

MONTHLY REPORT, December, 2013

Justice & Governance in Eastern Afghanistan (JGEA) Project (Logar, Khost, Paktia)



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Introduction:

General Information	Project Start Date	04 July 2012
	Project Completion Date	03 July 2014
	Project Name	Justice & Governance in Eastern Afghanistan (JGEA)
	Organization	The Liaison Office
Project Location	Logar, Paktia and Khost	
Project Status	Contract Signed	04 July 2012
	Ongoing	Ongoing
	Cancelled	
	Completed	

I. PROGRAM OVERVIEW

The Justice & Governance Eastern Afghanistan (JGEA) project focuses on the establishment of Commission on Conflict Mediation (CCMs) in Logar, Paktia and Khost. Building on past experiences, TLO will facilitate the establishment of dispute resolution shuras committees called CCMs. The CCMs include traditional elders that reflect and represent the population of their provinces, and seek to resolve disputes and, especially at the regional level, develop policy recommendations. Working with respected elders already known to TLO and relevant government officials in each target province, TLO will establish a transparent process to select 20 persons to form a body comprising traditional elders, local religious leaders, and other individuals that can contribute to the enduring resolution of disputes.

Each CCM will be balanced to reflect the province’s tribal and ethnic makeup helping to ensure province-wide reach and promote collaboration. Each will also meet regularly with its respective provincial government (provincial governor or representative, Department of Justice and Department of economy, both benefitting from, and complementing, government dispute resolution efforts. Previous CCM decisions have received the stamp of the provincial governor. TLO has not sought to impose this requirement here, but will work with each CCM to develop appropriate cooperation modalities in its province.

The main tasks to establish the CCMs are recruiting project staff in each location; securing the approval of each provincial government; establishing a transparent process to select CCM

members that are representative of the population; selecting CCM members; developing CCM working procedures; and operationalizing the CCMs.

Once operational, TLO will review and analyze both each case the CCMs decide, and the cases as a group in order to help identify major conflict actors, patterns, and trends, as well as to provide some (more-or-less real-time) insight into the CCMs' successes or shortcomings; TLO, as possible and only with the prior consent of the CCMs will also post CCM decisions on the Project website, in order to increase transparency and accountability. Project records and CCM decisions will, finally, provide a solid foundation on which to base an evaluation of CCM procedures at the end of this first year.

Because CCM set-up and operation in year one proved generally successful, the main task of year two will be to review CCM members' lists and revise them as necessary. TLO by no means expects significant members' list revision, but will take the opportunity to "tweak" membership of each CCM to ensure maximum impact and performance.

During year two, TLO, as possible and only with the prior consent of the CCMs¹, will also post CCM decisions on the Project website, in order to increase transparency and accountability. Project records and CCM decisions will, finally, provide a solid foundation on which to base an evaluation of CCM procedures at the end of the project.

Longer-term the RCCM could become a forum to bring together a broader group of ADR providers to discuss important issues and enhance their capacity in areas such as the rights of women and minority rights, and how to improve the functioning of ADR, including how to better support the Afghan government and its initiatives.

As a practical next step – and based upon the specific request of RCCM members – TLO will thus provide increased resources to the RCCM in year two. More concretely, while the RCCM met twice in year one, during year two it will meet on a quarterly basis.

Major activities will include consultative meetings to select regional CCM members and topics; the conduct of Regional CCM meetings; the recordation, analysis, and, as possible, promulgation of Regional CCM decisions; and the evaluation of Regional CCM operations and procedures.

II. EXECUTIVE SUMMARY

This report covers the Tasks set out below are taken directly from the JGEA Project Work Plan – July 4, 2013 to July 3, 2014. A summary of the main achievements against each of the Tasks, Indicators and Targets presented below in table 1. The structure of the main report is designed to describe the achievements under each of the indicators given in the work plan.

