



# Customary Courts, State Institutions, or Opting Out: Patterns of Forum Pluralism in Three African Countries

Patricia Funjika and Lauren Honig

Working Paper No. 76  
2025



Cornell Brooks  
Public Policy



UNIVERSITY OF  
GOTHENBURG

**Customary Courts, State Institutions, or Opting Out: Patterns of Forum  
Pluralism in Three African Countries**

Patricia Funjika \* and Lauren Honig †

Tuesday 10<sup>th</sup> December, 2024

---

\*Economist, Bank of Zambia; Research Affiliate, Southern African Institute for Policy Analysis and Research (SAIPAR), Lusaka, Zambia. Email: patricia.funjika@gmail.com

†Associate Professor, Boston College, Massachusetts, United States of America. Email: lauren.honig@bc.edu

## **Abstract**

Human security and economic development require access to conflict resolution forums, making them a critical governance service. Yet, state governments are not the majority provider of dispute resolution in many countries. We draw on a sample of 5,000 disputes from the 2019 Local Governance Process Indicators (LGPI) survey to study the impacts of forum pluralism in peri-urban and rural Zambia, Malawi, and Kenya. Contrary to expectations that customary forums substitute for the state, we show that the greater multiplicity of forums in a community is associated with increased use of dispute resolution services. However, status within customary and state forums also has a significant impact on forum choice and, therefore, which norms of justice govern individual citizens. We also find certain groups, particularly women and individuals with low status in customary forums, are less likely to seek any dispute resolution. Proximity to the state's courts consistently impacts the likelihood of using them, highlighting the importance of ease of access on forum choice. Overall, the findings show that, even as the prevalence of customary forums increases access to a vital governance service, policymakers must pay careful attention to which groups remain under-served and excluded from equal access to conflict resolution.

**Key Words: Dispute Resolution, Conflict Resolution, Africa, Chiefs, Local Government, Forum Shopping**

## Acknowledgements

The authors thank Ellen Lust, Alesha Porisky, Prisca Jöst, Kristen Kao, Karen Ferree, and participants at the 2022 Governance and Local Development Institute (GLD) Annual Conference and the July 2023 Southern African Institute for Policy Analysis and Research (SAIPAR) seminar held in Lusaka, Zambia for helpful feedback. This research was supported by the Swedish Research Council (Social Institutions and Governance: Lessons from Sub-Saharan Africa, 2016-01687, PI: Ellen Lust, and Recruitment Grant, E0003801: PI Pam Freeman) and FORMAS (The Governance Challenge of Urbanization, 2016-00228, PI: Ellen Lust). The Malawi Institutional Review Board (IRB) and the University of Zambia Humanities and Social Sciences Research Ethics Committee IRB approved the research in this article. In addition, this research followed the Swedish Data Services regulations and guidelines for research ethics.

# 1 Introduction

Strong property rights, peaceful communities, and basic human rights protections are all rooted in effective dispute resolution. Dispute resolution is, consequently, at the heart of good governance. While it is a core state service and contributes to the rule of (state) law, conflict resolution is not solely the domain of the state. Instead, citizens throughout the world turn to religious leaders, political party representatives, *qadis* (Islamic judges), secret societies, clan or village chiefs, village elders, and other customary authorities for dispute resolution (Belge and Blaydes, 2014, Lazarev, 2019, Kobusingye et al., 2016, Kao, 2022). Even within the same communities, individuals may turn to different authorities or intermediaries for assistance in resolving their disputes. By selecting among multiple dispute resolution forums, members of the same communities draw on distinct judicial institutions. For better or worse, such forum pluralism allows community members to be subject to different forms of justice.

As a result, where forum pluralism exists, how citizens choose forums, and who is excluded are critical questions for the design of inclusive and equitable policies. This is particularly true in weak administrative states with strong social institutions that provide key services to citizens. On the one hand, the existence of multiple forums may reduce confidence in both state and non-state dispute resolution services, dampening citizen engagement. On the other hand, forum pluralism may increase citizens' access to dispute resolution services, providing greater opportunities to seek justice.

We draw on evidence from over 5,000 disputes in Zambia, Malawi, and Kenya to show that citizens living in communities with more forum pluralism were more likely to obtain help with their disputes. Respondents in communities with more unitary, or less fractionalized, conflict resolution institutions were less likely to obtain dispute resolution services, even among communities with similar dispute prevalence. Furthermore, we show that forum choice is a function of status within institutions, ease of access to the state's lowest level courts, and dispute type. For example, respondents with lower status in customary institutions, proxied by the lack of kinship with the village customary authority (CA), were both less likely to use customary forums and less likely to obtain

help in any forum. Therefore, these results provide a point of caution for the finding that forum pluralism is associated with increased access to dispute resolution; some groups had systematically lower rates of dispute resolution forum use, regardless of whether the context had multiple options.

The three-country sample provides insights into patterns that cross state boundaries. These three countries share the common legacy of British colonial institutions, imposed on diverse constellations of pre-existing political and judicial institutions. All are new democracies with competitive, but flawed, multi-party elections. Yet, the strength and autonomy of their state and customary institutions varies greatly, with Kenya's systems of customary elders playing a more limited role in contemporary governance ([Helbling et al., 2015](#), [Nyamweru and Chidongo, 2018](#)) relative to Malawi and Zambia's autonomous chiefs (See, e.g., [Chiweza \(2007\)](#), [Baldwin \(2016\)](#), [Dionne \(2017\)](#), [Ferree et al. \(2023\)](#)).

Our research draws on a sample of 5,264 disputes reported by 4,216 households in the Local Governance Process Indicators (LGPI) 2019 household survey (23,954 respondents total). These disputes range from disagreements over core economic resources such as water and land, to marital conflicts, to theft or assault. To examine forum pluralism in the three-country sample, we construct a measure of the uniformity—or fragmentation—of the forums that respondents in the same communities engage with for conflict resolution. To our knowledge, our research is the first to examine the degree of effective forum pluralism as a community-level outcome, allowing us to study how the existence of multiple forums impacts inclusion and usage of dispute resolution services.

For policymakers, our results suggest that forum pluralism serves citizens by increasing their access to a key governance service, while also illustrating that neither statutory nor customary systems are effectively serving all citizen groups in these three countries. In recent years, hybrid state/customary judicial orders, such as the Gacaca courts in Rwanda, the Palava system in Liberia, and the Chieftom Land Committees in Sierra Leone ([Kpaka, 2021](#)) have been heralded as means of promoting peace by drawing on justice norms with popular legitimacy. Our findings suggest customary conflict resolution forums increase access to justice services, instead of crowding out the use of state forums. Yet, they also indicate that state policies recognizing or building customary judicial or-

ders must be mindful of the need to serve groups with lower status in the customary system, while also designing state judicial orders that serve groups with lower status in the statutory system.

The paper proceeds with an overview of our theoretical framework, an introduction to our dataset, and descriptive insights into the use of conflict resolution forums in Zambia, Malawi, and Kenya. Analyses of the prevalence of effective forum pluralism in the sample, the determinants of forum choice, and who opts out follow. The paper concludes with a discussion of the implications of this project for economic development, state capacity, and policy design.

## **2 Inclusivity and Plural Conflict Resolution Institutions: Access, Bias, and Costs**

The existence of multiple forums in which citizens may seek conflict resolution services is defined here as forum pluralism.<sup>1</sup> Whether everyone uses the same judicial institutions to resolve their disputes or turns to distinct forums for conflict resolution services may have a range of impacts, including on the salience of different authorities and institutions in citizens' lives. In this section, we provide the theoretical and empirical foundations for our central argument that forum pluralism fills a gap in justice provision but that, even with the increased opportunities to resolve disputes in multiple forums, some groups remain systematically underserved. An overall increased accessibility of conflict resolution services does not erase the impact of status on whether individuals obtain help in resolving their disputes (forum use) and whether the help they receive is provided by the state or customary authorities (forum choice).

The effects of forum pluralism remain an open question in literature, and one that is critically important given the presence of plural dispute resolution mechanisms in communities throughout the globe. Many scholars have highlighted how competition among

---

<sup>1</sup>This usage differs from forum shopping, which may refer to seeking help with *the same dispute* in multiple forums, a practice that is extremely rare in our data. Forum pluralism also differs slightly from legal pluralism because different forums may or may not implement the same laws.

authorities providing dispute resolution can undermine confidence in judicial outcomes and prolong conflict (Kobusingye et al., 2016, Helbling et al., 2015, Mwangi, 2010, Eck, 2014). For example, Eck (2014) draws on a dataset of 340 land conflicts in West Africa to argue that unitary jurisdictional systems have a greater capacity to generate security and enforce decisions than plural systems. Kobusingye et al. (2016) observe this dynamic in Uganda, arguing that legal pluralism has created confusion and increased land conflicts. In Kenya, Mwangi (2010, p. 716) describes how the existence of forum pluralism has weakened conflict resolution in Maasai regions, contributing to an “unending distributional conflict.” Similarly, Helbling et al. (2015) conclude that the existence of both state and non-state conflict resolution mechanisms weakens access to justice for land disputes.

However, existing studies of forum pluralism also highlight how alternatives to state courts and police benefit citizens by providing more options for resolving conflicts in their everyday lives. From Afghanistan to Mali to Indonesia, researchers describe how citizens turn to customary forums because they are less costly and more accessible than statutory forums (von Benda-Beckmann, 1981, Winters and Conroy-Krutz, 2021, Murtazashvili, 2016). This scholarship suggests an additive effect of forum pluralism, in which access to both statutory and non-statutory forums increases the overall pool of conflict provision services, as opposed to a substitution dynamic. For example, comparing municipalities with and without access to legal aid programs in Burundi shows that, even as legal outreach increased access to and engagement with municipal courts, it had no effect on customary forum usage (Chaar et al., 2022). This suggests respondents were turning to customary forums in addition to, not instead of, state forums. In Sierra Leone as well, the presence of a Chiefdom Land Committee (CLCs) did not reduce the number of disputes received by the formal courts relative to chiefdoms without CLCs; instead, Kpaka (2021) finds CLCs increased the caseloads in state forums.

Thus, the first hypothesis we test examines how forum pluralism in our three-country sample impacts access to a key governance service: conflict resolution.

**Hypothesis 1 (H1):** *Communities with a greater number of effective forums should have fewer members opting out of conflict resolution services than communities with fewer effective forums, even across communities with similar numbers of disputes.*



However, scholarship on forum pluralism and nonstate conflict resolution services highlights that all forums are not equally desirable or accessible to all members of a community. Examining forum choice in contexts with multiple forums helps disentangle the effects of forum pluralism on inclusivity by advancing our understanding of who is served by which institutions. Scholars have illustrated how forum choice is impacted by disputants' evaluations of their options, often comparing statutory forums to nonstate options, such as customary, informal, and community courts.

Studies of forum pluralism reveal a range of reasons why citizens with disputes may draw on customary over state forums. These reasons include the state platforms' relatively higher costs, slower speed of justice, nature of punishment, and language use, which may discourage some respondents if different from their indigenous tongue (Sanderfur and Siddiqi, 2013, Krakowski and Kursani, 2023, Kao, 2022, Helbling et al., 2015). Related to the nature of state punishment, Winters and Conroy-Krutz (2021) found that Malians in their study preferred traditional institutions to formal platforms because they were perceived to be more fair, implying that, in some situations, respondents may have established expectations of prejudiced judgments in state courts, undermining their utilization. This is consistent with characterizations of Zambia's Barotse/Lozi customary judicial institutions as compromise-oriented, conciliatory, and focused on maintaining community relationships (Gluckman, 1973). Citizens may avoid the more punitive logics of state justice provision, as Haq et al. (2023) note regarding citizens' preferences for *da-reemat* customary courts over state courts in Pakistan. In a similar vein, Kao (2022, p. 39) finds that focus group respondents in Iraq describe state forums as less restorative and attentive to preserving social relationships than customary ones.

Another set of explanations for opting out of state conflict resolution highlights the importance of relative distrust of different forums. Forum choice may be impacted by rent-seeking behaviour by state judicial officials (D'Aoust and Sterck, 2016) or elite capture of state institutions (Mwangi, 2010). In many cases, there are historical reasons for an absence of trust in state institutions. For example, during the apartheid era in South Africa, state courts were widely perceived as tools to enforce segregation, with the existing customary law relegated to the judicial margins (Grant, 2006). Furthermore, in

Nigeria, [Oba \(2002\)](#) notes the strong criticism by various actors of the colonial state's relegation of Islamic law as beneath common law. This dissatisfaction may contribute to a perpetuation of negative perceptions of official court systems and result in avoidance of the platforms, particularly by the Muslim population.

The above notwithstanding, scholars have also identified factors that increase usage of formal court systems, including desire for protection from violent offenders and marginalization in nonstate courts. For example, studies show that the presence of state forums increases access to justice for previously disadvantaged groups; for example, women in Istanbul ([Belge and Blaydes, 2014](#)) and Liberia ([Sandefur and Siddiqi, 2013](#)). State institutions may also be preferred because of their penal consequences for violent crimes, ensuring offenders are separated from the community ([D'Aoust and Sterck, 2016](#)).

At the individual level, both the biases of available forums and the costs of accessing them should impact forum choice. Judicial institutions, whether formally codified or continually negotiated, create winners and losers. Any institution may provide better outcomes to certain profiles of individuals and may be perceived by citizens as more effective in resolving certain types of disputes, impacting their willingness to engage. For example, if citizens believe their state's judges favor disputants with higher education levels, political and partisan connections, or financial resources, a strategic choice approach would anticipate that individuals without those attributes would be more likely to use alternatives to the state's forums. The favoritism and biases of conflict resolution forums may impact disputants' expectations of positive outcomes for their individual claims.

Scholars have provided many examples of institutional biases and favoritism impacting forum choice. This includes research demonstrating how women have strategically used forum pluralism to avoid unsatisfactory outcomes within social institutions, particularly dispute resolution governed by religious and customary authorities. For example, [Singh \(2014\)](#) describes how 19th century Jewish women in the Middle East turned to Islamic courts for land and divorce cases to obtain better results than their own religious institutions offered. In a more contemporary example, [Ndulo \(2011, p. 106\)](#) discusses the case of an ethnic Kamba woman who won her claim to her deceased father's estate in Kenya's High Court on the basis that the Kamba customary rules were discriminat-

ing based on her gender. Similarly, in Ethiopia, [Cecchi and Melesse \(2016\)](#) find gender discrimination within customary forums using lab-in-the-field games.

On the state side, perceived favoritism has been shown to undermine or boost usage, including biases stemming from respondents' race, gender, or social status ([Neitz, 2013](#), [Czapanskiy, 1990](#), [Arnold et al., 2018](#)). In the same vein, game-theoretic models of forum pluralism advance the expectation that different forums' biases shape who uses them, showing that citizens strategically opt out of forums that are less beneficial ([Aldashev et al., 2012](#), [D'Aoust and Sterck, 2016](#), [Sandefur and Siddiqi, 2013](#)).

To test whether the biases and favoritism of dispute resolution institutions impact access to conflict resolution services, we focus on indicators of status within customary and statutory institutions. If judicial institutions create winners and losers, higher status within the institution should increase disputants' expectations of winning, while lower status in that institution should do the inverse. The corresponding hypotheses are:

**Hypothesis 2 (H2):** *Individuals with higher status in a customary institution should be more likely to use customary forums.*

**Hypothesis 3 (H3):** *Individuals with higher status in a statutory institution should be more likely to use statutory forums.*

However, attributes that allocate status within an institution vary widely by context, making it challenging to operationalize this expectation. Based on existing scholarship on conflict resolution, customary authority, and state institutions, we focus on a few key predictors of status. In customary institutions, we examine higher status derived from being the kin of the local customary authority (CA), membership in the community's ethnic majority, and longstanding residency (non-migrants).

