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BASELINE EVALUATION REPORT

August 2013

Rule of Law Stabilization Program – Informal Component (RLS-I)
Contract Number: AID-306-C-12-00013



A household in Zhari district (Kandahar province) participates in a baseline interview in conjunction with distribution of RLS-I outreach material on legal and human rights

August 2013

This publication was produced for review by the United States Agency for International Development. It was prepared by Checchi and Company Consulting, Inc.



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Submitted August 22, 2013 by:

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Executive Summary

“We have to learn and adapt faster than the forces we are trying to confront. Every activity is an opportunity to learn what works, what does not, and why. Finding innovative solutions that can be scaled for impact requires methodical experimentation. Create mechanisms to self-critique, continuously adapt, and share lessons learned... Build a culture that rewards adaptation, innovation, and problem solving.”

- USAID Administrator Rajiv Shah, [2011 Stabilization Guidance](#)

This baseline evaluation survey presents raw data and analyses relevant to USAID’s efforts to improve stability and confidence in the Afghan rule of law structure by strengthening access to justice for rural Afghans, many of whom remain outside the reach of the formal justice system. To address the severe deficit in the delivery of formal justice services by the government and to reduce the application of harmful social practices during traditional dispute resolution, USAID developed the Rule of Law Stabilization Program – Informal Component (RLS-I). Implemented by Checchi and Company Consulting, Inc., (Checchi) RLS-I addresses the primary objectives of (1) strengthening Traditional Dispute Resolution (TDR) mechanisms, (2) enhancing linkages between the formal and informal justice systems, and (3) facilitating the resolution of longstanding and destabilizing disputes. These program objectives fall under broader United States Government (USG) rule of law and stabilization objectives and follow the development hypothesis that efforts to improve and strengthen TDR practices will increase stability in the project’s treatment districts, where stability is indicated by perceptions of increased access to justice, increased confidence in TDR mechanisms, and a decrease in longstanding, potentially destabilizing disputes.

Checchi has implemented RLS-I in progressive stages since April 2010. RLS-I Phase 1 (April 2010 – August 2011) originated in 15 districts as a pilot research and implementation program exploring the concept of effective dispute resolution operating outside the formal state justice system. RLS-I Phase 2 (September 2011 – July 2012) expanded to 12 new districts, and included both the development of a monitoring and evaluation function and the addition of an impact evaluation designed to test the RLS-I development hypothesis. Findings from the RLS-I Phase 2 impact evaluation suggested that there is not a simple relationship between increased elder knowledge and improved decision making in the informal dispute resolution process. Rather, RLS-I may play some role in strengthening community-based governance that helps promote change in TDR practices regardless of any increase in the decision-maker’s knowledge. Nevertheless, there was in fact a positive relationship between elder attendance at RLS-I activities, their knowledge gain, and an increase in disputant satisfaction. The evaluation also found that households receiving RLS-I legal awareness materials demonstrated greater knowledge of Afghan law and were more likely to acknowledge that the practice of giving away girls in marriage was both illegal and un-Islamic. Finally, elders who participated in RLS-I activities were more likely to report that women presented their disputes directly before community *jirgas* rather than through a male relative or female relatives of the decision-makers.

Expanded to an additional 21 districts, RLS-I Phase 3 (October 2012 – January 2014) builds on the evaluation and research methods initiated under Phase 2, and incorporates outcome and impact measures into the Performance Monitoring Plan (PMP). Key findings of the Phase 3 baseline evaluation survey follow below. Conducted in seven districts during November-December 2012, the survey was intended to inform RLS-I about its implementing environment and establish baseline measures against which program results may be

assessed. As a result, these findings are limited to the simple mapping of informal dispute resolution practices, correlational analysis of variables thought to be relevant to informal justice, and an examination of the data's suitability for generating a valid estimate of the program's impact at the endline.

Bias from non-random selection must be taken into account when assessing effects of RLS-I interventions.

After controlling for region, surveyed disputants identified through purposive sampling assessed TDR procedural justice 18% lower and overall justice 21% lower relative to disputants referred by elders. Disputants who were purposively selected also viewed TDR 19% more corrupt than the referrals. This supports the proposition that elders will, on average, refer more positive case outcomes and satisfied disputants at the expense of more negative case outcomes and dissatisfied disputants. While it is important to document sources of bias resulting from non-random selection, such bias should not seriously threaten the validity of the estimate of program impact so long as the bias remains roughly constant between measurements. See: [Selection bias in disputant assessment](#).

The RLS-I spillover treatment group is larger than initially planned.

The original target for a spillover treatment group – elders not directly participating in RLS-I activities but possibly exposed to RLS-I through social contact with participating elders – was 10-15% of the total district sample. This increased to 37% during data collection. The increase is mainly due to the fact that when enumerators could not reach program participants from RLS-I enrolment lists, they identified elders through direct field work who did not participate in RLS-I activities. The spillover group is largest in Zhari district (Kandahar province), where state actors withdrew their initial recommendation of elders and insisted upon choosing a new group after baseline data collection had taken place. See: [Variation in treatment and group](#).

The treatment group and comparison group of elders and disputants may represent fundamentally different individuals, thereby threatening the validity of any cause and effect attributable to RLS-I interventions.

There are statistically and substantively significant differences between treatment and comparison groups on measures such as socio-economic background, ethnicity, dispute resolution practices, disputants' sense of identity and perceptions, jirga composition, and elder knowledge. This is largely due to the limited availability of accessible comparison districts. See: [Statistical balance between treatment and comparison](#) for each section presenting baseline frequencies.

Elder and disputant baseline evaluation measurements show more variability than desired.

The range difference in baseline scores between treatment and comparison groups is greater than expected. The lowest scoring district across all topics scored 20% below the highest scoring district. The range difference between treatment and comparison districts within topics is as high as 15%, with a 6% range difference in overall knowledge scores. See: [Baseline evaluation measures – elders](#). Disputant assessment scores are not as variable but differences between treatment and comparison group scores are still strong enough to pose a potential threat to the validity of the counterfactual. See: [Disputant case assessment](#).

The nexus between the presence of Afghan security forces and the performance of government officials is relevant to the RLS-I programming environment but its potential influence on local dispute resolution is unknown.

The presence of Afghan *national forces* (ANA/ANP) and ISAF are associated with positive performance of local leaders and district/provincial governments. Conversely, there is a negative correlation – or no relationship at all – between the presence of Afghan *local forces* (ALP and *arbaki*) and the performance of local leaders and district/provincial governments. The presence of local forces and the performance of local governments have predictive value for RLS-I impact measurements. See: [Determinants of disputant assessment](#). Further, the presence of insurgents negatively impacts the performance of local leaders. See: [The presence of local forces and performance of local government](#).

The state's exclusive claim over criminal prosecution and punishment is generally recognized and accepted by elders although jurisdictional issues still persist.

When resolving a serious dispute that included violence or other major crimes, 12% of surveyed elders believed they decided the criminal component of the dispute distinct from any civil aspect involving restitution for harm caused. An additional 35% of elders understood that they resolved both the criminal and civil characteristics of such disputes. This fact likely indicates collaboration between government and informal justice actors in both criminal and civil cases and some degree of state referral of criminal cases to elders for adjudication. However, issues of jurisdiction remain sensitive, with 43% of surveyed elders refusing to answer the question; elders' perceptions that they provide justice services that are exclusively reserved for the state are probably closer to the refusal statistic of 43%. See: [Baseline evaluation measures – elders](#).

It is not uncommon for local disputes to be documented and registered, and there may be a general increase in such practices.

Elders and disputants generally agree that 30-40% of informal decisions are written down and not merely announced. However, elders and disputants sharply disagree about whether such written decisions are registered: over two-thirds of elders reported that informal decisions are registered, yet less than one-third of disputants reported that their actual dispute was both documented and registered with a government entity.

Perceived sources of law in TDR adjudication highlight a legitimacy problem for the GIRoA.

When disputants perceive *Shari'ah* as the source of law in TDR, they are likely to positively assess the adjudication process and the outcome of their specific dispute. Disputants are more likely to believe the TDR process was corrupted, however, if they perceive Afghan statutory law was used to resolve the dispute. See: [Sources of law in TDR](#).

There is a gender perception gap among disputants, highlighting the reduced access to justice facing Afghan women relative to men.

Female disputants perceive less procedural fairness and just outcomes (23%) and an increase in corruption (27%) as compared to male disputants. See: [Women's roles in local dispute resolution](#).

Readers seeking additional background on RLS-I or previous evaluation efforts are referred to the Phase 2 Impact Evaluation Final Report (August 2012), the Phase 3 Performance Monitoring Plan (February 2013), and the Phase 3 Evaluation Inception Report (March 2013).



RLS-I will continue to raise public awareness of individual legal rights and protections while concurrently strengthening the community's role in defusing local conflicts before they escalate to violence and potentially create cyclical retaliations that persist for years or even generations. Women face disproportionate harm in the resolution of local disputes, whether through human rights violations, denial of legal rights and protections, or the lack of a forum to address their grievances. RLS-I's subsequent midline and final evaluation reports will explore these questions and attempt to demonstrate greater access to justice for all Afghans through improved elder knowledge, strengthened roles for women in TDR, more satisfied disputants, and increased public opinion against harmful social practices.

Introduction

Development problem and theory of change

Over 30 years of war has left Afghanistan's informal and formal justice institutions weakened, limiting access to equitable justice and effective dispute resolution. Traditional dispute resolution (TDR) remains the primary forum for the public's dispute resolution needs, with village, district, tribal, or religious elders handling most disputes, either by direct request of disputants or by referral from district authorities. State justice institutions are nonexistent or weak in many districts, and where present often lack the capacity for application or enforcement of criminal penalties. Informal justice providers, meanwhile, often rely on local customary law that is consistent with neither *Shari'ah* nor Afghan law, sometimes resulting in unjust, un-Islamic, and illegal decisions. Finally, though most elders are regarded as honest and unbiased, corruption, tribal and socio-economic discrimination, and the influence of local powerbrokers undermines confidence in local justice. These factors reduce citizen access to justice and are recognized as continuing drivers of instability.

In light of these challenges, RLS-I addresses the primary objectives of (1) strengthening TDR mechanisms, including strengthening women's roles in TDR as disputants, witnesses, and decision makers, (2) enhancing linkages between the formal and informal justice, and (3) facilitating the resolution of long-standing and destabilizing disputes. These objectives fall under broader USG rule of law and stabilization objectives as well as national development strategies of the Government of the Islamic Republic of Afghanistan (GIROA).

Summary of hypotheses

The RLS-I development hypothesis is that skills- and knowledge-building of informal justice providers, combined with networking opportunities to share experience and build solidarity around improved TDR practices, increases stability through increased access to justice and citizen confidence in TDR mechanisms. This is measured through a village and district panel design in which a cross-section of elders and disputants are surveyed at program inception and again at conclusion. Impact is then defined as the difference in mean scores on various measures from baseline to endline, and between the treatment group (elders passing through the RLS-I core program) and comparison group (elders who do not pass through the RLS-I core program).¹

Tentative findings from the Phase 2 impact evaluation suggest that there is not a simple relationship between improved knowledge and change in adjudication and social norms around harmful practices. Rather, in districts without a state justice presence especially, RLS-I activities may play some role in strengthening community-based governance that helps engender change in adjudication without necessarily a change in knowledge.² Furthermore, the Phase 2 impact evaluation found that peer effects, or the collective exposure to legal messaging at RLS-I events, were potentially strong. Regardless of knowledge, elders' participation in

¹ See the Phase 2 evaluation documents for a full presentation of the evaluation design.

² A stronger statement of this point is that knowledge is not the binding constraint to improved adjudication or social norms. In fact, critical knowledge may be known to TDR practitioners, but the community remains bound by social constraints that are not well understood by outside observers.

RLS-I activities positively affected disputants' assessments of the adjudication process. The number of elders passing through the RLS-I core curriculum was likewise associated with both knowledge gains among elders and improvement in disputant perception of the process and outcome of informal dispute resolution. This defines a definite role for peer effects in program success, exactly as is supposed by the development hypothesis.

The Phase 2 impact evaluation was organized around four key hypotheses:

1. The intervention will result in TDR decisions that better reflect and/or are based in Afghan law, *Shari'ah*, and human rights norms
2. The intervention will result in TDR decisions and *shura/jirga* members being perceived as more impartial
3. The intervention will result in a decrease in the number of TDR decisions that negatively impact women and children
4. The intervention will result in an increased role for women in TDR processes as disputants, witnesses or decision-makers

Assumptions underlying this theory of change include the following:

- Workshop content effectively imparts knowledge
- Participants are willing and able to change their attitudes and practices that may conflict with Afghan statutory law and *Shari'ah*
- Participants will be able to use their new knowledge effectively in context, upon returning to their communities
- Participation will generate a critical mass of elders in a given community sufficient to effect change in adjudication reflective of Afghan statutory law, *Shari'ah* and human rights norms
- Improper influence and interference with informal dispute resolution by local power brokers will gradually lessen as a result of security and governance gains
- Threats from anti-government elements (AGE) fail to deter program participation
- The programming environment is stable enough to enable social change

The primary measurements for Hypothesis 1 were tests of program participants' knowledge of Afghan law and *Shari'ah*, as presented in RLS-I learning workshops. The primary measurements for Hypothesis 2 were assessment scores from disputants who found mediation and resolution through informal justice. The primary measurements for Hypotheses 3 and 4 were attitudinal measures of elders and citizens.

For Phase 3, partly due to budget constraints and partly in response to Phase 2 impact evaluation findings, the evaluation will focus on Hypotheses 1 and 2. Hypotheses 3 and 4 will be measured and reported separately through the interview of RLS-I *spinsary* groups. An additional activity not captured here is the evaluation of the RLS-I outreach program. Recipients of Phase 2 outreach material in Chora district (Uruzgan province) realized a 9% knowledge gain relative to a comparison group in Shah Joy district (Zabul province). Recipients in Puli Khumri (Baghlan province) realized a 7% knowledge gain relative to a comparison group in Aybak district (Samangan province). A similar evaluation will measure the effect of the RLS-I outreach campaigns in Phase 3, separate from the primary evaluation of elder knowledge and disputant perception. This survey of households will also measure attitudinal items relevant to Hypotheses 3 and 4.

In addition to the primary hypotheses, there are several secondary research questions of interest, such as the following:

- What is the requisite amount of exposure to RLS-I activities before change in behavior might be effected?
- What is the time frame governing any treatment effect, and for how long does any treatment effect persist?
- What is the requisite number of participants from a given community to effect a change in dispute adjudication and outcomes in the community as a whole?
- Do RLS-I activities for women provide an indirect means of affecting dispute prevention, adjudication, and outcomes?
- Is the distinction between real and imposed elders³ a meaningful one in the context of RLS-I treatment effect?

The Phase 2 impact evaluation was able to shed light on these questions, but continued investigation is needed both to learn about the dynamics of informal dispute resolution and to establish practical benchmarks for assessment of district graduation.⁴

³ An “imposed” elder refers to elders who may occupy some official representative role in their community, but are not necessarily the most legitimate leaders in the eyes of the community. Imposed elders may be part of the government *malikan* system or members of development committees such as the Community Development Councils (CDCs).

⁴ District graduation refers to the point at which an RLS-I district achieves specified program objectives and is ready to continue to pursue those objectives without further RLS-I assistance or with only limited maintenance support for a limited period of time.

Methodology

Research team

The RLS-I research and evaluation efforts are led by the RLS-I Senior M&E Specialist, with ongoing collaboration and critical review and feedback from the RLS-I Traditional Justice Advisors, senior Afghan staff, and other RLS-I senior leadership.⁵ Following an open tender and review of some 15 proposals, RLS-I subcontracted with Strategic Social (S2) to conduct data collection and consulting services. Strategic Social had previous experience in creating, implementing, and evaluating media campaigns, as well as conducting other surveys and providing general monitoring and evaluation services of ISAF and other donor projects. Based on the experience with the baseline data collection, Strategic Social provided a number of valuable observations and recommendations relating to the conduct of RLS-I evaluation and its methodology.

Summary of design

The RLS-I evaluation is designed as a quasi-experimental, mixed methods study uniting data from quantitative and qualitative data streams both to show impact and to describe those elements that contribute to that impact. Elders and disputants are queried from both treatment districts and a sample of non-equivalent comparison districts. These groups, queried in a longitudinal panel design, are compared through a “difference-in-differences” (d-i-d) design. Scores on knowledge and attitudes of informal justice providers, dispute adjudication practiced by these providers, and disputant case assessments were contrasted from baseline to endline. By including a comparison group and testing both groups before and after the intervention period, d-i-d methods help control for unobserved characteristics that might otherwise bias outcome measurements. See the RLS-I Evaluation Inception Report for a complete treatment of the evaluation design.

Sample selection

Selection of districts

The Phase 2 impact evaluation took baseline and endline measurements in six new program districts and two Phase 1 districts. These were then compared to corresponding measurements in ten comparison districts. Under Phase 3, there are repeated measurements from Phase 2 and Phase 3 elders in Chora (Uruzgan) to investigate questions of critical mass, two comparison districts from Phase 2 are entered into Phase 3 treatment and measured again at endline, and six districts follow the standard d-i-d design from the Phase 2 impact evaluation. The identified districts, their role in the Phase 3 evaluation, and schedule of data collection is as follows.

Table 1 RLS-I Phase 3 Evaluation Districts

RLS-I Phase 3 evaluation districts				
Region	Province	District	Status	Data collection schedule

⁵ RLS-I also includes a qualitative research and rapid assessment component, which is reported through district and regional assessments. These assessments are done in-house by RLS-I staff and triangulated with the research and evaluation data presented here.

				Baseline (Oct 2012)	Midline (April-May 2013)	Endline (Sep-Oct 2013)
South	Uruzgan	Chora	Phase 2 continued treatment	Elders and disputants (Phase 3 cohort)	Elders and disputants (Phase 2 cohort)	Elders and disputants (Phase 2 and 3 cohort)
South	Uruzgan	Shahidi Hassas	Phase 2 comparison district adopted into Phase 3 treatment	-	-	Elders and disputants
South	Kandahar	Panjwayi	Phase 2 comparison district adopted into Phase 3 treatment	-	-	Elders and disputants
South	Kandahar	Zhari	Phase 3 treatment	Elders and disputants	-	Elders and disputants
East	Logar	Mohammad Agha	Phase 3 treatment	Elders and disputants	-	Elders and disputants
East	Kunar	Chawkey	Phase 3 treatment	Elders and disputants	-	Elders and disputants
South	Kandahar	Shah Wali Kot	Phase 3 comparison	Elders and disputants	-	Elders and disputants
East	Logar	Khoshi	Phase 3 comparison	Elders and disputants	-	Elders and disputants
East	Kunar	Narang	Phase 3 comparison	Elders and disputants	-	Elders and disputants

This baseline report is concerned with the baseline measurements in new districts, and baseline / evaluation measurements in the special case of Chora district.

Selection of elders

The process of mobilization in new RLS-I Phase 3 districts follows a standard approach of, first, fact-gathering about district characteristics and the collection of various lists from which to select program participants conforming to the ethnic, tribal, geographic, and population characteristics of the district. District lists include rosters of registered *maliks* (village headmen and liaisons between government and the village), *mullahs* (local religious leaders), members of local development committees such as Community Development Councils (CDCs), and district-level bodies such as District Development Assemblies (DDAs) or the Independent Directorate for Local Governance (IDLG) *shuras*. A selection of approximately 120 male elders is culled from these lists in consultation with and support from the district government. RLS-I program staff interview the selected participants to gather background information and confirm their commitment to participate.

Once program participants have been identified, 60 elders are randomly selected for the baseline assessment. The RLS-I survey research partner is then responsible for locating the selected elders with support from RLS-I M&E staff. The survey research partner is also responsible for selecting an additional 10-20 elders through direct field work. Data from elders who are within treatment districts but not directly targeted as program participants are intended to provide an estimate of any spillover effects from RLS-I.

Where elders are not identified through district lists, enumerators identify elders directly through villagers in one of two directed queries. First, enumerators may ask villagers who normally helped mediate disputes in

their village. Second, enumerators may ask villagers whom they would trust to help mediate a dispute. The first query is meant to identify elders in general, while the second is meant to identify elders who are trusted by villagers, but who may not necessarily be an officially recognized, or even traditional, leader of the village.

Table 2 Elder selection

Method of elder identification	Count	Percent
Program participant list	150	29.4%
District Development Assembly list	40	7.8%
IDLG <i>shura</i> list	89	17.4%
District governor identified	67	13.1%
District village and <i>malik</i> list	5	1.0%
<i>Mullah</i> list	4	0.8%
Asked villagers who they trusted to resolve disputes	121	23.7%
Asked villagers who normally resolved disputes	35	6.8%

Subsequent analysis will test whether elder evaluative measures may differ according to how they were identified for interview.

Selection of disputants

While RLS-I targets 60-80 elders per district, the quota sample for disputants is 80-100. The majority of disputes are identified during the elder interviews. After the elders are interviewed and identify what disputes they have helped mediate in the past several months, they are then asked to refer parties to the disputes they helped resolve. Interviews of opposing parties to the same dispute are possible. As a secondary identification method, elders are asked if they could refer disputants they were aware of even if the referring elder had not played any role in resolving the dispute. An additional method of disputant identification is through random walks in the community. Enumerators query citizens whether they had recently resolved a dispute at public centers such as the mosque, bazaar, transport depot, etc. The final identification method is by snowball sampling. Once a disputant was identified and interviewed, the disputant was queried whether they in turn knew of and could refer another disputant in the village.

Table 3 disputant selection

Method of disputant identification	Count	Percent
Elder – involved in resolving dispute	321	63%
Elder – knew of dispute, but not involved in resolution	95	19%
Purposive sampling	35	6.9%
Snowball sampling	57	11.2%

Subsequent analysis will test whether disputant evaluative measures may differ according to the method in which they were identified for interview.

Variation in treatment and group

The Inception Report establishes two separate groups of interest within treatment districts: elders attending RLS-I activities (participant group) and elders who are proximate to RLS-I participants (either within the same village or in neighboring villages) but who do not attend RLS-I activities. These elders are referred to as

the spillover group, and are selected through direct field work. The following table breaks down elders in treatment districts between the participant group and the spillover group.

Table 4 Spillover and Participant Groups

Province	District	Spillover group	Participant group	Total	% spillover group
Logar	Mohammad Agha	27	49	76	36%
Kunar	Chawkay	27	48	75	36%
Kandahar	Zhari	26	38	64	41%
Uruzgan	Chora	27	46	73	37%
Overall		107	181	288	37%

The original target for a district spillover group was 10-15% of the total district sample, but increased to 37% during data collection. This was mainly due to the enumerators' difficulty in finding elders from the RLS-I enrolment list, in which case the enumerators identified elders not on the RLS-I enrolment list through direct field work. Another complication that occurred during mobilization phase was that after a cohort of participants were enrolled in Zhari district (Kandahar province), state actors later recanted and insisted upon choosing a new cohort. The stated reason was that the initial enrolment had relied upon outdated lists with many elders who were no longer official members of local bodies such as CDCs and IDLG shura. A new cohort was enrolled after the baseline data collection took place. Therefore, Zhari district might end up as an entire spillover district, rather than having a spillover group within the district. While unplanned, the resulting data from this contingency does offer opportunities to explore questions of critical mass and saturation in a district. This will be discussed further in the final evaluation report.

Background data

This section presents selected quantitative and qualitative values from the baseline data collection of elders and disputants. After a review of elder and disputant characteristics, there will be an examination of the statistical balance between treatment and comparison groups of both elders and disputants. Finally, the data will be situated within the context of the Phase 2 evaluation data and points of coherence or divergence noted. This general pattern will then repeat for the contextual and evaluation measures.

Elder characteristics

The key informant interview tool provides details on elders' experiences resolving disputes in their communities through *jirgas* and *shuras*.⁶ It also includes perceptual assessments of various aspects of the process of resolution and case outcomes. Elders were identified through lists of *shura* members, district and village level elders, purposive sampling carried out by asking villagers who they would trust in their community to resolve disputes, and snowball sampling from elders previously identified.

Fourteen enumerators each interviewed an average of 38 elders across seven districts in four provinces, for a total sample of 527 respondents.

Table 5 Elder interviews, by region

Region	Count	Percent
East	304	58%
South	223	42%
Total	527	100%

Table 6 Elder interviews, by province

Province	Count	Percent
Logar	152	29%
Kunar	152	29%
Kandahar	149	28%
Uruzgan	74	14%

Table 7 Table 3 Elder interviews, by district

Province	District	Status	Count	Percent
Logar	Mohammad Agha	Treatment	76	14.4%
	Khoshi	Comparison	76	14.4%
Kunar	Chawkay	Treatment	75	14.2%
	Narang	Comparison	77	14.6%
Kandahar	Zhari	Treatment	73	13.9%
	Shah Wali Kot	Comparison	76	14.4%
Uruzgan	Chora	Treatment	74	14%

⁶ This and related documents use the terms *jirga* and *shura* interchangeably.

		(Second cohort)		
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Note that the district sample size is roughly double that of the Phase 2 evaluation sampling. The higher district sample size was implemented in order to consolidate costs of data collection and increase statistical power for district-level inference. The drawback is that any homogeneity of response within a district or *manteqa* will be magnified. (See *Power Analyses with Correlated Samples* in the Phase 3 Evaluation Inception Report for a discussion.)

Elders reported occupying an average of 1.8 positions in society. The distributions are as follows:

Table 8 Elder positions

Position	Count	Ranked %	Gross %
Tribal elder	194	20.6%	37.1%
<i>Malik</i>	159	16.9%	30.4%
Village <i>shura</i>	150	16.0%	28.7%
<i>Jirgamar</i>	109	11.6%	20.8%
<i>Spingary</i>	100	10.6%	19.1%
CDC	80	8.5%	15.3%
IDLG <i>shura</i>	37	3.9%	7.1%
<i>Khan</i>	34	3.6%	6.5%
Former <i>jihadi</i> commander	25	2.7%	4.8%
Spiritual figure	22	2.3%	4.2%
Government official	15	1.6%	2.9%
<i>Mullah</i>	8	0.9%	1.5%
<i>Mawlawi</i>	7	0.7%	1.3%

Elders reported fewer positions compared to the Phase 2 data, though this may be a feature of data collection rather than any substantive difference. Factor analysis of the thirteen reported positions identifies six orderings of data. The following table presents each factor with the position in society ranked by the strength of its association with a given factor. Bolded items represent a qualitative interpretation of the primary constituents of each factor, as well as positions (at the bottom of each factor list) that may be antagonistic to that factor.

Table 9 Elder groups

<i>Jirga</i> group		<i>Mawlawi</i> group		IDLG group		Commander group		<i>Mullah</i> group		<i>Khan</i> group	
Position	% of cases	Position	% of cases	Position	% of cases	Position	% of cases	Position	% of cases	Position	% of cases
<i>Jirgamar</i>	21%	<i>Mawlawi</i>	1%	Government official	3%	Commander	5%	<i>Mullah</i>	2%	<i>Khan</i>	7%
<i>Spingary</i>	19%	Spiritual figure	4%	IDLG <i>shura</i> member	7%	Village <i>shura</i> member	29%	Village <i>shura</i> member	29%	Spiritual figure	4%
Tribal elder	37%										
CDC member	15%										

These factors are generally consistent with Phase 2 data. Using these identified factors, RLS-I may be said to operate primarily through the *jirga* and IDLG factors, with more limited targeting of the *mullah* factor.

