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EVENT REPORT – REGIONAL NETWORK MEETINGS, July 2012

Rule of Law Stabilization Program – Informal Component (RLS-I)

Contract Number: DFD-1-00-04-00170-00

Task Order: DFD-I-05-04-00170



RLS-I staff member presented welcoming remarks during opening ceremony of the South Regional Network Meeting on long-standing disputes

9 July 2012

This publication was produced for review by the United States Agency for International Development. It was prepared by Checchi and Company Consulting, Inc.



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Task Order: DFD-I-05-04-00170

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Executive Summary

The USAID-funded Rule of Law Stabilization Program—Informal Component (RLS-I) has enhanced the informal justice sector in Afghanistan by strengthening TDR mechanisms and increasing informal-formal collaboration. However, some disputes pose challenges to informal as well as formal judicial mechanisms and conventional approaches to settlement. Objective 3 of RLS-I specifically addresses this challenge, seeking to “Develop approaches that successfully resolve long-standing, intractable disputes.”

Accordingly, RLS-I sponsored three regional network meetings which provided a venue for authoritative members of communities in the South, North, and East regions of Afghanistan to design locally-owned and legitimate regional approaches to resolving long-standing, intractable disputes.

“Afghanistan is the land of *jirgas*. Major and complicated disputes have been resolved through these *jirgas* and they remain the main mechanism for resolving disputes. There is no other way.” – Ubaidullah Barakzai, Chief of the Parliamentary Complaints Commission. South Regional Network Meeting, 10-11 June, 2012.

The RLS-I-sponsored East Regional Network Meeting on long-standing disputes was held in Jalalabad municipality on 1-2 June 2012. In total, 155 men from all 42 districts of Kunar, Laghman and Nangarhar provinces attended the event. RLS-I hosted the North Regional Network Meeting on long-standing disputes in Puli Khumri district (Baghlan province) on 9-10 June, 2012. In total, 44 men from the three RLS-I target districts in Baghlan and Faryab provinces attended the event. On 10-11 June 2012, RLS-I hosted the South Regional Network Meeting on long-standing disputes in Kabul municipality. In total, 135 men and 20 women representing all 45 districts of Hilmand, Kandahar, Uruzgan and Zabul provinces participated in the event.

Participants in the RLS-I Regional Network Meetings included influential tribal elders, religious leaders, provincial council members, and prominent women. Outcomes included a list of volunteer traditional dispute resolution (TDR) practitioners available to assist and advise their colleagues in tackling long-standing disputes in their respective regions. Participants at the East and South Regional Network Meetings generated lists of disputes prioritized according to their destabilizing effect to focus the efforts of the volunteer committees.

Overview

The USAID-funded Rule of Law Stabilization Program – Informal Component (RLS-I) aims to promote stabilization through efforts to achieve three primary objectives; (1) strengthen traditional dispute resolution mechanisms, (2) strengthen linkages between the informal and

formal judicial sectors, and (3) develop approaches that successfully resolve long-standing, intractable disputes.

Objective (3) addresses the challenges of long-standing disputes as a source of instability. Large family and extensive tribes can develop conflicting interests, allowing what begin as relatively localized disputes to grow, involving more people and affecting a larger territory, thereby becoming more difficult to resolve. The longer such disputes are left unresolved, the more serious they can become, engulfing whole communities, driving further conflict and leading to greater instability.

“Long-standing, intractable disputes” denotes those disputes that have developed into serious, widespread, and often violent conflicts, with heavily ingrained grievances, and for which conventional approaches to dispute resolution have been unsuccessful. These disputes often span several communities and cannot be easily resolved by local TDR mechanisms. In more extreme cases, local TDR mechanisms have lost credibility and parties to the conflict do not consider them neutral or imbued with the moral authority necessary to resolve the conflict.

The formal judicial sector is unable to reach many areas where long-standing, intractable disputes arise; informal judicial mechanisms therefore remain the preferred mechanism for dispute resolution in Afghanistan.¹ Although informal justice mechanisms are often community based and not designed to address widespread, long-standing disputes, TDR practitioners in such cases often collaborate with respected counterparts from outside the immediate community to assure disputants that the dispute resolution process has the necessary authority and impartiality to reach a solution acceptable to the parties. Consequently, RLS-I seeks to complement this traditional practice by facilitating an expansion of TDR to include the most influential elders from throughout the region, whose participation in TDR may be necessary to resolve long-standing, intractable disputes.

