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STRENGTHENED RULE OF LAW AND RESPECT FOR HUMAN RIGHTS IN NEPAL

FINAL PERFORMANCE MONITORING AND EVALUATION REPORT: JUNE 2004 THROUGH APRIL 2007

25 May 2007
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FINAL (THIRD YEAR) PERFORMANCE MONITORING AND EVALUATION REPORT (Draft)

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FINAL PERFORMANCE MONITORING AND EVALUATION REPORT

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Consistent with the participatory approach of the Nepal Rule of Law (ROL) Performance Monitoring and Evaluation Plan, this document is the result of the contributions of many individuals and organizations. ARD, Inc. ROL Project staff were actively engaged in collecting information as recommended in the Nepal ROL Project Performance Monitoring and Evaluation Plans. They provided detailed program descriptive information on the grants program, equipment procurement, training, and technical assistance activities of the First, Second, and Third Annual Workplans. Bishnu P. Adhikari, USAID Democracy & Governance Advisor, provided guidance on Nepal rule of law evaluation issues and requirements for Mission reporting. Officials of the government and civil society organizations who were engaged in anti-corruption and rule of law development contributed valuable insights regarding the performance, results, and impact of the Nepal ROL Project.

While these contributions are acknowledged and extensive cooperation was provided by USAID/Nepal, Nepal ROL Project personnel, and personnel of ROL Project partner counterparts and stakeholders, the primary author, Leo T. Surla, Jr., MetaMetrics Monitoring and Evaluation Specialist, takes full responsibility for the organization and content of this report.

LIST OF ACRONYMS

ADR	**Alternative Dispute Resolution**
AC	**Anti-Corruption**
AG	**Attorney General**
AJAR	**Access to Justice and Advocacy of Rights**
CeLRRd	**Center for Legal Research and Resource Development**
CIAA	**Commission for the Investigation of Abuse of Authority**
CTO	**Cognizant Technical Officer (USAID)**
DANIDA	**Danish Cooperation**
DFID	**Department for International Development (U.K.)**
DG	**Democracy & Governance**
DLAC	**District Legal Aid Committees**
EU	**European Union**
FEALPEC	**Forum for Environmental Awareness and Legal Public Concern**
FNCCI	**Federation of Nepalese Chambers of Commerce & Industry**
FORJUST	**Forum for Justice**
FWLD	**Forum for Women, Law and Development**
FY	**Fiscal Year**
ICAC	**Independent Commission against Corruption (Hong Kong)**
IG	**Inspector General**
IR	**Intermediate Results**
JC	**Judicial Council**
KSL	**Kathmandu Law School**
LACC	**Legal Aid and Consultancy Centre**
LSGA	**Local Self Governance Act, 1999**
M&E	**Monitoring and Evaluation**
MLJP	**Ministry of Law Justice and Parliamentary Affairs**
NBA	**Nepal Bar Association**
NGO	**Non-government Organization**
NJA	**National Judicial Academy**
NLS	**Nepal Law Society**
NPC	**Nepal Planning Commission**
NVC	**National Vigilance Center**
OAG	**Office of the Attorney General**
OJT	**On-the-Job Training**
RCDSC	**Rural Community Development Service Council**
REC	**Recommendation and Evaluation Committee**
ReMAC	**Research and Media Center Against Corruption**
ROL	**Rule of Law**
ROL-AC	**Rule of Law - Anti-corruption**
RS	**Radio Sagarmatha**
SAR	**South Asia Region**
SB	**Spiny Babbler**
SC	**Special Court**
SDC	**Swiss Agency for Development and Cooperation**
SO	**Strategic Objective**
TADA	**Terrorist and Destructive Activities (Control and Punishment)**
TI	**Transparency International**
TI/N	**Transparency International of Nepal**
UNDP	**United Nations Development Program**
USAID	**United States Agency for International Development**

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are needed to see this picture.

