

MONTHLY REPORT, April, 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 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 has been to review CCM members' lists and revise them as necessary. Although the majority of membership remained constant, there were some minor revisions in the members' lists.

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 has provided increased resources to the RCCM in year two. More concretely, while the RCCM met twice in year one, during year two it met on a quarterly basis.

Major activities included 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	<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>1 conflicts resolved by Khost CCM</p> <p>2 conflicts resolved by Paktia CCM</p> <p>2 conflicts resolved by Logar CCM</p>	<p>20 bi-weekly meetings have been conducted by Khost CCM</p> <p>19 bi-weekly meetings have been conducted by Paktia CCM</p> <p>19 bi-weekly meetings have been conducted by Logar CCM</p> <p>30 conflicts resolved by Khost CCM</p> <p>31 conflicts resolved by Paktia CCM</p> <p>42 conflicts resolved by Logar CCM</p>
2	Task 4: Promulgate CCM	On going	1.number of CCM decisions posted to	1.The creation of one project website (as	On going	The website is being created in close consultation and coordination	A total of 103 CCM decisions have been recorded

No	Task	Task Status	Indicators	Targets	Target Status	Actual Achievement during period	Actual Achievement During Life of Project
	Decisions		project website 2. number of CCM decisions recorded	part of TLO website)2.P osting most CCM decisions to that website 3.Preparation and submission of two summaries of CCM decisions		between the donor and TLO. During this period, TLO received a presentation of the website from its developer, agreed on a structure to the website, and shared it with the donor.	so far in the three target provinces. The summary of the 103 CCM decisions have been prepared in English language.
3	Task 3: Conduct Regional Commission	Ongoing	number of RCCM outputs	1.Four RCCM meetings 2.Four RCCM output reports	50%	The Fifth RCCM meeting was conducted on fifteenth April, 2014 by Kabul project staff	The fifth RCCM output report was prepared and translated from Pashto to English and sent to the donor
4	Task 3: Hold initial meetings with Kabul official	Ongoing	The receipt of an informal agreement for general cooperation with the CCMs from Kabul officials	(At least) four meetings with Kabul officials (one with TLO staff, and three with provincial delegations)	On going	In the month of April, 2014 the JGEA project Manager and the TLO deputy director had a meeting with the minister of Border and Tribal affairs. One meeting was held with AIHRC regarding the CCM activities in the southeast (Logar, Paktia and Khost)	In the month of April, 2014 one meeting was held with Minister of Border and Tribal affairs and one meeting was held with AIHRC regarding the CCM's activities in the southeast (Logar, Paktia and Khost).

III. Summary of Project Activities

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

On Tuesday April 15, 2014 the Kabul-based project staff conducted the 5th Regional CCM meeting. The RCCM members discussed the major topics recommended by the provincial CCMs, involving inter-tribal disputes and the guidelines for dealing with family issues (such as bride price, dowry, *bad*, *badal*, etc.) in Paktia, Khost and Logar provinces. After the discussion and gathering the opinions of every member of the regional committee, they decided that each provincial CCM would make efforts to conduct workshops for public awareness through *Ulama* (religious scholars), civil society organizations, community leaders and government judicial organizations in their provinces.

Regarding a major inter-tribal dispute in Paktia province, between the Hassanzai and Hakamzai, the RCCM in turn assigned a delegation composed of Paktia and Khost CCM members to resolve the conflict. Concerning an inter-tribal dispute over Gargaw desert land in Logar province, the RCCM decided that, as the land is under government master plan for a township, the issue should be shared with the Logar municipality first.

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 April, 2014, each provincial CCM conducted two additional bi-weekly meetings in its target province; ***as a result, the CCMs have resolved an additional five 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 in the past two years :

Province	# of conflicts resolved	Type of conflict
Khost	30	Irrigated and rainfed lands, family disputes, inherited land, and verbal fight
Paktia	31	Irrigated and rainfed lands, family disputes, criminal, forest, and micro-hydro power
Logar	42	Irrigated and rainfed lands, family disputes, criminal, inherited land, and related to cash
Total	103	

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 April, 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 103 CCM decisions have been recorded in the target provinces (Logar, Paktia and Khost) since the beginning of the JGEA project. The summary of these 103 CCM decisions were prepared in English and submitted to the donor.

