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# MONTHLY REPORT, February 2013

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

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



Handover district network meeting, Qalat district (Zabul province), 7 February 2013

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

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# CONTENTS

<b>PROGRAM OVERVIEW</b> .....	<b>I</b>
<b>EXECUTIVE SUMMARY</b> .....	<b>I</b>
<b>PROGRAM ACTIVITY HIGHLIGHTS</b> .....	<b>3</b>
Program Activity Highlights are gleaned from participant feedback and Project Monitoring and Evaluation of RLS-I activities. ....	3
Progress on women’s rights.....	3
Resolving and preventing long-standing and destabilizing disputes.....	3
Strengthening ties between formal and informal justice sectors.....	3
<b>REVIEW OF RLS-I PROGRAMMING</b> .....	<b>4</b>
Network meetings.....	4
Learning workshops.....	4
Discussion sessions .....	5
Coordination meetings.....	8
Program implementation – east region (Nangarhar, Laghman, Kunar, and Logar provinces and Jalalabad municipality) .....	8
Meetings .....	11
Challenges.....	11
Program implementation – south region (Kandahar, Uruzgan, and Zabul provinces and Kandahar municipality) .....	12
Meetings .....	13
Challenges.....	13
Program implementation – North region .....	15
<b>RESEARCH</b> .....	<b>15</b>
<b>OUTREACH</b> .....	<b>15</b>
Program implementation .....	15
Meetings .....	16
Looking ahead.....	16
<b>MONITORING AND EVALUATION</b> .....	<b>17</b>
Event monitoring.....	17
Performance data collection .....	17
<b>LOOKING AHEAD</b> .....	<b>23</b>
<b>APPENDIX A: USAID/AFGHANISTAN RESULTS FRAMEWORK FOR RLS- I</b> .....	<b>I</b>
<b>APPENDIX B: ACTIVITIES FEBRUARY</b> .....	<b>II</b>
<b>APPENDIX C: MONTHLY PROGRESS REPORT AGAINST TARGETS</b> .....	<b>III</b>
<b>APPENDIX D: PLANNED ACTIVITIES – NEXT MONTH</b> .....	<b>IV</b>
<b>APPENDIX E: MONITORING AND EVALUATION</b> .....	<b>VIII</b>
<b>GLOSSARY</b> .....	<b>X</b>

## 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, increases stability within communities, and assists in closing gaps that insurgents may otherwise exploit to acquire local legitimacy and political power. RLS-I progresses women’s rights by empowering women to bring their disputes before informal and formal justice systems, and by working to eradicate customary practices such as *baad* (the norm of resolving a dispute by giving a girl from the offender’s family in marriage to a male member of the victim’s family), child marriages, and the refusal to grant women’s inheritance rights. Accordingly RLS-I works to (1) increase knowledge of Afghan law 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 February consisted of intensive RLS-I Phase 3 programming with a full set of core program activities in the first tranche of new Phase 3 districts:

**Network meetings** introduce RLS-I objectives to village elders tasked with resolving local disputes, provides opportunities to share dispute resolution experiences, and coordinate on resolving long-standing disputes. Network meetings contribute to the achievement of USAID/Afghanistan's Democracy and Governance Assistance Objective (AO) 1 (Increased Public Confidence in the Rule of Law System), Intermediate Result (IR) 1.1, Sub-IR 1.1.4 (Strengthened TDR in Disputed Areas), and to the achievement of RLS-I Program Objectives 1 and 2.<sup>1</sup>

**Learning workshops** deliver critical knowledge on specific aspects of Afghan law with a core curriculum consisting of Constitutional law, criminal law, family law, inheritance law, property law, and property deeds law. Learning workshops contribute to the achievement AO 1, IR 1.1, Sub-IR 1.1.4, and to the achievement of RLS-I Program Objective 1.

**Discussion sessions** provide a forum for formal-informal justice sector working groups 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. Discussion session contribute to the achievement AO 1, IR 1.1, Sub-IR 1.1.4, and to the achievement of RLS-I Program Objective 1 and 2.

**Coordination meetings** provide the opportunity for the formal-informal justice sector working group to build familiarity and establish common understandings of jurisdiction and other coordination issues between the formal and informal justice sectors. State-TDR coordination meetings contribute to the achievement of USAID/Afghanistan's Democracy and AO 1, IR 1.1, Sub-IR 1.1.4, and to the achievement of RLS-I Program Objective 3.

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<sup>1</sup>Please see Appendix A



RLS-I Phase 3 programming in February also included maintenance activities to address any gaps in graduation criteria and targets aimed at advancing the remaining RLS-I Phase 1 and Phase 2 districts toward graduation during February, March and April.

Graduation criteria require a core curriculum minimum of 30-40 hours in legal training in four to six subjects, four discussion sessions on pressing issues<sup>2</sup>, and two network meetings, amounting to at least 12 days in four to six months. To allow more participants to satisfy these criteria, an additional six-month maintenance period per district of an average of 15 need-based activities<sup>3</sup> and a handover network meeting follows the core curriculum to fill attendance and knowledge gaps remaining after completion of core programming.

Support groups of democratically elected influential women and male elders also attend three *spinars* (respected female elder(s) involved in dispute resolution) meetings or three coordination meetings respectively. Village elders may also attend the provincial and regional network meetings held during their training.

In February, RLS-I held a total of 104 events (of which one was a two-day workshop) in 13 districts throughout four provinces in the east and 12 districts across three provinces in the south<sup>4</sup> for some 4,761 participants (41% female). In February, the percentage of elders registering decisions with the government was above target. Progress for all other progress indicators was on target.<sup>5</sup> Highlights in the east region included handover activities for 289 elders and 280 women in the three Phase I districts – Qarghayi (Laghman province), and Kuz Kunar and Rodat (both in Nangarhar province) – effectively concluding RLS-I's direct assistance in those districts. Highlights in the south region included handover activities for 304 elders and 305 women in the three Phase I districts – Daman (Kandahar province), Tarnak Wa Jaldak and Qalat (both in Zabul province) – effectively concluding RLS-I's direct assistance in those districts after more than two years of engagement.

RLS-I is in the process of attracting a suitable 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.

In February RLS-I staff in the east saw an unprecedented increase in threats against women for participating in RLS-I activities. In the south program implementation has been hindered by ongoing security concerns.

Core programming in the first tranche of Phase 3 districts began in November 2012 and will conclude in April. Preparation for core programming in the second tranche of Phase 3 districts will begin in May, with events starting in June.

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<sup>2</sup> Discussion session topics are identified per district in network meetings and learning workshops, and include: addressing the influence of powerbrokers; alternatives to *baad*; anti-corruption; dispute prevention; ethics and best practice in TDR; long-standing disputes; and women's access to justice and their role as justice actors.

<sup>3</sup> Learning workshops, discussion sessions, or coordination meetings

<sup>4</sup> Please see Appendix B

<sup>5</sup> Please see Appendix C

## PROGRAM ACTIVITY HIGHLIGHTS

Program Activity Highlights are gleaned from participant feedback and Project Monitoring and Evaluation of RLS-I activities.

### Progress on women's rights

*When women's cases are referred to mediators and courts, or women select their own representatives, it is a sign of the women's rights given to them and it is justice. Some days ago a woman wanted to take her part in her inheritance from her uncle and he was refusing her request so she asked the mediators to talk with her uncle and resolve her case. We finally got her land from her uncle and allocated it to her. It is very clear that we have promoted a woman's rights in this case in contrast to the past. The girls go to schools now [...] because people are mentally prepared to send their daughters to school. Women are asked for consultation in every problem and respected as well. The women can resolve family problems and disputes because of these programs.*

Malik Ghulam Dastagir, a village elder from Kama district - Discussion session on women's access to justice and their role as justice actors, Kama district (Nangarhar province), 18 February 2013

*In the family law workshop we learned that we do not have to marry our daughters at an early age, and we have been implementing that.*

A local housewife from Dara-I-Nur district - Workshop on Constitutional law, Dara-I-Nur (Nangarhar province), 4 February 2013

### Resolving and preventing long-standing and destabilizing disputes

*A man was killed in Andar Lachak village. The heirs of the murdered insisted on baad; they wanted to be given a woman from the perpetrator's family. All the jirga participants opposed to give a woman in baad and saved the girl who would have otherwise been given to the victim's family. The dispute was resolved with an exchange of money and both sides were happy with the jirga decision.*

Mumtaz Chambili Mohammad Omar, Head of the Chawkay district IDLG Shura - Discussion session on women's access to justice and their role as justice actors, Chawkay district (Kunar province), 24 February 2013

*The son of our neighbor beat up my grandson who is five years old; he was all covered with blood. My daughter-in-law lost control when she saw her son in such a critical condition and she said, "I am going to beat the mother of that boy to take revenge." I told my daughter-in-law "I am going to talk to that boy's mother and you stay back at home." I went to that boy's house, his mother cleaned up my grandson's face, and she apologized on behalf of her son.*

Sabera Faiz Mohammad, a housewife of the Nasaji family region - Discussion session on dispute prevention, Daman district (Kandahar province), 10 February 2013

### Strengthening ties between formal and informal justice sectors

*Today we (tribal elders) received important and necessary information about constitutional law. [...] The doubts and distrustfulness that elders had regarding constitutional law are eliminated and their minds are cleaned of such unfair doubts. We now know that the government and government authorities are assigned to help and serve people. They are not superior to the people. [...] This*

current constitutional law is acceptable to us. We thought that this law would be in conflict with Shari'ah, but we understand that this it has been drafted in accordance with Islamic Shari'ah.