¹ TLO's experience has been that most dispute parties will not object to the resolution of their dispute being recorded, or even publicized. However, especially if a dispute implicates significant issues of honor or family governance, dispute parties will often resist publicization, or even recordation, vigorously.

Table 1: Tasks, Indicators, Targets and Actual Achievement

No	Task	Task Status	Indicators	Targets	Target Status	Actual Achievement during period	Actual Achievement During Life of Project
1	Task 1: Regular CCM Meetings	On going	<p>1.number of CCM meetings held</p> <p>2.number of conflicts resolved by the CCMs</p>	(at least) 16 CCM meetings during each project year 2	On going	<p>2 bi-weekly meetings have been conducted by Khost CCM</p> <p>2 bi-weekly meetings have been conducted by Paktia CCM</p> <p>2 bi-weekly meetings have been conducted by Logar CCM</p> <p>3 conflicts resolved by Khost CCM</p> <p>2 conflicts resolved by Paktia CCM</p> <p>3 conflicts resolved by Logar CCM</p>	<p>12 bi-weekly meetings have been conducted by Khost CCM</p> <p>11bi-weekly meetings have been conducted by Paktia CCM</p> <p>11 bi-weekly meetings have been conducted by Logar CCM</p> <p>24 conflicts resolved by Khost CCM</p> <p>23conflicts resolved by Paktia CCM</p> <p>34 conflicts resolved by Logar CCM</p>
2	Task 4: Promulgate CCM Decisions	On going	<p>1.number of CCM decisions posted to project website</p> <p>2. number of CCM decisions recorded</p>	<p>1.The creation of one project website (as part of TLO website)2.Posting most CCM decisions to that website</p> <p>3.Preparation and submission of two</p>	On going	The website is being created in close consultation and coordination between the donor and TLO.	<p>A total of 81 CCM decisions have been recorded so far in the three target provinces.</p> <p>The summary of the 81 CCM decisions have been prepared in English language.</p>

No	Task	Task Status	Indicators	Targets	Target Status	Actual Achievement during period	Actual Achievement During Life of Project
				summaries of CCM decisions			
6	Task 3: Conduct Regional Commission	On going	number of RCCM outputs	1.Four RCCM meetings 2.Four RCCM output reports	50%	Fourth RCCM meeting was conducted on fifteenth December, 2013 by Kabul project staff	The 2nd year 2 RCCM output report (4th RCCM output report overall) was prepared and translated from Pashto to English and sent to the donor
7	Task 1: Hold discussions with CCM members regarding how to improve women's representation on the CCMs	On going	1.Number of discussions held with project staff and CCM members 2.Number of suggestions reached regarding the improved representation of women on the CCMs	1. At least one round of discussions between CCM members and project staff in each target province 2. Draft suggestions developed in each province	On going	Two Meetings were conducted between the project staff and the CCM members (one in Logar and one Paktia)	On going
10	Task 4: Conduct trainings	going on	1.number of trainings conducted 2.number of CCM members attending training 3. number of outside women's leaders attending training	Three training sessions of at least three days apiece	80%	Two training sessions have been conducted in the month of December ,2013 for the Logar and Paktia CCMs Twenty CCM members and five outside women's community leaders in Logar province attended the training. Thirteen CCM members and	2 training sessions (three days each) have been delivered to the Logar and Paktia CCMs scheduled in the month of December, 2013. 20 Logar CCM members and 5 outside women's

No	Task	Task Status	Indicators	Targets	Target Status	Actual Achievement during period	Actual Achievement During Life of Project
						five outside community women's leaders attended the training in Paktia province	community leaders from different organizations attended the training session. 13 Paktia CCM members and 5 outside community women's leaders attended the training session.

