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MONTHLY REPORT, May 2013

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

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

Discussion session on women's access to justice and their role as justice actors, Shahidi Hassas district (Uruzgan province), 4 May 2013

16 June 2013

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

Submitted 16 June 2013 by:

Michael Sinclair
Chief of Party
USAID/Afghanistan Rule of Law Stabilization Program – Informal Component
4th District, Ansari Square
2nd Street, House No. 149
Kabul
msinclair@checchiconsulting.com

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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. RLS-I advances 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 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), 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 dialogue and cooperation for the resolution of long-standing disputes.

EXECUTIVE SUMMARY

Program activities during May consisted of preparation for the commencement of Phase 3, Tranche 2 districts and intensive RLS-I Phase 3 programming to complete core activities in the first tranche of Phase 3 districts:

Network meetings introduce RLS-I objectives to village elders who resolve local disputes and 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 (Improved Performance and Accountability of Governance), Intermediate Result (IR) 1.1 (Increased Public Confidence in the Rule of Law System), Sub-IR 1.1.4 (Strengthened TDR in Disputed Areas), and primarily to the achievement of RLS-I Program Objectives 1 and 3.[1]

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 Objectives 1, 2, and 3.

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 sessions contribute to the achievement AO 1, IR 1.1, Sub-IR 1.1.4, and to the achievement of RLS-I Program Objectives 1, 2, and 3.

Coordination meetings provide the opportunity for the formal-informal justice sector working group members to build trust 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 AO 1, IR 1.1, Sub-IR 1.1.4, and to the achievement of RLS-I Program Objective 2.

[1] See Appendix A. All activity types contribute to the achievement of each Program Objective to some degree.

RLS-I district graduation criteria require completion of a five- to six-month core program consisting of six core curriculum legal education workshop topics (35-40 hours of training) with a minimum of 75 participants attending all six course; four discussion sessions on pressing issues[2]; three state-TDR protocol coordination meetings; three *spinsary* group meetings; and two network meetings. In total, these amount to approximately 15 days of activities. The core program is followed by an additional five- to six-month maintenance period with an average of 15 need-based activities[3] to fill attendance and knowledge gaps remaining after completion of core programming. RLS-I's district intervention culminates with a handover network meeting. Prominent elders and district and provincial officials may also attend RLS-I provincial and regional network meetings.

Family law workshop, Chora district (Uruzgan province), 13-14 May 2013

In May, RLS-I held a total of 22 events (of which two were two-day workshops) in two districts in Uruzgan province[4] for some 991 participants (9% female).

The number of women's dispute resolution groups RLS-I established was below target in May, in part because the number was above the target for the preceding months. RLS-I remains on track for *spinsary* group formation for the quarter and life of project. Performance for all other progress indicators was on target.[5]

Highlights included handover activities for 160 elders and 33 women in the two Phase 3, Tranche 1 districts of Chora and Shahidi Hassas (both in Uruzgan province), effectively concluding RLS-I's direct assistance in those districts and culminating core programming in Phase 3, Tranche 1 districts.

RLS-I is in the process of attracting a suitable Afghan partner to implement the RLS-I program in the north region and will implement activities in that region as soon as USAID/Afghanistan has approved the engagement of that partner.

Core programming in the first tranche of Phase 3 districts began in November 2012 and concluded this month. Preparation for core programming in the second tranche of Phase 3 districts has begun this month, with program activities starting in June.

[2] Discussion session topics are determined through district assessments and by participants in each district during 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.
[3] Learning workshops, discussion sessions, or coordination meetings.
[4] See Appendix B.
[5] See Appendix C.

PROGRAM ACTIVITY HIGHLIGHTS

Program activity highlights are gleaned from activity reports, participant feedback, and project monitoring and evaluation of RLS-I activities.

