contribute to protection outcomes. The findings are based on case studies from the northern Akkar region and the capital Beirut collected in 2016, as well as case studies from a pilot project that supported community mediators in Akkar and the Bekaa in 2018.

Although it is the preferred route to redress grievances, informal justice rarely offers just solutions. Interventions only succeed in so far as they stop grievances from reoccurring; they neither provide reparations for the victims, nor punishment for the perpetrators. The case studies demonstrate that Syrian refugees' ability to seek some form of justice is determined by their geographic location (urban/rural), sex, age, social class and connection to influential individuals, among other variables. The research shows that the key actors helping Syrians resolve their problems come from their immediate social circles. These trusted individuals willing to interfere include Syrian or Lebanese friends, employers, well-reputed fellow Syrians, and others. Nevertheless, these social networks remain relatively weak in Lebanon given the Syrians' refugee status. They are even more limited in urban settings as power structures in the cities are more complex. When faced with injustice, affected individuals often resort to a trusted person in the family or in the

community. Community mediation and support is understood as an informal intervention by a trusted person to help individuals and groups resolve conflicts in a peaceful way. The intervention includes understanding the essence of the problem; and applying a mix of techniques such as mediating between parties; arbitration; and referral to other arbitrators and lawyers to settle a dispute, or to specialized NGOs for services. Contrary to traditional mediation approaches, community support interventions often offer solutions rather than assisting disputing parties to find their own arrangement.

Based on learning from a pilot project of International Alert (Alert) and local partners, this research concludes that effective community mediators are local leaders with strong social capital. Therefore, civil society actors seeking to support local community mechanisms for protection and dispute resolution need to start with a careful selection of prospective mediators from within the community and conduct risk assessments. Specific risks associated with support to community mediators include potential abuse of power by the mediators and undermining the authority of existing formal justice institutions. To mitigate such risks, organisations need to monitor the outcomes of community mediation processes, including unintended outcomes, and ensure that criminal cases are duly referred to the legal system without putting the affected individual at greater protection risk.

The study stresses the need to combine short-term skills training for community mediators with longer-term interventions that begin to shift mediators' attitudes to gender and human rights. This would ensure that informal justice mechanisms serve everyone without discrimination. The study demonstrates the benefits of training follow-ups and reflective practice in improving the performance of community mediators. It also recommends monitoring the interventions of trained mediators by collecting feedback from the individuals and groups who received support from mediators. The study further stresses the potential to leverage existing social stability and development programmes in order to build relationships between local and refugee communities. Relationships are crucial to broadening the social networks of refugees and allowing them to seek protection and justice through informal channels.

ABOUT THE REPORT

For thousands of Syrian refugees in Lebanon, seeking justice through the formal system of police, prosecution and judiciary is not an option. Like the Lebanese communities that have been hosting them since 2011, Syrian refugees prefer to use an informal network of contacts to deal with injustices or rights violations when the grievance is short of a violent crime.

This report explores informal justice mechanisms employed by Syrian refugees and vulnerable Lebanese. Its objective is to inform donors, UN agencies, and practitioners about the advantages and limitations of community mediation and support as a pathway for accessing informal justice. The report highlights the contribution of peacebuilding interventions towards protection outcomes, specifically how strengthening the ability of local leaders to analyse conflict and use mediation as one of the tools in their toolbox for dispute resolution can create a safer environment for vulnerable people.

The report is the product of case study research conducted with Syrian refugees in Beirut and Akkar in 2016, as well as an action-based research conducted in June-July 2018 with community-support and conflict-resolution trained community leaders, as well as individuals who accessed their services in Akkar and the central Bekaa region.

The first part of the report discusses the informal justice mechanisms that refugees in rural and urban settings utilize. The second part focuses on community mediation and support, and summarises lessons learned from the project and the case study research with project beneficiaries. In conclusion, key lessons and recommendations are drawn to inform donors and practitioners. The case studies in the last part form an integral part of this report: three of them highlight an array of informal mechanisms to which Syrians turn, and another three shed light on the experience of seeking support through community leaders, paying attention to the range of organically formed and interchangeable methods the latter use in their practice.

ABOUT PROTECTION AND INFORMAL JUSTICE

In humanitarian jargon, protection refers to the basic rights and dignity of individuals. In some countries, the justice system with its courts, police, prosecution and prisons provides an avenue for claiming one's rights when they are violated or threatened. In most cultures, however, there is a reliance upon informal mechanisms, including interventions by influential individuals, tribal and religious leaders, as well as representatives of institutions, like municipalities, the army or the police, when they act in their individual capacity.

Syrian refugees in Lebanon rarely resort to the police and courts to claim their rights. A 2015 research on 807 lawsuits involving Syrian nationals filed in the courts of Beirut, Tripoli and Zahle between 2012 and 2015, reveals that not a single case was filed by a Syrian plaintiff against a Lebanese defendant.² According to a statistically representative perception survey on social tensions from 2018,³ both the Lebanese and Syrians prefer to seek help from neighbours, family and friends when a dispute arises. In 2018, 55% of the Lebanese and 57% of the Syrians opted for such informal channels; these numbers reveal that the recourse to informal channels has risen compared to the previous year.⁴

2 K. El Mufti, Survey of court cases against Syrian nationals in Lebanon, September 2015 (unpublished)

3 ARK Regular Perceptions Survey on Social Tensions throughout Lebanon, Wave 2, pp.47-49, <https://reliefweb.int/report/lebanon/narrative-report-regular-perception-surveys-social-tensions-throughout-lebanon-wave>

4 Ibid., p.49.

The absence of valid documents for 74% of the Syrians⁵ is a stumbling block in the way of accessing police and judiciary institutions. Little trust in official institutions and the judicial process is another obstacle dissuading both Syrians and Lebanese from initiating lawsuits, even if the Lebanese are more likely to resort to the army and the police.⁶ Courts, detention centres and prisons are also overburdened, as a large number of Syrians are held on charges related to missing or irregular documentation.⁷

Outside the formal system, Lebanese and Syrians alike rely on informal justice mechanisms. These include intervening individuals, social networks and NGOs that support protection efforts and the resolution of disputes.⁸ Informal mechanisms allow for the accessible, flexible and cost-effective management of disputes. However, these mechanisms also hold the risk of reinforcing existing structural injustices and discrimination against specific groups, particularly women. Some of the case studies in this report demonstrate how programme interventions supporting community mediation could enhance the existing skills of community leaders, particularly in how they approach and deal with conflict. Other cases highlight the need to foster greater respect for human rights in the management of disputes and the solutions development, for instance the need to treat women as parties equal to men in the resolution of family disputes. Essentially, the case studies highlight the need for community mediators to have the knowledge of, and access to organisations that provide humanitarian aid, legal assistance and professional support in cases of sexual and gender-based violence (SGBV).