III. Summary of Project Activities

In the month of December, 2013, the Khost Paktia, and Logar CCMs each met twice. ***During these meetings, the Khost CCM has resolved three conflicts, Paktia CCM has resolved two conflicts and the Logar CCM has resolved three conflicts.***

Additionally on Sunday December 15, 2013 in Kabul the Regional CCM held its fourth meeting. During the meeting the RCCM members discussed a number of intractable land disputes. Ultimately the RCCM decided that they cannot resolve these issues without government involvement (which is unlikely before the election), but, in their own capacity, can help enforce ceasefires between the dispute parties. In turn, the RCCM further decided that each provincial CCM should develop a set of guidelines for dealing with family issues (such as bride price, dowry, etc.). Each provincial CCM will develop its own guidelines, to be shared with the RCCM when next it meets. Finally TLO has delivered legal training sessions, three days each, to the Logar and Paktia CCMs and additional five women's community leaders in each province in Afghan statutory and Sharia law.

IV. ACHIEVEMENTS AGAINST EACH INDICATOR

Task 1: *Regular CCM meetings*

Indicator: 1.1 Number of CCM meetings held

1.2 Number of conflicts resolved by the CCMs

Achievements:

In the month of December, 2013 Each CCM had conducted additional 2 bi-weekly meetings in their target provinces; and ***as a result of these meetings the CCMs have in total resolved an additional eight conflicts.*** Most of the resolved disputes were related to rainfed, forest and irrigated lands and as well as family disputes and violent activity. The total conflict solved by each CCM is listed in Table 1, which is updated with every monthly report.

Table 1: Number of conflicts resolved by each CCM in three provinces

Province	# of conflicts resolved	Type of conflict
Khost	24	Irrigated and rainfed lands, family disputes, inherited land, and verbal fight
Paktia	23	Irrigated and rainfed lands, family disputes, criminal, forest, and micro-hydro power
Logar	34	Irrigated and rainfed lands, family disputes, criminal, inherited land, and related to cash
Total	81	

Task 4: Promulgate CCM Decisions

Indicator: **1.1 number of CCM decisions posted to project website**

1.2 number of CCM decisions recorded

The TLO office, and its staff, will also manage a website that publishes, as possible CCM case decisions (in order to increase transparency, accountability, and knowledge of conflicts in the Southeast/Center and the informal justice system's resolution of them). In the month of December, 2013 the Website is still being created in close consultation and coordination between the donor and TLO.

A total of 81 CCM decisions have been recorded, so far by the targeted provinces (Logar, Paktia and Khost) and the summary of these 81 CCM decisions were prepared in English language and submitted to the donor.

Task 1: Hold discussions with CCM members regarding how to improve women's representation on the CCMs

Indicator: **1.1 Number of discussions held with project staff and CCM members**

1.2 Number of suggestions reached regarding the improved representation of women on the CCMs

TLO has observed, and ADR providers will usually admit, that they can have difficulty in addressing cases where a woman is a party or, more commonly, where a woman's interests are

directly implicated, in large part because (male) ADR practitioners themselves face high cultural barriers in even speaking to women disputants or other affected parties. Moreover, these barriers to ensuring that women can use CCMs do not address other ways that the CCMs, in their structure, procedures, and outcomes might benefit from the input of female community leaders. For largely the same reasons, women's engagement with the CCMs could, if successful, truly advance dispute resolution in Afghanistan and further align it with Afghan government priorities.

This engagement, during year one, has required careful planning, and deliberate reflection on TLO past experience. District-level CCM members in other TLO projects have expressed caution in working with women. ADR providers in urban areas have tended to describe women sitting alongside men on CCMs as "not impossible", while those from rural areas have rejected the idea out of hand. Similarly, in recent TLO projects female community leaders have indicated that they do not consider women sitting on bodies like the CCMs advisable at this time, explaining that their presence could imperil the work of the body, and would also endanger the women sitting on them.