Further interpretation is speculative, but one approach could be to view these factors as potential factions operating at the village level, where different factions could be complementary or antagonistic. [Annex I](#) lists the factors associated with elder positions in society. The position of *Malik* has a strong negative correlation with *Mullah* (Group 5), while the position of *Mullah* has a moderate negative correlation with *Khan* (Group 6). This may reflect mutual antagonism between these groups. Furthermore, both the positions of CDC and *Mullah* have moderate negative correlations with Commander (Group 4), which includes the position of Village *Shura*. This may reflect a cleavage in village level governance, with CDC members and mullahs on one hand, and local commanders and village *shura* members on the other. These village-level groupings are of interest as part of the operating environment in general, and in the ideal quota sampling of participants in particular.

Elder socioeconomic status is captured through reported sources of income and ownership of household assets identified from a list read aloud by the enumerator.

Table 10 Sources of income

Source of income	Count	% of count	% of elders
Livestock	267	24.2%	54.7%
On farm	264	23.9%	54.1%
Crops	258	23.4%	52.9%
Off farm	109	9.9%	22.3%
Shop keeping	87	7.9%	17.8%
Office / professional work	54	4.9%	11.1%
Rental income	32	2.9%	6.6%
Professional trade	20	1.8%	4.1%
Remittances	11	1.0%	2.3%
Handicraft	2	0.2%	0.4%
Total		100%	226%

Table 11 Household assets owned

Asset owned	Count	% of count	% of elders
Radio	446	16.7%	85.0%
Home	408	15.3%	77.7%
Land	371	13.9%	70.7%
Mobile Phone	364	13.6%	69.3%
Motorcycle	226	8.5%	43.0%
Livestock	213	8.0%	40.6%
Bicycle	201	7.5%	38.3%
Automobile	144	5.4%	27.4%
Shop	88	3.3%	16.8%
TV	71	2.7%	13.5%
Generator	66	2.5%	12.6%
Computer	31	1.2%	5.9%
Land line telephone	24	.9%	4.6%
Satellite dish	14	.5%	2.7%
Total		100%	508%

The general interpretation of this data has been that more reported sources of income reflect a lack of an established and reliable source of livelihood, and therefore lower socio-economic status. Additional analysis and reflection is required to properly understand these variables in relation to RLS-I evaluative measures.

For purposes of analysis, elder positions, sources of income, and household assets are summed into a count index and examined as summary variables for a possible relationship between socio-economic status and knowledge of Afghan law and *Shari'ah*. Elders reported an average of 2.1 sources of income and 5.1 household assets. In this study the count index is primarily used in subsequent analysis.

As with the elders' reported positions in society, household assets are also subjected to factor analysis and the weights used to construct the index of economic status.⁷ The summary of identified factors is as follows:

Table 12 Baskets of household goods

Base income		Entrepreneur		Middle income		Established business		High income	
Asset	% of cases	Asset	% of cases	Asset	% of cases	Asset	% of cases	Asset	% of cases
Home	78%	Radio	85%	Landline Telephone	5%	Shop	17%	Computer	6%
Land	71%	Mobile Phone	69%	Motorcycle	43%	Satellite Dish	3%	TV	14%
Bicycle	38%	Automobile	27%	Automobile	27%	TV	14%	Generator	13%
Motorcycle	43%	Shop	17%	Satellite Dish	3%	Automobile	27%	Satellite Dish	3%

See [Annex 2](#) for a complete presentation of the five baskets of household assets suggested by factor analysis.

Thirty-four percent of elders report being literate, while 35% also reported having no formal education. This leaves fully 30% of elders who had some level of formal schooling but still cannot read or write.⁸ The full table of education level is as follows:

Table 13 Elder educational attainment

Level of education	Count	Percent
No education	177	35%
1 st – 6 th grade	116	22%
Madrassa (enrolled prior to age 14)	17	3.3%
Madrassa (enrolled prior to age 14 abroad)	37	7.3%
7 th – 9 th grade	95	18%
10 th – 12 th grade	21	4.1%
Madrassa (enrolled after age 14 abroad)	17	3.3%
University (2-year diploma)	19	3.7%
University (awarded bachelor's degree)	9	3.3%

Note that 11% of elders were educated in madrassas abroad, presumably Pakistan after their families fled the Soviet invasion. In a few cases the education may have taken place in Saudi Arabia or Egypt. Further analysis will test whether this group diverges from other elders on contextual or evaluative measures.

As would be expected given the sampled districts, the overwhelming majority of respondents were Pashtun.

Table 14 Elder ethnicity

Ethnicity	Count	Percent
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⁷ See [Harttgen, Klasen, and Vollmer \(2012\)](#) for a discussion of constructing indices of household assets. The authors also suggest weighting the assets by the share of households not owning the asset in order to capture the effect of assets owned by very few households and immediately indicative of higher economic status. In the RLS-I data, such assets would be satellite television and computer.

⁸ At least some of this gap is thought to reflect idiosyncrasies in data collection rather than any genuine dynamic.

Pashtun	461	88%
Tajik	61	11.6%
Baloch	2	0.4%

Safi and Achakzai tribes were the most populous in the baseline data, followed by Popalzai.

Table 15 Elder tribal affiliations

Tribe	Count	Percent
Safi	121	23%
Achakzai	79	15%
Popalzai	47	9%
Ahmadzai	31	6%
Alokozai	23	4.4%
Sulaiman Khail	23	4.4%
Barakzai	13	2.5%
Kakar	13	2.5%
Noorzai	13	2.5%
Hotak	3	0.6%
Ishaqzai	2	0.6%
Mullah Khail	3	0.6%
Tokhai	3	0.6%
Hasan Khail	2	0.4%
Andar	1	0.2%
Tarakai	1	0.2%
Other	141	27%

Seventy-one percent of respondents were classified as adult, with the remaining respondents older than 55.

Table 16 Elder age

Age range	Count	Percent
Adult (26-55)	363	71%
Mature (56+)	149	29%

Eighty-three elders, or 16% of the sample, reported receiving a total of 95 trainings relating to legal rights, women's rights, community development, or a related topic at any time in the last six months. The average attendance per elder is 1.2 trainings. The distribution of training topics is as follows:

Table 17 Prior training topics

Prior training received	Count	Percent
Human rights	17	18%
Shari'ah	11	12%
Agriculture	10	11%
Government officials	10	11%
Rule of law	9	9%

Prior training received	Count	Percent
Health	6	6%
Women's rights	5	5%
Village office	4	4%
Inheritance	3	3%
Education	3	3%
Dispute resolution	3	3%
National Solidarity Program (NSP)	2	2%
Peace council	1	1%
Social development	1	1%
Community development	1	1%
Other	9	9%

See [Determinants of elder knowledge](#) for a treatment of elder knowledge in relation to their exposure to training.

Disputant characteristics

The disputant case assessment tool provides details on cases resolved through the informal justice system and perceptual assessments of various aspects of the process of resolution and case outcomes. Disputants are identified through key informant interviews of informal justice providers, purposive sampling in population collection centers, and snowball sampling from disputants previously identified.

Twenty-one enumerators interviewed an average of 25 disputants each, across seven districts in four provinces, for a total of 533 respondents.

Table 18 Disputant interviews, by region

Region	Count	Percent
East	303	57%
South	230	43%
Total	533	100%

Table 19 Disputant interviews, by province

Province	Count	Percent
Logar	149	28%
Kunar	154	29%
Kandahar	153	29%
Uruzgan	77	14%

Table 20 Disputant interviews, by district

Province	District	Status	Count	Percent
Logar	Mohammad Agha	Treatment	74	13.9%
	Khoshi	Comparison	75	14.1%
Kunar	Chawkay	Treatment	78	14.6%
	Narang	Comparison	76	14.3%
Kandahar	Zhari	Treatment	70	13.1%
	Shah Wali Kot	Comparison	83	15.6%
Uruzgan	Chora	Treatment (Second cohort)	77	14.4%

Twenty-four percent of disputants were female, offering a good opportunity to extend existing analyses of differing assessments of informal justice by gender. In the Phase 2 evaluation data, female disputants consistently assessed informal dispute resolution lower than males, though this effect attenuated or disappeared when additional controls were included.

Disputants averaged 43 years of age. The great majority of respondents were of adult age, while 17% were either youth or seniors.

Table 21 Disputant age

Age range	Count	Percent
Youth (up to 24)	23	4.3%
Adult (25-55)	438	82.8%
Mature (56+)	68	12.8%

Disputants reported an average of 2.7 sources of income and owning 4.8 items from a list of 14 household assets read aloud by the enumerator. The distributions are as follows.

Table 22 Disputant sources of income

Source of income	Count	Ranked %	Gross %
Livestock	349	24.3%	66.3%
Crops	320	22.3%	60.8%
On farm wage	296	20.6%	56.3%
Off farm wage	226	15.7%	43%
Shop keeping	101	7%	19.2%
Office / professional work	55	3.8%	10.5%
Rental income	29	2.0%	5.5%
Professional Trade	21	1.5%	4.0%
Remittances	21	1.5%	4.0%
Handicraft	20	1.4%	3.8%
Total		100%	273%

Table 23 Disputant household assets

Asset	Count	Ranked %	Gross %
Radio	452	17.9%	85.6%
Home	419	16.6%	79.4%
Land	328	13.0%	62.1%
Mobile phone	313	12.4%	59.3%
Motorcycle	234	9.2%	44.3%
Livestock	220	8.7%	41.7%
Bicycle	172	6.8%	32.6%
Shop	127	5.0%	24.1%
TV	77	3.0%	14.6%
Automobile	67	2.6%	12.7%
Generator	45	1.8%	8.5%
Computer	34	1.4%	6.4%
Landline telephone	25	1.0%	4.7%
Satellite dish	18	0.7%	3.4%
Total		100%	479%

Thirty-seven percent of disputants reported being literate, while 62% reported having no education.

Table 24 Disputant educational attainment

Level of education	Count	Percent
No education	321	62%
1 st – 6 th grade	40	7.8%
Madrassa (enrolled prior to age 14)	21	4.1%
Madrassa (enrolled prior to age 14 abroad)	1	0.2%

Level of education	Count	Percent
7 th – 9 th grade	28	5.3%
10 th – 12 th grade	52	9.8%
Madrasa (enrolled after age 14)	5	0.9%
University (2-year diploma)	8	1.6%
University (awarded bachelor's degree)	9	1.7%

The ethnic distribution of disputants closely followed that of elders, with 86% of respondents reporting Pashtun ethnicity.

Table 25 Disputant ethnicity

Ethnicity	Count	Percent
Pashtun	459	86%
Tajik	65	12%
Sadat	5	1%
Baloch	1	0.25%
Hazara	1	0.25%

As with the elder respondents, Safi and Achakzai tribes were the most populous in the baseline data.

Table 26 Disputant tribal affiliations

Tribe	Count	Percent
Safi	125	23.5%
Achakzai	68	12.8%
Sulaiman Khail	39	7.3%
Popalzai	38	7.1%
Alokozai	33	6.2%
Barakzai	33	6.2%
Ahmadzai	23	4.3%
Kakar	19	3.6%
Noorzai	16	3.0%
Mullah Khail	6	1.1%
Niazai	6	1.1%
Tokhai	4	0.8%
Andar	2	0.4%
Hasan Khail	2	0.4%
Hotak	2	0.4%
Tarakai	2	0.4%
Ishaqzai	1	0.2%
Other	112	21.1%

In the interest of learning more about in-group / out-group dynamics, disputants were asked whether they considered themselves to be among the minority in their village by ethnicity or tribe.

Table 27 Disputant minority perceptions in village

Minority	Count	Percent
Member of ethnic minority in village	43	8.6%
Member of tribal minority in village	92	17.3%

Disputants were also asked where they most identified themselves, with a strong majority linking tribal affiliations to their identity.

Table 28 Disputant identity

Disputant most identifies with...	Count	Percent
Tribe	206	39.4%
Religion	75	14.5%
Province / region	75	14.1%
Ethnicity	64	12.2%
Occupation	63	12%
Nationality	40	7.6%

Disputants reported an average of 30 minutes' driving time to the district center. Travel time varied widely by region, province, and district.

Table 29 Travel to district center, region

Region	Driving time (minutes)
East	21
South	41

Table 30 Travel to district center, province

Province	Driving time (minutes)
Logar	29
Kunar	14
Kandahar	48
Uruzgan	27

Table 31 Travel to district center, district

Province	District	Status	Driving time (minutes)
Logar	Mohammad Agha	Treatment	37
	Khoshi	Comparison	19
Kunar	Chawkay	Treatment	9
	Narang	Comparison	18
Kandahar	Zhari	Treatment	54
	Shah Wali Kot	Comparison	44
Uruzgan	Chora	Treatment (Second cohort)	27

Statistical balance between treatment and comparison – background data

In the absence of random assignment, it is crucial to examine the treatment and comparison group data for significant differences. If there are differences between the groups that are also related to the RLS-I

treatment effect, the evaluation measurements will be biased. For the Phase 3 baseline, the balance of background characteristics across treatment and comparison elders is presented below. Bolded items represent substantive differences between treatment and comparison.

Table 32 Elder background data by treatment and comparison

Survey topic	Measure	Treatment	Comparison	Standardized difference	p-value
Sampling methodology	Selected from IDLG shura list	13%	26%	0.33	.001
	Asked villagers who they trusted to resolve disputes	8%	18%	0.28	.003
Socioeconomic background	Positions in society	2.3	1.5	0.61	.000
	Sources of income	2.1	2.2	0.06	.537
	Household assets	5.8	4.1	0.84	.000
	Age	50	51	0.10	.284
	Received training in last six months	14%	21%	0.20	.042
Education	Literate	21%	44%	0.52	.000
	No education	20%	46%	0.57	.000
	Middle school education or higher	32%	26%	0.13	.164
	Educated in madrassa	16%	10%	0.18	.057
	Educated in madrassa abroad	12%	7%	0.14	.130
Ethnicity	Pashtun	93%	78%	0.44	.000
	Tajik	6%	21%	0.46	.000
Tribe	Alokozai	1%	9%	0.39	.000
	Popalzai	12%	8%	0.13	.158
	Safi	31%	23%	0.17	.071
	Sulaiman Khail	1%	9%	0.39	.000

In the above table, any standardized difference less than 0.1 is comparable to the probabilistic equivalency between groups that a purely randomized assignment would give. A standardized difference above 0.1 indicates a risk that non-random factors may account for the difference between treatment and comparison. A standardized difference above 0.2 indicates non-random factors likely account for the difference, and therefore may pose threats to providing an unbiased estimate of the RLS-I treatment effect.

For the factors listed above, note the bolded items indicating both statistically and substantively significant differences⁹ between treatment and comparison groups. There are differences in how elders were selected for interviewing (comparison group elders identified through direct canvassing rather than identification from district lists), the number of positions held in society (2.3 treatment against 1.5 comparison), household assets (5.8 treatment against 4.1 comparison), literacy (21% treatment against 44% comparison), respondents without education (20% treatment against 46% comparison), proportion of Pashtun respondents (93% treatment against 78% comparison), and proportion of respondents belonging to the Alokozai and Sulaiman Khail tribes (1% treatment against 9% comparison).

As previously mentioned, these differences are substantive in a real-world sense and therefore are potential threats to the integrity of the counterfactual. The comparison group elders were identified more through direct field work, while treatment group elders were identified more through selection from district lists. The result may be that the treatment group is more state-aligned. The treatment group elders also report occupying more positions in society (a crude proxy for status), own more household assets, and members have a greater tendency to be Pashtun. The comparison group has a higher literacy rate, and yet report lower levels of education.¹⁰ Comparison group elders have also been exposed to additional training on legal awareness or women's rights topics in the previous six months, relative to the treatment group.

In some cases, group differences do not make up a significant part of the sample and therefore do not pose as much of a threat to the evaluation measurements. Regardless, all variables that differ by treatment and comparison group status, and also play some role in determining treatment status, must be controlled for if the evaluation measurements are to retain validity.

For the Phase 3 baseline, the balance of background characteristics of disputants across treatment and comparison is as follows:

Table 33 Disputant background data by treatment and comparison

Survey topic	Measure	Treatment	Comparison	Standardized difference	p-value
Socioeconomic background	Female	23%	24%	0.02	.836
	Age	45	43	0.24	.012
	Sources of income	2.8	2.8	0.01	.916
	Household asset ownership	5.6	4.0	0.79	.000
	Transit time to district center	32	28	0.16	.097
Education	Literate	41%	38%	0.06	.498
	Educated in madrassa	6%	3%	0.12	.219
	No education	55%	59%	0.09	.339
	Secondary school education or higher	17%	26%	0.21	.026
Ethnicity	Member of ethnic minority	15%	5%	0.34	.001
	Pashtun	93%	76%	0.49	.000
	Tajik	6%	22%	0.45	.000

⁹ The reader should take note of references to statistical significance and substantive significance in discussing differences between groups. Statistical significance means that the difference in the data is not likely to be due to chance; however, the difference still might not have any significance in terms of the policy or programming environment. Substantive significance refers to a difference in data that is meaningful for the RLS-I policy and programming environment.

¹⁰ Additional data quality checks will be needed to help determine whether the divergence between literacy and education levels is due to measurement error.

Survey topic	Measure	Treatment	Comparison	Standardized difference	p-value
Tribe	Member of tribal minority	15%	25%	0.27	.005
	Achakzai	3%	6%	0.14	.127
	Safi	33%	23%	0.22	.018
	Sulaiman Khail	3%	14%	0.38	.000
	Alokozai	5%	8%	0.13	.158
	Popalzai	9%	8%	0.05	.603
	Barakzai	2%	4%	0.09	.326
	Ahmadzai	3%	6%	0.15	.104
Identity	Most identifies with occupation	6%	20%	0.44	.000
	Most identifies with nationality	14%	4%	0.36	.000
	Most identifies with ethnicity	20%	7%	0.36	.000
	Most identifies with tribe	40%	22%	0.40	.000
	Most identifies with religion	13%	21%	0.22	.022
	Most identifies with province/region	7%	25%	0.50	.000

There are statistically and substantively significant differences between treatment and comparison groups in household asset ownership (5.6 treatment against 4 comparison), membership in an ethnic minority in their community (15% treatment against 5% comparison), ethnicity (93% Pashtun for treatment against 76% Pashtun for comparison), Sulaiman Khail tribe (3% treatment against 14% comparison), and disputant identification with various social positions (for example, identification with ethnicity is 20% for treatment against 7% for comparison). In some cases, group differences do not make up a significant part of the sample and therefore do not pose as much of a threat to the evaluation measurements. Regardless, all variables that differ by treatment and comparison group status, and also play some role in determining treatment status, must be controlled for if the evaluation measurements are to retain validity.

Relation to Phase 2 evaluation data

The baseline data set for the Phase 3 evaluation marks RLS-I's third data collection round in the area of elder knowledge / attitude and disputant assessment of the process and outcome of their disputes. It is therefore of interest to examine similarities and differences across geographic units as well as trends over time, while retaining a critical assessment of the validity of such measurements given any differences in data collection. The following table presents elder background data across the three data collection rounds conducted to date.

Table 34 Elder background data across Phase 2 and Phase 3

Survey topic	Measure	Phase 2 baseline	Phase 2 endline	Phase 3 baseline
Sampling methodology	Selected from IDLG <i>shura</i> list	11%	6.8%	17%
	Asked villagers who they trusted to resolve disputes	11%	35%	24%
Socioeconomic background	Positions in society	2.3	2.5	1.8
	Sources of income	2.2	-	2.1
	Household assets	5.8	-	5.1



Survey topic	Measure	Phase 2 baseline	Phase 2 endline	Phase 3 baseline
	Age	50	53	46
	Received training in last six months	45%	37%	16%
Education	Literate	57%	71%	34%
	No education	44%	27%	35%
	Middle school education or higher	41%	55%	28%
	Educated in madrassa	5.3%	3.6%	14%
Ethnicity	Pashtun	74%	76%	88%
	Tajik	4%	6.2%	12%
Tribe	Alokozai	9.4%	12%	4.4%
	Popalzai	7.7%	4.4%	9%
	Safi	11%	13%	23%

The same presentation for disputant background data across all data collection waves follows.

Table 35 Disputant background data across Phase 2 and Phase 3

Survey topic	Measure	Phase 2 baseline	Phase 2 endline	Phase 3 baseline
Socioeconomic background	Female	4.8%	11%	23%
	Age	42	40	43
	Sources of income	2.2	2.0	2.7
	Household assets	4.9	5.3	4.8
	Security	2.73	3.19	2.96
Education	Literate	31%	44%	37%
	Educated in madrassa	0%	3.8%	5.3%
	No education	70%	54%	62%
	Secondary school education or higher	9%	16%	19%
Ethnicity	Pashtun	75%	73%	86%
	Tajik	7%	7.8%	12%
Tribe	Achakzai	3.4%	7%	13%
	Safi	18%	16%	24%
	Sulaiman Khail	1%	1.7%	7.3%
	Barakzai	4.2%	5%	6.2%

For both elders and disputants, values are largely stable over data collection waves. There are more female disputants over time, based on deliberate sampling.

Contextual data

Both the elder interviews and disputant assessments contain sections relevant to the environment of local dispute resolution. These contextual questions are mediating variables that both affect and are affected by the practice of local dispute resolution. Descriptive statistics of the contextual questions are presented here. In [Modeling informal dispute resolution](#), these contextual variables are assessed as possible explanatory factors in understanding how elders adjudicate disputes and how disputants assess the process and outcome of those disputes.

Justice mapping - elders

In Afghan communities, traditional dispute resolution¹¹ fills a time-honored role of maintaining peace through consensus-building, compromise, and adherence to religious and/or customary codes of practice. In larger disputes where more serious damage has been done to property or persons, TDR is a mechanism by which the aggrieved or victimized parties receive restitution and offer forgiveness (or revenge) to the perpetrators, with the intent of restoring harmony between parties and within the larger community. State justice and TDR exhibit a dynamic relationship, with district-level justice actors and village-level mediators in frequent contact and coordination. Disputes, including those that may involve a criminal element, are routinely referred between state and non-state actors for consultation and resolution.

This section examines the particular features of local dispute resolution. Elders are asked how disputes are typically resolved in their communities, the extent to which local powerbrokers may affect decision-making, the role of women in dispute resolution, and the sources of law influencing the process of adjudication. The following section then asks disputants a series of contextual questions that seek to illuminate the environment in which dispute resolution takes place. “Traditional” dispute resolution is in fact a regularly-evolving feature of village life that is sensitive to local power dynamics, the reach of the state, and citizen perceptions of the state as functional and properly embodying Afghan norms and values.¹² Disputant responses on contextual items, then, could help identify how local dispute resolution responds to different features of the environment in which it operates, and also how informal justice is evolving as the general situation in Afghanistan evolves.

The makeup of local dispute resolution

Respondents were asked the primary means of resolving disputes in their communities. Close to 70% responded that a village or community *shura* with a fixed membership helped resolve disputes.

Table 36 Primary means of resolving disputes

Means of resolution	Count	Percent
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¹¹ Traditional dispute resolution is the most common among several terms used to describe dispute resolution that takes place outside the state justice system, none of which fully capture the range of observed practices. See [Informal Justice and the International Community in Afghanistan](#), pages 12-13, for a review. In this and related documents, RLS-I uses the terms TDR, informal justice, and informal or local dispute resolution interchangeably.

¹² Dr. Deborah Smith was among the first researchers to emphasize how the term “traditional” fails to communicate the fluid and adaptable nature of local dispute resolution. See, for example, [A Holistic Justice System for Afghanistan](#): “[Community-based dispute resolution] practices are not static and do not rest on an unchanging, imagined version of tradition and custom. They adapt to changing social relationships, political structures and emerging problems, and are practiced differently in different places, varying between province, district, village, ethnicity, and *qawm*.”

Means of resolution	Count	Percent
Village or community <i>shura</i> with fixed body	355	69%
Ad hoc <i>jirgas</i> with members selected by participants	92	18%
Both fixed <i>shuras</i> and ad hoc <i>jirgas</i>	69	13%

The preponderance of village-level shuras is higher than expected, and does not differ by region. Though the question intends to elicit information about village-level dispute adjudication, elders may have included district-level structures or included development committees (such as Community Development Councils) in their response. It may also be that respondents were referring to the relatively set number of elders in a given village, area, or district who tended to be called upon to resolve disputes, regardless of the format in which the elders were convened. Finally, respondents may be referring more to disputes that took the attention of entire communities, rather than more petty disputes between individuals whose involvement of arbiters for resolution did not.

Eighty-four percent of respondents reported being a member of a fixed body that met regularly, either at the district or village level. More than half of the respondents reported that such bodies met no more than monthly.

Table 37 How often local dispute resolution body meets

How often meets	Count	Percent
More than once a week	81	20%
2-4 times per month	104	25%
Once a month	227	55%

The majority of respondents reported that the local dispute resolution body consisted of fewer than seven members or more than 17 members.

Table 38 Number of members of local dispute resolution body

Membership of local dispute resolution body	Count	Percent
Fewer than seven	161	36%
7-10	88	19%
11-16	59	13%
More than 17	143	32%

Regardless of membership in a local dispute resolution body, 94% of respondents reported that they were called upon to help resolve disputes in their community. The great majority reported being called on to resolve a dispute 1-4 times in the previous three months.

Table 39 How often called upon to resolve dispute

How often called to resolve dispute in previous three months	Count	Percent
1-4 times	331	72%
5-9 times	88	19%

10 or more times	43	9%
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In addition to combating harmful TDR practices and building capacity of informal justice providers, RLS-I also promotes linkages between formal and informal justice actors such as regular consultation and the registration of TDR decisions with the district government. In districts with a stronger state presence there is ongoing interaction between state actors and local elders, with disputes commonly referred between formal and informal justice actors for consultation and resolution. In more insecure districts with little or no state presence, non-state actors play a much larger role in dispute resolution, with varying levels of state acquiescence. In addition to assessing the existing relationship between formal and informal justice actors, an increase in informal dispute documentation and registration is considered an outcome level results indicator in the RLS-I Phase 3 Performance Monitoring Plan (PMP).

In the seven sampled districts in the baseline survey, 33% of elders reported that disputes were recorded in their community. Of those who said decisions were documented, 69% said they were also registered. Of decisions registered with the district, 86% reported that district officials reviewed the decisions for compliance with Afghan law (another 3.6% said a government review could occur depending on the circumstance). Of decisions reviewed by the government, elders reported that on average 15% of decisions were rejected for registration due to non-compliance with Afghan law. Finally, if the district did accept a TDR decision for registration, 81% of elders said that those decisions were captured as GIRoA decisions and reported as an official government statistic (another 2.3% said that capture as a government statistic could occur depending on the circumstance). These statistics are presented in tabular form below.

