**PCS-435 Alternative Dispute Resolution 03 Credit Hours**

**(Foundation Course)**

ADR [Jirga/Dispute Resolution Council]: Jirga/Panchait/Elders Council is conducted to settle disputes among the people with a primary purpose to prevent or end conflict/violence according to the dictates of local culture and the local social fabric and hierarchy. The **Dispute Resolution Council (DRC)** is an alternate dispute resolution mechanism launched by the provincial police legislations/regulations to help resolve petty disputes, mostly of civil nature, amicably through a free and speedy procedure. In DRC community members act as a jury and are chosen from civil society, they volunteer to hear disputing parties in the presence of two assisting officials from the police department.

**Learning Objectives**

1. To make students about informal and alternative dispute resolution.

2. To create a debate on ADR as a time test and economical way for the existing burden on judicial system and executives (Prison)

**Course Contents**

1. Introduction to Alternative Dispute Resolution

· Definition and principles of ADR.

· Contrasting ADR with traditional litigation.

· History, Nature, and procedure of ADR

· *Jirga*/Dispute Resolution Council], Dispute Resolution Council (DRC) *Jirga/Panchait*/Elders Council

· The Comparative cost effectiveness and accessibility to the local justice through ADR in different world societies

2. Types of ADR Processes:

· Mediation: Principles, techniques, and stages.

· Arbitration: Differences between mediation and arbitration, arbitration agreements, and enforcement of arbitral awards.

· Negotiation: Strategies, tactics, and ethical considerations.

3. Cultural and Contextual Considerations in ADR:

· Understanding how culture, religion, and societal norms influence ADR processes.

· Tailoring ADR techniques to specific cultural contexts.

4. Legal Framework for ADR:

· Overview of national and international laws governing ADR.

· Examination of ADR statutes, regulations, and case law.

· Parliament of Pakistan ADR ACT-2017

· Khyber Pakhtunkhwa ADR ACT-2020

· Khyber Pakhtunkhwa Police ACT 2017 (With DRC Provisions)

5. Roles and Skills of ADR Practitioners:

· Role of mediators, arbitrators, negotiators, and other ADR professionals.

· Skills required for effective ADR practice, including communication, empathy, and neutrality.

6. ADR in Different Contexts:

· ADR in family disputes: Custody, divorce, and inheritance conflicts.

· ADR in community disputes: Neighborhood conflicts, environmental disputes, and land disputes.

· ADR in international conflicts: Diplomatic negotiations, peace agreements, and cross-border disputes.

7. Ethical and Professional Standards in ADR:

· Ethical guidelines for ADR practitioners.

· Confidentiality, impartiality, and neutrality in ADR processes.

8. Advantages and Limitations of ADR:

· Comparative analysis of ADR versus traditional litigation.

· Assessment of the strengths and weaknesses of different ADR methods.

9. Case Studies and Practical Applications:

· Analysis of real-world ADR cases and their outcomes.

· Role-playing exercises and simulations to practice ADR techniques.

10. Institutional ADR Mechanisms:

· Overview of institutional ADR providers (e.g., mediation centers, arbitration institutions).

· Evaluation of the effectiveness of institutional ADR mechanisms.

11. Integration of ADR into Legal and Justice Systems:

· Challenges and opportunities in integrating ADR into formal legal systems.

· Hybrid approaches to dispute resolution combining ADR with traditional judicial processes.

12. Future Trends in ADR:

· Emerging technologies and their impact on ADR.

· Innovations in ADR practices and their potential to transform conflict resolution.

13. History, Nature, and procedure of ADR

· *Jirga*/Dispute Resolution Council], Dispute Resolution Council (DRC) *Jirga/Panchait*/Elders Council

· The Comparative cost effectiveness and accessibility to the local justice through ADR in different world societies

14. Space for Mediation in Peacebuilding, training Mediators

· Creating space for mediators with judges, elders, and civil society

· Formal and informal ADR

**Required Readings**

· Bangash, Dr. M. (2011). “*Jirga; Speedy Justice of Elders*.” Khyber. Retrieved from

· <http://www.khyber.org/culture/jirga/jirgas.shtml>. “*Between the Jirga and the Judge: Alternative Dispute Resolution in South-eastern Afghanistan*.” The Liaison Office, USIP. www.usip.org/files/file/jirga.

· Kakar, P. (2011). “*The Tribal Law of Pashtunwali and Women’s Legislative authority*.”

· Harvard Law School. http://www.law.harvard.edu/programs/ilsp/research/kakar.pdf

· Khan, K. S. (2013): *Pakhtun Portraits: Questioning Mainstream Discourses in Post 9/11 Pakistan. Conflict, Security and Development* (under Revision).

· Yousufzai, H. M., and Gohar, A. (2005). *Towards Understanding Pukhtoon Jirga: Anindigenous way of peace building and more*… Peshawar: Just Peace International.