



[United Nations Peace Fund for Nepal (UNPFN)]

FINAL PROGRAMME¹ NARRATIVE REPORT

REPORTING PERIOD: 1 MAY 2010 – 31 MARCH 2012

<p>Programme Title & Project Number</p> <ul style="list-style-type: none">• Programme Title: : Fairness and Efficiency in Reparations to Conflict Affected Persons• Programme Number (if applicable): : UNPFN/E-4 (PBF/NPL/E-1)• MPTF Office Project Reference Number: 00074645	<p>Country, Locality(s), Thematic Area(s)² <i>(if applicable)</i> Nepal <i>Country/Region: Whole country</i></p> <p><i>Thematic/Priority</i> PBF Nepal Priority Area: Strengthening State Capacity for Sustaining Peace (PMP – Result 1 – Indicator 1.2) UNPFN Priority Area: Rights and Reconciliation UNPFN Strategic Outcome: The GoN has the capacity to put in place effective and transparent structures/procedures for reparations to the victims of the armed conflict</p>
<p>Participating Organization(s)</p> <ul style="list-style-type: none">• Organizations that have received direct funding from the MPTF Office under this programme• International Organization for Migration (IOM)• Office of the High Commissioner for Human Rights (OHCHR)	<p>Implementing Partners</p> <ul style="list-style-type: none">• National counterparts (government, private, NGOs & others) and other International Organizations <p>Close partnership with: Ministry of Peace and Reconstruction/Relief and Rehabilitation Unit, Ministry of Health and Population, Ministry of Education, Ministry of Home Affairs, victims groups and civil society organizations</p>
<p>Programme/Project Cost (US\$)</p> <p>MPTF/JP Fund Contribution: US\$ 1,017,583 <i>by Agency (if applicable):</i> IOM: 737,662 OHCHR:279,921</p> <p>Agency Contribution: NA Government Contribution: NA Other Contributions: NA</p>	<p>Programme Duration (months)</p> <p>Overall Duration:21 months Start Date³: 26 March 2010</p> <p>End Date (or Revised End 31 December 2011</p>

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

² Priority Area for the Peacebuilding Fund; Sector for the UNDG ITF.

³ The start date is the date of the first transfer of the funds from the MPTF Office as Administrative Agent. Transfer date is available on the [MPTF Office GATEWAY](#).

TOTAL: 1,017, 583

Date)⁴
Operational 31/03/2012' IOM
Closure Date⁵ 31/12/2011 OHCHR

Final Programme/ Project Evaluation
Evaluation Completed
 Yes No Date: _____
Evaluation Report – **Draft evaluation report is due 2nd April 2012**
 Yes No

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⁴ As per approval by the relevant decision-making body/Steering Committee.

⁵ All activities for which a Participating Organization is responsible under an approved MPTF programme have been completed. Agencies to advise the MPTF Office.

FINAL PROGRAMME REPORT

I. PURPOSE

- a. Provide a brief introduction to the programme/ project (*one paragraph*).

With support from the United Nations Peace Building Fund (UNPBF) through the UN Peace Fund for Nepal (UNPFN), the project “Fairness and Efficiency in Reparations to Conflict Affected Persons” was launched in May 2010 and was completed in December 2011. The goal of the project has been to strengthen the peace process through the drafting of a reparations policy both compliant with international norms and standards and feasible in the Nepal context and by establishing effective and transparent mechanisms to provide reparations to the victims of the armed conflict. Having established a working framework for the reparations policy, comprising analysis of the situation in Nepal as well as introducing pertinent international principles and practices, as well as a draft policy, the project has designed an outreach strategy and implementation plan, a strategy for the collection and registration of victims and beneficiaries’ data, process flows and Standard Operating Procedures (SOPs) for the processing of victims’ claims for pilot Employment and Self Employment Services (ESES) programme which is a component of the World Bank funded Emergency Peace Support programme and for a future reparations programme of the Ministry of Peace and Reconstruction (MoPR).

- b. Provide a list of the main outputs and outcomes of the programme as per the approved programmatic document.

The project was designed with the overall peace building impact of strengthening the peace process by establishing effective and transparent mechanisms to provide reparations to the victims of the armed conflict.

The major outcome of the project is as follows:

- a) Government of Nepal has a reparations policy, compliant with international norms and standards and developed in extensive consultation with Nepali stakeholders, to offer in support of Nepal’s envisaged truth commission(s)
- b) Government of Nepal has effective and transparent structures and procedures in place to implement a reparations program.

In order to achieve these objectives, the following outputs were developed in the project document:

- a) Comprehensive policy on reparations prepared.
- b) The capacity of the Relief and Rehabilitation Unit (RRU) of the Ministry of Peace and Reconstruction (MOPR) and seven selected districts namely Chitwan, Rautahat, Nawalparasi, Syangja, Panchthar, Dhankuta and Sindhupalchowk enhanced.
- c) Processes, guidelines SOPs, forms, procedures for various reparations benefits prepared and tested.

- c. Explain how the Programme relates to the Strategic (UN) Planning Framework guiding the operations of the Fund.

The project belongs to UNPFN Priority area of “Rights and Reconciliation” and aims to support the PBF Priority Area 1 of “Strengthening State Capacity for Sustaining Peace” and to the PMP result 1, indicator 1.2. The specific planned peace building impact of the project is to “strengthen the peace process by establishing effective and transparent mechanisms to provide reparations to the victims of the armed conflict”.