Haji Naik Mohammad Nur Ali, land owner in Sparwan village - Workshop on Constitutional law, Panjwayi district (Kandahar province), 21 February 2013

## REVIEW OF RLS-I PROGRAMMING

### Network meetings

Network meetings serve as the kick-off event for RLS-I core program 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 geographic, ethnic, and 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 topics to address rule of law issues facing the district. A follow-up district 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.

Provincial and regional network meetings also take place, to give program participants the opportunity to network, learn, and share experiences across the province or 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. Provincial and regional network meetings generate volunteer rosters of respected elders available as needed for collaboration to help resolve specific long-standing disputes.

*“As long as women do not identify their rights, they cannot ask their brothers for their rights and shares. If someone identifies her rights, then she can ask for her rights and try to get them. May Allah bless you all for educating us and helping us to identify our rights and giving us the courage to fight for our rights. The custom here is that if a sister asks her brother for what is rightfully hers, people make fun of her and they curse her. We understand that we should not be ashamed of getting of the right which Allah and Islam have given us, and customs should not contradict this knowledge. It is our task and duty to encourage our sisters and other women not to be ashamed of taking their rights from their brothers. They should ask and take their rights. It is our responsibility to work for our sisters.”*

Rangina Amanullah, a house wife from Bazaar village - District network meeting, Tarnak Wa Jaldak district (Zabul province), 5 February 2013

### 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 law. 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, and the complexity of the topics, the inheritance law and family law workshops have been expended to two-day events.

*“I had heard that the constitutional law is totally outside of Islam and Shari’ah, but today you said that the constitutional law has been drafted out of Shari’ah. No article of the constitutional law is against Islam. If any of the articles were against the Shari’ah, it would be rejected.*

Shah Jana Gulam Rasol, a housewife from Mohammad Bin Rashid Kali village - Workshop on Constitutional law, Panjwayi district (Kandahar province), 18 February 2013”

*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*.

*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.

*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. Due to the extensive material to be covered and to allow more interactive learning, the family law workshop has been extended to a two-day workshop for Phase 3.

*Inheritance law* covers the allocation of a decedent’s estate under Afghan law, 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, separate inheritance law II workshops continuing from the initial sessions were being offered beginning in September 2012, and Phase 3 has shifted to two-day inheritance workshops.

*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.

*“We knew before that recording decisions in written form is useful, but now we understand that the recording of decisions in written form makes it a legal document.”*

A male elder from Tirin Kot district, State-TDR coordination meeting, Tirin Kot district (Uruzgan province), 6 February 2013

## **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 actors<sup>6</sup> 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*.

*“Tribal elders’ decisions have improved much compared to the past. Because before tribal elders thought that giving a woman in baad created [a good] relationship between criminal and defendant, that it reduced enmity and enhanced friendship. However, the plan that we tribal elders made in the past was not a good plan. Now we will try to substitute baad with money or land instead of giving a woman.”*

A tribal elder from Shahidi Hassas district - Discussion session on alternatives to *baad*, Shahidi Hassas district (Uruzgan province), 23 February 2013

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.

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.

*Last week we went to a village by the name of Shadal Bazar. We spoke with the community elders to talk with the Taliban about the NGOs and that they should let them carry out their activities in Shadal Bazar, because we realized that how much is important your activities are. We also told them that all the workshops and discussion sessions are taken from Shari’ah. This was our action that we have taken; we wanted to discuss this in depth with Shadal Bazar’s people to satisfy the Taliban so they would let the people participate in such a unique program.*

A female elder from Acheen district - Discussion session on dispute prevention, Acheen district (Nangarhar province), 11

The *discussion session on anti-corruption* provides an opportunity for the informal and formal justice sector actors to identify and address the undermining influence of corruption on both sectors. Participants pledge to abstain from corruption and often agree on measures to prevent the practice such as mutual monitoring and accountability.

<sup>6</sup> 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.

*I was six when I was engaged and ten when I married. I neither knew about house chores nor about respecting my in-laws. I used to be beaten up by my husband and father-in-law. Due to your workshops we have become more aware; we were blind before. I will not give my daughter or grandchildren in marriage when they are underage. Their lives would be ruined. My own parents gave me [in marriage so young] because of their ignorance.*

Gulalai Mohammad Sadiq, a housewife from Mohammad Bin Rashid Kali village - Discussion session on dispute prevention, Panjwayi district (Kandahar province), 11 February 2013

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.

The *spinsary group formation and sustainability* meetings 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.

The *ethics and best practice in TDR* discussion session aims to promote a collective affirmation by TDR practitioners of the qualities of a good *jirgamar* (TDR practitioner) and best procedural practice in TDR. Participants are then encouraged to commit to live by those standards and implement best practice in disputes they resolve. For example, during the ethics component RLS-I facilitators query participants on issues such as integrity and fairness. Best practice discussion questions center on procedural issues such as freedom in selection of representation, neutrality of venue, and compliance with Afghan law.

*The son of my brother in-law broke [the skin on] my son's head while they were playing a game. I told his mother "take care of your son and make sure you teach him good things." She said, "Your son is still alive, he has not died yet." I did not argue with her, I cleaned my son's head and changed his clothes for him and I did not inform my husband either. My husband and his brother would have killed each other if I would have informed him.*

Kubra Mohammad Ismail, a housewife from Nasaji family region - Discussion session on dispute prevention, Daman district (Kandahar province), 10 February 2013

As a supplement to network meetings on long-standing disputes, the discussion session on *long-standing disputes* allows formal and informal justice sector actors to identify specific disputes that have persisted over time, had a particularly destabilizing effect on communities in the district, or both. RLS-I plays no role in attempting to resolve such disputes, but facilitates the discussion group as a venue for discussions by,

and networking of, actors related to such disputes. RLS-I does not sponsor any *jirgee* formed to negotiate a resolution to long-standing specific disputes.

The discussion session on *women's access to justice and their role as justice actors* allows formal and informal 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.

### **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<sup>7</sup>, dispute referrals, and registration of *jirga* decisions with formal justice sector institutions.

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

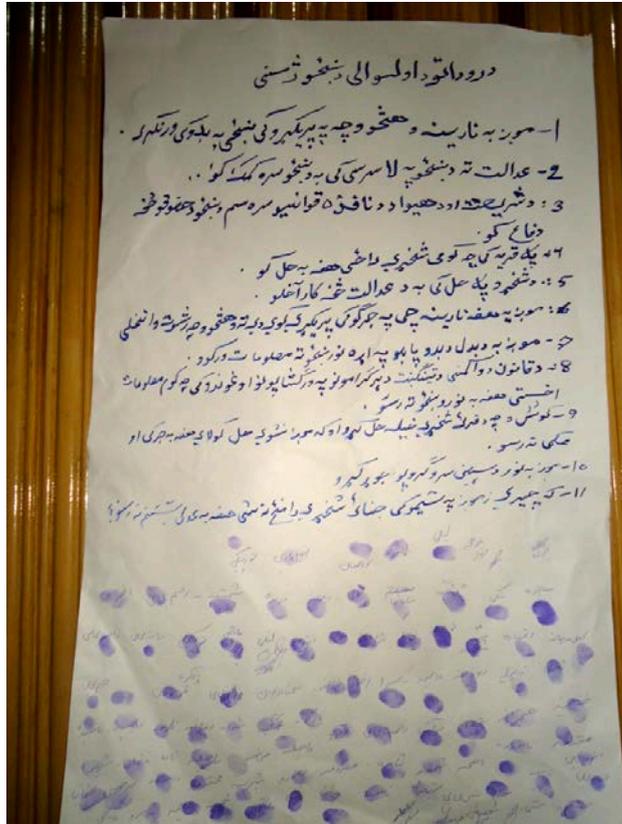
During the month of February RLS-I continued its intensive implementation of core programs in the east with a full set of core program workshops, discussion sessions and coordination meetings in the new Phase 3

*“Since the beginning of the current government we have had good cooperation with the government but we were not aware of rules of elders and officials during cooperation; we did not know which were our responsibilities and which the responsibilities of the officials. But during the workshops by RLS-I we understood the rules of each other’s responsibilities and we know what the Afghan constitution says about the rules of elders in dispute resolution. Now we can better solve the disputes which happen in our villages and our districts. We learned a lot about inheritance, family, deeds and property law and we know that the criminal law and all laws made by our government are to protect the rights of people and give them the opportunity to defend themselves in court. We will continue to be involved in dispute resolution in future, but our future decisions will be more accurate according to law, and will be more coordinated with officials than it was before. All tribal elders and other people like Mullahs and Islamic scholars will try to have good coordination with government officials during dispute prevention and resolution. We (tribal elders) will solve only civil disputes and will forward the criminal cases to the formal justice system.”*

<sup>7</sup> 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.

districts – Acheen (Nangarhar province), Chawkay (Kunar province), and Mohammad Agha (Logar province) – as well as maintenance activities in the 10 remaining Phase 1 and 2 districts of Nangarhar, Laghman, and Logar provinces.