Progress on women's rights

> *"We will never use the word 'divorce' casually anymore and we will not divorce our wives lightly either. We will have a good and peaceful life once we identify each other's rights."*
> A local tribal elder – Family law workshop, Chora district (Uruzgan province), 13-14 May 2013

Strengthening ties between formal and informal justice sectors

> *"State actors must apply the law on themselves first and then they should encourage tribal elders by letting them know they are the most influential and humble people of the society and that we support them all. All disputes, whether they are civil or criminal, should be resolved with consultation of the tribal elders. We (formal justice sector actors) are not able to resolve even a small criminal dispute if we do not have your support and cooperation with us. I am a judge and none of the disputants like my decisions, because there is a powerbroker behind each disputant. Therefore, I am proud of having such honorable and powerful elders besides me and I neither feel at risk nor consider myself under the pressure of powerbrokers. I am looking forward to continuing to receive the help and support of tribal elders and I thank you all for coming here and sharing your information too."*
> Judge Mullah Daad Mohammad Qazi, District judge – Coordination meeting, Chora district (Uruzgan province), 18 May 2013

REVIEW OF RLS-I PROGRAMMING

Network meetings

Introductory district 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 in each district. Participants are selected by applying RLS-I program participant selection criteria, which emphasize equitable geographic, ethnic, and tribal representation and elders' stature as TDR practitioners. Network meetings provide opportunities for sharing experiences in dispute resolution, for identifying and exploring long-standing disputes in the district, and help generate the discussion group topics to address rule of law issues facing the district. A follow-up or capstone district network meeting is held once the participant cohort has passed through the RLS-I core curriculum of learning workshops, issue-based discussion sessions, and state-TDR coordination meetings. Capstone district network meetings provide an opportunity for program participants to reflect on what they have learned and accomplished, and on what the next steps could be. Participants in the capstone district network meetings are invited to sign pledges developed by those groups. The pledges include commitments to continue adhering to lessons learned during RLS-I legal education workshops and to implement the outcomes of discussion sessions and coordination meetings such as using alternatives to *baad*, cooperating with state actors while respecting jurisdiction, collaborating on resolving long-standing disputes, rejecting the influence of powerbrokers, supporting women in accessing justice,

etc.[6] A final handover district network meeting is held at the completion of maintenance programming to allow participants to chart a path forward, independent of RLS-I support.

Provincial and regional network meetings provide a forum for structured dialogue among influential elders, officials, and other community leaders on pressing challenges such as corruption, and long-standing disputes. Provincial and regional network meetings generate volunteer rosters of respected elders available as needed to address, for example, specific reports of corruption, and to help resolve specific long-standing disputes identified and prioritized during the meeting.

Workshops

RLS-I legal education 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 and *Shari'ah*. The core curriculum consists of Constitutional law, 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 expanded to two-day events for Phase 3.

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 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 engagement, marriage, and divorce and covers the specific topics of marriage engagement rights, consent to marriage, dowry and bride price, marriage expenses, the respective rights and responsibilities of husband and wife, guardianship, alimony, and divorce. 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 heirs. For this reason, RLS-I has shifted to two-day inheritance law workshops during

> *"A lot of people here say that our Constitutional law is the American law and it is in conflict with Islamic Shari'ah. Now, we understood that Afghan Constitutional law has been drafted from Islamic law and that this Islamic law comes from our people. Therefore, now we all understand about that law and we shall convince others that it is an Islamic law and our own people have drafted and made it."*
> Local tribal elder – Constitutional law workshop, Shahidi Hassas District (Uruzgan province), 1 May 2013

[6] In this monthly report, these are referred to as "participant pledges".

Phase 3 and sometime offers separate inheritance law II workshops continuing from the initial sessions, on an as-needed basis.

Property law and *property deeds law* workshops cover the definitions and types of real 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.

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 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, 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 justice and dispute resolution processes.

The discussion session on *addressing the influence of powerbrokers* 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 a compensatory function in reconciling disputants.

The discussion session on *anti-corruption* provides an opportunity for 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.

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.

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

> *"I do not accept decisions from jirgas in which authority to rule on the dispute has not been taken from both parties involved in the dispute, and in which no reliable witnesses are present to provide evidence. I say that such disputes are not solved, but instead the dispute between the parties has just increased. The USAID office cooperated with us and we thank this organization for its cooperation. We never thought that such an organization would come here, and give us such useful books and information, and provides us such facilities. Once, again, we thank the USAID staff for their hard work and cooperation."*
> Abdul Khaliq Jam Gul, a *malik* from Sakhar village – Coordination meeting, Shahidi Hassas district (Uruzgan province), 4 May 2013

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 *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. During the ethics component, for example, 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.