While mediator training can bolster the skills of the individual intervening, it does not automatically translate into an attitude that reflects a respect of human rights principles. Changing attitudes towards the rights and social roles of women and men is a more complicated process that requires a longer-term engagement, training and the availability of networks of support for local actors.

BOX 1: HINDRANCES TO ACCESSING FORMAL JUSTICE MECHANISMS BY SYRIAN REFUGEES

Notwithstanding the fact that Syrian refugees generally prefer to resort to informal mechanisms to seek protection and safeguard their rights, specific obstacles they have encountered in Lebanon severely restrict their access to formal channels. Research reveals the following obstacles:

1. Distrust of the existing internal security, legal and judiciary system in Lebanon. This distrust is shared by Syrian refugees and many Lebanese alike.
2. Lack of legal residency or irregularities in official papers. Syrians are concerned that they would be arrested if they were to approach the police.
3. Limited knowledge of the context as well as the various security, legal and judiciary apparatuses. Syrian refugees do not know how these branches operate officially and unofficially (including which police stations cover which geographical areas, the process for contacting the plaintiffs, the duration of each stage in a legal process, and the overall irregularities in the Lebanese legal system).⁹

5 Vulnerability Assessment of Syrian Refugees in Lebanon, VASYR 2017, p. 13, <https://reliefweb.int/report/lebanon/va-syr-2017-vulnerability-assessment-syrian-refugees-lebanon>

6 Ibid., ARK Wave 2, p.49.

7 International Alert, Justice for stability: addressing the impact of mass displacement on Lebanon's justice system, February 2017

8 For a broader discussion on informal justice, see G. Swenson, Understanding and engaging informal justice, Clingendael and The Hague Institute of Global Justice, October 2016

9 In one case, a Syrian woman in an urban area wanted to file a claim at a police station to address a grievance. Dismayed with the cumbersome paperwork and required travel from one neighbourhood to the next, she ultimately gave up. In another case, a couple living in Beirut expressed their disappointment with the long delays to legalize their status, blaming the lawyer who was handling their case for what they perceived to be inefficiency. Meanwhile the lawyer explained that the process effectively takes a long time due to complex bureaucracy and paper work. These case studies are not included in the present report.

4. Fear of retaliation. Syrian refugees worry that resorting to formal legal channels could have negative ramifications, including possible retaliation, especially if they have no legal residency documents.
5. Expenses. The formal justice system in Lebanon entails many hidden expenses that refugees are unaware of or cannot afford. These expenses are not fully covered by institutions that offer to pay the costs of legal representation. The financial aid for legal representation does not account for additional expenses such as transportation costs, additional time lawyers may need to spend on a case, medical tests and medical reports, as confirmed by a lawyer handling Syrian cases and sponsored by NGOs.
6. Awareness of available legal aid. For Syrian refugees who decide to resort to formal justice, legal aid and the support of civil society organisations in that respect appears to be available, yet Syrian refugees are often not aware where and how they can request legal counselling.
7. Syrian refugees do not know what their rights are in Lebanon. They lack clarity on the different formal processes and documentation needed to legalize their stay in Lebanon. They also are not very familiar and have weak access to reliable sources of information on these issues. This is exacerbated by the ambiguity and inconsistency of the legal requirements of the Lebanese authorities and the threat of deportation largely feared by Syrians interviewed, though not enforced.

ACCESS TO AND USE OF INFORMAL

MECHANISMS BY SYRIAN REFUGEES IN LEBANON

Syrian refugees' limited access to justice mechanisms is a reflection of the limited access to justice in Lebanon more broadly.

The Syrian refugee's limited access to justice mechanisms, both formal and informal, is connected to the challenges facing law enforcement, as well as the legal and judiciary system in Lebanon. "Forces on the ground," be they members of political parties or local thugs, are also a limiting factor, as they possess de facto political and security control of many areas. When Lebanese were asked how Syrians in Lebanon can access justice, many would respond by rhetorically asking if anybody in Lebanon - even the Lebanese themselves - has access to justice. The many deficiencies in the legal and security systems require beneficiaries to be able to understand the bureaucracy, internal politics, and how the formal system works "informally". The difference between Lebanese citizens and Syrian refugees is precisely in this area: the former are better connected to the informal system and navigate it better. Because of their status as refugees, many Syrians lost the social networks that could provide them with information, support and contacts that facilitate access to both formal and informal mechanisms. In addition, interviewed Syrian refugees possess a limited knowledge of their rights, the legal context, and the political fabric in Lebanon, as well as the operation of political powers on the ground. Often, they do not even know the location of the nearest police station. Interviewed Syrians often felt that no matter what they do, they will fail to claim their rights. Moreover, due to legal, social and economic reasons, Syrian refugees are especially exposed—more than any Lebanese—to the inherent injustices of the current system. They are more vulnerable, for instance, because they are severely restricted by the legal requirement of having a sponsor for obtaining residency and work permits. In many cases, the sponsor is both the employer and the landlord of the sponsored Syrian national, which makes it difficult for Syrians to break this chain of dependency and reclaim their rights when the sponsor is the perpetrator of the violation. By way of comparing, the interviewed Lebanese nationals expressed reluctance to go to a police station to report a minor crime, primarily because it would require them to wait a couple of hours for the police to investigate their legal records.

Informal justice mechanisms are the first choice, not an “alternative” to formal mechanisms.

Resorting to informal justice mechanisms is not the inherent result of inaccessibility to formal justice mechanisms. Rather, it is the preferred choice for most respondents, particularly when the incident is not repeated and no physical assault is involved, as in the case of a woman who was sexually harassed on the street in the Akkar region (Case 3). In this and similar scenarios, there appears to be a reluctance to seek formal justice mechanisms. Contrary to the literature that sees informal justice mechanisms as an “alternative” to the formal mechanisms, perceived to be the norm, the case studies reveal that interviewees only resort to formal mechanisms when no other option is available or for critical issues involving crime and requiring state intervention.

The formal justice system is only involved when physical violence occurs.

Police intervention is almost automatically sought in situations involving large number of people and physical violence. In some cases, informal justice mechanisms could facilitate access to formal justice, which usually happens when physical violence occurs. Although such an intervention usually prevents the conflict from further escalating, it does not necessarily mean that justice is sought or upheld, and might even produce considerably negative ramifications if legal documents were missing or expired, or if the affected individual is in conflict with powerful, well-connected counterparts.

Informal mechanisms do not ensure justice, and are considered successful if they merely stop the grievance from recurring, or deescalate and manage the conflict.

Whether formal or informal channels are pursued, the outcomes of the intervention are not always “just”, and often do not necessarily ensure longer-term solutions. In almost every case explored in this report, the affected individual did not feel that justice had been served. In one case involving an attack on tents in an informal settlement, no compensation was received for the burnt tents and belongings, and the perpetrators were not brought to justice despite the presence of the police.*¹⁰ Even though the tensions abated through a form of reconciliation, the inaction of the police made the refugees feel that there was no just authority for them to turn to. In another case, a Syrian refugee beaten by a UN staff member never knew what action was taken against the perpetrator and did not feel that he received justice (Case 2).