RLS-I's pilot of a written participant pledge system during the Ethics and best practice in TDR discussion session in Mohammad Agha district of Logar province proved to be a success. The effort aimed to formalize the existing practice of elders and state actors agreeing to specific standards of dispute resolution practice. The Mohammad Agha state-TDR working group agreed to 12 points, including remaining impartial in their decisions, to make decisions independently (free from manipulation by powerful actors), to conduct thorough investigations to avoid inaccurate decisions, etc. RLS-I has assisted members of the group in consolidating these points with specific agreements from other discussion sessions (e.g., committing to the use of alternatives to baad) into a comprehensive pledge reflecting all key objectives/outcomes of the RLS-I project. Members of the state-TDR



Graduate pledges at the handover network meeting for the women's cohort of Rodat district (Nangarhar province), 28 February 2013

working group will discuss its pledge with the entire district group at capstone and handover district network meetings concluding the core program. All district participants will have the opportunity to sign onto the pledge. RLS-I has incorporated into its program ways for participants to collect additional signatures from their non-participant peers.

The handover meetings in Qarghayi (Laghman province), and Kuz Kunar and Rodat (both in Nangarhar province), allowed participants to determine a path forward without RLS-I assistance. A total of 295 elders, religious leaders, and other influential actors signed pledges to cease and help prevent rights violations in TDR, continue collaborating with formal justice actors, continue collaborating on long-standing disputes, etc. Many participants expressed appreciation for the opportunity to join a group of elders 'bound' to make just decisions and avoid harmful practice in their work. Pledges will also be incorporated into a training model to be provided to training-of-trainers participants so that future trainees will be encouraged to publically commit to best practice in dispute resolution.

Not to be outdone, RLS-I's female participants in the graduated districts of Qarghayi, Kuz Kunar and Rodat developed pledges of their own. A total of 295 influential women signed up

to eleven points, including: influence male elders not to use women and girls in *baad*, support each other in accessing justice, defend women's rights, resolve disputes within their communities, share RLS-I lessons with other women, etc.

During the handover meetings, members of the regional volunteers for long-standing disputes introduced themselves, offering their services for disputes beyond the local elders' abilities to resolve. The district groups then identified 13 additional long-standing disputes for future action.

Finally, to provide future opportunities for others to learn and promote sustainability, RLS-I used the handover meetings to solicit volunteers for forthcoming legal education and methodology for training-of-trainers (ToT). In Qarghayi, Kuz Kunar, and Rodat districts, a total of 19 elders volunteered to be trainers and 32 offered to support future trainings by providing training venues, nominating potential training candidates, etc. This step will also help address the increasing demand for the RLS-I program (see Challenges).

The state-TDR working group in the Phase 3 district of Mohammad Agha (Logar province) met to discuss the challenge of long-standing disputes, identifying one in neighboring Baraki Barak district (also in Logar province). The group attributed its intractable nature to the common challenge of tension between nomads and villagers over grazing land and manipulation by officials for personal gain.

The female RLS-I staff of Logar province assisted women in the Phase 3 districts of Acheen (Nangarhar province) and Chawkay (Kunar province) in forming two women's dispute resolution (*spinsary*) groups.

RLS-I completed refurbishing the *jirga* hall in Mohammad Agha district center (Logar province), previously extensively damaged by a bomb blast, and held the first RLS-I events there.



During January, RLS-I implemented 46 program activities in the east region. Overall, 2,309 participants (41% women) attended these activities, which covered Chawkay district (Kunar province), Mihtarlam and Qarghayi districts (both in Laghman province), Mohammad Agha and Puli Alam districts (both in Logar province), and Acheen, Bati Kot, Dara-I-Nur, Kama, Kuz Kunar, Rodat and Shinwar districts and Jalalabad municipality (all in Nangarhar province).<sup>8</sup> The legal training workshops were led by professors from the *Shari'ah* faculty of Nangarhar University.

Handover network meeting, Qarghayi district  
(Laghman province), 16 February 2013

<sup>8</sup> Please see Appendix B



The six handover district network meetings for participants who met the graduation criteria were attended by 289 *jirgamaran*, religious leaders, elders and formal justice sector actors and 280 women from the districts of Qarghayi (Laghman province), and Kuz Kunar and Rodat (both in Nangarhar province). Participants agreed to continue meeting and, in some cases, set schedules for liaising with formal justice sector actors.

## Meetings

RLS-I staff members from the Jalalabad office attended a UNDP meeting on potential funding for defense lawyers to support the poor or vulnerable during trial.

## Challenges

In February RLS-I staff in the east saw an unprecedented increase in threats against women for participating in RLS-I activities, which forced the postponement of a number of activities in Mohammad Agha (Logar province), and Acheen and Bati Kot (both in Nangarhar province). RLS-I in consultation with its security provider has taken steps to reduce risk to staff and participants, including relocating activities and requesting (and receiving) increased police protection at activities. RLS-I will continue to monitor the situation carefully and take action accordingly.

In Bati Kot district (Nangarhar province), armed Taliban insurgents entered the venue of a Constitutional law workshop and ordered arriving participants to leave and the homeowner and his wife (both RLS-I participants) not to host "these people's" events. RLS-I cancelled the activity and the team returned safely to the office. The previous day, the Afghan National Army had reportedly killed several Taliban in the area.

In Mohammad Agha district (Logar province), two men threatened women participants arriving at an RLS-I inheritance law workshop, stating that they had blown up the hall before and that they would "... see what happens in two hours." (RLS-I completed refurbishment of the hall the previous week after extensive damage from a blast targeting the nearby district government compound.) The women called the police, who arrived up in force to guard the event. In the following weeks, RLS-I staff members from the Logar office were unsuccessful in gaining permission to conduct events at two different girls' high schools in Mohammad Agha district. The female participants in that district have, however, agreed to attend activities in another location in Mohammad Agha that they feel it is the safest venue in the region.

RLS-I staff in the east continues to receive demands for enrollment from elders and women who did not make it into the program due to limited space.

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

During February, RLS-I continued its intensive implementation of core programs in the south with a full set of core program workshops, discussion sessions and coordination meetings in the new Phase 3 districts Chora (second cohort) and Shahidi Hassass (both in Uruzgan province), and Panjwayi and Zhari (both in Kandahar province), as well as maintenance activities in the remaining nine Phase 1 and 2 districts in Kandahar, Uruzgan and Zabul provinces.



Constitutional law workshop, Spin Boldak district (Kandahar province), 28 February 2013

The handover meetings in Daman (Kandahar province), Tarnak Wa Jaldak and Qalat (both in Zabul province), allowed participants to determine a path forward without RLS-I assistance. A total of 226 elders, religious leaders, and other influential actors signed pledges to cease and help prevent rights violations in TDR, enhance quality of justice by promoting best practices in TDR, continue collaborating with formal justice actors, continue collaborating on long-standing disputes, etc. In Daman district, three state actors also signed a separate document pledging before the State-TDR working group consisting of 35 community elders and state actors, that formal and informal justice sectors will continue cooperating beyond the RLS-I project. Pledges will also be incorporated into a training model to be provided to training-of-trainers participants so that future trainees will have the option to publically commit to best practice in dispute resolution.

Similarly, RLS-I's female participants in the graduated districts of Daman, Tarnak Wa Jaldak and Qalat developed pledges of their own. A total of 204 influential women signed documents with similar points, including: influence male elders not to use women and girls in *baad*, support each other in accessing justice, defend women's rights, resolve disputes within their communities, share RLS-I lessons with other women, etc. An additional 22 influential women of Shahjoy district (Zabul province) signed comparable pledges, concluding activities and meeting the graduation criteria for the female cohort in that district.

During the handover meetings, members of the regional volunteers for long-standing disputes introduced themselves, offering their services for disputes beyond the local elders' abilities to resolve. The Daman district group then identified one additional long-standing dispute for future action.

Finally, to provide future opportunities for others to learn and to promote greater sustainability, RLS-I used the handover meetings to solicit volunteers for forthcoming legal education and teaching methodology for training-of-trainers (ToT). In the districts of Daman (Kandahar province), Qalat and Tarnak Wa Jaldak (Zabul province), a total of 14 male elders and seven female elders volunteered to be trainers. In Daman district, two elders also



offered to support future trainings by providing training venues. The low proffered number of training venues is a direct result of the elders' decision to attempt to conduct trainings in the district center after the weekly *shura* gathering (and in the same venue), to ensure the attendance of elders from different villages.