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, elders and state actors aimed at taking independent action on long-standing disputes. RLS-I does not sponsor any *jirgas* formed to negotiate a resolution to specific long-standing 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.

Coordination meetings

The formal-informal justice sector working group holds *coordination meetings* in a (minimum) two-step sequence. 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[7], dispute referrals, and registration of *jirga* decisions with formal justice sector institutions.

[7] Authority letters (*waak leek*) are forms signed by disputants who grant authority (*waak*) to *jirgamaran* to resolve their dispute (including disputes referred to TDR by formal justice sector actors) and who pledge to

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

With completion of core programming in Phase 3, Tranche 1 districts of Chawkay (Kunar province), Acheen (Nangarhar province), and Mohammad Agha (Logar province) in April, the RLS-I Kabul- and Jalalabad-based teams began preparation for startup of the Tranche 2 districts during May. On 1 May, the Jalalabad team began the participant selection process in the districts of Goshta (Nangarhar province) and Alishing (Laghman province). This involved initial meetings with provincial and district officials to introduce the RLS-I project, gain the requisite permissions to commence work, and collect lists of elders, *maliks*, religious leaders, and officials to begin the selection process. Subsequently RLS-I field staff met with various *shura* members, *ulema*, NGOs and other influential actors to take suggestions, vet the various sources, and ensure potential invitees meet RLS-I's participant selection criteria of ethnic, tribal, and geographic representation and elders' stature as trusted and respected TDR practitioners. This consultation also ensures transparency, reducing the likelihood of complaints of exclusion by any one actor or group.

After approval of the invitation lists by RLS-I program managers, RLS-I field staff began the enrollment process by interviewing invitees to collect biographical and background information. A key component of this process is confirming the invitees' interest in and intention to participate personally in all RLS-I core program activities, which aims to reduce participant attempts to send unqualified replacements. After identifying villages sufficiently secure and culturally permissive for women's participation, the women's teams conducted a similar invitation process and identified training venues that are locally accessible to participants. With USAID approval of one replacement district, Nazyan, in place of Deh Bala district (both in Nangarhar province) where security had deteriorated significantly after RLS-I initially proposed it, and an additional three districts, Khogayani and Spin Ghar (both in Nangarhar province) and Nirkh (Maydan Wardak province), the teams began the selection and enrollment process in those districts.

Upon completion of enrollment, the teams began the district assessment interview process, completing all interviews and focus groups for the districts of Goshta (Nangarhar province) and Alishing (Laghman province) by the end of the month. The teams also completed district work plans for core programs in all Phase 3, Tranche 2 districts in the east and the June calendar, primarily comprising introductory district network meetings and the first legal education workshops.

Meetings

RLS-I staff members did not attend any meetings that centered solely on the east, other than meetings related to preparing for Phase 3, Tranche 2 program implementation.

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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, participating elders, and formal justice actors, and are bound in books distributed to elders by RLS-I.

Challenges

Security in several of the RC East Phase 3, Tranche 2 districts poses significant though, at this stage, manageable challenges. Fighting between the Taliban and security forces in Spin Ghar, Nazyan, and Khogayani districts (all in Nangarhar province) has restricted RLS-I staff movement on several occasions, creating delays in the mobilization process described above. In Alishing district (Laghman province), some elders from Taliban-controlled districts have expressed concern that the insurgents will forbid them from participating and were reluctant to join. In another area of that district, elders have been reluctant to allow women to travel to attend RLS-I activities. Additionally, while RLS-I takes great care during enrollment to be inclusive and transparent, strong demand from unselected elders and women has put some pressure on the field teams. RLS-I has, however, been able to accommodate some of these community members and has successfully defused such situations. Strict cultural prohibitions on women's movement have also made enrolling female participants challenging. In a few cases, RLS-I has had to limit its women's program to a few accessible villages in the province.

