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MONTHLY REPORT, September 2012

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

Contract Number: AID-306-C-12-00013



Discussion session on peace for women, Dand District (Kandahar Province), 23 September 2012

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Contract Number: AID-306-C-12-00013

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The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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PROGRAM OVERVIEW

The purpose of the Rule of Law Stabilization Program – Informal Component (RLS-I) is to enhance the rule of law in Afghanistan, specifically focusing on the development of a transparent, accountable and gender sensitive informal justice system. RLS-I strengthens traditional dispute resolution, promotes stability within communities, and assists in closing gaps that insurgents may otherwise exploit to acquire local legitimacy and political power. Accordingly RLS-I works to (1) increase knowledge of Afghan statutory law and *Shari'ah* among informal justice providers; (2) foster linkages between informal and formal justice sector actors and institutions; and (3) support facilitation and dialogue for the resolution of long-standing disputes.

EXECUTIVE SUMMARY

Program activities during September continued to focus on maintenance activities for RLS-I Phase 1 and Phase 2 districts and on preparations for the anticipated RLS-I Phase 3, all as contemplated by the current three-month contract with USAID covering the period from 16 July 2012 to 13 October 2012. RLS-I program activities were aimed at covering previously identified gaps in knowledge among participants in Phase 1 and Phase 2 districts and on making up for cancelled events during Phase 2. In September, RLS-I held a total of 30 events in the south and east regions; during the current three month contract period, RLS-I is not implementing any activities in the north. Workshops on law (family law, inheritance law, criminal law, constitutional law, property law, and property deeds law) were the most frequent RLS-I events in September (eight events in the east and 12 events in the south), followed by state-TDR coordination meetings (five events in the east and one event in the south). In addition to the regular program, RLS-I facilitated 43 National Peace and Unity Week (20 September – 26 September) activities dedicated to discussing the challenges Afghanistan faces in attaining peace and stability as well as possible solutions to those challenges.

During the reporting period, RLS-I team members conducted a workshop to review and revise its legal workshop training materials led by a group of key trainers with the assistance of the RLS-I CCN adult education specialist from Kabul University. The workshop participants designed new agendas and revised training materials in order to better address the target audience of elders, many of them with limited literacy, and also focused on modifying the revised training materials to best address the concerns and questions that female workshop participants had raised during Phase 2.

RLS-I monitoring and evaluation staff continued systematic reviews of the question and answer content of workshop reports to codify questions and identify patterns. RLS-I staff also monitored *spinarsy* groups from Arghandab and Spin Boldak districts (Kandahar province) as well as multiple districts in Nangarhar province.

PROGRAM EVENT STATISTICS

Table 1: Event Summary

All activities ¹								
Activity type	Activity title	East			South			Overall Total
		M	F	Total	M	F	Total	
Workshop	Criminal law	-	-	-	-	1	1	1
Workshop	Family law	-	4	4	-	-	-	4
Workshop	Inheritance law	-	2	2	4	1	5	7
Workshop	Property law	-	-	-	2	-	2	2
Workshop	Property deeds law	-	-	-	1	-	1	1
Workshop	Constitutional law	2	-	2	-	3	3	5
Coordination meeting	Strengthening ties between formal and informal justice sectors	5	-	5	1	-	1	6
Discussion session	Alternatives to <i>baad</i>	-	-	-	-	1	1	1
Discussion session	Dispute prevention	-	2	2	-	1	1	3
TOTAL		7	8	15	8	7	15	30

REVIEW OF RLS-I PROGRAMMING

Learning workshops

RLS-I learning workshops are one- or two-day events conducted by university professors and other legal professionals to deliver critical messages on specific aspects of Afghan statutory law and *Shari'ah*. The core curriculum consists of Constitutional law (optional in some areas due to extensive prior programming), criminal law, family law, inheritance law, property law, and the law of property deeds. Due to popular demand, inheritance law workshops in areas where participants attended prior RLS-I workshops were expanded beginning in September, with separate inheritance law II workshops continuing from the initial sessions.

Criminal law covers the topics of court jurisdiction, types of crimes under the Criminal Code, procedures for referral of crimes to the formal justice sector, and the state's criminal adjudication process.

¹ Note: During the current three-month contract period, RLS-I is not implementing any activities in the north.

Learning workshop – criminal law				
Province	District(s)	Male	Female	Total
Zabul	Qalat	-	1	1
TOTAL		-	1	1

Family law addresses common disputes arising out of marriage, and covers the specific topics of marriage engagement rights, dowry and bride price, marriage expenses, the respective rights and responsibilities of husband and wife, guardianship, alimony, divorce, and illicit relationships.

Learning workshop – family law				
Province	District(s)	Male	Female	Total
Laghman	Qarghayi	-	1	1
Nangarhar	Shinwar	-	1	1
Nangarhar	Bihsud	-	1	1
Logar	Puli Alam	-	1	1
TOTAL		-	4	4

Inheritance law covers the allocation of a decedent’s estate under Afghan statutory law and *Shari’ah*, women’s inheritance rights, and common disputes arising out of inheritance cases. Inheritance is the most complex subject in the RLS-I core curriculum, with program participants routinely requesting additional time and instruction on the rules governing the division of property among the heirs. For this reason, starting in Uruzgan, separate inheritance law II workshops continuing from the initial sessions are being offered beginning in September 2012.

Learning workshop – inheritance law				
Province	District(s)	Male	Female	Total
Nangarhar	Kuz Kunar	-	1	1
Nangarhar	Surkh Rod	-	1	1
Kandahar	Spin Boldak	1	-	1
Kandahar	Daman	-	1	1
Uruzgan	Tirin Kot	1	-	1
Uruzgan	Dihrawud	1	-	1
Uruzgan	Chora	1	-	1
TOTAL		4	3	7

Property law and *property deeds law* workshops cover the definitions and types of property, leasehold and freehold rights, preemption and right of first refusal, seizure and access rights, types and validity of deeds, and common disputes arising from property and deeds issues.

