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MONTHLY REPORT, November 2012

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

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



District handover network meeting, Surkh Rod district (Nangarhar Province),
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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 November were diverse. RLS-I staff were occupied throughout the month with efforts centered on organizing handover district network and state-TDR working group handover meetings to mark the graduation of some Phase 1 districts, as well as organizing maintenance activities for the remaining RLS-I Phase 1 and Phase 2 districts, and initiating RLS-I Phase 3 core programming in the first tranche of new Phase 3 districts. In November, RLS-I held a total of 54 events in the east and south regions for some 3,044 participants (41% female). District network meetings were the most frequent RLS-I events in November (nine events in the east and ten events in the south), followed discussion sessions (ten events in the east and four events in the south). RLS-I is in the process of seeking an Afghan partner to implement the RLS-I program in the north region and will not implement any activities in that region until it has engaged that partner.

The handover district network and state-TDR coordination meetings in graduating Phase 1 districts were aimed at engaging RLS-I program participants in a discussion of how to continue using and disseminating lessons from RLS-I in their dispute resolution activities, how to continue formal-informal justice sector collaboration, and how to continue working with each other and the regional volunteers dedicated to resolving long-standing disputes. RLS-I maintenance 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. Preparations for RLS-I Phase 3 core programming included contacting district and provincial officials for approval for RLS-I to work in the first tranche of new Phase 3 districts, selection and enrollment of participants, and conducting district assessment interviews for those districts. Core programming in the first tranche of new Phase 3 districts began with introductory district network meetings to introduce RLS-I objectives to male and female participants, provide opportunities for sharing experiences in dispute resolution, identify and explore long-standing disputes in the district, and help generate the discussion group series to address rule of law issues facing the district.

PROGRAM EVENT STATISTICS

Table I: Event Summary

All activities								
Activity type	Activity title	East			South			Overall Total
		M	F	Total	M	F	Total	
Network meeting	District network meeting	5	4	9	5	5	10	19
Workshop	Criminal law	-	1	1	-	2	2	3
Workshop	Family law	-	-	-	-	2	2	2
Workshop	Property law	1	-	1	-	-	-	1
Workshop	Constitutional law	3	-	3	-	-	-	3
State – TDR coordination meeting	Strengthening ties between formal and informal justice sectors	2	-	2	10	-	10	12
Discussion session	Addressing the influence of powerbrokers	5	-	5	-	-	-	5
Discussion session	Dispute prevention	-	4	4	-	3	3	7
Discussion session	Establishment of <i>spinsary</i> groups	-	-	-	-	1	1	1
Discussion session	Women’s participation and access to justice	-	1	1	-	-	-	1
TOTAL		16	10	26	15	13	28	54

REVIEW OF RLS-I PROGRAMMING

Network meetings

Network meetings serve as the kick-off event for a given set of activities in a district. The network meeting introduces RLS-I objectives to a cohort of 80-120 village elders per district (as determined by an application of RLS-I's program participant selection criteria, which emphasize equitable geographical and ethnic/tribal representation and elders' stature as TDR practitioners), provides opportunities for sharing experiences in dispute resolution, identifies and explores long-standing disputes in the district, and helps generate the discussion group series to address rule of law issues facing the district. A follow-up district



Introductory district network meeting, Shahidi Hassas district (Uruzgan province), 29 November 2012

network meeting is held once the participant cohort has passed through the RLS-I core curriculum of learning workshops, issue-based discussion groups, and state-TDR coordination meetings to provide an opportunity to reflect on what program participants have learned and accomplished, and what the next steps could be. Regional network meetings are also planned, to give program participants the opportunity to network, learn, and share experiences across the region. This is considered crucial to facilitate dialogue for the resolution of long-standing disputes, as well to contribute to knowledge and improvement of shared practice in informal dispute resolution. One expected outcome of the regional network meetings is volunteer rosters of respected elders available as needed for collaboration to help resolve specific long-standing disputes.

In November, RLS-I conducted 19 district network meetings for the following districts:

District network meetings				
Province	District	Male	Female	Total
Kunar	Chawkay	1	1	2
Logar	Puli Alam	1	-	1
Nangarhar	Acheen	1	1	2
Nangarhar	Bihsud	1	1	2
Nangarhar	Surkh Rod	1	1	2
Kandahar	Arghandab	1	1	2
Kandahar	Dand	1	1	2
Kandahar	Panjwayi	-	1	1
Kandahar	Zhari	1	1	2
Uruzgan	Chora ¹	1	1	2
Uruzgan	Shahidi Hassas	1	-	1
TOTAL		10	9	19

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 districts 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 2012, with separate inheritance law II workshops continuing from the initial sessions.

¹ Chora is an RLS-I Phase 2 district, but RLS-I Phase 3 is implementing its program in Chora for a second cohort of participants; that second cohort in Chora is treated as a new Phase 3 district.

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.

Learning workshop – criminal law				
Province	District(s)	Male	Female	Total
Nangarhar	Kuz Kunar	-	1	1
Kandahar	Daman	-	1	1
Zabul	Tarnak Wa Jaldak	-	1	1
TOTAL		-	3	3

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
Uruzgan	Dihrawud	-	1	1
Uruzgan	Tirin Kot	-	1	1
TOTAL		-	2	2

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

Learning workshop – property law				
Province	District(s)	Male	Female	Total
Nangarhar	Rodat	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
Nangarhar	Kama	1	-	1
Nangarhar	Kuz Kunar	1	-	1
Laghman	Qarghayi	1	-	1
TOTAL		3	-	3

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 learning workshops. Participation by formal justice sector actors² 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 I (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*.



Discussion session on *spinsary* group sustainability, Kandahar municipality, *nahiya* 9 (Kandahar province), 28 November 2012

The discussion session on *addressing the influence of power brokers* on justice provision explores the challenge of power discrepancies between disputants and between disputants and outside parties in formal and informal justice. During these sessions, formal and informal justice sector actors discuss ways to limit this influence in order to promote fair justice outcomes.

² As used by RLS-I, the term “formal justice sector actors” includes District Governors and Chiefs of Police, who are frequently involved in mediating disputes, as well as district *huqooq* staff, prosecutors, judges, and any other local GIRoA officials involved in mediating or adjudicating local disputes, referring them to TDR, or recording or registering TDR decisions.



Discussion session – addressing the influence of power brokers				
Province	District(s)	Male	Female	Total
Kunar	Nurgal	1	-	1
Laghman	Mihtarlam	1	-	1
Logar	Puli Alam	1	-	1
Nangarhar	Bati Kot	1	-	1
Nangarhar	Shinwar	1	-	1
TOTAL		5	-	5

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 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	Qarghayi	-	1	1
Nangarhar	Bati Kot	-	1	1
Nangarhar	Kama	-	1	1
Nangarhar	Shinwar	-	1	1
Kandahar	Spin Boldak	-	1	1
Zabul	Qalat	-	1	1
Zabul	Shahjoy	-	1	1
TOTAL		-	7	7

The *spinsary group formation and sustainability* discussion session follows a two-step sequence in which an interested group of women from the district network meeting later meets to discuss disputes particularly affecting women and women's access to justice. By the end of a second such group meeting, participants may elect to form *spinsary* groups in their villages. These women commit to support each other in addressing local disputes, typically involving families, children and neighbors.

