

Country Name	Strengthening Community Mediation Capacity for Peaceful and Harmonious Society Project Strengthening Community Mediation Capacity for Peaceful and Harmonious Society Project Phase II (COMCAP I and II)
Nepal	

I. Project Outline

Background	In Nepal, the growing respect for different cultures and social norms during the democratization process made it difficult to maintain the traditional common values. Traditional dispute resolution methods became less effective and frequent petty disputes in the community sometimes escalated into conflicts between political parties. It was urgent to establish community mediation (CM) as a method of dispute resolution at the community level in which a community mediator chosen by the community and accepted by both sides of a dispute would help to reach an agreement. JICA's "Strengthening Community Mediation Capacity for Peaceful and Harmonious Society Project" (COMCAP I) (2010-2014) aimed to strengthen the capacity in CM of 20 selected Village Development Communities (VDCs) in the two pilot districts (Sindhuli and Mahottari). More than 500 community mediators were trained by the support of the project and more than 400 disputes were registered at the Community Mediation Centres (CMCs) during the project period. The project demonstrated that the CM was beneficial for justice, peace and harmony in the society and produced a conducive environment for local development initiatives. The next phase COMCAP II (2015-2018) aimed to support the government in institutionalizing CM as one of the basic services by the local bodies, enhancing their capacity and delivery mechanism of CM and expanding the results of COMCAP I nationwide.		
Objectives of the Project	The project aims to enhance capacity and mechanism of expansion of CM nationwide in Nepal through training of community mediators and establishment of CMCs as well as supporting policy formulation, thereby contributing to the implementation of CM service accessible by the community. <Phase I> 1. Overall Goal: Knowledge on dispute management mainly through community mediation for peaceful and harmonious community is disseminated in Sindhuli road corridor area. 2. Project Purpose: Capacity and mechanism for dispute management mainly through community mediation are enhanced in Sindhuli and Mahottari Districts. <Phase II> 1. Overall Goal: Community Mediation service implemented by MOFAGA is accessible by community people throughout the country. 2. Project Purpose: Capacity and mechanism for rolling-out of community mediation to nationwide are enhanced.		
Activities of the Project	1. Project Sites: <Phase I> Sindhuli and Mahottari Districts. <Phase II> Whole country (5 pilot districts: Morang, Dhanusha, Mahottari, Sindhuli, Tanahu) 2. Main Activities: <Phase I> To carry out training of community mediators; to set up CMCs. <Phase II> To formulate a policy and a roadmap for rolling out CM; to carry out training of community mediators; to set up CMCs; to support establishment of reporting system of CMC's activities. 3. Inputs (to carry out above activities) Japanese Side <Phase I> * As of terminal evaluation 1) Experts: 5 persons 2) Trainees received: 7 persons (in Indonesia) 3) Equipment: Office furniture, computers, etc. 4) Operation cost: 61 million yen <Phase II> * As of project completion 1) Experts: 8 persons 2) Equipment: computers, printers, etc. 3) Operation cost: 85 million yen Nepalese Side <Phase I> 1) Staff allocated: about 70 counterparts 2) Land and facilities: Project office space in the pilot districts 3) Operation cost: 0.63 million rupees (about 0.71 million yen) <Phase II> 1) Staff allocated: 15 counterparts in total 2) Operation cost		
Project Period	<Phase I> (ex-ante) January 2010-September 2013 (actual) January 2010-September 2013, January-October 2014 <Phase II> (ex-ante) November 2014- September 2017 (contract) July 2015 - May 2018 (actual) July 2015- September 2018 (4-month extension)	Project Cost	<Phase I> (ex-ante) 286 million yen (actual) 439 million yen <Phase II> (ex-ante) 300 million yen (actual) 390 million yen
Implementing Agency	Ministry of Federal Affairs and Local Development (MOFALD) (until March 2018) Ministry of Federal Affairs and General Administration (MOFAGA) (since March 2018. MOFALD and Ministry of General Administration (MOGA) merged and became MOFAGA) * Administrative structure of Nepal: Province-District-Municipality-Ward (restructured in 2017)		
Cooperation Agency in Japan	Padeco Co., Ltd.		

II. Result of the Evaluation

<Special Perspectives Considered in the Ex-Post Evaluation>

- Phase 1 and Phase 2 are evaluated as a package. The indicators of Phase 2 are utilized to analyze Effectiveness and Impact. The

outcomes of Phase 1 focusing on the two pilot districts can be captured in the outcomes of Phase II which aimed at expansion of CM nationwide.