Task 2: Conduct Regional Commission's meeting

Indicator: Number of RCCM outputs

After the provincial CCMs were established, TLO facilitated the establishment of a regional CCM (RCCM) covering the Southeast (Paktia and Khost) and Southeast/Central²(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 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.

In the 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

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.

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 provided 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 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 in the target provinces (Logar, Paktia and Khost),

On Tuesday April 15, 2014 the RCCM has thus conducted its 5th meeting in TLO’s guesthouse in Kabul. Table 2 below indicates the participants in the RCCM meeting;

Table 2: List of RCCM members who participated in the meeting from each province (April 15, 2014)

No	Name	F/Name	Tribe
<i>Khost (RCCM members)</i>			
1	Hajji Mohd. Rasool Tanai	Mir Ahmad	Tanai
2	Hajji Shah Khan	Najim Khan	Gurbuz
3	Hajji Nawab Khan	Redi Gul	Sabarai
4	Hajji Haidar Gul	Sakhi Mohd.	Mangal
5	Maulavi Burjan	Peera jan	Zazi
6	Hajji Mohammad Azeem	Mohd. Sayed	Zadran
7	Murad Khan Mangal	Bahadir Khan	Mangal
<i>Paktia (RCCM members)</i>			
8	Mohd. Laiq Mangal	Hajji Yark	Mangal
9	Maulavi Mohd. Hanif	Mohd. Sharif	Religious leader ³
10	Hajji Gulam Khan	Gul Mohd.	Ahmadzai

³ Within the region, religious leaders are often considered to be separate from tribal groupings – especially in this case, as Maulavi Mohd. Hanif’s male relatives and ancestors are thought to be entirely religious leaders.

11	Abdullah Mujahid	Sayed Hassan	Gardezai
12	Hajji Mata Khan	Azeem Khan	Chamkani
13	Abdul Malik	Hajji Raz Mohd.	Zazi
14	Hajji Sangeen	Maeen	Zadran
Logar (RCCM members)			
15	Bad Shah Zareen Khail	Mohd. Nabi	Stanikzai
16	Hajji Mohd. Daud Milma	Qazi Fazil Haq	Muhmand
17	Hajji Mohd. Reza Jawadi	Ghulam Mohd.	Sadaat
18	Hajji Mohd. Qaseem	Abdul Hameed	Tajik
19	Nik Mohammad	Ata Mohammad	Tajik
20	Dr.Mohammad Deen	Kamaldeen	Tajik
21	Hajji Abdul Rahman	Gh. Dastageer	Stanikzai

RCCM members discussed the major topics recommended by the provincial CCMs, involving inter-tribal disputes and the guidelines for dealing with family issues (such as bride price, dowry, *baad*, *badal*, etc.) in Paktia, Khost and Logar provinces. After the discussion and gathering of the opinions of every member of the regional committee, they decided that each provincial CCM would make efforts to conduct workshops for public awareness through *Ulama* (religious scholars), civil society organizations, community leaders and government judicial organizations in their provinces.

Regarding a major inter-tribal dispute in Paktia province, between the Hassanzai and Hakamzai, the RCCM assigned a delegation composed of Paktia and Khost CCM members to resolve the conflict. Concerning an inter-tribal dispute over Gargaw desert land in Logar province, the RCCM decided that, as the land is under government master plan for a township, the issue should be shared with the Logar municipality first.

Finally the RCCM members made the following recommendation and decisions;

- *Conflict over Gargaw dasht (desert land) between Neiazee and Tajik tribes in Mohammad Agha district (20 years old)*

After taking the opinion of every member, the RCCM made the decision that for the time being the focus should be on how to maintain and enforce ceasefire between the two conflict parties, in order to avoid violence. Because this conflict is truly a major one, resolution in the near future appears impossible without government involvement (and in particular not possible before a new president and government come into office). The RCCM also decided that, as the land is under a government master plan for a township, the issue had to be shared with the Logar municipality first, in order to get further information and understand why both parties are claiming ownership of the land.

- *A long standing conflict between (Hakamzai and Hassanzai tribes) over rainfed land and forest in Chamkani district of Paktia province (70 years old)*

After gathering the opinion of every CCM member, RCCM members reached the conclusion that the conflict remained unresolved or partially resolved as both tribes are hot blooded, but also due to the conduct of elections. That being said, **Waak** has been handed over to the CCM, which thus decided it should be resolved as soon as possible.