Discussion session – <i>spinsary</i> group formation and sustainability				
Province	District(s)	Male	Female	Total
Kandahar	Kandahar municipality, <i>nahiya</i> 9	-		
TOTAL		-	 	

The discussion session on *women’s access to justice and their role as justice actors* allows state and TDR justice sector practitioners to consider ways to increase women's access to formal and informal justice. Given cultural restrictions on women's interaction with unrelated men in most RLS-I districts, the debate is generally nascent, but one common outcome is agreement on RLS-I support for *spinsary* groups. These groups focus on resolving women's and children's disputes and often advocate for women in the *jirga* system.

Discussion session – women’s access to justice and their role as justice actors				
Province	District(s)	Male	Female	Total
Logar	Puli Alam	-		
TOTAL		-	 	

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 letters³, dispute referrals, and registration of *jirga* decisions with formal justice sector institutions.

State – TDR coordination meetings				
Province	District(s)	Male	Female	Total
Nangarhar	Bihsud		-	
Nangarhar	Surkh Rod		-	
Kandahar	Arghandab		-	
Kandahar	Dand		-	

³ Authority letters are forms signed by disputants who grant authority to *jirgamaran* to resolve their dispute (including disputes referred to TDR by formal justice sector actors) and who pledge to abide by the resulting decision. Decision letters are forms used by *jirgamaran* to make a written record of their decision in a particular dispute and that may be registered with formal justice sector authorities. Both forms are intended to reduce the likelihood that the disputants will seek to reopen the dispute and, in the case of a registered decision letter, to increase the likelihood that formal justice sector authorities will assist in enforcing at TDR decision if necessary. Authority letters and decision letters are forms developed by RLS-I, in collaboration with participating elders, and bound in books distributed to elders by RLS-I.



State – TDR coordination meetings				
Province	District(s)	Male	Female	Total
Kandahar	Kandahar municipality, <i>nahiya 9</i>	1	-	1
Kandahar	Spin Boldak	1	-	1
Uruzgan	Chora	1	-	1
Uruzgan	Dihrawud	1	-	1
Uruzgan	Tirin Kot	1	-	1
Zabul	Qalat	1	-	1
Zabul	Shahjoy	1	-	1
Zabul	Tarnak Wa Jaldak	1	-	1
TOTAL		12	-	12

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

During the first half of November, RLS-I focused on completing preparatory activities for program implementation in the first tranche of new Phase 3 district: in the east: Acheen (Nangarhar province), Chawkay (Kunar province), and Mohammad Agha (Logar province). These activities include contacting district and provincial officials to obtain their approval for the implantation of RLS-I’s program in those districts, selection and enrollment of participants, and conducting district assessment interviews for those districts. During selection, an application of RLS-I’s participant selection criteria resulted in geographically and tribally representative groups of elders, religious leaders, and officials respected for their integrity and skill in dispute resolution.



Handover district network meeting, Bihsud district (Nangarhar province), 13 November 2012

RLS-I also held handover district network and state-TDR working group coordination meetings in the RLS-I Phase I districts of Bihsud and Surkh Rod (both in Nangarhar province), having determined that the districts meet RLS-I's graduation criteria. In the last week of November, RLS-I began conducting men's and women's introductory network meetings to initiate core programs in the new Phase 3 districts of Mohammad Agha (Logar province), Acheen (Nangarhar province), and Chawkay (Kunar province).

During November, RLS-I implemented 26 program activities in the east region, including ten discussion sessions, nine district network meetings, five workshops on core subjects (criminal law,



Workshop on constitutional law, Kuz Kunar district (Nangarhar province), 21 November 2012

property law, and Constitutional law), and two state-TDR coordination meetings. Overall, 1,648 participants (39% women) attended these activities, which covered Nurgal and Chawkay districts (both in Kunar province), Mihtarlam and Qarghayi districts (both in Laghman province), Puli Alam district (Logar province), and Acheen, Bati Kot, Bihsud, Kama, Kuz Kunar, Rodat, Shinwar and Surkh Rod districts (all in Nangarhar province).

The legal training workshops were led by professors from the *Shari'ah* faculty of Nangarhar University.

The ten discussion sessions provided forums to discuss pressing issues facing the formal and informal justice sectors and were attended by 180 women and 197 men from the districts of Nurgal (Kunar province), Mihtarlam and Qarghayi (both Laghman province), Puli Alam (Logar province), and Bati Kot, Kama and Shinwar (all in Nangarhar province). Discussion session topics were flexible and were defined by program participants and needs identified in RLS-I district assessments. 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*.

The nine district network meetings were attended by 430 women and 577 men from the districts of Chawkay (Kunar province), Puli Alam (Logar province), and Acheen, Bihsud and Surkh Rod (all in Nangarhar province). The introductory network meetings in Chawkay and Acheen districts served as the kick-off events for RLS-I program activities in those districts. The follow-up district network meeting in Puli Alam provided an opportunity to reflect on what program participants had learned and accomplished, and what the next steps could be. The handover district network meetings in Bihsud and Surkh Rod districts resulted in participants pledging to continue using and disseminating lessons from RLS-I in their dispute resolution, to continue collaborating with formal justice actors, and to continue working with each other and members of the



Introductory district network meeting, Acheen district (Nangarhar province), 26 November 2012

regional volunteers dedicated to resolving long-standing disputes. Participants agreed to continue meeting and, in some cases, set schedules for liaising with formal justice sector actors. Additionally, eight elders in Surkh Rod district and nine in Bihsud district volunteered to continue conducting RLS-I's legal education training after completing the program's forthcoming training-of-trainers

program. RLS-I and university professors will vet these volunteers before and after the training and then monitor them, as RLS-I resources allow, to ensure proper training by these trainers.

The five legal training workshops enhanced the legal knowledge of influential women and elders from local communities on subjects related to Constitutional law, criminal law, and property law. The three Constitutional law workshops were attended by 103 *jirgamaran*, elders and formal justice sector actors from of Qarghayi district (Laghman province), and Kuz Kunar and Kama districts (both in Nangarhar province). The



Handover coordination meeting, Surkh Rod district (Nangarhar province), 8 November 2012

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 property law workshop was attended by 55 elders from Rodat district (Nangarhar 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 38 women from Kuz Kunar district (Nangarhar 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 two handover state-TDR coordination meetings were attended by 78 *jirgamaran*, elders and formal justice sector actors from Bihsud and Surkh Rod districts (both 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 and continued now that these districts are graduating from the RLS-I program. Participants 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. Participants agreed to continue meeting and, in some cases, set schedules for liaising with state justice actors.

Meetings

RLS-I senior program staff attended several meetings with provincial and district officials to finalize approvals for operating in the new Phase 3 districts of Acheen (Nangarhar province) and Chawkay (Kunar province).