Learning workshop – property law				
Province	District(s)	Male	Female	Total
Kandahar	Spin Boldak	1	-	1
Zabul	Qalat	1	-	1
TOTAL		2	-	2

Learning workshop – property deeds law				
Province	District(s)	Male	Female	Total
Zabul	Qalat	1	-	1
TOTAL		1	-	1

Constitutional law workshops focus on the importance of Constitutional provisions, stages of adopting legislation, and definitions of Constitutional law, equal protection (i.e., equitable treatment in the courts, equity in civil rights and civil responsibilities), citizens' rights and responsibilities (i.e., rights of freedom of speech, to vote freely, and the presumption of innocence), as well as the role and responsibilities of government and the relations between Afghan statutory law and *Shari'ah*.

Learning workshop – Constitutional law				
Province	District(s)	Male	Female	Total
Kunar	Nurgal	1	-	1
Laghman	Mihtarlam	1	-	1
Uruzgan	Dihrawud	-	1	1
Uruzgan	Chora	-	1	1
Uruzgan	Tirin Kot	-	1	1
TOTAL		2	3	5

Discussion sessions

RLS-I discussion sessions provide a forum for formal-informal justice sector working groups (approximately 30-35 elders and five officials involved in justice and dispute resolution) to meet on an ongoing basis to discuss pressing issues facing the formal and informal justice sectors as identified during network meetings and workshops. Participation by formal justice sector actors also serves to foster linkages and dialogue between the formal and informal justice sectors. Discussion session topics are flexible in that they are defined by program participants and needs identified in RLS-I district assessments. A common set of topics developed during RLS-I Phase 1 (6 April 2010 – 31 August 2011), however, includes alternatives to *baad*, creation of *spinsary* groups, dispute prevention among children and neighbors, corruption within both the formal and informal justice sectors, the influence of local power-brokers on informal and formal justice, how to collaborate to help resolve long-standing disputes, and women's participation in *jirgee*.

In discussion groups on *alternatives to baad* participants discuss the negative consequences of the use of *baad* and develop alternatives – such as the exchange of property – that can serve the same compensatory function in reconciling disputants.

Discussion session – alternatives to <i>baad</i>				
Province	District(s)	Male	Female	Total
Zabul	Qalat	-	1	1
TOTAL		-	1	1

The discussion sessions on *dispute prevention among children and neighbors* are an outgrowth of the *spinsary* groups, whose members report that many village-level disputes arise out of the simple squabbling of children at play in the street that can quickly escalate into violence between neighbors and families. Through personal experience and the sharing of experiences with one another, *spinsary* group members have learned to intervene immediately on such occasions and to attempt to defuse whatever situation has arisen from any mishap suffered by children. This discussion session helps to spread this learning and support network to other villages and *spinsary* groups in a given district.

Discussion session – dispute prevention				
Province	District(s)	Male	Female	Total
Laghman	Mihtarlam	-	1	1
Kandahar	Arghandab	-	1	1
Nangarhar	Dara-I-Nur	-	1	1
TOTAL		-	3	3

Coordination meetings

The formal-informal justice sector working group holds *coordination meetings* in a (minimum) two-step sequence in which the first meeting builds familiarity and establishes common understandings of jurisdiction and other coordination issues between the formal and informal justice sectors. The second and any subsequent meetings establish specific coordination procedures and mechanisms including authority and decision letters, dispute referrals, and registration of *jirga* decisions with formal justice sector institutions.

State – TDR coordination meetings				
Province	District(s)	Male	Female	Total
Nangarhar	Kama	1	-	1
Nangarhar	Kuz Kunar	1	-	1
Nangarhar	Bihsud	1	-	1
Nangarhar	Surkh Rod	1	-	1
Laghman	Mihtarlam	1	-	1

State – TDR coordination meetings				
Province	District(s)	Male	Female	Total
Kandahar	Arghandab	1	-	1
TOTAL		6	-	6

Program implementation – east region (Nangarhar, Laghman, Kunar, and Logar provinces and Jalalabad municipality)

During the first half of September, RLS-I continued follow-on or maintenance activities in Phase 1 and 2 districts in the east region. For the men, these focused on coordination meetings of the state – TDR working group dedicated to maintaining ongoing and rationalized collaboration between state and TDR actors in resolving specific disputes. This includes furthering mutual understanding of issues such as jurisdiction in serious criminal disputes and the role each side can play in achieving both reconciliation and, when and where appropriate, retribution. The women's activities concentrated on workshops bolstering awareness of family and inheritance law as well as discussion sessions to foster cooperation in resolving and defusing children's and neighbors disputes before they escalate into more serious conflicts. RLS-I scheduled the events to address remaining needs as identified by monitoring and evaluation findings as well as participant feedback.

During September, RLS-I implemented 15 program activities in the east region, including eight workshops on core subjects (family law, inheritance law, and constitutional law), five coordination meetings, and two discussion sessions. Overall, 379 women and 304 men attended these events, which covered villages and tribes from Puli Alam and Nurgal districts (both in Kunar province), Mihtarlam and Qarghayi districts (both in Laghman province), and Shinwar, Kama, Kuz Kunar, Surkh Rod, Bihsud and Dara-I-Nur districts (all in Nangarhar province). The legal training workshops were led by professors from the *Shari'ah* faculty of Nangarhar University.



Workshop on inheritance law for women, Kuz Kunar district (Nangarhar province), 5 September 2012

The four family law workshops were attended by 203 women from Qarghayi district (Laghman province), Puli Alam district (Logar province), and Shinwar and Bihsud districts (both in Nangarhar province). The participants were instructed in marriage and engagement rights such as *maher* (dowry) versus *walwar* (bride price), rights to marriage expenses, the respective responsibilities of wives and husbands, guardianship, alimony, divorce, forbidden relationships, and common family-related disputes.