Some interventions further reinforce the injustice and the vulnerability of members of the Syrian refugee community. In one instance, a Syrian worker was accused of theft at his workplace and had to pay for goods he did not steal.* Given his status and economic dependence upon the job, he had to accept his employer’s resolution although it was unjust. Such outcomes foster a tendency for Syrian refugees to avoid conflict, even if it means the loss of rights. Refugees have lowered their expectations to the point where “successful” interventions have become those that stop the recurrence of the grievance (with no significant repercussions for the perpetrator), or simply deescalate the tension and manage the conflict—giving up such key conditions for attaining justice as long-term resolutions, accountability and reparation.

¹⁰ Cases marked with an asterisk (*) were collected as part of the 2016 research. For the sake of brevity they are not included in this report.

The social network of refugees impacts their access to informal justice mechanisms as they primarily resort to acquaintances from their immediate social circles.

Accessibility to informal justice mechanisms is often dependent upon the social circle of the individual Syrian which is largely limited because of the condition of displacement. Individuals who have managed, over their few years of displacement in Lebanon, to weave a network of relations with members of the Lebanese communities or fellow Syrians have access to justice mechanisms. Syrian refugees who lived in Lebanon before the crisis and already had established social networks before they moved with their extended family, are better positioned to seek justice informally, and newcomers with fewer connections approach them for help.

Intervening parties are usually ordinary people and their intervention is circumstantial. They are often neighbours, co-workers, employers, employers of relatives, sheikhs, and can be Lebanese or Syrian. There are rarely players who stand out as known mediators in a specific community that the Syrians reach out to. In all the cases studied, the affected individual sought help from within his or her social circle, which varied by context and depended on the individual's network. In one instance, a young woman married to a Lebanese-Syrian man, living in a rural area, was maltreated by her in-laws. She received the support of her family's Syrian neighbour to resolve a marital problem (Case 2). In other cases, a young couple resorted to active friends in Lebanon to disseminate information about their problem, and employees resorted to their employers when faced with threats.

Media and complaint mechanisms within aid organisations could support the provision of justice.

In one case, the media have been used to facilitate a plaintiff's access to legal aid (Case 1). In another case*, the threat of using the media to expose corruption was effective; it led to action, which eventually resolved the issue. In some cases, resorting to the media supports in transitioning the case from informal to formal justice mechanisms. In addition, Syrian refugees sometimes resort to managers and staff working in aid organisations, especially when problems occur with the organisations' field workers. That said, refugees are often unaware whether complaint mechanisms exist or not, and whether they are enforced and followed through. In many cases, as in Case 2, a petitioner will not know the outcome of his or her complaint.

Gender impacts the social circles of refugees particularly in rural settings.

Social circles differ between women and men, as men generally have more extended networks through their employment and engagement in the public sphere. Men often resort to their employers, while most women are restricted to the private sphere. The case studies however provide a more complex view of this discussion on the private and public spheres. Gender seems to have a minor influence on access to informal justice in comparison to other variables like urban/rural background, education level, age and social network in Lebanon.

The two most active individuals interviewed for the case studies had different background but both had a relatively sizeable social capital: One was an older, urban, educated widow living in Beirut (Case 1), while the other was an older man in the position of a community elder in his tribal family with an extensive social network in Lebanon (Case 2). Due to her education, age and social network, and by virtue of being the head of a household (as a widow), the woman in the case study was not restricted to the private sphere (Case 1). In contrast, Syrian women residing in rural areas are particularly restricted to the private sphere, relying primarily on their family as a first-degree network.

Access to informal justice mechanisms is easier in rural settings.

In rural areas, refugees generally live closer to members of their extended family or their community from Syria and thus have a wider set of connections and support from within the Syrian community. The confined rural setting makes it easier for them to understand the local characteristics and dynamics of the Lebanese hosting community in terms of relations of power and influence. It is also easier for refugees to get to know influential people in the local community. These networks facilitate the refugees' access to informal mechanisms. In this sense, informal mechanisms in rural settings are easier to navigate than in urban settings.

Urban settings have more complex features that challenge access to informal justice mechanisms. In urban areas, where different neighbourhoods have different sectarian and political compositions, as well as political control on the ground, it is harder for Syrian refugees who are relatively new to the political dynamics in Lebanon to understand these complexities and to identify the best point of access. Furthermore, as Syrian refugees move through different neighbourhoods, they navigate across different governance conditions and justice mechanisms and connections. Knowledge they had of one area might not be useful in another. Moreover, the anonymity that the urban context affords to thugs makes it more difficult to intervene. These difficulties reflect the generally greater issues faced when dealing with conflicts in an urban context.

COMMUNITY MEDIATION AND SUPPORT:

LESSONS LEARNED FROM A PILOT PROJECT

Community mediation is part of an organic process of searching for solutions.

Vulnerable individuals approach community mediators as part of an organic process of searching for solutions through their existing social networks. "If I hadn't come to this community mediator, I would have gone to another third person," says one of the parties that resorted to the services of a community mediator. Another person reached out to the mediator who happened to be his uncle and "the point of reference in the family." Indeed, people seeking help to resolve disputes confirm that they try different channels through their network of family members and acquaintances and without a clear expectation of the type of support, whether neutral mediation, third party arbitration, advice, interference on their behalf, or a referral to services. In most cases, they approached the community mediator who was a personal contact or a family friend.

Effective community mediators are local leaders with strong social capital.

Community mediators are able to truly act in this capacity when they are embedded in the community and already have a reputation of being knowledgeable or socially connected. In Akkar, where community mediators supported through the pilot project had stronger social capital than their counterparts in the Bekaa, a significantly higher number of cases were taken to the mediators for the duration of the project. Some of the mediators already had experience with informal interventions in Syria or in Lebanon before they attended trainings. Among the most active community mediators were NGO staff and volunteers with the United Nations High Commissioner for Refugees (UNHCR) who were known in the community and had a good understanding of the available services and support in the area.

Informal settlements for Syrian refugees appear to have a clearer social structure where individuals are known as trustworthy by the local Lebanese community and are approached in cases of disputes. Outside the informal camps, these social structures are less clear, if they exist at all. Access to such informal mechanisms as community

mediators is, therefore, more critically dependent upon the individual's social networks and ability to seek support. "If our community doesn't trust us, no one will come to us," says a mediator from Akkar.

In the pilot project, female mediators had more modest interventions overall than their male colleagues. They often mediated small disputes within their families or between neighbours in their building. This underlines the need to continuously support women leaders and activists, strengthen their social networks, and help them build a profile. In one case in the Bekaa (Case 6), a female mediator made commendable progress in an inter-confessional dispute that was fuelling tensions in the village.