The emphasis given to Transitional Justice in Nepal's efforts to establish a durable peace is situated within growing global awareness of the need for societies emerging out of conflict to address serious conflict related violations committed in the context of the fighting. Failing to do so generally results in an increasing likelihood of a reversion to violence, or at least extensive dysfunctionality in society as a result of the trauma of gross violations committed in the context of the conflict. Elements of Transitional Justice, not least truth-seeking and accountability, and within that framework, commitments to effective remedy, compensation and reparation for victims, feature in the Comprehensive Peace Agreement (CPA) and the Interim Constitution of Nepal. Numerous delays have ensued in the establishment of Nepal's truth commissions, as outlined in the fuller discussion of context below (Section B). At the same time, the Government of Nepal had been implementing an interim relief and rehabilitation program for victims of the conflict (again, see Section B), resulting in a challenging context for the project, viz., a Transitional Justice framework not yet established but Interim Relief for conflict affected persons already under way.

The project was designed to support the Government of Nepal as it sought, in turn to support the envisaged truth commissions' work on the design and delivery of a comprehensive reparations policy as well as feasible administrative systems for implementation. Reparations programs - if integrated as a part of comprehensive Transitional Justice framework - provides "satisfaction" to victims, as outlined in the *UN's 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*, adopted and proclaimed in 2005 by General Assembly Resolution 60 / 147 (hereinafter "*Basic Principles and Guidelines on the Right to a Remedy and Reparation*"). Specifically, it offers evidence to beneficiaries that the institutions of the State recognize and seek to fulfil their obligations to provide remedy and reparation, and take the well-being of those victimized through violation seriously. The project has aimed at supporting these efforts on the part of the Government of Nepal, by providing technical assistance to it, as follows: developing a comprehensive reparations policy, establishing fair and transparent process and mechanisms, and strengthening the capacity of the government and civil society counterparts in implementing future reparations programs. Furthermore, the delays in the establishment of the TRC and COI-D meant that the project had to adapt to the changed context where there was no commission as anticipated, no reparations programme implemented and therefore no districts in which to test the systems and processes that were developed. This led to a project revision in June 2011 which envisioned supporting the Ministry of Peace and Reconstruction in the implementation of the Employment Self Employment Services Program (ESES) for conflict victims in Twelve districts (instead of the originally planned 3 districts) which presented an excellent opportunity for the project to test the outreach strategy, and other SOPs and procedures that was being developed for a future reparations program. Thus the "Fairness and Efficiency in Reparations" project has sought to making a modest but much needed contribution to strengthening Nepal's peace process.

- d. List primary implementing partners and stakeholders including key beneficiaries.

In terms of international norms and standards, the principle beneficiaries of any reparations programme are necessarily victims of acts constituting gross violations of international human rights law and serious violations of international humanitarian law. The policy developed for this project has sought to help ensure that this focus is at the centre of reparations efforts in Nepal.

The Ministry of Peace and Reconstruction, Relief and Rehabilitation Division, twelve selected districts for implementation of Employment and Self Employment Programme (ESES) and MoPR's regional specialists for implementing ESES programme in the districts are the also beneficiaries of the project. The project worked in close coordination with a range of actors in the Government, including the Ministry of Home Affairs, the Ministry of Health and Population, and the Ministry of Education, as well as civil society and other international organisations including Conflict Victims Society for Justice (CVSJ), Advocacy Forum (AF), International Centre for Transitional Justice (ICTJ), United Nations Development Program (UNDP), World Bank (WB), German International Cooperation (GIZ), The Carter Centre, International Commission of Jurist (ICJ), International Committee of the Red Cross (ICRC), UN Women, UNICEF and United Nations Populations Fund (UNFPA). The coordination of the project with a range of stakeholders helped to ensure that the victim's needs were taken into consideration while drafting a reparations policy and procedures and processes for implementing the reparations policy.

II. ASSESSMENT OF PROGRAMME/ PROJECT RESULTS

A. Report on the key outputs achieved and explain any variance in achieved versus planned results.

Outputs:

In order to achieve the project outcome detailed in Section I (b), three project outputs were formulated as follows:

a) Comprehensive Policy on Reparations:

The development of the reparations policy comprised three stages:

1. Consultations with victims and other stakeholders. While international norms and standards for reparations programmes are already well established, as evidenced in UN General Assembly Resolution 60/147 of March 2006, which adopted the "*Basic Principles and Guidelines on the Right to a Remedy and Reparation*", ensuring that the policy developed for this project would be feasible necessitated widespread consultations with victims and with other stakeholders, including Government officials, Nepali organizations of civil society, and interested elements of the international community in Nepal. Various dialogue processes were established between March and June, including with representatives of victims groups from 51 of Nepal's 75 districts, in workshops held in cooperation with OHCHR teams working on adjacent themes, most notably Nepal's transitional justice legislation. Throughout the project, channels for dialogue were maintained between the project and several offices in the Ministry of Peace and Reconstruction (MoPR), most notably that of the Joint-Secretary who had been designated the focal point for Transitional Justice; the dialogue was both productive, in terms of actual outputs, and a learning process (see below, lessons learned).