Kinship with CA has been used as a measure of status within customary institutions in Uganda, Zambia, Senegal, and Ghana ([Gochberg, 2021](#), [Honig, 2022](#), [Goldstein and Udry, 2008](#)). The logic of this approach is that CA's kin have higher social proximity to the leader of the institution, relative to non-kin. In addition, studies of ethnic favoritism ([Green, 2021](#), [Horowitz, 2019](#)) would anticipate that individuals who are coethnic with

customary elites should benefit from preferential outcomes in their dispute resolution forums. Members of the local ethnic majority are more likely to be coethnic with customary elites, share their practices, first language, and cultural norms. In addition, members of the ethnic majority should have higher status in their local customary institutions than minorities because their lineages are more likely to be considered 'insiders' or early residents in the community. Length of time in the village may also impact familiarity with customary institutions and social ties with its judges, in addition to other insider/outsider dynamics (Isumonah, 2003).

To approximate status in state institutions, we use measures of education and wealth. We expect authorities adjudicating conflicts in state forums will be more responsive and have a greater affinity with disputants with these attributes than poorer and less educated disputants. In addition, many state laws have historically privileged urban, literate elites, while the needs of poorer citizens have been unrecognized or unaddressed by the law, as seen in Malawi (Gloppen and Kanyongolo, 2007). Our education expectation relates, in part, to the lower English fluency among less educated citizens; English is the primary language of proceedings in these formal judicial systems (Kane et al., 2005, Gloppen and Kanyongolo, 2007).<sup>2</sup> While education and wealth may also be held in high regard by customary judges, we expect this to be a particularly strong source of status in state courts. This is consistent with Winters and Conroy-Krutz (2021)'s findings that poor Malian respondents were both more likely than non-poor respondents to expect the state's tribunal to be unfair and to anticipate a greater gap in fairness between state and customary forums than non-poor respondents.

Thus, to test whether status within customary institutions impacts whether disputants obtain help through customary forums, we examine kinship with customary authorities, length of time in the community, and ethnicity. We study the effects of status on whether disputants access help from state forums by considering education and wealth disparities.

Finally, we consider how the costs of access impact forum use and choice. Access costs include time and materials such as gifts, fees, and travel expenses.<sup>3</sup> For example,

---

<sup>2</sup>Relatedly, Helbling et al. (2015) note that being able to use a language understood by all parties is a fundamental advantage of customary forums.

<sup>3</sup>Social sanctioning and expectations of appropriate forums are also costs of access but are outside the

if the state's forums are more costly to access because their judges' offices take a full day to visit, relative to seeking help from a chief within one's village, disputants should be more likely to engage with the chief. Geographic proximity and associated costs might be exacerbated by administrative inefficiencies in state court systems. For example, [Crook \(2004\)](#) found that litigants in land claims in Ghana suffered significant delays in judgments, with 45% of respondents saying that they had filed their case more than two years before. Respondents were also required to attend court multiple times for adjournments for a variety of reasons, including no-show litigants and legal/procedural issues, with 40.9% attending a court session more than 21 times since the case began. In such cases, geographical remoteness from a formal court platform may act as a deterrent to usage. Therefore, to test the final hypothesis, we focus on one attribute that impacts the costs of access: geographic proximity.

**Hypothesis 4 (H4):** *The higher the costs of access to state forums, the less likely it is that disputants will use them. Disputants should be more likely to engage with the state's forums as the travel time to a state forum decreases.*

The rich literature on forum pluralism reviewed above has largely focused on single countries or communities, which offer as much similarity in contexts as possible. Yet, less is understood about patterns maintained between urban and rural contexts or across countries with distinct legal frameworks. Examining these dynamics within Zambia, Malawi, and Kenya provides new insight into the state of forum pluralism in the contemporary era and who it benefits or excludes. The analyses that follow will test whether forum pluralism increases access to conflict resolution services, whether some individual profiles are more likely to be served by certain forums depending on status and geography, and whether some groups remain under-served in any forum.

---

scope of this paper.

# Data and Background

## Data and Sampling

We use data from the LGPI 2019 household survey, which contains 23,954 individual household observations (Lust et al., 2019). The LGPI survey used a multi-stage probability proportional to size (PPS) sampling strategy and was independently performed in three countries (Kenya, Zambia, and Malawi) and five sub-regions (Nairobi, Lilongwe, Malawi Border, Lusaka, Zambia Border). The sub-regions vary in their proximity to the major urban centers in each country. The Lusaka, Lilongwe, and Nairobi samples are households within 50 kilometers (km) of the capital city, and are peri-urban. By contrast, the Malawi and Zambia border samples are drawn from the zone within 100km of the shared border between the two countries and Zambia's border with Tanzania. These are rural samples. The rural and peri-urban samples in both Malawi and Zambia allow us to explore patterns that differ among rural/peri-urban zones within the same countries. Meanwhile, comparing peri-urban samples in three countries allows us to consider patterns across a locality type that has become increasingly important with growing African urbanization.

From the full survey sample, we extract a total subsample of 4,216 respondents who reported a dispute in the past year, based on their responses to two questions: "Since [month] of last year, have you or anyone in your household been engaged in a dispute, such as disputes over land, water, custody or other issues not involving violent crime?" and "Since [month] last year, have you or someone in your household been the victim of a crime, such as a theft, assault, or murder or kidnapping of friend or family member?" As households could report multiple disputes, the total sample is 5,264. Overall, 18% of the respondents in the three countries had a dispute in the previous year. Among peri-urban samples, 17% reported a dispute, and among the rural samples, 18% reported a dispute. By country, the percentages reporting disputes was Zambia: 17%, Malawi: 20%, Kenya: 14%.

Disputants differed in a few ways from non-disputants in the full sample. Respondents who reported disputes were significantly more likely to be younger, less wealthy,

and natives of the community or non-migrants. They were more likely to be members of the ethnic majority in the community and related to the customary authority. In addition, the respondents reporting disputes involving their household also lived in closer proximity to their district capital and further from their national capitals. Those reporting household disputes or not had no statistical differences in gender, education level, or marital status. Appendix A reports summaries of sample demographics (Table A3), balance relative to non-disputants (Table A2), and by dispute type (Table A4).

All three country sub-samples (of respondents with disputes) are skewed female, with Malawi having the largest imbalance between male and females. The majority of the sample is between the ages of 18 and 35, with the Kenyans slightly younger and significantly more likely to live near the district capital than the Malawi and Zambia samples. Most respondents are migrants, though the majority have resided in the community for more than 10 years. Most were married, and had completed primary school. The Malawi sample is dominated by respondents who are members of the local ethnic majority (71.6%), and a sizable proportion of our interviewees are low-income (80% of the overall sample).

The reported disputes include marital disputes, thefts, and disagreements about water access, among many others. We categorized these disputes into four groups. Economic disputes are those involving contracts, resources required for economic productivity, and public goods contributions (such as "garbage collection" and "electricity"). Social disputes relate to the family and social norms. This includes marital disputes, as well as reports of "witchcraft accusations," "girl child pregnancy," and "gossiping." Criminal disputes are thefts, assaults, and other acts that are crimes in the country's laws. Finally, political disputes were described as being about ethnicity, elections, politics, the chieftaincy, and religious differences. The largest percentage of disputes were economic in nature (42%), followed by criminal (41%), social (15%), and political (2%). As reported in Table A4, economic disputes were the most commonly reported dispute types among the Malawi (43%) and Zambia samples (41%), while criminal disputes were the most frequently reported within the Kenya sample; 51% of Kenyan disputes were criminal, compared to 41% economic. (See Appendix B1).

## Key Forums in Zambia, Malawi, and Kenya

Forum pluralism is characterized by the existence of multiple, overlapping, and/or connected institutions of conflict resolution. Zambia, Malawi, and Kenya share an institutional layering of contemporary governmental laws and courts, colonial practices and policies, and historical political institutions that preceded the colonial state. These three types of political institutions are the foundations for the co-existence of customary and statutory forums.

In Zambia, Malawi, and Kenya, the plurality of conflict resolution forums is a standard feature of governance. Although the forums described here differ in their processes and rules, and function as alternatives to each other, they are not necessarily rivals. For example, a state authority, such as a district commissioner, may encourage citizens to use a chief's court to resolve a dispute over water rights. Similarly, local state courts can adjudicate conflicts based on their interpretations of the relevant "customary law."<sup>4</sup> The inverse can also occur, in which a CA refers a case to a statutory forum, such as the police. In many African countries, the state has allowed and/or encouraged the use of other forums if they do not interfere with or challenge the state's laws. For example, the Kenyan constitution recognizes "alternative forms of dispute resolution including reconciliation, mediation, arbitration, and traditional dispute resolution mechanisms shall be promoted" (Helbling et al., 2015, 348).<sup>5</sup> Where customary and state actors are highly collaborative, courts governed by CAs may be considered to be a state-customary hybrid.

At the same time, the authorities who govern plural forums may also compete for influence (e.g., Aldashev et al. (2012), Naso et al. (2020)). For example, Chinsinga (2006, p. 269) details the "enduring vicious conflict between customary authorities and councilors" in Malawi that results from the ambiguity of their roles in local governance. At times competing or collaborating, the empirical evidence shows that citizens in these

---

<sup>4</sup>For examples, see Ndulo (1985).

<sup>5</sup>In Zambia, the constitution promotes alternative forms of dispute resolution, including traditional dispute resolution mechanisms, as long as they are consistent with the Bill of Rights and other Constitutional provisions or other written law and are not repugnant to justice and morality (Article 118 of the Constitution of Zambia (Amendment) Act 2 of 2016). Malawi's constitution also allows for Parliament to authorize traditional courts "presided over by lay persons or chiefs" for civil or minor common law cases (Article 110). See also Malawi's 1967 Chief's Act and Zambia's 1965 Chief's Act for state recognition of the conflict resolution roles of customary authorities in these countries.



three countries rely on three main types of forums, which coexist in the same communities: Customary Forums, Statutory Forums, and Other Community Forums.

### *Customary Forums*

Customary forums are conflict resolution mechanisms governed by institutional rules that draw their legitimacy from custom, tradition, or indigeneity. Such “customary laws” derive their authority from their connections to precolonial practice and identity, as sets of laws that have been transferred within communities across generations (Ndulo, 2011). The leaders within these customary institutions are often known as chiefs, traditional authorities, and village heads. Here, we use the term customary authority (CA) to refer to this set of actors. Such leaders directly or indirectly oversee customary conflict resolution forums, which can include different configurations of committees and courts. While the origins of customs and traditions are often associated with shared ethnicity, customary institutions in these contexts are political institutions that govern community life for residents based on territory, regardless of their ethnicity. Even as decisions may be shaped by ethnicity, customary forums are not exclusively reserved for co-ethnics.

Zambia and Malawi have similar systems of customary authority, in contrast to Kenya’s. In both countries, the British colonial regime mapped chieftaincy systems throughout the entire territory as part of a governance regime of indirect rule through official chiefs. The colonial policy was to reinforce and instrumentalize the pre-existing political institutions to facilitate colonial domination, tax collection, etc. They upheld (and changed) the judicial powers of chiefs by creating “native courts” that were designed to adjudicate conflicts following “African law” (Bande, 2020, Spalding et al., 1970, Wanda, 1988, Hailey and Mitchell, 1951).

The governments of independent Zambia and Malawi then largely retained the status quo of allowing chiefs to govern within bounded territories.<sup>6</sup> In addition to conflict resolution, CAs in this context are involved in land governance and local public goods provision, such as mobilizing education funds (Baldwin et al., 2023). These chiefs are embed-

---

<sup>6</sup>One notable difference between the two countries is that in Malawi, the positions of Group Village Head and Village Head are codified by the state, while in Zambia, only the chieftaincy and the role of chief’s assistants (kapasos) are codified. As a result, whether a chiefdom has a hierarchical system of Group Village Heads or Zonal Village Heads varies by chiefdom. This is consistent with the greater autonomy of Zambia’s chiefs than Malawi’s.

ded in hierarchical networks of customary authority, with titular positions of paramount chiefs, senior chiefs, group village heads, and village heads, as well as authority positions unique to each individual institution, such as the Bashilubemba councillors of Zambia's Bemba institutions (Honig, 2022).

British colonial rule in Kenya differed from Malawi and Zambia, contributing to contemporary differences in their customary authority systems. The colonial regime in Kenya more directly governed land and weakened customary authorities in an effort to promote white settler farming. This includes the 1954 Swynnerton Plan in Kenya, the first mass land registration campaign on the continent. Furthermore, British colonial architects in Kenya described their own failures to reinforce the power of "indigenous judicial bodies" because precolonial nations in the area were "loosely organized" (Phillips, 1952, 135).<sup>7</sup>

As a result, contemporary Kenya features statutory administrative chiefs and customary village elders. The titular "chief" in Kenya is an appointed bureaucrat and therefore a statutory forum for conflict resolution, while village elders function as customary authorities (Porisky, 2020, Nyamweru and Chidongo, 2018, Ensminger, 1996). Consequently, Kenya's most important customary conflict resolution forum is its councils of elders (Helbling et al., 2015). These leaders draw legitimacy from indigenous institutions, and can include locally elected leaders or senior members of clans, among other selection logics (Helbling et al., 2015).

#### *State Forums*

State forums are the systems established to directly implement or represent state law. This includes the state police force, judges, and magistrates. State forums may be under the authority of elected local government councils, such as the county governments in Kenya or the district councils in Malawi and Zambia, or appointed by the central state, such as the district commissioners (DCs) in Malawi and Zambia. All three countries feature hierarchical chains of state courts. Kenya's statutory legal system is organized from district magistrate's courts through High Courts, the Court of Appeals, and the Supreme Court. In Zambia and Malawi, Local Courts are the lowest level in the statutory hierar-

---

<sup>7</sup>See for example, the discussion of British policies towards colonial chiefs in Kikuyu areas, which had historically been governed by councils of elders (Wamagatta, 2009).

chy.<sup>8</sup> While Local Courts may draw on (their interpretations of) customary law in conflict adjudication,<sup>9</sup> they are headed by magistrates who may have been transferred from elsewhere and may not speak the local language (Spalding et al., 1970).

#### *Other Community Forums*

Outside of statutory and customary conflict resolution forums, citizens in Zambia, Malawi, and Kenya also relied on other community members to resolve their conflicts instead of using customary or state authorities. Some disputants in all three countries sought help from neighbors, friends, extended family members, and other community members without official positions. This practice is indicative of the importance of social networks and horizontal ties within community conflict resolution, as alternatives to customary and statutory authority structures.

#### *Patterns of Forum Choice*

In these three countries, a significant proportion of respondents opted out of seeking any conflict resolution when they had a dispute. In each country, the peri-urban samples have the highest rates of seeking help from “nobody” with their reported dispute. Overall, disputants in the Nairobi and Lusaka samples were most likely to have reported nobody, at 61% and 43% respectively (see Table A5).

Figure 1 shows the forums used by disputants per sample. Among the 57% of disputes in which respondents sought assistance, the three forums described above were most cited by respondents.<sup>10</sup> First are customary forums, which were used in 35% of disputes.<sup>11</sup> Second are statutory forums, which include local and central governmental bodies, as well the police.<sup>12</sup> Overall, respondents turned to the state for 15% of disputes. Third, respondents sought help from other community members with no official positions, such as neighbors and business people, in 7% of disputes.

---

<sup>8</sup>On Malawi, see Bande (2020).

<sup>9</sup>This is subject to the “repugnancy clause,” which subordinates customary norms to statutory laws and the magistrate’s interpretation of natural justice or morality.

<sup>10</sup>Others include: non-governmental organization (NGOs) (0.1%), political parties (0.05%), religious leaders (0.7%). Given how few disputes involved these actors, we do not create separate categories for them.

