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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 enhances the development of Rule of Law in Afghanistan through 1) researching formal and informal justice trends in 8 pilot districts; 2) strengthening informal justice in those pilot districts based on research findings; 3) enhancing linkages between alternative dispute resolution (ADR) and the state justice system; 4) improving access to legal defense; 5) educating communities about ROL through public outreach; and 5) national policy development.

EXECUTIVE SUMMARY

During the past seventeen months Rule of Law Stabilization - Informal (RLS-I) worked to strengthen the informal justice sector. To do this, RLS-I built upon existing dispute resolution practices in fifteen pilot districts. This process consisted of a robust combination of research and activities which benefited not only the informal process, but the formal sector as well. In addition, this process showed the importance of the two legal systems, formal and informal, working in concert. In most instances, beneficiaries preferred ADR because it is low cost, expeditious, and outcomes are perceived as fair and balanced whereas the formal system is generally considered corrupt, expensive and time consuming.

Community elders indicated that RLS-I-sponsored legal training sessions were essential in helping them to resolve disputes in a more fair and equitable manner within their respective communities. The data revealed that the topics included in RLS-I training were relevant and very useful to local decision makers. Community elders maintained that the training sessions bolstered understanding of how the formal and informal justice systems complement one another in administering justice. Furthermore, the elders stated that knowledge gained in RLS-I training resulted in ADR decisions that were more closely aligned to the Afghan Constitution and Islamic law. As a result, state actors said that they were more confident in sending cases to ADR actors than they were prior to the RLS-I district-level training programs.

RLS-I-sponsored discussion groups and legal training sessions were also valuable in forging relationships between ADR and state justice actors. In RLS-I districts it is common for people to bring disputes which could not initially be solved through local ADR processes to the district governor. In many cases, the DG refers those disputes back to elders. This formal endorsement of the jirga process is often enough to win the disputants' confidence and concurrence. In many cases the state is now referring disputes brought directly to it to the informal sector.

Elders' (male and female) network meetings proved to be crucial for creating venues in which the participants shared information and ideas. These exchanges helped the network building mechanisms both locally and province-wide. These networks led to initiatives such as the Conflict Resolution Commission (CRC) which brings together respected elders from neighboring districts or provinces as third party mediators to resolve intractable disputes. Elders stated they now have more confidence in their abilities and decisions as a result of participating in RLS-I-sponsored legal training and network activities. Data from district perception studies show the status and prestige of the elders has been elevated in the eyes of the respondents as a result of RLS-I interventions. This elevation in status has resulted in more respect for the elders' decisions, thereby reinforcing local traditional lines of authority.

Gender is a crosscutting theme throughout all RLS-I activities. Women's workshops sought to increase women's roles in ADR and better inform them regarding dispute resolution methods. RLS-I created ten women's justice committees (*Spinsary*) which focused on family-related disputes within their respective communities. These groups raised the profile not only of the women who participated, but the the informal system writ large. Additionally, RLS-I addressed women's access to the dispute resolution and legal systems using a range of strategies and activities from educational workshops, to discussion groups, to the establishment of elder networks and local public outreach initiatives. These activities were designed to involve both men and women, but were tailored to conform to local cultural norms

and practices in the different districts. Women's roles in the ADR processes varied from district to district as indicated by RLS-I research. Project records from both RC-South and RC-East show that 39.4% of all program participants were women, demonstrating the deep societal reach of RLS-I training. RLS-I broke new ground using elders' network meetings to enable men and women elders to come together to discuss informal and formal justice processes relevant to their communities. This led to significant outcomes whereby women were able to transition into more "public" roles in the ADR forum in their communities, with support from their male elder counterparts.

Reported human rights abuses, such as the practice of trading young women in the resolution process (*baad*), declined, due in part to RLS-I sponsored workshops on Islamic law. RLS-I sponsored workshops were linked to the denouncement of the practice as un-Islamic and as an egregious violation of universally recognized human rights. As a result, alternatives to *baad*, such as monetary and/or land compensation, were being put into practice.

RLS-I research and programmatic activities provided a greater understanding of the informal legal sector and its part in Afghan legal architecture. These initiatives demonstrated that the informal sector can and does work in a complimentary fashion with the formal sector and can operate in concert with existing state institutions, as opposed to a zero sum construction. The development of elders' networks, the promotion of women's access to legal services, along with curbing practices inconsistent with basic human rights, have increased the level of stability and promoted the rule of law.

I. RLS-I BACKGROUND

Introduction

The Rule of Law Stabilization Program – Informal Component (RLS-I) began operations in Kabul on April 6, 2010. RLS-I was designed to work at the district level to support, strengthen, and facilitate the operation of traditional alternate dispute resolution (ADR), in addition to supporting state justice mechanisms, as increasing the capacity of the state justice system is a key factor in strengthening the operation of ADR processes. RLS-I activities were designed and developed with rapid stabilization, counterinsurgency, and sustainability foremost in mind.

RLS-I was a five-component project. The first component consisted of activities in the pilot project sites. The supporting components were informal justice district assessments, facilitation of legal defense programs, public outreach and education, and national policy development.

RLS-I was divided between two geographic locations, RC-East and RC-South, which represents two unique environments. RC-East is more economically developed with a stronger tradition of ADR, opposed to their southern counterparts who have a history of violent upheaval and generally more prone to ultra-conservative attitudes within the justice system.

Following consultation with government officials, military commands, PRTs, and USAID, RLS-I designated Arghandab and Dand Districts of Kandahar Province as the first two pilot project sites in the south. Behsood and Surkh Rod Districts of Nangarhar Province were chosen for the east. Following these initial four districts, an additional four districts were added in Kandahar, Nangarhar and Laghman.

Finally, an additional seven districts were added in Kandahar, Laghman and Nangarhar with Zabul added to the project bringing the total number of districts to fifteen for the pilot project.

Through the assessments of selected districts, RLS-I field teams established good working relations with all the main local ADR players to gain their trust and confidence. The assessments were critical not only in understanding the proposed beneficiaries, but also to determine variances in conditions that would determine action plans and activities. The assessments provided a current snapshot of the state of ADR in each district while informing us of activities that would be best suited for that district. The activities themselves were workshops, seminars, classes and discussion groups facilitated by RLS-I and conducted by Afghan subject matter experts in the fields of Islamic law, land law, inheritance law and family law, among others.

In the area of legal defense, RLS-I subcontracted International Legal Foundation-Afghanistan (ILF-A); with the goal of expanding its provision of legal defense across Afghanistan including areas where RLS-I worked. ILF-A is the first legal aid NGO licensed by the Independent Legal Aid Board (ILAB) of the Islamic Republic of Afghanistan. Defense attorneys represented defendants charged with assault, murder, drug smuggling, vehicular homicide, theft and kidnapping.

