



Contract No. DFD-1-00-04-00170-00 Task Order 4

Checchi and Company Consulting, Inc.

Rule of Law Stabilization – Informal Component

Monthly Report

June, 2010

**Rule of Law Stabilization - Informal
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The contract between Checchi and Company Consulting, Inc. (Checchi) and USAID/DCHA/DG for the Rule of Law Stabilization Program – Informal Component (RLS-I) was signed on March 19, 2010 and its implementation began on April 6, 2010. RLS-I supports the Afghanistan Rule of Law: Informal program with assistance in areas of 1) Informal Justice Support in Pilot Districts, 2) Mapping the CBDR and the State Justice System, 3) Legal Defense, 4) Public Outreach and Education, and 5) National Policy Development.

This report covers RLS-I accomplishments during June, 2010. In both Kandahar and Nangarhar, the focus was on collecting data for the assessments of the pilot districts. Through June, over 80 in-depth interviews and informal conversations have been conducted at both the district and village level. Key state actors such as district governors, prosecutors, heads of police and judges have been interviewed by the RLS-I rule of law advisers in Arghandab, Behsud and Surkh rood. At the village level, roughly equal numbers of men and women have been interviewed across three villages in Arghandab and three villages in Behsud. RLS-I has interviewed elders who are involved in dispute resolution, wives of *maliks* and elders – including those who women may take their disputes and problems to – and members of the community who have taken disputes to or through the CBDR processes.

In preparation for this the field teams with support from senior staff designed their own interview guides, tailored to the particular dynamics of their areas and what they felt they could work with. For this style of semi-structured interviewing combined with informal conversations, it is essential that the field teams have a good understanding of what the aims and objectives of the data collection are so that they can design their own guide, probe around issues appropriately, and be able to identify unexpected information that arises which is relevant to the project. Likewise, the field teams who are from the areas where we work often have the best ideas of how to approach certain issues. An example of the field team's interview guide is included in this report as Annex 1.

In addition, RLS-I met a number of times with the newly arrived RLS-Formal project to discuss various ways to coordinate and cooperate, particularly as RLS-Formal begins to plan their work in the provinces. Also, RLS-I worked to reactivate the Afghanistan translation website developed under the previous rule of law program. The website contains the most comprehensive collection of Afghan laws, regulations, treaties, training materials, etc., that have been translated to English. The website address is <http://afghantranslation.checchiconsulting.com>.

RLS-I senior staff also met with USAID's Office of Economic Growth; Stabilization Unit, to discuss possible assistance related to initiatives focusing on the resolution of particularly destabilizing land disputes in Kandahar city and the province more generally.

MAJOR ACCOMPLISHMENTS:

1. Pilot Projects

The data collected so far, during the ongoing assessments, is currently being analyzed and action plans are being drawn up in preparation for implementation of activities.

The assessments conducted at the pilots districts are focused around five key issues:

- processes undertaken to resolve disputes and access justice
- links and relationships between state actors and community based dispute resolution processes
- principles and practices that are used in the process of resolving disputes
- equity within the processes and outcomes of community based disputes resolution, with a particular focus being placed on gender equity
- ideas from respondents about how disputes resolution processes could be improved and where they would like support to do this

The field teams have also been identifying key elders and other individuals (both male and female) who are well trusted in the communities and will be able to offer support in facilitating the implementation of activities. Who these particular elders are is not as obvious as it might seem; with certain elders who are very influential being identified as corrupt by community members, and elders who are members of what respondents describe as government imposed shuras (particularly in Kandahar) not being trusted by the community at large.

In both Behsud and Arghandab, large, long standing inter-*qawm* (tribe) disputes dominate and are particularly destabilizing. Indeed, at times the field teams have struggled to get information about other disputes (particularly in Nangarhar) as respondents often want to simply describe these large disputes. Many ongoing land disputes and others between different individuals in Arghandab are related to long standing (going back to at least the time of the Soviet – Mujahedeen war) conflicts between the Ghalzai and Durrani *qawm* groups. This inter-*qawm* conflict is likely to feature as a factor throughout the implementation of the project in this area.

