

# United Nations Peace Fund for Nepal (UNPFN)

## Project Status Update

For the period of *July-September 2011*

### 1. Project Overview

<b>Participating UN Organization(s):</b>	International Organization for Migration (IOM)	<b>UNPFN Project number:</b>	UNPFN/E-4
	Office of the High Commissioner for Human Rights (OHCHR)	<b>UNPBF Project number (if applicable):</b>	UNPFB/NPL/E-1

<b>UNPFN Cluster area:</b>	E. Rights and reconciliation
<b>UNPFN Funding round Strategic Outcome:</b>	Delivery of successful reparations program and consolidation of the Nepal peace process
<b>UNPBF Priority area (if applicable):</b>	PBF Nepal Priority Area 1: Strengthening State Capacity for Sustaining Peace
<b>UNPBF PMP Result and indicator (if applicable):</b>	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

<b>Project Title:</b>	<b>Fairness and Efficiency in Reparations to Conflict-Affected Persons</b>		
<b>National Partners:</b>	Ministry of Peace and Reconstruction		
<b>Project start date :</b>	1 April 2010	<b>Original Project end date:</b>	31 July 2011
<b>Revised end date (if applicable):</b>	31 December 2011	<b>Anticipated total Project duration:</b>	21 Months

<b>Total approved project budget:</b>	USD 1,017,583 (IOM: USD 737,662; OHCHR: USD 279,922)		
<b>Funds committed and spent to-date by the project :</b>	USD 868, 452	<b>As % of approved budget:</b>	85%
<b>Funds spent to-date by the project:</b>	USD 730, 875	<b>Project delivery rate:</b>	72%

### 2. Description of project goal and strategy

The goal of the project is to strengthen the peace process through the drafting of a reparations policy 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. The project is designing 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 of the Ministry of Peace and Reconstruction (MoPR). The process flows, SOP's and tools for ESES programme developed will be tested in 12 districts to assess their adequacy and identify the areas for further improvement for adoption in future reparations programme.

### 3. Overview of progress to-date against project outcomes

Project Outcome(s)	Progress: achievements/results/ outputs delivered to-date	% of planned
Government has effective and transparent structures and procedures in place to implement reparations programme	1. Development of Reparations Policy in line with International Human Rights Principles	85%
	2. Map existing interim relief mechanisms and develop a set of concrete recommendations for improving their delivery, processing and reporting.	100%
	3. Design an outreach strategy (including an outreach implementation plan)	85%
	4. Design a comprehensive strategy for the collection and registration of victims and beneficiaries data, including the development of a victim and beneficiary data collected standard.	60%
	5. Design process- flows and standard operating procedures for the processing of victims' reparations claim and the provision of reparation benefits.	65%
	6. Testing of the administration mechanism for Employment / Self Employment Services Programme in twelve pilot Districts	40%

### 4. Overview of project results, achievements and challenges in this quarter

The project has three major outputs to be achieved during project period of 21 months. The inputs described below are used to track major project progress over the period of the last quarter.

#### Output 1: Comprehensive Policy on Reparations

OHCHR finalized and presented to the Project Management Committee a comprehensive reparations policy framework, a document of over 60 pages that provides the rationale for the more concise policy and includes information on the components and types of reparations proposed for victims in Nepal. Based on the framework, a concise policy of 15 pages has been devised. The framework incorporates outputs developed in the course of the year, including guidance notes, publications, internal memoranda, which were developed to ensure compliance of Nepal's reparations policy with international norms and standards. These outputs were shared with a variety of stakeholders, including lawmakers, Government officials, victims groups, CSOs and INGOs, and donor agencies. They also form the "thinking through" of key problems in the formulation of the policy. Special attention was given to assuring gender sensitivity in the policy, as well as the right to truth (R2T) memorialisation and other elements of victim satisfaction. The draft chapter on gender perspectives to reparations was shared among organisations working on/with victims of sexual and gender based violence directly or indirectly, namely UN Women, UNFPA, UNICEF, IOM and UNPFN, in a meeting to discuss strategies for advocating the inclusion of victims of SGBV in the present interim relief programme, form which they are currently excluded. OHCHR incorporated the input/comments received from these organisations.