The public outreach team inaugurated six community cultural centers in Behsud, Surkh Rod and Jalalabad City in Nangarhar province and Arghandab, Dand and Kandahar City in Kandahar province. These centers provide an outlet for public outreach messages, with volunteer staff trained by RLS-I to deliver and present messages to the community as well as to conduct basic classes in computer and English language. The volunteers participate in local meetings and youth gatherings. Volunteers also introduced public outreach materials with messaging via picture books, pamphlets and multi-media DVD presentations to communities that are often illiterate. These materials addressed basic citizen's rights under the Afghan Constitution, including education, forced labor and defendants' rights to legal representation.

Project Objectives

- Assess informal and formal justice systems, practices and effectiveness in pilot districts
- Identify opportunities and critical needs for capacity building in these districts
- Design and implement activities to strengthen ADR mechanisms and enhance linkages between informal and formal justice mechanisms
- Increase access to fair, efficient and reliable justice and dispute resolution mechanism for Afghan citizens in pilot districts
- Provide support to ADR mechanisms to resolve large and/or long standing destabilizing disputes
- Improve equity of access to justice systems, particularly gender equity, through enhanced access to, and participation in, ADR processes and the outcomes of ADR decision making
- Provide knowledge to elders and communities about Afghan law
- Support the provision of legal defense across the southern and eastern regions of Afghanistan

- Provide knowledge and information regarding the functioning of ADR and its links to the state for use in the expansion of RLS-I activities and by other stakeholders.

RLS-I Toolbox

District Assessments: RLS-I programmatic activities relied heavily upon baseline data accrued from district assessments. In each assessment, information was gathered on relationships between state justice and ADR processes at the district level, infiltration of Taliban justice, women's participation in ADR, weaknesses in dispute resolution, political and tribal dynamics of the district, the authority of elders, the awareness of citizens' rights under Islam, the Constitution and Afghan law and community members' ideas and suggestions regarding improvements to the justice system. These assessments were also crucial in cementing relationships with people in the districts where RLS-I worked.

Elders Network Meetings: RLS-I sponsored elder's network meetings to bring together influential men and women who are involved in, or may become involved in, ADR. Meetings were generally held for elders representing different regions – villages, districts, provinces – so the participants could discuss ADR issues and how they relate to people from different demographic and geographic backgrounds. Events also served as forums to strengthen and extend inter-network relations to ensure better cooperation in dispute resolution involving more than one tribe or region.

Legal Education: RLS-I conducted education sessions on Afghan and Islamic law pertaining to property, family, inheritance, civil, criminal, and Constitutional law. The topics were regarded as the most crucial to resolving disputes as they touch on the most important aspects of day-to-day Afghan life. While a deeper understanding of inheritance, property and family law is important for maintaining stability within and between households, knowledge of criminal law is also crucial to preventing escalations in family and inheritance-related disputes and protecting parties who become involved in those disputes.

Discussion Groups: RLS-I conducted discussion sessions for men and women on a variety of ADR topics with the aim of strengthening linkages between the informal and formal justice sectors, disseminating information about constitutional and legal rights, facilitating opportunities for community leadership to increase their understanding and access to ADR, increasing women's access to and participation in the dispute resolution process, developing alternatives to practices such as *baad*, and tackling challenges to formal and informal justice such as corruption and the biasing influence of powerbrokers on justice processes.

Outreach: RLS-I conducted outreach through print, radio and television mediums to educate local communities about their rights and the legal processes available to them - both informal and formal and the interaction between the two systems - thereby enhancing community ADR processes and outcomes. Printing of information leaflets and picture booklets, broadcast of television and radio programs on justice issues, and the strengthening of community cultural centers were geared towards building interest and access to dispute resolution mechanisms.

Working with Government and NGOs: RLS-I enhanced linkages between informal and formal rule of law actors and systems. RLS-I subcontractor ILF-A supported operations in 15 offices. In addition, ILF-A worked with the Ministry of Justice (MOJ) to improve the capacity of MOJ defense attorneys and

developed programs and legal clinics for Afghan and Islamic law and faculties. RLS-I also worked with a local NGO, Women for Afghan Women (WAW), to develop workshops and materials focusing on strengthening women’s knowledge regarding their rights and access to justice.

National Policy: National policy regarding traditional justice was put on hold as the Minister of Justice focused instead on developing legislation regarding recognition of the the informal justice sector’s role in dispute resolution. Ultimately, RLS-I withdrew efforts to assist with development of the national policy as the proposed legislation was beyond the scope of RLS-I’s work.

Research Methodology

The RLS-I research model included robust relationship building between local staff and district community members (elders, religious leaders, and different groups of men and women living in the district) and state actors. In order to develop baseline data a mixture of research methods are employed in sampling a diverse/representative group, including semi-structured interviews, focus group discussions, *jirga/shura* observations, and informal conversations.

Data collected was reviewed and analyzed by the entire team, led by the regional justice advisors and the senior traditional justice advisor. Based on the findings, RLS-I developed individualized action plans for each pilot district.¹

RLS-I model in pilot districts:

- Select a site in consultation with partners and stakeholders
- Research the site to understand the current state of ADR in that district
- Develop a detailed action plan based on a thorough assessment of needs and conditions in an area
- Implement activities according to the plan
- Closely monitor project activities and outputs to establish progress and determine course correction as necessary
- Capture all necessary information and data on a regular basis for analysis, interpretation and reporting purposes

RLS-I created action plans for each district it operated in based on an assessment of initial data gathered by our field team. Each action plan took into account the types and causes of disputes, ADR and state capacity in resolving those disputes, ADR principles and processes in resolving disputes, the status of ADR linkages with state justice entities, Taliban involvement in dispute resolution, and community

¹Two districts, Qarghaee and Dand, were deemed too kinetic to undertake full assessments. RLS-I project field teams worked with elders in those locations to develop specific action plans.

requirements/expectations. Each action plan included interventions designed to increase the use of and satisfaction with ADR and state justice mechanisms. In addition, the action plans addressed methods to increase women's access to and participation in dispute resolution and justice mechanisms. Where substantial destruction of infrastructure had taken place, action plans included quick impact projects to help reestablish justice/dispute resolution facilities.

Since each pilot district had differing levels of functioning ADR, ranging from limited authority in traditional ADR actors to a well-respected and influential ADR mechanism, RLS-I developed a number of engagement tools. The primary purpose in implementing these tools during the pilot district phase was to test and determine the efficacy of these tools as applied to the differing ADR functional levels in each pilot district.