Table 40 Local decision documentation and registration

Formal-informal justice linkages	Count	Percent
Local decisions are recorded	162	33%
Recorded decisions are registered with district or other government body	150	69%
District government conducts a legal review of local decisions submitted for registration	143	86%
The district has refused to register local decisions for non-compliance with Afghan law	26	15%
If the district accepts a local decision for registration, it will be captured and reported as an official government decision	104	81%

See [Disputant case dynamics](#) for additional data on dispute documentation and registration.

The final statistic in the section on elders' justice mapping of their communities concerns the frequency of disputes that affect them. Elders were asked to recall the month and year of the last dispute that had taken the attention of most of the village elders. This was followed by the same question, but for cases specific to acts of violence, inheritance, or property. Mean values by case type are as follows, expressed in months.

Table 41 Most recent dispute

Last dispute taking the attention of most village elders	Mean duration in months
Time since most recent dispute of any kind	7.6
Time since act of violence or serious crime	6.4

Time since last inheritance dispute	32
Time since last property dispute	20

Note that elders reported an act of violence occurring sooner than their recollection of the last dispute of any kind. This may indicate a distinction in the minds of the elders between disputes that require resolution and reconciling parties after acts of violence have occurred, or it may simply indicate recall error. Also, given the long periods of time since prior disputes, it is likely that elders are recalling legacy disputes that have entered into the collective memory of the village or surrounding *manteqa*. In this case, these figures are not good indicators of the frequency of more everyday disputes affecting the village in general.

The influence of powerbrokers in local dispute resolution

It has been observed that traditional dispute resolution has suffered from displacement by Taliban justice on the one side, or undue influence from local warlords or powerbrokers on the other. There is also the more intrinsic criticism that local dispute resolution may reflect local power dynamics, either at the expense of more egalitarian norms such as *Shari'ah* or *Pashtunwali*, or because of them. While not attempting to untangle these questions, the elder interviews do solicit general perceptions on the extent to which local dispute resolution may be captured by local power dynamics from any source.

Forty-three percent of respondents report that people who are not part of a local dispute attempt to influence the outcome based on their own interest or connection to one of the parties. Of these, one-third reported that outsiders to a dispute attempt to influence the resolution somewhat often or more frequently. Of those who said that outsiders to a dispute attempt to influence the resolution somewhat often or more frequently, 40% reported that these attempts to influence succeeded somewhat often or more frequently.

Table 42 Attempts to influence decision

Attempts to influence a decision	Seldom	Somewhat often	Very often	Always	Mean value
How often outsiders attempt to influence dispute	66%	22%	11%	1%	1.47
How often attempts to influence succeed	60%	28%	9%	3%	1.55

Two follow-up questions solicited similar information about outside influence in a dispute resolution, but relating more closely to the respondents' own experience. The questions also distinguished between two variants of undue influence: decision makers considering the relative social status of each party, and decision makers unwillingly influenced by outsiders to a dispute.

Table 43 Jirgas influenced

Measure	To no extent	To little extent	To some extent	To great extent	Completely	Mean value
<i>Jirga</i> / <i>shura</i> members consider party more powerful	34%	35%	22%	5%	4%	2.11
<i>Jirga</i> / <i>shura</i> members unwillingly influenced by outside parties	23%	41%	28%	6%	2%	2.22

Nearly one-third of elders report that they consider the relative social status of the parties to some extent or more. Just over one-third of elders, meanwhile, report coercion from outsiders to a dispute to some extent or more.

In summary, 43% of elders report that outside interference in a local dispute resolution occurs (“outside” pertaining strictly to the scope of the dispute), of whom 34% believe that it occurs somewhat often or more. Of those who believe attempts to influence a dispute resolution occurs somewhat often or more, 40% believe that these attempts succeed somewhat often or more. Thirty-one percent of elders reported that decision makers in a local dispute resolution considered the relative social status of the parties to some extent or more, while 36% reported that decision makers were unwillingly influenced by outsiders to a dispute to some extent or more.

Justice mapping - disputants

For disputants, a series of community-level questions asks about perceived security, GIRoA legitimacy and religiosity (extent to which the government reflects an Islamic identity in belief and practice), the degree of internal and external disruptions to the village, community cohesion and resilience, the presence of local forces, and the performance of local government.

There is little difference in perceptions of safety and security based on geographic area. As would be expected, respondents rank their security higher for their home villages, and lower for areas outside their villages. However, the differences are small.

Table 44 Disputant perception of safety

Perceived safety	Not safe at all	Somewhat unsafe	Somewhat safe	Very safe	Mean value
In village	17%	11%	29%	43%	3.0
Travelling around <i>manteqa</i>	5%	18%	51%	26%	2.97
Travelling to district center	4%	33%	31%	32%	2.91
Overall mean					2.96

One-third of respondents did not respond to a question on post-2014 peace prospects. Of those who did answer, there is a slight majority who consider peace prospects to be more difficult.

Table 45 Post-2014 peace with Taliban

Once foreign soldiers leave, do you think it will be easier for the government to make peace with the Taliban, or more difficult?	Count	Percent
More difficult	194	37%
Easier	157	30%
Don't know / refused answer	169	33%

Forty-three percent of disputants considered most or all of local government officials to be from the district they were serving in.

Table 46 Government officials from district

How many officials originally from district	Count	Percent
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None of them	5	1%
A few of them	77	15%
Some of them	208	41%
Most of them	199	39%
All of them	17	4%

Mean scale
value (1-5) 3.29

Twenty-eight percent of disputants considered themselves very or completely satisfied with their lives.

Table 47 Life satisfaction

Degree of satisfaction	Count	Percent
Not at all satisfied	28	5%
A little satisfied	120	23%
Somewhat satisfied	227	44%
Very satisfied	113	22%
Completely satisfied	32	6%

Mean scale
value (1-5) 3.00

A sequence of questions on community cohesion and resilience asked what types of disruptions affect villages and how villages and local leaders respond.

Table 48 Village life

	Never	Rarely	Sometimes	Often	Always	Mean value (1-5)
External disruptions	47%	7%	30%	12%	4%	2.18
Internal disruptions	55%	10%	30%	5%	--	1.86
Villages work together	3%	14%	39%	29%	15%	3.39
Local leaders responsive	15%	13%	45%	23%	4%	2.88

Disputants generally reported that village disruptions occurred more from outside the village than within the village, while 44% of disputants believed that different villages could work together on common problems. Twenty-seven percent reported that their local leaders often or always considered the views of their constituents in their decision-making.

Both elders and disputants were asked about their perception that their government is living up to its constitutionally-mandated Islamic identity. As a counterpoint to this, disputants are also asked whether government courts must first apply Afghan law in adjudication.

Table 49 GIRoA Islamic

Afghan constitution expresses <i>Shari'ah</i> and Islamic human rights	To no extent	To little extent	To some extent	To great extent	Completely	Mean value (1-5)
GIRoA religiosity (Disputants)	2%	18%	40%	33%	7%	3.25
GIRoA religiosity (Elders)	5%	11%	24%	30%	30%	3.68
Primacy of Afghan law in court adjudication	3%	19%	33%	27%	18%	3.38

Elders have a much stronger belief in the religiosity of the Afghan government than disputants (60% against 40%, respectively). This likely reflects elders' greater knowledge of *Shari'ah* and Afghan law, their belief that they are applying proper law, and their closer alignment to district government actors. Disputants, on the other hand, have less knowledge and only their perceptions of how elders adjudicate. In terms of the primacy of Afghan law, 45% of disputants affirm that Afghan law must be applied first and foremost in a court adjudication. Subsequent analysis will examine disputant perception of GIRoA religiosity and the primacy of Afghan law in court adjudication as possible predictors of their assessment of informal dispute resolution.

Two questions asked about generalized trust, first between citizens and government officials, and second whether people in general were trustworthy.

Table 50 Citizen-government trust

Level of trust	Count	Percent
No trust at all	47	9%
Low trust	181	35%
Some trust	226	44%
High trust	44	8%
Complete trust	19	4%

Mean scale
value (1-5) 2.63

Table 51 People are trustworthy

Nature of people	Count	Percent
You must be very careful in dealing with other people	310	66%
Most people can be trusted	159	34%

Only 12% of disputants reported high or complete trust, though 44% did report some trust. Thirty-four percent of disputants reported that most people could be trusted. These variables combined with the previous questions on community cohesion and resilience fall under a broader category of social capital in local communities, and will be examined as possible predictors of informal dispute resolution process and outcome.

The presence of local forces and performance of local government

Disputants perceived the strongest presence of forces in their community to be Afghan National Army (ANA) and Afghan National Police (ANP), followed by local militias (*arbaki*) and Afghan Local Police (ALP).

Table 52 Presence of local forces

In your community, how strong is the presence of...	Little or no presence	Moderate presence	Strong presence	Mean value
Afghan National Army (ANA)	10%	22%	68%	2.59
Arbaki	28%	33%	39%	2.11
Afghan National Police (ANP)	10%	51%	39%	2.29
Armed Opposition Groups (Taliban)	58%	28%	14%	1.58
Afghan local police	31%	38%	31%	2.02
International Security Assistance Forces (ISAF)	45%	26%	28%	1.83

A table of correlations helps identify which forces are positively or negatively associated with other forces.

Table 53 Correlations within presence of local forces

Local force	Afghan National Army	Afghan National Police	ISAF	Insurgents	Afghan Local Police
Afghan National Army	1				
Afghan National Police	.292**	1			
ISAF	.276**	.318**	1		
Insurgents	.101*	-.240**	.203**	1	
Afghan Local Police	-.111*	.010	-.327**	-.212**	1
Arbaki	-.125**	.021	-.309**	-.333**	.531**

* Significant at 10%

** Significant at 1%

Afghan forces, ISAF, and insurgent presence are all positively correlated. The national army and ISAF are negatively associated with the homegrown forces of local police and militias (*arbaki*). Insurgent presence is positively related to Afghan and ISAF forces, as one would expect, but negatively related to national police, local police, and militia. This suggests an effective displacement of insurgents wherever local forces are able to take hold (or, conversely, that insurgents are not able to penetrate communities where local forces are already well-established). A more troubling interpretation could also be that there is not much to distinguish between local armed actors and insurgent elements, and that local police and *arbaki* may simply be a means of organizing the unemployed or marginalized who would otherwise be organized by the Taliban.

Disputants perceived the national army as best performing their roles, followed by local leaders, the district governor, and the national police.

Table 54 Institutional job performance

How would you assess the overall job performance of...	Unacceptable	Below standards	Meets standards	Exceeds standards	Outstanding	Mean value
District governor	6%	29%	31%	12%	21%	3.14
District court	23%	38%	19%	13%	7%	2.42
Afghan National Army	6%	13%	29%	16%	36%	3.62
Afghan National Police	6%	25%	35%	24%	24%	3.08
Local community leaders	3%	24%	29%	23%	21%	3.36
Provincial government	24%	34%	23%	11%	8%	2.46

A table of correlations helps identify how performance of different levels of governance and function may be positively or negatively related.

Table 55 Local government performance

Party	Afghan National Army	Afghan National Police	Local Community Leaders	District Governor	District Court
Afghan National Army	1				
Afghan National Police	.546**	1			
Local Community Leaders	.327**	.451**	1		
District Governor	.342**	.188**	-.040	1	
District Court	.388**	.341**	.269**	.487**	1

Provincial Government	.508**	.435**	.320**	.357**	.586**
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* Significant at 10%

** Significant at 1%

All significant associations are positive, with national forces (referring to both ANA and ANP), provincial government, and district government most strongly correlated with each other. The performance of local leaders is consistently associated with government performance, with the exception of district governor where there is a slight negative correlation that is not statistically significant. However, it is consistent with other hints in this study suggesting a possible cleavage in local governance, where the district vies for legitimacy with non-state actors at the village and district level.

Finally, a table of cross-correlations may help determine whether presence and performance are positively or negatively correlated.

Table 56 Force presence and government performance

Performance	Presence					
	Afghan National Army	Afghan National Police	Insurgents	Afghan Local Police	Arbaki	ISAF
Afghan National Army	.597**	.380**	-.081	-.202**	-.066	.321**
Afghan National Police	.236**	.510**	-.232**	-.031	.107*	.187**
Local Community Leaders	.093*	.359**	-.247**	-.079	-.108*	.218**
District Governor	.331**	.220**	.159*	-.210**	.001	.140**
District Court	.356**	.315**	.172**	-.229**	-.230**	.359**
Provincial Government	.452**	.298**	.219*	-.181**	-.159**	.286**

The presence of Afghan national forces and ISAF are positively associated with performance at all levels of government, while there is a negative or non-correlation between the presence of Afghan local forces and *arbaki* and performance at all levels of government. The presence of insurgents is most strongly, and negatively, associated with the performance of local leaders. One interpretation of this correlation is that the ability to displace local insurgents, or successfully resist insurgent attempts to set up operations within villages, is the key driver to gaining local legitimacy. Perhaps surprisingly, there is a positive correlation between the presence of insurgents and the perceived performance of district or provincial government, suggesting that Afghans may seek the shelter and protection of the state in the presence of insurgents.

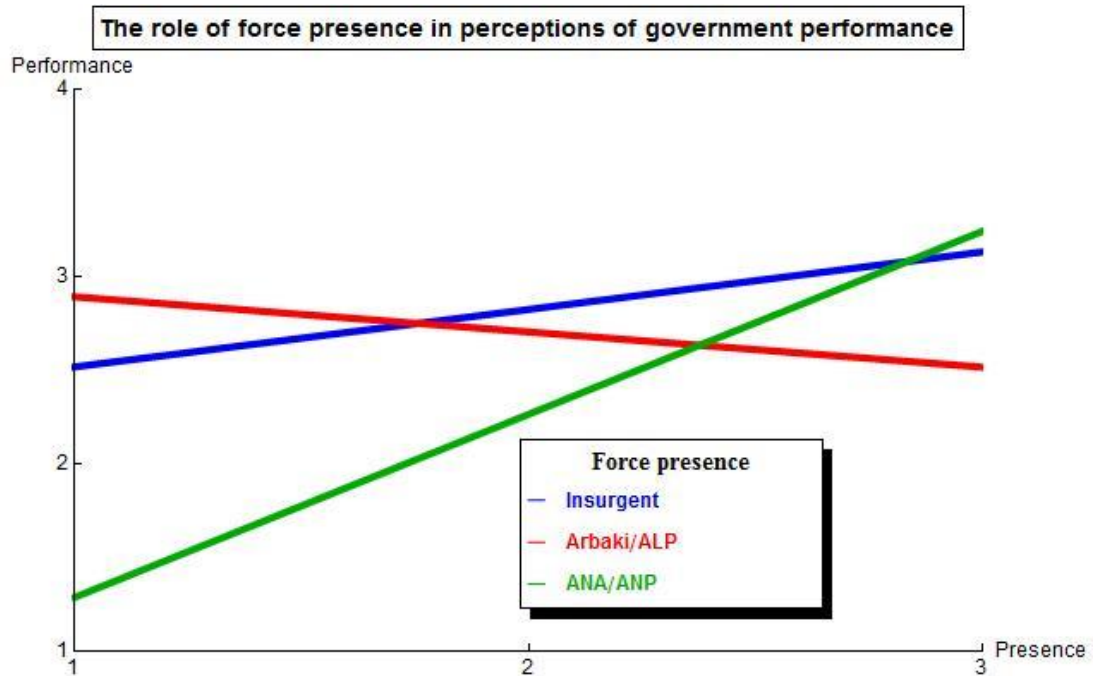
Based on the above data, one possible interpretation of how Afghans seek stability in their lives is the following: Afghans seek the protection and leadership of local leaders only insofar as such leaders are able to expel local insurgents or resist insurgent incursions into their villages. If local leaders are able to provide this function, local legitimacy of the state potentially suffers depending on the degree of affiliation between local leaders and the government. If local leaders are not able to provide this function, Afghans look to more official arms of the state for shelter and protection irrespective of state performance in executing this function.

The relationship between force presence and the perceived performance of different levels of government may be illustrated graphically. The following graphs examine the relationship between presence and performance. Each line represents a changing force level, with levels of other forces held fixed. The first graph highlights the contrary relationship between government performance (a composite measure



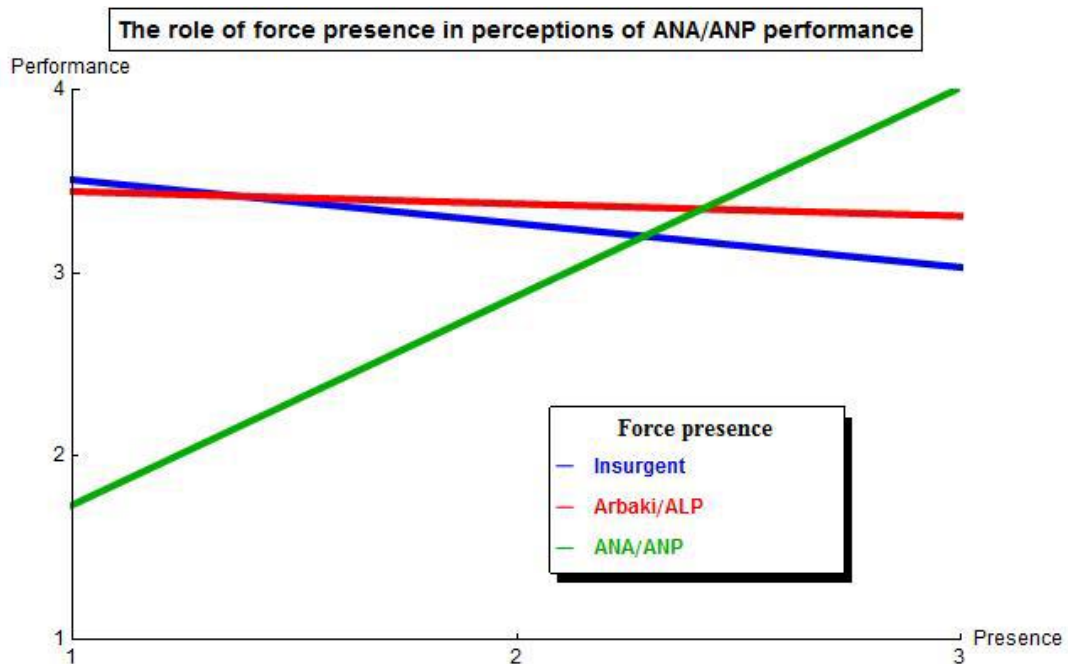
combining district and provincial governance) and the presence of local forces (a composite of Afghan Local Police and local militias).

Graph 2



Perceptions of government performance are strongly and positively affected by the presence of Afghan national forces, and negatively affected by the presence of local forces, suggesting a possible competition between district government and local self-governance in the form of local leaders, *arbaki*, and local police. The next graph shows perceived performance of Afghan national forces as a function of their presence in the community and the presence of local forces and insurgents.

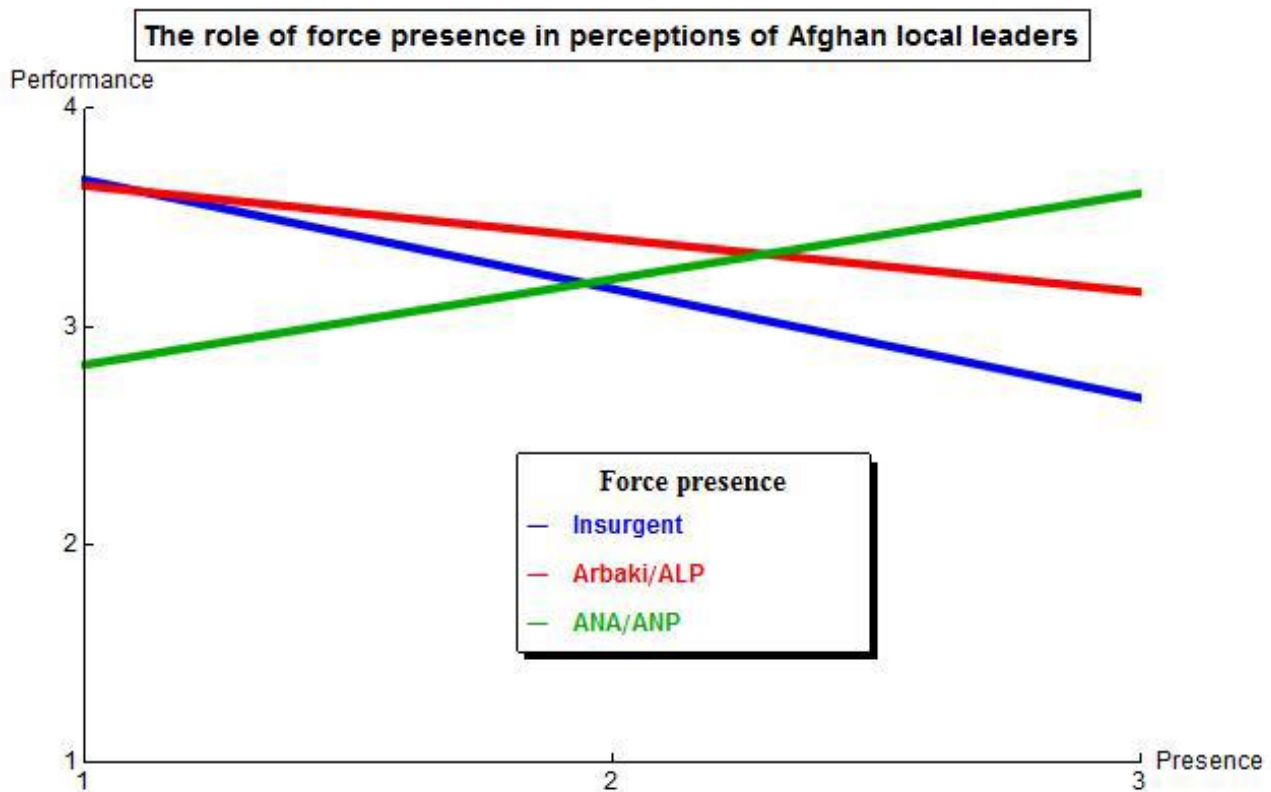
Graph 1



A stronger presence of Afghan national forces contributes very strongly to positive perceptions of their performance, underscoring an inherent competence and legitimacy to their function in stabilizing communities and monopolizing the use of force.

The final graph shows the perceived performance of local leaders as a function of the presence of local forces.

Graph 3



The presence of national forces contributes to perceptions of local leaders' legitimacy just as their presence contributes to perceptions of state legitimacy, though the relationship is not as strong as with state legitimacy (see first graph). Similarly, the presence of local forces has a negative relationship with the perceived performance of both local leaders and district government. In fact, the presence of the ALP especially has a negative relationship with perceptions of performance at all levels of government. These correlations are open to interpretation. ALP could be filling crucial governance gaps where GIRoA cannot project influence or control. Alternatively, if citizens perceive ALP as affiliated with GIRoA, then it may play an unwitting role as a rogue force that harm GIRoA efforts at establishing local legitimacy, disrupts attempts to establish local governance services, and does not itself contribute to local governance or stability.

See [Annex 3](#) for the regression coefficients generating the above graphs.

Statistical balance between treatment and control – justice mapping

For the Phase 3 baseline, the balance of justice mapping across treatment and comparison elders is presented below.

Table 57 Justice mapping by treatment and comparison

Measure	Treatment	Comparison	Standardized difference
Received training in last six months	14%	21%	0.20
Member of a body that meets regularly	88%	76%	0.31
Shura meets monthly	66%	41%	0.52
Fewer than 7 members	85%	66%	0.38
More than 17 members	48%	28%	0.41
Mediated 4 or fewer disputes in previous three months	67%	70%	0.08
TDR decisions recorded	26%	31%	0.12
TDR decisions registered with government	61%	67%	0.11
District review of decisions brought for registration	88%	78%	0.25
District has rejected a decision brought for registration	4%	30%	0.72
If decision registered, reported as GIRoA decision	81%	82%	0.01
Anything different in local dispute resolution	50%	22%	0.60
Months since last dispute in community	7.1	8.4	0.17
Do outsiders attempt to influence a case	40%	38%	0.06
How often outsiders attempt to influence (scaled 1-5)	1.52	1.61	0.11
How often outsiders succeed in influencing (scaled 1-5)	1.53	1.60	0.09
<i>Jirga / shura</i> members consider party more powerful (scaled 1-5)	2.04	2.19	0.14
<i>Jirga / shura</i> members unwillingly influenced (scaled 1-5)	2.17	2.33	0.17
<i>Jirgas / Shuras</i> apply Afghan law	3.56	3.05	0.49
<i>Jirgas / Shuras</i> apply Shari'ah	3.66	3.53	0.12
<i>Jirgas / Shuras</i> apply community norms	3.64	3.15	0.43
<i>Jirgas / Shuras</i> consult all relevant parties, including women	3.22	2.62	0.21
If a female involved, her testimony would be solicited	3.02	2.75	0.24
In cases involving women, elders would consult other women	2.81	2.56	0.23
Female participation in <i>jirga</i>	3.03	2.64	0.31
Norms and traditions conflict with Shari'ah	2.84	3.25	0.38
Norms and traditions conflict with Afghan law	2.35	3.43	0.95
Afghan constitution express Shari'ah and Islamic human rights	3.85	3.53	0.28

Note the bolded items in the above table. There are statistically and substantively significant differences in elders receiving prior training (14% treatment against 21% comparison), how often local *shuras* meet, the membership of local *shuras*, whether a district has rejected a TDR decision for registration (4% treatment against 30% comparison), and whether or not anything has changed in the practice of local dispute resolution in the previous year (50% treatment against 22% comparison), elder support for women's participation in *jirga*, legal sources used in TDR, and perceptions of conflict between different legal sources. The difference between treatment and comparison in the practice of local dispute resolution may pose more of a threat to

valid evaluation measurements, as it is itself a qualitative evaluation measure and also establishes the level of dynamism in the time leading up into entry into RLS-I.

For the Phase 3 baseline, the balance of contextual variables across treatment and comparison elders is presented below.

Table 58 Disputant contextual data by treatment and comparison

Measure	Treatment	Comparison	Standardized difference	p-value
Perceived security	2.96	3.02	0.09	.327
Presence - ANA	2.86	2.24	1.03	.000
Presence - <i>Arbaki</i>	1.95	2.32	0.45	.000
Presence - ANP	2.37	2.26	0.16	.088
Presence - Insurgents	1.73	1.29	0.62	.000
Presence - ALP	1.88	2.11	0.28	.004
Presence - ISAF	2.10	1.66	0.55	.000
Performance - District Governor	3.50	2.85	0.53	.000
Performance - District Court	3.01	1.87	1.05	.000
Performance - Afghan National Army	4.12	3.23	0.72	.000
Performance - Afghan National Police	3.23	3.06	0.15	.108
Performance - Local Community Leaders	3.32	3.45	0.12	.211
Performance - Provincial Government	3.09	1.85	1.12	.000
Once foreign soldiers leave, easier for the government to make peace with the Taliban, or more difficult?	28%	48%	0.43	.001
District government officials from that district	3.27	3.15	0.14	.135
Life satisfaction	2.95	2.97	0.03	.777
External disruptions	2.20	2.17	0.02	.868
Internal disruptions	1.90	1.98	0.07	.456
Villages work together	3.23	3.51	0.28	.003
Local leaders responsive	3.04	3.19	0.16	.094
GIRoA Islamic	3.40	3.16	0.28	.005
Primacy of Afghan law	3.78	3.05	0.73	.000
Citizen-government trust	2.96	2.42	0.62	.000
Most people can be trusted	38%	28%	0.21	.032

Differences between treatment and comparison show strong and worrisome divergence on contextual variables. There are large disparities in the presence and/or performance of Afghan national forces, insurgents, ALP, ISAF, and district and provincial government. There are also large differences in disputant perception of prospects for peace post-2014, the primacy of Afghan law in court adjudication, and the level of trust between citizens and government officials. Some of these variables can be controlled for, while others are related to RLS-I outcomes and therefore should be allowed to vary as possible downstream or contextual program effects. Most problematic, and intractable, is the possibility that these differences point to more fundamental and intrinsic differences between the treatment and comparison groups. This will be discussed in the final evaluation report.