2. Development of a Reparations Policy Framework. In order to incorporate the findings to emerge from the consultations as well as to map out pertinent aspects of international law, a substantial framework on reparations was developed, based on the UN's "*Basic Principles and Guidelines on the Right to a Remedy and Reparation*", and with substantive sections using the following structure: International Principles; Situation in Nepal; Recommendations. The framework thus represented the rationale – the reasoning – for the various elements in the actual draft policy. A penultimate draft of the framework was distributed at the Project Management Committee meeting held in July 2011.

3. Formulation of a Draft Policy on Reparations. With the framework in place, it was then possible to draft a policy informed by both the requirements of international law and the needs and expectations of stakeholders in Nepal. A penultimate draft of the policy was distributed at the Project Management Committee held in early October 2011.

b) *Capacity of the Relief and Rehabilitation Unit and twelve selected District Administration Offices enhanced to support reparations programmes:*

1. Rapid Capacity Assessment of RRU: Following the Mapping Exercise and Gap Analysis, the first step for this output was to conduct a Rapid Capacity Assessment (RCA) of the Relief and Rehabilitation Unit (RRU), the principal GoN implementing body of the interim relief programme. The purpose was to determine a baseline starting point and identify capacity gaps not only for RRU's current work with interim relief but also what capacity the RRU had to implement a future reparations programme. The study identified key strengths and weaknesses in relation to implementation of the interim relief programme and provided the requirements for the establishment of an implementation unit for a future reparations programme. The next step was to identify practical requirements in the implementation of a reparations programme by exposing civil servants and decision makers to the complexity of reparations programming and the administrative and human requirements. This was done through training and an exposure visits detailed below.

2. Training and Staff Development: In September 2010, the project trained 24 government officials from Relief and Rehabilitation Unit (RRU), Ministry of Home Affairs, Ministry of Education, Ministry of Health and Population and District Administration Offices staff of Jumla, Morang, Kathmandu and Dhanusa district in critical implementation issues related to reparations and interim relief focusing on administrative processes from intake, processing, registration, delivery and control. Two international reparations experts were brought to Nepal, in cooperation with other units of OHCHR, who provided an international perspective on the place of accountability in reparations and on ensuring gender sensitivity in the policy. In February 2011, the project convened a workshop for government agencies, civil society and development partners to share international experience on how reparations can be conducted in the ongoing delay or absence of a TRC. Following this in June 2011, three senior MoPR officials were invited to study in detail reparations programmes in Colombia and Morocco to analyse not only the policy requirements but also the implementation structures and processes in different contexts.

3. Employment/Self-Employment Services Programme to conflict affected persons: With the impending implementation of the ESES programme in 2011, the project had an opportunity to engage with MoPR staff directly in the implementation of a programme that was being rolled out for conflict victims as part of the interim relief programme. 21 MoPR staff including RRU were trained on administrative systems for the ESES programme in August 2011 and a programme work plan was jointly developed. In November- December 2011, the project along with UN WOMEN and MoPR organized 4 regional workshops for 7 out of 12 selected pilot districts in Nepal where 83 local government officials of districts were trained on reparations and transitional justice mechanisms, ESES programme and National Action Plan on UNSCR 1325 and 1820.

4. Outreach strategy designed (including an outreach implementation plan) A key finding of the Mapping and Gap Analysis Report as well as a series of regional victim consultations on outreach conducted in August 2011 was that a lack of adequate outreach for the interim relief and rehabilitation program left many conflict victims either unaware of their entitlements or of the process of accessing relief. IOM assisted MoPR in the development of an outreach strategy for the ESES programme to ensure effective information dissemination and participation of conflict victims in this new programme. IOM organized regional consultations in Nepalgunj, Biratnagar and Dhulikhel jointly with OHCHR to consult victims on their experience and expectations for an outreach strategy and implementation plan. These consultations identified the specific needs of different categories of conflict victims. During the consultation sessions, the victims provided a set of recommendations to the GoN regarding enhancement of an outreach strategy. IOM developed a three page e-publication out of the consultation titled *Outreach: Conflict Victim's Perception and Recommendation*⁶. The e-publication was released during the first week of September 2011. In

⁶ Outreach: Conflict Victims Perceptions and Recommendations available at :

http://www.nepal.iom.int/images/stories/Outreach_conflict_victims_perception_and_recommendation.pdf

addition IOM assisted MoPR in conducting regional consultations on the ESES programme with potential service providers, conflict victims and secretaries of Local Peace Committee (LPC) in Damak, Nepalgunj and Dhangadi and Bardiya. Outreach materials - posters and brochures were developed for ESES programme and shared with stakeholders for comments at these interaction programmes. Based on the feedback received, the project finalized the design of outreach materials – 60,000 brochures and 1,200 posters in English and Nepali. A toll-free hotline and Standard Operating Procedures (SoPs) for outreach and grievance were developed to encourage two-way communication between the MoPR and programme stakeholders. An outreach strategy and implementation plan for the ESES programme was developed and submitted to MoPR for consideration in July 2011. As mentioned in section 3 above along with the other administrative systems for ESES programme, the participants including 21 RRU staff were also trained on outreach strategy and implementation plan developed for ESES programme in August 2011.