<sup>11</sup>This includes response options of: Elder, Tribal Chief, Paramount Chief, Traditional Authority, “Chief” and “Assistant Chief” in Malawi and Zambia, Village Head, Group Village Head. We code the 2% use of reporting village development committees, mainly in Malawi and Zambia, as customary forums as these are understood to be under the chief’s authority there.

<sup>12</sup>For the reasons described above, we also categorize chiefs and assistant chiefs in Kenya as state forums.

As one might expect, the peri-urban samples of Nairobi and Lusaka have low proportions of disputants who rely on customary authorities. In both samples, more disputants turn to the state, although the gap between customary and state is much wider in Nairobi than Lusaka, at 20.9 percentage points (p.p.) and 2.3 p.p. However, peri-urban Malawi provides a stark contrast to these other two peri-urban samples. There, reliance on customary authorities is high (43% use of customary forums compared to 11% use of state forums). Although each peri-urban sample is a buffer zone of 50km around the capital city, peri-urban conflict resolution in Malawi is very similar to rural Malawi, highlighting different processes of urbanization among the neighboring countries.

The patterns of forum choice illustrated in Figure 1 also indicate important differences across the countries.<sup>13</sup> Given the variations in historical state recognition of CAs among these three countries, it follows that even when comparing only the peri-urban samples, CAs have a far smaller role in conflict resolution in Kenya than Zambia and Malawi. While it is true that reliance on the state is higher in Kenya, it is also the case that reliance on nobody is higher in the absence of customary forums. Overall, the data indicate that the state's role in conflict resolution is quite limited in both Zambia and Malawi, and the rural areas on both sides of the Zambia/Malawi border look strikingly similar in terms of the actors providing judicial services.

## **Research Approach and Findings**

### **Does Forum Pluralism Increase Usage of Conflict Resolution Services?**

Although forum pluralism is a feature of communities in all three countries, it does not occur equally or evenly throughout the territories. Thus, the first stage in understanding the effects of forum pluralism is to examine its determinants. Where and when does forum pluralism exist? The structure of the data provides the opportunity to observe forum usage by respondents with disputes in the previous year. This reflects the effective multiplicity of forums in a community, as opposed to the existence of multiple forums.

---

<sup>13</sup>The vast majority reported one actor with whom they engaged for dispute resolution. However, for 2.0% of the 5,264 disputes (106 cases), respondents reported seeking help from multiple actors.

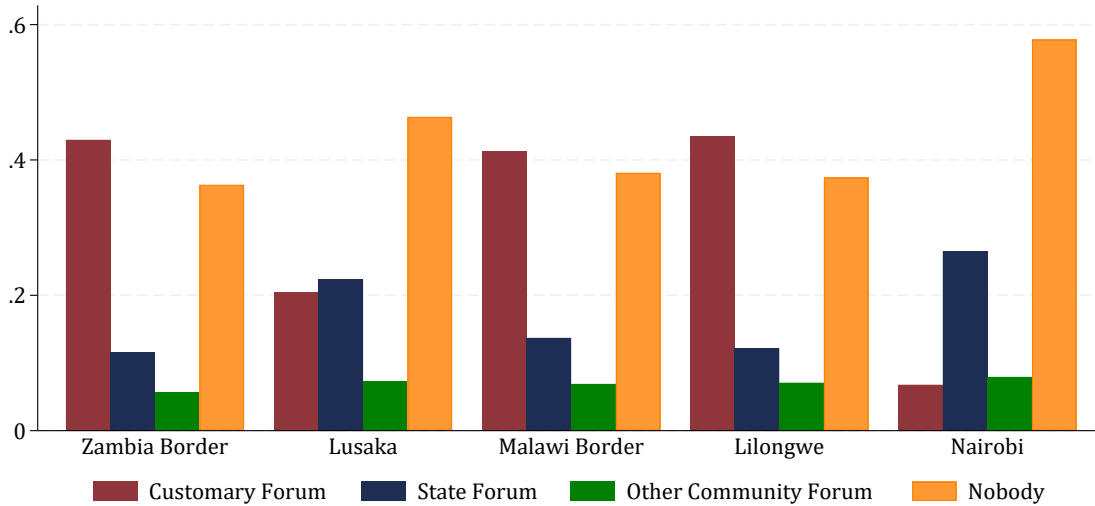


Figure 1: Type of Actor Turned to for Dispute resolution, by LGPI Sample

Notes: The Y-axis represents the proportion of disputes in that sample. Number of disputes per samples is: Zambia Border (N=1,475), Lusaka (N=827), Malawi Border (N=1,748), Lilongwe (N=606), Nairobi (N=604).

If forums exist but are not used, they would not be reflected in the effective measure. This measure, therefore, is a measure of preferences conditional on supply, as opposed to supply alone.

To identify the degree of effective forum pluralism, we construct a Herfindahl Index of the fractionalization of conflict adjudication forums used in the community, ranging from 0, representing complete uniformity, to 1, indicating that each individual with a dispute sought help in a different forum. Thus, an alternative way of understanding our Forum Pluralism Index (FPI) is as a measure of the diversity of effective forums in the community. Importantly, this measure is only constructed from disputes where a forum was used; disputes for which the respondent reported they went to “nobody” were excluded from the construction of the index.

For example, Village A of the Lilongwe sample has 49 respondents who reported 13 unique economic, criminal, and social disputes. Among the 9 who sought conflict resolution services, everyone went to the village head. No one went to another authority, such as the police. Thus, this village has a value of 0 in the FPI, reflecting the lack of forum pluralism practiced in the past 12 months by respondents in that community.

By contrast, Village B in the rural Malawi sample features a high FPI score of 0.70.

Among the 15 disputes where respondents sought help, they turned to village heads, police, village committees, the District Commissioner, a religious leader, and other community members. All four categories of disputes were represented in Village B.

A key issue in constructing this measure is mitigating concerns that the effective number of forums used is merely a product of the underlying data structure. The size of the village respondent sample and the number of disputants who used dispute resolution services could impact the measure. To address these concerns, we limit our sample to villages with 10 or more respondents and 5 or more disputes that used forums. We also vary these cut-offs in subsequent robustness checks. This provides a sample of 196 villages. However, this restriction reduces our sample of Kenyan villages to 2, limiting our ability to draw inferences about the Kenyan sample in the following analyses.<sup>14</sup> The full distribution of this variable in the pooled sample is presented in Figure 2.

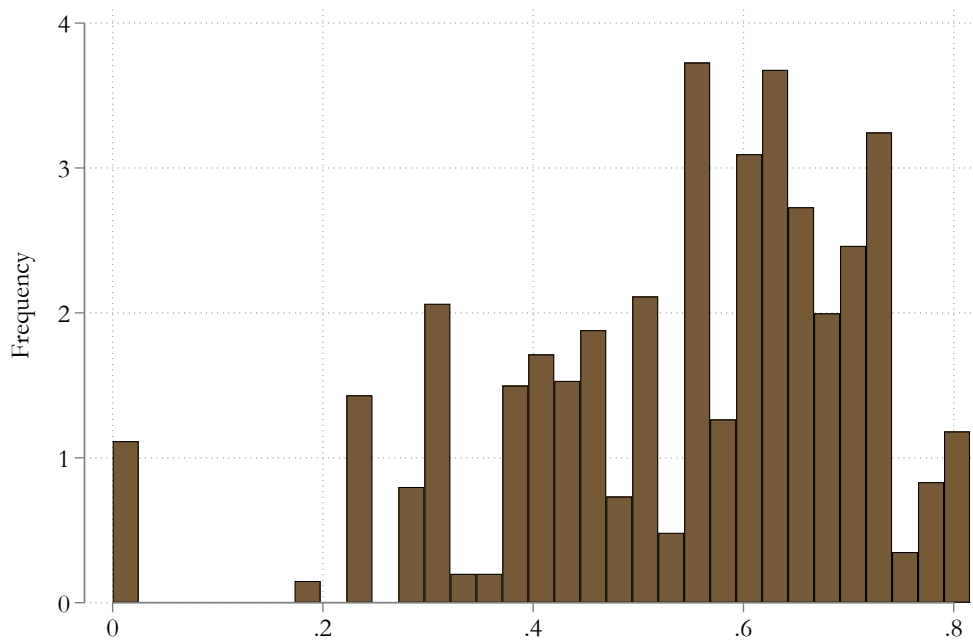


Figure 2: Village-Level Forum Pluralism Index (FPI)

Notes: Figure represents the distribution of the Forum Pluralism Index for the full sample of villages with at least 10 respondents and 5 respondents who went to a forum.

The village-level FPI results indicate that the effective pluralism of forums in the three-

<sup>14</sup>The pooled sample without the sample size restriction is 999. This includes 133 villages in the Kenya sample, 422 in Malawi, 444 in Zambia.

country sample is fairly high. Overall, the mean FPI is 0.32 and the median is 0.41. Within the restricted sample of localities (villages) with at least 10 respondents and 5 disputants who sought assistance, only 2 villages in Zambia, 0 in Kenya, and 5 in the Malawi sample had no forum pluralism, i.e., complete forum unity. Thus, 98% of the disputes in our restricted sample were in localities with forum pluralism.

Effective forum pluralism is predicted by proximity to the state's local administrative centers (district and county capitals) and in-migration into the community (See Table C1). These findings reflect an ordinary least squares regression model with the village FPI as the dependent variable. Our model included measures of the distance to state administrative centers and the national administrative center, approximated by the number of minutes taken to access them from the village. In addition, we also considered the association between the social composition of the community and forum pluralism. We anticipated that communities that were highly homogeneous, with limited ethnic heterogeneity or in-migration, should be less likely to have a high degree of effective pluralism than communities with a greater degree of heterogeneity.

To test these expectations, we constructed variables measuring the ethnolinguistic fractionalization (ELF) and proportion migrating into the village within the last 10 years. The findings reported in Table C1 show that geographic proximity to the district administrative capital and migration are the most consistent predictors in the pooled model, with sample fixed effects and standard errors clustered at the district level. Results are statistically significant and in the expected direction in the pooled and sub-sample analysis of Zambia and Malawi (Models 3 and 4 of Table C1). Sub-sample analyses of Kenya are not possible as the restriction reduces the number of villages to 2. Contrary to expectations, proximity to the national capital and ELF are not predictive in any model. ELF is also not predictive in models excluding the migration variable.

How, then, does the degree of effective forum pluralism in a community impact whether respondents use dispute resolution services? Our findings indicate that the alternative forums are not substitutes but compliments. If the nonstate forums were merely substituting for the state, we should see no association between the fragmentation of conflict resolution forums in a community and whether disputants seek help. By contrast, if more

effective conflict resolution forums mean that more people are accessing conflict resolution, then the FPI should be negatively associated with the share of people in a community who reported that they sought help from “nobody.” (Recalling the FPI is constructed using only disputes that engaged with a forum, the nobody responses are not part of this measure). Appendix Table C2 and Figure 3 show that, across a number of model specifications, FPI has a negative and significant effect on the share of respondents who reported that they did not seek help for their dispute. Importantly, this effect is robust to sub-sampling to a restricted sample of a minimum of 5 respondents using a forum, to a naive model specification (unreported), and in the main models with controls for the village-level attributes that predict the likelihood of disputes.<sup>15</sup> The main model also includes control variables for the number of respondents sampled per locality, the total number of disputes reported there, and the rate of disputes (total disputes/sample population).<sup>16</sup>

These differences are substantively meaningful. The pooled model predicts a .44 probability of respondents opting out of any dispute resolution platform when the degree of FPI is at 0, meaning that among the minimum of 10 respondents, all went to the same forum. This probability of opting out reduces to .28 as the number of platforms used by community members increases to an FPI of 0.6. At the highest level of heterogeneity in effective forums (FPI=1), the probability of having a dispute but not seeking help decreases further to .17. The country specific models (Models 3 and 4) reveal a similar pattern. This indicates that living in a community with more effective forum pluralism increases the likelihood that respondents obtain dispute resolution services.

Furthermore, being in the sample with the lowest usage of customary forums, Nairobi predicts greater shares of unadjudicated conflict in this fitted village-level analysis, as was also illustrated in the descriptive results presented in Figure 1. This highlights the important role of nonstate judicial institutions for overall use of conflict resolution services. In

---

<sup>15</sup>Table C3 reports the correlates of dispute prevalence.

<sup>16</sup>As a robustness check, we vary the threshold on the number of respondents or disputes included in the sample. In all specifications, we discover a negative association between share “nobody” and the FPI. Regardless of the number of respondents or disputes included in the model, the proportion of respondents turning to forums grows as the degree of forum pluralism increases in the village. This conclusion is significant for most specifications, but it weakens as the number of disputes/ samples increases.



communities with limited customary forums, state forums are not filling a gap.

In addition to FPI, other community-level variables that predict low rates of using dispute resolution include closer proximity to their district capital, greater proportions of community members who have migrated in the past 10 years, and higher dispute rates in the community (measured as the number of reported disputes over the village sample size). The finding that more people seek help for their disputes if they live farther from district capitals—in other words, are more peripheral to the state—highlights the importance of nonstate forums for the provision of this key governmental service.<sup>17</sup>

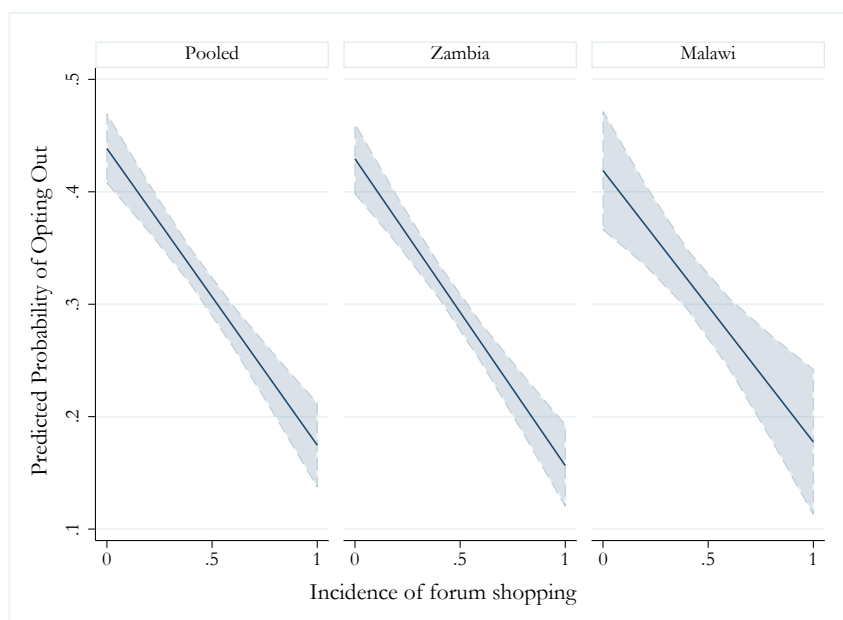


Figure 3: Predicted Probability of Opting out of Dispute Resolution

Notes: Dependent variable is the share “nobody.” The figure reports coefficients of effects for the pooled sample and sub-sample analyses in Zambia and Malawi. Kenya is excluded due to small sample size. All models also included control for village sample size and number of disputes where respondents sought help. Full regression results presented in Table C2 (Models 1, 3 and 4).

## What Determines Forum Choice?

While the availability of multiple forums in one’s community provides increased access to conflict resolution services, forums may not be equally accessible or desirable to all profiles of community members. Here, we examine whether the household’s status within a forum predicts one’s likelihood of engaging with it.

<sup>17</sup>This result is replicated in individual analyses of forum use in Table C8

As the previously reported descriptive statistics and village-level FPI reveal, the “choice set” for each community in the sample is unlikely to be the same.<sup>18</sup> In particular, some communities may have customary authorities who provide conflict resolution services while others may not. Therefore, we also include an indicator of whether community members reported the community has a CA.

