



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

Volume 1

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MESSAGE FROM PROJECT DIRECTOR

Government of Japan (GOJ) and Government of Nepal (GON) have very long friendship and GOJ is supporting Nepal in different areas of development through various projects/programmes. In this course, Japan International Cooperation Agency (JICA) Nepal Office supported Ministry of Federal Affairs and Local Development (MoFALD) in implementing community mediation programme through COMCAP project which was implemented from January 2010 to September 2014. This project made piloting of community mediation programme in 20 selected VDCs of Sindhuli and Mahottari districts and proved that the community mediation service is successful not only to provide justice to the excluded groups by resolving community disputes but also to maintain peace and harmony in the society and to create conducive environment to accelerate development initiatives.

Considering the positive outcomes of mediation service in local level peace, justice and development, MoFALD has taken initiative to roll out community mediation service in the VDCs and Municipalities through Local Governance and Community Development Programme Phase II (LGCDP – II). In this regard, JICA has again supported MoFALD in providing technical assistance for institutionalizing community mediation in local bodies and enhancing capacity of government institutions to strengthen delivery of community mediation services through JICA COMCAP – II.

This project started from July 2015 and lasts up to May 2018. I hope, the project will also contribute to meet target of LGCDP – II to expand community mediation service at least in 50 % of the VDCs/Municipalities and it will be a milestone to institutionalize community mediation service in Nepal for creating peaceful and harmonious society supporting local development.

I hereby thank Japanese people, government of Japan, JICA Nepal and JICA COMCAP – II for providing technical assistance to implement this project.

I wish this newsletter will be successful to meet its purpose.



RESHMI RAJ PANDEY
Joint Secretary, MoFALD

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Why Community Mediation ?

- To create mutual satisfaction and win-win situation to both the disputing parties
- To resolve community disputes locally by volunteer mediators
- To save time, money and extra physical and mental efforts to resolve dispute by both the disputing parties
- To maintain confidentiality of views and blames expressed by the disputants after dispute resolution
- To restore relation between the disputing parties by reducing jealousy, anger and animosity
- To create sustainable solution of the problem/dispute
- To reduce workload of government stakeholders as police, local administration, courts etc. for involving in other important assignments.
- To create conducive environment to promote development by creating harmonious relation among local people

OVERVIEW OF JICA COMCAP - II

Informal dispute resolution in Nepalese society is a traditional practice. Systematic effort in resolving community disputes in local level seems to be started in Nepal after mid 1990s when different donor organizations started to implement community mediation programme in various districts. Ministry of Federal Affairs and Local Development (MoFALD) implemented “Strengthening Community Mediation Capacity for Peaceful and Harmonious Society Project (COMCAP)” in Sindhuli and Mahottari districts from 2010 to 2014 in technical assistance from JICA. Considering the importance of peace and stability for the local development observed in the outcomes of COMCAP first phase, MoFALD has started to institutionalize Community Mediation all over the nation through the second phase of Local Governance and Community Development Programme (LGCDP - II), supported by various donors.

Based on the above background, the Strengthening Community Mediation Capacity for Peaceful and Harmonious Society Project phase II (JICA COMCAP - II) was officially requested by the GoN with JICA which aims at improving access of local people to community mediation service administered by all the local bodies.

JICA COMCAP - II is a technical cooperation project which aims to strengthen the capacity of dispute management mainly through community mediation, thereby contributing for building a peaceful and harmonious society throughout the country. The project works from Kathmandu but some of the districts will be selected as pilot districts. The direct beneficiaries of the project will be MoFALD and DDCs whereas the indirect beneficiaries will be the VDCs, Municipalities and community people including women as well as economically and socially excluded groups. The project duration is set for two years and eleven months starting from July 2015.

In this project, the Japanese Team including Nepalese staffs provides technical support to the Social Mobilization and NGO Coordination Section (SMNCS) of MoFALD for strengthening community mediation. The Joint Secretary, Local Self Governance Division of MoFALD is the Project Director and the Under Secretary, SMNCS under MoFALD is the Project Manager and a Section Officer in the same section is the Focal Officer for the project. As a governing body, there is provision of Joint Coordination Committee (JCC) in chairmanship of Project Director and Progress Review Committee (PRC) chaired by the Project Manager.

The overall goal, purpose and outputs of JICA COMCAP - II are as follows:

OVERALL GOAL

Community Mediation service implemented by MoFALD is accessible by community people throughout the country.

PROJECT PURPOSE

Capacity and mechanism for rolling-out of community mediation to nationwide are enhanced.

OUTPUTS OF THE PROJECT

- Situation on dispute management mainly through community mediation is analyzed.
- Policy and Roadmap for rolling out community mediation is formulated.
- Capacity for management and administration of community mediation are developed through trainings.
- Community Mediation Centers (CMCs) are established and dispute management and operation mainly community mediation functions appropriately.
- Coordination mechanism among development partners, NGOs and organizations related to mediation is strengthened.
- Community mediation is recognized by local people in Nepal, mainly in target districts/VDCs as an effective way for dispute management in community level.