A six months ceasefire was thus successfully negotiated and about 200,000 USD (two hundred thousand US dollars) have been taken from both tribes as *Baramta* (guarantee money) by the Paktia CCM for the enforcement of the CCM decision.

A commission composed of 18 members from different sections of the population, including Paktia and Khost CCM members, *Ulamas* (religious scholars) and other influential traditional elders, has been assigned for the resolution of this long standing conflict.

Three out of 18 members are tasked to monitor and observe the resolution process, six members have the authority to make decision, while the remaining members' role is to approve and sign the decision. The conflict will hopefully be resolved in the near future.

Khost, Paktia and Logar CCM joint topic and RCCM decision

After having discussed all aspects of the selected topics, RCCM members concluded all those negative customs should be eliminated gradually. They also emphasized the negative impact of harmful practices and customs on the population and finally concluded that the following points should be considered in the implementation of these guidelines in the future:

- I. The role of the *Ulamas* (religious scholars) is important in eliminating such customs and they should preach in public in this regard;
- II. In provincial districts, these topics should be discussed with tribal elders, different government institutions, youth, civil society members, *Ulamas* and with human rights activists. Then, representatives of all categories should gather on the provincial level, agree on a common ground, and spread it through media.

- III. A Jirga should be held between all three provinces and these issues/topics should be spread with one voice through the media to all the three provinces.
- IV. Workshops and seminars should be arranged in order to eliminate these customs and clarify/enlighten the damage they do as well as to encourage people to participate in public outreach.

Task 3: Hold initial meetings with Kabul official

Indicator: The receipt of an informal agreement for general cooperation with the CCMs from Kabul officials

In the month of April, 2014 two initial meetings were held between TLO staff, central level government official and AIHRC. The JGEA project Manager and TLO deputy director had one meeting with the Minister of Border and tribal affairs. During the CCM activities in the southeast (Logar, Paktia and Khost) provinces were discussed. At the end of the meeting, the Minister expressed his satisfaction to TLO for conducting such activities, and also promised he would discuss those with the Ministry of Justice and other relevant government entities to convince them about the positive impacts of informal justice. He also added that he had already discussed the informal justice system with some internationals such as Americans, Australians, and Canadians in meetings with PRTs in the provinces, when he was a provincial governor. One of his current priorities in the ministry is thus to discuss these issues with some of the ministries such as the Ministry of justice and the Ministry of interior, as well as AIHRC whose head is against traditional conflict resolution in the country. “My meetings with the mentioned stakeholders will be useful to define how to link traditional mechanisms with the formal justice system in their strategies for providing better justice to communities in rural areas of the southeast”, he explained. He then added, “This is notably the case as it appears as a crosscutting issue in the Afghanistan National Development strategy (ANDS) for strengthening of formal justice system in the country. The current conflict between formal and informal justice systems thus needs to be resolved.”

An additional meeting was held with Mr. Farid Hamidi, a high ranking official from AIHRC. At the beginning of the meeting a brief presentation was given by the JGEA project manager on the activities of the three CCMs in the southeast (Paktia, Khost and Logar) and its achievements to date. Mr. Farid liked the presentation and thanked TLO for conducting CCM activities in the mentioned provinces. Mr. Farid Hamidi further expressed the concerns of AIHRC regarding human rights, particularly those of women and children, in traditional conflict resolution, and asked for them to be considered. He also provided the following recommendations for further coordination and communication between AIHRC and TLO about the CCMs conflict resolution in the southeast as:

- A clear 15 minutes presentation by TLO about the CCMs in the southeast to the head of AIHRC;
- Sharing the achievements of the CCMs with civil society actors and other stakeholders at the national level;
- Enhance the capacity building to CCM members in Afghan Sharia and civil laws of Afghanistan;
- More meetings shall be held between AIHRC and TLO regarding the conflict resolution in the southeast;
- The warlords, Maliks and Arbabs should not participate in traditional resolution mechanisms;
- The CCM shall not address criminal cases in their communities. It is better to encourage the conflict parties to refer their cases to the government's formal justice system;
- Strengthen communication and coordination between TLO and AIHRC regarding the informal justices system in the southeast.

The initiation of such confidence-building meetings and awareness-raising on the role and mandate of CCMs are thus beneficial to ensure that, at the national level, government and other stakeholders such as AIHRC support the CCMs, and that CCM actions are considered as supportive of government and human rights organizations priorities.