Similarly, all respondents have a right to use the state’s conflict resolution services by law, but may opt not to.<sup>19</sup> Instead, we consider variations in the “supply” of state forums as the ease of accessing it. In particular, travel time to the state’s administrative hubs in district and national capitals is an indicator of the degree to which the state is part of the respondent’s forum choice set.

Thus, the results in the following analyses reflect disputants’ forum choice, conditional on supply. The state is in their choice set but the costs vary by geography, as does their desirability given alternative options. In the following models, the “Reported CA” variable captures whether CAs are part of the effective choice set, and analyses restricted to this subsample are a robustness check.

The forum choice models that follow examine who uses customary and state conflict resolution mechanisms. Our main specification is a multilevel logistic regression model that accounts for respondent, household,<sup>20</sup> and village-level factors.<sup>21</sup> The customary forum dependent variable is a dichotomous measure of whether disputants used a customary forum or not. Those in the “do not” category are those who engaged with the state or other community forums for dispute resolution. The state forum outcome is constructed similarly, with customary and community forum use in the 0 category. In addition, Table A5 reports descriptive statistics on the sample population by actor type engaged.

---

<sup>18</sup>Our understanding of the importance of “choice set” considerations draws on Ferree (2022).

<sup>19</sup>The data highlights this point. 33% of the sample live in communities where no one had used a state forum. 16% live in communities where no one had used a CA.

<sup>20</sup>While multiple members of the same household were not interviewed, the same household could report multiple disputes.

<sup>21</sup>Interpreting the correlations between respondent characteristics and their reporting of household disputes requires attention to these differences in levels. Education and gender are at the respondent-level and may vary within a household. Significant education effects represent the association between the reporting adult in the household and household dispute resolution behaviors. Significant gender effects represent an association between the gender of the respondent and their reporting of household dispute resolution behaviors.

We measure status in customary institutions as whether an adult in the household (the respondent) reported: kinship with a CA, having migrated to the village in the past 10 years ("migrant"), or being a member of the ethnic majority group in the village. Our status indicators within state forums for the three-country sample are the respondent's education level and household wealth (See Appendix B1). We anticipated that disputants who have less experience with government schools and the language in which state laws are written should be less likely to engage with state institutions. Respondent gender, marital status, conflict type, and sample fixed effects are included in all models.

Figure 4 graphically presents the results for variables relevant to the institutional status hypotheses (H2 and H3). It reports the coefficients of effect for models predicting use of customary forums and the use of state forums. The results show that the most consistent respondent-level predictors of using a customary forum is their status within it, measured as being related to a CA in the community. Duration within the community also predicts use of a customary forum; those who have more recently arrived are less likely to report customary forum use. The effect of the ethnic majority variable is in the expected direction, but not significant in models that also include the village-level ethnic diversity measure.

In its absence, being in an ethnic majority is highly predictive of using customary forums. This indicates that the community's characteristics have a more consistent effect on whether anyone living there goes to a customary forum than the respondent-level attribute. On the state side, education, but not wealth, is highly predictive of use of state forums. Individuals with secondary education and beyond are significantly more likely to report using state forums for dispute resolution, relative to those with primary education. Full regression results reported in Table C4.

Figure 4 also reveals how certain types of disputes are the domains of different forums. In particular, having an economic dispute significantly increases the use of customary forums, even relative to a baseline of social disputes. This contrasts with criminal disputes, which are negatively associated with the use of customary forums. Criminal disputes, such as theft or assault, are the most likely to be brought to state forums. Nevertheless, a significant proportion of respondents with criminal disputes do rely on customary fo-

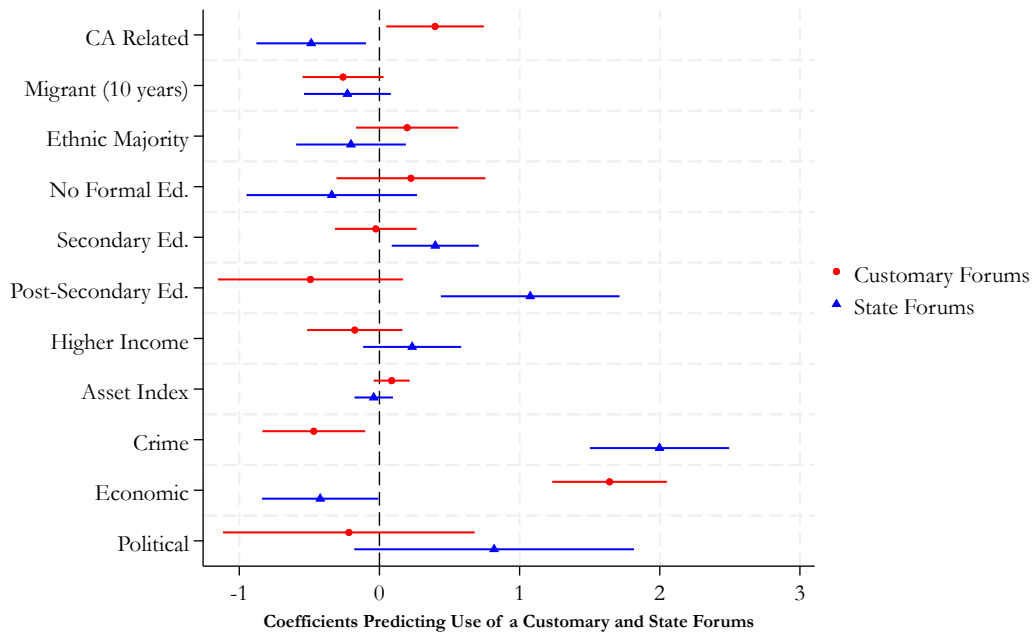


Figure 4: Status and Forum Choice Results

Figures report multilevel logistic regression coefficients for key variables from Models 1 and 2 in Table C4. All models include controls for: age, gender/marital status, ELF, proportion migrants, and distance to state administrative capitals.

turns (20%), whereas fewer disputants with economic (9%) and social disputes (10%) turn to the state for conflict resolution.

Figure 5 further highlights these descriptive patterns. It shows that, among the four dispute types, criminal and political disputes have the highest number of “nobody” responses. By contrast, respondents with economic disputes are the most likely to seek help. Additionally, while social disputes, including divorce, are more likely to be the domain of customary authorities, this is also a domain where other community forums have a larger role. This is consistent with the findings of Kao (2022) and Lazarev (2019); respondents with family disputes are more likely to use customary law.

Does cost of access have a systematic impact on forum choice? Hypothesis 4 predicted that proximity to a state forum should also predict the likelihood of using that venue. Our “Distance to District” variable measures travel time from the respondent’s household to the lowest level of the state’s judicial administration: the district council (Malawi and Zambia) or county office (Kenya). In addition, we also include travel time to the national capital, which has the highest concentration of state services in each country.

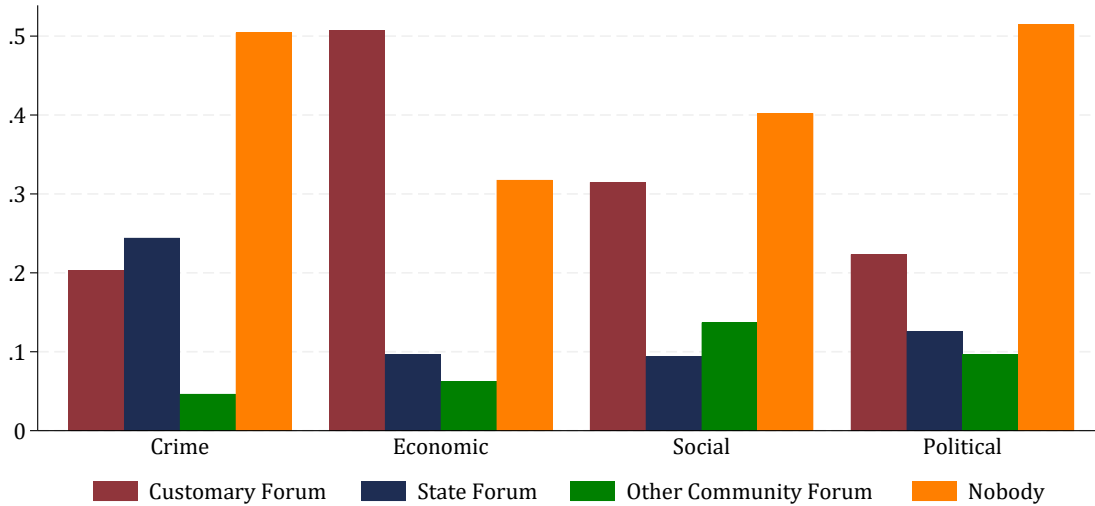


Figure 5: Type of Actor Turned to, by Dispute Type

Notes: The Y-axis represents the proportion using each forum per dispute type. Number of disputes per type is: Crime (N=1,940), Economic (N=2,199), Social (N=789), Political (N=103).

Both variables are highly predictive of forum choice; however, proximity to the district/county has a stronger effect (C4). Whereas the model predicts a .57 probability that a respondent living in close proximity to the district capital (10 minutes travel time) will use a customary forum, an individual who lives a few hours from the capital (433 minutes travel time) has a .90 probability of using a customary forum. Similarly, the model predicts a significant shift in the probability of using state forums, depending on how long it takes the respondent to get to their administrative offices. The respondent who is farther from the district capital (198 minutes) has a .16 probability of using a state forum, which increases to a .31 predicted probability for someone living nearby (10 minutes).

Notably, these effects of proximity to district capitals are robust to subsampling by peri-urban and rural (Table C7) and communities with reported CAs (Table C4). These results are also consistent with the village-level findings: the share of respondents turning to customary institutions increases as distances to the district and national capital increase, while the share of those opting for state institutions declines (Tables D2 and D3). Thus, among more urban and more rural populations in the three countries, geographic access to state offices significantly increases the use of state forums and significantly decreases the use of customary ones.

Respondents' expectations of favoritism and biases in any institution alone do not determine forum choice; access—here proxied by the cost of travel to the state's offices—also has an important effect. This is consistent with the argument that political choices cannot be evaluated without understanding differences in choice set (Ferree, 2022). The costs of traveling to state forums have a clear impact on how disputants evaluate their forum options. Nevertheless, these regression results also indicate that, even when considering proximity to state offices, status within forums predicts the likelihood of using them.

Finally, these results provide strong evidence that living in certain types of communities predicts the use of customary forums. Respondents living in communities with a higher proportion of migrants are less likely to use customary forums, regardless of whether they are a migrant. As one might expect, the proportion of migrants and the ethnic heterogeneity of the community are correlated. However, migration has a more consistent impact and ELF is significant only when the proportion of migrants is omitted from the model. The inverse is similarly true in relation to the state: while controlling for proximity to state offices, respondents living in communities with a high proportion of newcomers are far more likely to use state forums, regardless of whether they are a migrant.<sup>22</sup>

## Who Opts Out?

Thus far, we have provided evidence that a greater diversity of forums is associated with more reported disputants in the community accessing conflict resolution services, even among communities with similar numbers of disputes. However, we also provided evidence that disputants respond to the favoritism and biases of different institutions in making their forum choices. Thus, increased access cannot be understood to imply that everyone feels equally served by the available forums. Disputants do not always seek help. They may opt-out of conflict resolution mechanisms because they are afraid to escalate a dispute, are concerned about the costs (financial and social), do not believe others can help them, or expect that the dispute will resolve itself. Systematic patterns in who

---

<sup>22</sup>The interaction of the respondent-level and community-level migration variables is not significant.

opts out of conflict resolution suggest that the existing set of forums is excluding some groups. Thus, in this section we ask: If more (effective) options are increasing forum use, but status within a given forum impacts forum choice, who is underserved in justice provision?

Examining the correlates of forum usage at the individual dispute level underscores the importance of customary forums in dispute resolution and shows how status impacts not only forum choice but forum usage decisions. The percentage of respondents who had a dispute in the past year but did not seek help is a striking 42%. Table C8 reports these results of multilevel logistic regression results, clustered at the household and community levels. The outcome is whether the respondent reported seeking help for their dispute or not.

The results show that status in customary forums predicts the likelihood of using any conflict resolution services. Put differently, those with lower status in customary institutions are less likely to access help when they have disputes. Given the importance of customary forums as service providers in our sample (see Figure 5), it follows that higher status in the dominant forum increases the overall probability of using a forum. In addition, distance to the state's administrative capital has a significant impact on forum usage when examined at the individual level, replicating the results from community-level analysis in Table C2.

Proximity to the district capital *decreases* the likelihood of seeking help. Those with greater access to the state's forums are less likely to obtain dispute resolution services, but more likely to choose the state's forums when they do (See Table C4 Model 2). For example, 63% of disputants living more than 2hrs from the state administrative capital (n=547) used a forum, while only 55% of those living within an hour of their administrative capitals (n=3294) used dispute resolution services. This further decreases to 52% among those within 30 minutes of the state's local courts. These results are robust in a fully-fit model predicting the likelihood that a disputant used a forum (See Table C8). This is also consistent with the descriptive findings presented earlier, in which the peri-urban Lusaka and Nairobi samples had the highest rates of disputants not using forums, suggesting the erosion of customary influence in peri-urban areas is not met by increased

engagement with state conflict resolution forums (Figure 1).

The dispute-level results also reveal men are systematically more likely to report using dispute resolution services than women. Importantly, gender did not predict forum choice in this dataset, but being a man increases the likelihood of reporting use of any forum, regardless of whether it was customary or statutory. While women were no more or less likely to report having a dispute (Table A2) or using a state forum, they were consistently less likely to report they obtained conflict resolution services for their household dispute. Model 1 of Table C8 reports these findings for gender while controlling for marital status, while Model 2 disaggregates respondents by gender and marital status, showing that married women have particularly low rates of reporting forum use, which may suggest social norms discouraging them from seeking help. The model predicts a .53 probability for married women to report use of conflict resolution forums, compared to a .62 probability for married men. In all marital circumstances, men who reported their household having a conflict in the past year were more likely to report using dispute resolution services.<sup>23</sup>

The gender results are consistent with the findings of von Benda-Beckmann (1981) that forum pluralism does not serve women in West Sumatra, Indonesia, who remained excluded from both the state system and the local *adat* system. Both the customary and statutory forums had the same high barriers of entry for women in her case study. Henrysson and Joireman (2009) draw a similar conclusion; both customary and statutory systems are prohibitively expensive for women with property disputes in Kenya, even if the customary system is less costly. This finding is also consistent with an argument about the effects of status within the institution; if men's higher status with both customary and state institutions was increasing their likelihoods of using them, then gender would not have a significant effect in the forum choice analyses but would for forum usage.

Finally, examining the associations between dispute type and forum usage reveals that criminal disputes are significantly less likely to receive conflict resolution services, while economic disputes are more likely to obtain these services. Within the sample, criminal disputes are the domain of the state, while economic disputes are more often brought

---

<sup>23</sup>Unmarried men had a .60 predicted probability of using a forum, while unmarried women had .59



to customary authorities. This reinforces the importance of customary forums as service providers relative to the state. In sum, being a woman, having lower status within a customary institution, living closer to administrative capitals, and having criminal disputes predict a decreased likelihood of reporting the use of conflict resolution services.

## **Implications for the Quality of Justice**

These results have demonstrated that, across multiple specifications, greater forum pluralism is associated with more disputants accessing help. The quantity of conflict resolution services increases, but what about the quality of justice provided? Are respondents satisfied with the forums they use or begrudgingly opt for a sub-optimal forum? In this section, we draw out a few insights from the survey about the quality of justice and suggest some questions for further research.

