



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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Basic Community Mediation Training for Social Mobilizers

Japan International Cooperation Agency (JICA) supported Ministry of Federal Affairs and Local Development (MoFALD) to test impact of community mediation in development activities through COMCAP-I, which was implemented from 2010 to 2014. As a pilot event, COMCAP-I was implemented in then 20 VDCs of Sindhuli and Mahottari districts. Local Governance and Community Development Program (LGCDP) was managing to recruit Social Mobilizers in the commencement of the project. So, COMCAP-I coordinated with then VDCs to select 3 mediators from each ward, and included VDC Office Assistant and provided different level of community mediation trainings. The project also supported in establishing Community Mediation Centers (CMCs) and in publicizing mediation among beneficiaries.

During implementation of COMCAP-I, Social Mobilizers were mobilized in each and every VDC to facilitate in raising awareness on different facilities and services available for the local people. It was thus considered that there would be a need to take benefit from Social Mobilizers for awareness raising on community mediation. Considering this fact, Social Mobilizers have been involved in making them aware about community mediation by involving them in exposure visits, interaction meetings etc.

In December 2016 (in JICA COMCAP - II), district level consultation workshop for Sindhuli and Mahottari districts were organized in Dhulikhel, and Social Mobilizers were also the participants among other stakeholders. In the workshop, they requested MoFALD and JICA COMCAP - II to provide them basic community mediation training, so they could be actively involved in institutionalizing community mediation in their area.

Considering the genuine request from Social Mobilizers, MoFALD and JICA COMCAP - II organized a training to Social Mobilizers of project area in Sindhuli and Mahottari from 7 to 14 March, 2017 in Biratnagar. As the number of participating Social Mobilizers were 18, nine mediators from Rangeli Municipality (some of the participants of upcoming training), then Motipur VDC Secretary of Morang and Dadigurase VDC Assistant from Sindhuli were participated the training. One Social Mobilizer from Bayarban, Morang also completed her training by participating from the fifth day.

The eight-day basic community mediation training was facilitated by Chief Trainer Dr. Kumar Sharma Acharya, Trainers Bharat Jung Thapa, Babindra Lal Majhi and Ghanashyam Sharma. As Guest Facilitators, District Judges Mr. Binod Pokharel and Mr. Pushpa Raj

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Thapaliya as well as Senior Programme Officer of the DDC office Mr. Saroj Kumar Gautam also facilitated some sessions.

At the end of the training programme, the participants committed to promote community mediation in their respective area for promoting peace and harmony among community people resulting in local level development acceptable to all.



Review of Community Mediation Implementation in Local Level



staffs in every CMCs participated in the review meetings.

It is found that the local bodies have provided rooms for CMC operation and most of the VDCs have allocated budget for CMC operation. One VDC each in Tanahun and Morang have not allocated budget but have made commitment to support administrative cost of CMC. All CMCs are found active in Morang as well as in Tanahun. Most of the CMCs started resolution of dispute through mediation process. Some of the community disputes are registered in CMCs and successfully resolved, whereas some of the community mediators have facilitated dispute resolution process outside CMC; either in police office or in the community.

The community mediators pointed out some constraints for institutionalizing community mediation in their area, including lack of awareness among local people about benefits of mediation process, lack of guidelines or directives from higher authority to local body for administering/allocating budget for community mediation are the major constraints raised by the mediators.

During the review meetings, it is found the community mediators committed to resolve dispute voluntarily but they are hoping to have positive support from government authorities, political parties and the community.

JICA COMCAP - II facilitated to conduct Basic Community Mediation Training to the selected candidates of community mediators from three project districts Morang, Tanahun and Dhanusha. The candidates were selected from then three pilot Village Development Committees (VDCs) of the project districts and selection was done by the VDCs. The trainings were conducted in three events in different venues in 2016 and 2017. After developing the trained community mediators, JICA COMCAP - II supported local bodies to establish CMCs within their VDC Offices to utilize gained skills of community mediators in resolving local disputes locally.

CMCs in three VDCs of Morang district were opened in September and three VDCs of Tanahun were opened in December, 2016. After opening CMCs, the community mediators started to resolve disputes by process of community mediation. Together, they also tried to publicize about community mediation in their societies.

JICA COMCAP - II carried out review meeting of community mediation implementation in Morang (from 26 to 28 December 2016) and Tanahun (from 28 to 30 March, 2017) to assess the status of community mediation implementation in new CMCs and to encourage/guide community mediators for betterment of the process. The project requested CMCs to organize a half-day interaction meeting with community mediators and local body staffs. As per the request, community mediators and local body



Publicity of Community Mediation through New Year Calendar

JICA COMCAP - II is carrying out activities for publicity of community mediation through different approaches. The project has already supported in developing documentary and video-dramas to raise awareness of concerned stakeholders on community mediation and its importance for enhancing social harmony and local development. These audio-visual aids are shown to the participants in different programme.

