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MONTHLY REPORT, October 2013

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

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



Discussion session on alternatives to baad in Zhari (Kandahar) - October 2013

October 2013

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

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INTRODUCTION

USAID's Rule of Law Stabilization Program – Informal Component (RLS-I) aims to enhance access to fair, transparent, and accountable justice for men, women, and children by (1) improving and strengthening the traditional dispute resolution system, (2) bolstering collaboration between the informal and formal justice systems, and (3) supporting cooperation for the resolution of longstanding disputes¹.

RLS-I strives to instill permanent cultural shifts in support of these objectives through a combination of increased awareness, self-initiated solutions, and mutual support and accountability by and between all stakeholders. To ensure the appropriateness of its programming, RLS-I assesses the strengths and weaknesses of the local justice environment in each new district prior to commencing activities. RLS-I then engages a geographically and tribally representative group of approximately 250 respected male and female elders and other public and religious leaders in legal awareness and solutions-based programming. RLS-I's 12-month district intervention consists of a six-month, 50 activity-day **core program** of coalition-building **network meetings**, legal education **workshops**, solutions-based **discussion sessions**, and formal-informal justice protocol **coordination meetings**. The core program is followed by six months of **maintenance** activity comprised, as needed, of ad hoc offerings of individual core program components. Parallel **women's programming**, including the formation of women dispute resolution groups, or **spinsary groups**, and women's rights education programs for male and female participants empowers women to exercise their legal rights and encourages greater female participation in dispute resolution processes. The program also includes an extensive **public outreach** aspect and a robust **monitoring and evaluation** component. Public **outreach** campaigns reinforce RLS-I messaging and create public demand for improved justice practices. A training-of-trainers (ToT) for select community members equips community **legal awareness mentors** to continue disseminating RLS-I lessons independently, demonstrating a clear commitment by local stakeholders to sustain the learning component of RLS-I.

RLS-I ACTIVITIES - OCTOBER

RLS-I Program Participation				
Events Summary	Events	Male Participants	Female Participants	Total Participants
Network Meetings	1	103	-	103
Workshops	92	2605	1667	4272
Discussion Sessions	50	592	997	1589
Coordination Meetings	8	237	-	237
TOTAL	151	3537	2664	6201

In October, RLS-I continued core programming in 17 existing districts, and conducted maintenance events in five districts, as detailed in the regional summaries below. This brings the number of RLS-I

¹ The relationship between the USAID/Afghanistan Assistance Objective (AO) 1 - Improved performance and accountability of governance; Intermediate Result (IR) 1.1 - Increased public confidence in the Rule of Law system; and Sub-IR 1.1.4 - Strengthened traditional dispute resolution in contested areas and RLS-I's program objectives and activities are attached as Annex A: USAID/Afghanistan Results Framework for RLS-I.



active districts to 22 and a total of 48 districts for the life of the project. RLS-I mentored The Liaison Office (TLO) and the Peace Training and Research Organization (PTRO) – RLS-I subcontractors implementing RLS-I’s program in the North – to implement RLS-I core programming in Baghlan, Takhar, and Badakhshan provinces. TLO developed and conducted an outreach workshop designed to promote legal awareness and justice through religious community leaders.

The East team in Jalalabad completed Training-of-Trainers (ToT) for volunteer community legal awareness mentors during the month of October. Similar ToT efforts also continued in the South. RLS-I furnished jirga halls to serve as neutral venues for dispute resolution in Spin Ghar and Acheen districts (Nangarhar).

The RLS-I outreach team continued producing and airing radio/TV talk shows on Kandahar National Radio and Television (KNRT). The “Jirga and Justice” programs are being aired monthly through December 2013 with a new topic presented each month. In addition to the “Jirga and Justice” programs, RLS-I continued to broadcast previously produced radio talk shows and animated sketches on various topics, including alternatives to baad, inheritance and family rights, and the role of women in TDR. RLS-I also coordinated the production and performance of a theatre play centered on encouraging women to take their disputes to jirgas. The theater production was performed in Zhari and Panjwayi districts (both in Kandahar). RLS-I is also continuing to supported PTRO and TLO with their respective outreach activities in the North.

In October, RLS-I M&E field staff monitored activities conducted in the East, South and North (by subcontractors PTRO and TLO). Regarding implementation of RLS-I activities in the North by PTRO and TLO, RLS-I hired and trained field event monitors from Baghlani Jadid, Kunduz, Farkhar and Fayzabad to monitor at least 50% of the events conducted and to deliver detailed reports about the events.

Security remained an increasing concern. RLS-I determined that the direct threat to programming in Spin Ghar as reported last month posed an unacceptable risk to RLS-I female team members. Consequently, RLS-I indefinitely cancelled all women’s programming in Spin Ghar district of Nangarhar. Other regions have been impacted by the deteriorating security situation in the lead up to the elections scheduled for April 2014. RLS-I, however, remains on track for completion of all component programming in early December.

East Region (Nangarhar, Laghman, Kunar, Maydan Wardak, and Logar Provinces)

RLS-I Program Participation - East Region				
Events Summary	Events	Male Participants	Female Participants	Total Participants
Network Meetings	1	103	-	103
Workshops	40	1420	534	1954
Discussion Sessions	17	240	325	565
Coordination Meetings	3	88	-	88
TOTAL	61	1851	859	2710

Overview

In October, RLS-I's regional office in Jalalabad culminated the bulk of its core programming in Nazyan, Goshta, Khogayani, and Spin Ghar (all in Nangarhar), and Alishing (Laghman). This included legal education, formal-informal justice linkage efforts, and a follow-on coalition-building provincial networking meeting that addressed corruption. The team also continued maintenance work in Acheen (Nangarhar), and Chawkay (Kunar). The Kabul-based team continued working toward completion of core programming in Nirkh and Maydan Shahr (Maydan Wardak province).



Provincial network meeting, all districts of Nangarhar, 29 October 2013

Additionally, the team conducted maintenance activities in Mohammad Agha (Logar) to encourage participants to remain active in applying RLS-I core program lessons.

In the East, RLS-I completed training volunteer community legal awareness mentors. A total of 55 mentors have been trained in comprehensive TOT courses, the results of which can be found below in the M&E evaluation summary. RLS-I monitored and provided feedback to one female mentor who voluntarily conducted inheritance law training for 16 women in Surkh Rod district of Nangarhar. The team furnished two additional jirga halls in Spin Ghar and Acheen districts so that people in these communities have access to a neutral venue for male and female dispute resolution proceedings. Both halls will be furnished with legal libraries and signed elder pledges will be prominently displayed to demonstrate their commitment to adhere to ethical/legal dispute resolution practice. The women's team assisted the monitoring and evaluation team in surveying 20 women's dispute resolution groups, or spinsary groups, garnering important data on their successes and challenges in resolving or preventing disputes. One encouraging finding is that many women attributed lower rates of dispute resolution to the fact fewer disputes arose; explaining that greater awareness of rights and more respectful interpersonal behavior within households, between neighbors, and in the broader community have reduced the incidence of disputes.