EXECUTIVE SUMMARY

The Strengthened Rule of Law and Respect for Human Rights Project was structured by USAID/Nepal to support Nepali initiatives for strengthening the rule of law, developing respect for human rights, improving access to justice for the poor and disenfranchised and contributing to a more transparent, accountable and effective government. USAID/Nepal signed the Project contract with ARD, Inc. on June 11, 2004 and the First Annual Workplan was submitted in August of 2004. In accordance with the requests of the Nepal Supreme Court with respect to program priorities, the ARD Nepal Rule of Law (ROL) Project was implemented under five Components: Rule of Law Activities, Anti-Corruption Activities, Cross-Cutting Activities, Grants Management, and Subcontracts and Equipment. Thirteen grants were awarded to Nepal civil society organizations (CSOs). Through this mechanism the ROL Project outreach for anti-corruption and rule of law was greatly expanded.

To achieve a more participatory, representative and accountable democracy through the Nepal Rule of Law Project, ARD engaged beneficiaries, members of civil society organizations, international donors, and counterpart judicial and other Government of Nepal agency officials as partner stakeholders in the implementation and evaluation of Project activities. In the development of the Workplans, ARD Project staff worked closely and coordinated with the Supreme Court and other partners. The ROL Project staff established excellent working relationships with the major rule of law and anti-corruption organizations.

MONITORING AND EVALUATION

The Annual Performance Monitoring and Evaluation Plans were linked to the Annual Workplans which charted, described, and scheduled project activities, tasks, and outputs towards the desired programmatic results. Monitoring and evaluation was conducted to support ROL Project staff and partners in assessing progress in strengthening rule of law, respect for human rights, and anti-corruption.

A participatory methodology for monitoring and evaluation supported Nepal ROL Project staff and counterpart and stakeholder personnel in assessing component progress. The staff involvement in M&E resulted in an enhanced awareness of Project progress and issues. The participation of stakeholder civil society and judicial sector organizations in Nepal ROL Project activities including M&E kept key Nepali officials and officials of key CSOs informed on the Project progress, results, and impact.

The small business subcontractor to ARD, MetaMetrics Inc., provided the basic technical assistance for the development and implementation of performance monitoring and evaluation of the ROL Project.

A Nepal ROL Partners Program Review Advisory Committee to serve as a group to review and comment upon ROL Project monitoring and evaluation was demonstrated as feasible. At the end of the third year, on April 19, 2007, the fifth and final meeting of the Partners Program Review Advisory Committee was held. In addition to reviewing the findings by the M&E Specialist, the Committee acted as the expert panel on whether rule of law was strengthened (over the three year project period) and whether national government integrity, accountability and anti-corruption systems were enhanced. The Advisory Committee also

commented on areas for future rule of law and anti-corruption development to be considered by USAID/Armenia and other agencies.

ROL PROJECT IMPACT

At the final meeting of the ROL Project Partners Program Review Advisory Committee meeting, the members representing four government counterparts and six CSO's constituted the Expert Panel to assess "whether rule of law is strengthened" and "whether national government integrity, accountability and anti-corruption systems are enhanced." Nine of the ten represented organizations said yes to both questions and provided examples as evidence.

The Project staff was cooperative in the process of collecting and reviewing project description and performance information for the preparation of the Annual M&E Reports. The Project staff was professional in its approach to conducting Component activities. The Chief of Party was inclusive in his management approach. He encouraged creativity and innovation on the part of Project staff and consultants, listened and communicated well, and accepted responsibility for the overall performance of the ROL Project team. According to interviews conducted by the M&E Specialist and analysis of the collected M&E database, the following selected items summarize ROL Project performance and effectiveness:

- The Project was effective in cooperating and coordinating Component activities.
- Government agency action plans contributed to the engagement of counterpart organizations in rule of law and anti-corruption policy and action. The Project supported several of the government counterparts in developing action plans.
- The prosecution and conviction of environmental crime was an ROL Activity that was substantially addressed in the second and third years.
- The ROL Project, through the training program, succeeded in reaching large numbers of participants outside of the Kathmandu Valley despite the threat of Maoist obstruction before the September 2005 ceasefire.
- ROL Project grantees noted that the monitoring and evaluation requirements imposed by the ROL Project on grantees, while initially seen as excessive reporting, actually resulted in the grantees focusing on objectives, documenting progress, and providing guidance for improving grant operations.