In Akkar, community mediators reported they had stronger relations with NGOs and religious leaders than with political parties (possibly because of a lack of strong political actors in Akkar). In the central Bekaa region, mediators were better connected with political actors as well as NGOs. One of the areas in which mediators can benefit from further support is in better understanding the local stakeholders and the power dynamics between them. Such awareness would help them determine whom they can influence and how to seek allies if they are intervening on someone's behalf.

Community mediators use a mix of tools and approaches.

Mediation is only one of the many tools in the toolbox of the community mediators. "Community mediation" is used for ease of reference without precluding the interventions to the classical third-party mediation as an approach to dispute resolution. In fact, community mediation and support **is understood as an informal intervention to help people and groups resolve conflicts in a peaceful way. The intervention includes understanding the essence of the problem and applying a mix of mediation, arbitration and referral to other arbitrators and lawyers to settle a dispute, or to specialized NGOs for services. Affected individuals resort to community mediation and support as one of the pathways they explore when faced with injustice.**

In the pilot project, most cases community mediators dealt with required either referral or problem solving. In some cases, because of their social capital, the community mediators acted as arbitrators, and were able to suggest solutions, which the disputing parties accepted out of respect to and relationship with the community mediators. In one case (Case 5), the community mediator brought in a respected individual from the community to arbitrate the dispute. Contrary to the classical use of arbitration, the arbitrator was not suggested, or agreed upon in advance, by the conflicting parties. Nevertheless, the solution the arbitrator proposed was accepted and respected. In a different case* the community mediator resolved a dispute over money by paying out of his own pocket.

Knowledge of the available services and activities that various organisations in the area offer was a major factor in the success of the community mediation and support. In one of the cases from Akkar (Case 4), the mediator not only helped resolve a misunderstanding between Syrian refugees over the use of potable water, but also took the initiative to inform local NGOs of the need to install additional water tanks in the area where the dispute occurred. To further ensure the success of informal interventions, community mediators need networking and visibility, as well as continuous updates on the available services for Syrian refugees and vulnerable Lebanese.

Effective community support is needed to rebalance power.

Many of the disputes reported by the project's mediators involved landlord-tenant and employer-employee relationships. There is an inherent power imbalance in these cases, and part of the mediator's role is to empower the weaker party, as opposed to intervening impartially.

A major risk is associated with informal justice mechanisms, more broadly, and community mediation, in particular, and that is the imposition of traditional views upon the parties of the dispute in the course of mediation. The mediator's position and views carry weight. Such risks are more pronounced in cases of domestic violence, as a case study from Akkar reveals (Case 5). In this instance, the mediator took sides with the men in the family and disregarded the will

of the woman. Community mediators need to be encouraged to undergo longer and in-depth trainings on women's rights, SGBV, and child protection. If such trainings are not feasible, then the organisations that support community mediators should advise mediators to refer SGBV and child protection cases to local organisations with specialized staff able to provide adequate assistance. Another approach would be to form an agreement that cases of domestic disputes are to be handled by a team of two community mediators, a woman and a man, to ensure that the voices of both the male and the female party to the dispute are heard and the agreed solution is acceptable to both.

Support to community mediation needs to start with a discerning selection of mediators and careful risk assessments.

A successful intervention to support community mediation should start with the selection of the mediators. Selection needs to combine collecting recommendations from different segments of the community on individuals they trust and approach for help and one-on-one meetings with prospective mediators. Successful mediators are those who already possess a degree of social capital, want to further their skills, and expand their networks. A combination of skills and referral pathways trainings, reflection on one's own practice of mediation, and exchanging knowledge and experiences with fellow mediators appears to be most efficient in capacity building. Community mediators from the pilot project appreciated the structure of the training, as it gave them time to practice the skills they acquired before returning to the group for reflection sessions and follow-up discussions.

As far as NGOs that support community mediation, it is equally important to assess the risks of the intervention. Projects supporting already established leaders in the community risk legitimizing their power at the expense of others. A classic risk that could manifest is an abuse of newly gained standing in the community for political purposes.

Most importantly, organisations supporting community mediation need to see the value of conflict resolution strategies as one of the many approaches to improving the protection environment for vulnerable individuals. Strengthening informal mechanisms needs to be part of a broader strategy to support access to the formal justice system (by supporting crime victims file a complaint with the police, for example); confront malpractices and abuses of power (by filing complaints and following up with NGOs and service providers in cases of unfair treatment and abuse); and advocate for efficient and accountable police and judiciary.

METHODS AND SOURCES

This report is based on case study research and reflection sessions with community mediators organised in two phases.

This report is based on case study research and reflection sessions with community mediators organised in two phases.

The first phase of the research took place between April and June 2016 and documented eight case studies of Syrians in Lebanon who have resorted to informal justice mechanisms. Three of these cases (Case 1, 2 and 3) are included in this report. The eight cases involve incidents that occurred between 2014 and 2016. A total of 30 people were interviewed, 18 men and 12 women. These include the Syrians at the heart of the cases, Syrian and Lebanese witnesses and/or interveners, representatives of a political party, a member of the security forces, and a NGO providing legal aid. These semi-structured interviews were complemented with field visits, desk research, and consultation of media archives when appropriate. All interviews were in Arabic, and if the participants agreed they were recorded. An all-female, three-person, Syrian and Lebanese research team collected the data in this first phase.

TABLE 1: SUMMARY OF CASE STUDIES DOCUMENTED BETWEEN APRIL AND JUNE 2016¹¹

	AREA	CASE STUDY	SEX OF PRIMARY PARTY	TYPE OF CASE	INTERVENTION BY	PLACE OF RESIDENCE IN SYRIA
1	Beirut/ Southern suburb	Mayada	Female	Theft Car damages Fraud in an aid organisation Problems at work	Media NGO/Human rights activists Police and legal procedure	Urban
2	Akkar	Fayza	Female	Divorce Assault Burning of tent	Syrian acquaintance	Rural
3	Akkar	Hana' & her sisters	Group	Repeated assaults	Police Lebanese notable Community members	Rural

The second phase of the research was conducted in 2018 in the context of a project to improve livelihoods and access to protection for vulnerable people in Akkar and the Bekaa. The project included a training and follow-ups with 30 community mediators, 16 in Akkar and 14 in the Bekaa. The training covered varied topics ranging from conflict analysis and conflict resolution tools to introduction to human rights and referral pathways. One day of follow-up per group was dedicated to discussing the experiences and challenges they faced during their interventions. The research relied on the reflection sessions with the two groups and the collection of case studies. A total of nine individuals were interviewed for the three case studies (Cases 4, 5, and 6), and included the community mediators, parties to the disputes, and third parties witnessing the disputes or interventions.