The project prepared a Nepali New Year pocket calendar and distributed to the local residents of project area. The calendar of 2074 Bikram Sambat is printed in one side and the information on community mediation, its importance and process for acquiring mediation service is printed in the other side. Sufficient quantity of calendar was delivered to the COMCAP supported CMCs, and those calendars were distributed to local residents by concerned community mediators. From this pocket calendar, the recipients can obtain information of community mediation. It is hoped that the rate of registered cases to CMCs will be increased.



Orientation of Community Mediation for Social Development Officers

MoFALD, after observing positive outcomes of community mediation through COMCAP-I in Sindhuli and Mahottari, is trying to expand community mediation service all over Nepal. In this line, MoFALD has incorporated community mediation as an intervention in a national programme called LGCDP - II. In the current fiscal year, LGCDP - II has allocated budget for 50 districts to organize basic community mediation training and to establish CMCs. The allocated budget is released to District Coordination Committee (DCC) Offices. As the community mediation is a recent approach for government officials, nobody in most of the DCCs are aware about implementing community mediation programme. LGCDP - II is managing to organize master training on community mediation through collaboration with Local Development Training Academy (LDTA).

In this context, as per request from MoFALD, JICA COMCAP - II organized a 2-day orientation programme on community mediation to the DCC Officers looking after Social Development Section of those 50 DCC Offices. Two events were organized in Butwal (23 - 24 February, 2017) and Biratnagar (26 - 27 February, 2017). Most of the participants were Social Development Officers, but some participants were LGCDP Focal Officers; Planning, Monitoring and Administrative Officers, Executive Secretaries etc., who were assigned to look after Social Development Section of the DCC. 16 officers in Butwal and 17 officers in Biratnagar participated the programme.

In the programme, MoFALD Undersecretary Mr. Bandhu Prasad Bastola and Section Officer Mr. Janak Raj Sharma delivered sessions on introduction of mediation and community mediation,

context of community mediation implementation in Nepal, Mediation Act, Mediation Regulation, Nagarkot Declaration, monitoring forms and formats on community mediation etc. During the programme, the information was delivered that MoFALD was planning for organizing Master Training on Basic Community Mediation for the district officers in 50 districts where budget for community mediation was allocated for this fiscal year.

After the presentations, a group work was carried out to plan the activities in the districts and also to receive feedback for better implementation of community mediation in changed governance structure. The feedbacks are compiled by JICA COMCAP - II and forwarded to MoFALD for consideration in future policy formulation.

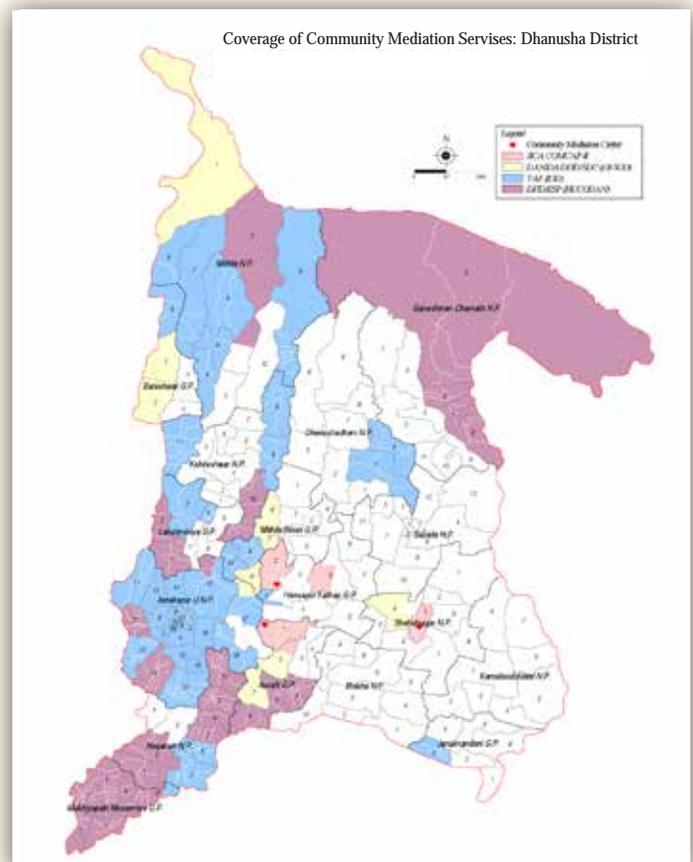


Mapping of Community Mediation Implementation

Implementation of community mediation was started in Nepal since around 2003. In 2010, MoFALD started implementing COMCAP project to institutionalize community mediation through its structure in technical assistance from JICA. By then, different NGOs and aid agencies had covered remarkable numbers of local bodies with community mediation service but there was no consolidated database on covered area, number of mediators and related information. In 2013, COMCAP first of all collected information from all stakeholders and supported MoFALD in developing mapping of community mediation in Nepal.