Structure

To achieve objective (3), RLS-I facilitated regional network meetings (RNMs) on long-standing disputes in the East, North and South regions of Afghanistan.

¹ The Asia Foundation, *Afghanistan in 2011: A Survey of the Afghan People* (2011).

Table 1: Regional Network Meeting participation

Region	Provinces	Districts	Participants		Venue	Date
			Men	Women		
East	Kunar, Laghman, Nangarhar	All 42 districts	155	0	Tribal Affairs Directorate Office, Jalalabad municipality	01-02 June 2012
North	Baghlan, Faryab	Puli Khumri, Dahana-I-Ghuri (Baghlan); Pashtun Kot (Faryab)	44	0	CPAU office, Puli Khumri district	09-10 June 2012
South	Hilmand, Kandahar, Uruzgan, Zabul	All 45 districts	135	20	Intercontinental Hotel, Kabul municipality	10-11 June 2012

Participant selection

The goal of the RLS-I Regional Network Meetings was to support informal justice sector actors in tackling long-standing disputes. To promote positive, effective, and sustainable change, participant selection criteria prioritized individual participants' influence over others. Accordingly, participants included some of the most respected TDR practitioners from each district, including tribal elders, religious leaders, provincial council members, and scholars.

Male elders who had received legal awareness and conflict mitigation training through RLS-I Broad-Based Education program (BBE) implemented in the North region were invited to participate in the North Regional Network Meeting. These individuals were deemed to be influential and engaged in TDR locally.



Participants attending the two-day South Regional Network Meeting

Participants of the East and South Regional Network Meetings had not all received RLS-I legal awareness training. RLS-I made special efforts to ensure participants' influence as well as geographical representation, so participants were invited from rural as well as urban areas of all 45 districts in the four provinces of the South region, and all 42 districts of three provinces in the East region. These Regional Network Meetings provided an opportunity for individuals who had

participated in RLS-I sponsored legal awareness workshops to discuss the trainings with other elders, share their knowledge, and potentially increase demand for further trainings.

Prominent women were invited to participate in the South Regional Network meeting, hosted in Kabul City. Due to security concerns, however, women could be invited to participate in the East and North Regional Network meetings.

Agenda

The participatory agenda facilitated in-depth discussions of the challenges posed by long-standing disputes, the best approaches to TDR, and developing practical steps to address

“In our province, only two districts have received the legal awareness training. There are three other districts which should be included. The elders from Alingar district [Laghman province] request these workshops”
– Haji Masal Khan, tribal elder. East Regional Network Meeting, 1-2 June, 2012.

particularly destabilizing disputes. This included soliciting volunteers for a roster of prominent and influential TDR practitioners to assist in resolving long-standing disputes in their respective regions. In the East and South Regional Network Meetings, participants developed prioritized lists of destabilizing, ongoing disputes that require immediate attention by the volunteer committees.

The first day of each Regional Network Meeting introduced the issue of long-standing intractable disputes, explained the potential ramifications of these disputes, and identified disputes of this nature within the participants’ communities.

Results

East Regional Network Meeting

Day one

The meeting began with explanations by RLS-I staff members of the agenda and purpose of the gathering. Their remarks emphasized the challenges posed by intractable long-standing disputes and the negative implications for stability. To enhance understanding of the issue and increase buy-in by the participants, several authoritative individuals discussed their experiences with RLS-I and situated the goals of the Regional Network Meeting within their local contexts.

Mawlawi Abdul Rahim, a tribal elder from Nangarhar province, explained that he had “participated in all the important and beneficial” RLS-I legal awareness workshops in his area. He described these events as “vital for our knowledge”, asserting that “before taking part in these

workshops there were lots of problems with our [TDR] decisions. However, during the workshops we learned a lot about law and the problems were eradicated.” Mawlawi Rahim elaborated by explaining that “Before, we used *machalga* and it was often not returned to the disputants However, after taking part in the [RLS-I] workshops we decided that *machalga* must always be returned to disputants. Also, we decided to prohibit giving women in *baad* and punish anyone that continues this practice.” On this note, he attempted to mobilize the participants to, tackle long-standing disputes, asserting that “Allah will not change the position of any nation unless the people change their own destiny.”