	AREA	CASE STUDY	SEX OF PRIMARY PARTY	TYPE OF CASE	INTERVENTION BY	PLACE OF RESIDENCE IN SYRIA
1	Akkar	Ahmad	Male	Water dispute with neighbour	Community mediator Baha'	Rural
2	Akkar	Mohammad	Male	Marital dispute	Community mediator Rabie	Rural
3	Akkar	Nader	Male	Land dispute between the <i>mukhtar</i> and local resident	Community mediator Suha	Rural

¹¹ Case studies marked with asterisk (*) are not included in this report although they informed the analysis.

Recommendations to organisations working on protection and peacebuilding in communities hosting refugees

- A.** Interventions supporting informal justice, like strengthening community mediation and support mechanisms, need to invest in a comprehensive selection process to identify individuals with existing social capital and a commitment to support their communities on a voluntary basis. A mixed approach to selection, including gathering recommendations from community members and interviewing prospective community mediators is recommended.
- B.** Programmes need to involve skills training on multiple tools and approaches including mediation, arbitration and referral, as well as improve community mediators' awareness of refugee and women's rights. Short-term trainings on specific skills and referral pathways need to be combined with longer-term interventions promoting respect of human rights principles.
- C.** Training follow-ups and reflection sessions prove useful for learning from practice—both from one's own experience and from peer community mediators. Sessions on referral pathways, especially to legal aid and SGBV services, need to be integrated into the programmes. Connecting mediators to existing initiatives on social stability and protection in the community expands the social capital of mediators while creating opportunities for addressing structural problems which may be at the heart of individual disputes.
- D.** Organisations should monitor the quality of the informal justice interventions and collect feedback from the parties in the dispute following the intervention of a community mediator. Monitoring should also keep track of such unintended outcomes as mediators using their strengthened position in the community for political campaigning, fundraising, or acting contrary to human rights principles. Regular data collection and analysis makes it possible to introduce adaptations to the programme in a timely fashion to minimize the risks associated with support to informal justice.
- E.** Interventions should consider supporting the formation of mixed teams of community mediators: male-female teams, in cases of family disputes, mixed nationality teams in case of disputes between Lebanese and Syrian parties.
- F.** Social stability and development programmes should increase opportunities for building relationships between members of the Lebanese and Syrian communities of different backgrounds and positions of power, particularly for adult men and women. The aim of these activities should be to bolster the networks of Syrian refugees and to expand their circles of acquaintances from which they can seek support. As the case studies have shown, social capital and networks are the first entry point for managing conflicts, claiming rights and seeking justice, and need to be expanded and strengthened.
- G.** Besides supporting informal justice, international organisations should increase support to Lebanese and Syrian organisations providing legal aid to Syrian refugees. Legal aid needs to adopt a holistic justice approach that combines raising the awareness of refugees on their rights in Lebanon, providing legal consultations, mediation, arbitration, and other forms of informal interventions in addition to supporting those trying to seek justice through the legal system. Legal aid providers need to make sure that refugees understand the costs and implications of getting into the formal system. Financial support to refugees seeking justice through the judicial system should cover all costs of the process including transportation, medical examinations and additional lawyer wages for lengthy and complicated cases.

- H. Aid organisations need to have a working system for refugees to file complaints. Complaint systems should have multiple points of access, prompt response mechanisms, improved monitoring by senior management and a follow-up process including sharing information on the results of the filed complaints.
- I. The media should play a constructive role in empowering Syrian refugees to claim their rights. Media can disseminate information on the rights of refugees, the legal procedures they are required to follow in Lebanon, and on entry points to seek justice.
- J. Organisations should advocate for easing restrictions on the mobility and legal residency of Syrian refugees, as these measures make them vulnerable to exploitation and limit their access to the formal justice system.

CASE STUDY 1: IF ALL ELSE FAILS, RESORT TO THE MEDIA¹²

Mayada, a Syrian widow over fifty, arrived to Lebanon with her young adult sons and daughter in July 2012 to flee the war. She had lost her business in Syria, her primary source of income. Mayada had friends in southern Lebanon who welcomed the family and provided support early on. In 2013, following the security clashes that erupted in Saïda,¹³ the family decided to move to a different social and political setting, opting for a predominantly Christian area to the north because they felt uncomfortable in the south.

Throughout their stay in Lebanon, even though they moved from place to place, Mayada and her daughter experienced a series of incidents, which they believe were based on discrimination due to their nationality and refugee status.



One evening, Mayada parked her Syrian-plated car in the Clemenceau-Hamra area in Beirut. Upon her return, she found its windows smashed and windshield broken. Evidently for her, it was an act of vandalism. She asked around if anyone had witnessed the incident but was unable to collect any evidence. Some responded that similar incidents targeting Syrian-plated cars parked on that same street have been recurrent. They suspected that some members of a political party governing the neighbourhood may be involved. Mayada tried to report the incident to a police station, but was told the area was beyond its jurisdiction and referred to another station. Mayada did not follow through with the process and press charges, partially because she did not want to go through the trouble of visiting another police station. She also felt that there would be no accountability, so she decided to pay for the repairs and forgot about it.

¹² Based on an interview with a Syrian woman and her daughter in a Beirut coffee shop on 25 May 2016, and an informal interview with her Syrian colleague at her workplace on 26 May 2016.

¹³ In reference to clashes involving Ahmad Al-Assir in 2013. For further details see The Daily Star, Assir's transformation from preacher to notorious outlaw, 17 August 2015. <http://www.dailystar.com.lb/News/Lebanon-News/2015/Aug-17/311402-assirs-transformation-from-preacher-to-notorious-outlaw.ashx>

This decision was also the result of a previous experience with pressing charges in Lebanon, an event that left her yearning for justice. Her bag had been robbed a month earlier in Bourj Hammoud, and she had reported and followed the case from one police station to the next. Even though she went through the process of identifying the suspects, she never knew the outcome of the investigation. Given that she never got her stolen money back, she considered that justice had not been served.



The only time Mayada felt that her complaints had some effect, was when she worked with a local NGO that trained women to produce handicrafts and organised fairs to sell their products. According to Mayada, the women were supposed to get a share of the revenues from the exhibition sales, yet they never did. In addition, they had to sign a paper stating that they had received money to cover transportation costs but were then told they would not receive the full amount because they lived nearby. Mayada suspected that two young female workers had stolen the money. Another participant also reported inadequate payment of transportation and distribution of sales revenues. The NGO staff leading the project was also condescending, repeatedly insulting the beneficiaries.



The women first complained to the NGO's director who took no action; instead, he defended the workers excusing their behaviour with a lack of experience. The women then took the matter to a UN staff member involved with the project; the staff member could not fix the situation because the workers in question had strong connections. Finally, the women threatened the NGO director that they will go to the media with their story, exposing the NGO for maltreatment and theft. The threat worked, and as a result one of the employees was immediately fired. Even though the other employee stayed at the job, a new supervisor was assigned to the NGO centre and has been doing a great job. Mayada and her colleagues, however, never received compensation for their work and have since stopped participating in the organisation's activities.