In September, OHCHR began consultations on the draft policy with conflict victims, civil society and district level government officials in different regions of the country. The first was organised in Bhairahawa, Rupandehi district of western region on 14 and 15 September 2011, with 24 victim representatives and 10 government and CSO representatives participating. The objectives of the consultation were to seek input of conflict victims, government officials and civil society interlocutors on specific aspects of the draft reparations policy and to provide participants with conceptual clarity on different aspects of reparations measures and international best practices. Detail discussions were held on restitution, compensation, rehabilitation, and victims' satisfaction – most notably strategies for truth seeking in the ongoing absence of Nepal's truth commissions. During the program, a joint delegation of UNPFN, RC Office and donors including DFID, GIZ and embassies of Denmark, Norway briefly interacted with the victims on their concerns and issues related to overall situation and relief and reparations measures. The team mentioned to the victims that they will further share/raise the victims' concerns with their respective government counterparts. IOM delivered a session on the importance of outreach for effective victim participation in the process.

The major challenge encountered in this quarter, as well as throughout the project, has had to do with the fact the legislation for Nepal's truth commissions has languished in the parliament-legislature. Given that reparations policies are normally the result of a truth commission's work, In response, OHCHR, in partnership with the MoPR, initiated and facilitated several off-the-record discussions with the legislative sub-committee tasked with finalizing the legislation as well as with other members of the parliament-legislature integral to the process. This marked a shift in approach, away from public advocacy to confidential, off-the-record discussions in which OHCHR primarily shared best practices as well as lessons learned in comparable contexts and provided technical assistance as requested. Results included consensus on an open process for selecting members of the truth commission as well as no amnesty for rape, for disappearance and abduction, and, more or less, for unlawful killing (the definition is still being tightened) Ensuring these bills comply with international norms and standards will be crucial to the formulation of a reparations policy that goes beyond compensation to incorporate "victim satisfaction" through truth recovery, accountability, memorialization and assurances of non-repetition.

**Output 2: Capacity of the Relief and Rehabilitation Unit (RRU) and twelve selected District Administration Offices enhanced to support reparations programmes:**

A joint IOM-RRU Rapid Capacity Assessment (RCA) of the unit was conducted in April-May 2011. The final report on the RCA was submitted to RRU/MoPR in August 2011. This report will form the basis of the capacity building strategy for the RRU.

Upon approval of project revision and extension, IOM and the MoPR have exchanged official letters of cooperation and technical assistance for implementation of the MoPR Employment and Self Employment Service (ESES) programme to conflict affected persons in 12 pilot districts. With support from the project, an orientation and planning workshop on ESES was conducted for RRU, Relief and Rehabilitation Division (RRD) staff and six newly hired consultants for the ESES programme. Altogether, 21 MoPR staff participated in the programme which was held in Kathmandu between August 22 and 23. Besides focusing on the upcoming ESES programme, the participants gained an opportunity to learn from other employment programmes such as USAID Education for Income Generation (EIG) and Helvetas Employment Fund. With support from the project, a series of regional level interaction programmes were conducted in relation to the ESES programme with the Local Peace Committee (LPC) secretariat, conflict victims and potential service providers in Nepalgunj, Bardiya, Dhangadi, Damak and Biratnagar. The objective of these interaction programmes was to introduce the ESES programme and solicit feedback, especially amongst the potential service providers, conflict victims and LPCs and other relevant stakeholders on implementation modalities for the ESES programme.

Besides training on ESES, the project is planning to engage key central and regional staff and provide training on use of the procedures and tools for a future reparations programme. The training is planned for the last quarter of 2011.

A particular challenge in the roll out of the capacity building component of the project, particularly as it relates to the ESES programme has been the delayed commencement date of ESES activities. While there has been considerable day to day mentoring to the Relief and Rehabilitation Division on the administration of the programme, the move to develop the capacity of the sub-national staff is scheduled the last quarter of 2011.