Mawlawi Abdul Rahim, a tribal elder, explains the benefits of the RLS-I program

Mawlawi Faziullah, a tribal elder, assured the participants that all ideas promoted by RLS-I are “in harmony with *Shari’ah* and Afghan statutory law.” He added that RLS-I has “brought many positive changes to my district *Machalga* is returned to disputants and *baad* is no longer used to settle disputes. I have resolved many disputes since I had the training ... and almost all disputes are now resolved according to *Shari’ah*.”

To enhance trust and strengthen cooperation among TDR actors, participants were divided into small geographically mixed groups to discuss the implications of long-standing disputes in their communities and share information. Each of the groups explored several different issues, including the definition of long-standing disputes, common causes, the reasons long-standing disputes are difficult to resolve, and the most de-stabilizing types of disputes.

“There are large long-standing disputes in Nangarhar province which have not yet been resolved. With intelligent and honest elders it is possible to resolve these disputes.” – Mawlawi Abdul Rahim, tribal elder, from Nangarhar province.

Although groups did not decide on a specific definition of “long-standing intractable disputes” by consensus, the majority of groups expressed the opinion that disputes of this nature are characterized by the involvement of multiple families and/or tribes and often span decades. Zabi Aliulluah, a tribal elder, said “When conflicts arise and they take a longer time to resolve,

these are long-standing disputes. Tribal rivalries are also long-standing disputes.” In addition, several groups noted that interference by other actors can aggravate the intractability of a dispute. For instance, Malik Shir Agha, a religious leader, said “When powerbrokers get involved

in a dispute they expect bribes. They will not help to resolve a dispute until they are paid and so the dispute has time to escalate.”

Participants found that the common causes of long-standing disputes are largely socio-economic. Participants repeatedly noted that corruption, injustice, insecurity, poverty, and low levels of education are largely to blame for intractable long-standing disputes in their communities.

Participants also explored the reasons why intractable long-standing disputes are so difficult to resolve. Corruption and interference by powerbrokers were most commonly cited. Many participants asserted that low levels of legal awareness drive conflicts and all groups referred to perceived weaknesses in government mechanisms that have allowed disputes to escalate.



Participants discuss long-standing disputes in small break-out groups

Disputes over natural resources are reportedly extremely frequent in the region, including land, water and wood. Participants alluded to heavy reliance on natural resources for income, to explain the frequency and severity of these types of dispute which are particularly destabilizing in the region. Tribal rivalries are also considered to be destabilizing, and many groups explained that when tribal rivalries and disputes over natural resources overlap, intractability increases.

Table 4: Outcomes of break-out group discussion of reasons for long-standing disputes and most de-stabilizing types of disputes, East region

Group	Reasons long-standing intractable disputes are difficult to resolve	Types of disputes perceived to be most de-stabilizing (in descending order of destabilizing effect)
1	<ul style="list-style-type: none"> • Corruption in the government • The government is too weak • Judicial mechanisms are perceived to be unjust • People are largely uneducated • Poverty • Powerbrokers interfere and prolong disputes 	<ul style="list-style-type: none"> • Land disputes • Disputes over wood • Disputes involving murder or characterized by casualties • Disputes over water • Disputes over women