Relation to Phase 2 evaluation data

The following table presents justice mapping data across all three data collection waves from Phase 2 and Phase 3.

Table 59 Justice mapping by treatment and comparison

Measure	Phase 2 baseline	Phase 2 endline	Phase 3 baseline
Mediated 4 or fewer disputes in previous three months	~50%*	~57%	72%
TDR decisions recorded	43%	53%	33%
TDR decisions registered with government	16%	41%	69%
If TDR decision registered, does district review?	52%	68%	86%
If district registers a TDR decision, reported as GIRoA decision?	57%	63%	81%
Anything different in local TDR?	27%	42%	31%
Do outsiders attempt to influence a case	57%	30%	43%
How often outsiders attempt to influence (scaled 1-4)	2.25	3.30	1.47
How often outsiders succeed in influencing (scaled 1-5)	1.43	2.21	1.55
Jirga/shura members consider party more powerful (scaled 1-5)	1.43	2.08	2.11
Jirga/shura members unwillingly influenced (scaled 1-5)	1.51	1.99	2.22

* Due to change in response coding, comparisons are approximate

The Phase 3 baseline data is generally consistent with previous data, but the Phase 3 data reports higher incidence of TDR decision documentation and registration, and lower incidence of outside interference in a TDR decision.

Disputant case dynamics

The great majority of disputes are civil in nature, although many of these cases might trigger violence when such disputes cannot be resolved. Six percent of disputants report that the dispute included both civil and criminal elements, but this likely underestimates the extent of violence involved in civil disputes.

Table 60 Type of case

Case type	Count	Percent
Civil	404	76%
Criminal	96	18%
Elements of both	30	6%

Among the civil cases, the majority pertain to land, followed by family disputes.

Table 61 Type of civil case

Case type	Count	Percent
Land	215	49%
Family	101	23%
Water	37	9%
Commercial	24	6%
Other	59	13%

Among criminal cases, the majority involve a physical altercation between disputants, in many cases leading to injury. Murder or manslaughter is the second most common dispute of a criminal nature.

Table 62 Type of criminal case

Case type	Count	Percent
Physical attack	48	39%
Murder / manslaughter	22	18%
Theft of personal property	20	16%
Kidnapping / extortion	10	8%
Police actions	6	5%
Other	18	14%

Seventy-eight percent of disputants reported being the direct party to the dispute, while the rest would typically have reported a dispute that affected them closely. The distribution of relations whose disputes were being reported is as follows:

Table 63 Respondent's relation to disputant

The person whose dispute I am reporting is my...	Count	Percent
Neighbor	58	30%
Father	18	9%
Brother	17	9%
Uncle	17	9%
Son	16	8%
Other relative	10	5%
Sister	9	4%
Husband	8	4%
In-law	6	3%
Friend	6	3%
Mother	4	2%
Wife	3	1.5%
Aunt	3	1.5%
Daughter	1	0.5%
Business partner	1	0.5%
Other	19	10%

Sixty-five percent of respondents reported that they had some prior relation to the other party in the dispute. The distribution of relations who were opposed to the respondent in the dispute is as follows:

Table 64 Relation to opposite party

Party	Count	Percent
Neighbor	143	37%
Uncle	50	13%
Brother	40	10%



Party	Count	Percent
In-law	32	8%
Other relative	25	6%
Husband	15	4%
Friend	8	2%
Business partner	7	2%
Son	6	1.5%
Aunt	6	1.5%
Sister	6	1.5%
Father	4	1%
Mother	2	0.5%
Wife	2	0.5%
Other	42	11%

Most of the disputants considered themselves the aggrieved party who referred the case directly to a mediator. However, there is also a good mix of other referral mechanisms, either from the opposite party, or as a joint action with the opposite party, or by an external party.

Table 65 Who referred the case to jirga

Referring party	Count	Percent
Interviewee referred	237	45%
Other party referred	85	16%
Both referred	76	15%
Village elders intervened	108	21%
State intervened	16	3%

Most disputes are extremely local in nature, with 63% of disputes within a family, between related families, or between neighbors (who could be an unrelated or a related family). There were 23 disputes (4.4% of cases) that were at the level of the village or higher.

Table 66 Scope of dispute

The dispute was...	Count	Percent
Between neighbors	205	39%
Between family members	129	24%
Between strangers	77	15%
Between friends	41	8%
Between unrelated or distantly related families	28	5%
Between business partners	12	2.3%
Between two or more villages	11	2.1%
Between citizens and a powerful person	9	1.7%
Between two or more tribes	3	0.6%
Other	12	2.3%

Most disputes were reported to the village or tribal elders, and most disputes were also resolved at that level. However, it is of interest to note the possibility of movement from where a dispute was referred to and where the dispute was actually resolved. The following table indicates the level at which both the referral and the resolution occurred.

Table 67 Dispute referral and resolution

Party	Reported	Resolved
Village elder(s)	34%	44%
Tribal elder(s)	30%	32%
<i>Malik</i>	12%	6%
District governor	6.8%	0.4%
<i>Mullah</i>	5%	5.3%
ANP	2.8%	1.2%
<i>Ulema</i>	0.9%	2%
District <i>shura</i>	0.9%	5.3%
<i>Huqooq</i>	0.9%	--
Taliban	0.8%	0.8%
District court	0.9%	0.6%
Provincial council	--	0.2%
Other / Did not report	4.5%	

The entities more likely to resolve a dispute were the village elders, *mullah*, *ulema*, and district *shura*. The entities more likely to have a dispute reported to them, but who might then refer the dispute elsewhere for resolution, were the *malik*, district governor, and national police. The few cases referred to state actors such as court and *Huqooq* indicates that these entities were also more likely to refer cases rather than resolve cases. The data cannot support inference, and as presented above also fails to reflect the considerable nuance that exists in formal-informal justice interaction and coordination, but is generally consistent with other qualitative data from district assessments and field reports.

The forums for dispute referrals and resolution may also be helpful in revealing citizen preference for dispute resolution services. The Liaison Office (TLO) points out that many disputes resolved informally are ones that would not typically be referred to a district government or any formal venue in any case, which complicates attempts to directly compare formal and informal caseloads as revealing preference.¹³

The most common way of assembling a *jirga* was through what is referred to here as the consensus method, in which both parties agree to decision makers regarded as fair and impartial and who will weigh the merits from both sides in arriving at a decision. Another method is referred to as the partisan *jirga*, in which the parties may individually select decision makers who will serve as their advocates. Here the setting is more adversarial, though the consensus and consultation model of dispute resolution is maintained.

¹³ For example, see [Formal and Informal Justice in Paktia and Nangarhar](#), pgs 4-5. The text goes on to distinguish between major / minor and verbal / written cases, where these designations would help determine whether that case would tend to be heard by a formal or informal decision-making body. Using this terminology, the majority of disputant cases discussed in this study are minor and verbal cases whose resolution is announced but usually not written down or deemed fit to bring to the attention of the district authorities.

Table 68 How *jirga* assembled

Method of assembly	Count	Percent
Each party selected <i>jirga</i> members to directly represent their interests	171	34%
The parties agreed upon all members of the <i>jirga</i>	213	42%
A third party or parties selected members of the <i>jirga</i>	69	14%
Other	49	10%

The final method of *jirga* selection is through third party selection, typically when the dispute is referred to a state actor, such as district governor, or an informal justice actor who is of higher stature. These arbiters will then in many cases suggest or appoint a committee of arbiters. (In other cases, the state actor may deputize a *jirga* at the parties' and/or village's discretion, but with one arbiter included who is the direct representative of the government.) Ten percent of disputants reported that they did not have full choice in the selection of the *jirga* members.

Nineteen percent of disputants had a third party represent them before the *jirga*. This is about the same proportion as female disputants. Interestingly, however, third party representation is not limited to female disputants. Ten percent of cases presented directly were female, while 31% of cases with proxy representation were male.¹⁴ Subsequent analysis will show that disputants did not like third party representation, regardless of gender. (See [Modeling Informal Dispute Resolution](#).)

Disputes were typically resolved within three meetings of the *jirga* or fewer.

Table 69 Meetings to decide

How many times did the <i>jirga</i> meet before reaching a decision?	Count	Percent
Once	232	46%
2-3 times	236	47%
More than three times	37	7%

Jirgas typically consisted of 10 members or fewer, though one quarter of disputants reported a *jirga* consisting of 11 or more members.

Table 70 Size of *jirga*

About how many members made up the decision making body?	Count	Percent
Fewer than seven	155	32%
7-10	211	44%
11-16	86	18%
More than 16	31	6%

¹⁴ Disputants who reported cases affecting their families but did not consider themselves the direct parties were disproportionately female, therefore cases are limited to direct parties to the dispute.

Sixty-four percent of disputants reported that a *mullah* participated in the *jirga*, or was at least consulted in the course of deliberations.

Forty percent of disputants reported that the decision was recorded. Of those, about one-third were also registered with a government body, most often the district *shura*, court, or *Huqooq*.

Table 71 Documentation and registration

	Count	Percent
Recorded	199	40%
Registered with government body	63	29%

These figures do not differ by region. The documentation rate agrees with that reported by elders. However, recall from [Justice mapping – elders](#) that 69% of elders report that documented disputes are also registered, compared to only 29% of disputants reporting their decision being registered. Elders inflate their self-reports of registering decisions, and this effect is much more pronounced for elders in South region (88% of elders reporting registration) than in East region (61% of elders reporting registration).

Jirga members exacted deposits to bind disputants to the decision in 15% of cases, while an additional 7% of disputants reported paying some costs in money or goods associated with the dispute outcome or process.

Statistical balance between treatment and comparison – case dynamics

For the Phase 3 baseline, the balance of case dynamics across treatment and comparison elders is presented below.

Table 72 Disputant case dynamics by treatment and comparison

Measure	Treatment	Comparison	Standardized difference	p-value
Civil case	74%	74%	0.00	.988
Family case	19%	30%	0.27	.011
Land case	55%	41%	0.28	.007
Physical assault	9%	9%	0.02	.858
Interviewee referred	27%	54%	0.55	.000
Dispute within family	32%	17%	0.34	.000
Reported to village elder	47%	26%	0.43	.000
Reported to tribal elder	19%	38%	0.43	.000
Partisan jirga	21%	49%	0.60	.000
Consensus <i>jirga</i>	41%	39%	0.05	.639
Presented case directly	82%	76%	0.16	.090
One meeting to resolve	34%	52%	0.37	.000
2-3 meetings to resolve	55%	43%	0.24	.012
7-10 <i>jirga</i> members	36%	49%	0.26	.009
Village elder resolved	46%	30%	0.34	.000
Tribal elder resolved	31%	38%	0.16	.100
Decision recorded	38%	39%	0.02	.819
Decision registered	36%	23%	0.28	.066

Measure	Treatment	Comparison	Standardized difference	p-value
Bond collected	20%	13%	0.19	.049

There are statistically and substantively significant differences between treatment and comparison in terms of whether the interviewee personally referred the dispute for mediation (27% treatment against 54% comparison), whether disputes were within a family (32% treatment against 17% comparison), whether the dispute was first reported to a village or tribal elder (47% referred to village elder in treatment against 26% comparison), whether the disputants selected *jirga* members to directly represent their interests (21% treatment against 49% comparison), whether the dispute was resolved with a single *jirga* session (34% treatment against 52% comparison), and whether village elders were considered as the final resolving authority (46% treatment against 30% comparison).

Relation to Phase 2 evaluation data

The following table presents a selection of frequencies of case dynamics for all data collection rounds.

Table 73 Case dynamics

Measure	Phase 2 baseline	Phase 2 endline	Phase 3 baseline
Civil case	56%	76%	76%
Criminal case	26%	21%	18%
Interviewee referred	55%	25%	45%
Dispute within family	22%	35%	24%
Reported to village elder	60%	51%	34%
Partisan <i>jirga</i>	5%	48%	34%
Consensus <i>jirga</i>	53%	49%	42%
Presented case directly	97%	83%	81%
Village elder resolved	81%	52%	44%
Bond collected	8%	23%	15%
Decision recorded	--	44%	40%
Decision registered	--	28%	32%

The data are generally consistent across all data collection rounds, although fewer disputants in the Phase 3 baseline data reported disputes to the village elders and fewer village elders were the primary source for resolution of disputes.

Baseline evaluation measures - elders

Evaluation measures for elders are primarily knowledge, attitudinal, and behavioral change, with emphasis on the measurement of knowledge as one of several factors leading to social change in their home communities. RLS-I delivers a core program of six learning workshops covering Afghan constitutional law, criminal law, family law, inheritance, property, and deeds. A series of discussion sessions between a select group of elders and state justice actors addresses social factors such as cultural practices that Afghans recognize as harmful

to their community. Disputants' assessments of the process and outcome of an informal dispute adjudication, on the other hand, represent a downstream measurement of elders' behavior.

Constitutional and criminal law

The RLS-I workshop on Constitutional law introduces the concept of a written social contract between citizens and government, their respective rights and responsibilities, the legal and human rights protected by the Constitution, and the relation between Afghan law and *Shari'ah*. The RLS-I workshop on criminal law focuses on the exclusive jurisdiction of the state over criminal investigation, prosecution, and enforcement of penalty, types of crimes under the Criminal Code, procedures for referral of crimes to the formal justice sector, and the state's criminal adjudication process.

Collectively, these workshops lay down the foundation of the respective roles and responsibilities of formal and informal justice actors – formal justice actors to handle either criminal or civil cases, informal justice actors to handle some civil cases and the civil aspects of criminal cases, without trespassing upon government jurisdiction over criminal prosecution. Note that government jurisdiction over criminal prosecution and penalty corresponds to the *Shari'ah* concept of *haq-ullah*, or the rights of God that the state, and only the state, is charged with satisfying. The reconciliation of parties, in which forgiveness by the victim is offered in return for the appropriate restitution from the offending party, corresponds to the *Shari'ah* concept of *haq-ul abd*, or the human rights that should be satisfied when an offense has occurred. See the [Glossary](#) for more formal definitions of these terms.

In assessing elders' current practice and knowledge in each subject matter area, the elder interview first asks general questions about how Afghans resolve each type of dispute in their community, followed by a series of questions testing knowledge and attitude for each topic. It should be noted that while the questions are presented as tests of objective knowledge, respondents likely answer according to a mixture of what they understand the law to be, what they think it should be, and the extent to which they see it practiced in the community. While these different effects cannot be disentangled in the data, they do provide the added benefit of measuring some degree of actual change in the community, and not simply a change in an elder's understanding of the law.

Fifty-eight percent of elders report that elders of a community would help resolve serious incidents of violence or crime. Of these, half correctly asserted that in such cases the resolution satisfied *haq-ul abd*. However, a sizable minority claimed that elders' handling of violence or other serious crimes included satisfying *haq-ullah*.

Table 74 Jurisdiction

Would resolving an act of violence or other serious crime satisfy <i>haq-ullah</i> , <i>haq-ul abd</i> , or both?	Count	Percent
<i>Haq-ullah</i>	36	12%
<i>Haq-ul abd</i>	150	50%
Both	105	35%
Depends on the circumstance	10	3%

It must be noted however that questions of jurisdiction between formal and informal are sensitive, with 43% of elders refusing to answer the question – most of them from South region. It is likely that elders who

perceive themselves as exercising a role in providing justice services they know to be claimed by the state is much higher than the reported 12%. In fact, all but two elders reporting that their decisions satisfied *haq-ullah* are from East region, and it is very possible that even these cases involve some involvement and delegation from the state, thus legitimizing their role. If one supposes the 43% missing responses to be the more accurate measure of elders who perceive themselves as exercising a role reserved by the state, then it is also helpful to know that within the statistic of 43%, 69% of the respondents were from South region and 31% were from East region. This is much closer to other judgments on jurisdictional issues from qualitative assessments and anecdotal reporting.

Thirteen elders took the opportunity to comment on the relationship between *haq-ullah* and *haq-ul abd*, providing interesting insight into how village mediators perceive their work and their relationship with the state. An elder from Khoshi district (Logar province) commented that “If government supports *Jirga* they [the elders] can satisfy both *haq-ullah* and *haq-ul abd*.” A similar comment made reference to state sponsorship, or perhaps delegation, of dispute resolution to elders: “If *Jirga* is made by government leadership, in this case [the *Jirga* decision] will complete both *haq-ullah* and *haq-ul abd*. If *Jirga* is not made under government leadership they will just complete *haq-ul abd*.” Three additional elders took some version of this position.

One commenter explicitly linked the work of *jirgas* to the absence or ineffectiveness of the state: “[*Jirga*] can keep both concepts of *haq-ullah* and *haq-ul abd* when there is no power, bribery, and corruption in government.”¹⁵ Two elders mentioned two specific conditions under which the *Jirga* decided *haq-ul abd* only: “*Jirga* completes *haq-ul abd* when the disputer [claimant] is a powerful person or the *Jirga* received some money from the parties to the dispute.” The payment of money, either for tea and meals for the decision makers or an explicit deposit to bind the parties to the decision (*machalga*), seems to trigger the application of *haq-ul abd*. In this sense village elders are simply local mediators of non-criminal disputes who take some fee for services rendered, much like the services offered by the GIRoA *Huqooq* departments. Interpreting the comment about one party to a dispute being a powerful person is more difficult. One possibility could be that the local strongman is able to prevent cases going to the district government for issues in which he has a direct stake. However, one of the elder comments on these conditions suggests a different slant: “If you don’t give money, they [the *Jirga*] talk about God’s right, and when there is a dispute of a powerful man, they support people’s right.” This comment is intriguing and may speak to the dynamics between local powerbrokers and villagers, but requires further context before a reasonable interpretation could be made.

One elder, from Chawkey district (Kunar province), introduced a procedural element into the actions of elders: “If there is a cruelty upon someone, the wronged person brings his claim to *Jirga* and we warn him [the offender] to stop your cruelty. In this case we implemented *haq-ul abd*. If he continues his cruelty, we introduce him to the court.” The implication here is that at the time of referral, the case may become one involving *haq-ullah*. In this case, the level of coordination and cooperation between elders and the state is noteworthy and encouraging.

¹⁵ Interpretation of narrative translated from Pashto or Dari to English is often ambiguous. In this case, “no power” is interpreted as meaning state ineffectiveness. However, another possible interpretation is that the “no” distributes across all three terms of power, bribery, and corruption. The former interpretation is favored because it generally fits with existing theory and knowledge of traditional justice, while the latter interpretation approaches the nonsensical. However, the reader should be alert to the possibility of misinterpretation of translated text.

Another elder, from Narang (Kunar province), considered the motive of the offender in triggering *haq-ullah* or *haq-ul abd*: “If he committed the crime accidentally then we try to make the other family forgive him. But if he did it intentionally then our decision will be according to our Islamic rule.” In this case the obvious concern is that the elder refers to punishment by elders rather than referral of the case to the state. Furthermore, the elders’ punishment may follow the *Shari’ah huduud* punishment, whereas such punishments should be superseded by the Afghan criminal code where applied by a primary court.¹⁶

Elder comments are loosely grouped thematically as follows:

Table 75 Elder comments on jurisdiction

Thematic coding of elder comments on <i>haq-ullah</i> , <i>haq-ul abd</i>	Count	Percent
When the government supports the <i>jirga</i> or is otherwise involved, both God's rights and people's rights are settled	5	38%
People's rights are applied when <i>jirga</i> receives money and/or when powerful person involved	3	23%
We accept that people's rights should be afforded after following God's rights	2	15%
<i>Jirgas</i> settle both God's rights and people's rights when there is no government or it is corrupt	1	8%
If the <i>Jirga</i> decision does not resolve the dispute, it is referred to the state	1	8%
If the crime is intentional, Islamic law applied	1	8%

In terms of knowledge, attitude, and practice relating to constitutional and criminal law, fixed response questions were given a 5-point scale measuring extent of agreement that the question is true. Responses were scaled in order to express how confident a respondent was in a given answer, and also to avoid a high degree of false-correct results that would result from correct guesses on yes/no or true/false responses. The knowledge items are also presented together given the overlap in content, even though there are separate RLS-I workshops covering constitutional and criminal law.

¹⁶ Of course, the primary courts are also liable to apply *huduud* even where a defined fine and/or jail term exists under the Criminal Code.

Constitutional rights	To no extent	To little extent	To some extent	To great extent	Completely
Men and women are equal under the law	3%	10%	15%	12%	60%
If you disagree with a government policy, you have the right to express your disagreement through speech, writing, or other communication	9%	27%	29%	20%	15%
If you disagree with a government policy, you are forbidden from gathering in public areas to peacefully express your disagreement*	17%	18%	25%	29%	11%
If police accuse you of a crime before a court, the court assumes that you are guilty and you must prove that you are innocent based on evidence *	15%	26%	36%	20%	3%
According to Afghan law, police may physically harm a suspected person if it helps their investigation of a crime*	6%	16%	30%	23%	25%
Criminal procedure	To no extent	To little extent	To some extent	To great extent	Completely
Coerced confessions are accepted before a court*	4%	10%	20%	23%	43%
If you are accused of a crime before a court of law, the government is required to provide you with a defense lawyer if you cannot afford to hire one	10%	21%	24%	21%	24%
If the police imprison you, you do not have the right to receive visits*	11%	20%	30%	32%	7%
In the process of safeguarding the accused's rights, the defense lawyer may claim falsehoods before the court*	11%	15%	21%	28%	25%
If police detain you for any reason, they are allowed to hold you for a maximum of 72 hours. After this time, they must either bring a formal charge, or set you free	8%	32%	22%	16%	22%
Jurisdiction	To no extent	To little extent	To some extent	To great extent	Completely
If someone is being held in police custody the elders can negotiate his or her release	1%	21%	28%	27%	23%
Elders have authority to apply punishment when resolving criminal disputes*	9%	14%	24%	26%	27%
According to Afghan law, the government courts are the only recognized body for handling criminal cases	2%	27%	30%	22%	19%

Table 76 Constitutional and criminal law items

*As these claims are false, values have been recoded so that higher mean values are always more correct answers.

When scaled responses are collapsed to binary values, with correct scores awarded for responses of To great extent (4) or Completely (5) (or To no extent (1) or To little extent (2) for questions with reversed polarity), then respondent scores are as follows:¹⁷

Table 77 Constitutional and criminal law frequencies

Constitutional rights	Percent correct (binary)	Overall mean (5-point scale)
Men and women are equal under the law	72%	4.16
If you disagree with a government policy, you have the right to express your disagreement through speech, writing, or other communication	35%	3.06
If you disagree with a government policy, you are forbidden from gathering in public areas to peacefully express your disagreement*	40%	2.98
If police accuse you of a crime before a court, the court assumes that you are guilty and you must prove that you are innocent based on evidence *	23%	2.71
According to Afghan law, police may physically harm a suspected person if it helps their investigation of a crime*	48%	3.45
Criminal procedure	Percent correct (binary)	Overall mean (5-point scale)
Coerced confessions are accepted before a court*	66%	3.91
If you are accused of a crime before a court of law, the government is required to provide you with a defense lawyer if you cannot afford to hire one	45%	3.27
If the police imprison you, you do not have the right to receive visits*	38%	3.03
In the process of safeguarding the accused's rights, the defense lawyer may claim falsehoods before the court*	52%	3.40
If police detain you for any reason, they are allowed to hold you for a maximum of 72 hours. After this time, they must either bring a formal charge, or set you free	39%	3.14
Range of penalties (excluding fines) for petty (obscenity) crimes	20%	-
Range of penalties (excluding fines) for misdemeanor crimes	14%	-
Range of penalties (excluding fines) for felony crimes	11%	-
Jurisdiction	Percent correct (binary)	Overall mean (5-point scale)
If someone is being held in police custody the Elders can negotiate his or her release	49%	3.48
Elders have authority to apply punishment when resolving criminal disputes*	53%	3.48
According to Afghan law, the government courts are the only recognized body for handling criminal cases	41%	3.28

*Questions with reversed polarity

Finally, these scores may be aggregated into three sub-topics and one overall mean for constitutional and criminal law.

¹⁷ Values in Table 78 are rounded to the nearest percent. As a result, there may be a difference of 1% when the scaled categories are collapsed into binary values.

Table 78 Constitutional and criminal law sub-topics

Topic	Percent correct (binary)	Overall mean (5-point scale)
Constitutional rights	44.8%	3.31
Criminal procedure	45.6%	3.38
Jurisdiction	47.7%	3.41
Grand mean, Constitutional and Criminal law	45%	3.35

Note that the mean value for criminal procedure does not include the range of criminal penalties for the three types of crime defined in the Afghan criminal code. As performance on these three questions was very low, the mean value for criminal procedure is slightly higher in relation to the percentage value for the same topic.

Subsequent analysis will examine the determinants of elder knowledge.

Family and inheritance law

RLS-I conducts a learning workshop on family law addressing common disputes arising out of marriage, including marriage engagement rights, dowry and bride price, marriage expenses, the respective rights and responsibilities of husband and wife, guardianship, alimony, divorce, and illicit relationships. There are also discussion sessions for the State-TDR working group to reinforce related issues such as alternatives to *baad*, dispute prevention among children and neighbors, women's participation and access to justice, and the establishment and sustainability of *spinsary* groups. In addition to testing knowledge, the RLS-I elder interview includes a number of survey items that are more diagnostic in nature, for example querying respondents as to the freedom of Afghan youth to choose their own marriage partner and the social dynamics governing the practice of *baad*.

The assessment of local justice as it relates to family matters begins with the distinction between *maher*, the obligatory allocation of money or goods from a groom to the bride in order to provide financial security in the event of the husband's death or divorce, and *walwar*, money or goods provided by the groom or his family to the head of the bride's household. The closest Western equivalent to *maher* may be *dowry*, the allocation of resources to the wife in the event of divorce or the husband's death, but the term *maher* will continue to be used throughout the text. The practice of *walwar* will be referred to as bride price. While *maher* is foundational to Islam, bride price is a secondary cultural practice. The two concepts may often be conflated in practice and practiced concurrently.