The two inheritance law workshops were attended by 96 women from Kuz Kunar and Surkh Rod districts (both in Nangarhar province). The participants were given information on inheritance rules under Afghan law and *Shari'ah*, such as division and sharing of property, the respective inheritance rights of women and men, and the sources of and possible solutions to common inheritance disputes.

The two Constitutional law workshops were attended by 123 *jirgamaran*, elders and formal justice sector actors representing various tribes and villages of Nurgal district (Kunar province) and Mihtarlam district (Laghman province). The participants learned about the importance of Constitutional provisions, stages of adopting legislation, and definitions of Constitutional law, equal protection (i.e., equitable treatment in the courts, equity in civil rights and civil responsibilities), citizens' rights and responsibilities (i.e., rights of freedom of speech, to vote freely, and the presumption of innocence), as well as the role and responsibilities of government and the relations between Afghan statutory law and *Shari'ah*.

The five coordination meetings were attended by 181 *jirgamaran*, elders and formal justice sector actors from the Mihtarlam district (Laghman province) and Kama, Kuz Kunar, Bihsud and Surkh Rod districts (all in Nangarhar province). These coordination meetings were aimed at improving communication, strengthening ties, and establishing a systematic mechanism through which the collaboration between formal and informal justice actors can be enhanced. Contributors discussed the challenges of enforcing decisions of the participants' respective justice sectors and deliberated about how each sector could lend its cooperation and support to the other to ensure decisions from each sector are implemented.



Discussion session on dispute prevention for women, Dara-I-Nur district (Nangarhar province), 1 September 2012

The two discussion sessions on dispute prevention were attended by 80 women from the Mihtarlam district (Laghman province) and Dara-I-Nur district (Nangarhar province). The participants explored how to preempt or resolve disputes among children and neighbors, women's roles in defusing minor disputes, corruption within both the formal and informal justice sectors, and the influence of local power-brokers on informal and formal justice; how to collaborate to help resolve long-standing disputes, and women's participation in *jirgee*.

During the second half of September, RLS-I facilitated separate male and female National Peace and Unity Week activities in the east dedicated to discussing the challenges Afghanistan faces in attaining peace and stability as well as possible solutions to those challenges. In total, 311 male and 260 female participants voluntarily these events with no material support from RLS-I.

The program teams also collaborated with the monitoring and evaluation teams to follow up with *spinsary* groups to collect data on numbers of disputes resolved and assess any needed follow-on training, etc.



RLS-I also collected data on long-standing disputes, and other program indicators.

Meetings

No significant meetings took place in the east during September. Senior RLS-I staff participated in the annual US Embassy Interagency Rule of Law (RoL) forum. Complementary feedback from USG RoL field staff helped RLS-I stand out as one of the more successful USG RoL efforts.

Challenges

Insecurity and the presence of Taliban elements have been ongoing challenges in the east. No other major challenges arose during September.

Looking ahead

With USAID concurrence, RLS-I will move ahead with handover activities in the four oldest Phase 1 districts. These will promote participant ownership of ongoing state – TDR linkage activities and provision of additional legal awareness activities. RLS-I will continue to liaise with USAID on district selection for the anticipated Phase 3. Workshop curriculum review and revisions is expected to be completed by mid-October in collaboration with RLS-I's trainers and its short-term CCN adult education specialist. The process will emphasize making RLS-I's legal training materials and methodologies better suited to the program's audience. This will include development of illustrated supplements and classroom teaching aids. Similarly, prior to the start of the anticipated Phase 3, RLS-I will review and revise the agendas for other activities as needed in order to promote practical follow-through by beneficiaries in all program areas. RLS-I will also train its field staff on recently revised participant selection criteria to emphasize participant interest in and commitment to program participation in order to reduce participant attrition and substitution.

Program implementation – south region (Kandahar, Uruzgan, and Zabul provinces and Kandahar municipality)

During September, RLS-I continued maintenance activities in Phase 1 and 2 districts in the south. RLS-I scheduled these based on remaining needs as determined by monitoring and evaluation findings and to fill remaining attendance and other gaps resulting from security and other challenges during Phase 2.

During this period, RLS-I implemented 15 activities in the south, including 12 legal workshops on core subjects (inheritance, constitutional, criminal, property and property deeds law), two discussion sessions (alternatives to *baad* and dispute prevention) and one state – TDR coordination meeting. Overall, 196 women and 325 men attended these events, which covered various villages and tribes from Daman, Spin Boldak and Arghandab districts (all in Kandahar province), Chora, Dihrawud and Tirin Kot districts (all in Uruzgan province), and Qalat district (Zabul province).

The 12 legal training workshops enhanced the legal knowledge of influential women and elders from local communities on subjects related to inheritance law, constitutional law, criminal law, property law, and property deeds law. The workshops were led by professors from the *Shari'ah* faculty of Kandahar University.

The five inheritance law workshops were attended by 48 female elders from Daman district (Kandahar province) and 216 elders from Spin Boldak district (Kandahar province) and Chora, Dihrawud and Tirin Kot districts (all in Uruzgan province). The participants were given information on inheritance rules under Afghan law and *Shari'ah*, such as division and sharing of property, the respective inheritance rights of women and men, and the sources of and possible solutions to common inheritance disputes.

The three Constitutional law workshops were attended by 78 women representing various tribes and villages in Chora, Dihrawud and Tirin Kot districts (all in Uruzgan province). The participants learned about the importance of Constitutional provisions, stages of adopting legislation, and definitions of Constitutional law, equal protection (i.e., equitable treatment in the courts, equity in civil rights and civil responsibilities), citizens' rights and responsibilities (i.e., rights of freedom of speech, to vote freely, and the presumption of innocence), as well as the role and responsibilities of government and the relations between Afghan statutory law and *Shari'ah*.