Group	Reasons long-standing intractable disputes are difficult to resolve	Types of disputes perceived to be most destabilizing (in descending order of destabilizing effect)
2	<ul style="list-style-type: none"> • Corruption • Interference by powerbrokers • Lack of legal awareness • Poverty • Insecurity • Mafia groups • Low levels of Islamic knowledge 	<ul style="list-style-type: none"> • Inter-tribal disputes • Land disputes • Disputes characterized by casualties
4	<ul style="list-style-type: none"> • Influence of powerbrokers • Absence of impartial mediators • Insecurity • Corruption 	<ul style="list-style-type: none"> • Land disputes • Water disputes • Inter-tribal disputes • Disputes over wood.
5	<ul style="list-style-type: none"> • Interference by powerbrokers • Corruption and nepotism • Lack of legal awareness • Poverty • Tribal rivalries • Judicial mechanisms are perceived to be unjust. 	<ul style="list-style-type: none"> • Inter-tribal disputes • Disputes characterized by casualties • Land disputes • Disputes that increase insecurity • Disputes that involve the government • Disputes between families
6	<ul style="list-style-type: none"> • Inclusion of selfish or immoral elders in TDR • Corruption • Lack of confidence of jirga members • Lack of legal awareness • Interference by powerbrokers • Weak enforcement • Limited support by the government 	<ul style="list-style-type: none"> • Political disputes • Cultural conflicts • Disputes over land • Inter-tribal disputes • Disputes between families

Day two

During the second day of the East Regional Network Meeting, participants explored ways of resolving long-standing disputes, shared best practices, and discussed who should be involved in TDR.

Each of the groups agreed that tribal elders involved in TDR must be those deemed to be the most authoritative members of their communities. To justify their participation, several groups alluded to their “Islamic sense” as well as “their experience” with peaceful dispute resolution. In addition, several groups asserted that Islamic scholars should participate in TDR and one group stated that youth representatives should play an increasing role, especially when conflicts involve children. All of the groups asserted that the individuals involved in TDR must be honest, trustworthy, and capable.

Several groups also suggested that government representatives and members of civil society should be invited to participate in TDR in order to ensure that legal rights are upheld and to enhance enforcement of TDR decisions.

With regard to best practices, all of the groups asserted that *waak* (a pledge by disputants to abide by the *jirga* decision) should be obtained from both parties in order to resolve long-standing disputes effectively. Participants also stated that witnesses should be consulted so that elders are fully informed when they make their decisions.

Participants discussed practical processes and mechanisms that should be established to facilitate the resolution of long-standing disputes through TDR. Participants requested outreach campaigns to increase legal awareness, and a regional committee of “honest and good *jirgamaran*” to support elders and facilitate peaceful resolution of long-standing disputes.

During the meeting, participants generated a list of 14 intractable long-standing disputes. Also, as the meeting concluded, the participants established a volunteer committee of 61 influential tribal elders and religious leaders willing to travel in order to assist other elders to peacefully resolve long-standing intractable disputes. The volunteers’ details, including full names and contact information were recorded.

Table 5: Prioritized list of long-standing disputes, East region

	Description of dispute	Province	District
1	Dispute over land between two tribes of Bati Kot District, Ali Sheer Khil and Sepai; at least 20 people have already died.	Nangarhar	Bati Kot
2	Dispute over land in Nurgal district between Ghaziabad village and Kandy village that has continued for over a decade	Kunar	Nurgal
3	Dispute between Gujar and Salarzai tribes	Kunar	Bar Kunar
4	Dispute over access to land and water that has caused great suffering to many people.	Laghman	Daulatshahi



	Description of dispute	Province	District
5	Dispute between Haji Mohammad Zarin and Haji Meer Alam that has lasted for more than 20 years.	Kunar	Nurgal
6	Dispute between Haji Ghulam Nabi and Abdul Rauf Khan	Nangarhar	Kama
7	Dispute between Bazid Khil and Meta Khil	Nangarhar	Kama
8	Dispute over land between locals and <i>kuchi</i>	Kunar	Ghaziabad
9	Dispute over land between people of Daulatshahi district and Alishing district	Laghman	Daulatshahi and Alishing
10	Dispute over land between Malil, Kandgul and Mashpa people	Laghman	Alingar
11	Dispute between Sheer Laam and Raja Koot	Laghman	Alingar
12	Dispute between Zayee and Kochan tribes	Nangarhar	Bati Kot
13	Dispute over land between Tarak and Mandikhil tribes	Nangarhar	Chaparhar

North Regional Network Meeting

Day one

To begin the meeting, the RLS-I facilitator discussed the negative implications of intractable, long-standing disputes. The facilitator also reminded the participants of the legal awareness and conflict resolution training they had received through the RLS-I Broad-Based Education program and urged them to apply their skills.