1 Relevance/Coherence

[Relevance]

<Consistency with the Development Policy of Nepal at the Time of Ex-Ante Evaluation >

The project was consistent with Nepal's development policy. At the time of ex-ante evaluation of Phase 1, one of the goals of the Three-Year Interim Plan 2007-2010 of Nepal was to establish sustainable peace in the post-conflict communities. The Local Government Act stipulated that one of the roles of Village Development Committees (VDCs) and local administrative bodies was to promote dispute resolution in the community. By the time of ex-ante evaluation of Phase 2, Mediation Act was enacted in 2011, which recognized the role of community mediation as Alternative Dispute Resolution (ADR) at the local level for the first time in the legal framework in Nepal. The Local Governance and Community Development Programme II (2013-2017) (LGCDP2) of the Ministry of Federal Affairs and Local Development (MOFALD) aimed to expand community mediation nationwide.

<Consistency with the Development Needs of Nepal at the Time of Ex-Ante Evaluation >

This project was consistent with the development needs of Nepal at the time of ex-ante evaluation as mentioned in "Background" above. At the time of ex-ante evaluation of Phase 1, Nepal was under the process of reconstruction after the civil war and troubles in the community sometimes developed into conflicts at the higher levels. At the time of ex-ante evaluation of Phase 2, based on the results of Phase 1 in the two pilot districts (Sindhuli and Mahottari), the government planned to expand the community mediation system nationwide.

<Appropriateness of Project Design/Approach>

The project design/approach was appropriate. No problem attributed to the project design/approach was confirmed.

<Evaluation Result>

In light of the above, the relevance of the project is ③¹.

[Coherence]

<Consistency with Japan's ODA Policy at the Time of Ex-Ante Evaluation>

The project was consistent with the Japan's ODA policy to Nepal at the time of ex-ante evaluation. Consolidation of peace and steady transition to a democratic state were priority areas of Japan's assistance to Nepal as stated in the ODA country data collection 2009 at the time of ex-ante evaluation of Phase 1 and in the Country Development Assistance Policy for Nepal in 2012 at the time of ex-ante evaluation of Phase 2.

<Collaboration/Coordination with other JICA's interventions>

Any collaboration/coordination between the project and other JICA's intervention was not clearly planned at the time of ex-ante evaluation.

<Cooperation with other institutions/ Coordination with international framework>

At the time of ex-ante evaluation of each phase, the cooperation/coordination with various development partners such as UNDP, DFID, USAID, Swiss Development Cooperation and The Asia Foundation was planned, and they worked together with MOFALD and COMCAP II to roll out the community mediation program nationwide. At the time of ex-post evaluation, positive effects of the project as follows were confirmed: all the development partners provided the positive feedback on the policy documents prepared by COMCAP II and MOFALD and followed the instruction regularly from the Ministry; and the community mediation program funded by other DPs provided data on CM to the mediation secretariat at the Ministry..

<Evaluation Result>

In light of the above, the coherence of the project is ③.

[Evaluation Result of Relevance/Coherence]

In the light above, the relevance/coherence of the project is ③.

2 Effectiveness/Impact

<Status of Achievement of the Project Purpose at the Time of Project Completion>

At the time of project completion, the Project Purpose was mostly achieved as planned. The number of CMC²s was more than the target value (Indicator 1), and the number of registered CM cases increased (Indicator 3) in the target districts. Regular reports were submitted from the local level to MOFAGA (Indicator 2). Draft Roadmap was developed, but had not been authorized by MOFAGA (Indicator 4).

<Continuation Status of Project Effects at the Time of Ex-Post Evaluation>

By the time of the ex-post evaluation, the project effects have been continued.

The number of CMCs in the project target districts further increased (Indicator 1), and the number of registered cases in CMCs increased in the CM implementing districts (JICA project target districts) (Indicator 3). Due to the restructuring of the government system, reports are not submitted from the LGs to MOFAGA (Indicator 2), and however, the judicial committee (JC) collects the data in each LG and many LGs have been extending the mediation program though the draft Roadmap was not authorized (Indicator 4). But the essence of the roadmap has been incorporated into the constitution of Nepal 2015 and Local Government Operation Act 2017.

<Status of Achievement of the Overall Goal at the Time of Ex-Post Evaluation>

At the time of ex-post evaluation, the achievement of the Overall Goal is mostly achieved.