On 25 May insurgents attacked the district government compound in Alishing district (Laghman province) with rocket-propelled grenades (RPGs) and other weapons. After national security forces reached the compound, fierce fighting continued for about 1-1/2 hours. Two RLS-I staff members were interviewing district government officials in the compound at the time of the attack but were able to escape unharmed. On 29 May, insurgents attacked the International Committee of the Red Cross (ICRC) compound in Jalalabad municipality (Nangarhar province). The ICRC compound is located about 100 yards down the street from the RLS-I Jalalabad office. No RLS-I staff were injured and there was no damage to the RLS-I compound.

On Friday, 24 May six armed opposition group operatives, the majority of whom were equipped with body-borne improvised explosive devices (BBIEDs), initiated an attack by detonating a vehicle-borne improvised explosive device (VBIED) against the front gate of the International Organization of Migration (IOM) compound, close to the RLS-I Kabul office and living quarters. The attack on the IOM gate was backed by a further two insurgents who had entered an adjacent five-story building under construction, from which they engaged the targeted compound and first responders. Afghan National Police and other government and private security forces took up defensive positions on higher buildings surrounding the RLS-I compound, inadvertently placing the office and living quarters under the line of fire. Detonations, small arms fire, and RPGs during the subsequent nine-hour effort to subdue the attackers resulted in broken windows and furniture, cracked plaster, stray bullet damage, and equipment damage in the RLS-I compound. RLS-I guest house residents (as it was a Friday, there were no local staff present) took shelter in the living quarters' safe room for four hours. The Afghan Public Protect Force personnel at the RLS-I compound performed well.

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

During May, the RLS-I team in the south successfully completed graduation of the Phase 3, Tranche 1 districts of Chora and Shahidi Hassas (both in Uruzgan province) with handover district network meetings for 160 male and 33 female elders. All signed the participant pledges described above (see fn. 6, above, and accompanying text). In addition, a number of male elders and influential women volunteered to receive RLS-I training-of-trainers to become community legal awareness mentors, discussed and prioritized longstanding disputes with members of the regional volunteers dedicated to

the issue, and volunteered to take action on specific disputes. Volunteers are selected and will be further trained by RLS-I on the legal subjects including teaching methodology during the upcoming months. All RLS-I districts in Uruzgan province have now graduated from the RLS-I program.

RLS-I field staff in the south began preparation for program implementation startup, as described above, in the Phase 3, Tranche 2 districts of Maywand, Takhta Pul and Kandahar municipality subdistrict 5 (all in Kandahar province) during May. Field staff were trained on qualitative research methodology, including interview techniques, focus group discussions, note taking techniques, and ethics of research. Subsequently, field staff completed the research activities and successfully conducted all assessment interviews and focus group discussions in these three districts. In addition to these three districts, the Kandahar team will also select a second cohort in Spin Boldak district, the largest and most populated district in Kandahar province.

During May, RLS-I implemented 22 program activities in the south region. Overall, 991 participants (9% women) attended these events, which covered Shahidi Hassas and Chora districts (both in Uruzgan province).

Meetings

RLS-I staff members did not attend any meetings that centered solely on the south, other than meetings related to preparing for Phase 3, Tranche 2 program implementation.

Challenges

After an unseasonably long winter that delayed the start of the spring season that traditionally sees a significant increase in insurgent activity, the Taliban have commenced their spring offensive in earnest. Field reports indicate foreign fighters have joined the Taliban in Afghanistan and insurgent attacks have increased, by both the Taliban and other insurgent organizations. In particular, potential attacks in the districts of Panjwayi and Maywand (both in Kandahar province) are of concern to RLS-I staff and program participants.

The RLS-I team in Uruzgan province reported that the Taliban had blocked the Shahidi Hassas – Tirin Kot highway near Shahidi Hassas district and checked all vehicles passing along the highway. When an RLS-I driver drove back toward Tirin Kot on 20 May after dropping off an RLS-I team in Shahidi Hassas district (as staff did not need the vehicle and any vehicle might have been targeted if it had remained in the district for the ten days the team was there), the Taliban stopped and beat the driver to make him confess that he works with an NGO. The driver, however, denied all such associations.