Workshop on property law for men, Qalat district (Zabul province), 5 September 2012

The two property law workshops were attended by 65 elders from Spin Boldak district (Kandahar province) and Qalat district (Zabul province). The participants learned about types of property, leasehold and freehold rights, preemption and right of first refusal, seizure and access rights, types and validity of deeds, and common disputes arising from property and deeds issues.

The property deeds law workshop was attended by 21 elders from Qalat district (Zabul province). The participants learned about types of property, leasehold and freehold rights, preemption and right of first refusal, seizure and access rights, types and validity of deeds, and common disputes arising from property and deeds issues.

The criminal law workshop was attended by 20 women from Qalat district (Zabul province). The participants learned about jurisdiction of the formal justice sector, types of crimes, including felonies, misdemeanors, and obscenity, rights of the criminal suspect and the accused, procedures of traffic court; and the referral of traffic cases between TDR actors and state justice sector actors. The participants were also given information on the role of defense lawyers and how community elders can establish contact with these state justice sector actors in order to help them resolve criminal cases, further strengthening the relations between formal and informal justice systems.

The state – TDR coordination meeting was attended by 23 *jirgamaran*, community elders and formal justice sector actors from Arghandab district (Kandahar province). These coordination meetings were aimed at improving communication, strengthening ties and establishing a systematic mechanism through which the collaboration between formal and informal justice sector actors can be enhanced. Participants discussed the challenges of enforcing decisions of the respective justice sectors and

deliberated about how each sector could lend its cooperation and support to the other to ensure decisions from each sector are implemented.

The two discussion sessions provided forums to discuss pressing issues facing the formal and informal justice sectors. Discussion session topics were flexible and were defined by program participants and needs identified in RLS-I district assessments.

The discussion session on dispute prevention was attended by 31 influential women from Arghandab district (Kandahar province). The participants explored how to prevent or resolve disputes among children and neighbors, women's roles in defusing minor disputes, corruption in both the formal and informal justice sectors, the influence of local power-brokers on informal and formal justice, how to collaborate to help resolve long-standing disputes; and women's participation in *jirgee*.



Discussion session on dispute prevention for women, Arghandab district (Kandahar province), 5 September 2012

In the discussion session on alternatives to *baad*, 19 female elders from Qalat district (Zabul province) discussed the negative consequences of *baad* and developed alternatives – such as the exchange of property – that can serve the same compensatory function in reconciling disputants.

RLS-I determined that the original four Phase 1 program districts, including two in the south, would be first to graduate from RLS-I programming. RLS-I therefore began designing a set of handover activities aimed at giving participants a sense of ownership and specific measures for provision by elders, government representative, and university faculty members of ongoing state-TDR discussion and coordination sessions and legal education opportunities for elders and women.

During the second half of September, RLS-I facilitated separate male and female National Peace and Unity Week activities in the south dedicated to discussing the challenges Afghanistan faces in attaining peace and stability as well as possible solutions to those challenges. In total, 438 male and 334 female participants voluntarily attended the events with no material support from RLS-I.

RLS-I also collected data on long-standing disputes, *spinsary* groups, and other program indicators.

Meetings

Members of the RLS-I senior program management staff met with the President of the Afghanistan Independent Bar Association (AIBA) to explore possible cooperation between RLS-I and AIBA during the anticipated Phase 3, including participation by AIBA members in RLS-I discussion sessions, state – TDR coordination meetings, or other activities.. Subsequent communications with AIBA indicates that that possibility is remote, since AIBA is unable or unwilling to provide RLS-I with contact information for its members who might be able to participate in such activities.

Challenges

In Kandahar, security issues caused delays in a few RLS-I activities. For example, insecurity in Marghan Kacha village (Daman district) resulted in the cancelation of a National Peace and Unity Week activity organized by RLS-I volunteers.

Looking ahead

During the first half of October, the RLS-I staff members in the south will update the master list of RLS-I participants, track the use of decision books, and collect records of decisions made by elders who participated in RLS-I events. Three two-day training of trainers workshops for RLS-I legal workshop trainers have been scheduled in Jalalabad (two workshops) and Kabul (one workshop) for the first half of October. At the conclusion of these workshops, all RLS-I legal workshop trainers will have been trained in the revised training materials, workshop agendas, and teaching methodologies.

Program implementation – North region (Baghlan and Faryab provinces)

During the current three month contract period, RLS-I is not implementing any activities in the North. However, in anticipation of Phase 3, CPAU and RLS-I have continued their cooperation to prepare for Phase 3 activities in the north.

PROGRAM ACTIVITY HIGHLIGHTS

National Peace and Unity Week

In support of National Peace and Unity Week (20 September – 26 September), RLS-I facilitated separate male and female activities dedicated to discussing the challenges Afghanistan faces in attaining peace and stability as well as possible solutions to those challenges. A total of 110 volunteers (44% female) mobilized by RLS-I facilitated 43 meetings in which participants discussed issues relevant to peace and security in Afghanistan. A total of 1,343 participants (44% female) attended events organized by the volunteers in villages and district centers in Logar, Nangarhar, Kunar, Kandahar, Zabul, and Uruzgan provinces. National Peace and Unity Week volunteers mobilized by RLS-I included tribal elders, GIROA officials, teachers, *spinsary*, District Development Assembly (DDA) members, Afghanistan Social Outreach Program (ASOP) *shura* members, and CDC members. Event participants included tribal elders, *ulema*, GIROA officials (including at least one District Governor), teachers, and students.



National Peace and Unity Week discussion session for men, Kandahar municipality, 22 September 2012

The main purpose of the meetings was to promote a culture of tolerance, cooperation, friendship and kindness among village residents who are often affected by conflicts. These meetings provided an opportunity for participants to express freely their views about peace and stability, which are not often

reflected in the media. To ensure maximum neutrality, the agendas of the meetings focused on topics that were not too complex or sensitive for participants to discuss openly.