The number of CMC and registered CM cases increased in the project districts and Local Government Operation Act 2017 in acted in Nepal to ensure the establishment of JC to promote mediation program nationwide. The JCs have already been established and it started to promote the mediation program in their jurisdiction. However, there is no national level data for the number of CMC and registered CM cases and MOFALD should coordinate with LGs to compile national level data.

<Other Impacts at the Time of Ex-Post Evaluation>

Mediators' personal behaviour and people's attitudes towards mediators have positively changed. The disputants' have beliefs and trust in mediators. Women and marginalized people have been benefitted by the project. People accepted women working as mediators, and these women were empowered, as leaders of the community committees.

¹ ④ : very high, ③ : high, ② : moderately low, ① : low * To be the same afterwards.

² They were called Community Mediation Centers (CMCs) before the government restructuring. Currently, they are called Mediation Centers (MCs) in each Ward.

<Evaluation Result>

In light of the above, the effectiveness/impact of the project is ③.

Achievement of Project Purpose and Overall Goal

Aim	Indicators	Results	Source																																																								
(Project Purpose) Capacity and mechanism for rolling-out of community mediation to nationwide are enhanced.	Phase II Indicator 1: Community mediations are conducted in 1,000 CMCs in Nepal.	Status of the Achievement (Status of the Continuation): Achieved beyond the plan (partially continued) (Project Completion) According to the latest available data by the project completion, there were 1,121 CMCs in Nepal. (Ex-Post Evaluation) In the five JICA project districts, the number of CMCs increased from 91 in 2018 to 347 by the time of ex-post evaluation which is significant increment from the time of project completion. This suggests nationwide increase of CMCs, but there is no national data as there is no reporting mechanism to report from the LGs to MOFAGA.	source : Project completion report, LGs																																																								
	Phase II Indicator 2: There are regular reports from the Pilot Local Level to MOFAGA.	Status of the Achievement (Status of the Continuation): Mostly achieved as planned (not continued) (Project Completion) Community Mediation Secretariat was established within MOFAGA to receive and compile regular reports on CM activities from Local Levels. MOFAGA's "Rural/Municipality Judicial Committee (Procedural) Model Law (2018)" instructed regular reporting of local disputes including mediation cases at local levels with reporting formats. According to the endline survey, 36 monitoring reports were submitted by former District Development Committees (DDCs) to MOFAGA between 2015 and 2018. 741 reports were submitted to former DDCs by CMCs. 119 reports were submitted to Mediation Council by District Monitoring Committees under Mediation Council. (Ex-Post Evaluation) Currently there is no mediation secretariat at MOFAGA and the practice of compiling data on mediation from local level to MOFAGA is not continued due to the restructuring of government system. Local Level Coordination Section of MOFAGA has coordination role to all the LGs, but it does not collect the report from the local level. The JCs of LGs monitor the mediation centres (MCs) and collect the report on mediation activities.	source : Project completion report, MOFAGA																																																								
	Phase II Indicator 3: The number of registered cases in CMCs increased in the CM implementing districts.	Status of the Achievement (Status of the Continuation): Mostly achieved as planned (continued) (Project Completion) From the baseline data (11,054), the number of registered cases in the CMCs in the CM implementing districts increased to 14,580 (32% increase). (Ex-Post Evaluation) In the project target districts, the numbers of registered cases significantly increased from 962 in 2019 to 2,181 in total (962+627+592) at the ex-post evaluation. However, the ratio of the disputes gradually decreased in the communities along with the awareness raised among people. Number of CM cases in project districts: <table border="1" data-bbox="582 1355 1324 1825"> <thead> <tr> <th>District</th> <th colspan="2">2019</th> <th colspan="2">2020</th> <th colspan="2">2021</th> </tr> <tr> <td></td> <th>Registered</th> <th>Resolved</th> <th>Registered</th> <th>Resolved</th> <th>Registered</th> <th>Resolved</th> </tr> </thead> <tbody> <tr> <td>Sindhuli</td> <td>103</td> <td>74</td> <td>74</td> <td>50</td> <td>46</td> <td>27</td> </tr> <tr> <td>Mahottari</td> <td>233</td> <td>118</td> <td>158</td> <td>74</td> <td>138</td> <td>71</td> </tr> <tr> <td>Dhanusha...</td> <td>190</td> <td>135</td> <td>152</td> <td>88</td> <td>90</td> <td>55</td> </tr> <tr> <td>Morang</td> <td>302</td> <td>239</td> <td>151</td> <td>92</td> <td>229</td> <td>182</td> </tr> <tr> <td>Tanahun</td> <td>134</td> <td>105</td> <td>92</td> <td>73</td> <td>89</td> <td>60</td> </tr> <tr> <td>Total</td> <td>962</td> <td>671</td> <td>627</td> <td>377</td> <td>592</td> <td>395</td> </tr> </tbody> </table>	District	2019		2020		2021			Registered	Resolved	Registered	Resolved	Registered	Resolved	Sindhuli	103	74	74	50	46	27	Mahottari	233	118	158	74	138	71	Dhanusha...	190	135	152	88	90	55	Morang	302	239	151	92	229	182	Tanahun	134	105	92	73	89	60	Total	962	671	627	377	592	395	source : Project completion report MOFAGA/LGs
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	Phase II Indicator 4: Roadmap (Action Plan) is formulated and authorized by MOFAGA.	Status of the Achievement (Status of the Continuation): Partially achieved (continued) (Project Completion) COMCAP II prepared a draft roadmap based on the "Nagarkot Declaration." It is a policy resolution jointly adopted by MoFAGA, Mediation Council and Community Mediation Society Nepal in August 2014. It included what MOFAGA had to do in order to expand CM Services nationwide. At the time of project completion, the roadmap was still under discussion at MOFAGA due to the ongoing federalization/decentralization of roles, functions and mechanisms of different administrative units/levels according to the new constitution of Nepal.	source : Project completion report, MOFAGA																																																								