In Kandahar, RLS-I's primary focus has been on conducting the assessment in Arghandab district. As a first step in this three geographically separated villages were identified using the RLS-I team's existing knowledge of the area and suggestions from the late district governor and head of the district development assembly (DDA) shura. Both RLS-I Kandahar regional justice advisors travelled to Arghandab and met with the district stabilization team (DST), the late district governor, the head of the DDA shura, the area prosecutor and the head of the NDS investigative branch. After meeting with the district governor and the head of the DDA shura, the regional justice advisers were able to secure a written letter of introduction and permission to work within the district's villages.

In addition, the regional justice advisers began coordinating with representatives from USAID, DoS, and USAID OTI within Arghandab, coordinating on the timeline of the project and what elements of the team will be present at the district center (DC) and when. Since then, a RLS-I rule of law advisor from the Arghandab field team has been regularly attending the DDA and justice shuras at the DC. The rule of law adviser continues to meet with the state actors working at the district center, and has visited both the court in Kandahar city that deals with cases coming from Arghandab and the prosecutor's office in Arghandab district center to collect information about which cases in the district are reaching the state justice system. An analysis of where these cases have come from and what community based dispute resolution processes they may have gone through prior to reaching the courts is being undertaken.

The RLS-I regional justice advisers visited Dand district center and the co-located FOB in order to begin operations in the district. The regional justice advisers were able to meet with the U.S. military commander of the area and other U.S. and Canadian military actors, introducing the program and coordinating the development of the project. The regional justice advisers also attended the DDA shura, where they introduced and explained the project to all members of the shura, and spoke at length with the head of the shura after the meeting. Unfortunately, the regional justice advisers were unable to meet with the district governor, but plan on a meeting with him in early July.

After coordinating with Arghandab DST and the Dand DST, it is clear the ongoing and increasing security threats challenge RLS-I's ability to effectively operate effectively with one team in both locations. The sheer amount of data that must be collected within a tightening time-frame, calls for a second field team dedicated to working exclusively in Dand must be recruited. As such, RLS-I is working to identify potential candidates for positions, and has already identified a potential rule of law adviser to head up the Dand district field team.

The Kandahar regional office was established at the beginning of June with a full complement of support staff. To maintain the safety of the Afghan staff this office is only for use by the Afghan staff and has a particularly low profile security provision. The office itself is maintained by an all Afghan staff. The *chowkidars* (guards) do not wear uniforms and no high profile vehicles are allowed to go to the office. With the location being on a busy street, the office blends into the run-of-the-mill business environment in Kandahar.

The Kandahar team has also worked to coordinate with both RC(S) and the KPRT in the city. The RLS-I regional justice advisers have continually been in close coordination with the USAID ROL advisor at RC(S) and have met several times with members of the ROL team for RC(S) giving updates and briefings on the situations that exist in Arghandab and Dand.

In Nangarhar the first week of June was spent conducting training for the regional field team as well as the project's outreach team. Training focused on pilot district assessment methods including introduction of project objectives the key relevant concepts, procedures for entering and beginning work in the village communities, and specific research methodologies. The agenda for the training provided in Nangarhar is included as Annex 2. (Note: the training provided to the Kandahar team at the end of May in Kabul was very similar in content)

The RLS-I field team met with the governor of Nangarhar province and the governors of Behsud and Surkh Rod districts. They introduced and explained the project and sought the governors' permission to work in their areas; which was granted. The governors expressed their support for the project and provided RLS-I staff with information about CBDR processes in their respective districts. They also explained the role which they often play in resolving disputes in these districts. The district governors invited the RLS-I team to attend some of the bi weekly DDA shuras.

The assessments in Behsud and Surkh Rod are being conducted in three primary villages that were identified through consultations with several NGOs in Nangarhar province who provided valuable information about the villages' influential elders as well as key on-going disputes. Members of the RLS-I field team, who have worked in the area previously, were also able to provide critical information to support the selection of villages. Indeed, in both Kandahar and Nangarhar, having RLS-I team members who have worked in the districts and villages before has greatly speeded the process of building trust and rapport in the villages, as they have been able to utilize introductions from people in the communities who they know from previous projects.