Mayada and the other beneficiaries did not resort to the legal services that other NGOs offer Syrian refugees because she was not convinced that the process would grant them their rights. Mayada is a strong, assertive woman hailing from the urban middle-class in Syria, and is clearly adamant to pursue what is rightfully hers. She had initially expected the Lebanese justice system to guarantee rule of law, but this idealized image did not last. Voicing her disappointment, she often repeated that the legal process is ineffective, and accountability is not within reach.

CASE STUDY 2: LOCAL MEDIATION DESPITE LOSS OF STATUS¹⁴

Fayza is a seventeen-year-old Syrian refugee woman hailing from a Bedouin tribe that has been living in Lebanon for four years. Fayza and her family are not registered refugees with UNHCR. Three years ago, at the age of fourteen, Fayza married a seventeen-year-old Lebanese man of Syrian origins and moved to live with his family in Zahle, in the Bekaa region. She got divorced two years later, not having had children, and moved to live with her parents in an informal tented settlement in Akkar.

During her marriage, Fayza was not happy. She was burdened with domestic work and was not only serving her husband but his entire family too. According to her mother, her husband and in-laws sometimes beat her, which affected her health. Marital problems continued to escalate, and during their first year of marriage, she left her husband's home and moved in with her parents for three months before she returned again, hoping the situation would improve. It did not. Two years later, Fayza requested a divorce, but her husband rejected it. She took matters into her own hands, abandoned him, and went back to live with her parents in the settlement in Akkar.



¹⁴ Based on interviews conducted on 27 May 2016 with three Syrian refugees residing in Lebanon, a man and two women. The interview with the Syrian man was recorded. The interviews were in Arabic and took place in their homes.

Fayza's husband started calling and threatening her family. He used his network and connections with the local police to accuse her family of "kidnapping" his wife. At the same time, news concerning another woman who fled her parents' house with a man and presumably moved to the same informal tented settlement was circulating. The police was on the lookout for her, and somehow the two cases became entangled, and misidentifying Fayza became a real threat, adding to her fears. The family received more threats and considered moving away from Akkar to protect the daughter. Their neighbour in the settlement informed her brother Farid of the situation and asked for help.



Farid is a respected figure in another informal tented settlement where he lives with his family in the same area of Akkar. He is a well-known, influential, middle-aged man, trusted and respected within his Syrian clan. He is nicknamed 'al-mukhtar,' meaning "the mayor," in homage to the role he plays in resolving disputes within his clan and for the status he held in Syria. Farid used to be a member of the municipality in his Syrian village before he moved to Lebanon in 2013 when the violence became a threat to his family. He is also related to Lebanese citizens of Syrian Bedouin origins who were granted citizenship in 1994.

Upon the request of his sister, Farid intervened, especially that he had a good relationship with the husband's uncle going back to their time in Syria. Resolving the issue meant going to Zahle, but he was uncomfortable making the trip as he did not have legal residency documents. Farid says, "I postponed the trip until I could go with a military man from Akkar who was serving in Zahle and was familiar with the military checkpoints along the way. I was afraid to go alone." He also could not afford the cost of transportation because of his financial situation in Lebanon. Fayza's family had to cover this expense. Farid explained that had this happened in Syria, he would have never accepted money for transportation, but he had no other choice in Lebanon: paying out of his own pocket would have meant depriving his children of basic sustenance. He felt obliged to ask for the money.

He stayed one night with the uncle of Fayza's husband who was very hospitable. Fayza's father-in-law began the discussion by



demanding reimbursement for the wedding expenses he had paid and the dowry of 4.5 million Lebanese Pounds (LBP). Fayza could not afford to pay that money, but wanted to give back the gold earrings gifted by her in-laws in accordance with divorce customs. She also accepted to forgo her mu'akhar, the sum to be paid for the woman by the man in the case of a divorce under Islamic law. Upon Farid's intervention and given his status, relationship with the husband's uncle and the trouble he took to come all the way to Zahle, the husband's family accepted the divorce and even refused to take the gold earrings Fayza had returned. Although it was performed by a religious sheikh, the marriage was not registered, and the divorce required no legal process. Fayza and her ex-husband only needed the matter to be clearly settled.

Fayza's family was grateful to Farid. Her mother explained that "had it not been for the mukhtar's efforts, we would have had more problems and paid more money."

Besides his status in Syria, Farid had managed to weave a considerable network of social relations, making use of his social tact and connections with his Lebanese relatives on his mother's side. As one Lebanese neighbour states, Farid is both "special and respectful."

This social network, however, did not provide support in other instances. Despite his social ranking and the role he assumes, Farid was both insulted and attacked by the security guards of a UNHCR centre in a nearby village. He described how the security personnel attacked him when he complained about the way they treat refugees to one of the UN staff. The security personnel overheard the complaint and beat him as he was leaving; the incident was witnessed and, he assumes, documented by UN staff. He received an apology but does not know if anyone followed up on his complaint. He expressed that being mistreated by the security personnel is a recurring offense to and a complaint by the refugees.

On the day of our visit to the settlement, Farid invited us to lunch along with his sisters and relatives given that it was the last Friday before Ramadan. The humble meal was an attempt to continue a tradition long practiced in Syria, despite the limited resources, in which the eldest in the family invites his relatives over to lunch on that day. In the messages he sent us after the interview, Farid repeatedly invited us to visit again with our families. More than the loss of status, he lamented the loss of his social circle. "I really like to have people over," he said, "but unfortunately here in Lebanon my visitors have become too few."

CASE STUDY 3: MANY INTERVENTIONS TO DETER ONE THUG¹⁵



¹⁵ Based on interviews from 27 May 2016 with two Syrian refugee women who were interviewed together, a Syrian refugee man, and a Lebanese religious figure. All reside in the same village. The interview with the Syrian women was recorded, as was the interview with the Syrian man. Interviews took place in the homes of the individuals concerned and were conducted in Arabic.

A Lebanese man in his thirties caused trouble for many Syrians in one of the villages in Akkar. It took several interventions to deter him. Hana' recounts several incidents of theft harassment, instigating fights and causing physical harm to Syrians. She explained how one night, for example, he arrived with two men to the building in which she lives very late at night, calling on the women to come down and meet him, trying to force himself as a "visitor". No one had the courage to say anything to him that night, and residents kept their silence and stayed indoors until he left. She also recalled another incident in which he coerced her brother to get off his motorcycle, then proceeded to steal it. This was only one of many motorcycle thefts she had witnessed him carry out, and remembered the time when he stole the motorcycle of a Syrian man who had a limp, forcing him to walk back home.