Tribal elders participating in an activity that illustrates potential linkages across the region

To increase cooperation among participants and encourage active participation, the meeting began with an “ice-breaker”: participants were seated in a circle and a ball of string was passed to a participant. The participant with the ball of string introduced himself and randomly selected another participant to whom to pass the ball and to introduce himself. Once all the participants had spoken, a web had been created that symbolized their interdependence as well as the linkages they could foster during the

meeting. One of the participants asserted that the activity aptly illustrated an important proverb from the holy *Qur'an*: "One hand will not be able to make a sound, but two hands can clap."

Once a positive working relationship had been established, participants were divided into small, small geographically mixed break-out groups so that elders from different communities could meet, share their experiences, and enhance regional cooperation. Each participant shared with the other members of his group an example of a long-standing, intractable dispute from his community. In the discussions that followed, other participants provided advice and offered alternative approaches to resolving the dispute.



Participants discuss local long-standing disputes in small break-out groups

Each of the groups presented their findings to all participants in the Regional Network Meeting to increase awareness of long-standing disputes in the region and garner support for effective approaches to TDR. In addition, a SWOT (strengths, weaknesses, opportunities, and threats) analysis was used to organize the reflections offered by other participants. Once the presentations were complete, participants noted that the most common type of long-standing, intractable dispute in the region are land disputes, water disputes, disputes over inheritance, disputes involving murder, inter-tribal disputes, and disputes over women.

Day two

Day two of the North Regional Network meeting was designed to operationalize the suggestions and recommendations made by participants during day one. Participants were randomly divided into geographically mixed small groups to discuss how to improve the approach to TDR for long-standing, intractable disputes. All participants agreed that elders engaged in TDR must be provided with constant support, including conflict resolution training and legal education.

Participants were eager to maintain the relationships they had established during the meeting. One participant pointed out that "it is possible to continue supporting each other and resolve these challenging disputes in a joint



Representatives of each break-out group present their findings to all other participants.

effort.” As the meeting concluded, all of the other elders agreed and decided to form a volunteer committee to help address long-standing regional disputes comprising all 44 participants.

South Regional Network Meeting

Day one

The meeting began with a conceptual overview of long-standing disputes and instability, presented by an RLS-I staff member. Then, to promote participant ownership of the event, a respected representative from each province provided a local perspective on the challenge.

Haji Niamatullah Khan Sherdali, a tribal elder from Kandahar, called on participants to “join hands as brothers, resolve our disputes, and put an end to mistrust and conflict.” He also said



A South Regional Network Meeting panel, including an authoritative representative of each province

that participants should freely discuss major disputes so that “solutions can be found.” Similarly, Qari Mukhtar Ahmad Khan Haqqani Baz, a tribal elder from Hilmand province, emphasized the participants’ responsibilities to the Afghan people, asserting that “tribal elders, clergy, religious leaders and prominent sisters must prevent major disputes so that all Afghans may continue to live peacefully.”

Muhammad Rasul, a tribal elder from Zabul province, gave examples of the ramifications of long-standing, intractable disputes in his community to illustrate the importance of resolving them. “Currently we have two big long-standing disputes in Zabul province,” he said. “The first dispute is between the Nasir and Shamalzai tribes over land. The dispute has resulted in the deaths of many people and huge economic losses to both sides. Also, the dispute has caused widespread insecurity in the area, which has disrupted community life. If the dispute is not resolved, it will intensify and there will be additional losses.” The second dispute, he said, “is between *kuchian* [nomadic herdsman] and local communities over land. Though it has not caused any human casualties, there has been huge economic loss to the community.” Also, he noted, ongoing insecurity has forced the closure of schools in the area. Muhammad Rasul said that “if the dispute is not resolved, security will vanish completely and poverty will be widespread.” Attempting to rally the participants, he emphasized that if the dispute is not solved, “the conflict will intensify and there will be killings which will make the dispute much more difficult to resolve.