TLO, however, has also frequently faced such views only to discover during project implementation that engagement between women and ADR providers can take place more quickly, and in greater depth, than these previous responses would indicate. This pattern repeated itself in the present project. TLO first approached the CCMs with the general requirement of developing a strategy to engage with women, but without further stipulations. The Logar and Khost CCMs then themselves replied with the idea to incorporate female CCM members, while the Paktia CCM suggested working with its Women's Liaison Officer to aid in "women's" disputes, but without female CCM members as such. Toward the end of year one, each CCM in turn suggested the creation of a provincial women's CCM. The idea seems to have originated with the Logar CCM and then, facilitated by RCCM meetings, spread to Paktia and Khost.

Unfortunately, facilitation of a women's CCM falls outside the scope of this project. Nevertheless, during year two, TLO will work with each CCM to both develop the ideas surrounding a women's CCM, and to fertilize other ideas for how women's engagement may be solidified and expanded. These discussions should result in a set of concrete plans and proposal inputs, which TLO can then explore with the donor and other donors – representing a very significant step above women's ADR engagement as it has taken place in these provinces previously. To develop these plans, TLO will facilitate a series of consultations between CCMs and local government officials, women's civil society leaders, and *spinsari* ("white haired" female community elders). These consultations will help the CCMs further develop their strategy for women to take an even more active part in CCM tasks and activities. Assuming

some degree of success and buy-in, TLO will then further develop these inputs, and begin the more formal process of project development.

In the month of December , 2013 two discussions' meetings were held as followed up between the project staff and the CCM members one in Logar and one in Paktia about the improvement of women representation on the CCMs' tasks. The outcome of the conversations was a more nuanced view of CCM members about women in Logar province and recognition that creative engagement rather than condemnation is a more productive approach to resolving deficiencies in women's rights in TDR venues. The Logar CCM members have recommended the following suggestions for women's active role in CCM tasks and activities;

- Women taking part in CCM activities should include those women who are literate and at least have some legal related knowledge. Membership shall be one from each district and the ethnicities (minority, majority and Kuchi) shall be considered in the formation of the CCM
- The Female member shall be *spinsari* (white hair) and shall come in Hijab to the CCM meetings
- As women do not have traditional conflict resolution experience, so engagement of women on the CCM would be very useful to learn from male CCM members and apply it to the resolution of women related conflicts in their districts.
- For the time being 7 women *spinsaris* (white hair) one from each district should sit on the CCM along male CCM members in order to better address the women related issues in the province.

The Paktia CCM members still insists on establishing a separate CCM for women and the Male CCM members will assist them in capacity building, and conflict resolution process. The women will play the role as a bridge between male and female, for example, if there was a conflict between tribes, as elderly women would go and offer her veil on the ground and ask for the parties to stop fighting. People would stop fighting out of respect and honor to the women. So there is a vital need for women *spinsaris* to work along male traditional elders in conflict resolution and other decision making related to women in Paktia province.

Task 4: Conduct training

Indicator: 1.1 numbers of trainings conducted

1.2 number of CCM members attending training

1.3 number of outside women's leaders attending training

In the month of December,2013 two legal trainings three days each have been delivered to the Logar and Paktia CCM members and additional community women leaders from different organs such as DoWA, women's cultural and social societies, civil societies, AIHRC and institute

of higher education in the target provinces. The attendees of the Logar CCM training were 20 CCM members and 5 outside community women leaders, and the attendees of Paktia CCM training were 13 male CCM members and 5 outside women community leaders. The two trainings were held on the following topics selected by each CCM itself; additionally the TLO-prepared the training materials as chapters and distributed them to the training participants for their future information and dissemination in their communities.