TECHNICAL ASSISTANCE AND TRAINING

Direct transfer of technical knowledge was conducted through technical experts on mediation, public defender programming, development of intake forms, archiving, preparation of case briefs, financial disclosure, and anti-corruption investigation. The ROL Project supported the development and completion of Strategic Plans for government counterpart agencies. This assistance, according to interviewed counterpart officials, produced results and had an impact on their understanding of new concepts and approaches for rule of law and anti-corruption. Selected highlights of technical assistance and training are presented below:

- Mediation Centers were established and made operational at the Patan Appellate Court, the Supreme Court, and the Federation of Nepalese Chambers of Commerce & Industry (FNCCI).
- The archiving of 50,000 case files at Lalitpur District Court was completed in the second year of the ROL Project. The LDC staff can now archive up to 1,200 case records per

year. Finding a case file used to take one to four hours. Now the case file is found in minutes.

- The Joint Registrar of the Supreme Court was very supportive of the rule of law activities of the ROL Project throughout the project period. Supreme Court case backlogs, through ROL Project efforts, were reduced.
- The ROL Project sponsored a training/informational event for prosecutors in four regions that was organized by OAG. The topic was protecting the rights of the accused and the victims.
- Participants interviewed at the Follow-Up Workshop for Investigative Journalism said that the program was helpful and increased their ability to cover public and private sector corruption.

GRANTS PROGRAMS

The Grants Program greatly expanded the ROL Project outreach. A key achievement was the expansion of the ROL Project into access to justice and human rights for women and disadvantaged groups, and environmental law. Key grantee organizations included well-established programs such as the Forum for Women, Law, and Development (FWLD) and the Forum for Protection of Public Interest (PRO PUBLIC), along with newly organized CSOs, ReMAC, SWATI and AJAR. The Grants Program resulted in a greatly expanded overall training and information transfer program, additional community mediation, and support against environmental crimes. A total of $596,522 of ROL Project funds was allocated to 13 grantees.

The intensive ROL Project support to grantee organizations and grant application process aided grantee goal setting and planning. While grantee organizations acknowledged that the process was time-consuming and difficult, the rewards of clarity of grant purpose and planning for grant implementation were evident.

For the relatively low expenditure, the ROL Grants Program provided a high level of activity and the engagement of key and new organizations in rule of law and anti-corruption. The amount of training was more than doubled, laws and regulations were introduced and amended, and public awareness was greatly increased. A future ROL project should feature a prominent grant program. The participatory approach pioneered by the ARD ROL Project should be utilized in such a grant program.

TRAINING PROGRAM

In terms of sustainability of ROL Project results, effective and appropriate training provide the highest value. The conduct of the training program improved throughout the Project period. Follow-up activities such as formation of Local Coordination Forums (LCFs) and the investigative journalism follow-up workshop were undertaken and reinforced the intentions of the original training events. Descriptive data from all sessions were recorded under two distinct categories: “informational events” and training. Informational events were meetings and interactional occasions to discuss issues of mutual interest such as action plans and approaches to addressing program concerns. Training events are defined as formal presentations of new technical material by specialists in the topic and subject matter.

Under the Rule of Law Component, 29 training events were conducting over the three-year period. There were 864 total participants at these events. The proportion of women

participating in training events increased substantially each year, from 3.3%, to 6.1%, to 13.8% respectively. This upward trend resulted in an 8.6% women participation rate for the entire project, more than twice the rate from the first year. The Anti-Corruption Component held 25 training events over the same period drawing 987 total participants. The proportion of women remained steady at 8.9% in the first and second years, but fell slightly in the third year leaving the women participation rate for Anti-Corruption training events during the entire project at 8.6%.