Following the formulation of the draft reparations policy and based on experience gained from ESES, the project developed an outreach strategy and implementation plan for the future reparations programme which was submitted as part of the Proposed Reparations Programmes to MoPR in December 2011.

c) Processes, guidelines, Standard Operating Procedures (SOPs), forms and procedures for various reparations benefits prepared and tested:

The IOM report on Mapping Exercise and Preliminary Gap Analysis of Interim Relief and Rehabilitation Programme provided a set of recommendation to MoPR regarding processing of cash and non cash benefits of interim relief and rehabilitation programme. Weaknesses identified in the report and lessons learnt in the development of tools and mechanisms for the ESES programme were taken into consideration in developing the Proposed Reparations Programme document which includes processes, guidelines, SOPs, forms and procedures for various possible reparations benefits and services. This 50-page document is divided into 6 sections, the first addressing victim identification and categorization including intake, database and registration. This is followed by a recommended implementation structure. The third section details possible reparations programmes which include financial, education and employment training, health, IDP, property and symbolic measures as well as specific considerations for women. Detailed SoPs, process flows and forms are developed for each proposed programme in the annexes. An outreach strategy, monitoring system and grievance function is also outlined. This development of the processes, SoPs and testing was done in three steps, as outlined below:

1. Design a comprehensive strategy for the collection and registration of victims and beneficiaries data, including the development of a victim and beneficiary data collection standard. With financial support from the World Bank, MoPR has been developing a comprehensive Management Information System (MIS) to include detailed disaggregated information of conflict victims receiving benefits under the current interim relief programme. The previous Taskforce database which had limited reporting capacity was manually fed into the new MIS system. The comprehensive MIS system is essential for the implementation of the ESES programme and for a future reparations programme. The project worked closely with the consultants hired for the MIS to make sure that the database has the capacity to include information on all victim groups, including the most vulnerable women and children and excluded categories as well as has capacity built into it for further development and use by the truth commissions and future reparations programme.

2. Design process-flows and standard operating procedures for the processing of victims' reparations claim and the provision of reparation benefits. Following the formulation of the draft reparations policy, the Proposed Reparations Programme was developed which includes administrative procedures, process flows, Standard Operating Procedure (SOPs) and tools required to provide a range of reparations benefits and services was produced. The project also developed comprehensive grievance mechanism, where complaints can be recorded and addressed by the

MoPR, for the ESES programme and future reparations programme. These documents were shared with MoPR for consideration in December 2011.

3. Testing of the administration mechanism for Employment / Self Employment Services (ESES) Programme in twelve pilot Districts. With approval of project revision and extension, IOM signed an agreement to provide technical assistance to MoPR for implementation of the ESES programme in twelve pilot districts of Nepal. In August 2011, IOM convened an orientation and planning workshop on ESES programme for 21 staff of Relief and Rehabilitation Unit (RRU), Relief and Rehabilitation Division (RRD) and six newly hired consultants for ESES programme. The workshop also provided an opportunity for the participants to learn from other employment programme such as Helvetas Employment Fund and USAID Education for Income Generation (EIG) programmes. One objective of this two-day workshop was to assist MoPR to draft an ESES work plan to assist the project team achieve key World Bank defined milestones and ensure effective project planning. A series of meetings between IOM and MoPR in the weeks following this workshop helped refine the work plan.

With support of IOM, MoPR organized 5 regional interaction programmes with 113 conflict victims, potential service providers and secretaries of Local Peace Committees (LPC) in Damak, Biratnagar, Nepalgunj, Bardiya, Dhangadi between August and September 2011 to introduce the programme and solicit feedback on implementation modalities for the ESES programme.

- B. Report on how achieved outputs have contributed to the achievement of the outcomes and explain any variance in actual versus planned contributions to the outcomes. Highlight any institutional and/ or behavioural changes amongst beneficiaries at the outcome level.

In order to fully indicate the outputs achieved, it is necessary to describe the changing context within which the project was set. Elements of Transitional Justice, including truth-seeking and accountability, as well as commitments to effective remedy, compensation and reparation for victims, feature in the Comprehensive Peace Agreement (CPA) and the Interim Constitution of Nepal. Numerous delays have ensued, however, in the establishment of Nepal's truth commissions, which, following norms and best practices established in other post-conflict situations, would be the first step in Nepal's Transitional Justice process – and the basis for a comprehensive reparations programme, compliant with international norms and standards. In the months preceding the commencement of this project – some four years after the signing of the CPA - the draft legislation for the establishment of the Truth and Reconciliation Commission (TRC) and the Commission of Inquiry on Disappearance (COI-D) was tabled in the Legislature-Parliament and it was only in the latter months of the project that a thematic subcommittee was established to work with the legislation. The project is therefore set in the context of a Transitional Justice framework still to be fully articulated.

At the same time, the Government of Nepal had been implementing an interim relief and rehabilitation program for victims of the conflict in general (i.e., not specifically for victims of acts constituting gross violations of international human rights law and serious violations of international humanitarian law, as a comprehensive reparations programme necessarily would engage). The relief programme comprises mainly one-time cash payments, education scholarships, and medical benefits to numerous categories of conflict affected persons (notably victims of SGBV as well as torture victims who manifest no sign of physical disability resulting from the torture are not included).