Anti-Pakistan demonstrations hindered mobility of RLS-I staff in some parts of Kandahar province, necessitating cancellation of meetings in Maywand district due to the 8 May demonstrations there.

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

Program implementation – north region (Badakhshan, Baghlan, and Takhar provinces)

In May, RLS-I prepared the documents required to engage the two preferred bidders (PTRO and TLO) to implement the RLS-I program in a total of three districts in RC North. RLS-I submitted a memorandum to USAID requesting COR concurrence for the proposed districts in RC North. On 14 May, RLS-I received USAID concurrence with its proposal to implement its program in three districts of RC North: Fayzabad district (Badakhshan province), Farkhar district (Takhar province), and Baghlani Jadid district (Baghlan province).

On 21 May, Checchi and Company Consulting, Inc., the RLS-I implementing partner, submitted to USAID requests for consent to the proposed subcontracts with the Peace Training and Research Organization (PTRO) and The Liaison Office TLO), to USAID. During that week, senior RLS-I staff met with PTRO and TLO representatives to familiarize them with the administrative and financial procedures and to provide an overview of the RLS-I program, in anticipation of USAID approval of their respective subcontracts.

RESEARCH

During May, RLS-I submitted the regional TDR assessment for RC North to USAID.

OUTREACH

Program implementation

In May, RLS-I continued work on the preparation of legal research training for staff members of the *Huqooq* department of the Ministry of Justice in Kabul, to be conducted during August. RLS-I started work on development of the fourth illustrated booklet on the role of *jirgas* in land seizure disputes for its outreach program and signed an agreement with Sayara Strategies, an Afghan organization, to design it. RLS-I will publish the illustrated booklet in Pashto and Dari to use in the fourth RLS-I outreach distribution campaign planned for early August.

RLS-I purchased, installed and tested office equipment for the *Huqooq* department of the Ministry of Justice in Kabul as part of its outreach capacity building support for its staff members.

Meetings

The RLS-I Outreach Advisor travelled to Mazari Sharif district (Balkh province) to meet with the head of the Baghlan Martyred Foundation Community Cultural Center (CCC) to discuss RLS-I's second outreach campaign in Dahana-I-Ghuri district (Baghlan province), which was implemented in April 2013, as well as future campaigns in that district.

Looking ahead

In June, RLS-I plans to conduct its third outreach campaign which will include the distribution of 60,000 illustrated booklets on alternatives to *baad* in Panjwayi and Zhari districts (Kandahar province), Shinwar and Dara-I-Nur districts (Nangarhar province), and Dahana-I-Ghuri district (Baghlan province).

Subject to USAID approval of the required property transfer documentation, in June RLS-I will deliver the office equipment for the *Huqooq* department of the Ministry of Justice in Kabul as part of its outreach capacity building support for its staff members.

MONITORING AND EVALUATION

Event monitoring

During the reporting period, field monitoring and evaluation staff conducted their regular monitoring of activities in Uruzgan.

Performance data collection

Progress of elders through core curriculum
In May, RLS-I completed advancing the district cohorts in Uruzgan through the core curriculum.

Spinsary group creation and dispute mediation
RLS-I did not create any new *spinsary* groups in May, but remains on track for group formation for the quarter and life of project. RLS-I monitors documented nine disputes that *spinsary* group members helped resolve, all in Kandahar and Uruzgan provinces. Cases included marriage and divorce, inheritance, and domestic violence.

RLS-I decision book tracking and formal-informal linkages assessment
Monitoring and Evaluation field staff did not track decision books in May, pending the first evaluation of the Phase 3 decision book distribution in June.

Long-standing disputes
No long-standing disputes were identified in May, nor were any identified disputes resolved. RLS-I remains on track for long-standing disputes identified and resolved for the quarter and life of project.

Participant pledges
In May, RLS-I conducted handover network meetings in Shahidi Hassas and Chora districts (both in Uruzgan province) and collected a total of 191 participant pledges. These events marked the first formal attempts in these districts to document participant pledges to adhere to the respective jurisdictions of formal and informal justice, cease harmful cultural practices, and decide cases in compliance with Afghan statutory law and *Shari'ah*. The content of these pledges were generated by the members of the State-TDR working groups in those districts as a result of the series of discussion sessions on these topics.

