

United Nations Peace Fund for Nepal (UNPFN)

Project Status Update

For the period of January- March 2011

1. Project Overview

Participating UN Organization:	International Organization for Migration (IOM) Office of the High Commissioner for Human Rights (OHCHR)	Cluster area:	PBF Nepal Priority Area 1: Strengthening State Capacity for Sustaining Peace
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Project number:	UNPFN/E-4 (PBF/NPL/E-1)	Funding round Strategic Outcome:	Delivery of successful reparations program and consolidation of the Nepal peace process
Project Title:	Fairness and Efficiency in Reparations to Conflict-Affected Persons		
Total approved project budget:	Total: USD 1,017,583 (IOM: USD 737,662) (OHCHR: USD 279,922)		
Funds committed and disbursed to-date: IOM	USD 512,298	% of approved budget:	69%
Funds disbursed to-date: IOM	USD 507,053	% of approved budget:	69%
Funds committed and disbursed to-date: OHCHR	USD 189,424	% of approved budget:	67%
Funds disbursed to-date: OHCHR	USD 41,301	% of approved budget:	14%
Project start date :	1 April 2010	Original end date:	31 July 2010
Revised end date (if applicable):		Anticipated total project duration:	15 Months

2. Overview of progress to-date against project outcomes

Outcome	Progress: achievements / results / outputs delivered to-date	% of planned
<ul style="list-style-type: none"> Government has effective and transparent structures and procedures in place to implement reparations program 	<ol style="list-style-type: none"> Administrative set-up of reparations unit at OHCHR Outreach strategy (including gender perspectives) and implementation plan developed to maximize participation of conflict victims. Draft Reparations Policy developed Recommendation and Guidelines on the process of collection of victim and beneficiary information. Recommendation and Guidelines on the processing of the reparations claims and delivery of reparations benefit 	<p>100%</p> <p>65%</p> <p>30%</p> <p>30%</p> <p>20%</p>

3. Overview of project objectives, results and challenges in this quarter

The project has three major outputs to be achieved during project period of 15 months. As the project commenced in May, the inputs described below are used to major project progress over an eleven months period.

Output 1: Comprehensive Policy on Reparations

With a full complement of staff now working on the project at OHCHR, it has become possible to reinvigorate discussions about ensuring that the concept of reparations under discussion among stakeholders and policymakers draws on best practices and lessons learned elsewhere and accords with international norms and standards, as reflected in i.a. "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law" (GA Res. 60/147 of 16 December 2005). Preliminary analyses during the reporting period noted with concern the use of the term "reparations" to describe interim relief measures. Interim relief programmes are laudable and necessary measures that comprise monetary and other material support to address obvious damage; the term is usually used to describe efforts after a natural disaster and generally does ask questions about who is responsible for the event, as the damage is obvious. Reparations, as defined in human rights law and seminal UN documents, does involve compensation where the damage is economically assessable. However, it also recognizes that human rights violations necessitate a more complex package, if reparations are to make a meaningful contribution to establishing a sustainable peace. It specifically outlines the obligations and duties of States to verify the facts and establish a public record of gross abuses and violations committed, to take measures to assure non-repetition, such as institutional reform, and to undertake various other initiatives designed to provide "victim satisfaction". In response to the need for conceptual clarity, OHCHR initiated a series of short papers i.a. on reparations, and on the legal right to truth, for dissemination among policymakers, CSOs, INGOs, and other stakeholders, and has begun testing out these concepts in public meetings.

OHCHR has also established a mapping of organizations funding and/or working on reparations and other transitional justice projects under way in Nepal. The mapping is a continually updated resource. That said, it has noted as particularly significant the work of the INGO, International Centre for Transitional Justice, in bringing international norms and standards, as well as lessons learned in reparation initiatives elsewhere, into discussion with Nepali stakeholders and others acutely aware of the particular situation in Nepal. The work of the ICRC, most notably its victims survey, has helped ensure that victims priorities have been noted, and too that the complexity of working with victims of human rights violations and abuses should be recognized in all our work. The work of numerous Nepali organizations is included, while noting the divisions in that sector – a reflection of the political divides in Nepal that a reparations programme will seek to surmount. The work of the NGO Pro Public, which seeks to affirm universally applicable human rights through the rule of law, has been identified as one example of the shift needed, In terms of funders, the work of the UNPFN, and the two tranches with which it works – multilateral donors as well as the Peacebuilding Fund (PBF) – is recognized, with much appreciation. Questions have been raised about whether funding may be made available, from other sources, for upliftment project that are labelled "reparations" but do not accord with internationally established definitions, as reflected in GA Res 60/147. The fear is that this could subvert reparations programme that, in keeping with international norms and standards, involve truth recovery, accountability, institutional reform and victim "satisfaction", as indicated above, as part of the reconstruction. The mapping will be used to ensure that discussions on these topics are rolled out in a strategic way, with a view to developing broad consensus and establishing a reparations policy - and strategy - for Nepal that will incorporate the viewpoints of stakeholders in accordance with international norms and standards.

Output 2: Capacity of the Relief and Rehabilitation Unit and three selected District Administration Offices enhanced to support reparations programmes:

Output 3: Processes, Guidelines, SOPs, forms, procedures for various reparations benefits prepared:

In order to achieve Output 2 and 3, the following activities were conducted.