Ninety-six percent of respondents reported that *maher* is practiced in their community, affirming its status as a normative practice. Seventy-seven percent of respondents reported that bride price was also practiced. When it came to choosing a marriage partner, 52% of elders said that sons could choose their own partner, while 18% said that daughters were able to choose their own marriage partner. Sixty-three percent of elders admitted that marriages chosen by the parents might be against the wishes of their children, while another 26% were willing to consider such a possibility. Fifty-three percent of elders thought that marriages chosen by parents and against the wishes of their children led to more disputes within the household or between the families. An additional

43% were willing to consider that such was the case.¹⁸ The statistics on choice of marriage partner and marriage disputes are reproduced here:

Table 79 Marriage practices

Practice	Count	Percent
The community practices <i>maher</i>	479	96%
The community practices bride price	389	77%
Sons able to choose marriage partner	257	52%
Daughters able to choose marriage partner	91	18%
Marriages arranged by parents might be against the wishes of their children	318	63%
Marriages arranged by parents, but against the wishes of their children, lead to more disputes within the family or between families	277	53%

It is encouraging that a majority of elders recognize that marriages against the wishes of their children may be harmful. On the other hand, these statistics certainly suffer from social desirability / acquiescence bias, and may also reflect respondents' agreement with the logical progression of the questions rather than reflecting on the situation in their communities.

A series of follow-up questions provide additional context. For example, while 63% of elders had admitted that arranged marriages might be against the wishes of their children, a similarly-stated question reveals a 35% agreement according to 5-point scaled response.

When it comes to marriage, sometimes the expectations of family go against the wishes of the children

To no extent	To little extent	To some extent	To great extent	Completely	Mean value (1-5)
1%	21%	43%	25%	10%	3.22

Note however that when the middle category of Some extent is included, the statistic of 78% is closer to the previous statistic of 89% who either agree with the proposition or would be willing to entertain its possibility.

On the other hand, a similarly-stated question on the link between arranged marriages and later disputes yielded a very similar statistic. Whereas 53% of elders agreed that arranged marriages might play a role in disputes within the marriage or between families, 56% of elders also agreed with a woman's increased likelihood to suffer harm as a result of arranged marriages.

A woman is more likely to suffer physical, mental, or emotional abuse inside her home if one or both of the parties were married against their will

¹⁸ Given the sensitive nature of the questions on marriages and disputes, these questions included a "Maybe" response that, according to enumerator instructions, was to remain unread and selected only where respondents did not say no but also could not say yes.

To no extent	To little extent	To some extent	To great extent	Completely	Mean value (1-5)
1%	18%	25%	24%	32%	3.68

Two diagnostic questions seek to assess respondent perceptions on the extent of an economic factor in arranged marriages, and whether parents recognized a link between freedom of choice and happiness of the spouses.

Table 80 Spouse selection

Life partner selection	To no extent	To little extent	To some extent	To great extent	Completely	Mean value (1-5)
A family often makes decisions about the marriage of their children due to their economic situation	3%	13%	34%	36%	14%	3.46
If our children could find their own marriage partner, they would be happier in their marriages	2%	14%	16%	23%	45%	3.94

Fifty percent of elders affirmed an economic factor behind marriage partner selection, while 68% agreed that their children would be happier with a partner they selected. The extent of acquiescence bias in these questions is unknown. In order to gain more insight into actual practice, a qualitative follow-up question posed the hypothetical situation where a pre-arranged marriage was later contested by the daughter when she came of age. Elders were queried as to the parents' proper course of action in such a situation. The 473 responses were coded into nine categories, as follows:

Table 81 Elder reactions to contestation of arranged marriage

Parents' reaction to a daughter contesting a pre-arranged marriage	Count	Percent
Parents should respect the daughter's wishes	139	29%
Parents should proceed regardless / the daughter has no right to reject	108	23%
Parents should convince their daughters	94	10%
The parents should defer to scholars / follow <i>Shari'ah</i>	29	6%
The parents should respect the daughter's wishes, but by Pashtunwali the marriage must proceed	16	3%
The girl should seek redress (including divorce) through the government	10	2.1%
The woman should seek a divorce	9	1.9%
Parents shouldn't pre-engage	7	1.5%
She must stay at home and not marry anyone else	4	0.8%
Don't know	10	12%
Other	47	10%

The majority of elders said that the wishes of the daughter should be heeded. However, if the second and third categories are combined (proceeding with the marriage regardless or convincing the daughter to accept the match), then the majority of respondents would go against the daughter's wishes. Nevertheless, the frequency affirming a woman's right to reject a marriage partner selected by her parents (29%) is higher than the frequency affirming the woman's right to choose her own marriage partner (18%).

Multiple comments provided insight into the mindset of elders contemplating this issue. A selection of comments follows:

- These kinds of issues are rare in our country because when family select a boy for a girl in her childhood, it's the same as though she has entered wedlock
- When parents want to engage their children, children should have capability for selection of their mate
- But here mother and father have authority of their children marriage
- Parents must try hard in the raising of their girls and making them ready for marriage. Underage marriage is not good in our view
- The parents have given their daughter to that person by force. They are not looking for the choice of the girl
- Parents should take care because their [children's] future is destroyed intentionally
- Both are human beings whether she chooses or her parents do. She shouldn't disagree
- Selecting a marriage partner is a shameful action in our tradition, and rejecting a marriage partner for a girl is a bigger shame. If girls take such action [rejecting an arranged match] it might endanger their families
- It should be referred to court and the girl should formally reject the boy there
- The girl has to wed with selected boy or she must sit in her father's home for lifetime
- Parents should do the marriage by force, otherwise this bad custom will start in our society
- There is no way for them, they must marry. But their parents should realize that they have done wrong and not repeat it
- If the girl doesn't want the man to marry then she should be hit until she agrees and says that this is my husband
- In this area girls have embarrassment and never deny their parents decision. There isn't any choice for them; if they deny [their parents' decision] they might get killed

- Our Pashtunwali says girl has to marry with that selected boy, but we should see this issue from the view of Islam. Islam orders a stop to this marriage
- Islam gives the right to the girl to choose her partner, but our Pashtun culture doesn't let her choose or stand against her parents
- Parents should convince their children if they are not convinced and they don't want to marry. Then if parents wed them by force it is sin. For the families and also the *mullah* who marries them, all are accomplices equally
- Parents have authority, but not more than Islamic *Shari'ah*. Both girl and boy should agree
- It is the right of the girl to say yes or no. It is the duty of the parents to give them this right
- Here girls can't deny. If she does, she'll be convinced by someone to keep patience and struggle with her destiny

In addition to comments on the hypothetical situation of a girl contesting a pre-arranged marriage at adulthood, 35 respondents took the opportunity to comment generally on the question of young adults choosing their own marriage partners. The majority of comments stressed that the choice of marriage partner could be a collective decision between the parents and their child. For example, one elder alluded to the patriarchal nature of Afghan society, where only the father decided:

If the father of the girl is a good and honest person so he should give the girl to the person who came asking for the girl. If the girl says "Yes" or keeps silent, then it shows her agreement. If her father is a strict person, then he doesn't ask about the agreement of his daughter and gives her to anyone he wants. The girl is made to accept the decision of the father.

Another commenter referred to the girl's guardian: "If the girl doesn't have a guardian at home or he is mentally sick, then she can choose a life partner." A third elder imagined what could be: "If systematic democracy developed, then [children] would have the right to go with their own selection."

A few elders allowed for freedom of choice, so long as that choice was among the family's relatives. This may suggest a perceived need to keep scarce resources within a familial network. Several elders mentioned that the free choice of marriage partner was more common among educated families. Finally, a few elders mentioned the pre-engagement of children by parents. For example: "If [parents] don't engage their son in his childhood, he can select a girl for himself. But here most boys are engaged from their childhood."

A rough coding of elder comments on the free choice of children is as follows:

Table 82 Elder comments on children's freedom to choose spouse

Elder comments on the free choice of children in finding a marriage partner	Count	Percent
The choice is a collective decision between children and parents	11	31%

Elder comments on the free choice of children in finding a marriage partner	Count	Percent
Children have more freedom to choose among educated families	6	17%
Children have freedom to choose a marriage partner among relatives	4	12%
Children have freedom to choose if they have not already been pre-engaged	3	9%
Other response	11	31%

Survey items measuring knowledge and attitude consisted of a mix of fixed, open, and scaled responses. Twelve percent of elders correctly responded 16 as the earliest legal age of marriage for females. Perhaps surprisingly, 62% answered 18 as the legal age of marriage for females. This may result from the fact that 18 is the earliest legal age of marriage for males.

Table 83 Age of legal marriage

Earliest age of legal marriage for females	Count	Percent
Younger than 15	8	2%
15	54	12%
16	53	12%
17	17	4%
18	281	62%
Older than 18	37	8%

Eighty-six percent of elders selected a response that was either the legal age of marriage or older, while in a separate question 89% of elders recognized the *Shari'ah* concept that a proposed marriage leading to the suffering of either spouse was invalid in the eyes of Allah.

A final set of seven knowledge items reiterated previous concepts in a more objective setting, and also introduced the additional item pertaining to running away from home.

Table 84 Family law items

Family law	To no extent	To little extent	To some extent	To great extent	Completely
According to the prophet Muhammad (PBUH) both a man and a woman must give their consent to marriage	1%	7%	7%	5%	80%
The practice of <i>maher</i> is a part of Islamic <i>Shari'ah</i>	2%	1%	2%	6%	89%
The practice of <i>walwar</i> is a part of Islamic <i>Shari'ah</i> *	15%	2%	2%	6%	75%
A marriage agreed upon by parents may be contested by the children once they become adults.	4%	32%	47%	10%	7%
If a woman is unhappy in her marriage and goes to stay with her parents, she has broken Afghan law for the crime of running away.*	20%	27%	19%	23%	11%
The practice of <i>baad</i> is against <i>Shari'ah</i>	6%	10%	5%	13%	66%
The practice of <i>baad</i> is against Afghan law	11%	6%	6%	13%	64%

*As these claims are false, values have been recoded so that higher mean values are always more correct answers.

The topic of a wife fleeing a marriage (running away) was considered too sensitive to broach in a narrative context. In terms of knowledge, only 34% of elders knew that escaping to a guardian or similar refuge was not a prosecutable crime, while 47% considered it prosecutable. Given the reversed polarity of the question, there is likely to be some measurement error due to the higher cognitive burden on the respondent to recognize that the correct answer was to disagree with the posited statement. As previously mentioned, another factor behind agreement would be the extent to which they witnessed actual practice in their districts.

The combined knowledge items with overall mean for the topic follow. As with Constitutional and criminal law topics, scaled responses are collapsed into binary values by summing the responses for categories 4-5 or 1-2 depending on the polarity of the question.

Table 85 Family law frequencies

Family	Percent correct (binary)	Overall mean (5-point scale)
Legal age of marriage for females	12%	-
A proposed marriage that will lead to suffering is invalid	90%	-
According to the prophet Muhammad (PBUH) both a man and a woman must give their consent to marriage	85%	4.56
The practice of <i>maher</i> is a part of Islamic <i>Shari'ah</i>	95%	4.78
The practice of <i>walwar</i> is a part of Islamic <i>Shari'ah</i> *	81%	4.23
A marriage agreed upon by parents may be contested by the children once they become adults	17%	2.83
If a woman is unhappy in her marriage and goes to stay with her parents, she has broken Afghan law for the crime of running away*	34%	2.78
The practice of <i>baad</i> is against <i>Shari'ah</i>	79%	4.23
The practice of <i>baad</i> is against Afghan law	77%	4.13

*Questions with reversed polarity

Overall mean 64% 3.96

Inheritance is intricately involved in family issues. RLS-I offers workshops on inheritance law for men and women, covering the share allocation of a deceased's estate under Afghan law and *Shari'ah*, and stressing women's rights to inheritance. What is notable about the question of women's inheritance is that lack of knowledge does not seem to be the constraint to women enjoying this legal right. Essentially the entire sample (97%) recognized that women enjoyed inheritance rights under Afghan law and *Shari'ah*. Yet, only 60% of respondents reported that a woman will in fact receive her inheritance sometimes, often, or always.

This fact, situated within the Phase 2 evaluation data and a body of other anecdotal data, has supported the idea that RLS-I enables social change even in the absence of improved knowledge. It could be a changed attitude supporting women's rights under Islam at the individual level. It could also be a shift in village-level dynamics at the small group level, such that tacit acceptance of practices known to be incorrect are no longer tolerated. There is also a likely causal element where change at the individual level engenders change at the small group or village level.

Eight additional questions test respondents' knowledge of specific inheritance shares based on which heirs to the legacy exist. Because these were open-ended questions, the data suffers from a higher non-response rate due to inability to code responses.

Table 86 Inheritance frequencies

Shares of inheritance	Correct response	Sample size	Percent correct
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Shares of inheritance	Correct response	Sample size	Percent correct
Wife's share when husband passes away and there are no children	1/4	312	47%
Wife's share when husband passes away and there are children	1/8	308	75%
Husband's share when wife passes away and her brother is also an heir	1/2	248	39%
Husband's share when wife passes away and a son is also an heir	1/4	256	35%
Mother's share when a husband or wife passes away, leaving as heirs the deceased's mother and the deceased's children	1/6	281	35%
Daughters' share when father passes away	1/2 of brothers' share	337	67%
The amount that a person may bequeath from his or her legacy	1/3	308	60%
Precedence in inheritance: relationship between spouses, or relationship within deceased's family	Deceased's family	286	26%

Overall mean 49%

Of the knowledge items on inheritance, RLS-I emphasizes the rightful shares for wives, daughters, sisters, and mothers.

Deeds

RLS-I offers separate workshops on property law and property deeds. Property law cover the definitions and types of property, leasehold and freehold rights, preemption and right of first refusal, seizure and access rights, types and validity of deeds, and common disputes arising from property and deeds issues. The property deeds workshop then goes into greater detail on the definition and types of deeds in both Afghan law and *Shari'ah*.

Two-thirds of elders reported that deeds, whether official or unofficial, were common in their communities. A simple majority of 51% reported that formal deeds were more common in their community, while 16% reported that both formal and informal deeds were used in about equal proportions.

Table 87 Deeds in community

Type of deed more common in community	Count	Percent
Informal deeds	152	34%
Formal deeds	229	51%
Both formal and informal deeds in equal proportion	71	16%

The figure of 51% elders reporting that formal deeds are more common in their community is likely implausible, as the general consensus among land tenure specialists is that only 20% of property in Afghanistan is held under a formal deed, and that the percentage is significantly lower in rural areas.

Seventeen percent of elders reported that there were disputes in their communities, where one party had an unofficial deed to land and another party had an unofficial deed. It is likely that respondents reporting an unofficial deed are also referring to land claims that are not written in any form, but known throughout the community. Eighty-one elders took the opportunity to comment on how the community might resolve a land dispute when a formal deed competed against an informal deed. The great majority identified the formal deed as taking precedence. Perhaps surprisingly, the issue of official but falsified deeds was not mentioned.

Table 88 Competing deeds

Land disputes where parties have competing deeds	Count	Percent
Official deeds will decide the case	37	46%
Written documents take precedence over unwritten claims	6	7%
If the land is usurped, the usurper must settle the dispute by paying a fair price	2	2%
Elders split the land between contesting parties	2	2%
If the community cannot resolve, it is sent to government	2	2%
Other	32	40%

Six survey items measured knowledge of property law and deeds. Similar to the knowledge item on women's inheritance rights, virtually the entire sample (99%) affirmed that women could own property. In terms of the *Shari'ah* concept of pre-emption (*shafa*), in which a seller of land is required to extend the right of first refusal according to a well-defined sequence of eligible buyers, 93% of elders recognized that the rights of a minority shareholder in the land being sold pre-empted the rights of a neighbor. Similarly, 73% of elders recognized that the neighbor to a land being sold pre-empted the right of first refusal of someone who had right of access to the land (i.e., a road or waterway). Exactly half the respondents recognized that a witness to a deed was responsible for the veracity of any claims made within the deed. Only 23% of elders affirmed the *Shari'ah* concept that one who revives unused land is entitled to ownership of that land – perhaps reflecting the confused state of land law and ownership in Afghanistan. Finally, only 19% of elders admitted that splitting a land between two claimants violated property rights if one of the claimants held a valid deed. These statistics, along with the overall mean for the topic of property law and property deeds, are summarized below.

Table 89 Property / Deeds frequencies

Property law / Deeds	Percent correct
A minority shareholder takes precedence over a neighbor in rights of pre-emption	93%
A neighbor takes precedence over right of access to land in rights of pre-emption	27%
A witness to a deed is responsible for the veracity of all claims within the deed	50%
Someone who revives unused land is entitled to ownership of the land	23%
Elder who divide land between claimants violate the property rights of a claimant with a valid deed*	19%

*Questions with reversed polarity

Overall mean 42%

Elder knowledge by topic

Analysis of elder knowledge by workshop topic, and in a few cases even by a functional area within a workshop topic, allows summary measures to be disaggregated against district, province, region, or other covariate of interest. The following table summarizes elder knowledge scores aggregated to the level of workshop topic:

Table 90 Elder knowledge by topic

Training topic	Items	Score
Constitutional and criminal law	16	49%
Family and inheritance	17	59%
Property / Deeds	5	42%
All topics	38	50%

Aggregated knowledge scores show differences by province and district.

Table 91 Elder knowledge by province

Province	Constitutional and criminal law	Family and inheritance	Property / Deeds	Overall
Kunar	53%	60%	38%	53%
Logar	40%	60%	53%	51%
Uruzgan	57%	65%	36%	56%
Kandahar	38%	56%	39%	44%
Overall	49%	59%	42%	50%

Table 92 Elder knowledge by district

Province	District	Status	Constitutional and criminal law	Family and inheritance	Property / Deeds	Overall
Kunar	Chawkay	Treatment	62%	59%	49%	59%
	Narang	Comparison	44%	61%	28%	47%
Logar	Mohammad Aga	Treatment	46%	49%	47%	48%
	Khoshi	Comparison	33%	70%	60%	55%
Kandahar	Zhari	Treatment	46%	55%	45%	49%
	Shah Wali Kot	Comparison	30%	57%	32%	39%
Uruzgan	Chora	Treatment (second cohort)	57%	65%	36%	56%

Districts within the same province are generally considered to be the matched pairs of treatment and comparison. In Kunar and Kandahar provinces, the overall knowledge difference is 10%, which is a greater initial difference in baseline scores than one would like to see for evaluation purposes.

Statistical balance between treatment and comparison

The following table presents the legal knowledge scores for each topic and overall, disaggregated by treatment and comparison.

Table 93 Elder knowledge by treatment status

Measure	Treatment	Comparison	Standardized difference	p-value
Constitutional and criminal law	51%	36%	1.08	.000
Family and inheritance law	54%	63%	0.71	.000
Property law	47%	40%	0.99	.000
Overall	52%	47%	0.63	.000

There are statistically and substantively significant differences in all knowledge scores between treatment and comparison. This in itself is not problematic, unless they point to systematic differences in characteristics between treatment and comparison. The problem is less serious in the overall knowledge scores for all topics, with a difference of only 6%. Nevertheless, this difference is also large in a statistical sense. This will be followed closely in the final evaluation report.

Relation to Phase 2 evaluation data

Knowledge scores are not fully comparable across data collection rounds due to replacement of questions, different ordering of questions, and expanded treatment of knowledge in Phase 3 that includes a deliberate effort to make the knowledge questions more challenging. Differences in teaching content and methodology across Phase 2 and Phase 3 will also confound comparison over time. However, data remain generally comparable to the extent to which original and replacement questions measure the same knowledge construct. The primary difference in the ordering of questions across Phase 2 and Phase 3 is that Phase 2 data does not include inheritance related questions.

Table 94 Elder knowledge over time

Measure	Phase 2 baseline	Phase 2 endline	Phase 3 baseline
Constitutional and criminal law	53%	61%	45%
Family and inheritance law	73%	46%	59%
Property law	76%	55%	42%
Overall	61%	55%	50%

As has been discussed in the Phase 2 impact evaluation report, there are differences in Phase 2 knowledge scores that may reflect differences in data collection methodology rather than indicating any genuine change as a result of RLS-I interventions. In Phase 2 baseline data, there is parity across family law and property law items, and lower scores for Constitutional law and criminal law items. Elders then show an 8% knowledge gain for Afghan law items, but sharp drops in knowledge of family law and property law. For Phase 3, there is less range in the knowledge scores across topics. The range of scores is 23% for Phase 2 baseline, 15% at Phase 2 endline, and 10% at Phase 3 baseline. Scores at Phase 3 baseline are lower than in Phase 2, reflecting the higher level of difficulty in the knowledge questions.

Baseline evaluation measures - disputants

The primary evaluation measurements for disputants are mean scores of a battery of attitudinal items across three dimensions, as explained below. This is followed by exploration of related disaggregates, including dispute acceptance and enforcement, perceived sources of law in an informal dispute adjudication, and the gender gap in assessing dispute adjudication process and outcome.

Disputant case assessment

The core impact evaluation measurements for the disputant case assessment consist of a battery of attitudinal items on case resolution process and outcome. The attitudinal items were adapted from a methodology of measuring the costs and access to pathways of justice established by the Tilburg Institute for Interdisciplinary Studies in Civil Law and Conflict Resolution Systems ([TISCO](#)). The *TISCO Measuring Access to Justice Handbook* establishes ten dimensions of measurement according to a 5-point Likert scale capturing the extent to which the disputant believes a given statement to be true. Each dimension consists of a series of assessment items, and each dimension may be considered a pathway to justice.

The Phase 2 impact evaluation adopted assessment items from the TISCO handbook, adapted existing items to better fit the environment, or created new items in keeping with the TISCO methodology but inspired by considerations specific to local dispute resolution in Afghanistan. As detailed in the Phase 2 impact evaluation documents, the assessment items were organized according to four theorized indices: the process by which the dispute was resolved (procedural justice), the forms of influence-peddling or bribe solicitation either from the adjudicators themselves or from local powerbrokers advancing their own interests in the case (subversion of decision, or a generalized corruption index), the local dynamics leading to selection of a non-state forum for resolution (freedom of forum), and the overall justice of the outcome.

Subsequent analysis of the Phase 2 impact evaluation data suggested that the three evaluation items comprising the selection of the dispute resolution forum was not a standalone index, but rather made up parts of the procedural and justice indices.¹⁹ Analysis of the Phase 3 baseline data suggested further adjustments to the proposed structure of measurements, including a new component of measures related to the investigation of a case and the extent of seeking consensus from the greater community on a decision. This report will focus mainly on the three proposed indices of procedural justice, subversion of decision, and justice of the outcome.

Following the assessment scale in the TISCO handbook, each item is evaluated along a 5-point Likert scale, from 1 to 5: To no extent, To little extent, To some extent, To great extent, and Completely. Nineteen questionnaire items are included among the three indices. Respondents express their perceptions of how well these aspects of justice performed in their own cases. The individual items for each path of inquiry are shown in the table below, along with their accompanying frequencies of the degree to which the disputant believes a given statement to be true.

¹⁹ See the Phase 3 Evaluation Inception Report for details.

The items on quality of process / access to justice suppose a minimum standard of procedural rights each Afghan citizen should enjoy, regardless of venue. These standards of quality of process are largely met with respect to decision-making by *jirga*.

Table 95 Disputant perceptions of quality of process

Quality of process	To no extent	To little extent	To some extent	To great extent	Completely
Willingly submitted to authority of decision making body	5%	8%	18%	35%	34%
Able to communicate facts	3%	7%	21%	28%	41%
Able to communicate opinions	2%	14%	20%	32%	32%
Case given proper consideration	5%	11%	13%	38%	33%
Equal consideration	4%	7%	19%	25%	45%
Decision makers sought consensus within community	11%	22%	21%	19%	27%
Decision makers consulted all parties	8%	12%	28%	26%	26%
Preferred this body to hear case	3%	8%	14%	37%	38%

The items on subversion of decision / corruption within the *jirga* attempt to measure the extent to which local powerbrokers unduly affect the decision-making process and outcome, as well as whether the *jirga* itself might serve as a mechanism for its members to extract bribes in return for affecting outcomes.

Table 96 Disputant perceptions of possible subversion of decision, overall

Subversion of decision	To no extent	To little extent	To some extent	To great extent	Completely
<i>Jirga</i> swayed by party more powerful	53%	18%	14%	9%	6%
<i>Jirga</i> unwillingly influenced by external factors	64%	16%	12%	5%	3%
<i>Jirga</i> solicited payment	79%	7%	5%	4%	5%
Decision makers sought own gain in decision	65%	17%	9%	7%	2%

The final set of items explore the disputants' sense of the equity of the outcome, and the extent to which the decision both repaired harm and restored relations in the community where the harm occurred.

Table 97 Disputant perceptions of equity of outcome, overall

Equity of outcome	To no extent	To little extent	To some extent	To great extent	Completely
Decision makers sought consensus amongst themselves	2%	12%	23%	29%	34%
Rights respected	3%	10%	13%	29%	45%
Decision allowed reconciliation	5%	12%	21%	25%	37%
Dispute fully resolved	2%	7%	9%	23%	59%
Agreed with decision	3%	5%	8%	21%	64%
Overall process fair	4%	10%	11%	27%	48%
Would choose this decision making body again	3%	8%	18%	34%	39%

One basic criterion for aggregation of individual items into an index is that collectively the items sufficiently agree with each other so as to be measuring the same construct, while still maintaining some separation so as to be usefully measuring different nuances of the same construct. The statistical test is Cronbach's Alpha, or simply a test of reliability. As a rule of thumb reliability of a set of items should be 0.7 - 0.8, though the test is sensitive to the number of items in the index regardless of the quality of items.

**Table 98 Reliability
of the four index**

Index	# items	Reliability
Procedural justice	8	.730
Subversion of decision	4	.729
Justice of outcome	7	.855

**(Cronbach's alpha)
items**

Procedural justice sits nicely within the 0.7 - 0.8 range. The subversion of decision index has the same reliability, but with four fewer items. The justice of outcome index exceeds the desired range with one fewer item than the procedural justice index. In sum, the procedural justice index appears nicely constructed, while the other two indices may be more uniform than would be ideal for an index measurement. Future research should examine the question of whether some constituent items of the index may be dropped, and other items added.

For convenience, the degree of support for a given statement is collapsed into a binary value, with a positive value assigned to any selection of To some extent (3), To great extent (4), or Completely (5).

Table 99 All index questions, with binary responses

Quality of process	Binary value (4-5)	Mean value (5-point scale)
Willingly submitted to authority of decision making body	69%	3.85
Able to communicate facts	69%	3.96
Able to communicate opinions	64%	3.76
Case given proper consideration	71%	3.84
Equal consideration	70%	4.01
Decision makers sought consensus within community	47%	3.31
Decision makers consulted all parties	53%	3.51
Preferred this body to hear case	76%	4.01
Overall Index Value	3.78	
Subversion of decision	Binary value (4-5)	Mean value (5-point scale)
<i>Jirga</i> swayed by party more powerful	14%	1.95
<i>Jirga</i> unwillingly influenced by external factors	8%	1.68
<i>Jirga</i> solicited payment	8%	1.48
Decision makers sought own gain in decision	10%	1.65
Overall Index Value	1.70	
Justice of outcome	Binary value (4-5)	Mean value (5-point scale)
Decision makers sought consensus among themselves	64%	3.85
Rights respected	74%	4.03
Decision allowed reconciliation	62%	3.77
Dispute fully resolved	82%	4.31
Agreed with decision	85%	4.38
Overall process fair	75%	4.06
Would choose this decision making body again	72%	3.98
Overall Index Value	4.07	

The summary values of the three index items are as follows:

Table 100 Value of four indices, overall

Index	Index value
Procedural justice	3.78
Subversion of decision	1.70
Justice of outcome	4.07

Partly for ease of presentation and computation, it is these mean index values that will serve as the primary measurements of Hypothesis 2 (impartiality of decisions) and other outcome- and impact-level measures. For example, the following tables show the distribution of mean index values by region, province, and district.