The present project is situated within this challenging context – a Transitional Justice framework not yet established but Interim Relief for conflict affected persons already under way. The project was designed to support.

In partnership with MoPR, and drawing on wide consultations with conflict victims and other key stakeholders, a draft framework for a reparations policy as well as a comprehensive reparations policy in line with internationally established human rights norms and standards were developed. These outputs were designed both as a point of reference in the ongoing absence of the commissions, clearly distinguishing what reparations should entail from relief initiatives, and as a contribution to the Government of Nepal's efforts to support the envisaged truth commissions' work. Accompanying this draft policy is a set of Proposed Reparations Programmes which was submitted to MoPR and provides a series of options to the GoN on programmes that could be implemented, in light of the draft reparations policy. Administrative structures and procedures for each option as well as a grievance mechanism and a comprehensive outreach strategy were developed to ensure victim participation as well as effective information dissemination. This document was developed based on the findings of a Mapping Exercise and Gap Analysis Report of the GoN Interim Relief Programme conducted by the project which served as a baseline study for the implementation of the project. Over 100 MoPR and district level staff in 12 districts were trained in transitional justice principles, the differences between relief and reparations, outreach practices and on NAP 1325 and 1820. A comprehensive MIS (Management Information Systems) database on interim relief beneficiaries with data disaggregation by gender, age, district and victim category has been developed with modifications possible when a reparations policy is adopted.

With the approval of a no-cost extension of the project in June 2011, the project team engaged with MoPR and the World Bank in the roll out of a pilot Employment and Self-Employment Services (ESES) Programme which seeks to provide employment opportunities to conflict victims and their families. The objective of ESES program is to rehabilitate or assist victims of armed conflict by providing them with sustainable livelihood options. This programme is a component of the wider Emergency Peace Support programme which also looked after providing cash payment to eligible conflict affected beneficiaries (families of the deceased and widows). The project was able to enhance MoPR's implementation of this programme through provision of technical assistance in the areas of outreach, grievance, administrative systems and training of relevant staff in implementation. Regional level workshops bringing together MoPR, local government administration such as Chief District Office (CDO), LDO (Local Development Office) and LPC (Local Peace Committee) along with civil society and service providers proved effective. Brochures and posters for the ESES programme were jointly developed with MoPR and disseminated through local networks. All lessons gained from this practical collaboration were adapted for the wider Proposed Reparations Programmes. This intervention showcased excellent collaboration between key stakeholders in the peace process, the GoN, the World Bank and the UN system.

While the slow progress of the peace process including the delayed passing of the TRC and COI-D Bills has meant that reparations to victims of acts constituting gross violations of international human rights law and serious violations of international humanitarian law has not been forthcoming, the project has worked closely with MoPR, conflict victims more generally and other stakeholders to ensure that once the political support is garnered, resources for the policy, administrative procedures and trained staff are in place. In addition to working closely with the UNPFN funded OHCHR 'Peace through Justice Project' (UNPFN-E2) to support the passing of the two TJ Commission Bills, the project also invited key stakeholders to discuss reparations in the context of ongoing delays in the commissions. To that end, MoPR delegates were exposed to transitional contexts in two different settings through a reparations study tour to Morocco and Colombia, the former with a truth commission and the latter without.

- C. Explain the contribution of key partnerships and collaborations, and explain how such relationships impact on the achievement of results.

1. Collaboration with the GoN - National level: Ministry of Peace and Reconstruction, Relief and Rehabilitation Unit (RRU), Ministry of Home Affairs, Ministry of Education, Ministry of Health and Population

District level: District Administration Office, Local Peace Committees, District Development Committee, Village Development Committee, Women Development Office, Local Development Office, District Public Health Office,

Strong working relationships were maintained with government agencies at the national as well as at the local level. The establishment of good working relationships facilitated open dialogue on implementation challenges and capacities and identified areas requiring technical assistance from the project.

2. Relationship with the World Bank:

A good professional relationship was maintained with the World Bank with arrival of a dedicated programme manager – the Senior Human Development Specialist. IOM, MoPR and the World Bank met regularly to decide on the areas of technical support to MoPR for ESES programme, to discuss progress of the programme and share documents in relation to ESES programme.

3. Relationship with Nepal Peace Trust Fund (NPTF):

NPTF is a government owned programme and a funding mechanism established to support Nepal Peace Process after Comprehensive Peace Agreement (CPA) was signed in November 2006. The project contributed regularly to NPTF cluster meetings, planning workshops and provided feedback on proposals developed for the NPTF in the areas of rights and reconciliation.

4. Partnership with UN Women

The project convened a series of workshops in different parts of the country in partnership with UN Women. The agencies not only provided an in-depth knowledge to the participants and highlighted the inter-linkages between Transitional Justice, Reparations and National Action Plan on UNSCR 1325 and 1820 but also showed good example of collaboration between projects funded by UNPFN (i.e. UNPFN-EU).

5. Relationship with UNICEF, UNFPA, UN Women:

The project met with the UN organizations working on the issue of victims of sexual violence to discuss strategies for inclusion of victims of Sexual and Gender Based Violence (SGBV) in the present interim relief programme.