RLS-I closed its Zabul provincial office by the end of February following graduation of the majority of the RLS-I districts in Zabul province. Additional events required to meet the graduation criteria for the male cohort of Shahjoy district (the last district to graduate in Zabul province) will be managed from the RLS-I provincial office in Kandahar.

In February, RLS-I also furnished and equipped a *jirga* hall in Spin Boldak district (Kandahar province) built (but not furnished and equipped) under the National Solidarity Program. An insurgent attack in early January killed and injured a number of district *shura* members who were meeting there, including several RLS-I program participants, and destroyed the *jirga* hall and its contents. The new *jirga* hall will be used by district elders to conduct regular biweekly *shura* meetings and for RLS-I activities. The first RLS-I activity at the new location was held on the 28<sup>th</sup> of February.

During February, RLS-I implemented 58 program activities in the south region. Overall, 2,452 participants (42% women) attended these events, which covered 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 provinces 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.

The six handover district network meetings for participants who met the graduation criteria were attended by 304 *jirgamaran*, religious leaders, elders and formal justice sector actors, and 344 women from the districts of Daman (Kandahar province), and Qalat, Shahjoy and Tarnak Wa Jaldak (all in Zabul province). Participants agreed to continue meeting and, in some cases, set schedules for liaising with formal justice sector actors.

## Meetings

RLS-I senior staff members from Kabul met with the Deputy Governor of Kandahar province and the Director of the Information and Culture Directorate to discuss future coordination between RLS-I and RTA (Radio-Television Afghanistan) in connection with RLS-I outreach activities. RLS-I staff in the south held routine meetings with USAID field representatives and on-sight monitors, such as a meeting with the Provincial Reconstruction Team (PRT) representative of the formal justice system in Qalat.

## Challenges

RLS-I program implementation in Kandahar, Uruzgan and Zabul provinces has been hindered by ongoing security concerns and other factors. The double suicide attack on a district *shura* meeting in Spin Boldak district (Kandahar province) on 6 January destroyed the district center *jirga* hall previously refurbished by RLS-I, (that was the only suitable venue for such events in the district), and killed two RLS-I program participants while injuring at least six more. The event was not an RLS-I activity, but the incident has significantly impacted the participation of elders in RLS-I activities, particularly in Panjwayi, Spin Boldak and Zhari districts (all in Kandahar province) as well as in Spin Boldak district itself. As a result of the attack all *shura* members and tribal elders of Spin Boldak district (Kandahar province) boycotted working with state actors and aid workers and refused to participate in NGO- and GIRoA-sponsored activities, including RLS-I events, unless and until provided with adequate security for those meetings and a venue to hold meetings was suitably refurbished. Both requirements were met, but RLS-I activities did not resume until the last day of February.



Handover network meeting, Kuz Kunar district (Nangarhar province), 18 February 2013

During a *spinsary* group discussion session in Zhari district (Kandahar province), participants voiced their concerns over threats received from the Taliban warning them not to attend RLS-I activities, or similar events. Influential male elders of Zhari district asserted that these reports were false or exaggerated, however, and assured RLS-I staff members that the security situation in Zhari district had not changed significantly. They requested that RLS-I continue its activities there. Regardless of legitimacy of the reports, however, rumors of this nature adversely affect the willingness of program participants to attend RLS-I activities.

Residents of the Zangabad area of Panjwayi district (Kandahar province) have risen up to push the Taliban back from their area. This incident has caused about eight elders from the Zangabad area to be absent from an RLS-I property law workshop on 13 February.

In Uruzgan province, security deteriorated significantly in RLS-I program districts and along the major roads used by RLS-I staff and program participants to travel to and from activities. Of particular relevance was a vehicle triggering an IED explosion activated by a vehicle on the road between Tirin Kot and Dihrawud districts transporting engineers from the National Solidarity Program (a program that had so far avoided insurgent attention). The explosion killed at least two passengers. Moreover, as US troops are leaving the area of Sarab in Shahidi Hassas district, the road connecting Sarab and Dihrawud district has reportedly been mined by insurgents. Government forces are currently attempting to clear the route, but a number of RLS-I events were postponed until travel is safe again. The district governor of Shahidi Hassas has alerted RLS-I staff that, based on current trends, the security situation is likely to deteriorate further in the near future.



With the arrival of spring, participants are fearful of the seasonal Taliban offensive. Towards the end of February, further attacks were reported across the southern provinces. In addition to civilian casualties in Shahidi Hassas district, a bomb blast killed two police officers and injured a further two in Tirin Kot district. Such incidents tend to negatively impact participation in RLS-I activities.

In the past month, RLS-I has adopted various measures to mitigate the risks to its program participants arising from the steadily deteriorating security situation in Uruzgan province. All RLS-I events are now held in the district centers of RLS-I program districts, to avoid the need for program participants to travel outside their districts. In Tirin Kot district, RLS-I has moved its events from the meeting space it had been renting to a mosque in the district center, a location perceived as safer by RLS-I program participants and staff.

A workshop on Constitutional law for men in Panjwayi (Kandahar province) was postponed due to roads flooding after heavy rains in the region. A discussion session for women in Zhari district (Kandahar province) and two discussion sessions for women in Shahidi Hassas (Uruzgan province), were postponed due to internal reorganization of the RLS-I office in that province.

Cultural restrictions on women's movement present an ongoing challenge in the south, especially in Uruzgan and Zabul provinces, and continue to limit their participation in program activities.

## **Program implementation – North region**

During the first half of February, RLS-I reviewed received financial documentation as part of the evaluation process of nine organizations that submitted documents in response to the RFQ (administrative and financial capacity) for “Strengthening Traditional Dispute Resolution in the Afghanistan/RC North”. A shortlist of four organizations that demonstrated sufficient administrative and financial capacity was communicated to USAID. In the second half of February, the second phase RFP (technical proposals) was advertised and the four organizations that had passed successfully through the first phase – PTRO, SDO, TLO and WADAN – were invited to submit full technical proposals before the deadline of March 14th.

## **RESEARCH**

During February the drafting of the three regional TDR assessments for the north, south, and east continued. All TDR assessments shall be completed in March.

## **OUTREACH**

### **Program implementation**

In February, RLS-I concluded its first Phase 3 outreach campaign, with community cultural center (CCC) volunteers distributing 20,000 illustrated booklets on “alternatives to *baad*”

and 10,000 pamphlets aimed at increasing legal awareness among the public with topics such as “rights of the accused upon arrest”, “rights of prisoners”, “difference between being a suspect, an accused, and being convicted of a crime”, “final court decisions”, and “women’s rights to be treated fairly by judicial offices”, in villages of Panjwayi and Zhari districts (both in Kandahar province).



Criminal law workshop, Chora district (Uruzgan province), 4 February 2013

The RLS-I Outreach Advisor started development of 6,000 wall calendars with TDR-related messages for the Afghan year 1392 (beginning 20 March 2013) and arranged for printing of 60,000 additional illustrated booklets encouraging women to bring their disputes before court or a *jirga* for the second Phase 3 outreach campaign. The RLS-I Outreach Advisor also conferred with Community Cultural Center (CCC) coordinators in Baghlan and Kandahar provinces to discuss preparation for future outreach campaigns scheduled around late March or early April in those provinces.

### Meetings

The RLS-I Outreach Advisor travelled to Kandahar and met with the Deputy Governor and head of Kandahar Radio and Television Afghanistan (RTA) and discussed production and broadcasting possibilities for 45-minute monthly radio and TV talk shows on traditional Justice Dispute Resolution (TDR) to start late April and finish by November 2013.

The RLS-I Outreach Advisor also attended a workshop in Kabul on USAID messaging during the transition period through the end of 2014, during the planned withdrawal of coalition military forces. Other workshop topics included the use of social media, improving interaction with local and national media, and USAID branding and marking.

### Looking ahead

The RLS-I outreach component will complete development of 6,000 wall calendars for the Afghan year 1392 (beginning 20 March 2013) and receive from the printers 60,000 illustrated booklets encouraging women to bring their disputes before court or a *jirga*. The wall calendars and Illustrated booklets will be disseminated as part of RLS-I’s second Phase 3 outreach campaign to Community Cultural Centers (CCCs) in Kandahar, Nangarhar and Baghlan provinces for distribution in 90 villages throughout the districts of Zhari and Panjwayi (both in Kandahar province), Shinwar and Dara-I-Nur (both in Nangarhar province) and Dahana-I-Ghuri (Baghlan province) around the end of March and Early April.