RLS-I regional justice advisers in Nangarhar continue to attend the civilian-military ROL coordination meetings. At the last meeting in June, the RLS-I's senior traditional justice adviser was also able to attend. The RLS-I regional justice advisers continue to work in close cooperation with the area PRTs as activities and initiatives are planned.

Throughout both regions continual capacity building initiatives are being undertaken for the Afghan teams including constant feedback on field-notes and data collection skills, small pointed training sessions as skills that need further development are identified, and continual discussion on the project's progress with all team members.

RLS-I continues to deal with difficult circumstances surrounding travel and access. RLS-I field team members who travel to the districts, particularly in Kandahar, are regularly stopped and searched at international military forces-supported ANP checkpoints. On one occasion an IED went off followed by small arms fire very close to where the field team was conducting an interview in the fuel shop of a respondent. In Nangarhar, the Behsud bridge has been targeted by AGE three times since the team have been working in the district, and villagers have reported that the Taliban are coming to their villages at night and issuing direct threats against USAID contractors and anyone working with international organizations.

2. Mapping CBDR and State Justice

In both the Southern and Eastern Regions discussions are continuing in order to identify appropriate sites for the mapping study. So far, possible sites in the south are Phajwai and Spin Boldak in Kandahar and Dehwood and Tarin Kot in Uruzgan; with possible locations in east being Kunar, Laghman, and/or Wardak provinces. Some of the considerations that could be used to make a final selection include the following:

- security being good enough for the team to travel to the districts, including senior RLS-I staff who can provide oversight

- already established connections on the part of RLS-I staff in the districts which will greatly speed the process of data collection
- at least some presence of GIRoA in the province and districts
- the districts being key terrain or of importance to the overall stabilization effort
- districts containing a mixture of *qawm* groups
- districts experiencing variety of disputes and different historical, economic and political histories and current situations in order to capture as broad as possible understanding of community based dispute resolution and map Afghan women and men's access to justice across a variety of settings.

3. Legal Defense

ILF-A continued to support the operation and expansion of their offices in the south and east. These offices include Kandahar, Helmand, Paktia, Jalalabad, as well as Bamyan.

RC(E) continues to work on way to bring additional defense lawyers to work on cases; RLS-I began discussions to see two defense attorneys, identified by RC(E) ROL actors, could be employed by ILF or by RLS-I in order to immediately utilize their willingness and ability to begin represent criminal defendants in the Kunar Province.

4. Public Outreach and Education

The project hired two outreach staff to assist with establishing six community cultural centers in Kandahar and Nangarhar provinces. These community centers can help carry out community based outreach related to CBDR. In Kandahar, the RLS-I outreach team met with community representatives from Binawa and Rohi where community cultural centers were previously established. The discussions focused on ways to work successfully to develop similar centers in Argandab and Dand.

Working with the outreach team, the Kandahar field team reviewed available radio, TV, and print outreach materials which were produced by the previous ROL project. RLS-I selected nine Pashto radio spots and three radio dramas on basic citizen's legal rights to be broadcasted through local provincial and district radio stations in Kandahar. The selection process of these spots was based on the recommendations of the Kandahar local CBDR advisors who found these topics as essential for the general public to be made more aware of. The following were selected to broadcast:

Basic citizen's legal rights radio spots:

- A Glimpse at the Constitution: Citizens' Rights, (focus – Article 24 of the Constitution)
- A Glimpse at the Constitution: Crimes, (focus – Article 26 of the Constitution)
- A Glimpse at the Constitution: Rights of the Accused Constitutional, (focus – Article 30 of the Constitution)
- A Glimpse at the Constitution: Right to Defense, (focus – Article 31 of the Constitution)
- A Glimpse at the Constitution: Education Rights, (focus – Article 43 of the Constitution)

- A Glimpse at the Constitution: Forced Labor, (focus – Article 49 of the Constitution)
- A Glimpse at the Constitution: Preserving Public Order, (focus – Article 56 of the Constitution)
- A Glimpse at the Constitution: Responsibility of Ministers, (focus – Article 80 of the Constitution)
- A Glimpse at the Constitution: Rights of National Assembly, (focus – Article 81 of the Constitution)

Women's rights radio dramas:

- A Glimpse at Women's Rights under Islam: Rights to forbid people from forcing women into marriage, violating women education rights
- A Glimpse at Women's Rights under Islam: Rights to forbid people from forcing women into marriage, violence against women, asking money in exchange of marriage and violating women education rights
- A Glimpse at Women's Education Rights under Islam and Afghan constitution which speak against traditions violating women rights.