Challenges

Inter-tribal friction in Acheen district required moving the introductory network meeting to Jalalabad, as one tribe controls the territory surrounding the Acheen district center. RLS-I anticipates that relationship-building during the introductory meeting and other early events will pave the way for conducting meetings in Acheen district center at a later time. The lack of a meeting hall accessible to women in Mohammad Agha resulted in a five-day delay of the women's introductory network meeting. RLS-I subsequently identified a suitable hall with assistance from the District Governor. As in past program phases, demand for participation in RLS-I's program has outstripped the number of places available, with uninvited elders requesting to join the program. Similarly, a few district officials have demanded participation for candidates of their choosing. Other officials have demanded favors, such as lunches for non-participants in the district center compound. RLS-I is doing its best to consider legitimate requests while resisting manipulation by powerful actors.



Workshop on criminal law, Kuz Kunar district (Nangarhar province), 29 November 2012

Staff in Bati Kot district (Nangarhar province) remarked on the deteriorating security situation there and mentioned a number of significant incidents such as kidnappings and attacks on coalition forces.

Looking ahead

Looking ahead, RLS-I will implement an intensive schedule of core programming in the first tranche of Phase 3 districts in the east region to stay on schedule to complete the core program with capstone district network meetings in April 2013, as planned RLS-I will also conduct maintenance activities as needed in Phase 1 and Phase 2 districts before final handover meetings in February-March 2013 for Phase 1 districts and April 2013 for Phase 2 districts.

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

During the first half of November, RLS-I focused on completing preparatory activities for the first tranche of new Phase 3 districts of Panjwayi and Zhari (both in Kandahar province), and Chora (second cohort) and Shahidi Hassas (both in Uruzgan province). These activities included contacting district and provincial officials for their approval to implement the RLS-I program in these districts,

selection and enrollment of participants, and conducting district assessment interviews for those districts. During selection, an application of RLS-I's participant selection criteria resulted in geographically and tribally representative groups of elders, religious leaders, and officials respected for their integrity and skill in dispute resolution.

RLS-I also held handover district network and state-TDR working group coordination meetings in the RLS-I Phase I districts of Dand and Arghandab (both in Kandahar province), to mark their graduation from the RLS-I program.



Handover district network meeting, Arghandab district (Kandahar province), 15 November 2012

In November, RLS-I commenced a full schedule of maintenance activities in the Phase I and 2 districts of Daman, Spin Boldak, *nahiya* 9 of Kandahar municipality, *nahiya* 9 (all in Kandahar province) Chora, Tirin Kot and Dihrawud (all in Uruzgan province), and Shahjoy, Qalat and Tarnak wa Jaldak (all in Zabul province). RLS-I scheduled the events to address remaining needs as identified by monitoring and evaluation findings as well as participant feedback. In the last week of November RLS-I commenced conducting men's and women's introductory network meetings to initiate core programs in the districts of Panjway and Zhari (both in Kandahar province, and Chora (second cohort) and Shahidi Hassas (both in Uruzgan province).

During November, RLS-I implemented 28 program activities in the south region, including ten district network meetings, ten state-TDR coordination meetings, four discussion sessions, and four workshops on core subjects (criminal law and family law). Overall, 1,365 participants (44% women) attended these events, which Arghandab, Dand, Daman, Panjwayi, Spin Boldak and Zhari districts and *nahiya* 9 of Kandahar municipality (all in Kandahar province), Tirin Kot, Dihrawud, Shahidi Hassas and Chora districts (all in Uruzgan province), and Shahjoy, Qalat and Tarnak wa Jaldak districts (all in Zabul province). The legal training workshops in Kandahar and Zabul are led by professors from the *Shari'ah* faculty of Kandahar University; those in Uruzgan are led by professors from the *Shari'ah*

faculties of both Kandahar and Nangarhar universities.



Handover district network meeting, Dand district (Kandahar province), 8 November 2012

The ten district network meetings were attended by 372 women and 468 men from the districts of Arghandab, Dand, Panjwayi and Zhari (all in Kandahar), and Chora and Shahidi Hassas (both in Uruzgan province). The introductory network meetings in Panjwayi, Zhari, Shahidi Hassas and Chora districts served as the kick-off event for activities in those districts. The handover district network meetings in Dand and Arghandab

resulted in participants pledging to continue using and disseminating lessons from RLS-I in their dispute resolution, to continue collaborating with formal justice actors, and to continue working with each other and members of the regional volunteers dedicated to resolving longstanding disputes. Participants agreed to continue meeting and, in some cases, set schedules for liaising with state justice actors. Additionally, two elders in Arghandab and a significant portion of elders in Dand volunteered to continue conducting RLS-I's legal education training after completing the program's forthcoming training-of-trainers program. RLS-I and university professors will vet these volunteers before and after the training and then monitor them, as RLS-I resources allow, to ensure proper training by these trainers.



Workshop on criminal law, Tarnak wa Jaldak district (Zabul province), 22 November 2012

The ten state-TDR coordination meetings were attended by 307 formal and informal justice sector actors from Arghandab, Dand and Spin Boldak districts and *nahiya* 9 of Kandahar municipality (all in Kandahar province), Tirin Kot, Chora (first cohort) and Dihrawud districts (all in Uruzgan province), and Qalat, Shahjoy and Tarnak wa Jaldak districts (all in Zabul province). All 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. Participants 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. The two coordination meetings in Arghandab and Dand districts were handover activities and also focused on how the collaboration between formal and informal justice actors can be continued now that these districts are graduating from the RLS-I program. Participants agreed to continue meeting and, in some cases, set schedules for liaising with state justice actors.

The four discussion sessions provided forums to discuss pressing issues facing the formal and informal justice sectors and were attended by 113 women from Qalat and Shahjoy districts (both in Zabul province), and Spin Boldak district and *nahiya* 9 of Kandahar municipality (both in Kandahar province). Discussion session topics were flexible and were defined by program participants and needs identified in RLS-I district assessments. The participants explored how to preempt or resolve disputes among children and neighbors; women's roles in defusing minor disputes; how to collaborate to help resolve long-standing disputes; and the formation of *spinsary* groups and women's participation in *jirgee*.

The four legal training workshops enhanced the legal knowledge of influential women from local communities on subjects related to criminal law and family law. The two criminal law workshops were attended by 72 women from the districts of Daman (Kandahar province), and Tarnak wa Jaldak (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 two family law workshops were attended by 53 women from Dihrawud and Tirin Kot districts (both in Uruzgan 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.

Meetings

The RLS-I Acting Provincial Manager in Kandahar attended the Provincial Development Committee meeting at the Directorate of Planning and Economy. The Traditional Justice Advisor and Acting Provincial Managers for Kandahar and Zabul provinces attended several meetings with provincial and district officials to finalize approvals for operating in the districts of Panjwayi and Zhari (Kandahar province).

Challenges

During November, issues arose in connection with RLS-I's attempts to obtain the approval of the Kandahar Provincial Governor for RLS-I to implement its program in the province. The Provincial Governor prevailed on the District Governors of the new Phase 3 district of Panjwayi and the Phase I district of Daman (both in Kandahar province) to prohibit RLS-I from operating in those districts. The Provincial Governor attempted, but has so far failed, to compel the District Governor of the new Phase 3 district of Panjwayi to prohibit RLS-I from operating in that district. While RLS-I was able to implement its program in the remaining districts in Kandahar province, the activities for men in Panjwayi district, including the introductory network meeting, and state-TDR coordination meetings in Daman had to be postponed. The issue remained unresolved throughout November and Senior RLS-I Staff in Kabul and USAID personnel both in Kabul and Kandahar continued their efforts to persuade the Provincial Governor to allow RLS-I to implement its program in all districts in Kandahar province.