## MONITORING AND EVALUATION

### Event monitoring

In February, routine review of performance data revealed that the cohort of elders in Shahidi Hassas district (Uruzgan province) – the most difficult district in which to implement the program – showed uncommonly low attrition rates between elders who were invited to an activity and the elders who actually attended. In response, Kabul-based M&E and program staff visited the Uruzgan office and conducted several data quality checks of participants in activities in all Uruzgan districts, but with special attention to activities in Shahidi Hassas. The quality of participant data in Shahidi Hassas proved to be unsatisfactory, calling into question the integrity of the progress of the district cohort of elders. RLS-I has determined that a “redo” of the core curriculum of learning workshops for Shahidi Hassas elders after repeating the process of participant mobilization and selection is necessary to guarantee the integrity of the training. That process is now underway. M&E field staff in other provinces was tasked with more event monitoring activities than normal for the month of February, in order to check for similar discrepancies as had been found in the Shahidi Hassas data. No additional discrepancies have been found.

In order to support the effort to monitor activities, RLS-I has tasked its evaluation research partner, Strategic Social (S2), to provide third-party event monitoring and other data collection services. In February, M&E field staff trained their counterparts from S2 on the monitoring form as well as the *spinsary* group interview form. Third-party monitoring began in March 2013 and will be reported in detail in the March report.

### Performance data collection

#### *Progress of elders through core curriculum*

Progress of district cohorts for new Phase 3 districts is proceeding on schedule. The table in Appendix E shows the number of elders passing through RLS-I core curriculum of six learning workshops, and the percentage completion rate of the entire core program of six workshops, three discussion sessions, two State-TDR coordination meetings, and two network meetings, (for a total of 13 activities per district cohort).<sup>9</sup>

#### *Spinsary group creation and dispute mediation*

RLS-I documented a total of 16 *spinsary* decisions for February.<sup>10</sup> The Senior Field M&E Officer for the east region attempted to monitor *spinsary* group decisions in Bati Kot district (Nangarhar province), but was advised by the *spinsary* not to visit them due to the current security situation.

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<sup>9</sup> Please see Appendix E, table 1

<sup>10</sup> Please see Appendix E, table 2

Several of the *spinsary* accomplishments were notable. For example, in Zhari district (Kandahar province), a dead body was discovered in a village. Police arrived and detained several youth or adult males in neighboring homes in their attempt to determine the circumstances of the case and identify a suspect. The son-in-law of a *spinsary* group member was among those detained. After one week, the *spinsary* group member gathered the families of those who had been detained and formed a delegation that traveled to the district center to advocate for the detainees' release. The *spinsary* group member informed the district governor that she had attended a criminal law workshop from RLS-I, and was aware that "if anybody was arrested by police and his crime was not proven, he must be released from police custody." The district governor recognized the *spinsary's* point that police had 72 hours to refer a detainee's case to a prosecutor in order to bring a formal charge before the court, and that otherwise they had to release the detainee. The district governor ordered the release of the detainees pending further investigation.

In the same village in Zhari district (Kandahar province), there was a case of an exchange of girls for marriage (*badal*). However, one of the grooms in this exchange had disappeared and was not seen for years. Meanwhile, one of the brides from the *badal* exchange received another marriage offer. The girl and her family wished to accept, but the father of the groom who had disappeared insisted that she must wait for his son to return. The girl's family sought the mediation of the RLS-I *spinsary* group. The *spinsary* group leader visited the family whose son had disappeared and explained that according to law, a woman was entitled to separation if her husband was absent for more than three years. After much discussion that included a process of mourning over their lost son, the parents gave their blessing to the girl to marry another.

In Panjwayi district (Kandahar province), there were three wives who survived the death of their husband. One wife was childless, and the sons of her co-wives informed her that because she was childless she had no right to the legacy of her husband. The wife sought guidance from the RLS-I *spinsary* group. The *spinsary* group members used their handouts from the RLS-I inheritance workshop to demonstrate that the wife was being misinformed, and that she did in fact have inheritance rights under Afghan law. One of the *spinsary* group members shared this case with her husband, who was a well-known elder of the village. In this way a village *jirga* summoned the wife's stepsons and informed them of their erroneous claims. The stepsons were convinced, and shared the legacy.

Also in Panjwayi district (Kandahar province), there was a case of a girl who wedded a drug addict four years ago. After one month she escaped the marriage and returned to her family's house, but for the past years had remained in the legal state of wedlock. After the *spinsary* group



Discussion session on dispute prevention, Mohammad Agha district (Logar province), 6 February 2013

members attended the RLS-I family law workshop, they consulted their handouts from the session and pointed out to the family that the woman had the right to request divorce before a court, and that under law she was entitled to separation under any circumstance where the husband could not provide for the wife. With this knowledge and the support of the *spinsary* group, both the family of the girl and the *spinsary* group petitioned the district court for separation, which was granted.

Among the nine *spinsary* decisions in the east region, two were notable for the role *spinsary* group members played in resolving disputes within the community. In Mihtarlam district (Laghman province), *spinsary* group members participated in the investigation of a claim by one party against another. The investigation established that the accusation was baseless, and both *spinsary* group members and local elders facilitated reconciliation before the Laghman provincial council.

Similarly, in Kuz Kunar district (Nangarhar province), an argument over the construction of a retaining wall resulted in one party firing upon the other. The offending party was arrested and jailed. A delegation of elders approached the aggrieved party to convince them to resolve the dispute locally, but were driven out and insulted. Next, RLS-I *spinsary* group members approached the aggrieved family and were able to convince them to accept a *jirga* decision and reconciliation with the offending partner. The aggrieved family and local elders negotiated the release of the offending party and initiated a *jirga* in which the right to construct the wall was accepted, the offending party apologized for firing upon his neighbor, and the dispute was resolved.

In both of these cases, *spinsary* group members remarked that they were playing stronger roles in dispute resolution in their communities than before. According to one *spinsary* group member from Mihtarlam district (Laghman province): "I have learned in discussion [an RLS-I discussion session] that if women help prevent small disputes then one day they will be able to stop big disputes, because this effort builds a good understanding between *spinsary* groups and the community." A *spinsary* group member from Kuz Kunar district (Nangarhar province) agreed that women could play roles in mediating disputes that affected the greater community: "We have learned from RLS-I that women can help *jirga* and elders to resolve disputes, and now we all agree this is fact. This is a good example that how we are involved somehow in the system of *jirga*."

On a final note, in February RLS-I formed three new *spinsary* groups in the districts of Chawkay (Kunar province), Acheen (Nangarhar province) and one in Zhari district (Kandahar province).

#### *RLS-I decision book tracking and formal-informal linkages assessment*

In February, there was one formal-informal justice linkage assessment in Rodat district (Nangarhar province). In the Islamic Year 1391 (approximately March 22, 2012 – March 21, 2013) the *Huqooq* and local elders resolved the majority of disputes, while even cases that were delegated to the courts involved local elders in resolving the dispute.

Rodat district officials reported a strong and collaborative relationship with local elders, according to the district governor:

*There is good relation and good understanding between the formal and informal justice system. I could dare to say that more than 40% of [our] disputes are resolved through TDR actors. There is a large population in Rodat district, so the government cannot control the whole community alone. Definitely, we need TDR actors' help in dispute resolution or in any other thing.*

The district judge was similarly supportive, and also commented how improved capacity of elders meant that the district had more confidence in elders and could accept their decisions:

*We have good relation and trust with community elders and we really respect their decision. This year we have sent five property disputes to TDR and their decisions are registered in our record. If there is anything against Shari'ah law or Afghan Law in the decision we reject them, but before we reject the decision we invite the relevant TDR actors and discuss the decision with them. Here they also learn the proper decision and accept our objections. Last year, there was a dispute that we referred to Jirga and the Jirga assigned a girl as Baad. So we rejected the decision and also the elders accepted to reject and then they made another decision for the same dispute.*



RLS-I Senior Field M&E Officer discusses the interaction of formal and informal justice with the judge of Rodat district (Nangarhar province). For Islamic year 1391, the district court enlisted the support of local elders to help resolve five land disputes.

Meanwhile, a review of a sample of RLS-I decision books in Bati Kot district (Nangarhar province) and districts in Uruzgan province indicated an overall documentation rate of 33% and registration rate of 50%.<sup>11</sup>

#### *Long-standing disputes*

For the month of February, RLS-I identified 11 long-standing, potentially destabilizing disputes. The identified disputes are summarized, including a classification of disputes according to micro (a dispute affecting communities no larger than a main village or *manteqa*), mezzo (a dispute affecting communities no larger than the district, and usually requiring the intercession of government actors), and macro (a dispute assuming provincial-

<sup>11</sup> Please see Appendix E, table 3 for figures disaggregated by region



or national-level significance).<sup>12</sup> Mezzo- and macro-level disputes could also be categorized as those escalating to involve entire tribes and/or ethnic groups in conflict with another tribe and/or ethnic group. Micro-level disputes might also involve parties of different tribe or ethnicity, but the dispute had not (yet) escalated to the tribal or ethnic level.

