



Ministry of Federal Affairs and Local Development – JICA Technical Cooperation
The Strengthening Community Mediation Capacity for Peaceful and Harmonious Society Project Phase II (JICA COMCAP - II)

JICA COMCAP - II NEWSLETTER

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Support to MoFALD on Formulation of Community Mediation Policy and Guidelines

Community mediation is implementing in VDCs and municipalities by different organizations in support from donor communities since 2001 AD. Currently, many donor funded programme/projects are implementing community mediation in 31 districts in different modality. Ministry of Federal Affairs and Local Development (MoFALD) is in process to internalize community mediation within government system and as mandated by Mediation Council, it is trying to incorporate Community Mediation as the regular service to be delivered by the local bodies. In this course, MoFALD is organizing different activities to draft and endorse Community Mediation Policy and Guidelines for institutionalizing and coordinating implementation of community mediation programme.

On 22 April, 2016; MoFALD and JICA COMCAP – II organized a consultation meeting of concerned stakeholders to share the preliminary drafts of Community Mediation Policy and Guidelines. Participants of this meeting were Officers from MoFALD, MoLJPA Joint Secretary, Chief of Mediation Council Secretariat, JICA representatives, representatives from NGOs implementing community mediation programme, Chairperson of Community Mediators' Society and JICA COMCAP staffs.

In the meeting, MoFALD Joint Secretary and JICA COMCAP – II Project Director Mr. Reshmi Raj Pandey presented the concept of Community Mediation Policy and MoFALD Under Secretary and JICA COMCAP – II Project Manager Mr. Bandhu Prasad Bastola presented the preliminary draft of Community Mediation Guidelines. After presentations, participants provided various feedback for improving the draft policy and guidelines. At last, commentators from MoLJPA, MoFALD Legal Section and Mediation Council Secretariat provided important suggestions for further improvement of the policy and guidelines.

After this consultation, MoFALD formed a working group to further work on the guideline formulation. The working group incorporated the feedback received in the consultation meeting.

On 30 May, 2016 MoFALD, in technical support from JICA COMCAP – II and Community Mediators' Society Nepal (CMS) organized a central level seminar on formulating community mediation implementation guideline. The programme was held in chair of Chief Secretary Dr. Som Lal Subedi. Honorable Acting Chief Justice Baidhya Nath Uapdhya was the Chief Guest and there were involvement of Secretary; Ministry of Law, Justice and Parliamentary Affairs, the First Chairperson of Mediation Council and former Justice

Girish Chandra Lal as well as major central level stakeholders from supreme court, concerned ministries, mediation council, donor communities and NGOs.

In the programme, MoFALD Secretary Mr. Mahendra Man Gurung welcomed all the participants and briefed the initiatives taken by MoFALD to institutionalize community mediation. The major features of draft Community Mediation Implementation Guideline was presented by MoFALD Joint Secretary Mr. Reshmi Raj Pandey. After presentation, valuable suggestions were collected from the Chairperson, Chief Guest, Guests and other participants for finalizing the implementation guideline. This programme was convened by MoFALD Under -Secretary Mr. Bandhu Prasad Bastola.

The ministry will shortly incorporate the relevant suggestions and finalize the guidelines for approval.



Seminar on formation of community mediation guidelines

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Monitoring of Community Mediation Implementation In Mahottari

JICA COMCAP - II organized review of community mediation implementation in COMCAP supported VDCs and certain wards of recently formed municipalities in Mahottari district from 24 February to 4 March, 2016. In the programme, the mediators' jackets sponsored by MontBell Company were handed over to the Community Mediators. A one-day programme was organized in each and every COMCAP implemented VDCs and wards of the municipalities. Same programme was organized in VDCs of Sindhuli during December, 2015.



Community mediators in Jackets supported from MontBell

VDC Secretaries, Municipality Chief (Executive Officers), VDC Assistants/ Municipality ward Office Incharge (Community Mediation Coordinators), Community Mediators, representatives of local political parties and other local residents participated the programme. In some VDCs, JICA representatives and Japanese Experts of JICA COMCAP – II were also present to review the status of community mediation implementation.

During review meeting, every participant expressed that the community mediation is effective in resolving community disputes in win-win situation. Still, the implementation of community mediation was found to be less active in many of the community mediation centers mainly due to lack of proper guidance and ownership after termination of support from JICA COMCAP project in their area. Many suggestions/feedback for different stakeholders were collected in the meeting for effectiveness and sustainability of community mediation system run by the local bodies.

Third Country Observation Visit

JICA COMCAP - II carried out a week-long observation visit of Sri Lanka for the central level government counterparts. The objective of the visit was to observe community mediation implementation in Sri Lanka and utilize knowledge for nation-wide replication and institutionalization of community mediation programme in Nepal. There was a 14 member visit team from Nepal led by MoFALD Joint Secretary. Other team members comprised of MoFALD Under Secretaries and Section Officer, Joint Secretaries from MoLJPA and MoPR, Director of LDTA, Representative from JICA Nepal Office and members of JICA COMCAP – II. The visit was held from March 6 to 12, 2016.