Practical challenges were overcome by using a flexible approach and a variety of options, for example, utilizing women from the RLS-I team to conduct trainings and facilitate discussions for women elders in a culturally appropriate space, such as a private home. Due to the discrimination toward women that is found in almost in all spheres of Afghan society, RLS-I specifically developed a number of activities designed to improve women's access to justice and participation in ADR processes, such as women's discussion groups and the creation of *Spinsary* dispute resolution groups.

II. RLS-I Core Findings

RLS-I South - Kandahar and Zabul

Findings in Kandahar point to a greater level of trust in the informal system than with state justice institutions. Respondents estimated that 90 percent of disputes are resolved by elders, a figure consistent with UN and other research. However, a significant number of respondents stated that ties between formal justice state actors and elders are now closer/stronger than they have been in recent memory. RLS-I workshops have not only increased elders' knowledge of the law, the workshops have helped establish linkages between the informal and formal justice sectors through a greater understanding of both systems by workshop participants.

There remains a strong belief that corruption is a problem within the formal justice sector while not with the elders' ADR mechanism – although while most ADR elders enjoy a healthy margin of trust, a few respondents, particularly women, noted bias along tribal, linguistic, regional origin and familial lines. Many respondents stated the belief that elders come from the people and are thus subject to rejection by those people, should they prove corrupt. Respondents indicated a strong mistrust of the formal justice system, citing exorbitant fees associated with bringing a case to court, biased judgments, long processing times, inaccessibility to courts, incompetence, and the punitive zero-sum approach of formal justice processes and outcomes. Some noted the justice institutions' vulnerability to manipulation by powerful local actors. These factors contributed to the targeted action plan initiated in the south.

Top line findings:

- Elders are better trained today than they were prior to RLS-I activities. Elders expressed that as a result of RLS-I workshops, they have a better understanding of the law and go about their duties with a greater sense of responsibility for their decisions. There is a consensus among the public that elders who attended RLS-I workshops are making more informed decisions and are better informed about the laws than those who did not attend.
- Linkages between state actors and elders have been strengthened to a great extent. Before RLS-I interventions, the district governors of Arghandab, Daman, Dand and Spin Boldak Districts of Kandahar Province generally did not accept elder's decisions. Today, their willingness to accept and support elder's ADR decisions is much more likely due to participation in RLS-I formal-informal coordination events and trainings. Elders and state justice actors in each district with RLS-I assistance have agreed on and initiated use of authority letters and decision forms.
- RLS-I criminal law and other legal workshops have increased elder's understanding regarding which cases are best resolved through ADR and which cases should be resolved through the formal justice system. Elders are more willing to send certain civil cases to relevant state actors. In addition, state actors are now sending more disputes to the elders.
- Public trust in ADR and its practitioners has grown. There is an unqualified conviction that the elders should be hearing disputes and that their judgments should be carried out to the letter. Though there was skepticism regarding the formal process, there are indications of approval for elders to cooperate more with state actors.
- Most state actors claim that women's involvement in dispute resolution has increased compared to the past, thanks to RLS-I activities. However, women's participation overall is still weak and more efforts are needed in this regard.
- Very few respondents indicated that Taliban justice was a viable alternative. Only two districts, Spin Boldak, in Kandahar and TWJ in Zabul had cases which were still being heard by Taliban courts. Sub-District 9 of Kandahar City interviews indicated possible use of Taliban justice by some Taliban supporters there.

RLS-I East - Nangarhar and Laghman

Findings from districts in Nangarhar and Laghman provinces demonstrate substantial trust in ADR and justice provided by elders in relation to the state justice system. Respondents communicated that ADR, in their view, demonstrates the relevance of cultural institutions and highlights the importance of those institutions in their daily lives. A distrust of the state justice process centered on corruption in the courts and the belief that one had to be either closely connected with the judge or willing to offer a bribe to have a case heard.

Overall, respondents were pleased with the level of elder's expertise and the knowledge they displayed when resolving local disputes. It was perceived that elders who received RLS-I training were more effective in dispute resolution. Training also increased the elders' legitimacy as ADR actors. Nevertheless, there still is a strong desire for additional RLS-I training opportunities for elders in the field of inheritance and family law. Women in Shinwar district of Nangarhar province in particular

stressed this point due to harmful ADR decisions reflecting women's particularly low status in the district.

Distrust of the formal system was apparent across the Nangarhar and Laghman districts. One focus group member claimed he “prefers the worst jirga over the best state court”. Other respondents echoed the belief that corruption was widespread in the state judicial process while the ADR process was relatively free of corruption.

The Nangarhar focus group participants were more pronounced than those of Laghman in their distrust of the courts. They also were more vocal in their conviction that the elders who resolve their disputes process the proper skills, though further training was not excluded.

Finally, participants overall believed that Taliban justice was not a major factor in the RLS-I districts.

Top Line Findings:

- The importance of ADR and the role that it holds in Afghan society was a recurring theme in district studies. Respondents stated that ADR is integral to Afghan life. Respondents stated that elders represent the correct forum for hearing disputes and that their decisions were rarely questioned. Additionally, jirga decisions were normally given in an expedient manner.
- Many respondents stated that though they are satisfied with the knowledge of elders who resolve disputes, there remained a need for additional capacity building through education and training in the areas of inheritance, property and family law. A majority felt the training created greater satisfaction with elders and generated both trust in and respect for their work. Respondents felt that RLS-I workshops gave elders a better understanding of the law and that they went about their duties with a greater sense of responsibility for their decisions.
- Most respondents noted closer ties between the formal and informal systems today than prior to RLS-I's intervention. This was credited to elders' enhanced understanding of the law. Elders were more willing to send cases to relevant state actors who were similarly sending more disputes to elders. According to state actors, positive changes could be observed in elder decision making due to training in Afghan and Islamic law.
- Most respondents either stated or agreed that there is little trust in the formal justice process, citing corruption as the primary cause. Conversely, most stated that they believe ADR is relatively free of corruption.
- There was almost complete consensus regarding eliminating the practice *baad* as a dispute resolution method. Nearly all elders interviewed said that they had used the practice in the past, but after participating in RLS-I activities, now consider it un-Islamic.
- All respondents claimed Taliban justice was not present in their districts and that it was a relic of the past.

- Both male and female respondents believed that Spinsary groups were an effective way of increasing access to the ADR process for women, and that women have made significant progress in accessing ADR.

III. KEY ACCOMPLISHMENTS

Linkages between Formal and Informal Justice Sectors: The repeated response from state actors is that RLS-I programs are creating more consistent linkages between the informal and formal justice sectors. Over 85 percent of state actors surveyed by RLS-I in June 2011 say that there is increased cooperation between formal and informal justice actors. Furthermore, the state actors noted marked attitude changes among elders on traditional dispute resolution practices such as *baad* due to RLS-I interventions.

