

Annex 1



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United Nations Peace Fund for Nepal
ANNUAL PROGRAMME¹ NARRATIVE PROGRESS REPORT
REPORTING PERIOD: 1 JANUARY – 31 DECEMBER 2009

Submitted by:

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977-1-4280164

A handwritten signature in black ink, appearing to read 'R. Bennett'.

Country and Thematic Area²

Nepal, Support to the Peace Process (Rights and Reconciliation)

Programme No: UNPFN/E-2

MDTF Office Atlas No:

Programme Title: Transitional Justice Project
“Peace through Justice” project

Participating Organization(s): OHCHR-Nepal

Implementing Partners:

- *No implementing partners, although closely working with Ministry of Peace and Reconstruction, National Human Rights Commission, International Center for Transitional Justice and upcoming transitional justice Commissions when established.*

Programme Budget (from the Fund):

USD 1,999,830

¹ The term “programme” is used for programmes, joint programmes and projects.

² E.g. Priority Area for the Peacebuilding Fund; Thematic Window for the Millennium Development Goals Fund (MDG-F); etc.

Programme Duration (in months):

Start date³: 1 September 2009

End date: 30 August 2011

- *Original end date 30 August 2010*
- *Revised end date, if applicable 30 August 2011*
- *Operational Closure Date⁴, if applicable:*

Budget Revisions/Extensions:

No major budget revision.

Budget extension (no-cost extension) for one year, approved on 10 January 2010 by Resident Representative and Chair of the UNPF-N Executive Committee

³ The start date is the date of the first transfer of funds from the MDTF Office as Administrative Agent.

⁴ All activities for which a Participating Organization is responsible under an approved MDTF programme have been completed. Agencies to advise the MDTF Office.

NARRATIVE REPORT FORMAT

- **Purpose**

- The objective of the project is to support effective transitional justice mechanisms which will contribute to the stabilisation of the country and support a society built on respect for the rule of law and human rights. The four main outputs, accordingly, are support to the transitional justice (TJ) Commissions; support to the Ministry of Peace and Reconstruction (MoPR); mapping of serious human rights and International Humanitarian Law violations and support to civil society.
- One of the priorities for the UN Peace Fund for Nepal (UNPFN) is to support the peace process. Transitional justice (TJ) mechanisms such as the Truth and Reconciliation Commission (TRC) and the Commission of Inquiry on Disappearance (COI-D) can play a critical role in post-conflict societies by establishing the facts and explaining causes, so that the crimes of the past will not be repeated in the future. These mechanisms, if effectively established, credible and well functioning, can present an important opportunity for healing and enhancing respect for the experience of victims, as well as a level of public accountability for perpetrators. It is also an opportunity to promote and uphold the rule of law and to develop a culture of respect for human rights. Successful TJ mechanisms in Nepal will be an important part of a process to end impunity and move forward in the peace building process. The fact that TJ is a key element of the Comprehensive Peace Agreement (CPA), which envisages the establishment of a TRC, provides a solid base for the foundation of that Commission and puts it at the centre of the peace process. The envisaged TJ mechanisms in Nepal are a concrete acknowledgement that the legacy of the conflict needs to be addressed as part of the peace process including through truth, justice and reparations.

- **Resources**

Financial Resources:

- No other funding was available for the project.
- No major budget revision has been made that requires approval by the Peace Fund for Nepal.
- The project is still bound by all the standard UNOG/OHCHR financial process that is not designed for field based projects, and thus the financial process is time-consuming for short-term field based projects. However, OHCHR-headquarters appointed a focal point finance officer for this project, which has made finance related coordination between OHCHR-headquarters and OHCHR-Nepal very smooth.

Human Resources:

- National Staff: 1 Civil Society Officer, 1 Human Rights Officer (mapping).
- International Staff: 1 Project Manager.