Some of the key topics discussed in the meetings included the following:

- Peace and its importance in the light of Islamic guidance
- The need for peace in the current environment in Afghanistan
- The negative consequences of the three-decade war in Afghanistan
- The impact of war on the life of Afghan women (women's groups)
- The role of elders in the restoration of peace (men's groups)
- The role of women in the restoration of peace (women's groups)



National Peace and Unity Week discussion session for women, Bihsud district (Nangarhar province), 26 September 2012

National Peace and Unity Week (20 - 26 September)			
District	Participants		
	M	F	Total
East region			
Nangarhar province			
Dara-I-Nur	50		50
Rodat	48		48
Kama	50		50
Rodat		52	52
Surkh Rod		57	57
Jalalabad municipality	40		40
Jalalabad municipality		35	35
Jalalabad municipality		40	40
Kunar province			
Nurgal	70		70
Logar province			
Puli Alam	13		13
Puli Alam	17		17
Puli Alam	14		14
Puli Alam	9		9

National Peace and Unity Week (20 - 26 September)			
District	Participants		
	M	F	Total
East region			
Logar province			
Puli Alam		25	25
Puli Alam		28	28
Puli Alam		23	23
South region			
Kandahar province			
Arghandab	14		14
Arghandab	20		20
Arghandab		24	24
Arghandab		16	16
Daman		13	13
Daman		10	10
Daman		10	10
Daman	10		10
Daman	7		7
Dand	20		20
Dand	14		14
Dand		20	20
Dand		18	18
Dand		20	20
Dand		20	20
Spin Boldak	25		25
Spin Boldak	30		30
Spin Boldak		32	32
Spin Boldak		30	30
Kandahar municipality	15		15
Kandahar municipality		16	16
Kandahar municipality		20	20
Kandahar municipality		20	20



National Peace and Unity Week (20 - 26 September)			
District	Participants		
	M	F	Total
South region			
Uruzgan province			
Tirin Kot	115		115
Chora	68		68
Zabul province			
Qalat	100		100
Qalat		65	65
Total (43 meetings)	749	594	1343

Discussion session on peace, Nurgal district (Kunar province), 25 September 2012

Sayed Mahboob Pacha, District Governor:

Peace can only be obtained if one knows his or her rights. Learning from these workshops was our right; however, delivering it to others is our responsibility. I would like to be very clear and to the point as the time is short. I would like to ask you elders to come to the ground and build your country. The government of course would have some spies and [some who are] disloyal but not everyone is the same. I am with you. I support you. You should work for peace and stability. The start should be from Nurgal. First we should bring peace here and talk to the Taliban as promised by you elders and later the peace process would be taken to other districts and provinces as well. The district center is with you. Don't let the outsiders cause the peace in your district to deteriorate. The district governors will keep changing; however, you should have close ties with the district so that when any district governor is appointed, he is with you and works in collaboration with you. You should be cooperative with him. Let's not blame anyone and build our country ourselves.



National Peace and Unity Week discussion session for men, Puli Alam district (Logar province), 25 September 2012

At this gathering the elders decided to meet with the local Taliban and have a discussion with them regarding peace and reconciliation. They requested the district government to facilitate that discussion.

Discussion session on peace, Puli Alam district (Logar province), 23 September 2012

Mina from Kulangar village:

Peace brings unity, solidarity, happiness and prosperity to people's lives.

Aarzo, a teacher in Mir Sayed Mahmud village:

If there is peace, people will have a comfortable life because peace brings progress and happiness.



Discussion session on peace for women, Dand district (Kandahar province), 25 September 2012

Hajira from Onay village:

It is utterly important for a country to have peace in order for progress to happen. If there is peace in our country we will no longer need foreigners to assist us. A peaceful society has factories, electricity, modern equipment and professional doctors. We will also have such things if there is peace in our country.

Nooria, a teacher in Onay village:

Peace means ceasefire.

Discussion session on peace, Qalat city (Zabul province), 26 September 2012

Abdul Ghani, Head of the Secretariat of the Peace Council of Zabul:

If we have peace, we will have educational opportunities. If we have peace, we will have time for reconstruction. If we have peace, we will have mercy on each other, help each other, and find solutions for the current problems in our country. Such things are only possible if we have peace in Afghanistan.

Faqirullah Darwesh, a tribal elder, about the role tribal elders can play in the peace process:

They [tribal elders] can sit and talk to their community to tell them that those youths who are with the opposite side [insurgent factions] should return back home and join the reconciliation program. Tribal elders have the trust and support of the people and this trust and support can be applied as a useful tool to unify people for bringing peace. Tribal elders have always stood up for their communities and they have knocked on the government authorities' doors and asked them to help their people. Tribal elders are the point of contact between Afghan people and their government, and as such they can join the people with the government. Peace and stability can develop while the distance and distrust between communities and the government diminishes.

Discussion session on peace, Bihsud district (Nangarhar province), 26 September 2012

Nazwaro, a local housewife:

Today in this program I learned that if we are to realize true and permanent peace in Afghanistan we need to start with ourselves [...] and I also want to add one more thing: when I go home today I will never again fight my daughter-in-law, because when I do that it affects our home peace. When the peace of one home is destroyed, the peace of another home will also be affected, and over time it will spread and 'catch' our entire society. If we try to build peace in our homes, so will there be a peaceful society.

Saida, another local housewife:

... [T]his is the first time that we are together here and talk about peace. Before, we did not understand the meaning of peace. Now we do, and we now feel responsible for peace, because of this Peace Week program. The RLS-I staff have drawn our attention to peace and everyone here will now try to keep unity in their communities and society as a whole.

Discussion session on peace, Puli Alam (Logar province), 22 September 2012

Mah Jan, a local housewife, about the negative consequences of three decades of war in Afghanistan:

The main characteristics of war are nothing but killing, anarchy, devastation, instability and misery. I therefore pray to Allah to save us from these sufferings.