RLS-I through trainings, discussion sessions and elders networking events provided information on how to access state justice mechanisms. RLS-I provided local university law professors, lawyers and state representatives such as district governors' opportunities to discuss with elders the workings of the formal justice system. When appropriate, state justice actors were invited to RLS-I training sessions in order to increase their knowledge of ADR and foster linkages between the formal and informal systems. These gatherings also created forums for interaction and relationship building between members of ADR and the state justice system.

Local RLS-I respondents generally agreed that ADR is preferred over the state justice system for four main reasons: the state justice system is believed to be corrupt, expensive (including both legitimate and illegitimate expenses), time consuming, and does not take Afghan cultural sensibilities such as disputant reconciliation and community harmony into consideration when making judgments. Supporting ADR with the goal of fostering formal linkages was seen as a solution to combating mistrust toward the formal system.

Case Referrals between Formal and Informal Sectors: In RLS-I pilot districts, program activities included working and discussion groups tasked with finding potential avenues for cases to move between the formal and informal sectors; not only on an ad hoc basis but through a more formalized, procedural based method. As elders improved their knowledge about *Sharia*, laws and the Constitution, elders looked for ways to strengthen the linkages between the formal and informal actors. Pilot district elders developed, in conjunction with formal state actors, written procedures for referral from the district governor and the documentation of *jirga* decisions. While still in its beginning stages, through August 2011, there were 268 cases referred between the state and ADR actors in the pilot districts.

Authority Letters: RLS-I promoted the use of authority letters in ADR cases. The letters – collaboratively designed by ADR and state actors – are a signed agreement stating that decisions made by an ADR *jirga* will be heeded by disputing parties. Copies are signed by the local Huqooq or state representatives, the elders, and the disputants. Copies are kept on file with the state and with local ADR actors.

While measures were still being investigated to make the letters legally binding, it is a good first step to creating dialogue over cases and standardizing collaboration between the informal and formal justice sectors. RLS-I printed and distributed 400 authority letter booklets to a state actors and a representative group of elders in each district.

Decision Letter Booklets: Both state and ADR participants agree that justice is best served when cases are referred appropriately between the two systems. However, the referral and registration process lacked systemization with many case decisions going unregistered. With assistance from RLS-I, ADR and state actors developed decision letter booklets that document legal cases and decisions within the ADR system. Using the booklet, four copies each of the dispute and settlement are registered with the local justice provider, the state justice provider and the two disputants. This process centralizes the filing system and keeps multiple records of a dispute's outcome. Approximately 70 percent of those involved with the process say that elders are recording disputes and referring them to the state.

The decision booklets themselves, developed entirely by the elders working through RLS-I activities, contain 4-part (carbon) forms with specific dispute related information that is easy to record. The procedure for using the forms is one copy goes to each disputant, one to the *jirga* head, and one is registered with the state. Each book contains 50 sets of forms.

“Before RLS-I activities in our district, paperwork was disorganized and did not contain adequate information to describe the facts of the dispute. Now the Shura uses a standardized RLS-I decision letter book to log and track disputes. And the secretary always files the registration forms in folders in filing cabinets provided by RLS-I.”

***Malik Masoom, Surk Rod
District Jirgamar***

Public Outreach: RLS-I public outreach campaigns have played a major role in creating linkages between the formal and informal justice sectors. Approximately 60 percent of those surveyed in RLS-I engaged districts agreed that RLS-I information picture booklets and other handouts increased awareness among local people about their legal rights. The use of community cultural centers to distribute messaging materials on the formal justice sector and people's rights under the Afghan Constitution has also gone a long way towards supporting positive attitudes toward the formal justice sector as well.

IV. SUPPORT TO ALTERNATIVE DISPUTE RESOLUTION

Legal Training

RLS-I provided 128 legal workshops to 4,801 elders (3,068 men/1,733 women) through the end of August 2011 in the districts where the project operates. Workshops included studies of Afghan and Islamic law pertaining to property, family, inheritance and criminal law, as well as the Afghan Constitution. These legal disciplines are regarded as the most crucial to resolving disputes as they touch on the most common causes of those disputes in day-to-day Afghan life. While a deeper understanding of inheritance, property and family law are important for maintaining stability within and between households, knowledge of criminal law is crucial in preventing escalations in family and inter-community disputes and protecting parties who become involved in those disputes.

The project's criminal law training actively promoted the notion that criminal cases should be referred to the formal justice system. This with the understanding that *jirgas* may become involved - often by request of and in collaboration with state justice actors - to foster reconciliation between families concerned irrespective of subsequent court punishments.

Workshops and seminars were delivered by Afghan and *Sharia* law faculty from the national universities, judges and trained mullahs who not only are subject matter experts but are local Afghans in positions of high regard within the communities.

Elders interviewed by RLS-I indicated they are keen to upgrade their understanding of the law and expressed a sincere appreciation for the practical knowledge they gained during RLS-I activities. Elder feedback indicated that topics, including property, family and inheritance law, presented in project training events are relevant to the usual cases dealt with by *jirgee*.

Legal training benefits include:

- Elders are better trained in law than before attending RLS-I activities. Between 60 and 70 percent of elders expressed that, as a result of RLS-I workshops, they have a better understanding of the law and go about their duties with a greater sense of responsibility for their decisions.
- Eighty percent of beneficiaries in the districts where RLS-I operates say that they have increased trust in elder's ADR practices. There is a greater chance now that decisions made by elders will be acted upon by disputants.
- Over 85 percent of state and ADR respondents said there are closer ties between the formal and informal systems today than there were before RLS-I. Elders credited this to better understanding of the law, and thus they are more willing to send civil cases to relevant state actors. In addition, state

actors are now sending more disputes to the elders. Project elders are also registering decisions with the formal justice system (Huquq, district governor’s office, court).

- People’s trust in ADR and its practitioners is very strong with substantial conviction that elders should be hearing disputes and that their judgments should be carried out. Though skepticism regarding the formal process is well documented, feedback from elders participating in RLS-I programs indicated tacit approval for elders to cooperate more with state actors. As a result of participating in project events, the status and prestige of elders is elevated and results in more credibility and authority.
- The workshops also encourage ‘new thinking’ to slowly modernize attitudes and mindsets with some 70 percent of elders using the knowledge they have learned during RLS-I training in their decision making. There are indications that the knowledge gained in training is resulting in better ADR decisions – for example, people are now exchanging land or money instead of handing over girls in *baad* to settle disputes. Key informants insisted that *baad* was on the decline in pilot districts.
- Elders report that they often share knowledge they learn at RLS-I workshops with other *shuras* or elders in their villages. Elders cite instances of sharing principles of law with other elders at family gatherings, prayer meetings and *shura* meetings. Some elders indicate that they maintain regular contact with RLS-I trainers and instructors to get updated knowledge on dispute resolution and how they may apply new principles to their communities.