Daro Khan Khaksar of Uruzgan province asserted that major ongoing disputes in his province “have disrupted the security of the region, prevented education, and killings have occurred as a result. Tribal elders and government authorities should jointly endeavor to resolve these disputes.” Daro Khaskar explained two disputes that have each resulted in at least 100 casualties. He said that “if the government authorities and tribal elders do not address these disputes, they will get bigger and peaceful resolution will become impossible.” Leading into the next section of the RNM, Daro Khaskar called for the participants to “step towards peaceful dispute resolution by trusting each other.”

Later in the day, the challenges posed by long-standing, intractable disputes were explored in six geographically mixed breakout groups. The goal of this activity was to improve the participants’ understanding of long-standing, intractable disputes and highlight the threat they pose to stabilization.



Prominent men and women participating in breakout group discussions

Each breakout group was asked to define “long-standing disputes” and to generate a list of their common causes. The breakout group discussions were semi-structured, to facilitate a collective exploration of the issue and to generate consensus on responses to be shared in the plenary. Common themes can be drawn from the outcomes of small-group discussions on long-standing, intractable disputes.

Not every group presented a definition of long-standing, intractable disputes that had been agreed on by consensus. Among those that did, defining attributes included disputes that have continued for at least ten years; disputes that, typically, relate to land or women; and disputes with inter-tribal or inter-ethnic dimensions.

Insecurity was widely considered to be a principal cause of long-standing disputes, Insecurity, poverty, lawlessness, corruption, low levels of education, and unemployment were perceived to lead to serious disputes.

Participants felt that many of the consequences of long-standing, intractable disputes are the same as their causes, reflecting how such disputes escalate and thereby aggravate existing tensions. This cycle insecurity and conflict, leading to further insecurity and further conflict, participants felt, threatens to destabilize their communities. Participants characterized decentralized power structures such as tribe, ethnic factions and warlords more consistently as consequences of long-standing, intractable disputes rather than as causes.

Government weakness, in general, was often cited by participants as a reason that long-standing, intractable disputes are difficult to resolve. For example, participants stated that the unwillingness or inability of the formal judicial sector to efforts by TDR actors to resolve such disputes and to enforce TDR decisions regarding their resolution have made it more difficult for TDR to resolve them.

The types of long-standing, intractable disputes considered to be most destabilizing were land disputes and inter-tribal disputes. Participants also emphasized the importance of addressing disputes characterized by casualties in order to prevent retribution.

Table 2: Outcomes of break-out group discussion of reasons for long-standing disputes and most de-stabilizing types of disputes, South Region

Group	Reasons long-standing intractable disputes are difficult to resolve	Types of disputes perceived to be most de-stabilizing (in descending order of destabilizing effect)
1	<ul style="list-style-type: none"> • Influential people do not support dispute resolution • Government authorities do not cooperate with tribal elders • Tribal dynamics 	<ul style="list-style-type: none"> • Disputes concerning violence against women • Disputes involving murder or characterized by casualties • Inter-tribal disputes • Land disputes
2	<ul style="list-style-type: none"> • Government authorities do not support tribal elders • Interference by warlords • Tribal dynamics • Reluctance to participate in TDR. 	<ul style="list-style-type: none"> • Disputes involving murder or characterized by casualties • Land disputes • Disputes involving kidnapping • Inter-tribal disputes • Politically-motivated disputes
3	<ul style="list-style-type: none"> • Interference by warlords • A weak formal justice sector • Reluctance on behalf of elders • Lack of formal-informal collaboration • Lack of cooperation between tribal elders • Self interest • Insecurity 	<ul style="list-style-type: none"> • Land disputes • Inter-tribal disputes • Disputes involving warlords • Disputes over women • Disputes involving murder or characterized by casualties • Disputes over water • Disputes involving baad, or where women have been given as compensation



Group	Reasons long-standing intractable disputes are difficult to resolve	Types of disputes perceived to be most destabilizing (in descending order of destabilizing effect)
4	<ul style="list-style-type: none"> • Lack of formal-informal collaboration • Interference by warlords • Corruption 	<ul style="list-style-type: none"> • Disputes involving women • Land disputes • Inter-tribal disputes • Inter-ethnic disputes • Disputes characterized by casualties
5	<ul style="list-style-type: none"> • Lack of formal-informal collaboration • Insecurity • Weak formal justice sector • Corruption • Lack of formal land ownership documentation • Foreign interference • High rate of human capital flight. 	<ul style="list-style-type: none"> • Land disputes • Inter-tribal disputes • Disputes involving moral corruption
6	<ul style="list-style-type: none"> • Weak law enforcement • Weak governance • Inter-tribal rivalry • Influence of warlords • Corruption 	<ul style="list-style-type: none"> • Disputes over water • Disputes between children • Disputes over land • Disputes characterized by casualties.