Coordination meeting, Tirin Kot district (Uruzgan province), 18 November 2012

The implementation of the RLS-I Phase 3 program experienced some challenges due to limited staff availability for the remote district of Shahidi Hassas (Uruzgan province). This adversely affected the completion of the district assessment interviews for Shahidi Hassas and delayed the initial events for the female participants of this district. The hiring process to expand on existing staff has been



initiated during November and the RLS-I anticipates that its Uruzgan office will be fully staffed before mid-December. This would allow for the implementation of more events, especially for female participants in Shahidi Hassas, as well as the completion of the remaining district assessment interviews for that district.

Looking ahead

RLS-I will implement an intensive schedule of core programming in Phase 3 districts in the south region to stay on schedule to complete the core programs with capstone district network meetings in April 2013. RLS-I will also conduct maintenance activities as needed in Phase 1 and Phase 2 districts before final handover meetings in February-March for Phase 1 districts and April 2013 for Phase 2 districts. Volunteer elders from Uruzgan province identified during Phase 2 will be sent to the south regional network meeting in Kandahar, which is a follow-on regional network meeting to the first south regional network meeting that took place at the end of Phase 2.

Program implementation – North region

RLS-I anticipates that the RFQ/RFP process to engage a local partner to implement the RLS-I program in the north region will begin in early December and that, subject to all necessary USAID approvals, work in the north will begin in May 2013.

PROGRAM ACTIVITY HIGHLIGHTS

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

The female RLS-I program staff received letters of appreciation from Chawkay district elders specifically expressing their gratitude for the workshops held for women in the region:

Most Honorable,

I would like to thank you for teaching such nice topics to women. My wife does not participate in your programs, but other women in village have told her that they are taught about baad, and exchange marriages as well as walwar (bride price). We are currently facing many problems with the topics that you teach. I would like to request you extend this program to our village so our women can participate too. It is a very good program. Our men and women need such programs.

Regards,

Mirwais Khan

I am a resident of Chawkay district. I am very glad that my wife participated in such an advantageous workshop. I read the notes of this workshop. If we implement such things in our daily life, we would be able to get rid of many problems. All these topics have been organized in accordance with the (Islamic) Shari'ah, which is very important for our society. Many problems and family disputes arise from these matters because women do not understand the rights of their husbands, people do not pay the maher, forced marriages take place, etc. If Allah is willing, most of our problems will be dealt with as a result of



these workshops. I would like to thank your office and would request them to organize such workshops for more people.

Respectfully,
A Chawkay district tribal elder

Discussion session on addressing the influence of power brokers, Bati Kot district (Nangarhar province), 18 November 2012

Mamoor Merza, the District Governor of Bati Kot:

I am the district governor here. I would request the judge, prosecutor, mudir-e-huqooq and other state actors to send the disputes to the jirga but the jirgamaran should be honest and influential people that do not come under the influence of the warlords so that it is easy for them to implement their decisions. Furthermore, I support all the elders: if they feel intimidated by anyone they can contact me. I also suggest the disputants be told that if any formal or informal justice actor demands money the disputant should come to us and inform us because most of the time, the jirgamaran themselves take money from the disputants and they tell the disputant that it is for the district officials. It should be made clear at the very beginning to the disputants that the state actors are sending their dispute to the jirga and that they do not do that in exchange for bribes from the jirgamaran.

It is true that it is always possible that warlords try to influence the decision of the jirga. My suggestion, however, is that if the elders can make a decision in the jirga that it should be a decision they have come to without outside pressure. Should elders come under the influence of a warlord they should refrain from taking the case any further and refer the case to us [the state]. We will deal with the case and the warlord as well. For us it is really easy to implement a decision which is made by the court and Shari'ah. However, we send the disputes to you elders so that you will implement the decisions you make.

Judge Matiullah from Khughani village:

The first and most important point is that I have received many threats from the warlords and even from the influential elders here and everywhere but I have made decisions that are based on justice. The second point is that one should know there are two types of disputes namely civil and criminal. In civil disputes [the state justice actors] do not have any concern. You, the elders, can solve them yourselves. In criminal disputes there are two things; one is haq-ul abd and the other haq-ullah. For the part of haq-ullah, the criminal must be punished because he has disturbed the order of the society.

Workshop on Constitutional law, Kuz Kunar district (Nangarhar province), 21 November 2012

Wali Mohammad Malik Sayeed, a *malik* from Bodyali village:

By the name of Almighty Allah, from the first day we attended RLS-I events and seminars, we learned many things of which we were not aware before. We have shared every single word of these trainings with all elders in our communities, especially with those who attend jirgee. This program has led us to instigate many positive changes in our behavior regarding issues which were against Shari'ah and Afghan law, for example; baad and badal are absolutely forbidden and no one can give their daughter or sister in badal.

Discussion session on the influence of powerbrokers, Nurgal district (Kunar province), 22 November 2012

Yar Mohammad Mohammad Ayoub, a tribal elder from Konar Khas village:

[T]hese kinds of sessions bring unity between elders in Nurgal district and reduce anarchy. If we continue conducting such sessions in the future, it will bring justice in both alternative dispute resolution and state justice mechanisms, and it will have a calming influence on the lives of poor villagers from Nurgal district. Many other changes have been effected since the various discussion sessions and coordination meetings conducted by RLS-I: levels of corruption have been reduced in both informal dispute resolution as well as state justice mechanisms; the practice of baad has been eliminated



Discussion session on dispute prevention, Shahjoy district (Zabul province), 26 November

completely; relations between informal dispute resolution actors and formal justice actors have strengthened and the referral of disputes between these two [bodies] has increased. Elders learned to refer criminal disputes for the resolution under haq-ullah to the state and learned they are entitled to resolve disputes under haq-ul abd. Lastly, until taking part in the inheritance law workshops conducted by RLS-I in Nurgal district, elders could not resolve inheritance related disputes.



Discussion session on dispute prevention, Kama district (Nangarhar province), 22 November 2012

Mangal Malalai, a spinsary from Qalai Akhund village:

It gives me immense pleasure to say that now I am fully confident that I can prevent my children from fighting and in case they do end up fighting that I can avoid my husband and me becoming involved. Before I always supported my children [and chose their side in fights]. But today I learned that we do not have to pick our children's side and back them up but that rather we should advise them not to fight.

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

Handover district network meeting, Arghandab district (Kandahar province), 15 November 2012

Mullah Naimatullah Akhond, a mullah and tribal elder from Shween village:

I am very excited about the RLS-I program and that so many workshops were organized for tribal elders. The tribal elders benefited from these workshops and presently they have the ability to resolve disputes in Arghandab district. We are proud to be making impartial decisions. Now it is important to carry on with these workshops ourselves in order to continue learning about Shari'ah, because it is our responsibility to serve our people and resolve their disputes with justice and honesty. So we should organize workshops with the collaboration and the support of government authorities at least once or twice a month to [improve our knowledge of legal information so we [tribal elders] will be able to resolve disputes correctly. Beside these activities, our linkages with government authorities should be more extensive so we shall be able to resolve any type of difficult dispute by consulting each other. We look forward to support from formal justice system actors in organizing these workshops and improving formal-informal linkages.