There were 157 training events for grantees activities during the second and third years. Of the 5,506 total participants 2,153 (39.1%) were women. The proportion of women participating in training events remained approximately equal and high in comparison with Rule of Law and Anti-Corruption training events between the two years.

EQUIPMENT, FURNISHINGS, AND SERVICES

Commodities were purchased by the Project for five counterpart organizations in the first year. The Special Court commented that their courtroom was the first air conditioned court in Nepal and that the productivity of judges and attending personnel had increased with the increased use of the room during hot weather. In the second and third years the ROL Project provided equipment/furnishings/services to three additional counterparts – National Judicial Academy, Patan Appellate Court, and Parsa District Court – as well as to the Judges Society Nepal. Mediation Centers were established at the Patan Appellate Court and the Supreme Court.

The expenditures for furnishings, including computer equipment, totaled $587,720. Expenditures for services such as the mediation training video, strategic planning, and legal rights poll totaled $461,059. The total expended for this ROL Project Component was $1,048,779.

PUBLICATIONS

The ROL Project, through its various components including the grants program resulted in the publication of more than 50 studies, surveys, and reports on rule of law, anti-corruption, and related management, administrative, and topical issues. See Annex A for a partial listing.

SUSTAINABILITY

The sustainability of ROL Project developments, concepts, and goals has been realized in many areas due to the focus and intent of the ROL Project staff and the support of USAID/Nepal. Among other examples, the ROL counterparts and CSO partners identified the following:

- **Gender Awareness**: With Ford Foundation core funding for the next three years, FWLD will focus on the Constitutional Assembly and provide civic education in 19 Districts.
- **Anti-Corruption**: CIAA and NVC have conducted regional conferences on anti-corruption with ROL Project assistance and established regional Local Coordination Forums. Cooperation with civil society organizations was established with ROL Project encouragement. These activities are expected to continue into the future.
- **Supreme Court**: The budget of the Supreme Court has been increased, possibly as a direct consequence of radio program of the ROL Project Grantee: Radio Sagarmatha.

- **Mediation**: The Nepal Mediators Society expects mediation cases on land and property to increase and for there to be a substantial demand for labor/management and bank debt recovery mediation.
- **Civil Society**: Radio Sagarmatha expects to continue anti-corruption programming on their existing network of seven radio stations. Expansion of the network would be desirable.

FINDINGS AND RECOMMENDATIONS

As presented in the original ARD, Inc. proposal, the M&E information collected and reviewed by the M&E Specialist with support from the ARD Project staff and with input from the members of the Partners Program Review Advisory Committee indicated that the ROL Project fulfilled on its avowed project approach as follows:

- ARD engaged beneficiaries, members of civil society organizations, international donors, and counterpart judicial and other Government of Nepal agency officials as partner stakeholders in the implementation of Project activities.

- Project partners were encouraged to participate in the design, implementation, and monitoring and evaluation of Project activities and tasks.

- ARD Project staff and grantees documented and measured the progress of the Rule of Law Project in achieving USAID/Nepal programmatic results and objectives.

The USAID ARD/ROL Project worked closely with counterparts and partners for strengthening Nepal rule of law and respect for human rights. Interviewed counterpart officials stated in the interviews conducted by the M&E Specialist that the ROL Project and USAID assistance made a difference in their agencies and the support was greatly appreciated.

The formation of the ROL Partners Project Review Advisory Committee was a unique development in the application of participatory development methodologies. While some risk may be involved in engaging disparate groups and individuals from government counterparts mixed with civil society organizations, a well managed program of presenting monitoring and evaluation information and analysis in an open and transparent manner, as was the case for the USAID Nepal ROL Project, can produce cooperation, coordination, and the potential for sustainability of programmatic results.