Highlights

Elders apply alternatives to baad

State-TDR discussion sessions begin with a reflection on actions participants have taken to fulfill the commitments they made in previous meetings. This step is intended to remind participants of those commitments and to facilitate a reflection on challenges, lessons learned, etc. Often, participants report successes. One such success this month involved a Nazyan district elder, Malik Paimir, who described his successful application of RLS-I's family law teaching on consent to marriage. According to Paimir, RLS-I participants recently intervened to prevent the marriage of two girls promised in baad ten years earlier as resolution of a serious murder dispute. "The tribal elders of our district have attended RLS-I's learning workshops. **We have learned that the practice of baad in dispute resolution is not compatible with Islamic principles [or Afghan law] and that it is an inhumane act and should be**

avoided. They [the girls] have been rescued and we will consider money instead of the girls [to resolve the dispute,” stated Paimir. Another elder, Qari Abdullah, said that jirga members in his area had also eliminated baad in their jirgas.

Warlords face honest opposition from committed elders

Sayed Alam, an elder from Nazyan, explained that he pledged to reduce the corrupting influence of powerbrokers in justice processes and society generally while attending a powerbrokers discussion at a state-TDR coordination meeting. Mr Alam and a fellow local elder worked to free a man held hostage and tortured by a local warlord for four months over a money dispute. The elders are also attempting to resolve the underlying dispute. Another elder explained that **participants from his area regularly share RLS-I legal information with family and community members and work to apply it in their decision making.** A third RLS-I trained elder enthusiastically reported that elders from his area no longer misuse disputant deposits (machalgha), but rather return the funds when disputes have been resolved.

Judge encourages elders to report corruption

A spirited state-TDR coordination meeting discussion between Maydan Shahr district (Maydan Wardak province) elders and officials provided the forum for identifying impediments to better formal-informal justice sector collaboration in improving access to justice. With the elders focusing heavily on corruption in the formal system as a primary deterrent to improved collaboration, a judge, Jamaluddin, retorted that corruption is also common in the jirga system. The judge asked elders to respect jurisdiction by, for example, forgoing requests to release the convicted. At the same time, he invited elders to expose and report corrupt formal justice actors. "I think it would be real coordination between the people and government if you could show us those government people who accept bribes in order that we submit them to justice ... Tell people to not offer bribes to government’s officials ... you should report [the officials'] names to the police and media. They should go to jail. They defame the government."



Inheritance law workshop, Goshta (Nangarhar), 1-2 October 2013

South Region (Kandahar and Zabul Provinces)

RLS-I Program Participation - South Region				
Events Summary	Events	Male Participants	Female Participants	Total Participants
Network Meetings	-	-	-	-
Workshops	30	818	473	1291
Discussion Sessions	24	254	445	699
Coordination Meetings	2	59	-	59
TOTAL	56	1131	918	2049

Overview

During October, the South team held core programming in the Kandahar districts of Arghandab, Maywand, Kandahar City Sub-District 5 (SD 5), Kandahar City Sub-District 8 (SD 8), Spin Boldak, and Takhta Pul, and Shinkay in Zabul province. Maintenance follow-up work was held in Panjwayi and Zhari.

The training-of-trainers program continued during the month with the second ToT session conducted for male elders of Arghandab, Dand, Daman, SD-9 (all in Kandahar), and graduate districts of Zabul province. The last female ToT session for the volunteers of Kandahar province is scheduled during November 2013. Kandahar volunteers who attended ToT programs have already conducted three workshops in their respective districts (Arghandab, Daman and Spin Boldak) to community members who were not part of the RLS-I program. In addition, three spinsky groups were established in Takhta Pul, Spin Boldak and SD-8 (all in Kandahar) and one in Shinkay (Zabul).

During the month of October, RLS-I met with the General Director of the Huqooq's office at the Ministry of Justice. The purpose of the meeting was to discuss sustaining RLS-I program efforts through local organizations. A similar meeting was held with the Director of Nangarhar University and the Deans of Law and Sharia faculties in Jalalabad. The latter meeting focused more on the role of the universities and how they could incorporate TDR aspects in their legal programs.

The RLS-I Gender Advisor met with the Director of Women's Affairs (DOWA) in Kandahar in preparation for the Women's

Coordination Meeting scheduled in November to strengthen ties between women working in formal and informal justice. The Gender

Advisor explained the RLS-I program objectives, and discussed how best to establish strong linkages between spinsky groups and the DOWA to enhance sustainability of RLS-I teachings. RLS-I was invited to participate in DOWA's monthly coordination meetings and to present RLS-I activities and objectives to the department and other partner organizations.

Additionally, the Gender Advisor conducted a gender workshop in the Kandahar office for eight male and six female staff members to strengthen awareness of basic concepts of gender equality and equity, to explain the difference between gender and sex, and to discuss how RLS-I can promote gender equity and diversity.



TV and radio talk show on family rights, Kandahar city, October, 2013

Highlights

Elders stand up against influential powerbrokers

Abdul Rahim Jan, a participant elder from Panjwayi, travelled to the RLS-I office in Kandahar to give an account of a dispute in which he ensured justice was served despite the involvement of influential powerbrokers. The dispute involved a man, Agha Mohammad, who had bought a house in Kandahar city three years ago. Despite adhering to the correct process at the time of sale – like offering the property to the parties with the right of first refusal – a party had now decided to claim his right years later. The claimant, a Popalzai tribesman, asked Agha Mohammad to take back his money and vacate the premises. When Agha Mohammad was called to a jirga with Shah Wali Karzai, a brother of the president, as well as the Head of Kandahar Provincial Council – both powerbrokers from the Popalzai tribe supporting the claimant, Agha Mohammad went to see RLS-I participant Abdul Rahim Jan, who he knew to be well-versed in Afghan law.

Abdul Rahim Jan assured Agha Mohammad that although the parties may be powerful, the rules of law must be heard, and he agreed to accompany Agha Mohammad to the dispute resolution meeting. The claimant felt safe in his belief that he had better connections, and acted arrogantly throughout the hearing. Abdul Rahim Jan told the claimant that he needed to calm down, that his tribal relations with the Karzai family and the Kandahar Provincial Council would not serve him in a dispute that would be resolved according to law, and that the deserving party would be granted his rights. Though initially some of the elders present tried to convince Agha Mohammad to relinquish his property, Abdul Rahim Jan explained that the claimant was given the opportunity to buy the house three years ago but had declined, and that he could not retroactively claim this right. **When the members of the jirga asked to see proof of such legal regulations, Abdul Rahim Jan produced the RLS-I workshop handouts regarding property law rights, and the jirga decided in Agha Mohammad's favor.**

Women garner tribal elders' support and access formal justice in a culturally appropriate manner

During RLS-I discussion sessions on women's access to justice and their role as justice actors, many women emphasized how difficult it is for women to access the formal justice system. Jamila, from Kandahar SD 5, explained that even though she lives in the District Center, it does not guarantee easier access to the formal system. "In my opinion, women's access to the formal system is minimal because if the dispute is centered on a woman, the male family members do not want her to go to a police station or a court. In many Afghan families going to these kinds of places is considered a shame. Male relatives will never like it when women go these places because the village people will ridicule those men. So, when we women face difficulties in our lives we cannot voice our problems (in the formal system) for these reasons."