The survey results suggest that respondents were generally satisfied with the dispute resolution offered by their first forum. We have limited evidence of shopping among multiple forums for the same dispute, even though the survey prompted for this. Among the 5,264 disputes in the dataset, only 106 respondents reported seeking help in multiple forums. These were most common in Zambia and Malawi, and the most common combination of mixed forums was the village head and police. By contrast, 97% of the 3,101 disputants who sought help did so without shopping among multiple forums. When asked why they used a specific forum, only a small minority (11%) reported that this was because it was the only option. The vast majority of disputants see themselves as having a choice of forums in this context.

In addition, respondents reported whether their dispute was resolved or not in the forum they selected, which is a measure of satisfaction with the quality of justice. Among those who went to the state, 54% felt their dispute had been resolved compared to 75% of those who went to customary forums. These differences could be the result of greater satisfaction with customary forums and/or taking more difficult cases to state forums. However, regression analysis of the outcome reveals that the significant negative association between using a state forum and this measure of satisfaction with the quality of

justice is robust to controlling for dispute type (Model 1, Appendix Table D4). Furthermore, the interaction of dispute type and use of state forum suggests a particularly high dissatisfaction with the state's ability to resolve economic disputes (Model 2, Appendix Table D4). This may help explain why such high numbers of economic disputants in this sample turned to customary forums.

Respondents also provided some insight into why they used customary or state forums. Disputants who had used customary forums were more likely to report they used that forum because they believed it was more *able* to help than other authorities— 69% to the state's 54%. They were also more likely to report the willingness of authorities to help as a reason for using customary forums (26%) than the state's (19%). More respondents reported using the state forum because it was the only option (16%) than those using customary forums (9%).<sup>24</sup>

Finally, the survey also asked whether the disputant went to a forum because that authority was more obligated than others to help. Exactly 37% in both the state and customary forum user groups believed that the authority was obligated to help them. This indicates that respondents had similar expectations of the state and CA's roles in conflict resolution; most do not see the state as more obligated than other authorities to provide these services.

These results highlight the need for further study on the quality of justice provision resulting from forum pluralism. Our results speak to the quantity of justice provision and highlight that, even with greater access to conflict resolution, some groups are underserved. Yet our approach is narrowly focused on decision-making in the shorter term. What are the consequences of forum pluralism in the longer term? Are the resolutions provided by locally embedded customary authorities more durable or does the weight of the state's law decrease the likelihood that respondents re-litigate a dispute? Does the presence of multiple forums weaken the power of any individual forum relative to a unitary system?

---

<sup>24</sup>The differences identified in this paragraph are all significant in differences of means t-tests.

## Discussion and Conclusions

These results show that pluralism in the provision of dispute resolution is extremely common and that it expands access to this key governance service. However, they also indicate that the privileges and biases of different forums determine how respondents access judicial services and which justice norms govern them. Our findings highlight the importance of social attributes, related to status in institutions, as opposed to wealth or material resources. They also show that some populations are systematically less likely to report accessing any dispute resolution services—namely, those with low status in customary forums and women. Furthermore, proximity to the lowest levels of state judicial forums, in district/county offices, consistently predict the likelihood of using them, even among communities with customary forums.

Conflict resolution services are not only a key governance service; they also impact economic development. Efficient conflict resolution is the foundation for contract enforcement, property rights, and other economic needs. Yet we find that a significant proportion (40%) of respondents are leaving these disputes unresolved. The high proportion of unresolved economic disputes suggests insecurity and low confidence in available forums. Such insecurity may stifle development by reducing citizens' incentives to invest in their land, open a shop, borrow technology, take out a loan, etc. Additionally, unresolved criminal disputes increase security costs, incurred by individuals, and lead to reallocation of resources from productive use to protection. Furthermore, the results show that most respondents with economic disputes in Malawi and Zambia rely on customary authorities. However, the findings on the correlates of forum choice are a reminder that these institutions are not equally accessible or desirable to all community members.

These findings also have implications for state building and the nature of state authority. They clearly show that the state is not the one providing conflict resolution for its populations in these three countries. The results of a recent Afrobarometer public opinion poll, in which 40% of Kenyans, 56% of Malawians, and 60.5% of Zambians reported that the government was performing badly in preventing or resolving violent conflict, rein-

force our conclusions ([Afrobarometer, 2019/21](#)).<sup>25</sup> Instead, our findings indicate that the laws of the state are—at best—being enforced by CAs or else being challenged by them, as CAs are the actors resolving the most disputes. This suggests that programs for reducing child marriage or increasing widows' land rights, for example, will be more successful if they engage with CAs. These authorities are the ones resolving local disputes, particularly for economic and social issues.

Furthermore, the findings indicate that customary forums are not crowding out or replacing the state's forums; respondents are more likely to go without conflict resolution services in the absence of strong customary institutions (as exemplified by peri-urban Lusaka and Nairobi). In other words, the impact of pluralism on the use of conflict resolution services is additive. Our finding that forum pluralism is associated with increased access to conflict resolution services is consistent with examples of nonstate security providers in Uganda; [Tapscott \(2023, 221\)](#) argues this should be understood as "thickening the security environment" rather than as a substitution for the state's monopoly on violence.

In addition to the importance of training and collaborating with CAs, two other policy implications follow from these results. First, programs and policies designed to reduce inequalities and prompt economic development should be mindful of targeting groups with less access to conflict resolution services, particularly related to social status. Land tribunals, legal outreach, and information campaigns should be mindful of groups excluded from customary and state forums. In this sample, that includes lower status households in customary institutions, women, and lower education households in state forums. Longer-term strategies that follow from these results include more investments in projects that increase inclusiveness, such as education or political leadership opportunities for women.

Finally, while the results provide evidence that some respondents prefer customary forums, the strong effect of proximity to state administrative centers on state forum use also reveals that the state's spatial reach determines whether its institutions adjudicate

---

<sup>25</sup>This represents combined "Very Badly" and "Fairly Badly" responses, based on a nationally-representative sample of 4800 respondents.

citizens' disputes. If governments seek to advance human rights through the rule of law, geographic access to the state remains a key limitation. Thus, mobile courts and legal aid services should target the communities with the longest travel times to ensure that state justice provision is available to those who desire it.

## References

- Afrobarometer (2019/21). Afrobarometer Data, Round 8. <http://afrobarometer.org>.
- Aldashev, G., Chaara, I., Platteau, J.-P. and Wahhaj, Z. (2012). Formal law as a magnet to reform custom, *Economic Development and Cultural Change* **60**(4): 795–828.
- Arnold, D., Dobbie, W. and Yang, C. S. (2018). Racial bias in bail decisions, *The Quarterly Journal of Economics* **133**(4): 1885–1932.
- Baldwin, K. (2016). *The Paradox of Traditional Chiefs in Democratic Africa*, Cambridge University Press, New York.
- Baldwin, K., Kao, K. and Lust, E. (2023). Is authority fungible? legitimacy, domain congruence, and the limits of power in africa, *American Journal of Political Science* .
- Bande, L. C. (2020). A history of malawi’s criminal justice system: from pre-colonial to democratic periods, *Fundamina: A Journal of Legal History* **26**(2): 288–336.
- Belge, C. and Blaydes, L. (2014). Social capital and dispute resolution in informal areas of cairo and istanbul, *Studies in Comparative International Development* **49**: 448–476.
- Cecchi, F. and Melesse, M. B. (2016). Formal law and customary change: A lab-in-field experiment in ethiopia, *Journal of Economic Behavior & Organization* **125**: 67–85.
- Chaara, I., Falisse, J.-B. and Moriceau, J. (2022). Does legal aid improve access to justice in ‘fragile’ settings? evidence from burundi, *Journal of Peace Research* **59**(6): 810–827.
- Chinsinga, B. (2006). The interface between tradition and modernity. the struggle for political space at the local level in malawi, *Civilisations. Revue internationale d’anthropologie et de sciences humaines* (54): 255–274.
- Chiweza, A. L. (2007). The ambivalent role of chiefs: Rural decentralization initiatives in malawi, in L. Buur and H. M. Kyed (eds), *State Recognition and Democratization in Sub-Saharan Africa*, Springer, Singapore, pp. 53–78.

- Crook, R. C. (2004). Access to justice and land disputes in Ghana's state courts: the litigants' perspective, *J. Legal Pluralism & Unofficial L.* **50**: 1.
- Czapanskiy, K. (1990). Gender bias in the courts: Social change strategies, *Geo. J. Legal Ethics* **4**: 1.
- D'Aoust, O. and Sterck, O. (2016). Who benefits from customary justice? rent-seeking, bribery and criminality in sub-Saharan Africa, *Journal of African Economies* **25**(3): 439–467.
- Dionne, K. Y. (2017). *Doomed interventions: The failure of global responses to AIDS in Africa*, Cambridge University Press.
- Eck, K. (2014). The law of the land: Communal conflict and legal authority, *Journal of Peace research* **51**(4): 441–454.
- Ensminger, J. (1996). *Making a market: The institutional transformation of an African society*, Cambridge university press.
- Ferree, K. E. (2022). Choice and choice set in African elections, *The Journal of Politics* **84**(4): 2261–2265.
- Ferree, K. E., Honig, L., Lust, E. and Phillips, M. L. (2023). Land and legibility: When do citizens expect secure property rights in weak states?, *American Political Science Review* **117**(1): 42–58.
- Gloppen, S. and Kanyongolo, F. E. (2007). Courts and the poor in Malawi: Economic marginalization, vulnerability, and the law, *International Journal of Constitutional Law* **5**(2): 258–293.
- Gluckman, M. (1973). *The judicial process among the Barotse of Northern Rhodesia*, Manchester University Press.
- Gochberg, W. (2021). The social costs of titling land: Evidence from Uganda, *World Development* **142**: 105376.

- Goldstein, M. and Udry, C. (2008). The profits of power: Land rights and agricultural investment in ghana., *Journal of Political Economy* **116**(6): 981–1022.
- Grant, E. (2006). Human rights, cultural diversity and customary law in south africa, *Journal of African Law* **50**(1): 2–23.
- Green, E. (2021). The politics of ethnic identity in sub-saharan africa, *Comparative Political Studies* **54**(7): 1197–1226.
- Hailey and Mitchell, P. (1951). Native administration in the british territories in africa, *Public Administration and Development* **3**(2): 55–65.
- Haq, B. U., Badshah, I., Rehman, A., Ullah, S. and Khan, U. (2023). Dareemat: a mechanism of arbitration and dispute resolution among pashtuns in zhob, pakistan, *Legal Pluralism and Critical Social Analysis* pp. 1–20.
- Helbling, J., Kälin, W. and Nobirabo, P. (2015). Access to justice, impunity and legal pluralism in Kenya, *The Journal of Legal Pluralism and Unofficial Law* **47**(2): 347–367.
- Henrysson, E. and Joireman, S. F. (2009). On the edge of the law: Women’s property rights and dispute resolution in kisii, kenya, *Law & Society Review* **43**(1): 39–60.
- Honig, L. (2022). *Land Politics: How Customary Institutions Shape State Building in Zambia and Senegal*, Cambridge University Press.
- Horowitz, J. (2019). Ethnicity and the swing vote in africa’s emerging democracies: Evidence from kenya, *British Journal of Political Science* **49**(3): 901–921.
- Isumonah, V. A. (2003). Migration, land tenure, citizenship and communal conflicts in africa, *Nationalism and ethnic politics* **9**(1): 1–19.
- Kane, M., Oloka-Onyango, J. and Tejan-Cole, A. (2005). Reassessing customary law systems as a vehicle for providing equitable access to justice for the poor, *Arusha Conference, “New Frontiers of Social Policy”–December*, pp. 12–15.
- Kao, K. (2022). Legal pluralism and fragmented sovereignty in iraq, *Available at SSRN* 4090521 .



- Kobusingye, D. N., Van Leeuwen, M. and Van Dijk, H. (2016). Where do I report my land dispute? The impact of institutional proliferation on land governance in post-conflict Northern Uganda, *The Journal of Legal Pluralism and Unofficial Law* **48**(2): 238–255.
- Kpaka, H. M. (2021). Chiefs, courts, and upholding property rights quasi-experimental evidence from sierra leone, *Available at SSRN 4120210* .
- Krakowski, K. and Kursani, S. (2023). Why do people use informal justice? experimental evidence from kosovo, *Journal of Experimental Political Science* pp. 1–11.
- Lazarev, E. (2019). Laws in conflict: legacies of war, gender, and legal pluralism in chechnya, *World Politics* **71**(4): 667–709.
- Lust, E., Kao, K., Landry, P., Harris, A. S., Dulani, B., Zgambo, A., Metheney, E., Chiweza, A., Nickel, S., Carlitz, R., Gatua, J. G., Jöst, P., Mechkova, V., Mujenja, M., Tengatenga, J., Grimes, M., adn W. Alfonso, C. A. J., Nyasente, D., adn J. Jordan, N. B. B., Bauhr, M., Boräng, F., Ferree, K., Hartmann, F. and Lueders, H. (2019). Program on Governance and Local Development, University of Gothenburg. 2019. The Local Governance and Performance Index (LGPI) 2019: Kenya, Malawi, Zambia. <http://www.gld.gu.se>.
- Murtazashvili, J. B. (2016). *Informal order and the state in Afghanistan*, Cambridge University Press.
- Mwangi, E. (2010). Bumbling bureaucrats, sluggish courts and forum-shopping elites: Unending conflict and competition in the transition to private property, *The European Journal of Development Research* **22**: 715–732.
- Naso, P., Bulte, E. and Swanson, T. (2020). Legal pluralism in post-conflict Sierra Leone, *European Journal of Political Economy* **61**: 101819.
- Ndulo, M. (1985). Widows under Zambian customary law and the response of the courts, *Comparative and International Law Journal of Southern Africa* **18**(1): 90–102.
- Ndulo, M. (2011). African customary law, customs, and women’s rights, *Indiana Journal of Global Legal Studies* **18**(1): 87–120.

- Neitz, M. B. (2013). Socioeconomic bias in the judiciary, *Clev. St. L. Rev.* **61**: 137.
- Nyamweru, C. and Chidongo, T.-M. (2018). Elders in modern Kenya: 'Dying institutions' or 'reinventing themselves'?, *African Studies* **77**(2): 240–256.
- Oba, A. A. (2002). Islamic law as customary law: The changing perspective in nigeria, *International & Comparative Law Quarterly* **51**(4): 817–850.
- Phillips, A. (1952). The african court system in kenya, *J. Afr. Admin.* **4**: 135.
- Porisky, A. (2020). The distributional politics of social transfers in kenya.
- Sandefur, J. and Siddiqi, B. (2013). Delivering justice to the poor: Theory and experimental evidence from Liberia, *World Bank Workshop on African Political Economy*, Vol. 20, World Bank Washington, DC, pp. 1–61.
- Singh, A. (2014). Forum shopping in the Middle East and South Asia: its impact on women and the evolution of inheritance codes, *The Journal of Legal Pluralism and Unofficial Law* **46**(3): 289–319.
- Spalding, F. O., Hoover, E. L. and Piper, J. C. (1970). 'one nation, one judiciary': the lower courts of zambia, *Zambia Law Journal* **2**(1-2): 1–289.
- Tapscott, R. (2023). Vigilantes and the state: understanding violence through a security assemblages approach, *Perspectives on Politics* **21**(1): 209–224.
- von Benda-Beckmann, K. (1981). Forum shopping and shopping forums: Dispute processing in a minangkabau village in west sumatra, *The Journal of legal pluralism and unofficial law* **13**(19): 117–159.
- Wamagatta, E. N. (2009). British administration and the chiefs' tyranny in early colonial kenya: A case study of the first generation of chiefs from kiambu district, 1895—1920, *Journal of Asian and African studies* **44**(4): 371–388.
- Wanda, B. P. (1988). Customary family law in malawi: Adherence to tradition and adaptability to change, *The Journal of Legal Pluralism and Unofficial Law* **20**(27): 117–134.