Logar CCM topics

1. Land Management Affairs Law
 - Land exchange from the perspective of Sharia and civil laws
 - Definition of Shafa (adjacent land), its limitation, and (other aspects of) its legal framework
2. Transitional justice from the perspective of Sharia, as well as traditional principles
3. Haq-ul-abd (victim's right) and Haq-ul-Ilah (state's right) in light of Sharia and custom

Paktia CCM topics

1. Water Law of Afghanistan
 - Use of water for Agriculture
 - Distribution of water rights
 - Responsibilities of Irrigation Associations for the distribution of water for irrigation
2. Traditional Resolution Methodology, including linkages with the formal justice system.
3. Land Management Affairs Law
 - Types of lands
 - Differentiation between *Qabala-i-Sharia* (legal title deed) and *qabala-i-urfee* (customary title deed)
4. Family Law
 - Inheritance (family related issues)

The following tables 2 and 3 indicates the number of CCM members and the number of outside community women leaders attended the trainings delivered to the Logar and Paktia CCMs.

Table 2: List of Logar CCM training participants as of December 8, 2013

No	Name	Father Name	Organization	Position
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1	Hajji Sayed Aniatullah	Sayed Habibullah	TLO	CCM member
2	Hajji Mohd. Daud Milma	Qazi Fazil Haq	TLO	CCM member
3	Mohd. Raza Jawadi	Ghulam Mohd.	TLO	CCM member
4	Mohd. Salim Kuchi	Hajji Naeem	TLO	CCM member
5	Hajji Abdul Rahman	Ghulam Sakhi	TLO	CCM member
6	Sharafudeen	Qamarudeen	TLO	CCM member
7	Nick Mohammad	Ata Mohammad	TLO	CCM member
8	Mohd. Rafiq Sahibzada	Agha jan Sahibzada	TLO	CCM member
9	Mohammad Younas	Abdul Kabeer	TLO	CCM member
10	Hajji Muhibullah	Abdul Hameed	TLO	CCM member
11	Badshah Zareen Khail	Mohd. Ameen	TLO	CCM member
12	Asadullah Hematyar	Mianoor	TLO	CCM member
13	Shafiullah Danish	Mohd. Ghaus	TLO	CCM member
14	Hajji Mohd. Qaseem	Abdul Mohammad	TLO	CCM member
15	Hajji Naib khan	Bahram khan	TLO	CCM member
16	Mohammad Deen Charkhi	Kamaludeen	TLO	CCM member
17	Abdul Azeem	Abdul Karim	TLO	CCM member
18	Hajji Ameer	Mohd. Yaseen	TLO	CCM member
19	Daud Shah	Shahbaz khan	TLO	CCM member
20	Shima Zargar (Female)	Badshah Khan	TLO	CCM member
21	Salma (female)	Sayed Ahmad Shah	DoWA	Director of information & culture
22	Fahima (female)	Sultan Shah	Women's cultural & social society (Khushi district)	Literacy teacher
23	Nageena (female)	Sayed Riza	Women's cultural & social society (Barak-i-Barak district)	Literacy Manager
24	Masooda (female)	Mahsan Shah	Women's cultural & social society (Pul-i-Alam)	Member of the society
25	Zahra (female)	Sayed Aniatullah	DoWA	Manager of social public awareness and capacity building

Table 3: List of Paktia CCM training participants as of December 30, 2013

No	Name	Father Name	Organization	Position
1	Abdullah Mujahid	Sayed Hassan	TLO	CCM member
2	Mata Khan	Azeem Khan	TLO	CCM member
3	Mirza Khan	Pashki Khan	TLO	CCM member
4	Rozi Khan	Zareef Khan	TLO	CCM member
5	Hajji Sangeen	Maeen Khan	TLO	CCM member
6	Wali Mohammad	Wazir Khan	TLO	CCM member
7	Maulavi Mohd. Hanif	Mohd. Saharif	TLO	CCM member
8	Allah Meer	Bahram Khan	TLO	CCM member
9	Hajji Safdar	Ali Gul	TLO	CCM member
10	Abdul Malik	Hajji Raz Mohd.	TLO	CCM member
11	Hajji Deen Mohammad	Hajji Zar Khan	TLO	CCM member
12	Laal Deen	Laal Madeen	TLO	CCM member
13	Noor Mohammad	Abdurrahman	TLO	CCM member
14	Jameela (female)	NA	AIHRC	Deputy of women's rights support & development
15	Pashtun (female)	NA	Election department	Manager of public awareness
16	Malalai (female)	NA	Civil society	Civil society representative
17	Maleeha (female)	NA	Civil society	Civil Society representative
18	Nargees (female)	NA	Institute of higher Education	Midwife