Types of Training Provided by RLS-I

Constitutional law - Articles related to human and women’s rights under the Afghan constitution, as well as similarities between the Afghan constitution and Islamic law

Property law - Basic principles of property law for resolving land disputes especially in relation to water rights, deeds and lease agreements, power of attorney, waiver letters and guarantee letters for various property types

Family law - Family disputes, individual rights within the family, marriage and guardianship, bridal dowries, family court procedures, violence against women and methods for resolving family disputes

Criminal law - Definitions of crimes, definition of murder, procedures for handling disputes in the courts, the rights of suspect and accused, and importance of defense lawyers

Inheritance law - Articles related to human and women’s rights under the Afghan constitution in relation to ownership and division of communal property, as well as similarities between Afghan constitution and Islamic law in regards to inheritance

Elders Networks and Discussion Groups

RLS-I conducted 124 discussion groups for 3,812 participants (2,165 men / 1,647 women) and 41 elder's network meetings for 4897 elders (2,968 men / 1,941 women) through the end of August 2011. While elders meetings generally involved only village elders, discussion group attendees regularly included people from the formal justice sector such as lawyers, judges, law professors, representatives of local Huqooq and district governors.

Discussion groups and elder's network meetings allowed elders and other community members to work through the challenges they face in resolving disputes, exploring solutions, and providing opportunities for increased learning about the state justice system, Afghan statutory law and the Constitution.

Main points of discussion:

- Relationship building between formal and informal sector
- Inclusion of women in the formal and informal justice sectors
- Partnerships in dispute resolution between districts and provinces
- Discussion of the positive and negative aspects of jirgee
- Discussing the obstacles that women face in jirgee and adverting those obstacles
- Finding alternatives to *baad*
- Finding a suitable alternative to *machalgha* (a financial or material guarantee , which can be corrupted and/or bias outcomes toward wealthier disputants)
- Finding solutions for long standing disputes

Discussion sessions and network meetings were conducted by qualified state justice actors, ILF-A attorneys, and civil society organizations, as well as RLS-I. Measures were taken to ensure that women are given representation and the opportunity to discuss and learn about various subjects. Select women were invited to male discussion sessions and network meetings; however, RLS-I found women enjoyed greater freedom to voice opinions in women-only discussion groups. The more outspoken and trusted elders were elected to liaise with younger community members to discuss meeting topics and solicit their views.

Where elders' network meetings had already been occurring with infrequency, RLS-I expanded these by facilitating introductions between male and female elders from different pilot districts, and included representative groups of elders from different tribes and backgrounds. These networks allowed elders from various areas to learn from each other and support each other in resolving particularly difficult disputes. RLS-I facilitated women elders in forming networks to learn from and support one another.

An overarching theme of elders meetings and discussion groups is the importance of building relationships between the formal and informal sector and finding ways in which both may compliment each other's strengths.

A number of achievements have resulted from elder's network meetings and discussion groups. These include:

- Ties between the formal and informal systems are stronger than before RLS-I.
- Province-wide network meetings allowed project district elders to share legal awareness lessons learned in RLS-I trainings and discussion sessions with elders from non-project districts.
- Elders are working more with one another – often across tribal and district boundaries – to resolve long-standing disputes, or disputes between parties from more than one district, due to the positive interactions experienced at these meetings.
- RLS-I assisted women's network meeting participants in establishing 10 women's dispute resolution groups - known locally as *Spinsary* groups - in Nangarhar, Laghman and Kandahar Provinces. The women are trained by justice advisers and respected elders in a range of traditional dispute resolution techniques. *Spinsary* deal mainly with family disputes as well as disputes between children that are deemed too sensitive for male elders from outside families to deal with. If left unresolved, family disputes can often lead to serious violence. The 10 *Spinsary* groups (9 in Nangarhar and 1 in Kandahar) have resolved dozens of disputes.
- As a natural outgrowth of networking activities, RLS-I assisted in the formation of two regional conflict resolution commissions (CRC) in the south. Conflict resolution commissions are ad-hoc "A" teams of elders that are given responsibility by local government for resolving more challenging disputes. These two CRCs resolved several long-term disputes which had evaded previous efforts by TDR, state justice, and the Taliban. Subsequent to these regional CRCs, network meeting elders began forming district and province-level "mini-CRCs" on their own. These bodies are responsible for settling 120 disputes.
- Responding to elder's requests for suitable neutral venues in which to resolve disputes, RLS-I furnished 13 meeting halls in Nangarhar and Laghman Provinces. Furnishings included items needed to accommodate community gatherings, meetings and *jirgas* such as carpets, pillows, curtains, desks, chairs and filing cabinets. The furnished halls are also safe places for women to hold various activities

Total Participants in RLS-I Events

Event	No of Events	Male	Female	Total
Network Meetings	41	2938	1941	4879
Learning Workshops	128	3068	1733	4801
Discussion Groups	124	2165	1647	3812
Total	293	8171	5321 (39.4%)	13492

TABLE I : Participation in RLS-I Sponsored Events (through August 2011)

Conflict Resolution Commissions

In order to broaden elder's networks in the south and provide opportunity for discussion about the obstacles they face in conflict resolution in their areas, RLS-I conducted a three-day *Regional Tribal Elders Network Meeting* in Kabul in November 2010. As part of that meeting over one hundred male and female elders from four southern provinces - Uruzgan, Helmand, Zabul and Kandahar - came together to discuss obstacles to conflict resolution and their solutions. Additionally, RLS-I explored opportunities to facilitate actual dispute resolution in the communities represented.

CRCs are supported by elders and endorsed by district governors and other state actors. While RLS-I supports the work of CRCs, decision making in dispute resolution is entirely the role of elders and state actors. As indicated above, the CRC concept has taken on a life of its own, growing organically in some southern districts without further inputs from RLS-I. One CRC in Dand District, Kandahar Province conducts a once-weekly *jirga* to resolve disputes among people in that district.

As of August 2011, CRCs originated by RLS-I activity participants had heard 173 disputes and resolved 127 of those. They range from a long-term dispute among brothers and sisters over a land inheritance issue where ignorance of Afghan and Islamic law drew the dispute out for some 20 years, to two families avoiding the use of *baad* in a capital crime dispute once both parties were convinced that the practice was both outdated and un-Islamic.