**Output 3: Processes, Recommendation and Guidelines, Standard Operating Procedures (SOPs), forms, and 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 plan aims to maximize the participation of conflict victims.*

As part of the regional policy consultations conducted with OHCHR in April-May 2011, the project engaged with victims on their experiences with outreach under the interim relief programme and their expectations of an outreach strategy and implementation plan under a wider reparations programme. The project has developed a short three-page e-publication out of the consultations titled *Outreach: Conflict Victim's Perceptions and Recommendation*, which contains a section on victims' recommendations to the Government of Nepal (GoN) for enhancement of their outreach capacity. The e-publication was released during the first week of September 2011.

The project developed and shared a draft of an outreach strategy and implementation plan for the ESES programme with MoPR in August 2011. As mentioned in Output 2, MoPR conducted several regional consultation programmes on ESES programme with conflict victims, potential service providers, secretaries of Local Peace Committee (LPC) in Damak, Biratnagar, Nepalgunj, Dhangadi and Bardiya. Draft outreach materials for the ESES programme were shared with key stakeholders at these interaction programmes. Similarly, outreach was also discussed during the orientation and planning workshop with programme staff in Kathmandu. Based on feedback on the ESES programme, the project is now finalising the design of an outreach strategy and implementation plan for a future reparations programme.

The project is developing draft outreach materials – posters and brochures to highlight victims entitlements as well as clearly detail the administrative processes for the ESES programme. These materials will be disseminated through government and non-state mechanisms following the launch of the programme in the last quarter of 2011.

*b. Recommendations and guidelines on the process of collection of victim and beneficiary information*

The project is providing concrete support to MoPR with the process of collection of victims and their families' information for the ESES programme. The World Bank funded Management Information System (MIS) which includes a comprehensive conflict victim database is nearing finalization and data transfer from the MoPR Task Force database is ongoing. IOM is liaising with the World Bank and MoPR to ensure first, that the database layout incorporates detailed information on victims (including all possible categories) and second that the database is compatible with the information recorded during the ESES programme. Moreover, IOM is providing technical support and advice in the construction of an interim MIS compatible database which is being developed for use during the implementation of the ESES programme. IOM is engaging with MoPR to ensure that the WB supported MIS as well as the database being developed for the ESES are victim sensitive and that they incorporate all the necessary components needed for a future reparations programme. There are particular challenges around the delay by the private contractor contracted by MoPR for this scope of work. It is however scheduled to be completed in the final quarter of 2011.

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

Following formulation of the draft reparations policy, the project is working on the design of process flows (from receiving the claims from the victims to delivering the benefits to the victims), Standard Operating Procedures (SOP) and tools required to provide a range of reparations services and benefits. Recommendations and guidelines on the processing of the reparations claim and delivery of reparations benefits is planned for the next quarter. Aligning the proposed possible reparations services and benefits with the draft reparations policy without pre-judging future recommendations of the impending TRC requires sensitivity.

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

### UNPFN PRIORITY CLUSTER E. Rights and reconciliation

**Intermediate Objective:** Supported effective and inclusive transitional justice, information and services to the conflict affected

**(if applicable) UNPBF PMP Result: 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: 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