Table 101 Disputant assessment by region

Region	Procedural justice	Subversion of decision	Justice of outcome
East	3.81	1.93	4.03
South	3.75	1.45	4.11

Table 102 Disputant assessment by province

Province	Procedural justice	Subversion of decision	Justice of outcome
Logar	3.23	1.81	3.55
Kunar	4.10	1.99	4.27
Uruzgan	3.70	1.42	3.97
Kandahar	3.77	1.47	4.19

Table 103 Disputant assessment by district

Province	District	Status	Procedural justice	Subversion of decision	Justice of outcome
Logar	Mohammad Aga	Treatment	3.23	1.81	3.56
	Khoshi	Comparison	3.25	2.00	2.57
Kunar	Chawkay	Treatment	4.55	1.33	4.47
	Narang	Comparison	3.67	2.58	4.07
Kandahar	Zhari	Treatment	3.86	1.56	4.38
	Shah Wali Kot	Comparison	3.71	1.40	4.05
Uruzgan	Chora	Treatment (second cohort)	3.70	1.42	3.97

Similarly, mean index values may be disaggregated by the type of dispute to help identify whether disputants perceive the process and outcomes of some types of cases to be different from other types.

Table 104 Disputant assessment by case type

Type of case	~n	Procedural justice	Subversion of decision	Justice of outcome
Civil	305	3.81	1.68	4.05
Criminal	84	3.59	1.74	4.00
Elements of both	30	4.02	1.90	4.47

Table 105 Disputant assessment by civil type

Type of civil case	~n	Procedural justice	Subversion of decision	Justice of outcome
Commercial	14	3.51	1.88	3.77
Family	84	3.42	1.96	3.65
Land	160	3.95	1.66	4.22
Water	27	3.81	1.73	4.20

Table 106 Disputant assessment by criminal type

Type of criminal case	n	Procedural justice	Subversion of decision	Justice of outcome
Physical attack	43	3.51	1.65	3.92
Murder / manslaughter	19	3.28	2.33	3.39
Theft of personal property	19	3.77	1.68	4.20
Kidnapping / extortion	8	3.36	1.78	3.78
Police actions	6	2.92	2.60	3.07
Other	17	4.00	1.56	4.13

Subsequent analysis will examine mean values of disputant assessment across background, contextual data, and case dynamics to explore the determinants of disputant perception.

Dispute resolution acceptance and enforcement

Disputants were queried regarding summary measures pertaining to dispute resolution acceptance, disagreement, or implementation / enforcement, and corresponding summary measure of unhappiness with the decision process or outcome. The following table indicates the proportion of disputants who expressed any of these qualities.

Table 107 Dispute resolution acceptance, opposition, and enforcement of decision

Dispute outcome	Count	Percent
Disagreed with decision	43	8.3%
Decision not accepted	8	1.6%
Sought new decision in different forum	35	6.8%
Decision not implemented	28	5.4%
Dissatisfied with process of resolution	19	3.6%
Dissatisfied with outcome	15	2.9%
Decision failed to reconcile parties	24	4.6%

Eight percent of disputants disagreed with the decision, although most still accepted the decision either by choice or fiat. Seven percent of disputants forum-shopped, either out of a sense of injustice or simply looking out for a better outcome. *Jirga* decisions were not enforced in five percent of cases.

It is difficult to determine how accurately these data represent the true proportion of dissatisfaction, unhappiness, or lack of enforcement in Afghan communities. On the one hand, Afghans may be more keen to report cases to which they have some objection. On the other, Afghans may also prefer to discuss emblematic cases of informal justice, rather than exceptions to the inherent legitimacy of *jirga*. Elders who refer disputants to RLS-I for interview are also more likely to refer emblematic rather than problematic cases.²⁰ On balance,

²⁰ RLS-I attempts to mitigate this by asking for referral of a particularly difficult dispute, but this seems to have mixed results at best.

these data likely underestimate the true proportion of disputant opposition or unhappiness with the resolution of their disputes.

Disputants who report dissatisfaction with the resolution of their dispute are asked to offer details on why. The following narratives illustrate the different aspects of informal dispute resolution that caused their unhappiness.

Sources of law in TDR

For disputes resolved outside the formal justice system especially, Afghanistan may be regarded as a nation of three overlapping legal sources: Afghan constitutional and statutory law, *Shari'ah*, and customary practice from established norms and values of the community, tribe, or culture. How an Afghan perceives the role of a given source of law²¹ in an informal dispute adjudication is thought to be a product of two dynamics: the actual process and outcome of a dispute adjudication, and the disputants' preconceptions of how these legal sources intersect, agree, or diverge within a larger polity and worldview.

In order to build stability and increase access to justice in rural and conflict-affected communities, it is hypothesized that Afghans must perceive Afghan law and *Shari'ah* as entirely consistent for the Afghan state to gain local legitimacy and enable successful linking of formal and informal justice systems as a contribution to the GIRoA state-building process. Perceptions that Afghan law conflicts with customary law indicate a risk factor impeding local legitimacy of the state, and it is only the successful conflation of Afghan law and *Shari'ah* that would enable local legitimacy of the state to take hold even if Afghan law is perceived to be in conflict with customary law. Perceptions of conflict between Afghan law and *Shari'ah*, on the other hand, make local legitimacy of the state highly unlikely, if not impossible.

Questions of possible conflict between sources of law are presented to elders directly, as follows:

Table 108 Source of law in adjudication

	To no extent	To little extent	To some extent	To great extent	Completely	Mean value (1-5)
Norms and traditions conflict with <i>Shari'ah</i>	8%	26%	33%	23%	10%	3.00
Norms and traditions conflict with Afghan law	18%	24%	27%	19%	12%	2.84

Elders report that the norms and traditions of their community conflict with *Shari'ah* more than they conflict with Afghan law. This finding is counterintuitive and statistically different from zero ($p=.006$). A more nuanced view looks at perception of the extent a given source of law was used in an informal dispute adjudication. The Phase 3 evaluation presents these questions to elders, in regard to how they generally resolve disputes, and to disputants, who report on their specific dispute.

²¹ In this and related documents, "source of law" and "jurisprudence" will be used synonymously. In this context, jurisprudence refers to which body or source of law – Afghan, *Shari'ah*, or customary – the adjudicators consulted in establishing the precedent, logic, and decision of the case brought before them. For similar usage, see [Islamic Law, Theory and Interpretation](#), in which jurisprudence refers to the body of opinions (*usul al-fiqh*) consulted in adjudicating a case.

Table 109 Source of law according to elders and disputants

Elder assessment of sources of law in adjudication	To no extent	To little extent	To some extent	To great extent	Completely
<i>Jirgas / shuras</i> apply Afghan law	3%	23%	28%	32%	14%
<i>Jirgas / shuras</i> apply <i>Shari'ah</i>	4%	15%	24%	33%	24%
<i>Jirgas / shuras</i> apply customary law	4%	19%	30%	27%	20%
Disputant assessment of the source of law used in the resolution of their dispute	To no extent	To little extent	To some extent	To great extent	Completely
Afghan law	3%	10%	37%	25%	25%
<i>Shari'ah</i>	1%	12%	25%	34%	28%
Customary law	2%	14%	27%	30%	27%

As with previous presentation of evaluative measures, binary values are created by summing the responses of great extent or completely, while mean values provide a summary measure across the entire distribution.

Table 110 Source of law frequencies

Elder assessment	Binary value (4-5)	Mean value (1-5)
<i>Jirgas / shuras</i> apply Afghan law	46%	3.32
<i>Jirgas / shuras</i> apply <i>Shari'ah</i>	57%	3.59
<i>Jirgas / shuras</i> apply customary law	47%	3.40
Disputant assessment	Binary value (4-5)	Mean value (1-5)
Afghan law	50%	3.58
<i>Shari'ah</i>	62%	3.75
Customary law	57%	3.67

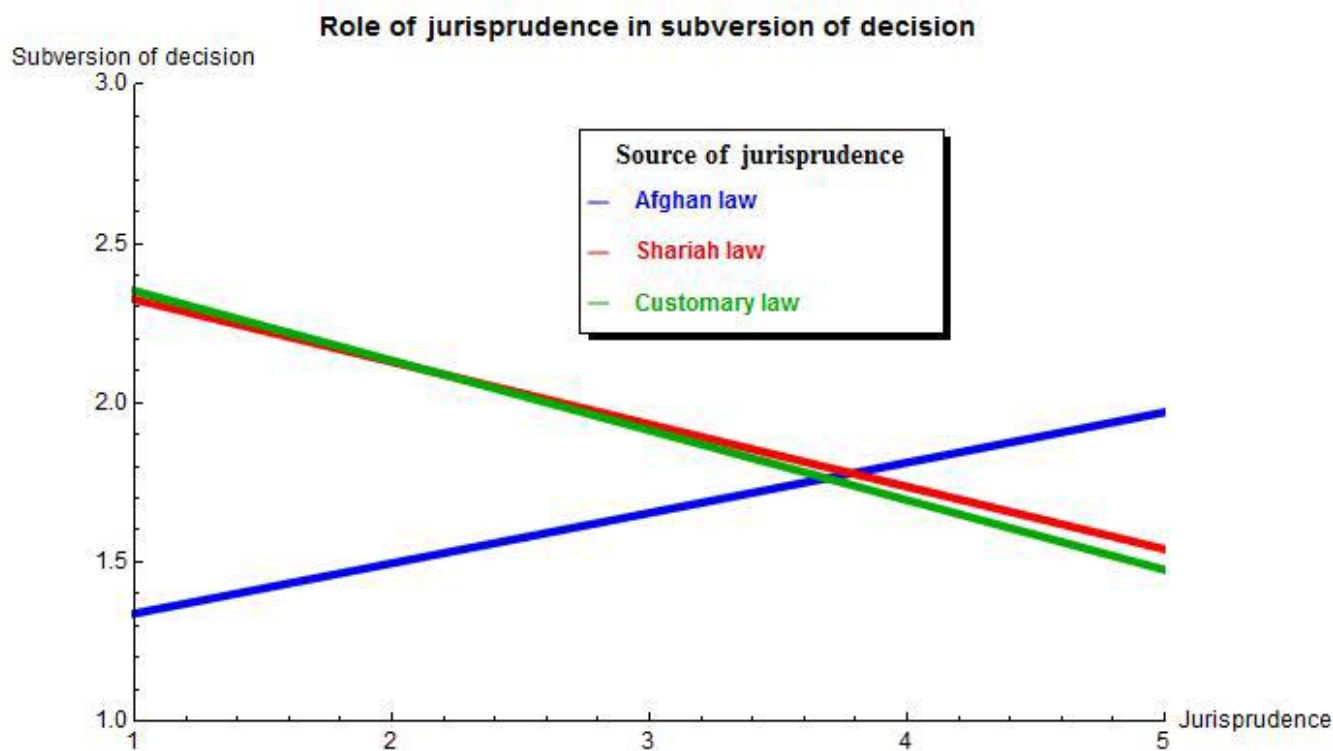
Both elders and disputants cite *Shari'ah* as the source of law used most in TDR, followed by customary law, and finally Afghan law. In addition to ranking perceived sources of law in TDR, one can examine how disputants' perceived sources of law move with or against assessments of the process and outcome. The following table shows the percentage increase in a disputant measure of the process or outcome of their dispute, based on their perceptions of sources of law.

Table III Source of law and disputant assessment

Effect on disputant assessment at mean values of jurisprudence	Procedural justice	Subversion of decision	Justice of outcome
Afghan law	13%	27%	9%
Shari'ah	31%	-39%	36%
Customary law	18%	-41%	15%

Perceptions of *Shari'ah* as the source of law in TDR have the strongest effect on disputants' positive assessment of the process and outcome of their dispute, followed by customary law. In terms of corruption perceptions, *Shari'ah* and customary jurisprudence are equally powerful in reducing perceptions of corruption, while Afghan law is associated with increased corruption. This is a stark portrayal of the GIRoA legitimacy gap in peri-urban and rural areas, perhaps best displayed graphically as follows.

Graph 4



Increased perceptions of *Shari'ah* and customary jurisprudence are associated with reduced corruption in the dispute adjudication, while increased perception of Afghan law in the dispute adjudication is associated with



increased levels of corruption. The effect size for Afghan law in the above graph is 0.2 standard deviations, which approaches a substantive result relevant to the RLS-I programming environment.

However, the reader should bear in mind that perceived jurisprudence is expected to be intimately tied to the disputant's particular experience in resolving her dispute, such that disputants' preconceptions about different sources of law may drive perceptions of jurisprudence in a way that does not fully respect the reality of the dispute adjudication. To illustrate, suppose that a disputant has a pre-existing disposition against state justice based on prior experience and/or exposure to insurgent communications seeking to undermine GIRoA legitimacy. In the event of some adverse event during the process of resolving his dispute, he may automatically assign Afghan law as the source of that adverse event, regardless of the factual nature of the event. Similarly, if there is any solicitation for payment or interference by local powerbrokers, the disputant may assign these negative influences to Afghan law based on his pre-conception, not a full understanding of the case dynamics.

More nuanced analyses that includes the use of contextual variables that are not tied to the dispute outcome²² do not change the fundamental relationship between Afghan, Shari'ah, or customary jurisprudence, but do increase the effect size of the Afghan law variable to 0.7 – 1.2 standard deviations. These are very large effects and 3-6 times larger than the influence of Afghan law that is tied to the disputant's particular experience in resolving the dispute.

So while Afghan law remains associated with corruption in dispute adjudication, the effect is much stronger when the measurement is based more on the disputant's pre-conceptions, and much weaker when the measurement is tied to the particular experience of the dispute resolution. One possible interpretation of this is to say that the GIRoA local legitimacy gap is based more on perception than reality. The disputant's perceptual link between Afghan law and corruption is much stronger going into the dispute than it is after experiencing the actual dispute resolution.

On balance, perception of the sources of law in local dispute resolution is considered to be a mediating variable in the RLS-I programming environment. Though not an explicit program objective, it is recognized that one way in which RLS-I contributes to stability and the GIRoA state-building enterprise is to demonstrate the consistency between *Shari'ah* and Afghan law. RLS-I will therefore track perceived source of law in TDR between baseline and endline as a possible impact measure.

Women's roles in dispute resolution

RLS-I's mandate is to cultivate and strengthen women's roles in TDR in varying capacities – disputants, witnesses, and where feasible even members of dispute resolution bodies. Given that traditional dispute resolution is defined and practiced almost exclusively as an activity by men, RLS-I promotes stronger roles for women primarily through organization of female participants into informal *spinsary* groups. RLS-I then conducts additional outreach through these groups to embolden women to play more active roles in resolving disputes concerning children, neighbors, and families.

²² The contextual variables are entered into the regression as instruments, such that covariance between the contextual variables and the perceived source of law is kept while covariance between perceived source of law and the RLS-I impact measures is discarded.

The elder interview asks a series of questions to diagnose and map the state of women's roles in TDR. In the Phase 2 impact evaluation, elders were also asked about the incidence of harmful practices such as forced marriage or *baad*. For Phase 3, measurement of these impact-level indicators will take place through more general citizen surveys in a few districts, and through interviews of *spinsary* groups in all districts.

The table of frequencies and mean values for the assessment of women's roles in TDR is below.

Table 112 Women's roles in TDR

Measure of women's role	To no extent	To little extent	To some extent	To great extent	Completely
<i>Jirga / shura</i> members consult all relevant parties, including women	13%	33%	27%	18%	9%
If a female villager was involved in a dispute, her testimony would be solicited	11%	27%	35%	19%	8%
If a dispute involved a female villager, the decision makers would consult a close female such as wife, mother, or sister	13%	34%	30%	15%	8%

The same measures as summary statistics are as follows:

Table 113 Women's roles in TDR - frequencies

Measure of women's rule	Binary value (4-5)	Mean value (1-5)
<i>Jirga / shura</i> members consult all relevant parties, including women	27%	2.88
If a female villager was involved in a dispute, her testimony would be solicited	27%	2.85
If a dispute involved a female villager, the decision makers would consult a close female such as wife, mother, or sister	23%	2.68

Mean value 2.82

Less than one-third of elders reported any kind of female participation in local dispute resolution, highlighting the essential problem statement RLS-I seeks to address relating to women's access to justice. The endline survey will examine whether RLS-I may have engendered any change in these values; however, it should be noted that RLS-I addresses women's participation in and access to justice through the mobilization of *spinsary* groups, and not through direct advocacy that women participate in a male-dominated forum. For this reason, any positive effects of RLS-I upon the above measurements will be indirect at best, and any lack of change in these measurements will have little bearing on the activities and effect of *spinsary* groups.

The gender perception gap

Consistent with criticisms of TDR as not properly involving women and using the male-dominated forum to deny women their rights under Afghan law, *Shari'ah*, or international human rights standards, there is a persistent deficit in how female disputants assess the process and outcome of their dispute adjudication relative to men. The following table presents the female deficit in percentage terms.

Table 114 Gender perception gap

Index measure	Percent difference by gender	Effect size	p-value
Procedural justice	-23%	0.43	.000
Subversion of decision	+27%	0.27	.000
Justice of outcome	-23%	0.41	.000

This deficit is consistent with Phase 2 impact evaluation data, and may also be found in The Asia Foundation annual surveys. The Phase 3 endline survey will examine whether RLS-I may have an effect in narrowing the gender perception gap.

Selection bias in disputant assessment

It is previously reported in [Selection of disputants](#) that 63% of disputants are directly referred by elders, while 18% are identified through purposive sampling. This likely produces a selection bias wherein elders refer more positive case outcomes and satisfied disputants at the expense of more negative case outcomes and dissatisfied disputants. Selection bias can be highlighted by comparing disputant evaluation scores across different methodologies of disputant selection.

Table 115 Selection bias

Method of disputant identification	Percent of disputants	Disputant evaluation score		
		Procedural justice	Subversion of decision	Justice of outcome
Elder – involved as arbiter	63%	3.90	1.70	4.16
Elder – knew of dispute, but not involved in decision-making	19%	3.44	1.86	3.86
Purposive sampling	6.9%	3.30	1.89	3.55
Snowball sampling	11.1%	3.63	1.50	4.03

The key differences in evaluation scores are those between elders who helped mediate the dispute they referred and purposive sampling. In percentage terms, and after controlling for region, disputants identified through purposive sampling assess procedural justice 18% lower, corruption 19% higher, and overall justice 21% lower relative to disputants referred by elders. Interestingly, there may also be selection bias among disputants identified by snowball sampling.

These findings illustrate an inherent trade-off between selection bias resulting from observational data and the need for an attributional link between RLS-I elders and the disputants whose cases they help resolve. First, cost considerations prohibit selection of disputants through randomized procedures such as large-scale household

surveys.²³ Second, there is a need to generate impact-level data attributable to RLS-I programming. The methodological approaches to disputant selection represent largely tactical decisions driven by cost considerations and the desire to achieve an attributional link between RLS-I elders and the disputants whose cases they help resolve.

Statistical balance between treatment and comparison – disputant evaluation

The following tables present the disputant evaluative measures disaggregated by treatment and comparison.

Table I I6 Statistical balance in RLS-I impact measures – Disputant evaluation

Measure	Treatment	Comparison	Standardized difference	p-value
Procedural justice	3.88	3.69	0.24	.016
Decision subverted	1.57	1.97	0.48	.000
Justice outcome	4.12	4.05	0.08	.432

Table I I7 Statistical balance– Dispute resolution acceptance and enforcement

Measure	Treatment	Comparison	Standardized difference	p-value
Did not accept decision	1%	2%	0.06	.506
Forfeited bond after not accepting decision	40%	32%	0.16	.146
Sought new decision in different forum	11%	4%	0.28	.003
Decision not fully implemented	8%	4%	0.17	.073
Disagreed with decision	13%	6%	0.24	.011
Paid cash or goods during resolution	10%	4%	0.24	.011
Dissatisfied with process	5%	4%	0.04	.694
Dissatisfied with outcome	2%	3%	0.03	.721
Decision failed to reconcile parties	6%	2%	0.13	.165

Table I I8 Statistical balance – Source of law behind decision

Measure	Treatment	Comparison	Standardized difference	p-value
Decision makers relied on Afghan law	3.95	3.26	0.66	.000

²³ Asia Foundation data suggests that 15-20% of Afghans have a dispute requiring third party mediation in a given year. This would require a household survey of 3,000 – 5,000 respondents to generate a sample of disputants of sufficient size to produce robust evaluation measurements.

Decision makers relied on <i>Shari'ah</i>	3.95	3.48	0.45	.000
Decision makers relied on customary law	4.08	3.34	0.72	.000

Table 119 Statistical balance – Gender perception gap

Measure	Treatment	Comparison
Procedural justice	-23%	-22%
Subversion of decision	23%	12%
Justice of outcome	-21%	-25%

There are statistically and substantively significant differences between treatment and comparison groups for procedural justice (3.88 treatment against 3.69 comparison) and subversion of decision (1.57 treatment against 1.97 comparison). For aspects of dispute acceptance and enforcement, there are moderate differences such as in forum shopping (11% treatment against 4% comparison) and disagreement with decision (13% treatment against 6% comparison). There are strong differences in perceived sources of law, with the treatment group exhibiting much higher ratings of any source of law than the comparison group. And while there is essentially no difference in perceived sources of law in the treatment group, the comparison group ranks *Shari'ah* first, followed by customary law and Afghan law. The gender gap in disputant perception is consistent between treatment and comparison, though there seems to be a lower gap in corruption perceptions among female disputants from the comparison group.

Relation to Phase 2 evaluation data

The following tables present the disputant evaluative measures for all data collection rounds.

Table 120 Disputant evaluation across Phase 2 and Phase 3

Measure	Phase 2 baseline	Phase 2 endline	Phase 3 baseline
Procedural justice	4.12	4.42	3.78
Subversion of decision	1.43	2.15	1.70
Justice of outcome	4.41	4.49	4.07

Table 121 Dispute resolution acceptance and enforcement across Phase 2 and Phase 3

Measure	Phase 2 baseline	Phase 2 endline	Phase 3 baseline
Did not accept decision	1%	2.6%	8.3%
Sought new decision in different forum	0.8%	6.9%	6.8%
Decision not fully implemented	1.6%	1.9%	5.4%

Measure	Phase 2 baseline	Phase 2 endline	Phase 3 baseline
Disagreed with decision	4.1%	5.6%	3.6%
Paid cash or goods during resolution	--	6.3%	2.9%
Dissatisfied with process	0.8%	1.9%	4.6%
Dissatisfied with outcome	0.8%	1.4%	8.3%
Decision failed to reconcile parties	0.8%	1.3%	1.6%

Table 122 Source of law behind decision across Phase 2 and Phase 3

Measure	Phase 2 baseline	Phase 2 endline	Phase 3 baseline
Afghan law	3.74	4.45	3.58
<i>Shari'ah</i>	4.17	4.38	3.75
Customary law	4.19	4.33	3.67

Table 123 Selection bias across Phase 2 and Phase 3

Measure	Phase 2 baseline	Phase 2 endline	Phase 3 baseline
Procedural justice	-3%	1%	-18%
Subversion of decision	7%	7%	19%
Justice of outcome	-3%	-3%	21%

Values for dispute resolution acceptance and enforcement are generally consistent across time. The disputant evaluative measures and perceptions of source of law are lower than in Phase 2. In the case of evaluative measures, this may reflect certain design changes in the presentation of the survey question, in which values were presented in ascending order in the Phase 3 data collection but in descending order in the Phase 2 data collection. Acquiescence bias may also increase among those respondents who are interviewed both at baseline and endline, as repeated exposure to the same survey question may inflate attitudinal responses.²⁴ Selection bias is higher in Phase 3 data.

Modeling informal dispute resolution

This section unites the background characteristics and contextual variables with baseline evaluative measures in a search for the determinants of elder knowledge and disputant assessment. For the tables that follow, base values are provided, which may be considered the mean value of the evaluative measure without including the explanatory variable of interest. Then, each value assigned to an explanatory variable may be considered as a

²⁴ See [Evaluating Stabilization Initiatives](#), pages 15-16, for further discussion of problems with the use of attitudinal measurements.

typical or average effect upon the evaluative variable of interest, as expressed as a deviation from the base value.²⁵ For example, if the value for the south region variable is -5% for elder knowledge, it means that a typical elder from the south region will on average have a knowledge score 5% lower than an elder from the east region. Similarly, if the predicted value for a female disputant is -0.5 for procedural justice, it means that a female disputant will typically assess procedural justice 0.5 points lower than a male disputant, as measured on the 5-point scale.

These predicted values are generated by simple linear regression modeling and are found in [Annex 4](#). It should be stressed that the data modeling presented in this section is nothing more than a linear fit to a given set of data, and does not indicate causal relationships between variables. The modeling remains a potentially useful exercise in identifying factors that play a mediating role in estimating the RLS-I treatment effect of elder knowledge and disputant assessment.

Determinants of elder knowledge

The following table identifies the typical effect of an explanatory variable upon elder knowledge, while holding other explanatory variables fixed, which each effect expressed as a deviation from an elder's based knowledge score listed in the first row. Only those variables that are statistically significant are included, while assessment of substantive significance is left to the reader.

Table 124 Determinants of elder knowledge

Variable	% change in elder knowledge at mean or binary changes in predictor variables		
	Overall	Constitutional and criminal law	Family and inheritance
Base knowledge score	47%	38%	59%
Elder recruited by RLS-I	-2.4%	3.4%	-9.1%
Elder identified as trusted by villagers	-1.6%	-	-5.4%
South	- 3.9%	-2.8%	-8.5%
Positions in society	1.3%	2.5%	-
Sources of income	-2.2%	-4.2%	-
Household assets owned	2.6%	8.2%	-3.6%
Literate	-3.3%	-3.1%	-
Received prior training	2.9%	3.6%	4.5%
Elders apply customary law in decision making	4.1%	7.9%	-
Elders support female participation in <i>jirga</i>	0.6%	3.4%	-2.8%

²⁵ The typical effect of an explanatory variable is calculated by multiplying the coefficient for each variable by its mean in the sample.

Variable	% change in elder knowledge at mean or binary changes in predictor variables		
	Overall	Constitutional and criminal law	Family and inheritance
Customary law conflicts with <i>Shari'ah</i>	-3.6%	-4.6%	-
Customary law conflicts with Afghan law	-2.9%	-6.3%	2%
Afghan Constitution expresses <i>Shari'ah</i> and Islamic human rights	6.3%	3.7%	8.9%
Percentage of variance in elder knowledge explained by control variables	34%	29%	18%

Effects of interest include elders from Kandahar or Uruzgan province (south region), who score lower on knowledge than elders from Kunar or Logar province (east region). Elders' positions in society, a crude proxy for social stature, are associated with higher knowledge of Constitutional and criminal law. Literacy is associated with lower elder knowledge, an unexpected result.²⁶ Receiving prior training is associated with higher knowledge, a welcome indication that other development initiatives from GILoA, USAID, and the donor community may have a general and positive effect on elder capacity. Elders who perceived any inherent dissonance between community norms and traditions with either Afghan law or *Shari'ah* tended to have lower knowledge, while elders who believed that the Afghan Constitution expressed *Shari'ah* were stronger in knowledge.