Sayed Noor Mohammad Shah Agha, a tribal elder from Khwoja-Malik village:

We are excited about all the hard work RLS-I has put into the workshops and we hope RLS-I will continue its program because this project brought great linkages between us [tribal elders and government authorities], as well as benefitting the elders through the knowledge they gathered in these effective workshops and activities. Before [these workshops] we were facing some problems during decision-making but presently, we tribal elders are capable of resolving people's disputes and making impartial decisions according to Islamic law. We [all tribal elders, government authorities, formal justice and judicial system actors] should try our best to continue these beneficial workshops in order to acquire more legal knowledge, strength as legitimate actors, and improve our linkages. We should organize workshops like the RLS-I events. We do not want meals and transportation from our government authorities but we only ask they provide [the means for] lecturers

and a place for organizing workshops in order to keep the present linkages continuous and to bring peace and prosperity in the community.

Handover district network meeting, Arghandab district (Kandahar province), 12 November 2012

Babo Golam Faroq, a spinsary from Nawi Mazria village:

We are able to solve most of the disputes in our villages successfully. I recently solved a dispute between a wife and her husband. A woman wanted to divorce her husband because her husband and mother in-law used violence against her and treated her like an animal. One day her mother came to my home and shared her life story with me and she told me that her daughter decided to commit suicide. I immediately went to her daughter's home and asked her what the problem was and she told me: "I have two possibilities in my life: death or divorce." Then I, together with the wife's, mother, referred this case to the chief of the Shura, Haji Mohammad, and through his coordination we took the girl to the district governor. After a month she received her divorce in the local court. So I could make decision on this matter in accordance with what I learned in RLS-I workshops [and I knew it was right].



Introductory district network meeting, Zhari district (Kandahar province), 29 November 2012

Nargiss, a spinsary from Naqeebi Meena:

I really appreciate the [RLS-I] program. I can even solve conflicts among women and families now.] Four months ago a dispute arose between [my family] and our neighbors over land. In fact this piece of land was ours, but they were trying to grab it from us. My husband talked with them many times, but they ignored us, and every day our neighbor disturbed us. With the knowledge I learned from RLS-I [workshops] I could discuss this issue with my husband in order to find a solution. My husband and I were then able to take this dispute to the district governor. The government authorities resolved our dispute and we received our land back. Before, I was an uneducated woman and I did not even have the courage to speak to my neighbors, but now that I have been trained by RLS-I I can sit with tribal elders and have access to justice.

Handover district network meeting, Dand district (Kandahar province), 13 November 2012

Anwar Khan, Dand district Huqooq officer:

As a result of these [RLS-I] activities, tribal elders send us [state actors] disputes for resolution and we, in turn, also send those disputes that qualify to the tribal elders. At times we have been faced with disputes which were difficult to resolve but we [formal justice

system actors and tribal elders] resolved them together through coordination and consultation with each other and intend to continue this in the future. Currently, tribal elders and formal justice system actors have good relations and we are taking serious steps through this collaboration with each other toward improvement, rehabilitation, education and health.

In this network meeting, participating elders discussed the possibility of putting aside money in their village for the purpose of organizing future workshops in collaboration with the formal justice system. The elders nominated a particular local mullah to be in charge of organizing these events, and emphasized they should prepare the educational materials and secure a venue for the activities.

Discussion session on the sustainability of local spinsary groups, nahiya 9 of Kandahar municipality, 28 November 2012

Shereen Gulla Abdul Razaq, a midwife from *nahiya 9* of Kandahar municipality:

When a woman faces a dispute, we try to find a solution or gain support from official government organs, but our husbands and other male family members do not allow us [women] to go to these official organs. They only allow us to speak to women and do not want us to travel and prefer to refer women-related disputes to the spinsary groups of our villages or district. The spinsary members will resolve such women-related disputes through coordination with each other, or, if they could not find a solution, they will resolve the dispute in coordination with tribal elders in jirgee and marakee. Our husbands and other male family members are satisfied with women-related disputes being resolved in this way; in the village or district by local tribal elders or spinsary groups.

Nas Bibi Noor ul Haq, a midwife and spinsary from *nahiya 9* of Kandahar municipality:

A woman named Bibi Hurah lost her son about a year ago. She does not have any other sons but her co-wife has five sons and one daughter. One day her co-wife's sons demanded that Bibi Hurah leave her home because she does not have any sons and no right to an inheritance either. They told her she no longer has the right to live there. Bibi Hurah came to my home and shared her story. I advised her that her co-wife's sons were wrong, and that she should not worry because I understand inheritance-related rights after the RLS-I workshops, and that, if a woman's husband dies and she does not have any sons, she should inherit a fourth share of her late husband's property to be divided between herself and the co-wife. I shared Bibi Hurah's predicament with other spinsary group members, and then with the tribal elder Haji Abdul Hamid. We then arranged a jirga with the spinsary members and the tribal elders. We invited the mullah to this jirga too. The outcome of the jirga was that Bibi Hurah received a house and two shops. The dispute was resolved successfully two months ago.



Workshop on criminal law, Tarnak wa Jaldak district (Zabul province), 22 November 2012

A local housewife:

We now understand our rights better. Before, we were told that it is a disgrace for a sister to ask her brother for inheritance. Since [we now understand that] Islam has given us this right, now we have the courage to ask our brothers for what is rightfully ours.

Another local woman:

We did not know before this workshop that those accused of a crime also have rights!

RESEARCH

During November, the drafting of the three regional TDR assessments for the north, south and east regions continued.

Challenges

The majority of the district assessment interviews for new Phase 3 districts were completed by the field teams and received in the RLS-I Kabul office by the mid-November deadline. Due to limited staff in certain provinces as well as limited translation capacities in the field, however, some interviews were received after the deadline while others were received on time but could not be further processed due to a translation backlog. This hampered accurate projections of when all the district assessments could be completed and submitted to USAID. In early December, RLS-I will outsource translation of district assessment interviews to help speed up the preparation and submission to USAID of the new Phase 3 district assessments. The preparation of the regional TDR assessments was delayed as the RLS-I Traditional Justice Advisor in charge of research also had to supervise the overdue data collection for the district assessments in addition to collecting additional background data, which required travel to Kandahar and Jalalabad.

Meetings

On 14 November 2012, the RLS-I Chief of Party, Reporting Specialist, and a Traditional Justice Advisor met with representatives of the UNWomen Gender and Justice Section to introduce the RLS-I program, discuss the current women's component of RLS-I, and explore ways in which organizations and individuals that UNWomen has worked with could help enhance the current gender component of RLS-I. The discussion centered on ways to review the current RLS-I workshop materials with the aim of addressing more women's rights issues, and on identifying Afghan women's NGOs that could serve as points of contact in the provinces for women who have completed the RLS-I program. As a result of the meeting, RLS-I aims to explore the potential of including the Law on the Elimination of Violence against Women in RLS-I learning workshop material and to investigate a potential limiting feature of *Shi'ah* tradition pertaining to property inheritance for women.