V. INCREASING WOMEN'S ACCESS TO ADR

According to RLS-I focus group respondents, women's rights garnered little attention before RLS-I engagement in the pilot districts. Generally, women had little or no share in inheritance, widows were shared like property among their husband's relatives and *baad* was more commonly used for dispute resolution in capital crime cases. As a result of RLS-I activities, elders are paying more attention to women's rights and are providing them with opportunities to voice their ideas, particularly in marriage, divorce and family-related disputes.

Through elder's network meetings, discussion groups and legal training sessions, RLS-I provides opportunities for female leaders to be identified and encouraged to take a greater role in enabling other women to access justice and participate in the dispute resolution process. By the end of the program, 5,321 women participants had attended 123 RLS-I sponsored meetings, trainings and discussion groups.

The women are encouraged to discuss their experiences in ADR, and to seek ways, with the approval of their families and communities, to play a larger role in dispute mediation. Women's dispute resolution groups – commonly known as *Spinsary* – were formed as a result of these interactions. Used for resolving particular disputes, such as those in the domestic realm, they have been very successful in stabilizing family disputes before they accelerate into larger conflicts. These groups are instrumental in supporting other women and children to gain access to legal representation, ADR processes and state justice. Women's rights within the Constitution and Afghan law, as well as the advantages to the whole community of more equal gender roles and relations are discussed in trainings and discussion sessions with groups of men.

Showing a greater prevalence of women's rights in the eastern districts, eastern elders strongly agreed that due to RLS-I activities *baad* has decreased considerably in their communities. They agreed that *baad* was already on the decline largely due to better education, but many elders said RLS-I workshops and discussion groups helped to rid their districts of the practice almost entirely. Some elders admitted that before RLS-I they considered giving girls in *baad*, and in the past they had done so as a regular practice in dispute resolution. Many elders acknowledged that a more stable society is possible when women were free to choose their marriage partners and that it is forbidden to punish a woman for the crime of another person. Many elders gave practical examples of using alternatives such as land and money as compensation instead of exchanging girls in *baad*. Elders also noted that RLS-I outreach materials were having a positive effect on attitudes towards women. In one example, a villager who received the RLS-I information illustrated booklet *Alternatives to Baad* gave it to his local mullah who agreed to preach the material.

A number of achievements that strengthen female access to ADR have resulted from elder's trainings, network meetings and discussion groups. These include:

- Overall, women's involvement in dispute resolution is increasing thanks to RLS-I activities, particularly because of training workshops in family, inheritance and property law and discussion sessions with state actors. While still not at the forefront of dispute resolution, women are being consulted more and more on their views regarding family issues.

- Women interviewed by RLS-I state that the meetings and workshops they attended presented the first time that they had been invited to give their views on ADR. Training in law related to family, property and inheritance gave them a much improved view on their rights under the Afghan Constitution. Training also gave them the confidence to defend their rights when they might otherwise be taken advantage of by a system that they and their male counterparts did not fully understand.

Spinsary Groups

RLS-I assisted in the formation of ten women's dispute resolution groups - *Spinsary* groups - in Nangarhar, Laghman and Kandahar Provinces. As a result, the 10 *Spinsary* groups (each with 6 female members) have resolved some 60 disputes through August 2011. Once a dispute is resolved, *Spinsary* will often make follow-up visits to ensure that their decisions are being followed by both disputants.

The main underlying theme that *Spinsary* groups impart into communities is that women and children are accorded rights under Afghan and Islamic law. *Spinsary* groups state that the practice of *baad* has decreased remarkably in the districts where RLS-I operates. In some cases, it has been eradicated all together.

All elders RLS-I interviewed spoke enthusiastically about *Spinsary* groups and supported activities in which women could take responsibility for resolving women- and family-related disputes. Village men indicated they supported *Spinsary* groups because the groups were better at resolving many sensitive family disputes than men were capable of. One Kandahar elder described the *Spinsary* group in his village as very good at resolving disputes fairly and keeping the peace. Acknowledging that petty disputes could often turn violent, many spoke of the groups as a worthwhile 'preventative measures'.

Women for Afghan Women

RLS-I partnered with WAW from December 2010 to February 2011. Through a grant from RLS-I, WAW worked toward strengthening the knowledge of women's rights in three Nangarhar districts (Surkh Rod, Behsood and Khewa). WAW provided community leaders, mullahs and school head masters, as well as high school students with information about women's entitlement to human rights.

During the grant period WAW delivered seven, two-day public awareness seminars on *women's rights and human rights* to 421 male and female community leaders, teachers and mullahs in the targeted districts. Religious leaders and school teachers shared the information in mosques, at community gatherings and in schools. Religious leaders also included this information in religious lectures after prayer. WAW held five half-day seminars for 2,240 female students from 19 schools and 320 boys from six schools. WAW printed 3,000 copies of the *women's rights and human rights* handbooks and 100,000 copies of the pocket-sized *criminal law awareness pamphlets* which were distributed at seminars.

WAW broadcast 11 different 30-second PSAs on *women's rights and human rights* through 11 local radio stations in the targeted districts. Broadcasting occurred three times daily for three weeks from 19/1/11 to 10/2/11 and included messages about domestic violence, child and forced marriages, polygamy, *baad*,

women's rights in relation to inheritance, negative views on the birth of a girl child, and human trafficking.

VI. COMMUNITY OUTREACH

Over the course of the project, public outreach activities and media campaigns played a major role in creating awareness regarding the relationship between formal and informal justice systems. RLS-I revitalized several community cultural centers to inject locally-driven content and programming into outreach activities. Materials developed included print publications and electronic media campaigns that could be easily accessed by people with little or no education, including the illiterate. RLS-I also designed public service announcements, quiz shows and talk shows for radio and television. RLS-I selected these as effective mediums for relaying RLS-I messaging due to high levels of illiteracy in rural Afghanistan.

RLS-I messaging centered on promoting access to justice through the use of either formal or informal systems. Themes are generally based on the restrictions that occur from traditional, cultural and religious perceptions of people's rights – with an emphasis on women and children - and their societal roles.

RLS-I found that outreach through mosques and religious leaders added value toward inducing behavior change in rural communities.. One religious leader expressed positive views about addressing more than 50 people three times a day on RLS-I outreach massaging.