		(Ex-Post Evaluation) The new constitution provided the right to LGs to plan and implement mediation programmes. Thus, MOFAGA could not authorize the road map due to the restructuring of the country. The Local Government Operation Act 2017 has incorporated the essence of road map to expand the mediation programme nationwide. The local government operation act 2017 was drafted by the MOFAGA and submitted it to the cabinet for its endorsement by the parliament. At least one MC must be established in each LG ward. The MCs also increased gradually at the local level.	
(Overall Goal) Community Mediation service implemented by MOFAGA is accessible by community people throughout the country.	Phase II Overall Goal Indicator 1 The number of registered cases in the Community Mediation Centres (CMCs) increased in Nepal.	(Ex-Post Evaluation) Mostly achieved (Please see Project Purpose Indicator 3 above) The number of registered cases in the project target districts are significantly increased and may suggest the increase at the national level though there is no national level data. It is unofficially reported that 20,000 disputes were registered in local level throughout the country.	source : MOFAGA, LGs
	Phase II Overall Goal Indicator 2 The numbers of CMCs implementing community mediation is increased.	(Ex-Post Evaluation) Mostly achieved (Please see Project Purpose Indicator 1 above) The number of CMCs increased in the target districts and this may suggest the increase the number of CMCs at the national level though there is no national data.	source : MOFAGA, LGs

3 Efficiency

The project cost exceeded the plan (the ratio against the plan: 141%) and the project period slightly exceeded the plan (the ratio against the plan: 117%).

Following the successful CM services through Phase I, MOFALD decided to roll out CM as a nation-wide programme as a part of “Local Governance and Community Development Programme (Phase-II)” and made the official request for Phase II in July 2013. In order to bridge Phase I and II and address the tasks pointed out in the terminal evaluation, Phase I was extended for ten months from January to October 2014. The LG structure changed in 2017 and DDC and VDC were abandoned, and tasks of CM were transferred to JC of each municipality. CMCs were reorganized under the new wards. Phase II was extended to cope with these issues, holding a workshop and training inviting JC members and finalizing the Community Mediation Roadmap for the new local administration. The project cost increased due to the extension of the project period.

Outputs were produced as planned.

In the light above, the efficiency of the project is ②.

4 Sustainability

<Policy Aspect>

The government support CM through the following policies:

- Promulgation of Constitution of Nepal 2015: The constitution mentions the dispute resolution mechanism through the mediation.
- Local Government Operation Act, 2017: It clearly provisioned to form JCs and establish MCs to resolve the disputes at local level.