Bibi Shirin from Paye Khail:

We women have very terrible memories of war and instability in our country. We have not witnessed better times since the Saur revolution [the April 1978 coup] happened. Let me tell you about my own experience. My husband was a shopkeeper and was killed in a suicide attack. After his death I have had to look after my three daughters and only son. Since I don't have a caretaker; I have to work outside the house and earn a living for me and my children. When my husband was alive, I had a very comfortable life and my children used to go to school. However, after his death everything turned upside down. Now my son has quit school and works as a waiter in a hotel, and earns only Afs. 50 (USD 1.00) per day. I can say that my entire family is the victim of continued war and instability in Afghanistan.

Raeesa, a housewife from Kulanagar village, sobbed as she told the group:

My husband owned a bathhouse and we had a very comfortable life, but in the holy month of Ramadan an incident happened that changed our lives forever. My husband lost both his eyes in an explosion, and now he cannot see anything. He has confined himself to his room and always cries and asks God for death. My two daughters and I do not know what to do. I go to people's houses to do some work and earn bread. I do not have a caretaker or male family member. My children and I have become very disheartened. This is not only my story, but there are thousands of such families who share the same consequence of this damn war.

Mah Gul from Hesarak village also shared her experience:

My husband was a government employee during the Soviet invasion of Afghanistan and suddenly disappeared. We still do not know whether he is alive or dead. I raised my three daughters in a difficult time. I used to wash people's clothes and spend the money I earned on my children's education. Now, thank God, my daughters are educated and whenever I see them I feel relief. My message to other sisters [women] is please do not give up when you face a problem and try to cope with the situation and make you and your children's future bright.

Zarghona from Kulangar:

Last year a bomb was planted in a tree near the governor's compound. When people heard the news of the bomb, they gathered in the area to see the bomb being defused. Suddenly another bomb went off in the area. Many people were killed in this incident. A woman who was passing by lost her six year old daughter. She searched for her daughter endlessly but could not find her. Finally she recognized [her daughter by] a piece of cloth that was attached to human flesh. This seriously affected her mentally and she became psychologically imbalanced. She used to roam the streets and ask passersby about her daughters. This unfortunate woman finally passed away a few days ago. These are all negative consequences of war that affect women more than men. I therefore ask all belligerents sides to have mercy on women and children and cease fighting.



Discussion session on peace for men, Daman district (Kandahar province), 23 September 2012

Nafeesa Baha from Paye Khail:

Women can encourage male members of their family who are engaged in fighting to abandon their miserable life and become ordinary citizens. This is the most crucial role a woman can play in restoration of peace and stability in a male-dominated society.

Program activity highlights – East region (Nangarhar, Laghman, Kunar, and Logar provinces and Jalalabad municipality)

Workshop on inheritance law, Kuz Kunar district (Nangarhar province), 5 September 2012

Saido, a local spinsari:

I learned things today which I had never heard in my lifetime, such as that women are entitled to inherit a specified portion in the legacy of their husbands and fathers. When the lecturer first said that a woman receives a one-eighth share from her husband's legacy I was shocked and thought that the lecturer was joking because, as far as I can remember, in my family no woman has ever received an inheritance.

Discussion session on dispute prevention, Mihtarlam district (Laghman province), 8 September 2012

Nazia Said, a tailor from Ali Khil:

I am illiterate, but since I have been attending this program I feel like I am an educated woman and [think that] I understand everything because I observed a change in my behavior at home. My brothers had a question about inheritance law and they did not know the answer; I spoke up and answered their question. They were so surprised! They asked me how I knew this, and I said I learn these things from RLS-I workshops.

Workshop on constitutional law, Mihtarlam district (Laghman province), 9 September 2012

Haji Hafizullah, a local elder:

These workshops in which the elders convene are beneficial. If the people of Afghanistan would understand the law well, problems would decrease in the community. The influence of warlords and other powerful figures would decrease. These workshops can enhance the rule of law in society. The international aid would be spent in the interests of our people and country. I would like to put forward the suggestion that the Constitution be taught to Afghan students as a subject in school; then they would be better able to fulfill their responsibilities to the nation.



Coordination meeting for men, Arghandab district (Kandahar province), 1 September 2012

Workshop on family law, Bihsud district (Nangarhar province), 15 September 2012

Basmina Abdul Qadir, a spinsari from Banda village:

I have been married for 27 years, and I have still not received my maher [dowry]. Thanks to RLS-I I now know that a woman has the right to receive a maher from her husband. I know that I will not ask for my maher, but I will teach my daughters that it is their right and they have to take it. Lastly, I promise that I will convey everything I learned today to each and every woman in my village and I will never let RLS-I's efforts go to waste.

State – TDR coordination meeting, Surkh Rod district (Nangarhar province), 15 September 2012

Mawlawi Abdul Rahim, an Islamic scholar from Shekh Mesri village:

Since these coordination meetings have been conducted by the RLS-I office the dynamics between tribal elders and state actors have improved and relationships have become closer.

More than that, the level of corruption is much lower compared to previous years. We are responsible to carry out what we learn in these meetings to our communities and we should continue coming together in this manner.

Program activity highlights – South region (Kandahar, Uruzgan and Zabul provinces and Kandahar municipality)

Discussion session on alternatives to baad, Qalat district (Zabul province), 3 September 2012

A local housewife:

We learned a lot today; we will never give our daughters in baad from now on and we now realize this custom is not compatible with Islam. We should not commit actions that are in conflict with Islam.

Workshop on property deeds law, Qalat district (Zabul province), 12 September 2012

A local tribal elder:

We learned a lot today about the importance and value of deeds which we had never before known about. From now on we will try to carry out all our [transactions] through a deed and a document.