Although Pashtana, a widow from Takhta Pul, is aware (from the RLS-I legal inheritance workshop) that she and her children are entitled to shares of her deceased husband's estate, but will not pursue her rights in the court unless she becomes destitute as a result of her in-laws refusing to provide support. "My husband left behind six children; five daughters and a younger son. My brother-in-law took my husband's taxi vehicle and agricultural land. He is always telling me to ask his permission to go outside the house, but he never once offered to help me financially or asked me whether I or my children need anything. And when I tried to discuss our shares in my husband's legacy, he just ignored

me. I have decided I will take my share and that of my children from him as soon as possible. If he will not give it to me, then I will go to the district and take my case to court.” Another participant understood Pashtana’s reluctance to seek justice through the formal system and explained, **“When women go to court, they are seen to undercut the man’s household rule as owner and controller. [W]hen a woman succeeds in court she may face threats of violence, beatings and murder.”**

Female participants in Maywand also discussed one of the more pervasive issues discouraging the use of the formal justice system. One woman commented, “If a dispute is referred to this system, the accused person must have a lot of wealth, and must be endorsed and have connections with top level government officials. Then his or her dispute will be resolved very quickly.” Though direct access to the formal system may be problematic for women, through RLS-I workshops and discussion sessions, women are empowered to pursue justice through the informal system, and to seek out more culturally acceptable ways to access the formal system – even if this means a multi-staged course of action. Simultaneously, male elders are coming to understand women’s rights and their own responsibility to the Islamic community in guaranteeing that women have access to justice.

RLS-I programing draws attention to the crucial importance of cultivating strong linkages between the informal and formal justice systems. Regular coordination meetings between community leaders and formal justice actors establish and enhance relationships that facilitate interactions and the increased awareness needed for women to receive justice, even if the informal system cannot always solve the case. Spinsary group members (trained by RLS-I) are often approached by women with disputes.



Spinsary group discussion, Arghandab (Kandahar)
31 October, 2013

Moreover, spinsary groups are equipped to recognize when a woman’s rights are being violated. In such cases, the women volunteers get involved and many times resolve the dispute themselves. When a specific case is a criminal matter or too complicated, spinsary group members will request local male elders to support them individually or hold a jirga. **One female community leader says, “So our spinsary group first shares the dispute with tribal elders and if they cannot solve it, then with their assistance the dispute is referred to the formal justice system for resolution.”**

At the village level, the RLS-I program is being appreciated for its culturally appropriate teachings. Zulikha, a female participant from Shinkay, says, “I took the materials of your workshop home and when my son returned from his school he saw these notes. He was really impressed and said these notes are really helpful and valuable. He had brought some friends home from school and he took them into the guest room and they started their own lesson according to these notes. These boys wished that all the women of our village would participate in the RLS-I workshops.” Rabia, a female participant from Maywand, describes how her male relatives appreciate the advice she is now able to provide. “My brother came to me and invited me for dinner. He told me that he planned to give our younger sister in exchange marriage (badal - exchange marriage performed between families or tribes

to alleviate tensions or relieve the financial burden of bride price). I talked to my father and learned he had agreed with this marriage. However, my sister did not consent to the marriage because the boy was addicted to heroin, and she did not want to marry someone with an addiction. **Then I sat with my father and my brother and explained about the negative results of exchange marriage. My father promptly agreed and told me that he did not know these points, so he prevented this marriage. My brother was disappointed, so after a few days I invited him to my house and again told him all of the disadvantages of exchange marriage. When he eventually understood he was very grateful and thanked me, and praised me a lot for saving our sister’s life.”**

North Region (Badakhshan, Baghlan, and Takhar Provinces)

RLS-I Program Participation - North Region				
Events Summary	Events	Male Participants	Female Participants	Total Participants
Network Meetings	-	-	-	-
Workshops	22	367	660	1027
Discussion Sessions	9	98	227	325
Coordination Meetings	3	90	-	90
TOTAL	34	555	887	1442

Overview

During the reporting period, RLS-I continued to mentor two subcontractors, The Liaison Office (TLO) and the Peace Training and Research Organization (PTRO), with implementation of RLS-I core programming in the North region - Baghlan, Takhar, and Badakhshan provinces. In addition, RLS-I worked with TLO and PTRO to develop their own unique events to advance RLS-I objectives such as PTRO’s conflict management workshops for men and women, and TLO’s promoting of legal awareness and justice through religious community leaders.

TLO

TLO conducted 13 events in Baghlani Jadid (Baghlan), including an outreach workshop about promoting legal awareness and justice through religious community leaders.

PTRO

PTRO conducted a total of 21 events in the two program districts of Farkhar (Takhar) and Fayzabad (Badakhshan).

Highlights

Women’s empowerment through rights awareness

During the month of October, both PTRO and TLO conducted a series of events for women. Workshops on constitutional law, criminal law, and discussion sessions on baad and women participation and access to justice, resonated with the female participants. Based on questions and feedback from the women, it is apparent that this new awareness of legal rights has motivated the participants to share information and to become more active in their communities to prevent rights violations. In response to the constitutional law workshop in Fayzabad a participant stated “**if I see**

that someone is not sending their daughter to school, I will go and discuss this with them. **Girls have the right to get an education and I will convince them to let their daughters get an education.**” A fellow participant named Begum noted that she now knows how to claim her right to access to healthcare. Similarly, during an access to justice discussion, female participants remarked that because women do not know their rights, they are unable to understand how to access them. As a consequence, many female participants vowed to share any information they learn with their families and communities. In areas where the RLS-I program attracts a lot participants who are teachers, they promise to share the information with their female students and fellow teachers. Women have also vowed to change their own behavior; following a discussion session, elder women, who are often involved in the process of arranging marriages, stated that they learned a lot about baad and now recognize that it is an illegal act. They committed to work hard to prevent such arrangements from happening in the future.



Criminal law workshop, Baghlani Jadid (Baghlan),
27 October, 2013

Elders buy into state-TDR cooperation through a better understanding of their role in dispute resolution

Following coordination meetings held in all three districts during the month of October, and from comments of elders after the constitutional and criminal workshops, it became evident that male participants – mostly elders who were initially suspicious of the role of the state in providing justice – had become more amenable to state-TDR cooperation. The meetings showed elders the responsibilities of the state and how they can play a constructive role in dispute resolution ***in coordination with formal justice actors***. Elders reaffirmed that “the jirgas do not have the authority of setting punishment and should not take any decision on Haq-ul-Allah related cases” and that “as jirgamaran, we have to make peace, but not punishment. The latter is the responsibility of the court.” Mawlawi Dastgir, a participant from Baghlani Jadid, explained that “as tribal elders we can interfere when a person is in police custody, but if he is proven a criminal in court, then elders cannot interfere to alter the court decision.” Another elder noted that in order to foster better collaboration with formal justice sector actors, they need to make decisions conforming to Afghan law. **“Most of the conflicts amongst people are resolved through jirgas, and when we are members of such jirgas we are also bound by the Afghan law. Therefore, we will not allow baad, as it is a crime under Afghan law and Islam.”** Some male participants expressed concern that the formal justice sector actors would push them out of the dispute resolution process. A statement from Malem Akbar, one of the participants from Baghlani Jadid, illustrates, however, that in certain regions a productive collaboration has already developed. “Some months ago, two people got into a conflict in our village. Their case went to the District Court where it was officially registered. The court called me yesterday and said the accused had been freed from charges based on Haq-ul-Allah, therefore now the elders should finish the Haq-ul-Abd aspects of the disputes in order to resolve the conflict completely.”