Day two

On the second day of the meeting, participants were asked to explore approaches to resolving long-standing, intractable disputes. TDR mechanisms and best practices were discussed in small groups. The outcomes presented by each group were largely consistent, and there was widespread agreement between the participants on how best to tackle long-standing disputes.

"If you sit quiet as you are, you will regret it one day and nothing will be left ..." – Abdul Rahim Ayubi, tribal leader

Every group asserted that *jirgee* (ad hoc assemblies of elders engaged in TDR) are the best mechanisms for dispute resolution, and emphasized the unrivalled authority of tribal elders and religious leaders in local communities. In addition, many groups stated that the formal justice sector should support this approach to dispute resolution. Nevertheless, participants repeatedly

recommended increased regional cooperation for cases where local authority figures are too closely connected to the dispute to be considered neutral.

In terms of best practices, some groups commented that efforts should be taken to ensure representation and neutrality among the elders involved in TDR. Participants consistently emphasized that elders should intervene quickly and that the deliberative process should be expedient. Moreover, every group alluded to the importance of transparency, noting that corrupt practices are unacceptable. Although expressed in slightly different ways, participants also asserted that elders have a responsibility to be proactive. For instance, elders should visit the homes of disputant parties, demand ceasefires, and enforce TDR decisions.

Every group asserted that tribal elders and religious leaders must be involved in order to effectively resolve disputes. Although not considered as important, participation by members of peace councils, provincial councils, legal specialists and prominent women was considered to be beneficial to TDR by some groups.

The groups assigned unique functions to actors who may collaborate on long-standing disputes. Typically, groups assigned to elders the responsibility for upholding traditions. Participants said they expected religious leaders to ensure that TDR decisions are made in accordance with *Shari'ah* law and that legal experts should ensure that statutory law is upheld. Every group that advocated for involving formal justice sector representatives in TDR asserted that their role is primarily to support the elders and enforce TDR decisions. Women were considered important for resolving disputes involving other women, but were not mentioned in any other capacity. Finally, participants emphasized again the importance of neutrality and impartiality on the part of every individual involved in TDR decision-making.

The final breakout session provided participants with an opportunity to develop an approach to tackling long-standing disputes by combining all of the ideas and reflections that had been expressed during the meeting.

Each group was asked to recommend practical processes and mechanisms that would facilitate a more effective approach to tackling long-standing disputes. Enhanced



Participants discuss recommendations during group work sessions

coordination between elders in the region and increased support by formal justice sector mechanisms were the most common recommendations. Most groups asserted that these positive changes would substantially strengthen TDR mechanisms. Participants felt that these changes would empower elders who typically engage in TDR to intervene immediately to defuse

disputes that would otherwise escalate. Participants also referred to the potential benefit of establishing a mechanism capable of increasing public awareness of the risks posed by long-standing intractable disputes.

In order to promote coordination and collaboration between elders engaged in TDR, each group was asked to compile a list of volunteers willing to travel within the region and lend support to TDR mechanisms beyond their local communities. Participants were eager to promote this initiative and a roster comprising 63 authoritative and respected volunteers from across the region was established. By circulating the roster among all participants the participating elders established a network enables increased regional coordination and collaboration to help resolve long-standing disputes. This approach was deemed important in order to promote local ownership and sustainability based on the assumption that the elders who have committed to the roster by volunteering will promote its use.

“I became much happier when I heard the words of the tribal elders from other groups, and I realized that there are still strong and brave elders who can lead the people the right way.”—

Groups were also asked to discuss how to maintain open channels of communication. The idea was received positively and many groups requested follow-up network meetings at the provincial and/or regional level. More innovative recommendations included using mobile phones, radio, or even distributing written copies of TDR decisions in order to continue sharing information and lessons learned.