Workshop on inheritance law for women, Daman district (Kandahar province), 10 September 2012

RESEARCH

During the reporting period, RLS-I implemented a three-day workshop to review and revise its legal training workshop training materials. The revision workshop was led by a group of key RLS-I trainers with the assistance of the RLS-I CCN short-term adult education specialist from Kabul University. The seven trainers (including two women) who reviewed and revised the training materials came to the workshop in Kabul from Nangarhar and Logar provinces and from Kabul itself. They reviewed the existing training materials for Constitutional law, criminal law, family law, inheritance law, property law and property deeds workshops. They designed new workshop agendas and revised training materials in order better to address the target audience of elders, many of them with limited literacy. Immediately following the conclusion of the three-day workshop, the RLS-I adult CCN short-term adult education specialist and a female RLS-I staff member from Nangarhar province who also acts as a trainer for RLS-I legal workshops for women focused on modifying the revised training materials to address more fully the concerns and questions that female workshop participants often raised during Phase 2. Based on the work done by the participants in the curriculum revision workshop, RLS-I will be conducting training of trainers workshops for the rest of its trainers in October.

OUTREACH

Program implementation

During September, RLS-I provided a DVD with printable soft copies of project outreach materials such as the RLS-I illustrated booklets and pamphlets to the USAID representatives at the Khost PRT for local printing and dissemination. RLS-I continued preparatory work with Cooperation for Peace and Unity (CPAU), the RLS-I Phase 2 implementing partner in the north and its proposed implementing partner for the anticipated Phase 3, on outreach activities in selected districts of northern Afghanistan for the anticipated Phase 3. RLS-I exchanged and reviewed outreach materials with CPAU, such as brochures and leaflets, and any language issues were addressed in order for this material to be added to the RLS-I outreach materials list for provision to USAID and other counterparts. RLS-I also worked with the Afghan legal aid NGO *Qanoon Ghushtunky* (“Seeker of the Law”) to review legal references in RLS-I- pamphlets and ensure that updated laws are integrated in the material.

RLS-I held two meetings in September with a representative of the Ministry of Justice *Huqooq* Department in Kabul to discuss possible RLS-I outreach capacity building support for staff members of *huqooq* district offices during the anticipated Phase 3. Subject to USAID approval and the availability of sufficient Phase 3 funds, possible areas of capacity-building support include the provision of RLS-I printed, audio and/or video outreach materials and of equipment such as laptops, printers, scanners and digital photo cameras



Discussion session on peace for women, Daman district (Kandahar province), 26 September 2012

needed to support the *Huqooq* Department’s legal awareness outreach efforts, including its responsibilities under the MoJ National Legal Awareness Strategy (2009) and accompanying National Legal Awareness Strategy Action Plan (2011-2015). RLS-I also met with a representative of the Supreme Court publications department to find out about recent Supreme Court circulars that RLS-I might consider including in its outreach materials during the anticipated Phase 3. The Supreme Court provided RLS-I- with all circulars in book format to be reviewed.

Looking ahead

During October, RLS-I will continue cooperation with CPAU’s outreach section and will add CPAU’s outreach materials to the list of RLS-I outreach materials. RLS-I will review the Supreme Court circulars for possible inclusion in RLS-I outreach materials during the anticipated Phase 3. RLS-I will also endeavor to finalize the scope of its outreach capacity building support for staff members of *huqooq* district offices during the anticipated Phase 3.

MONITORING AND EVALUATION

Program monitoring and evaluation

Review of Phase 2 workshop questions and answers

During the current three-month contract period, RLS-I initiated systematic reviews of the question and answer content of workshop event reports in order to learn which questions participants raised most often, codify which types of questions were being asked, and identify any patterns in questions across participants type, region, province, or district. During September, RLS-I completed aggregating and coding question and answer content for its Constitutional law workshop. One hundred and ninety-two (192) questions were documented across 33 workshops conducted in May – June 2012. The following table shows the types of participant questions for Constitutional law in descending order of their frequency:

Question type – Constitutional law workshop	Percentage
Legislation	31%
Fundamental rights	26%
Government/political regime	16%
Parliament	8%
Constitution and <i>Shari'ah</i>	7%
Judiciary	5%
<i>Loya Jirga</i>	3%
Unrelated to workshop	5%

Questions regarding corruption were raised across all question types and are estimated to constitute at least 10% of all questions.

The following are examples of participant questions:

Q: You explained that Article 22 of the Constitution establishes equality as a fundamental right, yet many government officials are corrupt. Why aren't they punished?

A: Indeed many government officials are corrupt and yet still perform official duties in the government. This action is against Article 22 of the Constitution. We have the responsibility to share this issue with the three authorized branches of government, for we elected them.

Q: Can a governor of a province intervene in the decision of the court and influence the judges?

A: According to the instruction of Shari'ah and [state] law, all courts and judges shall enjoy full freedom while making decisions and fulfilling their responsibilities. No government officials may interfere in the work of judiciary.

Q: The Constitution has 162 articles; are they in line with the holy Qur'an? If not, how do you see following and acceptance of this Constitution?

A: The second article of the Constitution orders that laws against Islam cannot be enforced in Afghanistan. In our country the laws are not implemented against *Shari'ah*. So we can say that the Constitution is in line with our belief; our faith has been completed. For instance, possibly the traffic rules might not have been explained in the holy *Qur'an*, but formation of rule and regulations regarding the traffic system is essential in today's world. It does not mean that we have taken part against *Shari'ah*. When the red light is on and the driver does not care and passes, he or she violated the law and should be treated accordingly. The formation of similar laws is a requirement of the time.

Q: *If my brother kills a man, can the police arrest me?*

A: Crime is a personal act. Investigation, arrest, and detention of an accused, as well as applying penalties to the convicted, shall not incriminate another person.

Some questions proved difficult to answer even for the professors who delivered the training. For example, one questioner asked about the difference between the meaning of equality under the current Constitution and under the Constitution during the communist regime. The lecturer replied that equality was an unchanging concept, but its application in society could be different at different times. A follow-up questioner asked why, if equality came from the law, he had been fighting against equality under another set of laws enacted by the communist regime. It was clear from such questions that the basic legitimacy of the Afghan Constitution and statutory law was still unsettled, but in the overall context it was also clear that Afghans desired a strong and functioning state as an alternative to conflict and lawlessness.