Outreach to promote legal awareness and justice through religious community leaders

During the reporting period, subcontractor TLO launched an outreach initiative through which religious community leaders are engaged to disseminate key legal awareness topics such as inheritance, the monopoly of the state to adjudicate criminal cases, the prohibition of baad and badal, as well as concrete stipulations of the marriage contract such as the necessity of maher and the un-Islamic nature of walwar. After a legal awareness workshop, which explained and clarified these points, the religious community leaders promised to include these messages into their Friday services. It is difficult to engage religious community leaders, as they are often wary of government involvement. A participating religious leader is relieved to find the RLS-I program free of propaganda. He stated, “We did not have complete information regarding this workshop previously and thought it was a government based workshop, but now we have recognized it as a neutral program and very beneficial to our society.” Once the workshop had been completed, a participant commented that after Friday prayers he will preach to people to prevent illegal deeds and assist the government to bring peace. Another commented, “This useful information will help us bring peace and stability to our society. Therefore, we will share this information with the community through speeches after prayers.” Overall, the legal awareness workshop is perceived as a valuable addition to the regular RLS-I program. By convincing religious community leaders of the benefits of the program for their communities, TLO anticipates an even larger turn-out for the next outreach workshops in November.

Outreach

Overview

In line with public demand, RLS-I further expanded its outreach efforts and collaboration with Kandahar provincial officials in the South region. As summarized in RLS-I monthly reports, the district governor has become increasingly appreciative of RLS-I programs, specifically the public legal awareness activities involving state radio and TV stations. Significantly, it was the district governor who explicitly requested RLS-I to inform the public about traditional dispute resolution mechanisms via radio and TV programs in Kandahar. RLS-I’s efforts in this sphere also supports capacity building of Kandahar’s state radio and television stations, another top priority for the district governor.



Community theatre on encouraging women to take their disputes to jirgas, Panjwayi (Kandahar), 27 October, 2013

In October RLS-I produced and aired its third (out of five) installment of the “Jirga and Justice” talk show. The “Jirga and Justice” programs address a new topic each month and will air monthly through December 2013. This month’s segment centered on family rights under Shari’ah and Afghan law, with a special focus on women’s marriage rights in TDR practices. During the 45-minute talk show, which aired in prime time, the moderator presented RLS-I program objectives and outreach goals in the province. Each of the four panelists answered various questions posed by the moderator and the in-studio audience, which consisted of approximately forty men, women and young adults.



Children in receive RLS-I illustrated booklets on the role of the jirga in land seizure situations, Dara-I-Nur (Nangarhar) October, 2013

The show was so well received that the station re-aired the program two additional times on television and four additional times on radio at no extra cost. RLS-I owns the show's content and is also rebroadcasting the programs on other radio and TV stations in Kandahar and Nangarhar.

In addition to "Jirga and Justice", RLS-I continued to broadcast the project's previously produced radio talk shows and animated sketches that address alternatives to baad, female participation in the dispute resolution process, and the relationship between the country's formal and informal justice systems. These radio talk shows and animations were

produced during Phase 1 of RLS-I, and sustained public interest in these issues provided the impetus for rebroadcasts in Phase III.

In October RLS-I continued community theater activities by facilitating the production and performance of a theater play about encouraging women to take their disputes to jirgas. The community theatre play, performed in both Zhari and Panjwayi districts (Kandahar), encouraged audiences to consider how female participation in the community dispute resolution process will help prevent human rights violations. RLS-I has agreed with Kandahar Film and Theatre to produce and present five local theatre pieces (performed twice) on traditional dispute resolution topics in remote areas such as Zhari and Panjwayi. These popular traveling theater productions reach deep into districts and rural villages to inform citizens of their basic legal rights. The theatre shows in Zhari and Panjwayi engaged local children as well as adults, many of whom also took pictures and videos with their personal mobile phones and cameras to share with family members in the home.

RLS-I carried out its fourth distribution campaign in five selected districts of Kandahar, Nangarhar and Baghlan by distributing 130,000 illustrated booklets covering topics such as the role of the jirga in land seizure situations, alternatives to baad, and encouraging women to take their disputes to jirgas. RLS-I coordinated the distribution campaign with the local Community Cultural Centers (CCCs) and reached many villages of Zhari, Panjwayi (both in Kandahar), Shinwar and Dara-I-Nur (both in Nangarhar) and Dahana-I-Ghuri (Baghlan).

Senior RLS-I outreach staff coordinated with PTRO and TLO on outreach activities in the North, including how to promote legal awareness and justice through religious community leaders. PTRO and TLO aired radio programs and distributed printed materials on TDR topics. RLS-I distributed 1000 illustrated booklets on the role of the jirga in land seizure situations, reached remote villages of Fayzabad (Badakhshan) and Farkhar (Takhar).

RLS-I's Gender Advisor and the Senior Program Advisor met with representatives of the Afghan's Women Network (AWN) to explain RLS-I's program and objectives, establish linkages, and identify areas for collaboration to create sustainability. RLS-I explained the role of spinsky groups and RLS-

I’s commitment to human rights and the Elimination of Violence Against Women law. The Deputy Director of AWN was pleased with the meeting, and explained that there previously had been a negative impression regarding RLS-I’s involvement in the informal system. She concluded that “informal justice can be a good alternative for women’s access to justice, especially in rural areas.” AWN’s Deputy Director also insisted that RLS-I participate at AWN’s coordination meeting in November that will involve 45 member organizations.

MONITORING AND EVALUATION

Event monitoring

During the reporting period, M&E field staff monitored 18 events – eight in the East and ten in the South. Events in the East were generally well-conducted. In the South, field monitoring reports indicated the occasional struggle of participants to keep to the agendas and of teachers to deliver the full lecture in the allotted time. Elders sometimes request to be released from the event after lunch. Many require motivation from RLS-I staff to be attentive throughout the activity. In the North, short term staff monitored at least 50% of activities and reported occasional issues with low attendance and keeping to the agenda. Staff in the East also monitored four jirga halls that had been established in Phases 1 and 2 in preparation for delivery of library materials.