6. Civil society and international organisations:-

Conflict Victims Society for Justice (CVSJ), Advocacy Forum (AF), International Centre for Transitional Justice (ICTJ), United Nations Development Program (UNDP), World Bank (WB), German International Cooperation (GIZ), The Carter Centre, International Commission of Jurist (ICJ), International Committee of the Red Cross (ICRC), UN Women and UNICEF.

An informal group of non-state actors working on reparations and interim relief met regularly to discuss progress, establish common positions and prevent duplications or overlap. This informal group has been instrumental in ensuring that project resources are maximized by ensuring good coordination. In particular there has been very close coordination between OHCHR, IOM & ICTJ who are directly tasked to work on reparations.

D. Who have been the primary beneficiaries and how they were engaged in the programme/project implementation? Provide percentages/number of beneficiary groups, if relevant.

As stated earlier in section I (d), as a technical assistance project, the Ministry of Peace and Reconstruction, twelve selected districts administration office and MoPR regional consultants have been the primary beneficiaries of the project. As the ultimate owner of the project outputs, the project worked in close coordination with the MoPR in the development of both the policy and the administrative procedures. MoPR's input and endorsement at each step of the project was considered a priority.

S.No	Title of Programme	Date	Number of participants	Participating Agencies
1	Workshop on Reparations and Interim Relief to Conflict Victims of Nepal	September 2010	24	MoPR, RRU, Ministry of Health and Population, Ministry of Education, Ministry of Home Affairs,
2	Workshop on Reflection on Reparations to Conflict Victims in Nepal- 2011	February 2011	35	ICTJ, The World Bank, INSEC, UNPFN, UN Women, UNFPA, Norwegian Embassy, ADB, Advocacy Forum, CVSJ Nepal, GIZ, UNICEF, ICRC, Swiss Embassy, British Embassy, ICJ, Carter Centre, UNDP, US Embassy, Norwegian Embassy, UN WOMEN, MoPR and RRU
3	Consultations to establish victims' understanding of reparations and needs in the policy.	March – June 2011	200, in all	Victims and representatives from victims groups from 51 of Nepal's 75 districts, through consultations in four regional centres (Nepalgunj, Biratnagar, Dhulikel, Kathmandu)
4	Rapid Capacity Assessment Exercise	April - June 2011	12	RRU
5	Workshop on Orientation and Planning of ESES programme	August 2011	21	RRU, MoPR, consultants hired for ESES programme
6	Dissemination of Outreach (ESES), Transitional Justice and Reparations and National Action Plan on UNSCR 1325 and 1820.	November-December 2011	83	Conflict Victims, District Administration Office, Local Development Office, Village Development Committee, District Development Committee, Local Peace Committee, INSEC, Women Development Office
7	Consultation on Outreach	March- June 2011	200	Conflict Victims

E. Highlight the contribution of the programme on cross-cutting issues pertinent to the results being reported.

Gender issues: The project coordinated with the lead agencies such as UNFPA, UN Women and UNICEF, who are working in the field of Sexual and Gender Based Violence (SGBV) to find out ways for inclusion of victims of SGBV in the current interim relief programme. Moreover, the chapter on gender perspective to reparations, a part of reparations policy was shared with the group to get their input on gender issues.

The project always considered the gender issues a key priority. The project liaised with UN Women who provided technical support to the Government of Nepal in finalising the National Action Plan on UNSCR 1325 and 1820. The project convened a series of joint workshop together with UN Women to sensitize the local government bodies of 7 districts of Nepal on NAP on 1325/ 1820 and highlighted the needs of women and children affected by 10 years of armed conflict.

Similarly, the project worked closely with the consultants hired for the MIS, World Bank funded system to make sure that the database includes information of all victims groups, including the most vulnerable women and children in the system. The developed database is equally important for the future reparations as well as for ESES programme as such the project liaised with the consultants to ensure the system does not miss the vulnerable groups.

- F. Has the funding provided by the MPTF/JP to the programme been catalytic in attracting funding or other resources from other donors? If so, please elaborate.

Given that the central contradiction of the project was the continuing absence of Nepal's truth commission(s), funders have shown significant interest in ensuring that reparations policy in Nepal is situated in a larger Transitional Justice framework and is inextricably linked to the establishment of Nepal's truth commission(s) in full compliance with international norms and standards. The project has thus been able to serve as a vehicle to keep the discussions and debates around transitional justice and reparation at the center of the peace process. With the closure of the project, as well as the imminent departure of OHCHR from Nepal following the non-renewal of its mandate by the Government of Nepal, several projects, funded chiefly by Denmark, Switzerland and the United Kingdom, have emerged among international NGOs, including ICTJ and ICJ. Moreover, several projects have been developed by IOM as a direct outgrowth of the present project. The three month pilot ESES program has commenced successfully and MoPR has shown additional interest in technical cooperation from IOM during both the ongoing pilot and National roll out of the ESES program scheduled in the third quarter of 2012.

- h. Provide an assessment of the programme/ project based on performance indicators as per approved project document using the template in Section IV, if applicable.

Given the challenges ensuing from the ongoing absence of a Transitional Justice framework in Nepal, the project sought to provide a policy framework and policy that could serve either as stand-alone points of reference, upholding international norms and standards while also focusing on options for ensuring its feasibility in Nepal. The project also developed administrative systems, covering intake, processing, registration, delivery and control, process flows, Standard Operating Procedure (SOPs) and tools required to provide a range of reparations benefits and services.