- a. Outreach strategy (including gender perspectives) and implementation aims to maximize the participation of conflict victims

Lack of adequate outreach for the interim relief and rehabilitation program has left many conflict victims unaware of their entitlements and the process of accessing relief. Considering the gaps in the interim relief and rehabilitation programme, IOM is working on the development of an outreach strategy to maximize the

participation of conflict victims in both the current interim relief and future reparations programmes. While developing an outreach strategy, the needs of different victim groups are taken into consideration through consultation ensuring vulnerable groups such as women and children are given special attention. A draft implementation plan is also being developed.

The first draft of an outreach strategy will be shared with the MoPR in May. The final version of the outreach strategy and implementation plan along with implementation guidelines is expected to be completed by June 2011. Regional outreach victims' consultations have been planned for April and May to consolidate this strategy.

Apart from developing an outreach strategy for the future reparations program, IOM is also working on developing an outreach strategy and implementation kit and reporting and monitoring framework for the new World Bank-funded interim relief program on Employment and Self-Employment Services Programme. IOM is however still in the process of gaining agreement from MoPR regarding its involvement in this program.

b. Recommendation and Guidelines on the process of collection of victim and beneficiary information

IOM as part of the Rapid Capacity Assessment of the Relief and Rehabilitation Unit is liaising with the Ministry of Education and Ministry of Health and Population to include details on beneficiaries of the scholarship, health reimbursement and disability assistance in the Task Force database of conflict victims. Some support will be required to ensure proper documentation of these beneficiaries and the assistance is maintained at the district level.

IOM provided a set of recommendations to the MoPR on the Guidelines of Employment and Self-Employment Services Programme to enhance access of conflict victims and their families to what is being offered by the government under the current employment/skills training guidelines. The project has offered concrete support to MoPR with the process of collection of victims and their families' information for the Employment and Self-Employment Services Programme. A review of the Task Force database lists of conflict victims is required and recommendations for how it can be used in the current program while maintaining data protection principles.

c. Recommendation and Guidelines on the processing of the reparation claim and delivery of reparations benefits

IOM Report on Mapping Exercise and Preliminary Gap Analysis of Interim Relief and Rehabilitation Program provided a set of recommendations to the MoPR regarding processing of the cash and non cash benefit of interim relief and rehabilitation program. Based on the documents available on the processing of claims and delivery of cash and non cash benefits to conflict victims, IOM is developing guidelines on the processing of the reparation claim and delivery of reparations benefits. The team is expected to complete the draft version of the document by the end of second quarter of 2011.

Moreover, IOM is conducting capacity assessment of the Relief and Rehabilitation Unit (RRU) of MoPR as a part of technical support to the ministry. The purpose of capacity assessment is to identify the resource gaps of the unit. The findings of capacity assessment would contribute to a concept note being developed by RRU to enhance the capacity of the unit and identify needs for a similar unit under a full reparations programme.

Also, an exposure visit to Columbia and Morocco is being planned for MoPR officials involved in implementation of the interim relief and rehabilitation program for early May. The purpose of the trip is to review and observe the reparations program and processes being implemented in the two countries with the aim of informing the implementation mechanisms of the reparations/relief programs being designed or implemented in Nepal.

4. Progress against key indicators in the UNPFN Monitoring and Evaluation Framework

1. Disaggregated data on # of conflict victims with access to reparation programs improved, including data on access of most vulnerable such as female victims: With support from the World Bank, MoPR will develop a comprehensive MIS which will include detailed information of conflict victims receiving benefits under the current interim relief program as well as have the capacity for a future reparations programme. The MIS will be an essential tool for future reparations program. The development of MIS has however been delayed due to administrative issues between MoPR and the service provider. Due to the limited timeline and budget of the project, the project will not directly be involved in database development however is liaising with the relevant counterparts to ensure that database includes most vulnerable group such as female victims as well as incorporates data from Ministries other than MoPR.

2. Appeals/grievance mechanism developed for the reparation programs: There is no standard appeal/grievance mechanism set for the current interim relief programme. The project has gained assurance from MoPR to assist

with the development of appeals/ grievance mechanism for the Employment and Self-Employment Services interim relief programme being piloted by MoPR in 12 districts in 2011/12 which will be relevant for the future reparations program.

3. *Reparation Policy inline with international human rights standards prepared and submitted to the GoN*

As indicated previously, this deliverable has been hampered by the delays in the recruitment process of the international consultant. The arrival of the consultant, in February, enabled this work to begin in earnest. Preliminary research identified several obstacles and dilemmas to the reparations policy, chiefly a reluctance to openly confront the crimes of the past. After preliminary research, the first step in the formulation of any national reparations policy needs to be consultations with those the policy is chiefly designed to serve, viz., victims of gross violations and abuses of human rights; this, if the policy is to hold any potential for conflict transformation. Regional workshops with victims representatives were prepared during the first quarter.

4. *SOPs, Guidelines, Standards and Forms for various reparation benefits prepared:* The project will develop SOP, guidelines regarding reparations processing, process flows and forms required for providing range of reparations benefits will be shared with MoPR for comments and endorsement. Once the details of the reparations policy are developed, these procedural tools can be further developed.

5. *MoPR and three selected pilot districts have trained staffs (including sensitization on UNSCR 1325 and 1820) and necessary infrastructure to implement reparation programs*

IOM is developing a project revision to revise this indicator. IOM will train staff involved in the pilot Employment and Self-Employment Services Programme in 12 districts on implementation tools as well as implementation modalities required for a future reparations programme (including sensitization on 1325 and 1820) .

6. *Improved outreach strategy to victims developed for MoPR:* The project will assist the MoPR in development of comprehensive outreach strategy and implementation plan for the Employment and Self-Employment Services Programme as well as a future reparations programme. Regional victim consultations on outreach have been scheduled for April and May to consolidate this activity.