Also of interest is to note possible indications of divergence by type of knowledge. Constitutional and criminal law topics focus more on enumerated articles of Constitutional and statutory law or legal rights, while family and inheritance law topics are more *Shari'ah*-based. The research question of interest, then, would be to note whether elders were more partial to one type of knowledge at the expense of the other, whether different elder characteristics were associated with different types of knowledge, and to determine at endline whether different elder characteristics were associated with different rates of improvement in knowledge.

Following from this, the table 125 above indicates that an elder directly recruited by RLS-I, an elder's household asset ownership (a measure of socio-economic status), and elders who support stronger roles for women in TDR are associated with higher Constitutional and criminal law knowledge but lower family and inheritance law knowledge. Conversely, an elder who perceives that community norms and tradition conflict with Afghan law have lower Constitutional and criminal law knowledge, but higher family and inheritance law knowledge. The possibility that there may be discrete types of elder knowledge with separate governing dynamics for each has strong programmatic implications, and will be followed closely in the final evaluation report.

²⁶As first mentioned in [Background data](#), there may be measurement error in the education questions, which could in turn be responsible for this result.

Determinants of disputant assessment

Given the large number of explanatory variables examined for disputant assessment, the tables of typical effects are broken out according to background characteristics, contextual data, and case dynamics.

Table 125 Determinants of disputant assessment - background

Variable	Procedural justice % change at binary/mean value	Subversion of decision	Justice of the outcome
South	-	-12%	-
Female	-10%	32%	-12%
Age	-13%	-	-9%
Sources of income	-8%	-	-
Transit time to district center	-3%	-	-
Most identifies with nationality	-7%	-	-12%
Most identifies with occupation	-	27%	-
Most identifies with ethnicity	-	14%	-

Female disputants assess their experience resolving a dispute more negatively than males on all three dimensions of measurement. Interestingly, identification with nationality is associated with lower values for procedural and overall justice, and identification with occupation with higher perceptions of corruption. This may be evidence of a possible break in formal-informal justice relations, where identification with tribe, religion, or ethnicity produces different sets of attitudes towards informal justice than those who identify with nationality or occupation.

The next table presents the effects of contextual data upon disputant evaluation of the process and outcome of their dispute adjudication.

Table 126 Determinants of disputant assessment – contextual variables

Variable	Procedural justice % change at binary or mean value	Subversion of decision	Justice of the outcome
Security	18%	-19%	14%
Presence of ANA	-	-	-13%
Presence of <i>arbaki</i>	-	-	12%
Presence of insurgents	4%	-	9%
Performance of district governor	-	42%	5%
Performance of ANP	4%	-	-

Performance of local leaders		-32%	-
Peace easier after ISAF withdrawal	-4%	-	-
Internal disruptions common	-	-11%	3%
Villages work together to solve common problems	9%	-	-
Local leaders consider citizen interests	-	17%	-
Primacy of Afghan law in government prosecution	7%	-	12%
Most people can be trusted	-	8%	-

Disputant perceptions of security in their communities and district have a strong effect, with more security associated with positive improvement in disputant assessment. The presence of the Afghan national army is associated with lower perceptions of justice of outcomes, while presence of *arbaki* and insurgents are associated with higher perceptions of justice of outcomes. Performance of the district governor is associated with higher perceptions of corruption in informal justice, while positive perceptions of the performance of local leaders is associated with reduced perceptions of corruption in TDR.

The general interpretation offered here is that there are two systems of local governance – district government or local tribal or customary leaders. The presence or performance of a state actor or local leader depends on the relative extent to which citizens rely on either one for dispute resolution. For example, presence of ANA could signal stronger state presence and less reliance on informal justice, resulting in lower values of perceived justice of the outcome of an informal decision. Presence of *arbaki* or local police at the expense of national forces would represent the inverse of this relationship. In this interpretation, lower or higher values of justice of outcomes are not value statements, but rather statements as to the importance of formal or informal justice to the respondent based on the mix of presence and performance of different entities in his or her community.

The final table examines the effects of case dynamics upon disputant assessment of procedural justice, subversion of decision, and justice of outcome.

Table 127 Determinants of disputant assessment – case dynamics

Variable	Procedural justice	Subversion of decision	Justice of the outcome
	% change at binary or mean value		
Both parties referred dispute for adjudication	-	-15%	-
Village elders intervened to resolve dispute	-	-	6%
Third party representation before <i>jirga</i>	-7%	-	-
<i>Mullah</i> participation	-3%	-	-
State resolved	5%	20%	-

Bond collected	4%	-	7%
Decision not implemented	-	-	-33%
Disagreed with decision	-	-	-7%
Afghan law	9%	-	-
<i>Shari'ah</i>	20%	-20%	22%
Customary law	6%	-20%	11%

Intervention by village elders is associated with a mild increase in justice of outcome, while third party representation has a negative effect on procedural justice.²⁷ State involvement in the resolution of a dispute is associated with a modest increase in disputants' perceptions of procedural justice but also with a larger increase in corruption perceptions. Collecting a deposit to bind disputants to the decision is positively associated with disputants' perceptions of both procedural and overall justice. Disputants' perceptions of *Shari'ah* jurisprudence is strongly associated with procedural justice, reduced corruption, and justice of the outcome.

Searching for explanatory variables that help shed light on the dynamics of local dispute resolution should be treated cautiously, as they may represent nothing more than artifacts of the data rather than revealing a genuine dynamic. Nevertheless, inclusion of explanatory factors that are theory-driven, or which are exploratory but can be formally tested in subsequent data collection, can be helpful in learning about the RLS-I programming environment and also in further delineating the RLS-I treatment effect.

Conclusion and lessons learned

This study presents a comprehensive review of RLS-I baseline evaluation data that may serve as reference for the final evaluation report to be submitted in January 2014. This report also extends application of the recommendations offered in the evaluation documents from Phase 2. ([Annex 6](#) presents recommendations from the Phase 2 baseline evaluation report and subsequent actions to implement those recommendations.) Despite the wealth of baseline data offered here, there remains much work to be done in the final evaluation report. Remaining tasks include examining disputant data directly linked to elders and applying propensity score matching on both elders and disputants. Additional tasks related to evaluation of Phase 3 include reporting survey data findings from spinary groups and households receiving RLS-I outreach material. These matters will be addressed in the final evaluation report as well as the final program report.

The primary findings of this document have been identification of differences between the treatment and comparison groups, the determinants of RLS-I impact measures, and the possibility of divergence in local governance between district government and local traditional leaders. This divergence potentially affects the RLS-I operating environment through what type of knowledge (Afghan statutory and constitutional law versus *Shari'ah* and/or customary law) an elder is more likely to have, and what type of knowledge an elder is more

²⁷ Recall from [Disputant case dynamics](#) that third party representation is not limited to female disputants. Eleven percent of female disputants report presenting their case directly, while 27% of male disputants reported that a third party represented them.



likely to learn.²⁸ This divergence points to a possible competition for the provision of local governance services, which must be overcome and replaced by the complementarity of actions and jurisdictions between formal and informal justice actors that RLS-I seeks to bring about.

It should not be forgotten that quantitative data collection and analysis is not ideally suited for a phenomena as subtle, fluid, and complex as informal justice.²⁹ At best, quantitative data has the reductive power of identifying common denominators across districts, provinces, or regions, even as it might obscure the rich diversity of practice within them. For this reason, the RLS-I evaluation efforts follow mixed-methods research, and triangulate findings with qualitative assessments and anecdotal reporting. All three methods are needed to gain a requisite understanding of local dispute resolution in Afghanistan.

The Phase 3 baseline data also reinforce difficult findings from the Phase 2 evaluation, namely, that evaluation in conflict-affected environments is hard, the context ever-shifting, and the results not always coherent according to the stylized theory of change laid out in a program's founding documents. There is both a long-established and more recent body of literature attesting to these points. The World Bank working paper [Impact Evaluation in Conflict Prevention and Peacebuilding Interventions](#) establishes a checklist of evaluation concerns that must be given special weight when applied in conflict-affected environments, and also discusses evaluations of peacebuilding programs whose findings call into question standard theories of change – for example, that knowledge is a pre-requisite to behavior change and that participatory dialogue reduces intolerance. A white paper on [Evaluating Stabilization Initiatives](#) documents better (and worse) methods for conducting evaluations in conflict-affected or fragile environments, and goes on to establish a typology of attitudinal, artificial, and artifactual outcome measures. Another white paper on [Plurality of Methods in Project Evaluation](#) describes the impact trajectory of social development programs as a J-curve (things get worse before they get better) or a step function (periods of stasis punctuated by abrupt change), and emphasizes that in community-driven development programs, the nature of the intervention “is as varied as the range of contexts in which it is implemented.”

This report's extensive presentation of baseline data hopes to contribute to the conversation on what works, what doesn't, and why, and enable transparent longitudinal measurements in the final evaluation report to be submitted January 2014.

²⁸ Evidence from the Phase 2 evaluation further suggests that disputant perception may be directly affected by levels and change in levels of elder knowledge and attitude, thus establishing a direct link between competition among local actors for provision of governance services and access to justice for rural Afghans.

²⁹ See again Dr. Deborah Smith, [A Holistic Justice System for Afghanistan](#): “It is essential that contextual research be conducted before any programme is implemented, remembering that quantitative research and surveys using structured questionnaires are unlikely to reveal the nuances of [community-based dispute resolution] at the local level.”



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Annexes

Annex I: Factor analysis of elder positions in society

Factor analysis of elders' self-reported positions in society suggests six types of elders.

Jirga group			Mawlawi group			IDLG group			Commander group			Mullah group			Khan group		
Position	Factor loading	% of cases	Position	Factor loading	% of cases	Position	Factor loading	% of cases	Position	Factor loading	% of cases	Position	Factor loading	% of cases	Position	Factor loading	% of cases
Jirgamar	.788	21%	Mawlawi	.808	1%	Government Official	.733	3%	Commander	.673	5%	Mullah	.414	2%	Khan	.871	7%
Spingary	.662	19%	Spiritual figure	.757	4%	IDLG Shura	.698	7%	Village Shura	.626	29%	Village Shura	.378	29%	Spiritual Figure	.129	4%
Tribal elder	.567	37%	Mullah	.186	2%	CDC	.236	15%	Spiritual Figure	.250	4%	Tribal Elder	.154	37%	Commander	.080	5%
CDC member	.515	15%	Jirgamar	.158	21%	Mullah	.233	2%	Tribal elder	.118	37%	Khan	.145	7%	CDC member	.051	15%
Commander	.185	5%	Government official	.057	3%	Commander	.224	5%	Spingary	.080	19%	Mawlawi	.078	1%	IDLG shura member	-.001	7%
Spiritual figure	.145	4%	Khan	.050	7%	Jirgamar	.061	21%	Government official	.072	3%	IDLG shura member	.029	7%	Government official	-.006	3%
IDLG shura member	.061	7%	Tribal elder	.041	37%	Khan	.031	7%	IDLG shura member	.034	7%	Government official	.020	3%	Spingary	-.018	19%
Mawlawi	.007	1%	Spingary	.040	19%	Spingary	.024	19%	Jirgamar	.020	21%	Spingary	.014	19%	Tribal elder	-.041	37%
Mullah	-.044	2%	Commander	.028	5%	Spiritual figure	-.009	4%	Malik	-.064	30%	Spiritual figure	-.043	4%	Jirgamar	-.068	21%
Government official	-.059	3%	Village shura member	.018	29%	Malik	-.017	30%	Khan	-.080	7%	Jirgamar	-.059	21%	Mawlawi	-.095	1%
Malik	-.081	30%	Malik	.000	30%	Mawlawi	-.022	1%	Mawlawi	-.176	1%	CDC member	-.067	15%	Malik	-.167	30%
Village shura member	-.104	29%	IDLG shura member	-.080	7%	Village shura member	-.050	29%	CDC member	-.306	15%	Commander	-.111	5%	Village shura member	-.286	29%
Khan	-.114	7%	CDC member	-.218	15%	Tribal elder	-.234	37%	Mullah	-.359	2%	Malik	-.873	30%	Mullah	-.399	2%

Annex 2: Factor analysis of household assets

Factor analysis of elder household asset data suggests five discrete baskets of goods.

Elder household assets – suggested baskets of goods														
Base income basket			Entrepreneur basket			Middle income basket			Established business basket			High income basket		
Asset	Factor loading	% of cases	Asset	Factor loading	% of cases	Asset	Factor loading	% of cases	Asset	Factor loading	% of cases	Asset	Factor loading	% of cases
Home	0.78	78%	Radio	0.749	85%	Landline telephone	0.676	5%	Shop	0.659	17%	Computer	0.739	6%
Land	0.742	71%	Mobile phone	0.705	69%	Motorcycle	0.396	43%	Satellite dish	0.658	3%	TV	0.729	14%
Bicycle	0.597	38%	Automobile	0.457	27%	Automobile	0.37	27%	TV	0.357	14%	Generator	0.627	13%
Motorcycle	0.597	43%	Shop	0.28	17%	Satellite dish	0.107	3%	Automobile	0.298	27%	Satellite dish	0.319	3%
Livestock	0.251	41%	Generator	0.187	13%	Radio	0.034	85%	Home	0.184	78%	Mobile phone	0.199	69%
Generator	0.202	13%	Bicycle	0.145	38%	Generator	0.03	13%	Livestock	0.146	41%	Automobile	0.19	27%
Automobile	0.181	27%	Computer	0.113	6%	Land	-0.002	71%	Mobile phone	0.122	69%	Livestock	0.181	41%
Landline telephone	0.126	5%	TV	0.053	14%	Bicycle	-0.025	38%	Landline telephone	0.044	5%	Bicycle	0.146	38%
Computer	0.051	6%	Livestock	0.038	41%	TV	-0.085	14%	Generator	0.02	13%	Land	0.123	71%
Shop	0.009	17%	Home	0.038	78%	Computer	-0.087	6%	Land	-0.035	71%	Radio	0.068	85%
Mobile phone	-0.015	69%	Landline telephone	-0.027	5%	Home	-0.12	78%	Motorcycle	-0.053	43%	Landline telephone	0.021	5%
Radio	-0.046	85%	Land	-0.076	71%	Shop	-0.169	17%	Radio	-0.1	85%	Home	0	78%
TV	-0.08	14%	Motorcycle	-0.093	43%	Mobile phone	-0.184	69%	Computer	-0.153	6%	Motorcycle	-0.092	43%
Satellite dish	-0.094	3%	Satellite dish	-0.186	3%	Livestock	-0.682	41%	Bicycle	-0.304	38%	Shop	-0.169	17%



Annex 3: Force presence and perceptions of government performance

The following table examines levels of local force presence as predictors of local government performance. As each force is allowed to vary from its ordinal scale of 1-3, the other variables are held fixed at their mean values. These regressions generate the graphical relationships in [Force presence and government performance](#).

GIROA performance (composite of district and province)			
Explanatory variable	Coefficient	Effect size	p-value
Constant	.209		
Insurgent presence	.307	.23	.000
Local forces presence	-.188	.14	.001
National forces presence	.978	.52	.000
National forces performance (composite of ANA and ANP)			
Explanatory variable	Coefficient	Effect size	p-value
Constant	.911		
Insurgent presence	-.239	.17	.000
Local forces presence	-.067	.05	.253
National forces presence	1.14	.58	.000
ISAF presence	.103	.08	.05
Local leaders performance			
Explanatory variable	Coefficient	Effect size	p-value
Constant	3.32		
Insurgent presence	-.501	.33	.000
Local forces presence	-.244	.15	.001
National forces presence	.394	.18	.000
ISAF presence	.208	.16	.002

Annex 4: Regression results tables – elder knowledge

The following tables show the regression coefficients resulting from simple linear modeling of various explanatory variables upon the RLS-I impact variables of elder knowledge and disputant assessment. These coefficients multiplied by the mean value of the variable in the sample generate the typical effects of each variable in the summary tables in [Determinants of elder knowledge](#) and [Determinants of disputant assessment](#). Standard errors are below each coefficient in parentheses. Where the value of the coefficient is more than two to three times that of its standard error, the coefficient approaches statistical significance.³⁰ For each table, the regression used to generate the summary table values are either the final column or the shaded column.

Table 128 Regression results – elder knowledge (all items)

Variable	Mean in sample	(1)	(2)	(4)	(8)	(10)	(14)	(18)	(19)	(21)	(22)
Constant		0.51 (0.01)	0.49	0.48 (0.01)	0.53 (0.02)	0.56 (0.03)	0.47 (0.03)	0.44 (0.03)	0.47 (0.05)	0.46 (0.03)	0.47 (0.03)
Selected from RLS-I list	32%	0.009 (0.01)									-0.024 (0.01)
Asked villagers who they trusted to resolve disputes	15%	0.035 (0.01)	0.039 (0.01)	0.037 (0.01)	0.047 (0.01)	0.049 (0.01)	0.013 (0.01)				-0.016 (0.01)
South	36%									-0.039 (0.01)	-0.048 (0.01)
Positions in society	1.9		0.012 (0.003)	0.012 (0.003)	0.013 (0.003)	0.011 (0.004)	0.011 (0.003)	0.007 (0.003)	0.003 (0.004)	0.005 (0.003)	0.007 (0.003)
Sources of income	2.2			-0.011 (0.003)	-0.009 (0.004)	-0.009 (0.004)	-0.009 (0.004)	-0.007 (0.004)	0.001 (0.005)	-0.01 (0.004)	-0.01 (0.003)
Items own	5.1			0.007 (0.002)	0.005 (0.002)	0.004 (0.002)	0.005 (0.002)	0.005 (0.002)	0.000 (0.002)	0.006 (0.002)	0.005 (0.002)
Literate	34%				-0.039 (0.01)	-0.025 (0.01)	-0.035 (0.01)	-0.045 (0.01)	-0.017 (0.01)	-0.037 (0.01)	-0.033 (0.01)

³⁰ As this simple linear modeling is only meant to illustrate explanatory variables that may play a mediating role in the RLS-I treatment effect, standard errors are neither clustered nor robust to heteroskedasticity, and are therefore underestimates of the true values. More careful analysis attempting to demonstrate causal inference would use clustered and robust standard errors.

Variable	Mean in sample	(1)	(2)	(4)	(8)	(10)	(14)	(18)	(19)	(21)	(22)
Age	50				-0.001 (0.000)	-0.001 0.000	-0.001 0.000				
Received prior training	18%					0.031 (0.01)	0.039 (0.01)	0.039 (0.01)	0.037 (0.01)	0.032 (0.01)	0.029 (0.01)
How often called upon to mediate	1.37					-0.001 (0.01)					
Elders apply Afghan law	3.35						0.006 (0.004)				
Elders apply community norms	3.39							0.01 (0.004)	0.02 (0.005)	0.011 (0.004)	0.012 (0.004)
Female participation in jirga	2.82						0.008 (0.003)	0.004 (0.003)		0.003 (0.003)	0.002 (0.003)
Norms and traditions conflict with Shari'ah	3.03							-0.013 (0.004)	-0.012 (0.004)	-0.012 (0.004)	-0.012 (0.004)
Norms and traditions conflict with Afghan law	2.85							-0.008 (0.003)	0.015 (0.004)	-0.009 (0.003)	-0.01 (0.003)
Afghan constitution expresses Shari'ah and Islamic human rights	3.72							0.015 (0.004)	0.015 (0.004)	0.018 (0.004)	0.017 (0.004)
Elders resolve serious crimes?	56%							-0.021 (0.01)	-0.021 (0.04)		
When resolving serious crimes, elders resolve both state's rights and human rights	39%								0.012 (0.01)		
Summary statistics											
Standard error of regression		0.09	0.09	0.09	0.09	0.09	0.08	0.08	0.08	0.08	0.08
Adjusted R squared (\bar{R}^2)		.018	.044	.067	.122	.125	.152	.302	.332	.348	.357
Sample size		526	526	526	500	426	430	399	227	416	416

Table 129 Regression results – elder knowledge (Constitutional and criminal law items)

Explanatory variable	Mean	(1)	(2)	(3)	(4)	(5)	(6)
Constant		0.35 (0.05)	0.37 (0.05)	0.38 (0.04)	0.38 (0.06)	0.38 (0.06)	0.35 (0.06)
Selected from Checchi list	33%			0.05 (0.02)	0.033 (0.02)	0.034 (0.02)	0.032 (0.02)
Asked villagers who they trusted to resolve disputes	15%			0.035 (0.02)	0.023 (0.02)		
South	34%		-0.029 (0.02)	-0.014 (0.02)	-0.024 (0.02)	-0.028 (0.02)	-0.011 (0.02)
Positions in society	1.9	0.022 (0.006)	0.019 (0.006)	0.016 (0.006)	0.013 (0.007)	0.013 (0.006)	0.013 (0.007)
Sources of income	2.2	-0.016 (0.006)	-0.019 (0.006)	-0.019 (0.006)	-0.02 (0.007)	-0.019 (0.007)	-0.019 (0.007)
Items own	5.1	0.013 (0.004)	0.015 (0.004)	0.015 (0.004)	0.015 (0.004)	0.016 (0.004)	0.017 (0.004)
Literate	33%	-0.046 (0.02)	-0.037 (0.02)	-0.058 (0.02)		-0.031 (0.02)	-0.031 (0.019)
Level of education	1.02			-0.009 (0.01)	-0.002 (0.00)		
Age	51				-0.002 (0.001)	-0.001 (0.001)	-0.001 (0.001)
Received prior training	19%	0.029 (0.02)	0.022 (0.02)	0.029 (0.02)	0.034 (0.02)	0.036 (0.02)	0.039 (0.02)
How often called upon to mediate	1.4				0.009 (0.01)		
Elders apply community norms	3.42	0.021 (0.007)	0.02 (0.007)	0.021 (0.007)	0.024 (0.007)	0.023 (0.007)	0.021 (0.007)



Explanatory variable	Mean	(1)	(2)	(3)	(4)	(5)	(6)
Female participation in jirga	2.83	0.011 (0.006)	0.01 (0.006)		0.013 (0.006)	0.012 (0.006)	0.011 (0.006)
Norms and traditions conflict with Shari'ah	3.06	-0.017 (0.007)	-0.017 (0.007)	-0.019 (0.007)	-0.012 (0.006)	-0.015 (0.007)	-0.015 (0.007)
Norms and traditions conflict with Afghan law	2.86	-0.025 (0.006)	-0.024 (0.006)	-0.025 (0.006)	-0.021 (0.006)	-0.022 (0.006)	-0.019 (0.006)
Afghan constitution expresses Shari'ah and Islamic human rights	3.7	0.012 (0.006)	0.013 (0.007)	0.017 (0.007)	0.01 (0.007)	0.01 (0.007)	0.008 (0.007)
Outsiders attempt to influence local decision	39%				0.039 (0.02)	0.045 (0.02)	0.046 (0.02)
Elders resolve serious crimes?	56%						0.027 (0.02)
Summary statistics							
Sample size		416	416	420	354	391	381
Standard error of regression		0.14	0.14	0.14	0.14	0.14	0.14
Adjusted R squared ()		0.260	0.262	0.268	0.265	0.292	0.288

Table 130 Regression results – elder knowledge (Family and inheritance law items)

Explanatory variable	Mean	(1)	(2)	(3)	(4)	(5)
Constant		0.60 (0.05)	0.60 (0.04)	0.62 (0.05)	0.60 (0.04)	0.59 (0.04)
Selected from Checchi list	32%	-0.086 (0.02)	-0.081 (0.02)	-0.094 (0.02)	-0.089 (0.02)	-0.091 (0.02)
Asked villagers who they trusted to resolve disputes	15%			-0.052 (0.02)	-0.052 (0.02)	-0.054 (0.02)
South	35%	-0.081 (0.02)	-0.085 (0.02)	-0.089 (0.02)	-0.085 (0.02)	-0.085 (0.02)
Positions in society	1.9	0.002 (0.006)	0.002 (0.005)			
Sources of income	2.2	-0.005 (0.006)	-0.003 (0.005)			
Items own	5.1	-0.004 (0.003)	-0.006 (0.003)	-0.007 (0.003)	-0.007 (0.003)	-0.007 (0.003)
Literate	33%	0.008 (0.02)				
Level of education	1.04			0.001 (0.01)		
Age	50			0.000 (0.001)		
Received prior training	19%	0.046 (0.02)	0.045 (0.02)	0.042 (0.02)	0.041 (0.02)	0.045 (0.02)
Outsiders attempt to influence local decision	39%	0.006 (0.01)		0.005 (0.01)		

Explanatory variable	Mean	(1)	(2)	(3)	(4)	(5)
Elders apply Afghan law	3.34			-0.01 (0.007)	-0.01 (0.006)	
Elders apply Shari'ah	3.61			0.009 (0.006)	0.01 (0.006)	
Elders apply community norms	3.42	0.001 (0.006)				
Female participation in jirga	2.83	-0.009 (0.005)	-0.011 (0.005)	-0.008 (0.005)	-0.01 (0.005)	-0.01 (0.005)
Norms and traditions conflict with Shari'ah	3.01	-0.007 (0.006)	-0.006 (0.006)	-0.005 (0.006)	-0.006 (0.006)	
Norms and traditions conflict with Afghan law	2.83	0.011 (0.005)	0.009 (0.005)	0.008 (0.005)	0.008 (0.005)	0.007 (0.005)
Afghan constitution expresses Shari'ah and Islamic human rights	3.71	0.02 (0.006)	0.022 (0.005)	0.023 (0.006)	0.023 (0.005)	0.024 (0.005)
Elders resolve serious crimes?	58%			-0.018 (0.02)		
Summary statistics						
Sample size		391	431	391	427	431
Standard error of regression		0.12	0.12	0.12	0.12	0.12
SER		0.12	0.12	0.12	0.12	0.12
Adjusted R squared (\bar{R}^2)		.144	.155	.163	.172	.175

Annex 5: Regression results tables – disputant assessment

Table 131 Regression results – disputant assessment (procedural justice)