III. EVALUATION & LESSONS LEARNED

- a. Report on any assessments, evaluations or studies undertaken relating to the programme and how they were used during implementation. Has there been a final project evaluation and what are the key findings? Provide reasons if no evaluation of the programme have been done yet?

January 2012, *Third Party Evaluation of the Project*: Two separate evaluators were hired by OHCHR and IOM to evaluate their respective components of the project. Upon completing their evaluation, the two evaluators will compile and produce a single document reflecting the findings of the evaluation. The draft of the two evaluations is currently being finalized by OHCHR and IOM in consultation with the evaluators and is due in April 2012.

November 2010, *Mapping Exercise and Gap Analysis of the Interim Relief and Rehabilitation Programme.* The report acts as a baseline analysis and outlines the administration procedures currently used to provide assistance to various categories of conflict victims and examines their implications in the context of a wider reparations programme. Process flows for the current Interim Relief and Rehabilitation Programme were developed to clarify procedures and highlight areas of improvement. This has been especially useful in identifying potential gaps in the current processes and developing recommendations for a future and more comprehensive reparations programme.

April- June 2011, *Rapid Capacity Assessment (RCA) of Relief and Rehabilitation Unit (RRU)*. Different methods were used for data collection such as questionnaire surveys, field visits, secondary information review and a half day consultation session with RRU staff. The final report on the RCA was submitted to RRU/MoPR in August 2011 for consideration. This report identifies capacity, strength and weakness of RRU in relation to implementation of the current interim relief programme. This report also identifies needs for a similar unit under a future reparations programme.

July 2011 *Outreach: Conflict Victims Perceptions and Recommendations*⁷. This publication followed a series of regional workshops with conflict victims exploring among other things, victims' experiences and recommendations with outreach further led to the development of the outreach strategy, plan and materials used for the ESES programme as well as for the wider reparations programmes design document.

Mapping Exercise and Gap Analysis of the Interim Relief and Rehabilitation Programme report, RCA report and outreach e-publication attached with this report.

- G. Explain, if relevant, challenges such as delays in programme implementation, and the nature of the constraints such as management arrangements, human resources, as well as the actions taken to mitigate, and how such challenges and/or actions impacted on the overall achievement of results.
 - Late recruitment of project staff: For IOM, the international project manager was hired three months after the start of the project. To mitigate this delay, however, a team from IOM Headquarters Reparations Unit was fielded for 2 weeks to commence the project and orient national staff. For OHCHR, a national staff member was hired through a competitive process to join the project and an international consultant recruited by OHCHR headquarters. The latter ended up being a lengthy process, with the consultant arriving over 9 months into the project. This placed significant stress on the process, in part because it would have been logical to establish the policy before the outreach mechanisms.

⁷ Outreach: Conflict Victims Perceptions and Recommendations available at : http://www.nepal.iom.int/images/stories/Outreach_conflict_victims_perception_and_recommendation.pdf

- Delay in the commencement date of ESES programme in the districts: The major constraint in the ESES programme is the delay of commencement date of the programme in the 12 selected districts. Testing of the developed mechanism and tools for ESES programme was not possible due to delay in the programme. As such, the developed mechanisms and tools for ESES programme were shared with a wide range of stakeholders to solicit feedback and identify areas of further improvement.
 - Delayed passing of TRC and COI-D bills: One major challenge to the project has been the ongoing absence of the truth commission(s) to which Nepal has committed. With few exceptions, each of which have been problematical, reparations policies are a response to a process in which a post-conflict society has sought to establish an accurate, public record of human rights violations and abuses committed during the conflict, usually through a truth commission; it is this record that provides means of establishing a database of victims and it is the trends within the data that form the basis for recommendations that can help repair and transform that society. In Nepal, the process of establishing the commission(s) has not been quick with bills eventually being tabled in early 2010 and one seven-member thematic subcommittee, tasked with drafting the legislation, established in mid-2011. As has been evident in contexts where no truth commission has first been established, reparations without prior truth seeking risks deteriorating into a politicized process and thus exacerbating the divides evident during the conflict. Accordingly, measures were taken to draft a reparations policy that would, in keeping with the UN's Basic Principles and Guidelines, incorporate truth seeking and other transitional justice measures into Nepal's reparations programme in the absence of a truth commission.
 - Delay in the finalization of comprehensive MIS database: The World Bank funded comprehensive MIS database is still in the process of finalization. IOM liaised with the consultants to make sure the layout of the database includes information of all categories of conflict victims. Similarly, IOM provided technical support in the construction of interim MIS compatible database for implementation of ESES programme. Due to delay in the finalization of the database, IOM could not test the adequacy of the database and identify areas of further improvement.
 - High Staff turnover: A constant challenge in enhancing the capacity of GoN institutions is the high staff turnover as a result of frequent civil servant transfers. Investments in orienting key staff should be balanced with the needs of the whole institution. Ensuring that training is spread wide through the institution rather than focused on key decision makers can ensure some continuity.
- c. Report key lessons learned that would facilitate future programme design and implementation, including issues related to management arrangements, human resources, resources, etc.,
- One of the key lessons learned from the project is timely recruitment of the project staff which would contribute to the smooth functioning of the project activities and minimise the burden of going through the procedure of no cost extension.
 - Maintaining flexibility during the project implementation is another lesson learnt from the project. The project was designed with an assumption that Truth and Reconciliation Commission (TRC) would be formed that would recommend for reparations programme for the conflict victims. However, with no sign of forming of TRC the project closely worked with the government to analyse the strength and gaps of the government systems in implementing the interim relief programme. The project's involvement in the new Employment Self Employment Programme, not envisioned during programme development stage, provided an opportunity to address the gaps of interim relief programme and design transparent implementing

modalities for ESES programme and gained important lessons for the implementation of a future reparations programme.