Winters, M. S. and Conroy-Krutz, J. (2021). Preferences for traditional and formal sector justice institutions to address land disputes in rural mali, *World Development* **142**: 105452.

# Appendices

**Forum Pluralism**  
Appendices Table of Contents

---

<b>A</b>	Sample Characteristics	i
<b>B</b>	Variable Definitions and Coding	vii
<b>C</b>	Main Regression Results	viii
<b>D</b>	Additional Tables and Figures	xvi

---

## A Sample Characteristics

Tables [A1](#) and [A2](#) provide an overview of the disputant sub-sample in relation to the full survey sample. Table [A3](#) presents summary statistics on the disputant sub-sample by country. Table [A4](#) reports summary statistics by dispute type.

All three country sub-samples (of respondents with disputes) are skewed female, with Malawi having the largest gender imbalance. The majority of the sample is between the ages of 18 and 35, with the Kenyans slightly younger and significantly more likely to live near the district capital than the Malawi and Zambia samples. Most respondents are migrants, though the majority had resided in the community for more than 10 years, are married, and completed primary school. The Malawi sample is dominated by respondents who are members of the local ethnic majority (71.6%), and a sizable proportion of our interviewees are low-income (80% of the overall sample).

Table A1: Full Sample versus Dispute Sample Summary Statistics

		Non-Dispute Sample		Dispute Sample		Total Sample	
		n	%	n	%	n	%
Gender	Male	7,766	39.3	1,687	40.0	9,453	39.5
	Female	11,972	60.7	2,529	60.0	14,501	60.5
Age Group	Between 18 and 35	11,740	60.0	2,581	61.4	14,321	60.2
	Between 35 and 55	5,456	27.9	1,231	29.3	6,687	28.1
	Over 55	2,377	12.1	393	9.3	2,770	11.6
Migrant (10 years)	No	10,596	53.8	2,439	57.9	13,035	54.5
	Yes	9,113	46.2	1,772	42.1	10,885	45.5
Native	No	14,789	75.0	3,108	73.8	17,897	74.8
	Yes	4,920	25.0	1,103	26.2	6,023	25.2
Ethnic Majority	No	9,506	49.0	1,789	43.3	11,295	48.0
	Yes	9,902	51.0	2,340	56.7	12,242	52.0
CA-Related	No	17,218	87.2	3,522	83.5	20,740	86.6
	Yes	2,520	12.8	694	16.5	3,214	13.4
Education Level	Little/ None	1,868	9.5	312	7.4	2,180	9.1
	Primary	9,352	47.6	2,110	50.1	11,462	48.1
	Secondary	6,435	32.8	1,465	34.8	7,900	33.1
	Post-Secondary	1,978	10.1	323	7.7	2,301	9.7
Marital Status	Single	6,914	35.1	1,447	34.3	8,361	34.9
	Married	12,805	64.9	2,768	65.7	15,573	65.1
Distance to District	One hour or less	12,441	63.1	2,719	64.5	15,160	63.3
	More than one hour	7,275	36.9	1,497	35.5	8,772	36.7
Distance to N. Capital	Two hours or less	8,282	64.2	1,655	61.3	9,937	63.7
	More than two hours	4,617	35.8	1,045	38.7	5,662	36.3
High Income	No	14,564	74.6	3,327	79.5	17,891	75.5
	Yes	4,955	25.4	857	20.5	5,812	24.5
Country	Kenya	3,269	16.6	519	12.3	3,788	15.8
	Malawi	8,276	41.9	2,026	48.1	10,302	43.0
	Zambia	8,193	41.5	1,671	39.6	9,864	41.2
Total		19,738	100.0	4,216	100.0	23,954	100.0

Notes: The table provides summary statistics of the full and dispute sample by household/respondent attributes. Respondents are divided into three age groups from the youngest to the oldest. Respondent distance away from the administrative district capital (admin) is divided into those who could travel in less than an hour and those who travelled for more than an hour. Distance to the national capital (N.) is also split into respondents who could travel in less than two hours and those who travelled for more than two hours. In the regression analysis, the continuous form of the three variables is used.

Table A2: Balance Table of Means: Non-Dispute Sample versus Dispute Sample

	Non-Dispute Sample	Dispute Sample	Difference
Gender	1.607 (0.489)	1.600 (0.490)	-0.007 (0.420)
Age	1.522 (0.702)	1.480 (0.661)	-0.042*** (0.000)
Migrant (10 years)	0.462 (0.499)	0.421 (0.494)	-0.042*** (0.000)
Native	0.250 (0.433)	0.262 (0.440)	0.012* (0.095)
Ethnic Majority	0.510 (0.500)	0.567 (0.496)	0.057*** (0.000)
CA-Related	0.128 (0.334)	0.165 (0.371)	0.037*** (0.000)
Education Level	2.434 (0.798)	2.427 (0.739)	-0.007 (0.612)
Marital Status	1.649 (0.477)	1.657 (0.475)	0.007 (0.365)
Distance to District	0.369 (0.483)	0.355 (0.479)	-0.014* (0.089)
Distance to N. Capital	0.358 (0.479)	0.387 (0.487)	0.029*** (0.004)
High Income	0.254 (0.435)	0.205 (0.404)	-0.049*** (0.000)
Observations	19,738	4,216	23,954

Significance levels \* 10% \*\* 5% \*\*\* 1%. Notes: The difference column reflects the two-sample t test with equal variances. Results from the Pearson's chi-square test of independence are similar, with results showing no significant difference in means for marital, gender, and native at the 10 percent level.

Table A3: Sample Summary Statistics

		Kenya		Malawi		Zambia		Total	
		n	%	n	%	n	%	n	%
Gender	Male	302	50.0	919	39.0	900	39.1	2,121	40.3
	Female	302	50.0	1,438	61.0	1,403	60.9	3,143	59.7
Age Group	Between 18 & 35	412	68.6	1,477	62.7	1,336	58.2	3,225	61.4
	Between 35 & 55	149	24.8	681	28.9	706	30.8	1,536	29.3
	Over 55	40	6.7	197	8.4	252	11.0	489	9.3
Migrant (10 years)	No	251	41.6	1,479	62.7	1,368	59.5	3,098	58.9
	Yes	353	58.4	878	37.3	930	40.5	2,161	41.1
Native	No	497	82.3	1,592	67.5	1,783	77.6	3,872	73.6
	Yes	107	17.7	765	32.5	515	22.4	1,387	26.4
Ethnic Majority	No	352	59.4	662	28.4	1,182	52.9	2,196	42.6
	Yes	241	40.6	1,665	71.6	1,053	47.1	2,959	57.4
CA-Related	No	598	99.0	2,034	86.3	1,713	74.4	4,345	82.5
	Yes	6	1.0	323	13.7	590	25.6	919	17.5
Education Level	Little/ None	12	2.0	181	7.7	184	8.0	377	7.2
	Primary	155	25.7	1,380	58.6	1,154	50.3	2,689	51.2
	Secondary	251	41.6	731	31.0	834	36.3	1,816	34.6
	Post-Secondary	186	30.8	64	2.7	124	5.4	374	7.1
Marital Status	Single	248	41.1	710	30.1	819	35.6	1,777	33.8
	Married	356	58.9	1,647	69.9	1,483	64.4	3,486	66.2
Distance to District	1 hour or less	517	85.6	1,418	60.2	1,449	62.9	3,384	64.3
	More than 1 hour	87	14.4	939	39.8	854	37.1	1,880	35.7
Distance to N. Capital	2 hours or less	577	95.5	827	35.1	828	36.0	2,232	42.4
	More than 2 hours	27	4.5	1,530	64.9	1,475	64.0	3,032	57.6
Higher Income	No	356	60.2	2,047	87.3	1,800	78.6	4,203	80.4
	Yes	235	39.8	298	12.7	489	21.4	1,022	19.6
Total		604	100.0	2,357	100.0	2,303	100.0	5,264	100.0

Notes: The table provides summary statistics of the dispute sample by household/respondent attributes and country. Respondents are divided into three age groups from the youngest to the oldest. Respondent distance away from the administrative district capital (admin) is divided into those who could travel in less than an hour and those who travelled for more than an hour. Distance to the national capital (N.) is also split into respondents who could travel in less than two hours and those who travelled for more than two hours. In the regression analysis, the continuous form of the three variables is used.



Table A4 reports summary statistics by dispute type. Economic disputes were the most commonly reported dispute types among the Malawi (43%) and Zambia dispute samples (41%), while criminal disputes were the most frequently reported dispute type within the Kenya sample; 51% of Kenyan disputes were criminal, compared to 41% economic in nature.

Table A4: Sample Summary Statistics by Type of Dispute and Household Attributes

		Crime		Economic		Social		Political		Total	
		n	%	n	%	n	%	n	%	n	%
Gender	Male	947	44.7	870	41.1	251	11.9	49	2.3	2,117	100.0
	Female	1,222	38.9	1,329	42.3	538	17.1	54	1.7	3,143	100.0
Age Group	Between 18 & 35	1,360	42.2	1,329	41.2	467	14.5	66	2.0	3,222	100.0
	Between 35 & 55	618	40.2	637	41.5	247	16.1	34	2.2	1,536	100.0
	Over 55	185	37.9	225	46.1	75	15.4	3	0.6	488	100.0
Migrant (10 years)	No	1,172	37.9	1,376	44.5	483	15.6	64	2.1	3,095	100.0
	Yes	994	46.0	821	38.0	306	14.2	39	1.8	2,160	100.0
Migrant (5 years)	No	1,469	38.9	1,659	44.0	571	15.1	75	2.0	3,774	100.0
	Yes	697	47.1	538	36.3	218	14.7	28	1.9	1,481	100.0
Native	No	1,654	42.8	1,558	40.3	585	15.1	72	1.9	3,869	100.0
	Yes	512	36.9	639	46.1	204	14.7	31	2.2	1,386	100.0
Ethnic Majority	No	1,022	46.6	847	38.6	291	13.3	35	1.6	2,195	100.0
	Yes	1,095	37.0	1,309	44.3	484	16.4	68	2.3	2,956	100.0
CA-Related	No	1,859	42.8	1,778	40.9	617	14.2	88	2.0	4,342	100.0
	Yes	310	33.8	421	45.9	172	18.7	15	1.6	918	100.0
Education Level	Little/ None	119	31.6	187	49.6	64	17.0	7	1.9	377	100.0
	Primary	1,023	38.1	1,124	41.8	482	17.9	58	2.2	2,687	100.0
	Secondary	804	44.3	763	42.0	213	11.7	35	1.9	1,815	100.0
	Post-Secondary	220	59.0	122	32.7	28	7.5	3	0.8	373	100.0
Marital Status	Single	767	43.2	719	40.5	260	14.6	29	1.6	1,775	100.0
	Married	1,401	40.2	1,480	42.5	529	15.2	74	2.1	3,484	100.0
Distance to District	1 hour or less	1,470	43.5	1,368	40.5	489	14.5	54	1.6	3,381	100.0
	More than 1 hour	699	37.2	832	44.3	299	15.9	49	2.6	1,879	100.0
Distance to N. Capital	2 hours or less	1,039	46.6	901	40.4	254	11.4	36	1.6	2,230	100.0
	More than 2 hours	1,130	37.3	1,299	42.9	534	17.6	67	2.2	3,030	100.0
High Income	No	1,663	39.6	1,794	42.7	648	15.4	95	2.3	4,200	100.0
	Yes	489	47.9	386	37.8	138	13.5	8	0.8	1,021	100.0
Country	Kenya	307	50.8	247	40.9	46	7.6	4	0.7	604	100.0
	Malawi	1,025	43.5	1,004	42.7	275	11.7	50	2.1	2,354	100.0
	Zambia	837	36.4	948	41.2	468	20.3	49	2.1	2,302	100.0
Total		2,169	41.2	2,199	41.8	789	15.0	103	2.0	5,260	100.0

Notes: The table presents the characteristics of individuals based on the type of dispute the household was involved in. Observations are disputes.

Table A5: Type of Actor Turned to for Dispute Resolution

		Nobody		Customary		State		Community		Total	
		n	%	n	%	n	%	n	%	n	%
Gender	Male	811	40.4	735	36.6	346	17.2	115	5.7	2,007	100.0
	Female	1,352	45.5	996	33.5	408	13.7	214	7.2	2,970	100.0
Age Group	Between 18 & 35	1,327	43.5	1,018	33.3	473	15.5	235	7.7	3,053	100.0
	Between 35 & 55	652	44.9	522	36.0	207	14.3	71	4.9	1,452	100.0
	Over 55	176	38.4	186	40.6	73	15.9	23	5.0	458	100.0
Migrant (10 years)	No	1,181	40.4	1,182	40.4	407	13.9	154	5.3	2,924	100.0
	Yes	979	47.8	548	26.8	347	16.9	174	8.5	2,048	100.0
Native	No	1,643	45.1	1,159	31.8	584	16.0	261	7.2	3,647	100.0
	Yes	517	39.0	571	43.1	170	12.8	67	5.1	1,325	100.0
Ethnic Majority	No	978	47.0	551	26.5	412	19.8	142	6.8	2,083	100.0
	Yes	1,140	40.8	1,147	41.1	322	11.5	183	6.6	2,792	100.0
CA-Related	No	1,862	45.4	1,287	31.4	672	16.4	280	6.8	4,101	100.0
	Yes	301	34.4	444	50.7	82	9.4	49	5.6	876	100.0
Education Level	Little/ None	151	42.7	153	43.2	30	8.5	20	5.6	354	100.0
	Primary	1,060	41.6	1,001	39.3	305	12.0	181	7.1	2,547	100.0
	Secondary	760	44.2	543	31.6	308	17.9	107	6.2	1,718	100.0
	Post-Secondary	187	53.4	32	9.1	110	31.4	21	6.0	350	100.0
Marital status	Single	725	43.2	545	32.4	296	17.6	114	6.8	1,680	100.0
	Married	1,437	43.6	1,186	36.0	458	13.9	215	6.5	3,296	100.0
Distance to District	1 hour or less	1,484	46.3	951	29.7	550	17.2	219	6.8	3,204	100.0
	More than 1 hour	679	38.3	780	44.0	204	11.5	110	6.2	1,773	100.0
Distance to N. Capital	2 hours or less	1,014	47.6	528	24.8	428	20.1	160	7.5	2,130	100.0
	More than 2 hours	1,149	40.4	1,203	42.3	326	11.5	169	5.9	2,847	100.0
Higher Income	No	1,700	42.8	1,478	37.2	532	13.4	258	6.5	3,968	100.0
	Yes	444	45.7	243	25.0	216	22.2	68	7.0	971	100.0
Dispute Type	Crime	982	52.6	364	19.5	446	23.9	76	4.1	1,868	100.0
	Economic	698	33.7	1,069	51.7	176	8.5	126	6.1	2,069	100.0
	Social	318	44.0	234	32.4	70	9.7	101	14.0	723	100.0
	Political	53	57.0	20	21.5	12	12.9	8	8.6	93	100.0
Sample Location	Zambia Border	536	39.2	607	44.4	150	11.0	73	5.3	1,366	100.0
	Lusaka	384	48.7	164	20.8	182	23.1	58	7.4	788	100.0
	Malawi Border	667	40.0	681	40.8	207	12.4	113	6.8	1,668	100.0
	Lilongwe	227	39.1	249	42.9	65	11.2	39	6.7	580	100.0
	Nairobi	349	60.7	30	5.2	150	26.1	46	8.0	575	100.0
Country	Kenya	349	60.7	30	5.2	150	26.1	46	8.0	575	100.0
	Malawi	894	39.8	930	41.4	272	12.1	152	6.8	2,248	100.0
	Zambia	920	42.7	771	35.8	332	15.4	131	6.1	2,154	100.0
Total		2,163	43.5	1,731	34.8	754	15.1	329	6.6	4,977	100.0

Notes: The table presents the characteristics of individuals based on the type of actor/ forum they turned to for the dispute the household was involved in. Due to the small sample size, we exclude those who turned to other forums (n=45) or to multiple forums (n=106).