Explanatory variable	Mean	(1)	(3)	(9)	(14)	(18)	(21)	(25)	(30)	(33)	(37)	(40)	(43)
Constant		3.81 (0.05)	4.37 (0.15)	4.86 (0.22)	4.65 (0.16)	4.56 (0.16)	4.44 (0.15)	3.51 (0.36)	2.73 (0.53)	2.92 (0.34)	3.08 (0.36)	3.29 (0.58)	2.02 (0.28)
South	49%	-0.06 (0.07)						-0.143 (0.09)					
Female	21%		-0.842 (0.08)	-0.818 (0.08)	-0.825 (0.08)	-0.874 (0.08)	-0.866 (0.07)	-0.698 (0.09)	-0.569 (0.14)	-0.599 (0.09)	-0.638 (0.09)	-0.394 (0.15)	-0.371 (0.09)
Age	44		-0.009 (0.003)	-0.01 (0.003)	-0.01 (0.003)	-0.005 (0.003)	-0.005 (0.003)	-0.008 (0.004)	-0.01 (0.004)	-0.014 (0.003)	-0.014 (0.003)	-0.012 (0.005)	-0.009 (0.003)
Sources of income	3			-0.097 (0.02)	-0.103 (0.02)	-0.070 (0.02)	-0.066 (0.02)	-0.098 (0.03)	-0.056 (0.04)	-0.050 (0.03)	-0.039 (0.03)	-0.116 (0.04)	-0.096 (0.02)
Items own	4.8							0.044 (0.02)					
Literate	31%			-0.204 (0.17)				-0.039 (0.11)					
Level of education (Scaled 0-6)	0.93				0.062 (0.03)	0.081 (0.03)	0.075 (0.03)	0.042 (0.04)	0.043 (0.03)	0.042 (0.02)	0.041 (0.02)	0.025 (0.03)	0.034 (0.02)
No education	68%			-0.207 (0.17)									
Middle school education or higher	12%			0.245 (0.12)									
Minority ethnicity	10%							0.043 (0.13)					
Minority tribe	20%				-0.022			0.024					

Explanatory variable	Mean	(1)	(3)	(9)	(14)	(18)	(21)	(25)	(30)	(33)	(37)	(40)	(43)
					(0.08)			(0.09)					
Transit time to district center	27.4								-0.003 (0.002)	-0.003 (0.001)	-0.003 (0.001)	0.000 (0.002)	-0.002 (0.001)
Most identifies with occupation	13%					-0.381 (0.11)	-0.293 (0.09)	-0.273 (0.10)					
Most identifies with nationality	14%					-0.945 (0.13)	-0.867 (0.11)	-0.665 (0.12)	-0.389 (0.14)	-0.407 (0.10)	-0.41 (0.10)	-0.194 (0.18)	-0.249 (0.09)
Most identifies with ethnicity	13%					-0.294 (0.11)	-0.214 (0.09)						
Most identifies with tribe	44%					-0.082 (0.08)			0.092 (0.11)				
Most identifies with province / region	5%						0.343 (0.14)						
Security	2.96							0.252 (0.06)	0.192 (0.08)	0.235 (0.06)	0.208 (0.06)	0.2 (0.09)	0.205 (0.05)
Presence - Arbaki	2.2							0.203 (0.06)	0.015 (0.07)				
Presence - AGE	1.59							0.081 (0.06)	0.083 (0.07)	0.148 (0.05)	0.165 (0.06)	0.175 (0.08)	0.069 (0.04)
Presence - ALP	2.13							-0.162 (0.06)	-0.101 (0.07)				
Presence - ISAF	1.74							0.009 (0.05)					
Performance - District court	2.63								0.047 (0.04)	0.058 (0.03)	0.054 (0.03)		
Performance - ANP	3.22								0.105 (0.05)	0.076 (0.04)	0.071 (0.04)	0.098 (0.05)	0.042 (0.03)
Departure of ISAF will make	41%									-0.177	-0.222	-0.334	-0.156

Explanatory variable	Mean	(1)	(3)	(9)	(14)	(18)	(21)	(25)	(30)	(33)	(37)	(40)	(43)
peace with Taliban easier										(0.08)	(0.08)	(0.11)	(0.06)
District officials are from the district	3.36								-0.116 (0.07)	-0.056 (0.04)	-0.053 (0.05)	-0.014 (0.07)	
Life satisfaction									0.047 (0.05)				
External disruptions to village life									0.041 (0.04)				
Internal disruptions to village life	1.59								0.129 (0.05)	0.12 (0.04)	0.112 (0.04)	-0.002 (0.06)	
Villages work together to solve problems	3.17								0.11 (0.05)	0.122 (0.04)	0.113 (0.04)	0.114 (0.05)	0.093 (0.03)
Local leaders consider citizen interests when making decision	2.97								-0.053 (0.05)	-0.044 (0.03)	-0.058 (0.04)		
GIRoA Islamic									0.038 (0.06)				
Government courts must use Afghan constitutional and statutory law	3.38								0.051 (0.05)	0.087 (0.03)	0.09 (0.04)	0.156 (0.05)	0.089 (0.03)
Citizen-government trust									0.101 (0.06)				
Most people can be trusted									-0.08 (0.10)				
Both parties referred dispute											-0.164 (0.09)	-0.108 (0.14)	
Partisan jirga											0.035 (0.08)		
Third party selection of jirga											0.051 (0.10)		

Explanatory variable	Mean	(1)	(3)	(9)	(14)	(18)	(21)	(25)	(30)	(33)	(37)	(40)	(43)
Proxy representation before jirga	20%											-0.212 (0.13)	-0.22 (0.08)
Mullah participation												-0.629 (0.14)	-0.117 (0.07)
State resolution	12%											0.19 (0.13)	0.152 (0.09)
Recorded												0.126 (0.18)	
Registered												0.246 (0.12)	
Bond collected	17%												0.14 (0.08)
Afghan jurisprudence	3.88												0.079 (0.04)
Shari'ah jurisprudence	3.87												0.179 (0.03)
Customary jurisprudence	3.75												0.077 (0.03)
Summary statistics													
Sample size		433	421	416	409	415	415	329	211	233	223	103	234
Standard error of regression		0.75	0.66	0.65	0.66	0.61	0.6	0.6	0.58	0.48	0.48	0.44	0.4
Adjusted R squared ()		-.001	.236	.239	.234	.651	.358	.373	.458	.590	.597	.634	.725

Table 132 Regression results – disputant assessment (subversion of decision)

Explanatory variable	Mean	(1)	(3)	(4)	(6)	(9)	(11)	(13)	(16)	(18)	(20)
Constant		1.44 (0.21)	2.01 (0.29)	1.15 (0.42)	1.48 (0.42)	1.48 (0.60)	1.91 (0.46)	1.5 (0.37)	1.9 (0.66)	2.06 (0.44)	2.15 (0.42)
South	32%	-0.347 (0.09)	-0.397 (0.09)	-0.442 (0.11)	-0.389 (0.11)	-0.302 (0.14)	-0.381 (0.12)	-0.349 (0.10)	-0.171 (0.18)	-0.265 (0.11)	-0.283 (0.10)
Female	23%	0.602 (0.09)	0.671 (0.10)	0.569 (0.11)	0.735 (0.10)	0.807 (0.14)	0.755 (0.11)	0.655 (0.10)	0.583 (0.15)	0.687 (0.10)	0.652 (0.10)
Age	45	0.005 (0.004)	0.004 (0.004)	0.007 (0.004)	0.008 (0.003)	0.004 (0.004)	0.004 (0.004)	0.009 (0.004)	-0.002 (0.006)	0.003 (0.004)	0.004 (0.003)
Sources of income	3.1	0.078 (0.03)	0.122 (0.03)	0.162 (0.04)	0.111 (0.03)	0.039 (0.05)	-0.006 (0.04)				
Items own	5.3	-0.054 (0.02)	-0.078 (0.02)	-0.068 (0.03)	-0.05 (0.02)	-0.018 (0.03)	-0.012 (0.03)				
Literate		0.033 (0.12)									
Level of education (Scaled 0-6)	0.95	0.112 (0.04)	0.09 (0.03)	0.044 (0.03)	0.05 (0.03)	0.004 (0.04)	0.026 (0.03)				
Minority ethnicity					-0.081 (0.14)	-0.236 (0.18)					
Minority tribe	17%				0.092 (0.10)		-0.019 (0.11)				
Transit time to district center	30		0.000 0.000								
Most identifies with occupation	18%		0.72 (0.14)	0.715 (0.12)	0.616 (0.11)	0.478 (0.14)	0.487 (0.12)	0.567 (0.11)	0.91 (0.16)	0.497 (0.11)	0.516 (0.11)
Most identifies with ethnicity	16%		0.389 (0.15)	0.344 (0.12)	0.257 (0.11)	0.21 (0.13)	0.234 (0.12)	0.233 (0.11)	0.449 (0.20)	0.213 (0.12)	0.212 (0.11)
Most identifies with tribe			0.059								

Explanatory variable	Mean	(1)	(3)	(4)	(6)	(9)	(11)	(13)	(16)	(18)	(20)
		(0.12)									
Most identifies with religion	11%	-0.229 (0.14)	-0.199 (0.12)	-0.144 (0.11)	-0.148 (0.17)	-0.246 (0.14)	-0.101 (0.12)				
Security	2.99	-0.242 (0.06)	-0.23 (0.06)	-0.172 (0.06)	-0.145 (0.08)	-0.152 (0.07)	-0.167 (0.06)	-0.146 (0.09)	-0.065 (0.06)	-0.082 (0.06)	
Presence - ANA			0.091 (0.08)	0.083 (0.08)	0.099 (0.13)						
Presence - Arbaki	2.1		0.235 (0.07)	0.144 (0.06)	0.204 (0.08)	0.185 (0.07)	0.135 (0.06)				
Presence - ANP			-0.075 (0.07)	-0.094 (0.07)	-0.056 (0.08)						
Presence - AGE	1.6		0.176 (0.07)	0.022 (0.07)							
Presence - ALP			-0.073 (0.06)								
Presence - ISAF			-0.011 (0.06)								
Performance - District governor	3.31			0.196 (0.04)	0.308 (0.05)	0.302 (0.04)	0.255 (0.04)	0.355 (0.07)	0.283 (0.04)	0.283 (0.04)	
Performance - District court	2.63			0.018 (0.04)							
Performance - ANA	3.91			-0.070 (0.04)	-0.053 (0.05)	-0.041 (0.04)					
Performance - ANP	3.22			-0.002 (0.04)							
Performance - Local leaders	3.26			-0.187 (0.040)	-0.227 (0.049)	-0.234 (0.043)	-0.212 (0.039)	-0.246 (0.055)	-0.208 (0.042)	-0.219 (0.039)	
Performance - Provincial				0.004							

Explanatory variable	Mean	(1)	(3)	(4)	(6)	(9)	(11)	(13)	(16)	(18)	(20)
government		(0.04)									
Departure of ISAF will make peace with Taliban easier	42%					0.148 (0.10)	0.126 (0.09)				
Internal disruptions to village life	1.76					-0.191 (0.06)	-0.211 (0.05)	-0.163 (0.04)	-0.188 (0.07)	-0.148 (0.05)	-0.14 (0.04)
Villages work together to solve problems	3.18					-0.019 (0.05)					
Local leaders consider citizen interests when making decision	3.02					0.152 (0.05)	0.132 (0.05)	0.115 (0.04)	0.099 (0.06)	0.13 (0.04)	0.116 (0.04)
GIRoA Islamic						0.026 (0.05)					
Government courts must use Afghan constitutional and statutory law	3.44					-0.062 (0.05)	-0.058 (0.04)				
Citizen-government trust	2.81					-0.104 (0.06)	-0.122 (0.05)	-0.087 (0.04)	0.001 (0.06)	-0.083 (0.05)	-0.063 (0.04)
Most people can be trusted	40%					0.163 (0.10)	0.148 (0.09)	0.157 (0.08)	0.041 (0.13)	0.172 (0.09)	0.175 (0.08)
Both parties referred dispute								-0.324 (0.10)	-0.354 (0.15)	-0.286 (0.10)	-0.299 (0.10)
Mullah participation									0.156 (0.14)	0.122 (0.10)	0.134 (0.09)
State resolution									0.451 (0.17)	0.453 (0.14)	0.417 (0.13)
Recorded									-0.379 (0.21)	-0.123 (0.09)	-0.122 (0.09)
Registered									-0.13		

Explanatory variable	Mean	(1)	(3)	(4)	(6)	(9)	(11)	(13)	(16)	(18)	(20)
									(0.13)		
Bond collected									-0.083 (0.10)		
Disagreed with decision									0.161 (0.14)		
Afghan jurisprudence									0.03 (0.04)		
Shari'ah jurisprudence	3.87								-0.089 (0.04)	-0.087 (0.04)	
Customary jurisprudence	3.73								-0.108 (0.04)	-0.097 (0.04)	
Summary statistics											
Sample size		395	356	328	325	188	210	273	119	237	250
Standard error of regression		0.730	0.68	0.68	0.6	0.56	0.55	0.58	0.57	0.56	0.55
Adjusted R squared (\bar{R}^2)		0.188	0.340	0.353	0.482	0.634	0.645	0.553	0.702	0.602	0.606

Table 133 Regression results – disputant assessment (justice of outcome)

Explanatory variable	Mean	(1)	(3)	(6)	(8)	(11)	(13)	(15)	(17)	(20)	(22)	(26)
Constant		4.01 (0.10)	4.21 (0.28)	4.18 (0.24)	3.46 (0.38)	3.4 (0.32)	2.81 (0.48)	2.89 (0.32)	2.88 (0.32)	3.09 (0.35)	2.41 (0.51)	1.93 (0.30)
South		0.165 (0.10)	-0.004 (0.09)									
Female	19%	-0.813 (0.10)	-0.92 (0.10)	-0.923 (0.10)	-0.737 (0.10)	-0.602 (0.08)	-0.622 (0.12)	-0.634 (0.08)	-0.619 (0.08)	-0.563 (0.09)	-0.302 (0.12)	-0.429 (0.07)
Age	44	-0.012 (0.004)	-0.01 (0.004)	-0.011 (0.003)	-0.01 (0.004)	-0.012 (0.003)	-0.012 (0.004)	-0.012 (0.003)	-0.012 (0.003)	-0.013 (0.003)	0.001 (0.004)	-0.009 (0.003)
Sources of income		0.001 (0.04)										
Items own		-0.043 (0.02)	-0.013 (0.02)									
Literate		0.024 (0.13)										
Level of education (Scaled 0-6)		0.009 (0.05)										
Minority ethnicity		0.467 (0.14)	0.32 (0.13)	0.291 (0.12)	0.211 (0.12)							
Minority tribe		-0.085 (0.10)										
Transit time to district center		-0.004 (0.002)	-0.002 (0.001)	-0.003 (0.001)	-0.002 (0.001)							
Security	3	0.291 (0.06)	0.221 (0.06)	0.224 (0.06)	0.219 (0.06)	0.176 (0.05)	0.182 (0.07)	0.141 (0.06)	0.156 (0.06)	0.174 (0.06)	0.137 (0.07)	0.151 (0.05)
Most identifies with occupation			-0.304	-0.283								

Explanatory variable	Mean	(1)	(3)	(6)	(8)	(11)	(13)	(15)	(17)	(20)	(22)	(26)
			(0.11)	(0.10)								
Most identifies with nationality	12%		-0.789 (0.13)	-0.779 (0.12)	-0.569 (0.12)	-0.606 (0.11)	-0.49 (0.13)	-0.552 (0.11)	-0.551 (0.11)	-0.541 (0.11)	-0.596 (0.18)	-0.373 (0.10)
Most identifies with ethnicity			-0.131 (0.12)									
Most identifies with religion			0.184 (0.11)	0.222 (0.11)								
Most identifies with province / region			0.087 (0.17)									
Presence - ANA	2.62				-0.134 (0.06)	-0.186 (0.05)	-0.155 (0.09)	-0.148 (0.06)	-0.134 (0.06)	-0.136 (0.06)	-0.080 (0.12)	-0.160 (0.05)
Presence - Arbaki	2.2				0.186 (0.06)	0.204 (0.06)	0.215 (0.07)	0.189 (0.05)	0.203 (0.05)	0.185 (0.06)	0.073 (0.07)	0.180 (0.05)
Presence - ANP					0.173 (0.07)							
Presence - AGE	1.57				0.307 (0.06)	0.260 (0.05)	0.236 (0.07)	0.225 (0.05)	0.209 (0.06)	0.208 (0.06)	0.255 (0.08)	0.181 (0.05)
Performance - District court	2.57					0.123 (0.03)	0.138 (0.04)	0.132 (0.03)	0.106 (0.03)	0.084 (0.04)	0.176 (0.04)	0.089 (0.03)
Departure of ISAF will make peace with Taliban easier							-0.055 (0.09)					
Internal disruptions to village life	1.68						0.17 (0.05)	0.129 (0.03)	0.101 (0.03)	0.086 (0.04)	0.076 (0.05)	0.077 (0.03)
Local leaders consider citizen interests when making decision							-0.026 (0.05)					
GIRoA Islamic							0.047 (0.05)					
Government courts must use Afghan	3.42						0.088	0.146	0.14	0.139	0.111	0.123

Explanatory variable	Mean	(1)	(3)	(6)	(8)	(11)	(13)	(15)	(17)	(20)	(22)	(26)
constitutional and statutory law							(0.05)	(0.03)	(0.03)	(0.03)	(0.05)	(0.03)
Citizen-government trust							0.047 (0.05)					
Village elders intervened	12%								0.355 (0.11)	0.307 (0.11)	0.418 (0.17)	0.24 (0.09)
State intervened									0.396 (0.19)	0.327 (0.20)	-0.044 (0.31)	
Third party selection of jirga										0.148 (0.10)	0.156 (0.14)	
Size of jirga	1.88									-0.038 (0.04)		
Registered											0.203 (0.10)	
Bond collected	16%											0.228 (0.08)
Decision not implemented	3%											-0.999 (0.16)
Disagreed with decision	9%											-0.206 (0.10)
Shari'ah jurisprudence	3.93											0.196 (0.03)
Customary jurisprudence	3.79											0.095 (0.03)
Summary statistics												
Sample size		345	348	348	309	344	212	309	303	275	124	285
Standard error of regression		0.7	0.66	0.65	0.61	0.59	0.6	0.57	0.56	0.55	0.48	0.46
Adjusted R squared (\bar{R}^2)		.263	.359	.362	.400	.415	.491	.475	.492	.503	.461	.647

Annex 6: Implementation status of Phase 2 impact evaluation recommendations

Phase 2 baseline evaluation report recommendation	Action(s) taken / status
Programming	
Improve training and reinforce learning	RLS-I conducted a comprehensive review of content and methodology which has been gradually implemented throughout Phase 3
Reach remote program participants	RLS-I seeks participation from elders and villages throughout the district, subject to security constraints
Track specific applications of knowledge	RLS-I instituted a training content delivery checklist applied at all workshops
Test assumptions on critical mass and saturation	RLS-I varied its treatment design in Chora (Uruzgan) in hopes of gaining additional insight on the desired transition from capacity building of a cohort of elders to a general increase in awareness of legal rights and protections throughout the district
Develop and adapt theoretical models according to the data	Given TDR's complexity and sensitivity to local context, much of the RLS-I evaluation design and measurements should still be considered exploratory. RLS-I is continually re-examining assumptions and adapting theory and measurement at every opportunity. This includes testing new measurements at every stage of data collection during Phase 3.
Evaluation research	
Build upon research initiated by Phase 2 impact evaluation	With USAID's support, RLS-I continues to use impact-level measurements and comparison groups capable of estimating the counterfactual scenario of what would have happened in the absence of the intervention
Use secondary data to strengthen and understand the findings	RLS-I continues to employ program performance and administrative data to triangulate evaluation findings. New, aspirational initiatives include using checklist ratings of training content delivery and trainer background data as covariates in elder knowledge gain. Additional efforts include using national statistics from Supreme Court and Huqooq to provide background data that may play a mediating role

Phase 2 baseline evaluation report recommendation	Action(s) taken / status
	in determining RLS-I outcomes.
Take opportunities to randomize where possible	Unfortunately, RLS-I has not yet found feasible conditions for randomization of treatment status. However, discussions continue for a possible randomized evaluation in at least one test district in subsequent program phases.
Adopt a pipeline approach to program expansion	RLS-I continues the process of conducting baseline and endline data collection in comparison districts, then entering those districts in RLS-I in subsequent program phases. This process enables a range of possible evaluation designs, and the variety of possible designs increases as the program continues to expand.
Use the same data collection methods for baseline and endline	For the Phase 2 impact evaluation, RLS-I switched data collection partners from baseline to endline due to a number of factors, including a short period of data collection and suspicion of some biased baseline measurements. This had consequences for data quality of the longitudinal measurements. As RLS-I becomes more confident in its design and measurements, it becomes more important to hold all data collection procedures constant over time so as to distinguish the RLS-I treatment effect.
Ensure sufficient time between baseline and endline	The effective duration from baseline to endline in Phase 2 was 4-6 months. For Phase 3, the duration is 7-8 months. Subsequent evaluation efforts would benefit from regularizing measurements at six and twelve month intervals.
Integrate the research into an M&E system capable of robust inference	The Phase 3 PMP has incorporated the outcome and impact measures from the Phase 2 evaluation.
Choose evaluation questions that can be meaningfully and reliably measured	Given the complexity of disputant measurements with regard to their use as an RLS-I impact measure, RLS-I has shifted attention to outcome measures of elder knowledge and attitude that sit more comfortably within the RLS-I chain of logic and manageable interests. Disputant measurements, meanwhile, are considered more for context and learning than direct measurement of impact.



Glossary

<i>alem</i> (pl. <i>ulema</i>)	religious scholar, considered to be more knowledgeable about <i>Shari'ah</i> than most <i>mullayan</i>
<i>arbaki</i>	local tribal militia
<i>baad</i>	customary practice of resolving a dispute by giving a girl from the offender's family in marriage to a male member of the victim's family
<i>badal</i>	Exchange marriage performed between families or tribes to alleviate tensions or relieve the financial burden of <i>walwar</i>
COR	USAID/Afghanistan Contracting Officer Representative
CSO	civil society organization (usually but not necessarily incorporated as a legal entity)
DDA	District Development Assembly
d-i-d	Difference-in-differences. An impact evaluation measurement that includes an estimate of the counterfactual scenario of what would have happened in the absence of the USAID intervention.
DST	District Support Team
GIRoA	Government of the Islamic Republic of Afghanistan
<i>hadith</i>	collection of scriptures detailing the actions, sayings, and tacit approvals or disapprovals of Islamic practices and beliefs of the Prophet Mohammad (PBUH), as documented by his companions and accompanied and verified by an authenticating record of the origin and lineage of each part of the collection, determining its authority as a source of Islamic law supplementing the Holy <i>Qur'an</i>
<i>haq-ullah</i>	a concept of <i>Shari'ah</i> that refers to the rights of society; i.e., issues that have the potential to disrupt the peace within the community and for which it is the duty of the state to issue and implement legislation (e.g., criminal law)
<i>haq-ul abd</i>	a concept of <i>Shari'ah</i> similar to the notion of civil law and that refers to the rights of the person; i.e., those rights that private individuals have vis-à-vis one another and that can be forfeited by the individual
<i>huduud</i>	specified punishments for certain crimes established in the <i>Qur'an</i>
<i>huqooq</i>	MoJ representative at the district level responsible for liaising with elders and the community to resolve civil disputes
IDLG	Independent Directorate of Local Governance, a sub-ministerial GIRoA body

<i>islah</i>	(literally, “reform”) a restorative dispute resolution principle comprising the promotion of peace and social cohesion through mediation and reconciliation; in the context of registration of TDR decisions by <i>Huqooq</i> district offices, the term refers to the category in the <i>Huqooq</i> offices’ record-keeping system for registering TDR decisions
<i>jirga</i> (pl. <i>jirgee</i>)	<i>ad hoc</i> assembly of tribal elders convened to make specific decisions or resolve a specific dispute by consensus
<i>khan</i> (pl. <i>khanan</i>)	a member of the wealthy, land-owning class, influential in the community
<i>machalgha</i>	a deposit required from the disputants prior to the commencement of a <i>jirga</i> to ensure compliance with its decision
<i>maher</i>	money or goods given by a husband to a wife upon marriage and that remains the wife’s property, to ensure financial security in case of divorce or the death of the husband
<i>malik</i> (pl. <i>malikan</i>)	a tribal elder, who has been chosen as the head of the village and often liaises between the community and the government; due to this position of authority he is also approached to play a role in dispute resolution.
<i>manteqa</i>	an area within a district encompassing a cluster of villages that share a common characteristic such as population of the same tribal group, location within a valley, or access to a major irrigation canal.
<i>maraka</i> (pl. <i>marakee</i>):	Currently, often used interchangeably with the term <i>jirga</i> , especially in southern Afghanistan. Originally, used to refer to a village-level conflict resolution mechanism that included members of only one tribe or sub-tribe
<i>mawlawi</i> (pl. <i>mawlawiyan</i>)	highly qualified Sunni Muslim religious leader, usually with a more extensive religious education than a <i>mullah</i>
<i>mudir-e-huqooq</i>	<i>Huqooq</i> office director
<i>mullah</i> (pl. <i>mullayan</i>)	local religious leader
<i>nahiya</i> (pl. <i>nawahi</i>)	municipal sub-district
NGO	private or quasi-governmental not-for-profit organization (usually formally organized as a legal entity)
NRVA	Afghanistan National Risk and Vulnerability Assessment (2007-2008). A household profiling and poverty survey of over 50,000 respondents
Platform	combined civilian-military teams at Regional Commands and PRTs that allocate resources, implement integrated programs, and assess results
PPI	Progress out of Poverty Index. A poverty measurement tool pioneered by the Grameen Foundation to help microfinance organizations to measure their success in elevating individuals or households above national poverty lines.

PRT	Provincial Reconstruction Team
<i>qawm</i>	a basic unit of Afghan social structure; most often translated as tribe, but can also apply to larger or smaller groupings such as clan or ethnicity
RC	Regional Command: any of the four geographic military command areas into which Afghanistan is currently divided - north (RC/N), south (RC/S), east (RC/E), and west (RC/W). The geographic areas of RC/E, RC/S, and RC/N correspond to RLS-I regions in the east, south, and north, respectively.
RLS-F	USAID/Afghanistan Rule of Law Stabilization Program – Formal Component
RLS-I	USAID/Afghanistan Rule of Law Stabilization Program – Informal Component
<i>shafa</i>	legal right of pre-emption; a landowner's right of first purchase of land before it is offered for public sale. Conditions for pre-emption are shared ownership of the land being sold, shared access to public resources with the land being sold (i.e., a path or water well), or shared boundaries with the land being sold
<i>Shari'ah</i>	legal precepts found in the Holy <i>Qur'an</i> and the <i>Hadith</i> ; sometimes used to denote Islamic law or jurisprudence, which includes scholarly interpretations of the Holy <i>Qur'an</i> and the <i>Hadith</i> ; <i>ijma</i> ("collective reasoning" or consensus among scholars); and <i>qiyas</i> or <i>ijtihad</i> ("individual reasoning" or deduction by analogy)
<i>shura</i> (pl. <i>shuragani</i>)	an established council of respected community members, often registered with GIRoA, representing the interests of their community to other institutions such as GIRoA bodies and that are often involved in resolving local disputes
<i>spingary</i>	"White-beard"; respected elder of the community
<i>spinsary</i>	(literally, feminine form of "white-headed") respected female elder(s) involved in dispute resolution
TDR	traditional dispute resolution
USG	Government of the United States of America
<i>usul al-fiqh</i>	a body of authoritative opinions on matters of religious faith and practice; usually coincides with the different schools of Islamic jurisprudence
<i>walwar</i>	bride price; money or goods given by a groom or his family to the head of the bride's household