For May, the participant pledge rate (the number of network meeting participants who sign the participant pledge as a proportion of all meeting participants) was 98%. This compares to a participant pledge rate of 89% for April 2013. At the time the target was set in the RLS-I Phase 3 Performance Monitoring Plan (PMP), the assumed participant pledge rate was 83% (100 pledges per 120 participants).

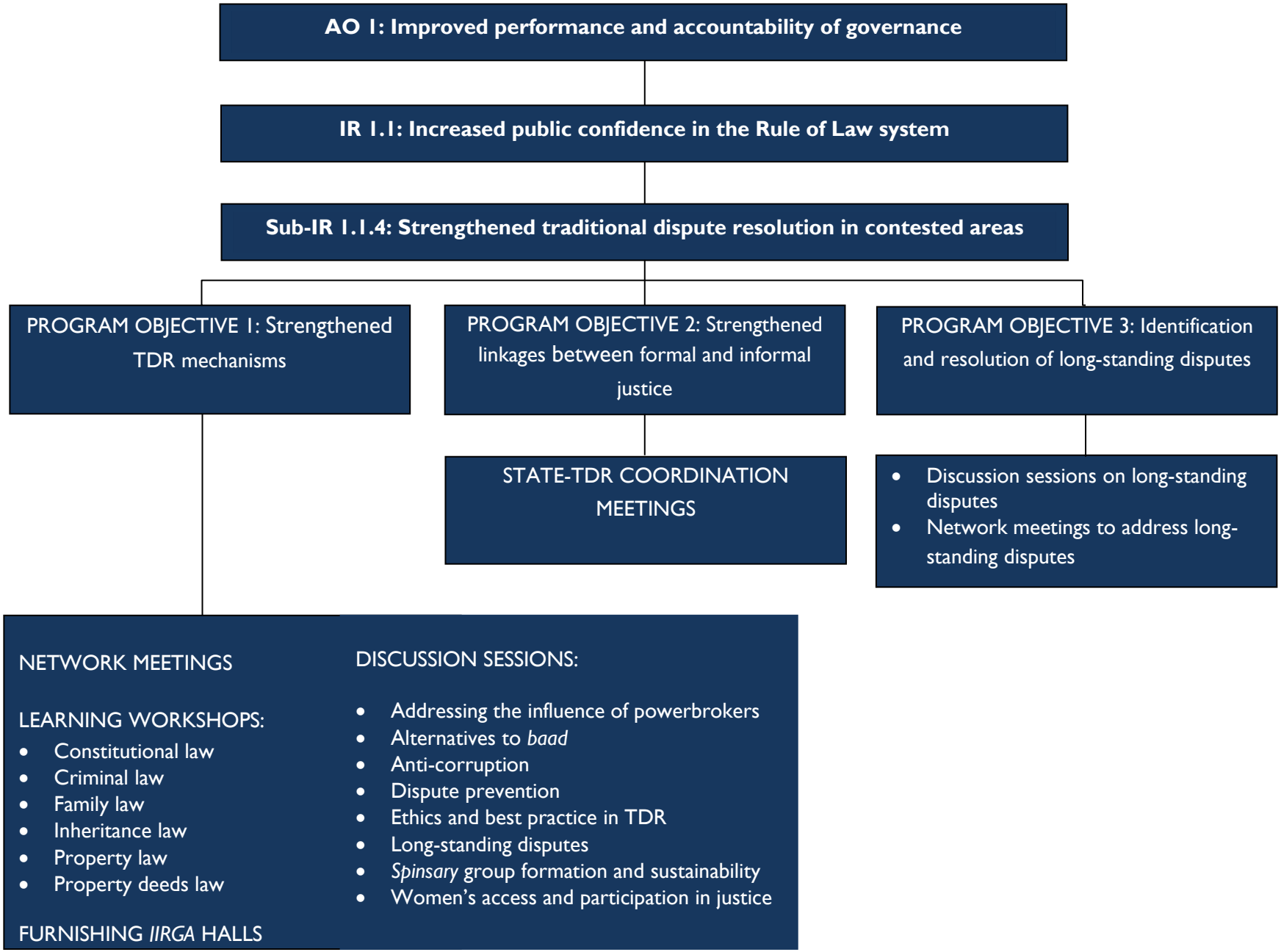
LOOKING AHEAD

In June, RLS-I staff plans to complete all enrollment and district assessment interviews for the Phase 3, Tranche 2 districts. In addition, RLS-I will complete introductory network meetings and conduct the first workshops of the RLS-I program for all Tranche 2 districts.