RLS-I will continue to review Phase 2 workshop questions and answers for feedback to instructors, refine workshop content, and possibly to develop learning and outreach materials for future distribution.

Spinsary group tracking

During September, RLS-I monitored *spinsary* groups from Arghandab and Spin Boldak districts (both in Kandahar province) as well as several districts in Nangarhar province. RLS-I staff documented 11 disputes that *spinsary* group members helped mediate in Kandahar province, and 19 disputes in Nangarhar province.

In one case, a *spinsary* group member helped a mother apportion property equitably between her sons:

A mother wanted to entitle her younger son to be owner of the house but her elder son had a dispute with her and argued that he was also her son. Her elder son came to [the spinsary group member's] house and told me the whole story. I went along with him. I asked his mother why she created disunity between her own sons and have them fight unreasonably. "If your sons happen to murder each other tomorrow, what will you do then?" I asked her. The mother agreed upon hearing my words. She decided to divide the property equally and the dispute was resolved.

In another case, a *spinsary* group member helped allay undue suspicion in a case of missing jewelry:

I [the spinsary group member] went to my sister's house. My sister's golden bangles were lost and she had laid the blame on her housemaid, since she was the one who did chores for her. The housemaid was crying and saying she was innocent. I asked my sister whether she had seen her stole the bangles. She replied "No". I asked her then why do you accuse [your housemaid] unreasonably? Ask your husband. When she called her husband, she learned her husband had taken the bangles. I told my sister that it was a big sin to accuse someone unreasonably and that she shouldn't let it happen again in her lifetime. She accepted and the issue was resolved.

In the final example, a dispute that could not be resolved by the *spinsary* group member was referred to a village elder and then successfully resolved:

[A man] divorced his wife a while ago and took the children. After a while, he remarried. He would beat his children all the time. One day this man beat his son very cruelly and his son went to [the spinsary group member's] house and hid there. The child was so frightened. He told the spinsary that he wouldn't go to his house due to fear of his father. The spinsary asked him the reason; the child told her that they were beaten every day by their father. Although the spinsary knew that the mother of these kids was a divorcee, she didn't know that the children's own father was so cruel to them.

The spinsary went to this man's house and advised him not to beat his sons. In spite of this advice and admonition, he still beat his children. When the spinsary was informed, she went to the elder of the village and told him everything. The elder summoned the man and decided that these kids should be returned to their mother. Other tribal elders approved of this elder's decision and the kids were taken by their mother.

RLS-I data quality audits

In preparation for enhancing the RLS-I program information management system for the anticipated Phase 3, RLS-I conducted a comprehensive review of its participant records, while M&E field staff conducted ongoing data quality checks of participant data kept by the field offices. By the end of September, Kabul-based M&E staff had reviewed over 1,400 participant records. Of these records, mismatches in background data (most often village or tribe assignments) were identified in 57 cases, or 4% of the sample. Duplicate participant records were identified in 26 cases, or 1.8% of the sample.

Duplicate cases arose due to field staff completing more than one participant enrollment form for the same program participant, and the Kabul-based database team accepting the duplicate forms as unique participants. The effect of duplicate records is to over-count the total number of participants attending any one activity and undercount the mean number of activities per participant, and therefore under-report the graduation indicator of the number of elders passing through the RLS-I curriculum. The overall activity participation data remains unchanged.



Impact Evaluation

Solicitation of research partner

During the current three-month contract period, RLS-I has solicited proposals for potential research partners in anticipation of Phase 3. This has taken place on the assumption that the impact-level measurements from Phase 2 will continue to be collected, analyzed, and reported for learning and impact measurement. Strategic Social has been identified as a finalist, with subcontract award pending finalization of RLS-I Phase 3 and following final district selection and mobilization of program participants.

Looking ahead

During the remainder of the current three-month contract period, RLS-I has not planned any core program activities in the field. RLS-I is, however, reviewing and revising, as necessary, its core program strategy, content, and methods. RLS-I will schedule its activities and prepare activity calendars if and when the anticipated Phase 3 begins.

GLOSSARY

<i>baad</i>	customary practice of resolving a dispute by giving a girl from the offender's family in marriage to a male member of the victim's family
<i>Hadith</i>	collection of scriptures detailing the actions, sayings, and tacit approvals or disapprovals of Islamic practices and beliefs of the Prophet Mohammad (PBUH), as documented by his companions and accompanied and verified by an authenticating record of the origin and lineage of each part of the collection, determining its authority as a source of Islamic law supplementing the Holy <i>Qur'an</i>
<i>jirga</i> (pl. <i>jirgee</i>)	<i>ad hoc</i> assembly of tribal elders convened to make specific decisions or resolve a specific dispute by consensus
<i>jirgamar</i> (pl. <i>jirgamaran</i>)	<i>jirga</i> member(s)
<i>maher</i>	dowry in the form of bride wealth, a sum of money or commodities that are given to a bride upon marriage and that remains the bride's property to ensure financial security in case of divorce or the death of the husband
RLS-I	Rule of Law Stabilization Program – Informal Component
<i>Shari'ah</i>	legal precepts found in the Holy <i>Qur'an</i> and the <i>Hadith</i> ; sometimes used by non-scholars (and this report) to denote Islamic law or jurisprudence, which includes scholarly interpretations of the Holy <i>Qur'an</i> and the <i>Hadith</i> ; <i>ijma</i> ("collective reasoning" or consensus among scholars); and <i>qiyas</i> or <i>ijtihad</i> ("individual reasoning" or deduction by analogy)
<i>spinsary</i>	(literally, feminine form of "white-headed") respected female elder(s) involved in dispute resolution
TDR	traditional dispute resolution
USG	Government of the United States of America
<i>walwar</i>	bride price, a sum of money (or a commodity) paid by the groom or his family to the head of the bride's household