The above listed programs will be broadcasted in Kandahar province with focus on Argandab and Dand districts. The audience of the radio broadcasting is the general public, including women and youth.

The RLS-I project outreach team also conducted outreach training to the Jalalabad field team to help them gain a clearer understanding regarding outreach activities in the province. The outreach team's main focus was on methods and tools such as mass media, different types of outreach materials, community cultural centers, community sensitivities encountered while conducting outreach activities, and future plans.

5. Support National Policy Development

While the national policy support activities are guided primarily at the ministerial level at this point, RLS-I continued to meet with representatives from USIP to discuss the current status of the policy. The original plan was for the MOJ to move forward with the policy and develop a MOU for justice sector organizations to adopt. However, the most recent development is the Minister of Justice would like to move forward with legislation that addresses CBDR issues rather than a policy. RLS-I will continue to monitor the progress of either the legislation or policy and provide support for its eventual implementation.

Guideline for village level data collection

Introduction:

- Introduction of your selves and the project
- Assurance about confidentiality to the interviewees
- Permission for note taking
- Interviewees role in the village and her/his family

General information about the conflicts:

- Find out what kind of conflicts exist in the village
- Find out what are the causes of the conflicts
- Who are the conflict parties
- Find out what does she/he think would be the best way to resolve the conflict and why they think so
- Find out where the conflict was taken first
 - CBDR
 - State formal system
 - To the Taliban why
 - How do the Taliban resolve conflicts and how did they resolve this conflict?
 - Referring it to white beard or local Mullahs

Process:

- Find out what do the conflict parties do first when a conflict/dispute happens between them
 - Where this conflict was referred to first and why
 - Was the decision accepted? Yes/No why
- What do the elders(white beards and white hairs) do when a conflict/dispute happens in the village
 - What did the elders(white hairs and white beards) did when they heard about the conflict
- Find out where do villagers solve their domestic disputes(mother in law and daughter in law's dispute or wife and husband dispute)

Link:

- Find out what happens when a case reaches the district authorities like DG, CoP, Judge and prosecutor
- Find out what is the exiting link between the district authorities and elders in the village
- Find out what the interviewee think about the Taliban justice system
- Find out whether the Taliban refer cases to elders in the village; yes why, no why
- Find out if the village elders refer cases to the Taliban or not
- Is there a Taliban commission (court) in the district

Principals:

- Find out on which bases the elders reach a decision
- Find out if specific conflicts/disputes have specific ways of resolution(example: what happens if two people fight each other and one of them lose one of his teeth or is injured on the head or face)
- Find out what kind of WAAK or authority is given to elders for resolution of cases; what happens it the decision made by the elders is not accepted by one side of the case or by both sides
- Find out who enforces the decisions or implement the decisions made by the elders
- Find out if there is any difference between the CBDR system in different villages of the district or among different tribal groups

Equity:

- Find out what is women's role in CBDR
- Find out how much role do they play and in which regards
- Find out women's influence in the Jirga's or CBDR decisions(some asks his mother for advise, or someone is very good in the family and listen to his wife advices in different regards and making decision in Jirga can be one of it)

Changes:

- What kind of changes have happened to the CBDR system
 - In making decisions

- In implementation of their decisions
- In their honesty
- Change in people's opinion about CBDR
- What kind of changes do you see in tribal elders' authority
- What kind of changes you see in implementation of their decisions
- Change in the influence of the Taliban over time.