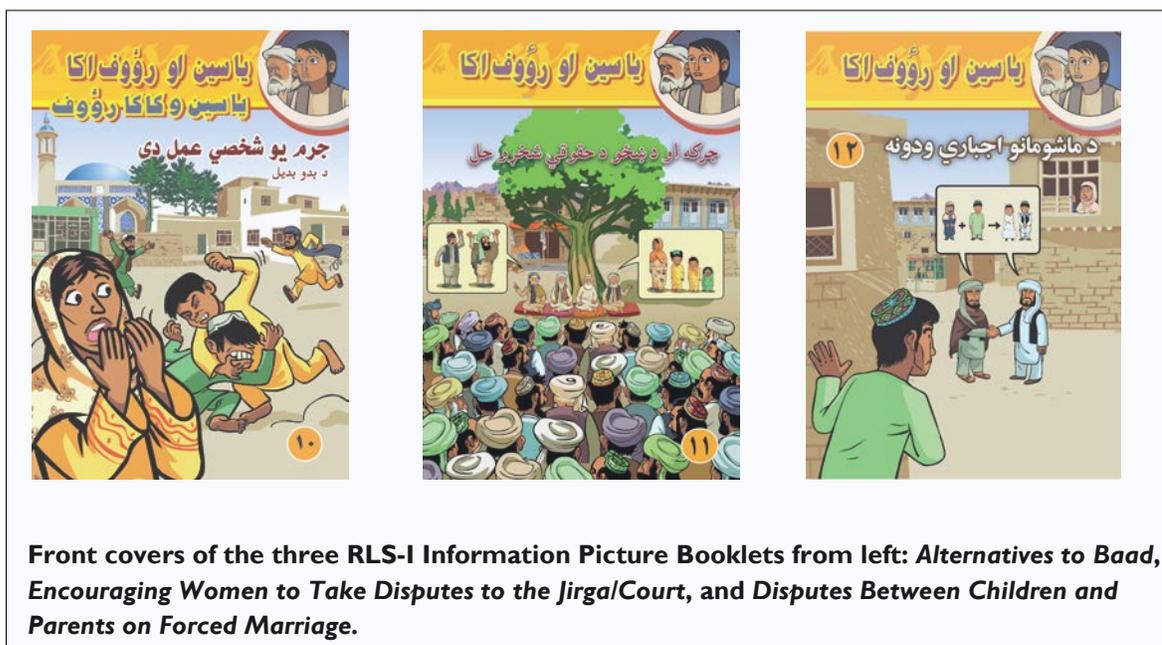
Community Cultural Centers

RLS-I supported six community cultural centers (CCC) in distributing outreach materials in of support RLS-I programming. The centers were stocked with digital equipment such as computers, and audio/visual players for use by volunteers trained in public outreach and legal referral to carry out community awareness activities in remote areas. An average of nine volunteer staff worked at each center. In addition, approximately 200 regular volunteers assisted the six centers on an ad-hoc basis in conducting outreach activities. Community cultural center volunteers also worked with village elders and *jirga* to organize *jirga* archives and dispute decision files. Other volunteers hosted literacy and outreach training courses in their communities for capacity development and organized sporting events to encourage community stability.

Publications

RLS-I designed, printed and distributed several publications to get out its messages. The project also reprinted and distributed several publications from the prior USAID Afghanistan Rule of Law Project (ARoLP).

- RLS-I designed three information picture booklets carrying rule of law themes: *Alternatives to Baad*, *Encouraging Women to Take Disputes to the Jirga*, and *Disputes between Children and Parents on Forced Marriage*. The booklets were designed in an illustrated book format easily understood by children and the illiterate. The booklets were distributed to 233 villages throughout Kandahar and Nangarhar Provinces via community culture center volunteers as follows:
 - 40,000 *Alternatives to Baad*
 - 80,000 *Encouraging Women to Take Disputes to the Jirga*
 - *Disputes Between Children and Parents on Forced Marriage*



- RLS-I's first information picture booklet, *Alternatives to Baad*, was also animated in 3D format for television and broadcast through provincial TV stations and community cultural center mobile cinema, and radio facilities at the provincial, district and village level.
- RLS-I reprinted six picture books originally developed ARoLP. Center volunteers distributed 120,000 to 60 villages throughout Nangarhar Province at the onset of RLS-I. The themes of these publications include:
 - child labor
 - education rights
 - preserving public order
 - corruption
 - property rights
 - the structure of the Afghan government

- RLS-I reprinted and distributed 70,000 criminal law awareness pamphlets and 14,400 bumper stickers originally developed under ARoLP for use as a tool to educate Afghans on their basic rights under the Afghan Constitution. The pamphlets and stickers explain:
 - the rights of accused upon arrest and in prison
 - the duties and authority of the attorney general
 - how police should conduct investigations
 - roles of defense lawyers
 - the difference between being suspected/accused/guilty of a crime
 - equal treatment under the law for all citizens with an emphasis on women's rights

The six editions of these three picture booklets (a separate edition for each district thereby tailoring each booklet to the needs of that particular district), with their simple yet straight forward design, addressed the above issues to the widest possible audience. The popular picture booklets have proven to be a highly effective means of disseminating information among a largely illiterate population. RLS-I's printed materials improved Afghan's access to legal information central to the most common disputes, as well as the duties of citizenship generally.

Television and Radio

RLS-I designed, produced and distributed several electronic media to disseminate RLS-I messages, including:

- Two Television Quiz Shows broadcast on Sharq TV featuring elders from Nangarhar Province and focusing on alternatives to *baad* and ways of strengthening linkages between the informal and formal justice sectors.
- Two Radio Quiz Shows broadcast on Sharq Radio focused on alternatives to *baad* and ways of strengthening linkages between the informal and formal justice sectors.
- Eight Radio Talk Shows broadcast in both Kandahar and Nangarhar Provinces. The programs, hosted by local elders, local justice experts and religious leaders, addressed linkages between the informal and formal justice systems, alternatives to *baad*, and encouragement for women to take disputes to village *jirgas*. The combined reach of these talk shows was in the millions.

Radio listenership continues to outpace all other media access with 73% of the population listening to the radio weekly.² Individual and focus groups respondents in Kandahar and Nangarhar commented favorably on radio quiz and talk shows. Though only 37% of Afghans polled claimed to watch TV weekly³, mostly urban areas such as Kandahar and Jalalabad, TV quiz shows were mentioned favorably in RLS-I focus group studies.

² Ibid

³ Afghanistan Media Environment; (Tolo TV; Kabul, Afghanistan) 2010

Refurbishing Meeting Halls for ADR

RLS-I furnished 13 meeting halls in key districts of Kandahar, Nangarhar and Laghman Provinces to be used as venues for of *jirgas* deliberations. Furnishings included low cost items needed to accommodate community gatherings, meetings and *jirgas* such as carpets, pillows, curtains, desks, chairs and filing cabinets. Elders selected the venues and agreed to maintain them.

Elders reacted positively to having meeting halls specifically designated for *jirgas*. The neutral venues, as opposed to elders' or disputants' homes, enhance the *jirgas*' credibility and chances for fair and respected ADR outcomes. Elders also say the halls help them with organization and efficiency in resolving disputes, which increases the number of disputes addressed. Furthermore, women have greater access to *jirgas* because of the halls. Past *jirgas* were usually conducted in an elder's home, thus prohibiting women from attending due to cultural sensitivities - these neutral locations allow women access.