The team visited and made interaction with personnel from different governmental and non-governmental organizations in Sri Lanka including Jaffna Social Action Center, Jaffna District Secretariat, Jaffna Divisional Secretariat, Ministry of Provincial Council and Local Development, The Asia Foundation in Sri Lanka, Mediation Board Commission and Ministry of Law and Justice and gained knowledge on sustainable implementation of community mediation.

The visit team found the community mediation well institutionalized under government system through Mediation Boards Commission (MBC) in Sri Lanka. In Sri Lanka, Ministry of Law and Justice (MoLJ) manages the

implementation of community mediation and 299 community mediation centers are established all over the country. Government has mandated to consult mediation for the disputes having financial claim of less than 250,000 Rupees before going to court for litigation. Mediation Board Commission conducts trainings to develop community mediators and their capacity enhancement. Most of the mediators are retired civil servants and they are serving voluntarily for their dignity in their society.

The team members shared, this exposure on community mediation in Sri Lanka will be helpful to formulate community mediation policy and in implementation of community mediation all over Nepal.



Nepali visit team with Officials of Sri Lanka

Completion of AMTOT on Community Mediation and Administrative Service

Ministry of Federal Affairs and Local Development (MoFALD) and Strengthening Community Mediation Capacity for Peaceful and Harmonious Society Project, Phase – II (JICA COMCAP – II) jointly organized a five-day Advance Master Training of Trainers (AMTOT) on Community Mediation and Administrative Service from 16 to 20 March, 2016. This residential training was organized in Dhulikhel.

The aim of AMTOT was to provide advance knowledge and skills to develop central-level resource persons to institutionalize and roll out community mediation and to set up the administrative mechanism to run community mediation by VDCs/Municipalities under MoFALD.

Altogether, there were 22 participants in the training including five women officers. In the AMTOT, participation was from different sections of MoFALD, Local Development Training Academy (LDTA), Supreme Court/ Mediation Council, Local Governance and Community Development Programme (LGCDP) Regional Coordination Units, line ministries as Ministry of Peace and Reconstruction (MoPR), Ministry of Women, Children and Social Welfare (MoWCSW) and Nepal Police.

The training was continuously facilitated by 5 Chief Facilitators. Some sessions were facilitated by JICA COMCAP – II Project Director and MoFALD Joint-Secretary Mr. Reshmi Raj Pandey as well as then LGCDP Programme Manager and MoFALD Under Secretary Mr. Ishwar Poudel.

Three Community Mediation District Trainers developed by COMCAP - I from Sindhuli and Mahottari districts were also present for first three days of the training to facilitate the mock-sessions and providing feedback to the participants. During the closing ceremony, Mr. Bandhu Prasad Bastola (Project Manager, JICA COMCAP – II), JICA Assistant Representative Ms. Yuki Daizumoto and JICA COMCAP – II Chief Advisor Mr. Kenichi Tanaka thanked all trainees for their active participation in AMTOT and expected their active role in institutional development of community mediation in the country. The participants expressed their commitments to promote community mediation by supporting in policy formulation, managing trainings/orientations on community mediation and also by managing expansion of this service in the VDCs and municipalities.



MoFALD Joint Secretary delivering session in AMTOT

Joint Coordination Committee and Project Review Committee Meetings Held

The first meeting of Joint Coordination Committee (JCC), formed to manage JICA COMCAP – II project, held on 29 June, 2016. The meeting was organized at MoFALD in the chair of Mr. Reshmi Raj Pandey, Project Director and MoFALD Joint Secretary, special presence of Mr. Jun Sakuma, JICA Nepal Chief Representative and in the presence of JCC members from MoFALD, MoPR, JICA Nepal Office, LGCDP - II and JICA COMCAP - II.

In the meeting, Mr. Kenichi Tanaka, Team Leader shared the project progress and also presented areas for revision in Programme Design Matrix (PDM). After the presentation, the participants provided feedback for

upgrading the PDM in line with the restructuring of the VDCs/municipalities. The Chairperson Mr. Pandey shared that the project contributed much for institutionalizing community mediation in Nepal and hoped for continuous support for upcoming activities. Mr. Sakuma expressed appreciation to MoFALD for taking ownership of the project and expressed commitment and support.

Before JCC, the first meeting of Project Review Committee (PRC) was held in chair of Mr. Bandhu Prasad Bastola, Project Manager of JICA COMCAP – II on June 9, 2016. The progress and upcoming plans of project were discussed in the meeting.