Looking Ahead

RLS-I anticipates submitting the regional TDR assessments and the district assessments for the new Phase 3 districts to USAID in late December 2012 and early January 2013.

OUTREACH

Program implementation

During November, RLS-I started and finalized the selection of the preferred bidder for printing outreach materials for the first round of its upcoming Phase 3 outreach campaigns, including 60,000 illustrated booklets on “alternatives to *baad*” and 30,000 pamphlets aimed at increasing legal awareness among the public in the six selected districts with topics such as rights of the accused upon arrest”, “rights of prisoners”, “differences between being suspected, accused and convicted of a crime”, “final court decisions”, and “women’s rights to be treated fairly by judicial offices”.

RLS-I senior staff members conducted several meetings with the Outreach Section of the Ministry of Justice (MoJ) *Huqooq* Department in Kabul regarding legal research and outreach training requested by the Outreach Section for seven of its core staff members. 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 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).



Coordination meeting, Spin Boldak district (Kandahar province), 20 November 2012

Following these meetings, an RLS-I senior program staff member met with representatives of the Law Faculty and of the National Legal Training Centre at Kabul University to identify a legal research trainer for the seven core staff members of the Outreach Section of the Ministry of Justice *Huqooq* Department. A Kabul University Law faculty member who teaches legal research has now been identified, and, subject to any required USAID approval, training will commence soon.

The RLS-I Outreach Specialist also met with the head of the Community Cultural Center (CCC), a local community-based organization, in Kandahar municipality to discuss cooperation on RLS-I outreach efforts in Zhari and Panjwayi districts (both in Kandahar province).

RLS-I senior staff members participated in an MoJ legal awareness coordination conference organized by MoJ and the United Nations Development Program. The RLS-I staff members presented RLS-I past and planned future legal outreach programs. The RLS-I senior staff members participated in working groups focusing on how better to coordinate legal awareness activities among donors and the Outreach Section of the MoJ *Huqooq* Department.

Looking ahead

In December, RLS-I will focus its outreach efforts on working with CCCs in Kandahar, Nangarhar and Baghlan provinces to prepare the first RLS-I- Phase 3 outreach campaign in 60 in January 2013.

MONITORING AND EVALUATION

Program monitoring

RLS-I monitoring and evaluation field staff activities in November primarily concerned program launch and collaboration with the enumerator teams of Strategic Social, the RLS-I Phase 3 evaluation data collection partner. As a result, there were fewer monitoring activities than in previous months. RLS-I monitoring and evaluation field officers in Uruzgan and Nangarhar provinces monitored *spinsary* groups.

While *spinsary* group members in Bihsud, Shinwar, and Rodat districts (all in Nangarhar province), and in Mihtarlam district (Laghman province) reported disputes about their children whose resolution was not easily attributed to RLS-I program activities, *spinsary* group members in Uruzgan province reported 16 altercations in which they had played some mediating role. In one case, two families related by marriage quarreled over a planned boundary wall between their respective properties. The wife of one of the families involved visited her brother, who was a member of the other family, and successfully interceded to allow the construction of the wall without further conflict. In another case, a man had threatened to beat and divorce his wife for visiting her father's home without his permission. An RLS-I *spinsary* group member interceded with the husband and was able to mediate a reconciliation. In most such cases, attribution to RLS-I program activities is based on reports by *spinsary* group members that their participation in RLS-I activities and support for *spinsary* group formation helped embolden them to take on these mediating roles.



RLS-I Field M&E Officer interviews a spinsary group member in Kandahar, November 2012

The RLS-I Monitoring and Evaluation Field Officer in Kandahar traveled to Zabul province to interview two elders who had attended an RLS-I family law workshop. Both elders affirmed the usefulness of the training, still had their handouts from the training and reported consulting them as the need arose, and were able to volunteer two knowledge points from the workshop. In the knowledge test, both elders knew that a woman should give her consent to marriage and that running away to a family member or other guardian was not a crime. However, while the right of petitioning for divorce before a court was recognized, both respondents denied a woman's right to divorce even when the husband could not meet his marital responsibilities. One of the respondents reported mediating a conflict between husband and wife with the help of knowledge gained from the RLS-I family law workshop.

Revised event reporting template

One major change from Phase 2 to Phase 3 is a revision of the event reporting template to shift its focus from narrative reporting to monitoring the accurate delivery of the revised Phase 3 legal workshop training material. This coincides with a renewed emphasis on the absorption and retention of knowledge as an RLS-I performance indicator that was incorporated from the Phase 2 impact evaluation. It also responds to the recommendation from the Phase 2 impact evaluation to specifically track the application of knowledge in RLS-I activities (see RLS-I Phase 2 Impact Evaluation Report, page 70).

For Phase 3, RLS-I staff will have a comprehensive checklist for each type of legal workshop, consisting of the workshop outline (revised for Phase 3) as well as the knowledge content tested in the evaluation survey of elders. RLS-I staff will rate each item on a three-point scale according to the extent to which the checklist item was covered by the instructor (1) hardly or not at all, (2) somewhat, or (3) to great extent or completely. The following checklist example is for the Phase 3 property deeds workshop:

Key theme/learning point	Fully covered			Comments
	Partially covered			
	Hardly/not covered			
	↓	↓	↓	
Definition, value and importance of deeds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
When a witness signs a deed where the claimant asserts false information, the witness is responsible for this false act even if he was not aware*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Key types of deeds:				
<i>Official documents:</i>				
Irrevocable property deed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
When one party has a valid deed to land, and elders split the land with someone without a valid deed, the elders have violated the owner's property rights*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Revocable property deed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Letter of per stirpes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Division letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Guaranty letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Settlement letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Waiver	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lease agreement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Decisions of courts (Criminal, Civil and Commercial)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Unofficial documents:</i>				
Marriage certificate				
Letter of alimony	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Divorce certificate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Will	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Unofficial documents:</i>				
Definition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Key theme/learning point	Fully covered			Comments
	Partially covered			
	Hardly/not covered			
	↓	↓	↓	
Value of tribal elders' decisions and roles and responsibilities of people in preparing deeds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

* denotes an item tested in the evaluation survey

Mobilization in new Phase 3 districts

The RLS-I monitoring and evaluation team has completed entering background data for approximately 1,200 new male participants and 600 new female participants in the six new Phase 3 districts to receive programming from November 2012 through April 2013. A summary of the first tranche of new Phase 3 district characteristics is as follows:

Province	District	Villages reached	Sub-villages reached	Average age	% Pashtun	Self-reported literacy rate	Most common level of education
Kunar	Chawkay	60	119	45	96%	28%	No education
Logar	Mohammad Agha	29	134	46	74%	49%	10th - 12th grade
Nangarhar	Acheen	25	92	47	100%	22%	No education
Kandahar	Panjwayi	38	232	51	98%	30%	No education
Kandahar	Zhari	25	124	45	100%	31%	No education
Uruzgan	Shahidi Hassas	91	122	52	100%	26%	No education
Uruzgan	Chora	87	82	45	100%	26%	No education

Moj Huqooq Department national case data

As part of its effort to gain a better understanding of the context of, and the dynamic interaction between, formal and informal justice, RLS-I has successfully engaged the Moj *Huqooq* Department to gain access to its national case data. *Huqooq* officers in the districts and provinces encourage claimants who bring disputes to those offices to resolve their differences within their community, and only if such efforts fail will the *huqooq* office attempt mediation. In the context of RLS-I's objective to foster linkages between formal and informal, this may be seen as a referral of civil cases from the formal justice sector to the informal justice sector. Petitions that are in fact resolved by TDR community and no longer require the mediation services of the *huqooq* are reported in the *Huqooq* national reporting system under the heading of *islah*.