Strategic Outcome	Contributing Outputs	Verifiable Indicators	Baseline (by year)	Milestones and Target (by year)	Current / Final Status
8. The GoN has the capacity to put in place effective and transparent structures / procedures for reparations to the victims of the armed conflict	<p>Comprehensive GoN policy on reparations prepared</p> <p>Capacity of the Relief and Rehabilitation Unit and 12 selected District Administration Offices enhanced to support reparation programmes</p> <p>Processes, guidelines SOPs, forms, and procedures for various reparations benefits</p>	<p>8.1 Disaggregated data on # of conflict victims with access to reparation programmes improved, including data on access of most vulnerable such as female victims</p> <p>8.2 Appeals/grievance mechanism developed for the reparation programmes</p>	<p>8.1 Disaggregated data currently unavailable. Total beneficiary data under all categories not yet compiled. (Mapping Exercise Aug 2010)</p> <p>8.2 Public and transparent grievance function not built into interim relief mechanism (Mapping Exercise Aug 2010)</p>	<p>8.1 Data system on total beneficiaries of interim relief disaggregated by gender, victim and relief categories developed (Feb 2011)</p> <p>8.2 Recommendations for grievance function established with appropriate procedures developed (Feb 2011)</p>	<p>8.1 MoPR is currently developing a comprehensive MIS to include detailed disaggregated information of conflict victims receiving benefits under the current interim relief programme - essential for a future reparations programme. The project is liaising with the MIS consultants to ensure the conflict victims database and ESES components of the MIS includes information on all victim groups, including the most vulnerable such as women and children - 70% complete</p> <p>8.2 Assurances from MoPR to assist with the development of appeals/ grievance mechanism for the ESES interim relief programme being piloted by MoPR in 12 districts in 2011/12, which will be relevant for the future reparations programme (see project revision). The first draft of the SOP for the grievance mechanism under the ESES programme shared with MoPR in July. – 60% complete</p>

prepared and tested

8.3 Reparation Policy prepared and submitted to the MoPR inline with international human rights standards

8.3 No reparations policy exists (Jul 2010)

8.3 Reparation Policy prepared and submitted to MoPR (Jun 2011)

Following the consultations with Kathmandu based civil society organizations and with victims groups from about 55 of Nepal's 75 districts, an outline for the framework on the reparation policy was finalized and presented to the Project Management Committee. A number of lesser documents (memoranda, briefings) have been developed in response to these challenges are currently being integrated into the policy framework. For example, preliminary analyses of stakeholders' understanding of reparations revealed some conceptual confusion around the term, which had been used chiefly to refer to compensation as well as, at times, to interim relief measures – thus omitting the measures articulated in human rights law and essential UN documents, such as verification of facts and memorialisation, that may be instituted to provide victims with "satisfaction". 85% complete.

1.

8.4 SOPs, guidelines, standards and forms for various reparation benefits prepared

8.4 No SOPs; unclear guidelines, standard, forms; inconsistencies in implementation of interim relief programme (Mapping Exercise Aug 2010)

8.4 SOPs, guidelines, standards, forms for various reparation benefits prepared (Feb 2011); standard processes with monitoring mechanisms and compliance functions developed for pilot districts. (Jul 2011).

8.4 Following formulation of draft reparations policy, the project is developing SOPs, guidelines regarding reparations processing, process flows and forms required for providing a range of reparations benefits and will be shared with MoPR for comments and endorsement. – 55% complete.

2.

8.5 MoPR and 12 selected pilot districts have trained staffs (including sensitization on

8.5 No training; minimal infrastructure (Jun 2010)

8.5 20 MoPR staff and 15 district staff trained in pilot districts; necessary infrastructure (hardware and

8.6 8.5 The project will train staff involved in the pilot ESES Programme (project revision) on tools and processes at

UNSCR 1325 and 1820) and necessary infrastructure to implement ESES and reparation programmes

software) in place (May 2011)

national level and in 12 districts starting in October and include elements of the draft reparations policy (including sensitization on 1325 and 1820) as well as specific tools and implementation requirements for the ESES programme – 35% complete

8.6 Improved outreach strategy to victims developed for MoPR

8.6 Ad-hoc district and national radio broadcasts and limited posters and brochures (Jun 2010)

8.7 National outreach strategy and implementation plan developed (Dec 2011)

8.6 Regional victim consultations on outreach conducted during April and May 2011 to consolidate the process. A three page publication on outreach strategy developed and shared with MoPR and other stakeholders in August 2011. The first draft of the outreach strategy and implementation plan shared with MoPR and other stakeholder in early July 2011. Outreach materials such as brochure and poster developed and shared with MoPR in August 2011. – 85% complete