RLS-I continued its effort to closely monitor the implementation of RLS-I activities conducted in the North through the subcontractors PTRO and TLO. RLS-I hired and trained two male and three female field event monitors from Baghlani Jadid, Kunduz, Farkhar and Fayzabad to monitor and deliver reports on at least 50% of the events conducted. RLS-I used these reports to give feedback and mentor the subcontractors’ implementation efforts. With additional monitoring provided by RLS-I, a total of 82% of all events (28 out of 34) were monitored during October.

Spinsary group creation and dispute mediation

During the reporting period, RLS-I created 17 spinsary groups – seven in the South, three in the East, and seven in the North. From previously established spinsary groups, RLS-I documented a total of 41 *spinsary* decisions – 27 decisions across 11 districts in the East, and 14 decisions across five districts in the South. The following table identifies the spinsary decisions by type:

Case type	Case Sub-type	Count	Percent
Civil	Family	25	61%
Civil	Inheritance	4	10%
Criminal	Domestic violence	3	7%
Civil	Property	2	5%
Criminal	Physical assault	2	5%
Civil	Marriage expenditure	1	2%
Civil	Crops	1	2%
Civil	Dower	1	2%
Civil	Exchange Marriage	1	2%
Civil	Livestock / Crops	1	2%
TOTAL:		41	100%

One example particularly highlights the good work of spinsary group members in their communities. There was an RLS-I participant from Bihsud district (a Phase 1 district in Nangarhar province) whose parents had passed away some years before. She witnessed her husband receive an inheritance share when his father died and wondered why she had not received any inheritance from her parents. Then she attended the RLS-I workshop on inheritance and was convinced that she had a rightful share. She went to an Islamic scholar and asked him to confirm her right. Unfortunately, he had been bribed by her brothers and claimed that she did not have any rightful inheritance. For two years she took no action but never forgot what she had learned in the RLS-I workshop. Finally she summoned the courage to ask another Mullah for guidance. The Mullah confirmed that what the RLS-I workshop had taught her was correct. She then went to the Malik of her village to take her portion from her cousins through a jirga. Three attempts at mediation failed, as her cousins repeatedly refused to give her any portion. The participant then went to an RLS-I spinsary member for support. The spinsary member visited the mother of the recalcitrant cousins, and informed her that the RLS-I participant had the right to a portion in the property of her father, and that if the cousins did not accept the jirga decision then she would fight for her rights in the district court. Faced with increasing pressure from the community and the threat of legal action, the cousins finally accepted the jirga decision. This example highlights how spinsary members can sway local village dynamics in support of fair and legal outcomes to village disputes.

Longstanding disputes

During the reporting period, RLS-I elders resolved a longstanding dispute in Spin Ghar district (Nangarhar province). However, as details are pending, full reporting of this resolution will go in the November monthly report.

Outreach monitoring

Short term field monitors participated in the legal awareness outreach campaign in Dara-I-Nur district (Nangarhar province) in order to ascertain how well materials were distributed. The household distribution of materials was found to be good, with household members interested in receiving new material. Some respondents also offered feedback on the material itself. For example, some suggested that the illustrated booklets might use actual pictures rather than cartoon pictures, and that some booklets might be targeted to issues specific to the districts in which they are distributed. RLS-I plans to conduct an endline survey of recipients of outreach materials in December in order to measure gains in knowledge and attitude as a result of the RLS-I legal literacy materials.

RLS-I linkage assessments and decision book tracking

During the reporting period, RLS-I conducted an endline justice linkage assessment in Dara-i-Nur (Nangarhar) and tracked decision books in Zhari (Kandahar). In the linkage assessment, formal justice actors commended RLS-I and the behavior of elders in their district. In the previous months, the district had received 13 cases and referred two back to village elders for resolution. **According to the deputy governor of the district, “We can easily negotiate the matters of a dispute with elders since they understand many legal rights.”** Similarly, the district judge commented that “As compared to previous years, we see a change in the dispute rate. The number of disputes is reduced

and elders try their best to prevent disputes in their villages.” The Huqooq officer also mentioned that the good actions of the elders reduced the number of decisions brought to the government. He also added that due to raised legal awareness “people no longer bring spurious claims over the property of others. The people understand their rights and the rights of others.”

In Zhari, meanwhile, RLS-I was able to track decision book usage of 17 elders out of the total of 24 who had received the decision books. It was found that seven elders (41% of the sample) had documented an RLS-I decision in previous months. Of the seven elders who had documented a decision, six (86%) had also registered the decision with a government entity. Both statistics exceed RLS-I performance targets. The summary table is as follows:

Province	District	Elders sampled	Percent of Elders who documented decision	Disputes documented	Percent of Elders who also registered decision	Disputes registered
Kandahar	Zhari	17	41%	14	86%	12

CHALLENGES

Direct threats to RLS-I female staff continued to pose challenges to programming, particularly in Spin Ghar district, which resulted in several postponements. After extensive discussions with elders, who in turn liaised with insurgents, RLS-I determined that the direct threat to RLS-I’s female members posed an unacceptable risk. As such, RLS-I cancelled all women's programming in Spin Ghar district of Nangarhar. Both elders and insurgents who do not oppose RLS-I engagement with women advised that threats from other groups were serious. RLS-I will continue to monitor the situation for future openings to recommence programming.

Women's attendance rates were down during the month largely due to cancellation of women's programming in Spin Ghar district, and the previous completion of women's legal education workshops.

In Mohammad Agha district (Logar), only 21 people attended the follow-up coordination meeting due to security concerns. The elders from remote areas reported that they are often followed by insurgents who seek to determine their affiliation with the government or foreigners.

In the South, security also remains a severe challenge. As the elections draws near, program participants are fearful to travel at specific predictable times on particular days to participate in the RLS-I programs; a tendency that has resulted in late attendance to events and lower participation in comparison to previous months. Panjwayi and Zhari residents face particular challenges upon entering the district centers as the region is split between government controlled areas and those controlled by insurgents.

LOOKING AHEAD

RLS-I anticipates conducting some **159** core programming and maintenance activities in the East, South, and North during the month of November. Having initiated activity in all new districts, RLS-I in November will continue its rigorous schedule of education and action-oriented activities to stay on track for completing all programming activities by early December. RLS-I East will complete makeup