IV. INDICATOR BASED PERFORMANCE ASSESSMENT

UNPFN	Cluster: Rights and Reconciliation: Supported effective and inclusive transitional justice, information and services to the conflict affected	Strategic Outcome: The GoN has the capacity to put in place effective and transparent structures/procedures for reparations to the victims of the armed conflict
UNPBF	Result 1: Security sector reforms and judiciary systems put in place and providing services and goods at the national and local level that reinforce the Rule of Law (RoL)	Indicator 1.2 RoL: # of PBF supported programmes where communities use transitional justice systems to resolve conflicts/disputes without recourse to violence ensuring respect of Human Rights of women and girls in particular

	Performance Indicators	Indicator Baselines	Planned Indicator Targets	Achieved Indicator Targets	Reasons for Variance (if any)	Source of Verification	Comments (if any)
<p>Outcome 1: Government of Nepal has a reparations policy, compliant with international norms and standards and developed in extensive consultation with Nepali stakeholders, to offer in support of Nepal's envisaged truth commission(s)</p> <p>Outcome 2: Government has effective and transparent structures and procedures in place to implement reparations program.</p>							
Output 1.1 Comprehensive Policy on Reparations Prepared	Technical Adviser on Reparation is recruited & appointed	Delay in Recruitment	Detail work plan developed, incorporating inputs from consultations with victims and other stakeholders	Technical Advisor on Reparations on board.	Recruitment processes for international consultants are handled by OHCHR headquarters, which works under different schedules.	OHCHR Personnel Records; outputs of OHCHR reparations team	
	Reparation policy in line with international human rights standards is developed	1. Desktop research. 2. Strategic meetings & consultations to organise with victims groups (including women's groups), civil	Government develops a basis for integrating existing policies and procedures related to compensation into a	1. Policy framework developed. 2. Consultations with victims from 51 districts conceptualized and delivered through		1. Draft Framework presented at PMC, July 2011, and draft policy at PMC 03 October 2011. 2. OHCHR reports of consultations	

		<p>society partners, human rights organizations & government agencies on the issue.</p> <p>3. Experts in critical elements of transitional justice, notably gender, accountability, & witness protection, consulted.</p>	comprehensive reparation policy	<p>cooperation with other units in OHCHR.</p> <p>3. Policy shared with gender, accountability, & witness protection experts.</p>			
	MoPR adopts Reparation Policy	Government shows evidence of willingness to support a comprehensive reparation policy that accords with international norms and standards	Government is willing to collaborate with the project in formulation of the policy	Mutual coordination & communication with MoPR established		Reports of MoPR	
Output 1.2 Capacity of the Relief and Rehabilitation Unit and seven selected District Administration Offices enhanced	MoPR and 12 selected pilot districts have trained staff and necessary infrastructure	Limited MoPR training and no district training. Minimal infrastructure in place	Staff from MoPR and 12 districts receive training in reparations programme,	83 local government staff of 7 districts including 21 MoPR staff trained on	Sudden transfer of coordinator of ESES programme led to the postponement of the final	Training report Quarterly report Attendance record Procurement of materials	

		especially at district level.	ESES programme and NAP on UNSCR 1325 and 1820	reparations programme, ESES programme and NAP on UNSCR 1325 and 1820.	workshop for the five remaining districts of the western region.		
Output 1.3: Processes, guidelines, SOPs, forms, procedures for various reparations benefits and ESES programme prepared	Outreach strategy prepared (including gender perspectives)	No outreach strategy document and little in way of outreach	Outreach materials for ESES programme as well as outreach strategy and implementation plan for ESES and future reparations programme	Outreach materials- posters and brochures developed in Nepali and English language. Outreach strategy and implementation plan developed for ESES and future reparations programme.		Outreach materials- posters and brochures Outreach strategy and implementation plan for ESES programme and future reparations document.	
	Process for collection of victims and beneficiary information designed (with sex disaggregated data)	No disaggregated data; Total beneficiary data unavailable	Database design input document	Database section of the Proposed Reparations Programme developed detailing structure and disaggregated data		Victim depository and database design document	
	Guidelines, SOPs, Forms for	Existing MoPR guidelines for disbursement	Processing, verification, payment and	Process flows, forms, SOP and guidelines		Documents on Process flow, standard forms,	

	determination of entitlements	of cash and non cash benefits	benefit provision guidelines	developed in proposed Reparations Programme document		Standard Operating Procedure.	
	Appeals/grievance mechanism	No formal grievance mechanism in place	Forms for appeals/ grievance mechanism developed for future reparations and ESES programme	Forms developed in proposed Reparations Programme document		Document on appeal/ grievance mechanism. Number of complains received and followed up.	