A more serious incident she recalled involved her and her second brother Samer. One afternoon, the man attacked them in the school where they both teach after he repeatedly called and harassed Samer's wife. He instigated a fight with Samer, beat him, and threatened to burn down the school. Hana' called an NGO employee in charge of the school who advised her to send the kids home for the day and did nothing more.

Farid, from the neighbouring settlement, corroborated the story and shared yet another incident involving the same man. One night, the man came to the settlement in which Farid and his son live and slapped Farid's son several times. Both Hana' and Farid claimed that the police could do little to deter him, adding that they approached people in the village who had some influence over him, including the man's brother and cousin. Hana' relates that speaking with the man's brother proved to be of some use for a day or two, but then he would seek retaliation, returning with more accusations and threats against whoever reported him. Farid also recounts that when he approached the man's cousin he was told that many complaints were raised about that person and little could be done to stop him. "The issue is," Farid said, "if you ever have a problem with one of the thugs, every thug in the village will come and support him." Being refugees they could do very little.



Eventually, Farid resorted to the sheikh in the village mosque hoping that he could find a way to intervene. It turned out that one of the regular visitors to the mosque was the man's relative and a key figure in the village. When the sheikh relayed Farid's concerns to the relative, he understood that his interlocutor was aware of the man's repeated transgressions. Somehow, this intervention, or perhaps the accumulation of repeated interventions from different individuals, seems to have stopped this man from committing more harm, at least thus far. The sheikh, resident of the village but originally from elsewhere, explained that within villages in the Akkar region, tribal and family connections are key, adding that Syrians have limited access to the connections that the Lebanese have.



He also said that he usually tries to stay away from such interventions, even though he is often asked to play a role in marriage and divorce disputes involving both Lebanese and Lebanese-Syrian couples. He did say that if too many complaints are relayed to him on a specific topic he then tries to raise the issue in his sermons. One such issue he addressed in a sermon concerned the unjustifiably high rents that Lebanese landlords are requiring Syrians to pay. He also said that he was repeatedly asked to support aid work but declined out of fear that such engagements would tarnish his reputation. More often than not, involvement in local aid work is linked with perceived corruption.

As if confirming this claim, Hana', whom we interviewed separately, complained about sexual harassment coming from a sheikh involved in aid work. She described how she and other members of the family have had unwelcomed sexual advances from him. She believes that because she turned him down, the aid share she received was a fraction of what should have been allocated to her.

CASE STUDY 4: LEAKING WATER TANK CAUSING STRIFE¹⁶

In 2018, during the month of Ramadan, Baha' returned from a trip abroad to an informal camp that hosts 10 Syrian refugee families in the north of Lebanon.¹⁷

Bahaa is known as "sheikh" in his community, a title that signifies not a role in religious institutions, but a sign of respect that he gained in the village. This forty-one-year-old Syrian man is also an activist working to support Syrian refugees in Lebanon. Ahmad, an elderly camp resident in his sixties, came to visit Baha' one day. Unemployed and unable to work due to his age, he relies on aid to live and resides with five other family members in the camp. Ahmad complained about a new neighbour who had recently settled near the camp. Ever since he moved, camp residents have faced a severe shortage of clean water. Two weeks before the new neighbour moved in, the camp had already started running out of water, as only one of the water tanks installed in the camp was functional. Ahmad described

¹⁶ Based on interviews with the mediator trained by International Alert, a party to the conflict and a third-party present during the dispute resolution. The interviews took place on the 4 July 2018.

¹⁷ All names used are not the real names. The exact location of residence or the area where the incidents happened are intentionally left vague to protect the people involved.



to Baha' what made the situation unbearable: "Fasting during Ramadan in the summer without water is causing a lot of irritability," he said, "there is a big conflict in the camp." Ahmad and half of the camp's residents were angry with the new neighbour. The purpose of Ahmad's visit became clear: he would like Baha' to intervene as a third party to solve the problem. Baha' was recently trained in mediation as a method for collaborative dispute resolution and had previous experiences intervening as a third party both in Syria and Lebanon. He had been a point of reference in the community for conflict resolution and was known for being impartial. After he finished listening to Ahmad's version of the story, Baha' decided it was important to listen to the second party in this conflict, and offered to intervene and help solve the dispute. On the second day, Baha' went to visit Afif, the new neighbour. An elderly unemployed Syrian refugee, Afif seemed to live in an even more precarious financial situation than the rest of the camp's residents. He had recently moved to the region with nothing but a piece of wood and a tent that he installed near the camp. He asked for and received the help of one of the residents, which is how he got access to water and electricity. The neighbour connected him to the only functional water tank in the camp. Afif was upset and felt that residents of the camp did not like him. But he did not understand why they were opposed to having him live nearby, would not help him, and did not want to share the water with him. Baha' observed that Afif did not have the adequate equipment to receive water from the tank, which caused the water ejected into his barrel to spill on the ground and go to waste.



Baha's next move was to meet with the resident who helped Afif. The man expressed his anger towards the camp's residents for their opposition to the help he wanted to offer Afif. Baha' was accepted as an impartial and neutral third party by everyone involved. He listened to the different sides to the story in separate meetings. "The essence of the dispute is miscommunication," Baha' explained, "Afif and his neighbour thought that the camp's residents were protesting against Afif's move next to camp, but in reality the conflict was only related to the water shortage in the camp." The residents were divided between those who wanted to help Afif and those who did not want to help at their own expense.



Baha's mediation ended in agreement that cleared the misunderstanding. A valve that stopped the water from overflowing when the barrel filled up was installed, which prevented any water from going to waste and limited the risk of water shortages in neighbouring tents. Ahmad reveals that he "would have looked for another third party to solve the problem" had Baha' not intervened. Baha', whose training is not only limited to mediation but extends to referrals, intervened by employing both approaches to solve the issue. Besides mediation, he referred the case to an international organisation that agreed to install new water tanks for all households in the camp.

CASE STUDY 5: MARITAL DISPUTE "RESOLVED"

AGAINST THE WOMAN'S WILL¹⁸

Rabie, a Syrian refugee in his fifties, works in an electronics shop in north Lebanon and volunteers in his free time with international organisations to help his community.¹⁹

One day in November 2017, he received a phone call from his nephew Mohammad, a recently married twenty-two-year-old Syrian refugee. His seventeen-year-old wife, Lina, is also a Syrian refugee. While eight-month pregnant, Lina left him to live with her parents. She gave birth at one of the hospitals contracted with the UNHCR.²⁰ Mohammad told Rabie that they have been fighting because of her parents who keep intervening in their marriage and want her to leave him. He also feels that they come from different backgrounds; he is a little conservative while she is more "westernized."

¹⁸ Based on interviews with the mediator trained by International Alert, a party to the conflict and a third-party present during the dispute resolution. The interviews took place on 4 July 2018 and 18 July 2018.