STATUS OF COMMUNITY MEDIATION IMPLEMENTATION IN SINDHULI

MoFALD implemented community mediation programme (COMCAP) from January 2010 to September 2014 in selected VDCs of Sindhuli and Mahottari districts in technical assistance from JICA. During this period, the project supported in initiating community mediation system for resolution of community disputes in 20 VDCs of two districts. The project developed 18 District Trainers and 557 Community Mediators by providing different trainings and supported in establishment of 20 Community Mediation Centers (CMCs) within every project VDCs. After establishment of CMC, the community disputes started to register in Community Mediation Center and mediators mediated those disputes.

In the course of implementation, the project carried out review of the project activities and the activities of CMCs, made publicity of mediation system through different activities as mass interaction, street drama, radio broadcasting and dissemination of printed materials.

MoFALD has started implementation of second phase of COMCAP (JICA COMCAP - II) from July 2015 in technical assistance from JICA. From 14 to 23 December, 2015; JICA COMCAP - II carried out status review of community mediation implementation in former project VDCs of Sindhuli district. The attendants of the programme were VDC Secretaries, local political party leaders, community mediators, Ward Citizen Forum members and some other local people. During this review, project also facilitated to distribute Mediators' Jacket sponsored by Mont-Bell company through JICA Nepal Office to the mediators.

The major outcomes of the mediation programme as shared by the attendants in review meetings, are as following:

- Mediators and local political party leaders witnessed that community mediation system resolves community disputes in win-win situation. They are committed to support in strengthening mediation programme in their VDCs.
- Mediators are still motivated to work as volunteer. The periodic meeting of Community Mediators is continuing in some VDCs (Ratanchura, Bhadrakali and Tinkanya) whereas the mediators in other VDCs are also committed to continue mediators' periodic meeting to share the knowledge and experiences in community mediation.
- Local people (also local police) have recognized community mediators as persons supporting for dispute resolution. But, the local people still are not familiar to use community mediation service. Specially the disputants hesitate to register dispute in the form of written application and they also hesitate to come to VDC Office to mediate the case.
- In all the Community Mediation Centers in Sindhuli district, altogether 260 disputes were registered from the beginning of their establishment. Out of them 78% are resolved through mediation process. Among others, some disputants managed their problems themselves, some went to other authorities and some disputes are still waiting for resolution.
- Two cases (one each case from Bhadrakali and Kusheswar Dumja VDCs) were sent back to Community Mediation Centers from the District

Court for mediation and those cases resolved successfully.

- In almost all the VDCs it is reported that the number of disputes have reduced after implementation of community mediation programme.
- Observing the impact of community mediation system, DDC Sindhuli (through LGCDP) started mediation programme in one VDC and Mandavi (a NGO supported by TAF) initiated mediation programme in remaining VDCs and Municipalities.



Community Mediators of Bhadrakali VDC Sindhuli: In Mediators' Jacket supported by Mont-Bell (Dec, 2015)



Review of Community Mediation Implementation in Kusheswar Dumja VDC, Sindhuli (Dec., 2015)

JICA COMCAP - II Upcoming Activities

1. Third Country Training for counterpart personnel
2. Finalization of base-line study and holding sharing workshop
3. Conducting Community Mediation Master Training of Trainers (MTOT)
4. Holding Joint Coordination Committee Meeting
5. Carry out review of community mediation implementation and mediators' jacket distribution in Mahottari district

Management Structure of Community Mediation Service

Administrative Structure

- 1 MoFALD Conducts**
1. Central Coordination Meeting
2. Central Level Orientation (For LDO & SDO)
- 2 DDC Conducts**
1. District Coordination Meeting
2. District Level Orientation (For VDCs and Municipalities)
- 3 VDC/Municipality Conducts**
VDC/Municipality Level Orientation
Political Party + NGO + CBO)
- 4 WCF Conducts**
Ward level Orientation for Selection of CMs

CM Training Structure

- 6 1. MoFALD Plans CM trainings at Central and District level**
2. MoFALD prepares training materials
3. DDC coordinates for implementation of mediators' trainings
- 5 VDC/Municipality**
Compiles a list of candidate for community mediators
- 7 VDC/Municipality**
Prepare Opening of CMC

Monitoring, Recording and Reporting Structure

- 10 MoFALD Conducts**
1. Monitoring
2. Record Keeping
- 9 1. DDC compiles the cases and reports to MoFALD**
2. DDC prepares district ADR Mapping by organizing ADR group meetings
- 8 VDC/Municipality**
Compiles the cases and reports the cases to DDC

For Details about Project and Newsletter

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