In the coming month, RLS-I plans to conduct more preparatory meetings with the two preferred bidders, PTRO and TLO, for implementing the RLS-I program in the north, including meetings focused on research, monitoring and evaluation, and outreach, pending USAID approval of their respective subcontracts.
In June, RLS-I plans to conduct 56 activities in 12 districts of Kandahar, Maydan Wardak, Laghman, Logar, and Nangarhar provinces.[8]

[8] See Appendix D for planned activities in June.

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



APPENDIX B: ACTIVITIES MAY

As RLS-I operates in high risk and exceedingly vulnerable areas, GPS coordinates are not included.

men's events (white)

women's events (shaded)

Province	District	Network meeting	Constitutional law	Criminal law	Family law	Inheritance law	Property law	Property deeds	Addressing influence of powerbrokers	Alternatives to *baad*	Anti corruption	Dispute prevention	Ethics & best practice in TDR	Long-standing disputes	*Spinsary* group	Women's access to justice	Coordination meeting	"G" indicates district has graduated from RLS-I program	TOTAL
		Learning workshops							Discussion Sessions										
Province	**District**	**East region**																	
Kunar	Chawkay																		
	Nurgal																	(G)	(G)
Laghman	Mihtarlam																	(G)	(G)
	Qarghayi																	(G)	(G)
Logar	Mohammad Agha																		
	Puli Alam																	(G)	(G)
Nangarhar	Acheen																		
	Bati Kot																	(G)	(G)
	Bihsud																	(G)	(G)
	Dara-i-Nur																	(G)	(G)
	Jalalabad municipality																	(G)	(G)
	Kama																	(G)	(G)
	Kuz Kunar																	(G)	(G)
	Rodat																	(G)	(G)
	Shinwar																	(G)	(G)
	Surkh Rod																	(G)	(G)
	TOTAL																		
Province	**District**	**South region**																	
Kandahar	Arghandab																	(G)	(G)
	Daman																	(G)	(G)
	Dand																		
	Kandahar municipality, *nahiya* 9																	(G)	(G)
	Panjwayi																		
	Spin Boldak																	(G)	(G)
	Zhari																		
Uruzgan	Chora	1			1	1											1	4	
	Dihrawud																	(G)	(G)
	Shahidi Hassas	1 1	3 1	1			3	3	1			1	1				2	15	3
	Tirin Kot																	(G)	(G)
Zabul	Qalat																	(G)	(G)
	Shahjoy																	(G)	(G)
	Tarnak Wa Jaldak																	(G)	(G)
	TOTAL	2 1	3 1	1	1	1	3	3	1			1	1				3	19	3

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	April – June 2013						Life of Project
Sub-IR:	1.1.4 Strengthened traditional dispute resolution and justice in contested areas	Apr	Progress	May	Progress	Jun	Progress	Target
Goal-level indicators								
1	# of districts graduating from RLS-I	14	On track	2	On track			20
2	Incidence of harmful practices (*baad*, forced marriage) reported by spinsary	-	N/A	-	N/A			50%
3	# of elders pledging to cease harmful TDR practices	2145	On track	191	On track			3300
Program Objective 1: Strengthened TDR Systems								
1.1	# of district/regional assessments completed	1	Below target	1	Below target			17
1.2	# elders graduating from RLS-I core program	355	On track	-	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	-	On track	-	N/A			6
1.8	% knowledge gain among recipients of outreach material	-	N/A	-	N/A			10%
1.9	# Women's Dispute Resolution Groups (*Spinsary*) established	3	Above target	0	On track			25
1.1	# disputes resolved by *Spinsary* Groups	45	On track	9	Below target			400
Program Objective 2: Strengthened linkages between Formal and Informal Sectors								
2.1	% elders using RLS-I decision book after one month	-	N/A	-	N/A			30%
2.2	# of dispute resolutions recorded by elders	-	N/A	-	N/A			-
2.3	% elders registering decisions with government	-	N/A	-	N/A			40%
2.4	# of resolutions registered with district institution	-	N/A	-	N/A			-
2.5	# of TDR decisions recorded with Huqooq	-	N/A	-	N/A			-
2.6	# of linkages assessments completed	2	On track	3	N/A			17
Program Objective 3: Develop approaches that successfully resolve long-term intractable disputes								
3.1	# of long standing and intractable disputes identified	7	Above target	0	On track			40
3.2	# of long standing and intractable disputes resolved in intervention districts	0	On track	0	On track			15