<Institutional/Organizational Aspect>

MOFAGA used to have major responsibilities to roll out the mediation programme in Nepal. Due to the restructuring of state administration, these responsibilities have been transferred to LGs, especially to the JCs. The district court monitors the activities carried out by the JCs, and JCs monitor the MCs in the wards. MOFAGA also monitors the mediation programme, but there is not any periodic schedule and plan to monitor the programme at local level. The mediation programme is expected to be rolled out throughout the country by the leadership of LG deputy mayors. LG deputy mayor is the coordinator of the JC. Two other JC members support the deputy mayor, and LG staff to look after the JC and mediation programme. As Local Government Operation Act 2017 in acted throughout the country, it has ensured to implement and expand the community mediation program nationwide.

<Technical Aspect>

Although MOFAGA has been providing back-up services to the JCs for the development of capacities, there is a gap of skill and technical staff at LGs. The coordinator and members of a JC are elected at LG every five years. The current JC coordinator and members were elected in May 2022 and new for these positions, therefore they do not have technical knowledge and skills along with experiences on JC and community mediation. It is necessary to provide them with technical as well as managerial skills on how to resolve the local level disputes, how to manage mediation centres and how to promote mediation program for this purpose. Rural Municipality / Urban Municipality Mediation Centre Operation Procedure, 2019, prepared for the establishment and operation of the MCs in each ward of LGs is utilized by the LGs. JC’s capacity development resources materials, Basic Training Manuals for mediators 2019, and Handbook for Mediators 2019, which were introduced by the support of the project are also used to train the mediators in some LGs, but not disseminated to all the districts and LGs. The LGs also developed the JC implementation procedure to support the promotion of mediation programme at local level. They are also preparing their own MC operation procedure, which helps them establish MCs, train mediators, and operate and monitor MCs and strengthen them.

<Financial Aspect>

The budget is allocated by LGs to JCs to promote and disseminate the mediation programme. MOFAGA no longer allocates budget for mediation programme and its promotion. In the surveyed districts, the allocated budget for the mediation programme by LGs has increased every year (NPR 4,690,000 in 2019, NPR 5,350,000 in 2020 and NPR 8,150,000 in 2021). There is no information on the budget nationwide however, the local government has mandate to expand the mediation program at local level and it has been allocating budget as its responsibility.

<Environmental and Social Aspect>

No issues with the environmental and social aspects caused by this project have been observed, and it has not been necessary to take any countermeasures.

<Evaluation Result>

In light of the above, slight problems have been observed in terms of the technical and financial aspects, however the prospects for

improvement and resolution are high. Therefore, the sustainability of the project effects is ③.

5 Summary of the Evaluation

The project mostly achieved the Project Purpose “Capacity and mechanism for rolling-out of CM to nationwide are enhanced”, and the Overall Goal “Community Mediation service implemented by MOFAGA is accessible by community people throughout the country” has been mostly achieved. Although there is no national data due to the government restructuring for decentralization to LGs, the data from the project target districts suggests CM’s nationwide rolling-out. Some problems have been observed in terms of the technical and financial aspects of sustainability but the prospects for improvement is high. The project cost and period exceeded the plan.

Considering all of the above points, this project is evaluated to be highly satisfactory.

III. Recommendations & Lessons Learned

Recommendations for Implementing Agency:

[MOFAGA]

JCs do not have adequate knowledge and skills on its roles/responsibilities and jurisdiction and on how to promote and strengthen mediation programme. They do not make any reporting to the district, province, and federal government. It is recommended that MOFAGA should ensure allocation and mobilization of necessary resources, including human resources, to promote and strengthen mediation programme, and continue assisting capacity development of JC members by disseminating basic knowledge and skills and by training on how to promote mediation programme.

Lessons Learned for JICA:

In the first phase of the project, the timing of selection of mediators in some VDCs was too short and they were selected within a day. Some communities could not select the right persons as mediators. It affected the quality of mediators and some of the disputants’ parties went to the court and police to get justice instead of going MCs. Learning from the first phase, in the second phase, project spent sufficient time to select the mediators and selected the quality mediators after the orientation about the mediation program. Many disputant parties trusted to the community mediators and went to the CMCs to resolve their disputes. Thus, project should allocate necessary time to orient the programme and to select the mediators only after they understand the importance of mediation programme and the roles and responsibility of mediators.



List of Mediators with their pic at JC, Gaushala



Mediators of Gaushala Municipality, Mahottari



Meeting with JC in Anbu Khaireni Rural Municipality, Tanahun



CMC and Mediators at Vyas Municipality-8, Risti, Tanahun