Participants of Joint Coordination Committee (JCC) meeting

JICA COMCAP - II Upcoming Activities

1. Orientation of local level project stakeholders
2. Organizing Basic Community Mediation Trainings
3. Opening Community Mediation Centers in VDCs/Municipalities.
4. Production of Information and Communication materials

Joint Observation and Monitoring Visit of Community Mediation Centers

JICA COMCAP – II facilitated a 3-day joint observation and monitoring visit of three community mediation centers in Sindhuli and Mahottari districts for the joint monitoring team from Mediation Council and MoFALD in preparation for proper consultation with Mediation Council about practice of community mediation in local bodies. The visit was also for providing opportunity to have a closer look on the actual practices and efforts of Community Mediators (CMs) and Community Mediation Centers (CMCs) in resolving local community disputes. The visit was organized from 31st March to 2nd April, 2016.

The visit team members included newly appointed Mediation Council Chairperson and Honorable Supreme Court Justice Baidya Nath Upadhyaya, Mediation Council Secretariat Chief and Supreme Court Under Secretary Mr. Ashok Chhetri, MoFALD Under-Secretary and JICA COMCAP – II Project Manager Mr. Bandhu Prasad Bastola and MoFALD Section Officer (JICA COMCAP – II Focal Person) Mr. Janak Raj Sharma. Ms. Satoko Tomita (JICA Expert) and Ms. Sudha Kafle (Project Officer) from JICA SCC Project were also participated, among others. Members of JICA COMCAP – II facilitated the trip. During the visit, Honorable Judges of Sindhuli and Mahottari



Joint monitoring team in Bhadrakali VDC, Sindhuli

District Courts and LDO of Mahottari DDC were also participated in some VDCs.

During the visit, the visit team members were informed the experiences of the community mediators, VDC Secretaries and also the experiences from the disputing parties. The team also observed filing and documentation system and provided feedback for maintaining community mediation related records systematically in Community Mediation Centers.

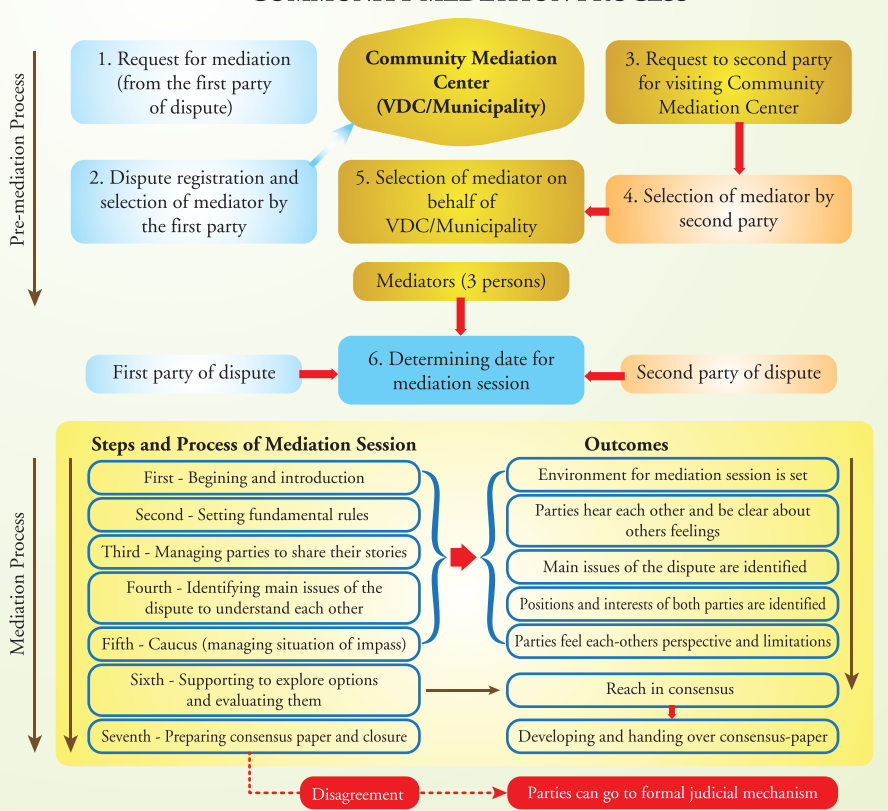
The visit team expressed that the observation of field level scenarios became helpful to them for formulating policy and guideline for sustainability of community mediation system in the nation.

Selection of Districts for JICA COMCAP – II

Based on the baseline study carried out by JICA COMCAP – II and the decision made by the Baseline Study Advisory Committee in chair of MoFALD Joint Secretary, three districts; Morang, Dhanusha and Tanahun are selected to carry out community mediation programme for piloting of MoFALD system for community mediation implementation. Some VDCs and Municipalities from these districts will be selected to implement community mediation and to initiate implementation of MoFALD system on community mediation.

In this regard, Project Manager, Chief Advisor and other Project Staffs recently visited these districts and took consent from DDCs to implement program jointly with JICA COMCAP - II.

COMMUNITY MEDIATION PROCESS



For Details about Project and Newsletter

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Kathmandu – 11, Thapathali, Nepal | Phone/Fax No.: +977 -1 4102116