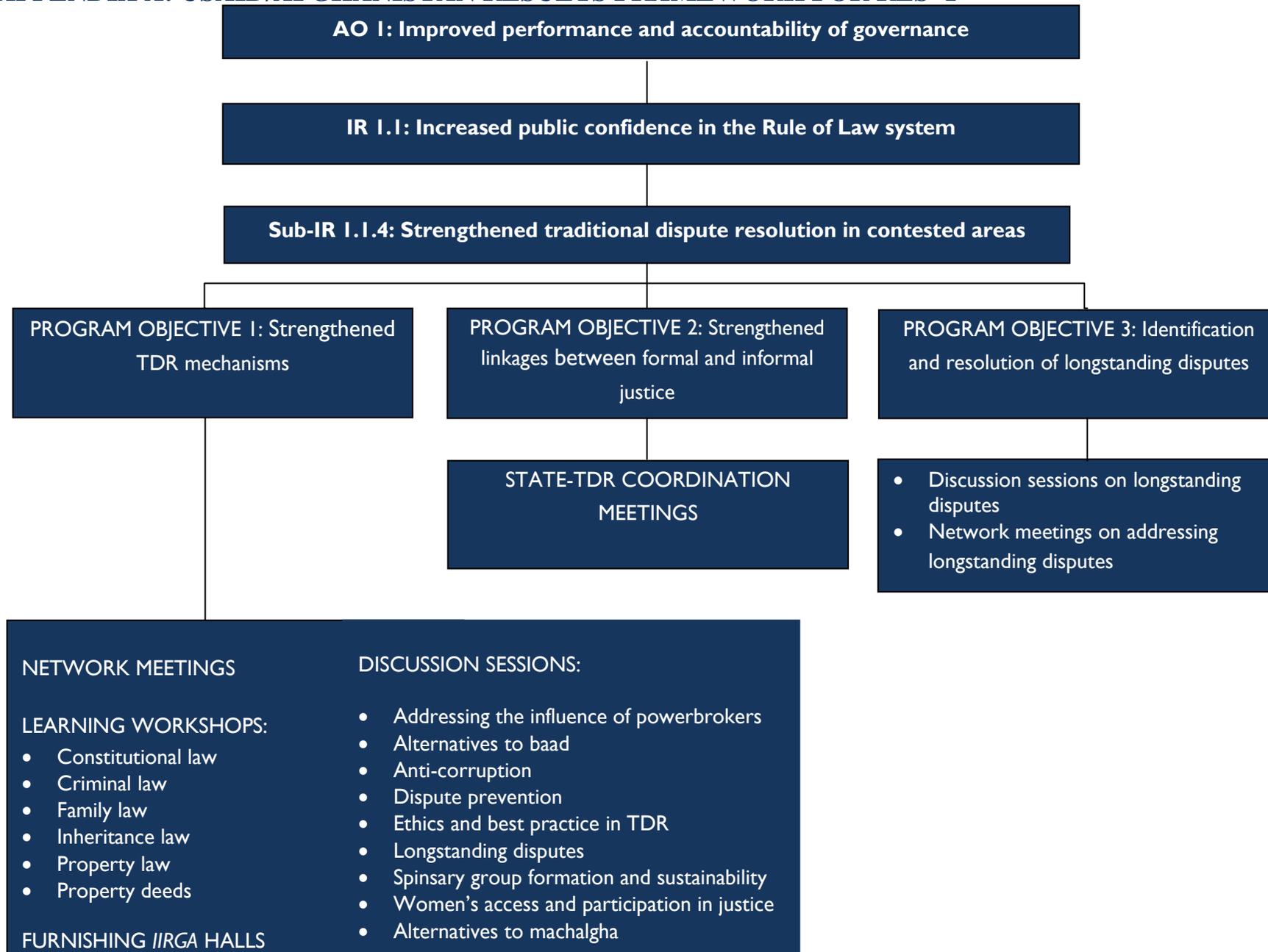


activities in all Nangarhar, Laghman, and Kunar districts in preparation for capstone and handover district network meetings, and possibly a follow-on regional network meeting on longstanding disputes, in early December. The Kabul team will complete core programming in Maydan Wardak and makeup activities as time permits. RLS-I will also conduct an issue-based regional network meeting that will bring together elder volunteers from Helmand, Uruzgan, Kandahar and Zabul to discuss the major long-standing disputes in the South and find ways to solve these disputes. The South team has also developed a new female activity that will link the spinsary groups with the Director of Women's Affairs (DoWA) and other relevant state actors and civil society organizations in Kandahar. The women's coordination meeting is scheduled on November 17th.

RLS-I's Afghan partners will continue RLS-I core programming in the three districts in the North; TLO in Baghlani Jadid (Baghlan province), and PTRO in Farkhar (Takhar) and Fayzabad (Badakhshan).

In November RLS-I will produce and air its fourth (out of five) instalment of the "Jirga and Justice" talk show. RLS-I will continue to broadcast the project's previously produced radio talk shows and animated sketches that address alternatives to baad, female participation in the dispute resolution process, and the relationship between the country's formal and informal justice systems. RLS-I will continue its implementation of theatre shows and perform its fourth community theatre play in Zhari and Panjwayi districts about role of the jirga in land seizure situations. RLS-I will conduct legal research training for the staff of the MoJ's *Huqooq* Department to build their capacity on extracting information from legal databases and developing legal outreach materials in simple legal language to make sure it is accessible for the general public. RLS-I will complete development of its fifth and final illustrated booklet about walwar and its negative consequences and send it to the printer to be ready for distribution in the first week of December.

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



APPENDIX B: ACTIVITIES OCTOBER

<p>As RLS-I operates in high risk and exceedingly vulnerable areas, GPS coordinates are not included.</p> <p>men's events (white) <input type="checkbox"/></p> <p>women's events (shaded) <input type="checkbox"/></p>		Network meeting	Constitutional law	Criminal law	Family law	Inheritance law	Property law	Property deeds	Addressing influence of powerbrokers	Alternatives to <i>baad</i>	Addressing corruption	Dispute prevention	Ethics & best practice in TDR	Long-standing disputes	Spinsary group	Women's access to justice	Coordination meeting	Promoting legal awareness & justice > religious leaders	TOTAL 150									
		Legal Education Workshops								Discussion Sessions																		
Province	District	Phase 3 - Tranche 2 districts																										
Maydan	Maydan Shahr			2	1	2							1	1		1				3	5							
Wardak	Nirakh			2	2	2			2				1			1		1		6	5							
Laghman	Alishing								2	2			1				1			5	1							
Nangarhar	Goshta			1	1			1	2	2			1				1			5	4							
	Khogayani	1							3	3			1				1			8	1							
	Nazyan								2	2			1				1			5	1							
	Spin Ghar								2	2							1	1		6								
Kandahar	Arghandab														1	1				1	1							
	Kandahar City SD 5								2		1	1					1	1		4	2							
	Kandahar City SD 8			1	1	1	1	2	2	1	1			1						6	6							
	Maywand								2	1					1			1		4	1							
	Spin Boldak			1				1				1		2		1		1		3	4							
	Takhta Pul									1		1	1	1		1		1		3	3							
Zabul	Shinkay			1	1	2	2	1	1	1	1					1		1		7	6							
Baghlan	Baghlani Jadid (TLO)			2	2	2	2					1	1				1		1	1	7	6						
Badakhshan	Fayzabad (PTRO)			1	2	2	2								1	1		1	1	5	6							
Takhar	Farkhar (PTRO)			2	2	2									1	1		1	1	4	6							
TOTAL		1		10	10	11	14	3	3	3	5	13	15		4	3	3	8	1	4	10	6	5	7	1	82	58	
Province	District	Phase 3 - Tranche 1 maintenance districts																										
Nangarhar	Acheen				1																1						1	
Kunar	Chawkay				1												1					1					1	1
Logar	Mohammad Agha																					1					1	1
Kandahar	Panjwayi										1			1								1					1	1
	Zhari										2			1													2	1
TOTAL					2						2	1	1		1						2			1			6	4