A long-standing dispute identified by RLS-I elders from Kandahar province was recently resolved with their support. In this dispute, two cousins fought over government property that was unused and abutted their respective properties. One day their arguments escalated into the use of knives and firearms, resulting in the death of the brother of one party. Police arrested and jailed the killer, and both families submitted their dispute to the district government for adjudication. The district governor referred the dispute to a famous elder from Daman district (Kandahar province), from where the parties had recently moved, and who was also of the same Popalzai tribe as the warring families. Members of Popalzai *ulema* participated in the mediation. After more than 20 *jirgas* involving 200 *jirga* members, it was eventually agreed that the family of the killer would pay 150,000 Afs (approx. \$2,800) as compensation, while the land the cousins had fought over was declared ineligible for any settlement between the parties (the land was owned by the government and neither party had ever had any claim to it). Once the decision was accepted by all parties, reviewed for legality by the district government, and registered, the district judge took this reconciliation into consideration when sentencing the killer. Using discretion in sentencing as allowed by law, the judge sentenced the killer to eight years imprisonment.

RLS-I identified a long-standing, potentially destabilizing, dispute in Tirin Kot district (Uruzgan province). A wealthy family had emigrated to Pakistan more than 30 years ago, and later emigrated again to the United States. During this time the family's ancestral lands in Afghanistan were usurped. Over time, a distant cousin managed to regain these lands through bloodshed and many deaths. Members of the wealthy family eventually returned to claim their lands, but the distant cousin not only claimed sole ownership, but also began selling off the land he had gained – exacerbating and complicating what was already a perpetual conflict over the land. Recently, representatives of the wealthy family arrived in Tirin Kot and announced that no one should buy from this distant cousin, as the claim to such land was contested. Several RLS-I participants have attempted to help mediate this long-standing dispute, without success. RLS-I will continue to track this dispute and support participating elders in their efforts to mediate. However, this dispute will likely require high-level government involvement in order to broker a lasting solution.

In February, in the east region, RLS-I identified nine long-standing disputes, two of which were recently resolved.

In Rodat district (Nangarhar province), a long-standing dispute over land that had been sold 40 years ago, in which the son of the party who sold the land contested the purchase, claiming that his father's signature on the transaction document had been falsified. This led to a series of mutual retaliatory acts centered on the contesting parties' goods and property, which inadvertently led to damage to goods and property of others in the

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<sup>12</sup> Please see Appendix E, table 4

community who were not involved in the dispute. In response, local elders demanded that the parties resolve their dispute so as not to cause further damage to others. The case was presented to the district governor, who referred the adjudication process to the *Huqooq* officer. The *Huqooq* officer referred the case back to local elders with a mandate to resolve the case with full support of the government. The *jirga* included one local elder as a direct representative of the government. In the course of investigation, several elderly witnesses who had personally known the selling party came forth to testify that the land had indeed been sold, and that the signature of the seller was genuine. With this evidence, the contesting party dropped his claim of a fraudulent sale. The other party also paid approximately 100,000 Afs (approx. \$1,960) as compensation for damaged goods and property.

A long-standing dispute in Bati Kot district (Nangarhar province) also involved land. A resident of Rodat district (also in Nangarhar province) purchased land in Bati Kot district 30 years ago, and soon after emigrated to Pakistan. He returned to his land only a few months ago to find that it had been usurped by another party. After a series of incidents resulting in minor injuries, the case was brought before the district governor, who referred the adjudication process to the district court. The presiding judge then invited local elders to form a *jirga* to resolve the dispute with the full support of the government. In the course of investigation, it was discovered that not only did the usurping party hold rights of pre-emption over a portion of the land that had been sold, but that this portion of the land had been unused by the previous owner and the usurping party had invested in reviving it. As a result, the owner paid approximately 85,000 Afs to the usurping party to compensate him for his pre-emption rights and his act of reviving the unused land. In this way, the purchaser's claim to the land was fully validated and the dispute was resolved.

For both of these long-standing disputes, RLS-I participants were among the decision makers. While RLS-I plays no direct link in resolving such disputes, elders report that their ability to resolve such disputes is improved. For example, according to one elder: "RLS-I could persuade elders to learn the best ways to resolve long-standing disputes. There were some elders who previously did not have a single idea how to resolve long-standing disputes. Yet today they deliver great ideas for the long-standing dispute resolution."

Another factor elders cited was that RLS-I expanded the extent of linkage and collaboration between local elders and district government. Elders reported that there was pre-existing collaboration between elders and government before RLS-I, but that RLS-I had succeeded in strengthening and expanding this collaborative network which had many positive effects in local dispute resolution. As evidence of this point, elders involved in the Rodat district (Nangarhar province) dispute noted that they had used the RLS-I decision book to record the decision, so that it could be preserved in the memory of the community and not be reopened in the future.

A final point of interest for both these disputes, and others resolved by RLS-I elders, is that the involvement of the district government can be crucial. It is often observed that elders attempt to resolve these long-standing disputes, but that one party rejects the solution or the dispute is re-opened even after a supposed decision had been reached. In many cases,



the dispute reaches a level of negative impact upon the community, such that there is consensus that the dispute must be resolved once and for all. In these cases the local elders petition to the government for support in resolution. The district government will then often empower the elders to mediate a dispute, and will select an elder who directly represents the government to serve on the *jirga* as well. Then, if the mediated decision is accepted by all parties and does not violate Afghan law, the district government accepts the decision and records it at whichever department that had been tasked with adjudication. RLS-I supports this process at all steps, from strengthening elders' knowledge of Afghan law, to strengthening and expanding the linkages and collaborative relationship between elders and the district government.

#### *Elder pledges / commitment to code of conduct*

In February, RLS-I conducted handover network meetings in seven districts. These events marked the first formal attempts to document elder pledges to adhere to the respective jurisdictions of formal and informal justice, cease harmful cultural practices, and decide cases in compliance with Afghan law. It is also notable that the content of these pledges were self-generated by the state-TDR working group as a result of the series of discussion sessions on these topics.<sup>13</sup>

## LOOKING AHEAD

In March, RLS-I will further advance toward graduation for the remaining Phase 1 districts in March, Phase 2 districts by the end of April and Phase 3 districts by November.<sup>14</sup> This involves making up workshops in areas where over 15-20 participants missed previous offerings, and holding discussion sessions based on need (e.g., Women's access to justice discussion sessions in districts like Shinwar (Nangarhar province), where women face significant movement restrictions). To address the prominent need for education on women's rights in Shinwar, RLS-I has selected an additional 60 elders to receive the new two-day family and inheritance law workshops prior to graduating the district. The ad-hoc step will help ensure RLS-I has reached the 'critical mass' of elders necessary to sustain reductions in women's rights violations.

Next month the Jalalabad office's women's team will form a total of four additional *spinsary* groups in Acheen (Nangarhar province) and Chawkay (Kunar province) and the Logar team will form three in Puli Alam (Logar province).

In March, RLS-I will hold handover district network meetings and state-TDR coordination meetings in the districts of Chora (Phase 2 cohort), Dihrawud and Tirin Kot (all in Uruzgan province) to complete programming activities required for those districts to graduate. Additionally, a provincial network meeting to celebrate the International Women's Day on the 8<sup>th</sup> of March is scheduled in Kandahar. It is anticipated that state officials and influential women from across the province, including both representatives of RLS-I *spinsary* groups and other active women, will participate and discuss the achievements and accomplishments of RLS-I facilitated *spinsary* groups.