APPENDIX D: PLANNED A CTIVITIES – NEXT MONTH: JUNE

As RLS-I operates in high risk and exceedingly vulnerable areas, GPS coordinates are not included.

men's events (white)

women's events (shaded)

		Network meeting		Constitutional law		Criminal law		Family law		Inheritance law		Property law		Property deeds		Addressing influence of powerbrokers		Alternatives to *baad*		Anti corruption		Dispute prevention		Ethics & best practice in TDR		Long-standing disputes		*Spinsary* group		Women's access to justice		Coordination meeting		"G" indicates district has graduated from RLS-I program	
				Learning workshops												Discussion Sessions																		TOTAL	
Province	**District**	**Phase 3 - Tranche 2 districts**																																	
Maydan Wardak	Nirkh																																		
Laghman	Alishing	1	1					2	2																							1		4	3
Nangarhar	Goshta	1	1					2	2																							1		4	3
	Khogayani	1	1																													1		2	1
	Nazyan	1	1																													1		2	1
	Spin Ghar	1	1						1																									1	2
Kandahar	Kandahar municipality, *nahiya* 5	1	1					2	2																			1				1		4	4
	Maywand	1	1					2	2																			1				1		4	4
	Spin Boldak	1	1					1	1																									2	2
	Takhta Pul	1	2					2	2																									3	4
	TOTAL	9	10					11	12																			2				6		26	24
Province	**District**	**Phase 3 - Tranche 1 maintenance districts**																																	
Nangarhar	Acheen																																		
Kunar	Chawkay																																		
Logar	Mohammad Agha							1																				1						1	1
Kandahar	Panjwayi						1							1																				1	1
	Zhari							1																				1						1	1
Uruzgan	Chora																																		
	Shahidi Hassas																																		
	TOTAL						1	2						1														2						3	3

GLOSSARY

alem (pl. *ulema*)	religious scholar, considered to be more knowledgeable about *Shari'ah* than most *mullayan*
baad	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
badal	Exchange marriage performed between families or tribes to alleviate tensions or relieve the financial burden of *walwar*
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
hadith	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 *Qur'an*
haq-ullah	a concept of *Shari'ah* 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)
haq-ul abd	a concept of *Shari'ah* 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 individually
huqooq	Ministry of Justice 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
islah	(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 *Huqooq* district offices, the term refers to the category in the *Huqooq* offices' record-keeping system for registering TDR decisions
jirga (pl. *jirgee*)	*ad hoc* assembly of tribal elders convened to make specific decisions or resolve a specific dispute by consensus
jirgamar (pl. *jirgamaran)*	member of a *jirga*

khan (pl. *khanan*)	a member of the wealthy, land-owning class, influential in the community
machalgha	a deposit required from the disputants prior to the commencement of a *jirga* to ensure compliance with its decision
maher	*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*
malik (pl. malikan)	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.
manteqa	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.
maraka (pl. *marakee*):	Currently, often used interchangeably with the term *jirga*, 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
mawlawi (pl. *mawlawiyan*)	Highly qualified Sunni Muslim religious leader, usually with a more extensive religious education than a *mullah*.
mudir-e-huqooq	*Huqooq* office director
mullah (pl. *mullayan*)	local religious leader
nahiya (pl. *nawahi*)	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
Shari'ah	legal precepts found in the Holy *Qur'an* and the *Hadith*; 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