If you are talking to an elder, find out what kind of changes she/he see in CBDR in comparison to 25 to 30 years back and why these changes has happened

Opinions and suggestions:

- Find out what people think about our project in the villages
- Find out what is her/his opinion regarding strengthening of CBDR in their villages
- Find out what would be the practical ways for that
- Find out what can they do for strengthening of CBDR in their village

Appendix 2

Rule of Law Stabilisation Program – RLS-I Nangarhar team training June 9th – 12th, 2010

DAY ONE

Wednesday 9th June, 2010: introduction to the project

09.00 – 09.30	Introduction, ice breaker and welcome	<i>Chris</i>
	Training Agenda and Ground Rules	<i>Basir</i>
09.20 – 09.50	Introduction to Checchi Consulting	<i>Kelly and Basir</i>
09.50 – 10.00	Tea break	
10:00-10:30	Over view of the project	<i>Deb and Basir</i>
10.30 – 11.10	Community Based Dispute Resolution (findings from research)	<i>Deb and Hanifa</i>
11.10 – 12.00	Activity in break out groups How to strengthen CBDR brain-storming session	
12.00 – 13.00	Lunch	
13.00 – 13.30	Break out groups present suggestions	<i>Chris and Basir</i>
13.30 – 14.10	Key Concepts Rule of Law and justice Gender Power and Authority	<i>Chris and Basir Hanifa Deb</i>
14.10 – 14.25	Tea Break	
14.25 – 15.15	Activity Break out groups Discussing and understanding key concepts	
15.15 – 15.45	Groups present their discussions	<i>Chris, Basir, Hanifa</i>
15.45 – 16.15	Wrap up	<i>Basir</i>

Suggested evening activity
Read Project Over-view

DAY TWO

Thursday 10th June:

09.00 – 11.00	Mapping Surkh Rood and Behsood	<i>Chirs, and Basir</i>
11.00 – 11.15	Tea break	
11.15 – 12.15	The International Legal Foundation and their role legal defense	<i>Chris and in the project: Basir</i>

12.15 – 13.15	Lunch	
13.15 – 14.00	Education and Outreach	presentation <i>Wali and Hanifa</i>
14.00 – 14.45	Activity	
	Breakout groups – collecting ideas	<i>Wali and Hanifa</i>
14.45 – 15.15	Viewing outreach materials	<i>Wali</i>
15.15 – 15.30	Tea Break	
15.30 – 16.30	Review of what has been covered so far	<i>Basir and Hanifa</i>

Suggested evening activity:

Read: A Holistic Justice System for Afghanistan

DAY THREE

Friday 11th June: Getting Started

09.00 – 09.45	The National Policy on State Justice and Traditional Dispute Resolution	<i>Deb and Basir</i>
09.45 – 10.00	Tea break	
10.00 – 10.45	Entering districts and entering communities	<i>Hanifa</i>
10.45 – 11.30	Break out groups split into men and women Women prepare to introduce themselves and explain the project to a group of village women Men prepare to introduce themselves to a group of male elders, maliks and mesheran	
11.30 – 12.30	Role play The men and women introduce themselves and the project to the rest of the team.	
12.30 – 01.30	Lunch	
01.30 – 02.15	Ethics in research and program implementation	<i>Deb and Hanifa</i>
02.15 – 2.45	What we need to know before we begin Implementation/key questions for the assessment	<i>Deb and Basir</i>
2.45 – 3.00	Tea Break	
3.00 – 4.00	Activity Whole groups brainstorming on what questions need answering before we begin implementation	<i>Deb</i>
4.00 – 4.30	Wrap up.	

Suggested evening activity.

Revise how to present the project to the community – ready for another role play in the morning.

DAY FOUR:

Saturday 12th June: Doing the assessment/research methods

9.00 – 10.00	Activity <i>Introducing the project to the community</i>	<i>Basir and Hanifa</i>
10.00 – 10.45	Key research themes in CBDR Context; process; links; principles and practices; Equity	<i>Deb and Basir</i>
10.45 – 11.00	Tea Break	
11.00 – 11.30	Chit-chat – getting to know people	<i>Hanifa</i>
11.30 – 12.30	Interviewing skills	<i>Hanifa</i>
12.30 – 1.30	Lunch	
1.30 – 4.30	Interview guides	<i>Chris, Deb, Basir Hanifa</i>