

MONTHLY REPORT, March, 2014

Justice & Governance 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 Commissions on Conflict Management (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 who 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 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 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.

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.

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.

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	1.number of CCM meetings held 2.number of conflicts resolved by the CCMs	(at least) 16 CCM meetings during each project year 2	On going	2 bi-weekly meetings have been conducted by Khost CCM 2 bi-weekly meetings have been conducted by Paktia CCM 2 bi-weekly meetings have been conducted by Logar CCM 1 conflicts resolved by Khost CCM 3 conflicts resolved by Paktia CCM 2 conflicts resolved by Logar CCM	18 bi-weekly meetings have been conducted by Khost CCM 17 bi-weekly meetings have been conducted by Paktia CCM 17 bi-weekly meetings have been conducted by Logar CCM 29 conflicts resolved by Khost CCM 29conflicts resolved by Paktia CCM 40 conflicts resolved by Logar CCM
2	Task 4: Promulgate CCM Decisions	On going	1.number of CCM decisions posted to project website 2. number of	1.The creation of one project website (as part of TLO website) 2.Posting	On going	The website is being created in close consultation and coordination between the donor and TLO. During this	A total of 98 CCM decisions have been recorded so far in the three target provinces.

No	Task	Task Status	Indicators	Targets	Target Status	Actual Achievement during period	Actual Achievement During Life of Project
			CCM decisions recorded	most CCM decisions to that website 2.Preparation and submission of two summaries of CCM decisions		period, TLO received a presentation of the website from its developer, and agreed on a structure to the website.	The summary of the 98 CCM decisions have been prepared in English language. Template for the website is prepared and revised.
3	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
4	Task 3: Hold discussions with area spinsari	Completed	1.number of meetings held 2. number of suggestions received 3. number of suggestions incorporated	At least one round of discussions held in each province with local <i>spinsari</i>	100%	Meetings with local spinsaries have been conducted in the month of March, 2014.	Total three meetings have been conducted with local spinsaris one in Logar, one in Paktia and one in Khost province.

III. Summary of Project Activities

In the month of March, 2014, the Khost, Paktia, and Logar CCMs each met twice. ***During these meetings, the Khost CCM resolved one conflict, the Paktia CCM resolved three conflicts and the Logar CCM resolved two conflicts.***

Moreover, each provincial CCM completed the draft of its guidelines for dealing with family issues (such as bride price, dowry, *baad*, *badal*, child engagement, etc.). The guidelines have been discussed with the provincial line departments (Huqooq Department, Department of Tribal Affairs, Department of Women’s Affairs - DoWA, Department of Hajj and Awqaf, etc), as well as with other religious and community leaders in their districts. After gathering the feedback of each of them, each provincial CCM incorporated the latter into their respective guidelines. During the next RCCM meeting to be held on April 15, 2014 in Kabul at the TLO Guesthouse, each CCM will share its guideline with RCCM members in order to identify further steps.

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 March, 2014, each provincial CCM conducted two additional bi-weekly meetings in its target province; **as a result, the CCMs have resolved an additional six conflicts.** Most of the resolved disputes were related to rain-fed, forest and irrigated lands, and included family disputes and criminal violence. The total number of conflicts solved by each CCM is listed in Table 1, updated in every monthly report.

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

Province	# of conflicts resolved	Type of conflict
Khost	29	Irrigated and rainfed lands, family disputes, inherited land, and verbal fight
Paktia	29	Irrigated and rainfed lands, family disputes, criminal, forest, and micro-hydro power
Logar	40	Irrigated and rainfed lands, family disputes, criminal, inherited land, and related to cash
Total	98	

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 manage a website that publishes, under the condition of the agreement of CCM member, CCM case decisions. This aims at increasing transparency and accountability of decisions, as well as knowledge of conflicts in the Southeast/Center and the informal justice's dispute resolution system. As of March, 2014 the website is still under construction, and is being developed in close consultation and coordination between the donor and TLO. In the current month, the developer presented the website to TLO program staff, and took their comments and suggestions for improvement and submission.

A total of 98 CCM decisions have been recorded in the target provinces (Logar, Paktia and Khost) since the beginning of the JGRE project. The summary of these 98 CCM decisions were prepared in English and submitted to the donor.

Task 2: Hold discussions with area *spinsari*

- Indicator:**
- 1.1. Number of meetings held**
 - 1.2 Number of suggestions received**
 - 1.3Number of suggestions incorporated**

Throughout its projects supporting ADR, TLO has often experienced that, despite initial reactions of doubt, engagement between women and ADR providers can take place rather quickly, and lead to significant results, especially in addressing issues specific to women to which men have little access, or family-related disputes, in which women have traditionally held a mediating role. 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.

Three Consultation meetings with the local *spinsaris* ("White heads", ie. influential women in their communities, female elders considered as wise women who intervene in various realms of the household and community life, as described below) were held in the month of March, 2014. One was held in Logar, one in Paktia and one in Khost province. During the meetings *spinsaris* from Logar, Paktia and Khost provinces gave brief information about their role in their communities. They explained that, at the village level, *spinsaris*, witness ceremonies, mobilize

women to practice religious festivals, prepare the female for burial, and perform services for deceased women. They also arrange marriages for members of their own families and intervene as arbitrators of conflicts for both men and women. At the wider extended family level, women leaders are part of a hierarchical organization, as leaders who manage household resources, delegate work, form and strengthen social networks, and gain credibility and social mobility through marriage choices. *Spinsaris* are also the ones called upon to resolve conflicts among women within households. In case of *Nanawati*, the right of “sanctuary”², a *spinsari* is usually the family representative who asks for the resolution of the conflict. There may be more than one female household leader. A recurrent statement by *spinsaris* themselves is if female leaders work together and cooperate, the household will remain unified. Women elders and wise women thus intervene in the resolution of conflict among female members of their households, between different households, but also between men and women, and even to certain extent between men themselves, as in cases of *Nanawati*. These female elders can therefore efficiently assist in diffusing potentially destabilizing violent conflicts in the target provinces of Khost, Paktia and Logar.

The suggestions provided by the *spinsaris* from each province are almost the same, as follows:

1. Increasing recruitment and training for women attorneys, raising the female literacy rates, conflict resolution and improving access to education at all levels in these provinces.
2. Provision of awareness related to women rights in the target provinces (Logar, Paktia and Khost)
3. Promote women’s access to formal and informal justice mechanisms through the participation of local *spinsaris*.
4. Strengthen and expand economic development opportunities for women, especially in the agriculture sector

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 current 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*.. These consultations will help the CCMs further develop their strategy for women to take an even more active part in

² *Nanawati* is a right embedded in *pashtunwali*, giving a weaker party or offender the right to seek protection from a more powerful party, or request pardon for a wrong done, in order to bring a dispute to an end and avoid escalation. It implies for the supplicant to declare its witness and recognize his/ her lack of autonomy



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.