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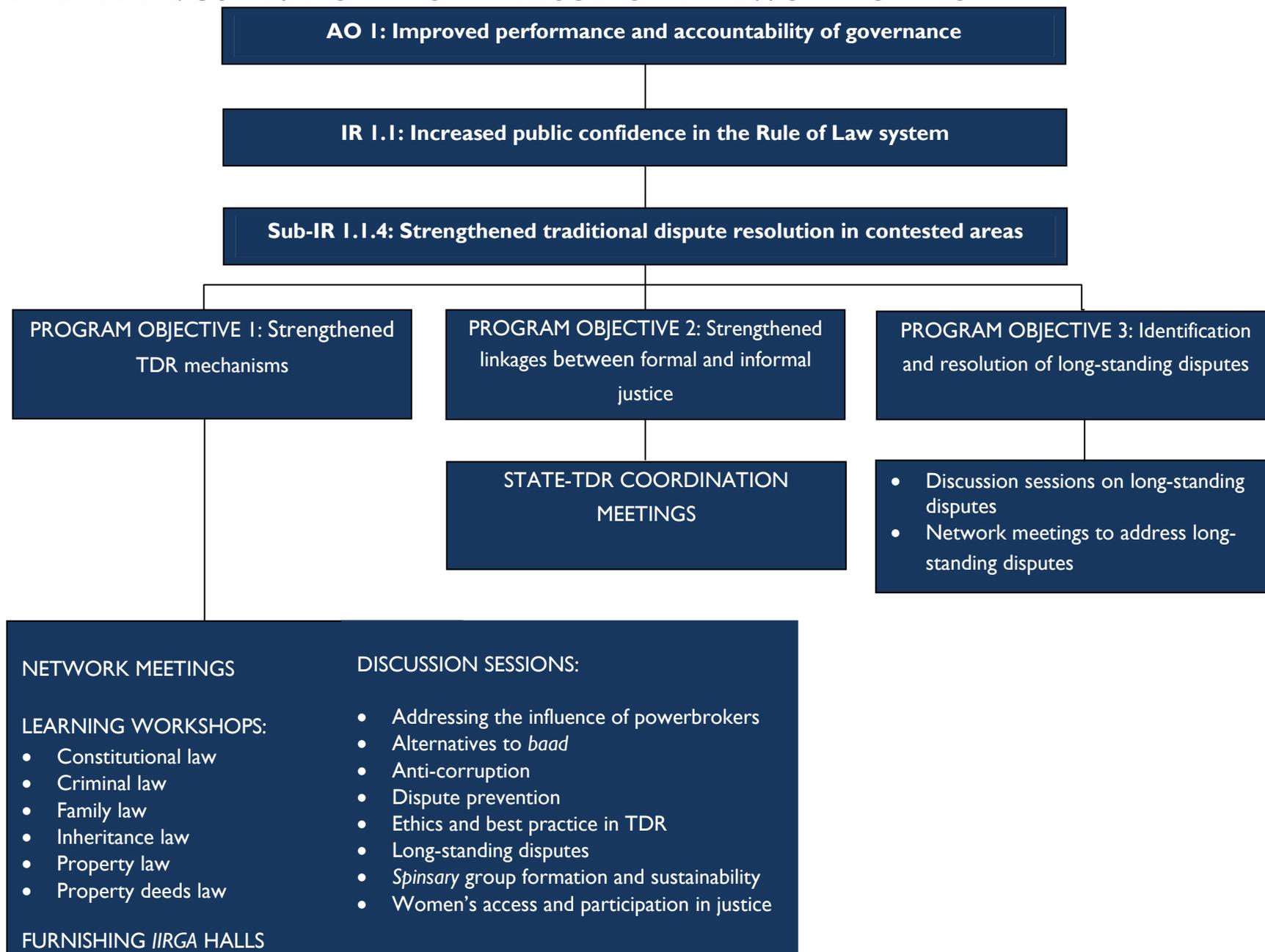
<sup>13</sup> Please see Appendix E, table 5 for the elder pledges disaggregated per district

<sup>14</sup> Please see Appendix D for planned activities in March



RLS-I will evaluate submissions for the final selection of an Afghan implementing partner in the north. The deadline for the submission of full technical and cost proposals to RLS--I from the shortlisted organizations is March 14.

## APPENDIX A: USAID/AFGHANISTAN RESULTS FRAMEWORK FOR RLS- I



## APPENDIX B: ACTIVITIES FEBRUARY

As RLS-I operates in high risk and exceedingly vulnerable areas, GPS coordinates are not included.		Network meeting	Constitutional law	Criminal law	Family law	Inheritance law	Property law	Property deeds	Addressing influence of powerbrokers	Alternatives to <i>baad</i>	Anti corruption	Dispute prevention	Ethics & best practice in TDR	Long-standing disputes	Spinsary group	Women's access to justice	Coordination meeting	TOTAL						
Province	District	Learning workshops							Discussion Sessions							TOTAL								
		East region																						
Kunar	Chawkay							2				1			1	1	1	4	2					
Laghman	Mihtarlam															1		1						
	Qarghayi	1	1														1	2	1					
Logar	Mohammad Agha					1	2			1		1	1					3	3					
	Puli Alam		2											1			1	2	2					
Nangarhar	Acheen							2	1			1				1	1	1	5	2				
	Bati Kot			1												1		2						
	Dara-i-Nur		1													1		1	1	1				
	Jalalabad municipality		1																1					
	Kama		2					1								1		2	2					
	Kuz Kunar	1	1														1	2	1					
	Rodat	1	1	1				1									1	3	2					
	Shinwar			1													1	1	1	1				
<b>TOTAL</b>		<b>3</b>	<b>3</b>	<b>8</b>	<b>1</b>			<b>1</b>	<b>3</b>	<b>5</b>	<b>1</b>		<b>1</b>		<b>3</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>7</b>	<b>6</b>	<b>28</b>	<b>18</b>		
		South region																						
Kandahar	Daman	1	1		1							1					1	3	2					
	Kandahar municipality, <i>nahiya 9</i>														1		1	1	1					
	Panjwayi		1	2				2			1	1						4	3					
	Spin Boldak		1	1														1	1					
	Zhari			2	2					1						1		1	4	3				
	Uruzgan	Chora		1	2	1					1	1	1	1		1		2	6	5				
Dihrawud			1							1			1				1	2	2					
Shahidi Hassas				2	1					1							1	4	1					
Tirin Kot			1					1		1			1				1	3	2					
Zabul	Qalat	1	1														1	2	1					
	Shahjoy		1	1	1													2	1					
	Tarnak Wa Jaldak	1	2														1	2	2					
<b>TOTAL</b>		<b>3</b>	<b>5</b>	<b>3</b>	<b>6</b>	<b>8</b>	<b>4</b>			<b>3</b>					<b>2</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>3</b>		<b>3</b>	<b>10</b>	<b>34</b>	<b>24</b>

## APPENDIX C: MONTHLY PROGRESS REPORT AGAINST TARGETS

SO:	Improved performance and accountability of governance					
IR I:	Increased public confidence in the Rule of Law system	Jan – Mar 2013				Life of Project
Sub-IR:	1.1.4 Strengthened traditional dispute resolution and justice in contested areas	Jan	Progress	Feb	Progress	Target
Goal-level indicators						
1	# of districts graduating from RLS-I	-	N/A	-	N/A	20
2	Incidence of harmful practices ( <i>baad</i> , forced marriage) reported by <i>spinsary</i>	-	N/A	-	N/A	50%
3	# of elders pledging to cease harmful TDR practices	-	N/A	920	Below target	3300
Program Objective 1: Strengthened TDR Systems						
1.1	# of district/regional assessments completed	0	Below target	0	Below target	17
1.2	# elders graduating from RLS-I core program	-	N/A	-	N/A	1050
1.3	% elders responding change in community adjudication	-	N/A	-	N/A	25%
1.4	% of elders reporting successful application of any element of RLS-I training	-	N/A	-	N/A	15%
1.5	Change in disputant assessment (Procedural justice, subversion, equity)	-	N/A	-	N/A	5%
1.6	% knowledge gain in learning workshop content	-	N/A	-	N/A	20%
1.7	# of public advocacy campaigns on human rights supported by USG					6
1.8	% knowledge gain among recipients of outreach material	-	N/A	-	N/A	10%
1.9	# Women's Dispute Resolution Groups ( <i>Spinsary</i> ) established	1	On track	3	On track	25
1.10	# disputes resolved by <i>Spinsary</i> Groups	26	On track	16	On track	400
Program Objective 2: Strengthened linkages between Formal and Informal Sectors						
2.1	% elders using RLS-I decision book after one month	39%	Above target	33%	On target	30%
2.2	# of dispute resolutions recorded by elders	21	On track	18	On target	-
2.3	% elders registering decisions with government	40%	On target	50%	Above target	40%
2.4	# of resolutions registered with district institution	12	On track	9	On track	-
2.5	# of TDR decisions recorded with <i>Huqooq</i>	-	N/A	-	N/A	-
2.6	# of linkages assessments completed	3	On track	1	On track	17
Program Objective 3: Develop approaches that successfully resolve long-term intractable disputes						
3.1	# of long standing and intractable disputes identified	6	On track	11	On track	40
3.2	# of long standing and intractable disputes resolved in intervention districts	0	On track	3	On track	15

## APPENDIX D: PLANNED ACTIVITIES – NEXT MONTH

RLS-I events planned for March 2013 in the east and south regions include the following:

EAST REGION			
Activity type	Activity title	Target group	District
<b>Nangarhar province</b>			
Network Meeting	Regional network meeting	Women	Select program and non-program districts throughout Nangarhar, Laghman, and Kunar
Coordination Meeting	Strengthening ties between formal and informal justice	Men	Acheen
Discussion Session	Dispute prevention	Women	Acheen
Discussion Session	Establishment of <i>spinsary</i> groups	Women	Acheen
Discussion Session	Establishment of <i>Spinsary</i> Group	Women	Acheen
Discussion Session	Anti-corruption	Men	Acheen
Workshop	Property law	Men	Acheen
Workshop	Property law	Men	Acheen
Coordination Meeting	Strengthening ties between formal and informal justice - Handover	Men	Bati Kot
Network Meeting	District network meeting	Men	Bati Kot
Network Meeting	District network meeting	Women	Bati Kot
Workshop	Inheritance law	Men	Bati Kot
Discussion Session	Anti-corruption	Men	Dara-I-Nur
Workshop	Constitutional law	Women	Dara-I-Nur
Discussion Session	Women's participation and access to justice	Men	Jalalabad
Coordination Meeting	Strengthening ties between formal and informal justice	Men	Kama
Discussion Session	Dispute prevention	Women	Kama
Network Meeting	District network meeting	Men	Kama
Network Meeting	District network meeting	Women	Kama
Workshop	Family law	Men	Kama+ Bati Kot
Discussion Session	Dispute prevention	Women	Shinwar
Network Meeting	District network meeting	Women	Shinwar
Network Meeting	District network meeting	Men	Shinwar
Workshop	Inheritance law	Men	Shinwar
Workshop	Family law	Men	Shinwar
Coordination	Strengthening ties between	Men	Shinwar