- **Implementation and Monitoring Arrangements**

- The implementation of the project has been primarily directly by OHCHR-Nepal's project staff and OHCHR-Nepal's staff working in the area of transitional justice, rule of law and accountability. The main partner in the implementation of two outputs (support to the TJ Commissions and support to the MoPR) has been the MoPR, the lead ministry for TJ process in Nepal. Support to the civil society has been directly implemented by project staff with consultations with civil society groups and National Human Rights Commission (NHRC). Due to the delay in recruitment of project staff, OHCHR-Nepal's staff has assisted a lot, mainly in the

area of its work and coordination with MoPR, NHRC, civil society groups, donors and other stakeholders.

- Standard OHCHR procurement procedures were followed for all the procurement.
- There is a Project Board comprised of OHCHR-Nepal Representative, the Project Manager, the coordinator of OHCHR-Nepal's Accountability thematic team and OHCHR-Nepal's legal advisor, which was designed to meet once a month to oversee the implementation of the project and its managerial aspects. The Board has not been meeting monthly but has been meeting when necessary, and has other regular members, such as OHCHR-Nepal's National Institutions thematic team coordinator and finance officer. In addition to the Project Board, the project planned to have a Steering Committee composed of OHCHR-Nepal Representative, a representative of the MoPR, a representative of the donor community and of Civil Society. The Committee was designed to meet quarterly and ensure that the project continues to be implemented in accordance to the directions proposed in the project proposal. Due to the delay in the TJ process in Nepal, as well as the delay in the recruitment of project staff and in general project implementation, the Steering Committee has not been called during the reporting period. OHCHR-Nepal has been regularly updating NHRC on the implementation of the project and accordingly coordinating their respective role on transitional justice, as planned. At the end of the project, an external evaluator will be engaged to conduct an evaluation about whether the project achieved its objectives and goals. The report from the evaluator will be shared with the UNPFN board and other stakeholders. Lessons learned through implementation of this project are shared at the Project Board meetings, as well as at the OHCHR-Nepal's management meetings as necessary, and will be reported to OHCHR-Nepal Representative on a regular basis. With the Representative's advice, lessons learned are regularly incorporated into the ongoing project.
- At the beginning of the project, risk assessment was made. Political commitment of the Government and political actors to address impunity, security situation and cooperation of Government ministries, civil society and to-be established TJ Commissions were identified as factors that would influence the success of the project. To mitigate the risk, OHCHR-Nepal, together with other national and international stakeholders continued advocacy work towards transitional justice.
- Quarterly internal evaluation was made at the end of the year 2009, in line with the quarterly reporting duty to the UNPFN, according to the planned outputs and indicators agreed between OHCHR-Nepal and UNPFN.
- **Results**
 - Under Output 1 (Support to MoPR), intensive support and advisory services have been provided to MoPR to draft and review the TRC bill, and the draft bills have been amended taking the advice into account. All the planned TRC consultations have taken place with good representation of indigenous peoples, people in remote places, women, children and other marginalized groups within the reporting period. However, the commitment by the MoPR to incorporate the results of the consultations and to fully reflect our advice on the TRC and disappearance bills has not been very firm, partly because of the change of the minister and other staff at MoPR and partly due to the continuous political fragility. For the same reasons, other assistance to MoPR, such as training, material and information management support, has not been possible during the reporting period.