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	July - September 2013						Life of Project
Sub-IR:	I.1.4 Strengthened traditional dispute resolution and justice in contested areas	Oct	Progress	Nov	Progress	Dec	Progress	Target
Goal-level indicators								
1	# of districts graduating from RLS-I	-	N/A					20
2	Incidence of harmful practices (<i>baad</i> , forced marriage) reported by spinsary	-	N/A					50%
3	# of elders pledging to cease harmful TDR practices	-	N/A					4235
Program Objective 1: Strengthened TDR Systems								
I.1	# of district/regional assessments completed	0	Below target					17
I.2	# elders graduating from RLS-I core program	-	N/A					1570
I.3	% elders responding change in community adjudication	-	N/A					25%
I.4	% of elders reporting successful application of any element of RLS-I training	-	N/A					15%
I.5	Change in disputant assessment (Procedural justice, subversion, equity)	-	N/A					5%
I.6	% knowledge gain in learning workshop content	24%	Above target					20%
I.7	# of public advocacy campaigns on human rights supported by USG	-	N/A					6
I.8	% knowledge gain among recipients of outreach material	-	N/A					10%
I.9	# Women's Dispute Resolution Groups (<i>Spinsary</i>) established	17	Above target					49
I.1	# disputes resolved by <i>Spinsary</i> Groups	41	Below target					505
Program Objective 2: Strengthened linkages between Formal and Informal Sectors								
2.1	% elders using RLS-I decision book after one month	41%	Above target					30%
2.2	# of dispute resolutions recorded by elders	14	N/A					-
2.3	% elders registering decisions with government	86%	Above target					40%
2.4	# of resolutions registered with district institution	12	N/A					-
2.5	# of TDR decisions recorded with Huqooq	-	N/A					-
2.6	# of linkages assessments completed	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	0	On track					64
3.2	# of long standing and intractable disputes resolved in intervention districts	0	On track					24

APPENDIX D: PLANNED ACTIVITIES: NOVEMBER

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	Conflict management workshop	Addressing influence of powerbrokers	Alternatives to baad	Addressing corruption	Addressing domestic violence	Dispute prevention	Promoting legal awareness & justice > religious leaders	Long-standing disputes	Spinsary group	Women's access to justice	Coordination meeting	TOTAL										
men's events (white) <input type="checkbox"/>		Legal Education Workshops									Discussion Sessions									159										
women's events (shaded) <input type="checkbox"/>																														
Province	District	Phase 3 - Tranche 2 districts																												
Maydan	Maydan Shahr	1	1	2			2	2		1				1		1	1	1		9	4									
Wardak	Nirakh						2	2						1		1	1			5	2									
Laghman	Alishing	1	2														2		1	2	4									
Nangarhar	Goshta	2															2		1	9	4									
	Khogayani	1	1	1	1	1	1										1		1	6	2									
	Nazyan	1															2		1	1	3									
	Spin Ghar	1	1	1		1	1	1											1	7										
Kandahar	Arghandab	1	1																1	2	1									
	Kandahar City SD 5			1															1	2										
	Kandahar City SD 8	1	1	1		1	1	2	2		1			2			1		1	8	7									
	Maywand							1									1		1	2	1									
	Spin Boldak		1			1				1	1			1			1		1	5	2									
	Takhta Pul				1	1				1				1				1		2	3									
Zabul	Shinkay		1	1	1	1	2	2		1				1			1	1	1	7	6									
Baghlan	Baghlani Jadid (TLO)	1	1				2	2							1	1	1	1	1	9	3									
Badakhshan	Fayzabad (PTRO)						2	2	1	1	1	1	1	1			1	1		9	4									
Takhar	Farkhar (PTRO)						2	2	1	1	1	1	1	1			1	1		9	4									
TOTAL		6	8	5	3	5	2	2	4	2	16	16	2	2	5	1	2	2	2	2	9	1	3	16	4	3	12	1	94	50
Province	District	Phase 3 - Tranche 1 maintenance districts																												
Nangarhar	Acheen	1			1															2										
Kunar	Chawkay	1	2																	1	2									
Logar	Mohammad Agha	1					1										1			1	2									
	Puli Alam																1				1									
Kandahar	Panjwayi	1	1																1	2	1									
	Zhari	1	1																1	2	1									
TOTAL		4	5				1										2			2	8	7								

APPENDIX E: PROGRAM REVIEW

Program Structure and Scope

RLS-I's core program, which runs about six months, teaches participants a variety of legal topics relevant to dispute prevention and resolution via six courses (35-40 hours of training in all). The core program reaches approximately 125 male participants per district, with a target of at least 75 attending all six courses. The core program also provides four legal education workshops for approximately 125 women²; eight discussion sessions on pressing issues³; three state-TDR protocol coordination meetings⁴; three spinary group meetings⁵; and four network meetings⁶. In total, these events amount to approximately 50 days of activities.

The core program is followed by a maintenance period that provides an average of 15 needs-based activities⁷ over a six month period to fill workshop attendance gaps and address other lingering needs that exist following the core programming. RLS-I's district intervention culminates with a handover network meeting, allowing participants to chart and commit to specific plans for carrying forward RLS-I objectives independently. Prominent elders and district and provincial officials are encouraged to attend provincial and regional network meetings focused on issues and longstanding dispute resolution.

Network Meetings

District network meetings serve as the structured plenary forum for district groups of approximately 120 men and 120 women. Inaugural meetings familiarize participants and allow them collectively to assess the district's justice needs and determine project priorities. Capstone meetings culminate the core program with a structured reflection on lessons learned, commitments made, and further needs during maintenance. Participants have the opportunity to: 1) sign pledges affirming their commitment to specific measures aimed at promoting quality justice, 2) volunteer to be trained to become community legal awareness mentors, and 3) identify and volunteer to address longstanding disputes. Final handover district network meetings upon completion of maintenance allow participants to chart a path forward, including, for example, specific plans for ongoing state-TDR collaboration, independent of RLS-I assistance. Provincial network meetings provide a framework for key elders and officials from each district and the provincial government to assess and determine future action on challenges to justice at the province or district level. Volunteer mutual-accountability coalitions form to tackle, for example, specific instances of corruption. Regional network meetings provide a forum for structured dialogue among influential elders, officials, and other community leaders to identify, assess, and volunteer to take action on, longstanding disputes. Network meetings contribute to the achievement of USAID/Afghanistan's Democracy and Governance Assistance Objective (AO) I (Improved Performance and Accountability of Governance), Intermediate Result (IR) 1.1 (Increased Public Confidence in the

² Given severe restrictions on women's movement in some districts, the RLS-I project has not set a firm target for women's attendance. Yet, on average women participation rates of over 40%.

³ Four for men, four for women. Discussion session topics are determined through district assessments and by participants in each district during network meetings and workshops.

⁴ For tribal elders.

⁵ For influential women.

⁶ Two for men, two for women.