## B Variable Definitions and Coding

Table B1: Definitions for Key Respondent-Level Variables

Variable	Definition
Dispute	Whether respondent reported that the household experienced a dispute or a crime in the past 12 months, based on the questions: "Since [month] of last year, have you or anyone in your household been engaged in a dispute, such as disputes over land, water, custody or other issues not involving violent crime?" and "Since [month] last year, have you or someone in your household been the victim of a crime, such as a theft, assault, or murder or kidnapping of friend or family member?"
Dispute Type	Economic disputes are those involving contracts, resources required for economic productivity, and public goods contributions (such as "garbage collection" and "electricity"). Social disputes relate to the family and social norms. This includes marital disputes as well as reports of "witchcraft accusations," "girl child pregnancy," and "gossiping." Criminal disputes are thefts, assaults, and other acts that are crimes in the country's laws. Political disputes are disputes described as being about ethnicity, elections, politics, the chieftaincy, and religious differences.
Education	Respondent education categorized as: Little to No Schooling, Primary Schooling, Secondary Schooling, Post Secondary Schooling. Primary schooling is the baseline in all reported models.
CA-Related	Respondent reported that a customary authority in the village/neighborhood was a family relation
Distance to District	Minutes travel time from the household to the district capital (Malawi and Zambia) or county capital (Kenya) based on google maps data
Distance to N. Capital	Minutes travel time from the household to the national capital based on google maps data
Higher Income	Self-reported evaluation that "Our household income covers the needs alright, without much difficulty" and "Our household income covers the needs well—we can save"
Assets	Index based on ownership of 7 assets: vehicle, mobile, radio, bike, television, fridge, bed
Male	Respondent Gender
Age	Self-reported respondent age
Migrant	Respondent reported having lived in the community for 10 years or less based
Ethnic Majority	Whether respondent's self-reported ethnicity is the majority in the village sample

## C Main Regression Results

Table C1: Correlates of the Forum Pluralism Index

Dependent Variable Sample	Village FPI			
	Pooled Sample		Zambia	Malawi
	Model 1	Model 2	Model 3	Model 4
Distance to District	-0.001*** (0.00)	-0.001*** (0.00)	-0.000 (0.00)	-0.001*** (0.00)
Distance to N. capital	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)
Proportion Migrant	0.176* (0.09)	0.174* (0.09)	0.386** (0.12)	0.139 (0.10)
ELF	0.008 (0.09)	0.026 (0.09)	0.121*** (0.02)	-0.084 (0.14)
Village Sample Size	-0.002* (0.00)	-0.002* (0.00)	-0.001 (0.00)	-0.000 (0.00)
Total Disputes	0.011*** (0.00)	0.011*** (0.00)	0.011 (0.01)	0.007 (0.01)
Disputes/ Sample	-0.180* (0.10)	-0.178* (0.10)	-0.148 (0.18)	0.165 (0.33)
LGPI Sample (Base: Zambia Border <sup>ϕ</sup> )				
Lusaka	-0.020 (0.10)		-0.144 (0.09)	
Malawi Border	0.019 (0.05)			
Lilongwe	-0.047 (0.07)			-0.087 (0.05)
Nairobi	0.083 (0.17)			
Peri-urban Sample (Base: No)				
Yes		-0.063 (0.05)		
Country (Base: Zambia)				
Kenya		0.119 (0.16)		
Malawi		-0.004 (0.03)		
Constant	0.409*** (0.07)	0.432*** (0.09)	0.210** (0.06)	0.385*** (0.11)
R-squared	0.120	0.119	0.226	0.124
N	196	196	81	113

Significance levels \* 10% \*\* 5% \*\*\* 1%. Notes: The table presents the correlates of locality-level measures of forum pluralism and village characteristics.<sup>ϕ</sup> base for the Malawi based regression is the Malawi Border.

Table C2: Correlates of Opting Out of Dispute Resolution

Dependent Variable	Share Reported Nobody				
	Pooled	Pooled (alt)	Zambia	Malawi	Restricted
Village FPI	-0.264*** (0.03)	-0.266*** (0.03)	-0.273*** (0.03)	-0.241*** (0.06)	-0.171*** (0.05)
Distance to District	-0.000* (0.00)	-0.000* (0.00)	-0.000 (0.00)	-0.000 (0.00)	-0.000 (0.00)
Distance to N. Capital	0.000 (0.00)	0.000 (0.00)	0.000** (0.00)	0.000 (0.00)	0.000 (0.00)
Proportion Migrants	0.186*** (0.06)	0.183*** (0.05)	0.051 (0.06)	0.271*** (0.07)	0.115 (0.07)
ELF	-0.038 (0.05)	-0.001 (0.05)	0.044 (0.09)	-0.126** (0.04)	-0.043 (0.05)
Village Sample Size	0.008*** (0.00)	0.008*** (0.00)	0.010*** (0.00)	0.009*** (0.00)	0.002* (0.00)
Total Disputes	-0.013*** (0.00)	-0.015*** (0.00)	-0.011** (0.00)	-0.024** (0.01)	0.006** (0.00)
Disputes/ Sample	0.795*** (0.16)	0.806*** (0.16)	0.575*** (0.12)	1.243*** (0.23)	-0.006 (0.10)
LGPI Sample (Base: Zambian Border <sup>ϕ</sup> )					
Lusaka	0.143** (0.06)		0.142** (0.04)		0.054 (0.06)
Malawi Border	0.085 (0.05)				-0.017 (0.04)
Lilongwe	0.111 (0.06)			0.007 (0.03)	0.015 (0.06)
Nairobi	0.190*** (0.06)				-0.104 (0.07)
Peri-urban Sample (Base: No)					
Yes		0.050 (0.04)			
Country (Base: Zambia)					
Kenya		0.074** (0.03)			
Malawi		0.034 (0.04)			
Constant	-0.111 (0.08)	-0.058 (0.06)	-0.073 (0.08)	-0.119* (0.06)	0.189* (0.10)
R-squared	0.196	0.191	0.206	0.180	0.168
N	691	691	278	312	196

Significance levels \* 10% \*\* 5% \*\*\* 1%. Notes: The table presents the village-level correlates of the share of those who reported going to nobody in villages with a minimum of 10 respondents. The restricted column restricts the sample to villages with a minimum of 5 disputants who used a forum.

<sup>ϕ</sup> Base for the Malawi Regression is the Malawi Border.

Table C3: Correlates of Disputes Prevalence

Dependent Variable	Disputes per Sample				
	Pooled	Pooled (alt)	Zambia	Malawi	Restricted
Village FPI	0.223*** (0.05)	0.239*** (0.06)	0.307** (0.12)	0.197*** (0.02)	0.158 (0.11)
Reported CA	-0.101*** (0.01)	-0.072** (0.03)	-0.117*** (0.02)		
Proportion Migrants	-0.130* (0.07)	-0.173** (0.08)	-0.294* (0.15)	-0.020 (0.04)	-0.284 (0.20)
Distance to District	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	-0.000 (0.00)	0.001*** (0.00)
Distance to N. Capital	-0.000*** (0.00)	-0.000 (0.00)	-0.000** (0.00)	-0.000 (0.00)	-0.000 (0.00)
LGPI Sample (Base: Zambian Border <sup>ϕ</sup> )					
Lusaka	-0.173*** (0.03)		-0.184 (0.09)		-0.218** (0.09)
Malawi Border	-0.169*** (0.03)			0.000 (.)	-0.328*** (0.07)
Lilongwe	-0.139** (0.05)			0.054 (0.05)	-0.274** (0.10)
Nairobi	-0.199*** (0.04)				-0.406** (0.15)
Peri-urban Sample (Base: No)					
Yes		-0.015 (0.05)			
Country (Base: Zambia)					
Kenya		-0.064 (0.05)			
Malawi		-0.074 (0.06)			
Constant	0.510*** (0.05)	0.376*** (0.08)	0.607*** (0.04)	0.184*** (0.04)	0.670*** (0.12)
R-squared	0.205	0.174	0.255	0.222	0.269
N	691	691	278	312	196

Significance levels \* 10% \*\* 5% \*\*\* 1%. Notes: The table presents the correlates of locality-level measures of forum pluralism and village characteristics.<sup>ϕ</sup> base for the Malawi regression is the Malawi Border.

Table C4: Correlates of Forum Choice

	Customary M1	State M2	Customary M3	State M4
CA-Related	0.397** (0.178)	-0.487** (0.200)	0.399** (0.179)	-0.489** (0.200)
Migrant (10 years)	-0.260* (0.147)	-0.228 (0.158)	-0.272* (0.148)	-0.212 (0.159)
Ethnic Majority	0.198 (0.186)	-0.203 (0.200)	0.195 (0.187)	-0.199 (0.200)
Secondary Ed.	-0.026 (0.149)	0.399** (0.158)	-0.035 (0.150)	0.398** (0.159)
Post-Secondary Ed.	-0.492 (0.337)	1.076*** (0.325)	-0.483 (0.339)	1.060*** (0.327)
Higher Income	-0.176 (0.173)	0.234 (0.178)	-0.177 (0.175)	0.229 (0.179)
Married	0.075 (0.137)	-0.139 (0.146)	0.074 (0.138)	-0.145 (0.146)
Male	0.085 (0.134)	-0.066 (0.142)	0.073 (0.135)	-0.055 (0.142)
Reported CA	0.535 (0.895)	-0.800 (0.906)		
Crime	-0.468** (0.187)	1.998*** (0.253)	-0.459** (0.188)	1.990*** (0.253)
Economic	1.642*** (0.209)	-0.422** (0.212)	1.654*** (0.210)	-0.425** (0.212)
Political	-0.218 (0.458)	0.818 (0.509)	-0.210 (0.460)	0.813 (0.510)
Distance to District	0.008*** (0.002)	-0.008*** (0.002)	0.008*** (0.002)	-0.008*** (0.002)
Distance to N. Capital	0.002*** (0.001)	-0.002*** (0.001)	0.002*** (0.001)	-0.002*** (0.001)
Proportion Migrants	-1.918*** (0.491)	1.343** (0.536)	-1.922*** (0.493)	1.363** (0.537)
Constant	0.896 (1.006)	-2.435** (1.054)	1.437*** (0.498)	-3.245*** (0.596)
var(Village)	0.516*** (0.192)	0.833*** (0.267)	0.517*** (0.193)	0.835*** (0.269)
var(Household)	1.715** (0.683)	1.482** (0.644)	1.751** (0.693)	1.496** (0.648)
Sample FE	Yes	Yes	Yes	Yes
Sub-Sample	No	No	Comm. w/ Chiefs	Comm. w/ Chiefs
chi2	146.62	141.10	145.21	140.11
N	2805	2805	2790	2790

Significance levels \* 10% \*\* 5% \*\*\* 1%. Notes: The table presents the results of multi-level logistic regressions clustered at the village and household levels. Outcomes are using Customary Forums (M1 and M3) and State Forums (M2 and M4) among those who sought help. Models 3 and 4 are subsamples of only communities where respondents reported the existence of a customary authority. All models include additional controls for: Age, ELF, Assets, No Formal Schooling.

Table C5: Correlates of Customary Forum Choice, by Country

	Zambia	Malawi	Kenya
CA-Related	0.443*	0.115	0.000
	(0.234)	(0.277)	(.)
Migrant (10 years)	-0.334	-0.213	-0.355
	(0.225)	(0.216)	(0.606)
Ethnic Majority	-0.415	0.512*	1.330
	(0.307)	(0.268)	(0.847)
Secondary Ed.	-0.016	0.077	-0.227
	(0.219)	(0.227)	(0.593)
Post-Secondary Ed.	-0.199	-1.141*	-0.059
	(0.510)	(0.657)	(0.690)
Higher Income	0.148	-0.404	-0.712
	(0.241)	(0.299)	(0.552)
Married	0.280	-0.027	-0.436
	(0.205)	(0.207)	(0.537)
Male	-0.259	0.314	-0.038
	(0.202)	(0.204)	(0.502)
Reported CA	0.370	0.000	0.000
	(0.864)	(.)	(.)
Crime	-0.300	-0.353	-1.639
	(0.258)	(0.298)	(1.016)
Economic	1.713***	2.115***	-0.484
	(0.268)	(0.420)	(0.831)
Political	0.195	-0.324	0.000
	(0.712)	(0.649)	(.)
Distance to District	0.015***	0.004	-0.014
	(0.003)	(0.003)	(0.014)
Distance to N. Capital	0.000	0.004***	0.015
	(0.001)	(0.001)	(0.012)
Proportion Migrants	-1.361*	-2.747***	1.209
	(0.733)	(0.796)	(2.421)
Constant	0.961	1.621**	-3.664
	(1.208)	(0.713)	(2.331)
var(Village)	0.735**	0.273	0.000
	(0.300)	(0.257)	(0.000)
var(Household)	0.956	2.566	1.368
	(0.683)	(1.592)	(2.760)
Sample FE	Yes	Yes	No
chi2	93.54	39.90	7.19
N	1201	1374	220

Significance levels \* 10% \*\* 5% \*\*\* 1%. Notes: The table presents the correlates of using Customary Forums among those who sought help clustered at the village- and household-levels, using multilevel logistic regression. All models include additional controls for: Age, ELF, Assets, No Formal Schooling.



Table C6: Correlates of State Forum Choice, by Country

	Zambia	Malawi	Kenya
CA-Related	-0.505*	-0.198	0.965
	(0.275)	(0.315)	(1.339)
Migrant (10 years)	0.256	-0.502**	-0.960*
	(0.247)	(0.251)	(0.546)
Ethnic Majority	0.304	-0.656**	-0.213
	(0.350)	(0.299)	(0.632)
Secondary Ed.	0.365	0.415*	-0.079
	(0.240)	(0.252)	(0.481)
Post-Secondary Ed.	1.156**	0.966	0.515
	(0.524)	(0.661)	(0.601)
Higher Income	-0.280	0.217	1.419**
	(0.265)	(0.318)	(0.562)
Married	-0.379*	0.058	-0.049
	(0.227)	(0.231)	(0.442)
Male	0.347	-0.287	-0.218
	(0.222)	(0.225)	(0.428)
Reported CA	-0.781	0.000	0.000
	(0.893)	(.)	(.)
Crime	1.705***	2.749***	1.581*
	(0.316)	(0.631)	(0.907)
Economic	-0.879***	0.000	0.324
	(0.282)	(0.421)	(0.781)
Political	0.692	1.325	0.531
	(0.744)	(0.837)	(2.091)
Distance to District	-0.014***	-0.003	-0.005
	(0.003)	(0.003)	(0.008)
Distance to N. Capital	-0.000	-0.005***	0.002
	(0.001)	(0.001)	(0.010)
Proportion Migrants	0.377	3.184***	-1.769
	(0.812)	(0.913)	(2.242)
Constant	-1.591	-4.879***	2.675
	(1.300)	(1.155)	(1.951)
var(Village)	0.901**	0.188	1.013
	(0.378)	(0.317)	(0.975)
var(Household)	1.204*	2.573	0.482
	(0.693)	(1.840)	(1.918)
Sample FE	Yes	Yes	No
chi2	87.82	34.96	10.43
N	1201	1374	228

Significance levels \* 10% \*\* 5% \*\*\* 1%. Notes: The table presents the correlates of using Customary Forums among those who sought help clustered at the village- and household-level using multilevel logistic regression. All models include additional controls for: Age, ELF, Assets, No Formal Schooling.