RLS-I is interested to learn more about these types of cases as crucial context to formal-informal justice sector linkages. Based on the first two quarters of data for the Afghan year 1391 (20 March 2012 – 19 March 2013 in the western calendar), *islah* decisions make up about 10% of all *huqooq* cases. The following table summarizes *Huqooq* national case reporting in RLS-I provinces for the first quarter of Afghan year 1391:



Province	Property	Loan	Family	<i>islah</i> decisions	% of all decisions
Uruzgan	No data reported				
Zabul					
Kandahar	92	77	24	9	8.7%
Laghman	67	24	3	20	18%
Logar	42	17	3	6	58%
Nangarhar	246	86	16	89	54%
TOTAL	447	204	46	124	15%

RLS-I will seek to track *huqooq* case data throughout Phase 3.

Program research and evaluation

Phase 3 evaluation baseline data collection

By the end of November, Strategic Social had interviewed 436 elders and 157 disputants. The RLS-I Monitoring and Evaluation Advisor conducted a monitoring round in all data collection districts and provided feedback on the completion of survey forms directly to Strategic Social enumerators. Overall, the data quality was found to be acceptable, with the main problem being insufficient narrative detail. However, this was also a consequence of the interview length and respondents' willingness and ability to sit for a long interview.

The RLS-I Monitoring and Evaluation Advisor also discussed with Strategic Social enumerators common challenges to the data collection effort, including locating identified elders, reaching elders in remote and insecure areas, identifying female disputants, the length of the interview, and finally the complexity of the survey instruments. Lessons learned from these challenge will be incorporated into the endline data collections planned for November 2013.

Looking ahead

During December 2012 and January 2013, RLS-I anticipates the following monitoring and evaluation activities:

- Strategic Social will complete the baseline data collection. RLS-I anticipates completion of baseline data entry, data cleaning, and delivery of the final baseline database to RLS-I.
- RLS-I monitoring and evaluation field staff, led by the RLS-I Monitoring and Evaluation Advisor, will conduct one final monitoring round of disputant interviews conducted by Strategic Social.

- The Phase 3 Evaluation Inception Report, detailing the scope, methodology, and analysis plan for the Phase 3 evaluation, will be submitted to USAID for review and comment.
- The RLS-I Monitoring and Evaluation Advisor will conduct a training of community volunteers in Puli Khumri district (Baghlan province) as well as in Nangarhar province, in anticipation of baseline data collection as part of the evaluation of the RLS-I Phase 3 outreach program.

PLANNED ACTIVITIES – NEXT MONTH

RLS-I events planned for December 2012 in the east and south regions include the following:

EAST REGION			
Activity type	Activity title	Target group	District
Nangarhar province			
Network meeting	Regional network meeting	Men	All districts
Workshop	Family law	Men	Acheen
Workshop	Family law	Men	Acheen
Workshop	Family law	Women	Acheen
Workshop	Family law	Women	Acheen
Coordination meeting	Strengthening ties between formal and informal justice	Men	Acheen
Workshop	Constitutional law	Men	Acheen
Workshop	Constitutional law	Men	Acheen
Workshop	Constitutional law	Women	Acheen
Workshop	Constitutional law	Women	Acheen
Workshop	Property law	Men	Bati Kot
Discussion session	Depute prevention - neighbors	Women	Bati Kot
Workshop	Constitutional law	Women	Dara-i-Nur
Workshop	Constitutional law	Women	Dara-i-Nur
Discussion session	Ethics and best practice in TDR	Men	Dara-i-Nur
Discussion session	Depute prevention - neighbors	Women	Jalalabad
Discussion session	Ethics and best practice in TDR	Men	Jalalabad
Workshop	Criminal law	Men	Jalalabad
Workshop	Criminal law	Men	Kama
Workshop	Criminal law	Women	Kama
Workshop	Constitutional law	Men	Kama

Workshop	Constitutional law	Women	Kuz Kunar
Discussion session	Dispute prevention - neighbors	Women	Kuz Kunar
Workshop	Property deeds	Men	Kuz Kunar
EAST REGION			
Activity type	Activity title	Target group	District
Nangarhar province			
Workshop	Property deeds	Men	Kuz Kunar
Workshop	Constitutional law	Men	Kuz Kunar
Discussion Session	Dispute prevention - neighbors	Women	Rodat
Workshop	Property deeds	Men	Rodat
Workshop	Criminal law	Men	Shinwar
Discussion session	Dispute prevention - children	Women	Shinwar
Workshop	Constitutional law	Women	Shinwar
Kunar province			
Workshop	Family law	Men	Chawkay
Workshop	Family law	Men	Chawkay
Workshop	Family law	Women	Chawkay
Workshop	Family law	Women	Chawkay
Coordination meeting	Strengthening ties between formal and informal justice	Men	Chawkay
Workshop	Constitutional law	Men	Chawkay
Workshop	Constitutional law	Women	Chawkay
Workshop	Constitutional law	Men	Nurgal
Workshop	Constitutional law	Women	Nurgal
Discussion session	Ethics and best practice in TDR	Men	Nurgal
Laghman province			
Workshop	Constitutional Law	Women	Mihtarlam
Workshop	Constitutional Law	Men	Mihtarlam
Discussion Session	Ethics and best practice in TDR	Men	Mihtarlam
Workshop	Constitutional Law	Women	Qarghayi
Discussion Session	Ethics and best practice in TDR	Men	Qarghayi
Workshop	Property Law	Men	Qarghayi

EAST REGION			
Activity type	Activity title	Target group	District
Logar province			
Network meeting	Introductory network meeting	Women	Mohammad Agha
Workshop	Family law	Women	Mohammad Agha
Workshop	Family law	Men	Mohammad Agha
Workshop	Family law	Women	Mohammad Agha
Coordination Meeting	Strengthening ties between formal and informal justice	Men	Mohammad Agha
Workshop	Family law	Men	Mohammad Agha
Discussion session	Establishment of <i>spinsary</i> groups	Women	Mohammad Agha
Workshop	Constitutional law	Women	Mohammad Agha
Workshop	Constitutional law	Women	Mohammad Agha
Workshop	Constitutional law	Men	Mohammad Agha
Workshop	Constitutional law	Men	Mohammad Agha
Workshop	Family law	Women	Puli Alam
Discussion Session	Ethics and best practice in TDR	Men	Puli Alam
Workshop	Property law	Men	Puli Alam
Workshop	Criminal law	Women	Puli Alam
SOUTH REGION			
Activity type	Activity title	Target group	District
Kandahar province			
Workshop	Family law	Women	Daman
Workshop	Property deeds	Men	Daman
Workshop	Inheritance law	Women	Daman
Workshop	Criminal law	Women	Kandahar municipality, <i>nahiya</i> 9
Workshop	Property deeds	Men	Kandahar municipality, <i>nahiya</i> 9
Workshop	Criminal law	Men	Kandahar municipality, <i>nahiya</i> 9
Workshop	Family law	Men	Panjwayi