- Under Output 4 (Support to civil society), after the planned outreach activities on civil society grant, OHCHR received more than sufficient interest from civil society groups. One grant to international NGO (ITCJ) and another grant to a national NGO (DFHRI) have been approved after revision of their proposals. ICTJ project covers a wide spectrum of transitional justice, and envisages to fully utilizing its expertise in increasing engagement of senior decision makers, broadening the scope of reparation based on further research and encouraging more effective victims' participation in the transitional justice process. DFHRI project focuses on raising awareness on specific transitional justice and impunity issues, with effective use of mass media.
- Output 2 (Support to TJ Commissions) has seen minimal achievement due to the significant delay in the establishment of the Commissions. The political climate remains unpredictable with regard to transitional justice initiatives, including on the establishment of Commissions. Output 3 (mapping of IHL and HR violations) has also been delayed due to the unexpected delay in the recruitment process, but the process is underway so that the mapping exercise will start within the first quarter of 2010.
- Delays in the implementation of the project have been inevitable mainly due to political instability, delay in the establishment of TJ Commissions and the long recruitment process of project personnel. The project has been extended without additional budget for one year, and the content of the project will be reviewed according to the political development in the early 2010.
- There is no implementing partner for this project. Ministry of Peace and Reconstruction (MoPR) has been one of the key partners for the project, as it is the lead ministry for establishment of transitional justice (TJ) Commissions, as well as for reparations and interim relief programs. Influenced by the country's political instability and vague commitment to the transitional justice initiatives, MoPR also appears to suffer to deliver timely outputs at times, but in general, good partnership with MoPR has been vital to the steps taken for the establishment of TJ Commissions in accordance with human rights standards. For example, Truth and Reconciliation Commission bill has been amended multiple times according to public consultations and close discussions with OHCHR-Nepal. Collaborations with TJ Commissions, National Human Rights Commission and International Center for Transitional Justice are planned, but no major collaborations with them have commenced during the reporting period apart from close consultations with them at each step of the project.
- **Future Work Plan (if applicable)**
 - The content of the project will be reviewed during the first quarter of 2010 according to the development of TJ Commissions. In case it is assessed that there is a way to support the TJ Commissions in a meaningful way during the extended project period, support to the TJ Commissions will be implemented as planned. If it is assessed that TJ Commissions are not likely to be established during the project or that there is no effective way to support the TJ Commissions, there will be a major revision of the project and reallocation of the project budget. Support to the MoPR will continue in providing technical advice, supporting them materially, providing external training opportunities, and establishing a media resource center. Mapping exercise will start in early 2010 and will be completed in six months. Support to civil society will continue with a pace of identifying and supporting two to three grantees per month.
 - No major adjustment in strategies, targets or key outcomes/outputs are planned, but in the early 2010, it is planned to have a review of the outcomes and outputs in light of the political development. In particular, the content of the support to the TJ Commissions will be reviewed.

- **Performance Indicators (optional)⁵**

- % of Mine Fields cleared
- % of safely destroyed registered ERW held at Maoists Cantonment Sites
- % of ERW (IEDD, EOD) safely stored at seven cantonment sites.
- # of Nepal Army staff teams trained to conduct mine clearance as per international standards.
- # of victim activated casualties (injuries and deaths) from anti-personnel mines
- # of combatants verified as qualifying for cantonment in accordance with agreed criteria
- # of combatants verified as not qualifying (including minors and late recruits) for cantonment in accordance with agreed criteria
- %former combatants (including minors and late recruits) successfully discharged with UN support
- % of male and female combatants receiving skills and vocational training by UNICEF and UNDP
- % of those discharged who on completion of the scheme have an independent means of livelihood.
- % former female combatants provided with health care
- # of international and national observers accredited
- # of polling centers covered by observers
- # of observers hosted by the Centre
- # LPCs and other peace and reconciliation mechanisms/bodies functioning due to effective mediators
- # of local conflicts solved at District and Village level.
- # of work days generated for infrastructure development (cumulative)
- # of jobs created through youth-led enterprises (cumulative)
- Perceived decrease in youth-led illegal/ destructive incidences in the selected communities at the end of year two.
- % increase in employment rate for youth (men, women and disadvantaged) in the project districts over the time span of the project.
- % increase in the income of the youth participants of the project for young people (men, women and disadvantaged groups)

- **Abbreviations and Acronyms**

- CoI-D: Commission of Inquiry on Disappearance
- CPA: Comprehensive Peace Agreement
- ICTJ: International Center for Transitional Justice
- MoPR: Ministry of Peace and Reconstruction
- NGO: non-governmental organization
- NHRC: National Human Rights Commission
- TJ: transitional justice
- TRC: Truth and Reconciliation Commission
- UNPFN: United Nations Peace Fund for Nepal

⁵ E.g. for the UNDG Iraq Trust Fund and the MDG-F.