By 2016, there was the remarkable increase in number of covered areas with community mediation as well as other indicators. So, JICA COMCAP - II updated the community mediation database published Community Mediation Mapping of Nepal and distributed the publication among the concerned stakeholders.

Recently the restructuring of local level has created significant changes in boundaries of local level. JICA COMCAP - II has updated the community mediation mapping of project area accordingly.



Dispute Resolution through Community Mediation: My Experience

Our social tradition is either to bear or to consult any person or institution (police or administration) for resolution if one experiences any dispute. In traditional dispute resolution process, one party feels win and the other feels loss. The losing party tries to take revenge and gives rise to another dispute. In this way, if the minor disputes are not resolved in the way acceptable to both the parties, social harmony remains unstable in our community.



I was curious to know the implementation modality of community mediation when during last June, I heard about commencing community mediation programme in our then VDC. In August 20, 2016 MoFALD organized an orientation programme in support from JICA COMCAP - II. In the programme, it was informed that community mediation programme will be implemented in Motipur, Yangshila and our Bayarban VDCs as well as in Rangeli Municipality and also knew that the programme was implemented in some other local bodies in Morang District. Modalities of programme implementation and mediation process was clarified in the orientation. I heard and felt impossible to win by both the parties while managing disputes from community mediation. I knew the technique to create a win-win situation for both the parties in dispute resolution. Thanks to the eight-day residential training in Bhedetar from 12 to 19 September last year. In the training, there were altogether 35 participants; including our VDC, Motipur and Yangshila VDCs. I even felt responsible when we took the oath of commitment in the last day from the District Judge, Dhankuta District Court.

We all mediators were uncertain whether the gained theoretical knowledge and some mock practices could be implemented in real practice. The CMC established in then Bayarban VDC (Current Kanepokhari Rural Municipality) Office on 22 September even in presence of JICA COMCAP - II Team Leader Mr. Kenichi Tanaka and also handed over the logistics for operation of CMC.

After establishment of CMC, some of the disputes started to register in the center. Luckily, Me and other 2 mediators got the chance to facilitate the first dispute resolution. After following the impartial and sequential mediation process, the dispute could resolve in the way satisfactory to both the parties. Mediation process not only managed the content issue but also improved the damaged relationship between the parties. Managing dispute from this process, the parties as well as we mediators became also much satisfied.

Some disputes have been registered and resolved in community mediation center. Still, there are many disputes remaining in suppressed state in our society. If the parties of such disputes bring their disputes in community mediation center, the community mediators will facilitate to manage dispute impartially, free of cost and in acceptable way to both parties. It is social responsibility of all of us to deliver information about community mediation to the concerned parties for promoting peace and harmony in our society.

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Community Mediation for Easy Resolution of Local Disputes

We all residents of Ghiring Rural Municipality ward no. one and two are grateful to JICA COMCAP - II implemented in bilateral collaboration between Government of Nepal, MoFALD and JICA for providing support in facilitation of minor disputes in then Gajarkot VDC.



The project provided basic community mediation training for 11 persons from then Gajarkot VDC including 1 from each ward, VDC Assistant and Social Mobilizer from November 13 to 20. Immediately, CMC was opened within VDC office by DDC in support from JICA COMCAP - II. In the opening of the center, even the local political party representatives were convinced about the benefits of community mediation and showed commitment to support in operating CMC.

Some of the community disputes are started to register after the establishment of CMC. It is obvious that the disputes are resolved in points agreeable to both the parties and the damaged relationship is restored after the mediation. The involved mediators also have developed confidence by practicing dispute management in win-win situation.

We are witnessing minor disputes in our society occurring within family members, neighbors and settlements. People are compelled to bear the dissatisfaction created by dispute and to wait for revenge due to difficulties like geographic remoteness, poverty, lack of know-how for going to the formal judicial mechanism for dispute resolution. Even in some of the disputes managed by judicial mechanism, the decision implementation remains in doubt as the verdict is given as per the proof and witness.

As effective implementation of community mediation service promotes mutual support, social integrity and cooperation among community people, it seems necessary to give attention for development of community mediation. We can effectively settle the civil disputes as property partition, land boundary, lending-borrowing, crop damage, domestic violence etc. locally without expending money, in short time, in agreeable to both the parties and by improving the relationship between the parties. It seems necessary to support by all for promotion of CMC to make our society more peaceful, harmonious and cooperative and to go forward for all-round development of the society.

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For Details about Project and Newsletter

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