Task 3: Conduct Regional Commission

Indicator: number of RCCM outputs

After the provincial CCMs were established the TLO facilitated the establishment of a regional CCM (RCCM) covering the Southeast (Paktia and Khost) and Southeast/Central 2(Logar) regions to address inter-provincial conflicts, including major inter-tribal disputes, and explore regional cooperation modalities. The RCCM adopted a process similar to provincial CCMs in selecting members in order to ensure a balance between major ethnicities and tribal groups, and included minority (particularly Kuchi) representation. The RCCM meetings also provided CCM members with the opportunity to exchange ideas, information, and experiences. While the dispute resolution capacity of the RCCM is potentially of great importance, in the first year of

² In some respects, Logar closely resembles its neighbor Wardak as part of the “Afghan [central] heartland.” However, Southeast tribal networks, most prominently the Ahmadzai, do extend into Logar province.

the project the RCCM functioned mainly as a forum to build personal connections between CCM members from each province. These improved links particularly manifested themselves in disputes taking place with parties from different provinces, and thus most frequently in conflicts involving accidents along the Kabul-Gardez highway.

Longer-term, the RCCM could become a forum to bring together a broader group of ADR providers to discuss important issues and enhance their capacity in areas such as the rights of women and minority rights, and how to improve the functioning of ADR, including how to better support the Afghan government and its initiatives.

As a practical next step – and based upon the specific request of RCCM members – TLO will thus provide increased resources to the RCCM in year two. More concretely, while the RCCM met twice in year one, during year two it will meet on a quarterly basis, i.e, four meetings.

Major activities will include consultative meetings to select regional CCM members and topics; the conduct of Regional CCM meetings; the recordation, analysis, and, as possible, promulgation of Regional CCM decisions; and the evaluation of Regional CCM operations and procedures.

On Sunday December 15, 2013 in Kabul the Regional CCM held its fourth meeting. During the meeting members discussed a number of intractable land disputes. Ultimately the RCCM decided that they cannot resolve these issues without government involvement (which is unlikely before the election), but, in their own capacity, can help enforce ceasefires between the dispute parties. In turn, the RCCM further decided that each provincial CCM should develop a set of guidelines for dealing with family issues (such as bride price, dowry, etc.). Each provincial CCM will develop its own guidelines, to be shared with the RCCM when next it meets. The fourth RCCM output report has been prepared from Pashto to English and sent to the donor in the second deliverables of year two. The following numbers of disputes selected by the provincial CCMs have been discussed by RCCM members in the fourth meeting.

Logar CCM:

Inter-tribal and provincial conflict

1. Conflict over Khaki dasht (desert) between Kuchis and locals residents.
2. Conflict over Ashak Mountain and forest between the residents of Logar and Paktia provinces.

Paktia CCM:

Inter-tribal conflicts

1. Conflict over a township known as Askari famili whereabouts 1000 families reside. Most of the residents have received some sort of documents and most of them have been residing for about 30 years. The conflict has three aspects which are as following:
 - The Government,
 - Salo Khail tribe and
 - The residents of the township
2. A piece of land located in Patan district where Zazi and Mangal tribes have conflict over the land and may escalate to a big fight.

Khost CCM:

Marriage and related issues

1. *Walwar* (Dowry price)
2. *Bad* (giving of a girl in murder cases)
3. *Mahr* (dower)
4. *Meeras* (inheritance)
5. *Badal* (Exchange Marriage)
6. *Hajj* (high expenses)