Table C7: Correlates of Forum Choice, by Urban

Dependent Variables Sample	Forum Type			
	Peri-Urban		Rural	
	Customary	State	Customary	State
CA-Related	0.640 (0.453)	-1.335** (0.654)	0.303 (0.188)	-0.320 (0.196)
Migrant (10 years)	-0.291 (0.298)	-0.450 (0.373)	-0.258 (0.170)	-0.080 (0.175)
Ethnic Majority	0.960** (0.484)	-0.084 (0.579)	0.073 (0.196)	-0.260 (0.200)
Secondary Ed.	0.138 (0.311)	0.284 (0.381)	-0.017 (0.170)	0.400** (0.171)
Post-Secondary Ed.	-0.168 (0.515)	1.260** (0.614)	-0.598 (0.503)	0.897* (0.481)
Higher Income	0.169 (0.325)	0.655* (0.394)	-0.396* (0.211)	0.009 (0.213)
Married	0.513* (0.284)	-0.697** (0.353)	-0.125 (0.160)	0.085 (0.165)
Male	0.056 (0.274)	-0.410 (0.343)	0.089 (0.155)	0.076 (0.157)
Reported CA	0.173 (1.361)	-0.778 (1.645)	-0.654 (1.558)	0.459 (1.488)
Crime	-1.726*** (0.510)	3.458*** (0.778)	-0.170 (0.200)	1.660*** (0.250)
Economic	0.498 (0.415)	0.308 (0.549)	1.875*** (0.243)	-0.584** (0.229)
Political	-2.153** (0.986)	2.241* (1.251)	0.387 (0.556)	0.510 (0.586)
Distance to District	0.021*** (0.006)	-0.028*** (0.008)	0.004** (0.002)	-0.003* (0.002)
Distance to N. Capital	0.013* (0.007)	-0.004 (0.009)	0.002*** (0.001)	-0.002*** (0.001)
Proportion Migrants	-1.062 (1.230)	-0.567 (1.660)	-1.918*** (0.511)	1.743*** (0.531)
Constant	-0.665 (1.745)	-1.816 (2.201)	1.598 (1.632)	-3.155** (1.587)
var(Village)	0.889 (0.580)	2.260* (1.159)	0.291* (0.167)	0.455** (0.205)
var(Household)	2.689 (1.730)	5.069* (2.608)	1.329* (0.706)	0.631 (0.488)
Sample FE	Yes	Yes	Yes	Yes
chi2	40.33	34.65	94.22	113.83
N	953	953	1852	1852

Significance levels \* 10% \*\* 5% \*\*\* 1%. Notes: The table presents the correlates of using Customary or State Forums, among those who sought help clustered at the village and household level using multilevel logistic regression. All models include additional controls for: Age, ELF, Assets, No Formal Schooling.

Table C8: Correlates of Forum Use

	Forum Use M1	Forum Use M2
CA-Related	0.466*** (0.139)	0.465*** (0.139)
Migrant (10 years)	-0.105 (0.108)	-0.095 (0.108)
No Formal Ed.	-0.255 (0.193)	-0.235 (0.194)
Asset Index	-0.001 (0.049)	0.000 (0.049)
Married	-0.175* (0.102)	
Male	0.414*** (0.102)	
Reported CA	-0.072 (0.610)	-0.064 (0.609)
Crime	-0.478*** (0.136)	-0.487*** (0.136)
Economic	0.657*** (0.133)	0.648*** (0.133)
Political	-0.883*** (0.314)	-0.884*** (0.314)
Distance to District	0.003*** (0.001)	0.003*** (0.001)
Distance to N. Capital	-0.001* (0.000)	-0.001* (0.000)
Married Woman		-0.581*** (0.126)
Unmarried Man		-0.153 (0.172)
Unmarried Woman		-0.224 (0.136)
Constant	0.689 (0.710)	1.078 (0.717)
var(Village)	0.285*** (0.110)	0.283** (0.110)
var(Household)	2.584*** (0.515)	2.584*** (0.515)
Sample FE	Yes	Yes
chi2	163.29	164.92
N	4850	4850

Significance levels \* 10% \*\* 5% \*\*\* 1%. Notes: The table presents multilevel logistic regression models. The outcome is use of any forum. All models also include non-significant control variables of: ethnic majority, secondary and post secondary education, wealth, age, ELF, village proportion migrants. Multi-level logistic regressions are clustered at the household- and village-levels.

## D Additional Tables and Figures

Table D1: Fractional Logistic Regression Predicting Probability of Opting Out of Dispute Resolution

Dependent Variable	Share Reported Nobody				
	Pooled	Pooled (alt)	Zambia	Malawi	Restricted
Village FPI	-1.211*** (0.15)	-1.221*** (0.14)	-1.265*** (0.10)	-1.143*** (0.27)	-0.835*** (0.23)
Distance to District	-0.002** (0.00)	-0.002** (0.00)	-0.002* (0.00)	-0.002 (0.00)	-0.002 (0.00)
Distance to N. Capital	0.000 (0.00)	0.000 (0.00)	0.001*** (0.00)	0.000 (0.00)	0.000 (0.00)
Proportion Migrants	0.897*** (0.28)	0.874*** (0.27)	0.237 (0.25)	1.335*** (0.39)	0.589* (0.35)
ELF	-0.209 (0.22)	-0.027 (0.22)	0.211 (0.45)	-0.611*** (0.21)	-0.211 (0.25)
Village Sample Size	0.039*** (0.01)	0.040*** (0.01)	0.047*** (0.01)	0.043*** (0.01)	0.010* (0.01)
Total Disputes	-0.066*** (0.02)	-0.073*** (0.02)	-0.050*** (0.02)	-0.109*** (0.04)	0.028*** (0.01)
Disputes/ Sample	3.778*** (0.83)	3.840*** (0.82)	2.682*** (0.54)	5.745*** (1.14)	-0.060 (0.46)
LGPI Sample (Base: Zambian Border <sup>ϕ</sup> )					
Lusaka	0.705** (0.30)		0.718*** (0.22)		0.239 (0.26)
Malawi Border	0.425* (0.26)				-0.100 (0.18)
Lilongwe	0.555* (0.32)			0.039 (0.16)	0.056 (0.27)
Nairobi	0.902*** (0.31)				-0.800 (0.66)
Peri-Urban Sample (Base: No)					
Yes		0.233 (0.18)			
Country (Base: Zambia)					
Kenya		0.323*** (0.12)			
Malawi		0.157 (0.17)			
Constant	-2.840*** (0.38)	-2.557*** (0.29)	-2.679*** (0.37)	-2.856*** (0.37)	-1.368*** (0.47)
N	691	691	278	312	196

Significance levels \* 10% \*\* 5% \*\*\* 1%. Notes: The table shows the results from the fractional logistic model and presents the probability of opting out of any dispute resolution platform available in the village based on selected attributes. <sup>ϕ</sup> Base for the Malawi Regression is the Malawi Border.

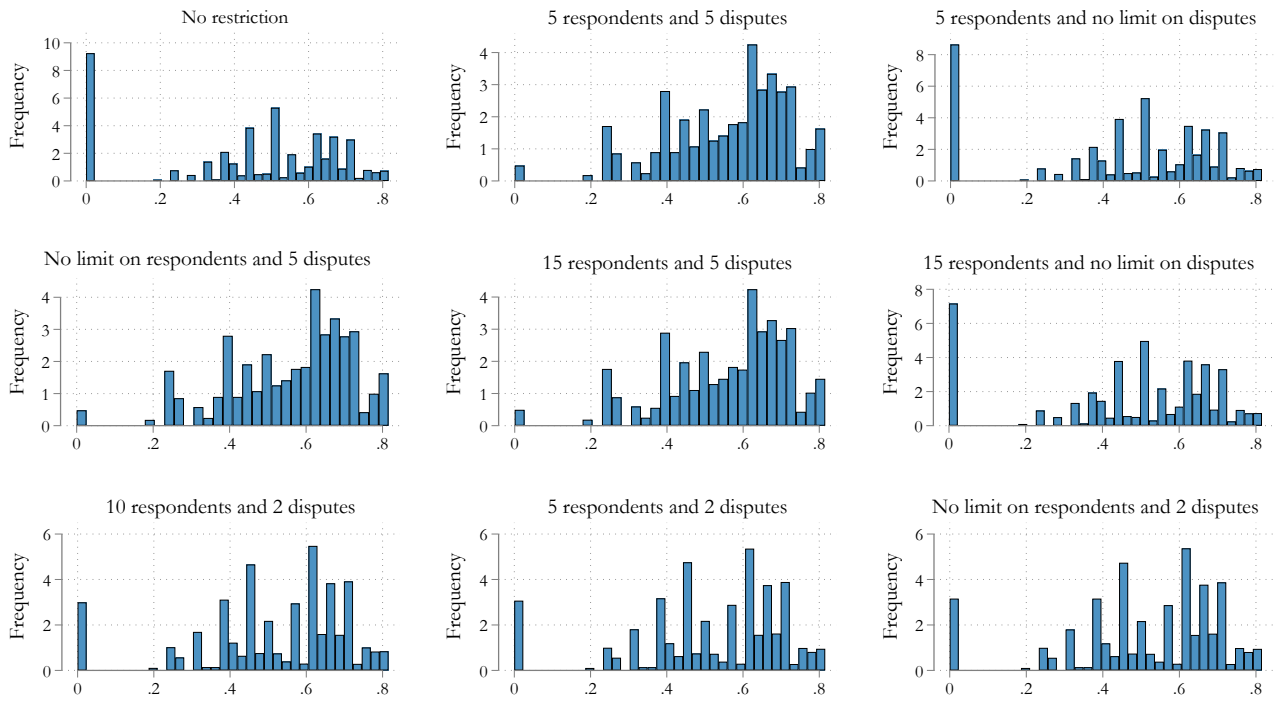


Figure D1: Robustness check - Village FPI with varying number of disputes and sample size

Notes: The figure depicts the degree of forum pluralism at the village level when we vary the sample size and disputes included. The results generally show that forum pluralism is prevalent but as the restrictions on disputes where people turn to a forum reduces, the village forum pluralism index is inflated particularly for those who reported going to the same forum (FPI = 0 increases). As the limit on disputes increases, we see increased forum pluralism in the sampled villages. This justifies the need for thresholds and the choice of 10 respondents and 5 disputes in our baseline model.

Table D2: Correlates of Village-Level State Forum Choice

Dependent Variable	Share State			
	Pooled	Pooled (alt)	Zambia	Malawi
Village FPI	-0.010 (0.10)	-0.010 (0.10)	-0.112 (0.17)	0.193** (0.09)
Distance to District	-0.001** (0.00)	-0.001** (0.00)	-0.001 (0.00)	-0.001* (0.00)
Distance to N. Capital	-0.000** (0.00)	-0.000* (0.00)	-0.000 (0.00)	-0.000** (0.00)
Proportion Migrants	0.275*** (0.09)	0.278*** (0.09)	0.284 (0.24)	0.331*** (0.07)
ELF	0.172** (0.08)	0.137 (0.09)	0.177 (0.15)	0.252* (0.12)
Village Sample Size	0.001 (0.00)	0.001 (0.00)	0.001 (0.00)	-0.001 (0.00)
Total Disputes	0.005 (0.01)	0.006 (0.01)	0.004 (0.00)	0.009 (0.01)
Disputes/ Sample	-0.060 (0.15)	-0.073 (0.15)	-0.038 (0.12)	-0.054 (0.20)
Peri-urban Sample (Base: No)				
Yes	-0.067 (0.04)			
Country (Base: Zambia)				
Kenya	0.257*** (0.08)			
Malawi	-0.084* (0.04)			
LGPI Sample (Base: Zambian Border <sup>ϕ</sup> )				
Lusaka		0.017 (0.07)	-0.032 (0.12)	
Malawi Border		-0.037 (0.04)		0.000 (.)
Lilongwe		-0.113* (0.06)		-0.094* (0.04)
Nairobi		0.254** (0.09)		
Constant	0.139 (0.19)	0.090 (0.18)	0.147 (0.30)	-0.090 (0.11)
R-squared	0.375	0.377	0.343	0.278
N	423	423	163	208

Significance levels \* 10% \*\* 5% \*\*\* 1%. Notes: The table presents the village-level correlates of the share of those who reported going to the state forum. <sup>ϕ</sup> Base for the Malawi Regression is the Malawi Border.

Table D3: Correlates of Village-Level Customary Forum Choice

Dependent Variable	Share Customary			
	Pooled	Pooled (alt)	Zambia	Malawi
Village FPI	-0.140 (0.11)	-0.140 (0.11)	0.033 (0.16)	-0.469*** (0.10)
Distance to District	0.001* (0.00)	0.001* (0.00)	0.002 (0.00)	0.001** (0.00)
Distance to N. Capital	0.000*** (0.00)	0.000*** (0.00)	0.000** (0.00)	0.000** (0.00)
Proportion Migrants	-0.387*** (0.09)	-0.388*** (0.09)	-0.399* (0.15)	-0.494*** (0.10)
ELF	-0.138* (0.07)	-0.136 (0.08)	-0.383* (0.14)	-0.113 (0.11)
Village Sample Size	-0.001 (0.00)	-0.001 (0.00)	-0.004 (0.00)	-0.003 (0.00)
Total Disputes	0.003 (0.00)	0.003 (0.00)	0.006 (0.01)	0.011 (0.02)
Disputes/ Sample	-0.041 (0.11)	-0.040 (0.11)	-0.137 (0.13)	-0.513 (0.44)
Peri-urban Sample (Base: No)				
Yes	0.095** (0.04)			
Country (Base: Zambia)				
Kenya	-0.312*** (0.06)			
Malawi	0.151*** (0.04)			
LGPI Sample (Base: Zambian Border <sup>ϕ</sup> )				
Lusaka		0.090 (0.07)	0.255* (0.10)	
Malawi Border		0.149*** (0.04)		0.000 (.)
Lilongwe		0.244*** (0.07)		0.093** (0.04)
Nairobi		-0.221** (0.08)		
Constant	0.755*** (0.15)	0.758*** (0.16)	0.791*** (0.12)	1.261*** (0.14)
R-squared	0.495	0.495	0.415	0.361
N	423	423	163	208

Significance levels \* 10% \*\* 5% \*\*\* 1%. Notes: The table presents the village-level correlates of the share of those who reported going to a customary authority. <sup>ϕ</sup> Base for the Malawi Regression is the Malawi Border.

Table D4: Resolved Conflicts Among Those Using Forums

	Resolved M1	Resolved M2
State Forum	-0.640*** (0.196)	-0.289 (0.589)
State Forum × Crime		-0.001 (0.632)
State Forum × Economic		-1.105* (0.658)
State Forum × Political		1.432 (1.584)
CA-Related	0.215 (0.220)	0.221 (0.221)
Migrant (10 years)	0.070 (0.185)	0.048 (0.185)
Age	-0.013** (0.006)	-0.012* (0.006)
Married Woman	-0.026 (0.205)	-0.014 (0.206)
Unmarried Man	-0.069 (0.283)	-0.076 (0.284)
Unmarried Woman	-0.270 (0.225)	-0.240 (0.226)
Reported CA	2.445** (1.093)	2.392** (1.087)
Crime	-2.069*** (0.306)	-2.186*** (0.340)
Economic	-0.073 (0.245)	0.120 (0.269)
Political	-0.010 (0.678)	-0.491 (0.782)
Distance to District	0.002 (0.002)	0.002 (0.002)
Distance to N. Capital	-0.002*** (0.001)	-0.002** (0.001)
Constant	0.441 (1.218)	0.427 (1.217)
var(Village)	0.367 (0.258)	0.371 (0.261)
var(Household)	5.092*** (1.459)	5.085*** (1.461)
Sample FE	Yes	Yes
chi2	98.46	100.15
N	2774	2774

Significance levels \* 10% \*\* 5% \*\*\* 1%. Table presents multi-level logistic regression models. The outcomes are reported dispute resolutions. All models also include additional variables of: ethnic majority, education, wealth, assets, and village proportion migrants.