⁷ Legal education workshops, discussion sessions, or coordination meetings.

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 3.⁸

Workshops

RLS-I legal education workshops are conducted by esteemed university professors and other legal professionals to deliver targeted messages on aspects of Afghan law relevant to ensuring legal compliance in dispute resolution. RLS-I's materials and trainers intentionally demonstrate congruence between Afghan law and local cultural/religious beliefs to ensure the messages resonate and to help bridge the gap between local communities and the state. The core curriculum, developed from RLS-I assessment findings, and in consultation with participants and university trainers, consists of Constitutional law, criminal law, family law, inheritance law, property law, and property deeds. Workshops contribute to the achievement of AO 1, IR 1.1, Sub-IR 1.1.4, and to the achievement of RLS-I Program Objectives 1, 2, and 3.

Constitutional law workshops focus on the importance of constitutional provisions, stages of adopting legislation, 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 courses cover court jurisdiction, types of crimes under the Criminal Code, procedures for referral of crimes to the formal justice sector (i.e., police and prosecutors), 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 that is covered, and to allow more interactive learning, the family law workshop has been extended to a two days.

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.

Property law and property deeds workshops describe the definition and types of real property, leasehold and freehold rights, concepts of preemption and right of first refusal, seizure and access rights, the types and validity of deeds, and common disputes arising from property and deeds issues.

⁸ See Appendix A. All activity types contribute to the achievement of each Program Objective to some degree.

Discussion Sessions

RLS-I discussion sessions provide a forum for formal-informal justice sector working groups (approximately 30-35 elders and five officials) to jointly develop and commit to solutions to challenges facing the formal and informal justice sectors, as identified through assessments and participant input. RLS-I's current set of topics, developed over three years of experience, includes alternatives to baad (the customary practice of settling a dispute by pledging a girl from a guilty party's family to a member of the harmed family); establishment of spinsary groups (women's dispute resolution groups); dispute prevention among children and neighbors; addressing corruption within the formal and informal justice sectors; addressing the influence of powerbrokers; longstanding disputes; women's participation and access to justice; alternatives to disputant deposits (machalgha); and ethics and best practice in TDR. The core program includes four of these topics, chosen based on each district's needs. Discussion sessions contribute to the achievement of AO 1, IR 1.1, Sub-IR 1.1.4, and to the achievement of RLS-I Program Objectives 1, 2, and 3.

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

In the discussion sessions on alternatives to baad, participants discuss the negative consequences of the use of baad and work to develop alternatives – such as the exchange of property – that can serve a compensatory incentive 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 follow 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 group meeting, participants 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 violent disputes between families often arise out of the squabbling of children. Through sharing personal experiences, spinsary group members have learned to intervene on such occasions to defuse any escalating tensions between children.

The discussion concerning ethics and best practice in TDR aims to promote a collective affirmation by TDR practitioners of the qualities of a good jirgamar (TDR practitioner) and effective procedural practices to use in TDR cases. Participants are then encouraged to commit to live by those standards and implement best practices 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 longstanding disputes, the discussion session on the topic have formal and informal justice sector actors identify specific disputes that have persisted over time and/or had a particularly destabilizing effect on communities in the district. RLS-I staff do not attempt to resolve such disputes, but instead facilitate discussions during which elders and state actors make assessments and become equipped to take independent action to resolve long-standing disputes.

When discussing women's participation and access to justice issues, participants consider how to increase women's access to formal and informal justice, and how to support female justice actors in their communities. Given cultural restrictions on women's interaction with unrelated men in most RLS-I districts, the debate is generally nascent, but one common theme that emerges is universal support for spinary groups sponsored by RLS-I.

The alternatives to machalgha (disputant deposit) discussion session allows participants to examine the impact of reliance on disputant deposits (to guarantee compliance with TDR decisions) on the quality of justice outcomes. Issues such as the misuse (corruption) of machalgha and its impact on elder attention to seeking voluntary disputant compliance are addressed. Participants are given the opportunity to develop and commit to alternatives to the practice.

Coordination Meetings

The formal-informal justice sector working group holds coordination meetings. The first meeting builds familiarity and establishes common understandings of the appropriate roles of formal and traditional justice actors, including jurisdiction in civil and criminal matters, in collaborating to resolve disputes. The second and any subsequent meetings establish specific coordination procedures for dispute referrals, TDR decision reviews, and registration with formal justice institutions. Participants are also introduced to authority and decision letters⁹ as the standard recording and registration formats for TDR decisions. State-TDR coordination meetings contribute to the achievement of AO 1, IR 1.1, Sub-IR 1.1.4, and, primarily, to the achievement of RLS-I Program Objective 2.

Women's Programming

In addition to women's programming in most areas described above and addressing women's rights throughout male and female activities, RLS-I assists female elders in forming women's dispute resolution (or spinary) groups. The bodies focus on defusing family, children, and neighbors' disputes before they escalate into more serious and potentially destabilizing conflicts. Spinary group members also actively apply legal workshop lessons in advocating for women's rights in dispute resolution

⁹ 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 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.

processes. Spinsary groups contribute primarily to the achievement of Sub-IR 1.1.4 and RLS-I Program Objectives 1 and 3.

Outreach

To help shape the local context in support of improved justice practice and respect for rights generally, RLS-I conducts an outreach campaign to the largely illiterate general public with illustrated materials, radio and TV programs, and work with community cultural center (CCC) village volunteers to raise public awareness of and demand for compliance with Afghan law relevant to common disputes and their resolution.

APPENDIX E: GLOSSARY

alem	religious scholar, considered to be more knowledgeable about Shari'ah than most mullahs
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; 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
diyya	(in Afghanistan often referred to by its Arabic plural diyat) the custom of paying bloodmoney in a murder case to the family of the victim to avoid retaliation, the sum of the compensation is determined by shari'ah
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	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	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 individual
huqooq	GIRoA 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 GIRoA sub-ministerial body
islah	literally, "reform"; dispute resolution principle based on restorative justice, 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	ad hoc assembly of tribal elders convened to make specific decisions or resolve a specific dispute by consensus
khan	member of the wealthy, land-owning class, influential in the community
machalgha	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	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	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	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	highly qualified Sunni Muslim religious leader, usually with a more extensive religious education than a mullah
mudir-e-huqooq	Huqooq office director
mullah	local religious leader
nahiya	municipal sub-district
nanawati (also nanawatai)	a tenet of the Pashtun tribal code pashtunwali: <ul style="list-style-type: none"> 1. the act of a perpetrator's representatives (often an older female and/or a mullah together with jirgamaran) requesting forgiveness for a murder or injury from the victims' family in order to reconcile the parties and reinstitute harmony in the community 2. allowing a beleaguered person to enter the house of any other person and make a request which cannot be refused, plead for clemency or sanctuary
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	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
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
waak	authority given by all disputant parties to resolve the dispute conclusively
waak leek	letter signed by all disputant parties authorizing a jirga to resolve their dispute conclusively
walwar	bride price; money or goods given by a groom or his family to the head of the bride's household