VII. IMPROVED LEGAL DEFENSE MECHANISMS

The government of Afghanistan recognizes that fostering the rule of law, improving access to justice for women, and building confidence in the judiciary and state formal justice system depends on the availability of a legal defense for all criminal defendants. Such assistance is especially crucial where deprivation of liberty is concerned as it is in criminal cases. Providing legal referral also signals to the community that the legal system is fair to all participants, not just the rich and well-connected.

RLS-I occupied a unique position as the only legal program with field offices in provinces that were actively engaging ordinary citizens and community elders, thereby having a unique understanding of the legal needs. For this reason, RLS-I was in a prime position to offer legal referral services in the districts where it operated.

RLS-I worked with ILF-A pursuant to a subcontract agreement effective March 18, 2010, to July 18, 2011. Under the original contract agreement, RLS-I funded ILF-A offices in Kandahar, Helmand, Bamyān, Paktia) and Jalalabad. The agreement was subsequently amended to add partial funding for the headquarters office in Kabul, as well as Herat, Ghor and Badghis. During the programmatic RLS-I period, ILF-A made substantial progress in providing criminal defense representation to poor Afghans accused of crimes and moved forward with ILF's mission to develop a sustainable, government-supported public defender system in Afghanistan. The process toward the nationalization of ILF-A that began in 2003 entered its last and most concrete phase in 2010 when ILF-A and the Ministry of Justice began discussions about merging ILF-Afghanistan with the Legal Aid Department of the MOJ.

During the contract period, ILF-A's defense attorneys took on 1,576 client cases, including 294 women and juvenile cases, in Kandahar and Nangarhar provinces. Overall, ILF-A's defense attorneys took on 6,895 client cases, including 689 women and juvenile cases, in 15 provinces throughout Afghanistan. . ILF-A also hired and trained 21 new lawyers, and hosted 178 law and Sharia faculty students at its university-based legal clinics in Kabul, Nangarhar, Herat and Balkh.

VIII. LESSONS LEARNED

As the presence and influence of Taliban justice began to recede over the past years, a space has been created for the large scale return of traditional justice institutions in the larger rule of law architecture. This space, however, is one that will be shared with the formal system in the form of state courts, prosecutors and a viable correctional component. Taliban justice has a lingering presence, but with strengthening of the informal system, the Taliban courts have been weakened to the point of being the exception rather than the rule. To date, only three of the fifteen RLS-I pilot districts reported any continuing Taliban justice activities.⁴ Subsequently, informal institutions in the form of jirga and elders' councils reclaimed their place and status in Afghan society in the field of dispute resolution.

In the mixture of what comprises informal justice there are some unacceptable local practices such as *baad*, which continue today. RLS-I legal training has been cited by participants as having a significant impact in the reduction of incidents of *baad* with alternative methods of resolution being utilized which do not violate *Sharia* and the basic tenets of human rights. This and the components listed below are the center of gravity of RLS-I which have provided basic building blocks for a robust model to carry the work of providing access to justice and stability to rural Afghans to the next level of development.

Preference for Informal Justice

Throughout every pilot district the preference of informal justice was underscored by respondents. This preference is understandable as informal justice is woven throughout the fabric of Afghan society and is organic to basic societal components for the Afghan population. RLS-I made a concerted effort to facilitate and strengthen the informal system while not doing it to the detriment of formal justice institutions. By demonstrating that the rule of law is not a zero sum game between formal and informal systems, participants in RLS-I activities gain an appreciation for the holistic view of the rule of law in Afghanistan.

Benefits of Legal Training

In response to a desire amongst the community to better understand constitutional, statutory, and theological regulations, RLS-I developed a series of training programs to expand the context in which elders resolve conflicts and demystify the Afghan government and Constitutional structure. Each training was narrowly tailored to address specific areas of the law, either Islamic or Afghan as required. Training topics included Afghan Constitutional structure, inheritance law under Islam, land registration law, divorce and family law, the Afghan state justice system, and criminal procedure. In order to facilitate the trainings, RLS-I developed partnerships with both experts in *Sharia* law and Afghan law from

⁴ As reported in RLS-I district assessments; Spin Boldak, Kandahar City Sub-District 9 and Tarnak Wa Jaldak (Zabul) are the only pilot districts that reported any Taliban justice activities.

universities, and local NGOs in order to maintain cultural consistency and traction with local beneficiaries.

Value of Elder's Networks

The benefits of building elder networks go well beyond the apparent advantage of elders sharing and learning from each other's experiences and challenges. In general, the status and prestige of elders is being reestablished after years of neglect (during the communist era) or of active dismantling (during the Taliban era.) As elder's made more decisions in accordance with *Sharia* and Afghan law rather than acquiescing to local practices, they took steps forward in strengthening and building local community relationships which increased the degree of stability in that district. Additionally, the growth of these local elder's networks gave rise to the regional networks allowing elder's to gain a wider vision in the resolution of disputes. While recognizing the impact of other factors within the district, it is clear that through the use of networks and the facilitation of discussions between those previously marginalized elders and the district government, RLS-I has been able to re-establish a system of dispute resolution linked with the district authorities.

Building Formal/Informal Linkages

All RLS-I activities contain relationship building components between formal and informal actors and the systems they represent. Referrals and registration are obvious initiatives with many dispute resolution petitions being referred to tribal elders if initially filed with formal institutions. Similarly, criminal cases which have been brought to tribal elders are now routinely rerouted to the state court system. The decision letter booklets discussed earlier are a significant step forward in not only recording decisions but providing the foundation for systematic registration of case decisions. These decision letters also provide an ancillary function by creating an additional link between the formal and informal systems as these cases move between the two institutions.

RLS-I's essential function has been to increase effective governance beyond the district center and tie local communities to the district government, specifically by providing greater access to justice through the informal system. Engagement by the District Governor of ADR elders has had a mutually beneficial impact of increasing the District Governor's awareness of potentially destabilizing conflicts within the district and increased the effectiveness and enforceability of ADR decisions in the community. ADR elders have had the legitimacy of their decisions bolstered by their connection with the District Government, increasing the likelihood of long-term enforceability. The District Governor himself has come to rely on the elders as the most effective mechanism available to him to resolve disputes, seeking out in several instances elders to address some of the long standing disputes within the district.⁵ These

⁵ A case in Arghandab involved a family dispute regarding a failed marriage that had lasted five years. The District Governor expressed his relief that elders could try and resolve this conflict before it became violent.

examples bode well for continued collaboration on particularly challenging, and potentially destabilizing disputes.