Meeting	formal and informal justice		
<b>Kunar province</b>			
Discussion Session	Establishment of <i>spinsary</i> groups	Women	Chawkay
Discussion Session	Anti-corruption	Men	Chawkay
Discussion Session	Establishment of <i>spinsary</i> groups	Women	Chawkay
Discussion Session	Dispute prevention	Women	Chawkay
Workshop	Property law	Men	Chawkay
Workshop	Property law	Men	Chawkay
Discussion Session	Anti-corruption	Men	Nurgal
Discussion Session	Dispute prevention	Women	Nurgal
<b>Laghman province</b>			
Discussion Session	Anti-corruption	Men	Mihtarlam
<b>Logar province</b>			
Coordination Meeting	Strengthening ties between formal and informal justice	Men	Mohammad Agha
Discussion Session	Dispute prevention	Women	Mohammad Agha
Discussion Session	Dispute prevention	Women	Mohammad Agha
Discussion Session	Dispute prevention	Women	Mohammad Agha
Workshop	Property deeds	Men	Mohammad Agha
Workshop	Property deeds	Men	Mohammad Agha
Discussion Session	Promoting <i>spinsary</i> sustainability	Women	Puli Alam
Discussion Session	Women's participation and access to justice	Women	Puli Alam
Workshop	Constitutional law	Men	Puli Alam
Workshop	Constitutional law	Men	Puli Alam
Workshop	Constitutional law	Men	Puli Alam
<b>SOUTH REGION</b>			
<b>Activity type</b>	<b>Activity title</b>	<b>Target group</b>	<b>District</b>
<b>Kandahar province</b>			
Coordination Meeting	Strengthening ties between formal and informal justice	Men	Panjwayi
Discussion Session	Women's participation and access to justice	Women	Panjwayi
Discussion Session	Addressing the Influence of Powerbrokers	Men	Panjwayi
Workshop	Constitutional law	Men	Panjwayi
Workshop	Property deeds	Men	Panjwayi
Workshop	Property deeds	Men	Panjwayi
Workshop	Inheritance law	Women	Panjwayi
Discussion Session	Women's participation and access to justice	Women	Kandahar
Discussion Session	Women's participation and access to justice	Men	Kandahar
Discussion Session	Addressing the Influence of Powerbrokers	Men	Kandahar



Coordination Meeting	Strengthening ties between formal and informal justice	Men	Spin Boldak
Network Meeting	District network meeting	Women	Spin Boldak
Workshop	Criminal law	Men	Spin Boldak
Workshop	Constitutional law	Men	Spin Boldak
Network Meeting	Women's Day provincial network meeting	Women	Spin Boldak, Arghandab, Daman, Kandahar, Dand, Panjwayi and Zhari
Discussion Session	Women's participation and access to justice	Women	Zhari
Discussion Session	Women's participation and access to justice	Men	Zhari
Discussion Session 2	Alternatives to baad	Women	Zhari
Workshop	Property deeds	Men	Zhari
Workshop	Property law	Men	Zhari
Workshop	Property law	Men	Zhari
Workshop	Property deeds	Men	Zhari
<b>Zabul province</b>			
Discussion Session	Addressing the Influence of Powerbrokers	Men	Shahjoy
Workshop	Property law	Men	Shahjoy
Workshop	Property deeds	Men	Shahjoy
Workshop	Family law	Men	Shahjoy
<b>Uruzgan province</b>			
Coordination Meeting	Strengthening ties between formal and informal justice	Men	Chora
Coordination Meeting	Strengthening ties between formal and informal justice - Handover	Men	Chora
Discussion Session	Alternative to baad	Women	Chora
Discussion Session	Addressing the influence of power brokers	Men	Chora
Discussion Session	Dispute prevention	Women	Chora
Network Meeting	District network meeting	Men	Chora
Network Meeting	District network meeting	Women	Chora
Workshop	Property law	Men	Chora
Workshop	Property law	Men	Chora
Coordination Meeting	Strengthening ties between formal and informal justice	Men	Dihrawud
Network Meeting	District network meeting	Men	Dihrawud
Network Meeting	District network meeting	Women	Dihrawud
Coordination Meeting	Strengthening ties between formal and informal justice	Men	Shahidi Hassas
Discussion Session	Alternatives to baad	Women	Shahidi Hassas



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Discussion Session	Dispute prevention	Women	Shahidi Hassas
Discussion Session	Ethics and best practice in TDR	Men	Shahidi Hassas
Network Meeting	District network meeting	Men	Shahidi Hassas
Network Meeting	District Network Meeting - Intro	Women	Shahidi Hassas
Workshop	Property law	Men	Shahidi Hassas
Workshop	Property law	Men	Shahidi Hassas
Coordination Meeting	Strengthening ties between formal and informal justice	Men	Tirin Kot
Network Meeting	District network meeting	Women	Tirin Kot
Network Meeting	District network meeting	Men	Tirin Kot

## APPENDIX E: MONITORING AND EVALUATION

Table 1: Progress of elders through core curriculum

Province	District	Elders passing through at least three workshops	Percentage completion of core program
Nangarhar	Acheen - male	75	73%
	Acheen – female	119	64%
Kunar	Chawkay – male	90	73%
	Chawkay – female	121	64%
Logar	Mohammad Aga - male	77	67%
	Mohammad Aga - female	106	64%
Kandahar	Panjwayi – male	109	53%
	Panjwayi - female	76	73%
	Zhari - male	64	60%
	Zhari – female	43	73%
Uruzgan	Chora – male	116	67%
	Chora - female	28	91%

Table 2: *Spinsary* group creation and dispute mediation

Province	District	Disputes mediated
Laghman	Mihtarlam	4
Nangarhar	Kuz Kunar	4
Nangarhar	Kama	1
Kandahar	Zhari	3
Kandahar	Panjwayi	2
Kandahar	Kandahar municipality, <i>nahiya</i> 9	2

Table 3: Review of RLS-I decision books in Bati Kot district indicating documentation and registration rates

District	Sample reached	% reached	% elders document decisions	# disputes documented	% elders register decisions	# disputes registered
Bati Kot	8	28%	38%	8	33%	4
Tirin Kot, Dihrawud, Chora (Uruzgan)	16	80%	31%	10	60%	5
Overall (Feb 2013)	24	49%	33%	18	50%	9

Table 4: Identified long-standing disputes

Province	District	Dispute type	Scope of dispute	Scale of dispute
Uruzgan	Tirin Kot	Land	Between extended family members	Macro
Kandahar	Shah Wali Kot	Land	Between extended family members	Mezzo
Laghman	Qarghayi	Land	Between families	Mezzo
Laghman	Qarghayi	Land	Between tribes	Mezzo
Laghman	Qarghayi	Land	Between citizens and government	Mezzo
Kunar	Chawkay	Land	Between families	Micro
Nangarhar	Bati Kot	Land	Between families	Micro
Nangarhar	Rodat	Land	Between families	Micro
Nangarhar	Rodat	Land	Between tribes	Macro
Nangarhar	Rodat	Land	Between tribes	Mezzo
Nangarhar	Rodat	Land	Between tribes	Mezzo

Table 5: Elder pledges/commitment to code of conduct

District	Male pledges	Female pledges
Rodat	59	82
Kuz Kunar	81	95
Qarghayi	80	89
Tarnak Wa Jaldak	70	45
Qalat	59	49
Shahjoy	-	22
Daman	98	91

## 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
CSO	civil society organization (usually but not necessarily incorporated as a legal entity)
d-i-d	Difference-in-differences. An impact evaluation measurement that includes an estimate of the counterfactual scenario of what would have happened in the absence of the USAID intervention.
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>	Moj representative at the district level responsible for liaising with elders and the community to resolve civil disputes
IDLG	Independent Directorate of Local Governance, a sub-ministerial GIRoA body
<i>islah</i>	(literally, "reform") 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>	<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>
<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>marakee</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>mawlawi</i> (pl. <i>mawlawiyan</i> )	Highly qualified Sunni Muslim religious leader, usually with a more extensive religious education than a <i>mullah</i> .
<i>mudir-e-huqooq</i>	<i>Huqooq</i> 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 *Qur'an* and the *Hadith*; *ijma* (“collective reasoning” or consensus among scholars); and *qiyas* or *ijtihad* (“individual reasoning” or deduction by analogy)

*shura* (pl. *shuragani*)

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

*spingiri*

(literally, “white-beard”) respected male elder(s) involved in dispute resolution

*spinsary*

(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

*walwar*

bride price; money or goods given by a groom or his family to the head of the bride's household

*woliswal* (pl. *woliswali*)

District Governor