SOUTH REGION			
Activity type	Activity title	Target group	District
Kandahar province			
Workshop	Family law	Women	Panjwayi
Coordination meeting	Strengthening ties between formal and informal justice	Men	Panjwayi
Network meeting	Introductory network meeting	Men	Panjwayi
Workshop	Family law	Men	Panjwayi
Workshop	Inheritance law	Men	Panjwayi
Workshop	Inheritance law	Women	Panjwayi
Workshop	Family law	Men	Panjwayi
Workshop	Family law	Women	Panjwayi
Workshop	Family law	Women	Spin Boldak
Workshop	Criminal law	Women	Spin Boldak
Workshop	Property deeds	Men	Spin Boldak
Workshop	Family law	Men	Zhari
Workshop	Family law	Women	Zhari
Coordination meeting	Strengthening ties between formal and informal justice	Men	Zhari
Workshop	Inheritance law	Women	Zhari
Workshop	Inheritance law	Men	Zhari
Workshop	Inheritance law	Women	Zhari
Workshop	Inheritance law	Men	Zhari
Workshop	Family law	Men	Zhari
Zabul province			
Workshop	Family law	Women	Shajoy
Workshop	Constitutional law	Men	Shajoy
Workshop	Family law	Men	Shajoy
Workshop	Inheritance law	Women	Shajoy
Workshop	Family law	Women	Tarnak wa Jaldak
Workshop	Inheritance law	Women	Tarnak wa Jaldak
Workshop	Inheritance law	Men	Tarnak wa Jaldak
Uruzgan province			
Workshop	Family law	Men	Chora
Workshop	Family law	Women	Chora
Workshop	Family law	Men	Chora
Discussion session	Establishment of <i>spinsary</i> groups	Women	Chora

SOUTH REGION			
Activity type	Activity title	Target group	District
Uruzgan province			
Coordination meeting	Strengthening ties between formal and informal justice	Men	Chora
Discussion session	Women's participation and access to justice	Men	Chora
Discussion session	Dispute prevention - neighbors	Women	Chora
Workshop	Inheritance law	Men	Chora
Workshop	Inheritance law	Men	Chora
Workshop	Inheritance law		Chora
Workshop	Criminal law	Men	Chora
Discussion session	Addressing the influence of power brokers	Men	Dihrawud
Discussion session	Dispute prevention - neighbors	Women	Dihrawud
Workshop	Criminal law	Men	Dihrawud
Workshop	Family law	Men	Shahidi Hassas
Workshop	Family law	Men	Shahidi Hassas
Network meeting	Introductory district network meeting		Shahidi Hassas
Coordination meeting	Strengthening ties between formal and informal justice	Men	Shahidi Hassas
Workshop	Family law	Women	Shahidi Hassas
Workshop	Inheritance law	Men	Shahidi Hassas
Discussion session	Establishment of <i>spinsary</i> Groups	Women	Shahidi Hassas
Workshop	Inheritance law	Men	Shahidi Hassas
Workshop	Inheritance law	Women	Shahidi Hassas
Workshop	Property deeds	Men	Tirin Kot
Discussion session	Dispute prevention - neighbors	Women	Tirin Kot
Discussion session	Alternatives to <i>baad</i>	Men	Tirin Kot

GLOSSARY

<i>alem</i> (pl. <i>ulema</i>)	religious scholar, considered to be more knowledgeable about <i>Shari'ah</i> than most <i>mullayan</i>
<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>badal</i>	Exchange marriage performed between families or tribes to alleviate tensions or relieve the financial burden of <i>walwar</i>
COR	USAID/Afghanistan Contracting Officer Representative
CBO	community-based organization (usually not formally organized as a legal entity)
DDA	District Development Assembly
DST	District Support Team
GIRoA	Government of the Islamic Republic of Afghanistan
<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>haq-ullah</i>	a concept of <i>Shari'ah</i> that refers to the rights of society; i.e., issues that have the potential to disrupt the peace within the community and for which it is the duty of the state to issue and implement legislation (e.g., criminal law)
<i>haq-ul abd</i>	a concept of <i>Shari'ah</i> similar to the notion of civil law and that refers to the rights of the person; i.e., those rights that private individuals have vis-à-vis one another and that can be forfeited by the individual
<i>huqooq</i>	Ministry of Justice office at the district level responsible for, among other things, determining whether to refer disputes to TDR or to the courts; also refers to the <i>huqooq</i> office director
IDLG	Independent Directorate of Local Governance, a sub-ministerial GIRoA body
<i>islah</i>	a restorative dispute resolution principle comprising the promotion of peace and social cohesion through mediation and reconciliation; in the context of registration of TDR decisions by <i>Huqooq</i> district offices, the term refers to the category in the <i>Huqooq</i> offices' record-keeping system for registering TDR decisions
<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>khan</i> (pl. <i>khanan</i>)	a member of the wealthy, land-owning class, influential in the community
<i>machalgha</i>	a deposit required from the disputants prior to the commencement of a <i>jirga</i> to ensure compliance with its decision
<i>maher</i>	money or goods given by a husband to a wife upon marriage and that remains the wife's property, to ensure financial security in case of divorce or the death of the husband
<i>malik</i> (pl. <i>malikan</i>)	a tribal elder, who has been chosen as the head of the village and often liaises between the community and the government; due to this position of authority he is also approached to play a role in dispute resolution
<i>manteqa</i>	an area within a district encompassing a cluster of villages that share a common characteristic such as population of the same tribal group, location within a valley, or access to a major irrigation canal
<i>maraka</i> (pl. <i>malakee</i>):	Currently, often used interchangeably with the term <i>jirga</i> , especially in southern Afghanistan. Originally, used to refer to a village-level conflict resolution mechanism that included members of only one tribe or sub-tribe
<i>mudir-e-huqooq</i>	Huqooq office director
<i>mullah</i> (pl. <i>mullayan</i>)	local religious leader
<i>nahiya</i> (pl. <i>nawahi</i>)	municipal sub-district
NGO	private or quasi-governmental not-for-profit organization (usually formally organized as a legal entity)
Platform	combined civilian-military teams at Regional Commands and PRTs that allocate resources, implement integrated programs, and assess results
PRT	Provincial Reconstruction Team
RC	Regional Command: any of the four geographic military command areas into which Afghanistan is currently divided - north (RC/N), south (RC/S), east (RC/E), and west (RC/W). The geographic areas of RC/E, RC/S, and RC/N correspond to RLS-I regions in the east, south, and north, respectively
RLS-F	USAID/Afghanistan Rule of Law Stabilization Program – Formal Component
RLS-I	USAID/Afghanistan 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>shura</i> (pl. <i>shuragani</i>)	an established council of respected community members, often registered with GIRoA, representing the interests of their community to other institutions such as GIRoA bodies and that are often involved in resolving local disputes
<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; money or goods given by a groom or his family to the head of the bride's household