¹⁹ All names used are not real. The exact location of residence or the area where the incidents happened are intentionally left vague to protect the people involved.

²⁰ Hospitals contracted with UNHCR admit Syrian refugees for medical assistance. Hospitalization costs are partially covered by UNHCR; the percentage changes depending on the medical case.



Mohammad called his uncle, following a call he received from his father-in-law Wadie. Wadie demanded from Mohammad to take the newborn, pay the hospital fees and divorce Lina. Although Lina had given birth in a UNHCR-contracted hospital and only had to cover 25% of the hospital bill, the amount was still unaffordable for a refugee. Rabie, who was requested to intervene, called Wadie to understand his side of the problem. He listened to Wadie and Mohammad but did not talk to Lina—her father was supposedly representing her in accordance with the cultural tradition of the family.



The father insisted that Mohammad should divorce Lina and take financial responsibility for the newborn girl. In Wadie's logic, the divorce had to happen because Mohammad did not own a house and lived with both Lina and his mother in a warehouse. Furthermore, as a displaced grandfather, Wadie did not want to assume the financial responsibility of a new-born baby. No sooner was the baby born that he gave it away to Mohammad, not allowing Lina to see it.

Mohammad wanted to reach a solution to end the dispute, whether through divorce or the return of his wife. With Rabie's support, Mohammad and Wadie came to an agreement: Lina and Mohammad would divorce and Mohammad would take custody of the baby. For his part, Wadie would cover the outstanding balance of the hospital bill. At no point during the intervention did Rabie reach out to Lina.



A couple of months later, as Rabie was attending training on conflict analysis and mediation techniques, he received a call from Lina. She was not happy with the solution her father and husband reached without her, and asked Rabie to intervene so she returns home to her husband and daughter. Rabie agreed. He explained that he “made the effort to be perceived as a fair, neutral and impartial mediator despite the existing family ties with Mohammad,” and was accepted as an impartial third party. He resorted to techniques in listening and communication and held separate meetings with the parties before reaching a new agreement.

According to Rabie, the essence of the problem is twofold: the father forbade his daughter from reuniting with her husband, while Lina was upset with Mohammad’s mother for meddling in their marital life. With the help of Rabie, it was decided that Lina would return to her husband and daughter with the approval of her father.



This solution, however, did not last. Lina and Mohammad fought regularly until one day Wadie came to their house, beat Lina and took her back. According to Rabie, mediating the dispute was challenging, and the attempt to find a sustainable solution ultimately failed because of the relentless interference of Lina's parents. Two complications limited the intervention's chances of success: first, Rabie's family ties with Mohammad and second, the gender-based violence to which Lina was subjected by her father. Cases of gender-based violence required a different type of intervention. When Lina was assaulted by her father, Rabie did not recognise the need to involve organisations that support SGBV cases. He had not been trained to identify these cases and refer them to specialists; it is also likely that he was intuitively siding with the men.

Rabie referred the case to Subhi, a religious figure who intervened as a third-party arbiter. Subhi ruled in favour of divorce three days following the Eid holiday. Again, Lina was not consulted and did not win custody of her daughter. Marriage, divorce and custody issues are regulated by the personal status laws of Lebanon's religious communities. In case of divorce, the mother usually has the right to custody of her children up to a certain age. A handful of organisations provide legal assistance to women on personal status issues. Community mediators need to be aware of the available support and refer such cases to legal aid providers and SGBV support.

CASE STUDY 6: LAND DISPUTE WITH CONFESSIONAL UNDERTONES²¹

In winter 2018, Habib called his close friend Nader and threatened to burn down the church in his Bekaa village. Habib has been threatening Nader daily. He insulted Nader and all the Christians in the village, threatening even to steal the church bell. He blamed Nader's Christian village for the injustice he suffered. Nader is a retired Lebanese military man. He is a known figure in his village, the deputy director of a local NGO, and the village mukhtar.²² He explains that his role obliges him to "maintain a good distance from all villagers across confessions." Nader decided to ask an old friend for help to put an end to this dispute before it escalated into confessional tension in the region.

Nader wanted the intervention of a third-party who is both neutral and impartial. However, he did not want to ask a stranger to intervene in a dispute with his friend. He contacted Suha, a veiled Lebanese woman in her fifties and a mutual friend of Nader and Habib. The three of them were part of a group that went out to family dinner parties.



²¹ Based on interviews with the mediator trained by International Alert, a party to the conflict and a third-party present during the dispute resolution. The interviews took place on 29 July 2018.

²² *Mukhtar* is an official title given to an elected figure in a village. The *mukhtar* has limited administrative responsibilities.

Suha works as a French bakery trainer and volunteers with different organisations. Different agencies trained her in collaborative dispute resolution. When she heard Nader's story she went to Habib to offer help, and listened to his side of the story. She organised several individual meetings with both parties, then two group meetings.



Suha understood that Habib wanted to be reimbursed the 25 thousand US dollars he had paid for a plot of land he never acquired. He blamed Nader and all the Christians in Nader's village for his financial loss. He had wanted to buy land in the village and become Nader's neighbour, so Nader introduced him to a local broker. The broker helped Habib identify a plot of land worth 50 thousand US dollars, which Habib decided to buy and pay for in instalments. When he had to leave Lebanon for a few months, Habib did not want to keep his money in the bank, so he asked his close friend Nader to keep his money while away.

This was when a miscommunication occurred, according to Suha. On one hand, she explained, Habib claims that he wanted to leave the money with Nader instead of depositing it in the bank. On the other, Suha continued, Nader claims that Habib asked him to use the money to pay the instalments owed to the broker.



When Habib returned to Lebanon, he discovered that all the money he left with Nader had been given to the broker. He decided to register the land he bought in his name given that Nader had already paid the broker more than 50% of the land's price. At this point, Habib was surprised to learn that the owner of the land was not aware of the agreement made with the broker, and that it was impossible for him to register the land in the official land registry given that he did not buy it from its owner. The broker, who had pocketed all the money, refused to answer Habib's calls.

Habib was furious and accused Nader of being the broker's accomplice. He reasoned that since his friend led him to the broker, who like Nader is Christian, then he must have been on it. Nader, however, explains that his only crime was "introducing two people to each other."



The dispute was solved after six months of meetings between the relevant parties. The solution reached was considered "fair" and acceptable by both parties. Nader and some of the village residents collected the sum Habib had paid the broker. Although Nader had to take a 4,000 US dollar loan from a local group that generates illegal profits through loans, he considers the solution to be necessary and fair as it prevents tension between the different confessions in the region from mounting.

The financial dispute was settled but the emotional one is ongoing, according to Suha, as Nader and Habib are no longer friends. Suha explains that the dispute is not completely resolved and that she will continue to work on it. The broker was never taken to court, nor punished for stealing Habib's money.

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