To facilitate travel, groups suggested that funding should be provided by the Afghan government, NGOs, or foreign donors. Several groups asserted that disputant parties, members of the community, or elders engaged in TDR, should be responsible for expenses. However, clear strategies for addressing these logistical issues were not developed.

To conclude the meeting, the participants were asked to prioritize ongoing long-standing, intractable disputes in the region that should be addressed by enlisting the assistance of the elders who volunteered to do so. The final list included 16 disputes from across the region:

Table 3: Prioritized list of disputes, South region

	Description of dispute	Province	District
1	Dispute between Shamalzai and Naser tribes	Zabul	Qalat
2	Dispute over land between Hazara and Pashtun tribes	Uruzgan	Khas Uruzgan
3	Dispute over land between Barakzai tribes	Uruzgan	Chora
4	Dispute over government-owned land and property	Kandahar	Maywand
5	Dispute between Hazara and Pashtun tribes	Uruzgan	Gizab



	Description of dispute	Province	District
6	Seizure of government land	Hilmand	Nahri Sarraj (Grishk)
7	Dispute over use of girls in <i>baad</i>	Kandahar	Daman, Dand
8	Factional dispute between Taliban and <i>Hizb-e Islami</i>	Zabul	Qalat
9	Dispute over the kidnapping of two girls by members of police force	Hilmand	Sangin
10	Dispute between warlord and tribal elders who prevented the sale of land they believed had been seized illegally	Hilmand	Lashkar Gah
11	Dispute over land between Noorzai and Asakzai tribes	Kandahar	Spin Boldak
12	Dispute over land	Kandahar	Arghistan
13	Dispute between children of two families	Kandahar	Arghandab
14	Dispute over irrigation and access to water	Uruzgan	Chora
15	Dispute between cousins over land	Hilmand	Nawa-I-Barak Zayi
16	Dispute between Asakzai tribes	Kandahar	Takhta Pul

Conclusions and recommendations

Participants in the RLS-I Regional Network Meetings consistently stated that long-standing, intractable disputes pose serious threats to stability in the East, North and South regions of Afghanistan. Land disputes are particularly common, and frequently overlap with tribal rivalries.

Most participants perceived the formal justice sector to be weak and corrupt and unable effectively to address long-standing disputes. Tribal elders from the South and East regions, however, expressed their willingness to increase coordination with the formal justice sector to try to resolve these disputes.

Participants were keen to increase their efforts to resolve long-standing, intractable disputes. Each of the Regional Network Meetings was characterised by high demand by participants for continued legal training to help them resolve long-standing and other disputes.

A roster of elders committed to lending support to TDR processes in other communities in their respective regions was generated by participants at the East, North and South Regional Network Meetings. Participants in the East and the South Regional Network meetings pointed out, however, that follow-on meetings will be necessary to effectively these networks.

To enhance the likelihood that these networks can succeed in helping to resolve long-standing disputes in their respective regions, RLS-I recommends consideration of the following possible future interventions:

- Facilitate periodic meetings of network members to foster network cohesion and sustainability and to enable network members to exchange experiences and best practices in resolving long-standing disputes
- Consider facilitating national network meetings on long-standing disputes to enable network members from all three regions to exchange experiences and best practices in approaches and methodologies for resolving long-standing disputes
- Provide specialized and/or in-depth training to network members on conflict management and mitigation and legal issues underlying the most common and/or destabilizing long-standing disputes
- Provide opportunities for formal-informal justice sector meetings and discussions between network members and formal justice sector actors focused on mutual support for efforts to resolve long-standing disputes and on enforcement of formal and informal justice sector decisions regarding resolution of such disputes
- Facilitate meetings or discussions between network members and long-term disputants (possibly with the participation of formal justice sector actors) to provide opportunities for disputants to describe the causes of specific long-term disputes and potential ways to resolve them, and for disputants to request intervention in and/or mediation of long-term disputes by network members
- Support networks through outreach campaigns inform disputants of availability of network members to help resolve long-standing disputes
- Enhance public support for resolving long-standing disputes through public outreach campaigns addressing their causes and effects