The design, structure, and implementation of the USAID ROL Project should serve as the basic model for future USAID endeavors in rule of law and anti-corruption in Nepal. The approach was comprehensive in engaging government counterparts and civil society organizations. The areas chosen for enhancing court operations were key and appropriate. Included new facilities, court procedures, and the sensitive and new program areas of public defenders and court-ordered mediation. M&E Specialist suggestions, operational and programmatic, for future USAID efforts in rule of law and anti-corruption are based on this three-year ROL experience and are presented below in an approximate priority listing.

- **Grants Program:** The ROL Grants Program greatly enhanced the Project outreach and impact on rule of law and anti-corruption. The direct ROL Project investment of $611,946 was far less than the equipment, furnishings, and services investment of more than $1 million. An increase in the budget and expansion of the number and/or length of time of grants would be an effective way of increasing USAID support of Nepali initiatives in rule of law and anti-corruption.

- **Public Information:** The Investigative Journalism Workshops generated a group of journalists with a better understanding of corruption in Nepal. While there has been an increase in anti-corruption articles on public and private sector offenders in the print and broadcast media, journalists and influential print columnists are still not well-informed about the Nepal judicial system.

- **Women and Access to Justice:** The ROL Project made progress in promoting equity and legal representation for women. As suggested by annual M&E reports, the ROL Project made conscious decisions to include CSOs involved in women's issues in the grantee program and provided support to national conferences on women and justice. While progress was made through the ROL Project, including the amending of laws and regulations discriminatory to women, access to justice for women and participation of women in the judicial system remain as very serious issues in Nepal.

- **Technical Assistance:** The technical assistance provided by the ROL Project was highly effective. Developments included the introduction of court-ordered mediation, action planning, court case management, and archiving of court records. New concepts were introduced through training and informational events. While the ROL Project successfully introduced innovative concepts, the generalization of these developments will still require the continued application of financial and technical support to areas beyond the Kathmandu Valley. Chief among these innovations to be supported is court-ordered mediation.

- **Commodities and Equipment:** A judicial system, to be effective, requires the equipment to facilitate record keeping and access to court management information. Furnishings for court rooms is an essential requirement for maintaining the dignity of a court charged with critical decisions that affect justice, civil and economic life. The ROL Project demonstrated the need for appropriate courtroom environments and the efficiency of computerized record maintenance and access. Generalizing these developments to the entire Nepal court system will eventually require that adequate resources be committed by the Nepal government. The increase in the Supreme Court budget for the coming year is only a start.

FUTURE DIRECTIONS AND ISSUES

At the final meeting of the ROL Project Partners Program Review Advisory Committee meeting, the members representing three government counterparts and six CSO's were asked on what areas should USAID focus if a new rule of law/anti-corruption project were developed. The group agreed that, while progress had been made over the past three years in Nepal rule of law and anti-corruption, much work remained to be done. Nepal is now in a transition period

politically and there is potential for unrest and disorder. Donor support for rule of law, still a challenge in Nepal, is needed.

There would be little need for future USAID assistance in rule of law and anti-corruption if challenges no longer existed in this arena. While much progress was made on rule of law and anti-corruption during the three-year period of the USAID/Nepal Strengthened Rule of Law and Respect for Human Rights Project, two planned activities were not completed as originally envisioned in the Workplans. These were an institutionalized legal aid program and a strengthened Judicial Council.

Several other issues/problems affecting the rule of law and anti-corruption that were addressed and noted by the ROL Project over the three-year period still persist and include:

- Continuity with counterparts is an issue with the high turnover of key officials in counterpart agencies

- The lack of enforcement of judicial decisions

- The leveling off of CIAA prosecution of corruption cases with a slight increase in seriousness of those cases prosecuted

- The continuing lack of access to justice for women as well as disadvantaged groups and the need to develop a public defender program

- While some progress was made in introducing investigative anti-corruption techniques to many journalists, they are basically unaware of efforts to improve the administration of justice and are not sufficiently informed of the importance of judicial independence and the lack of resources to upgrade court equipment and systems

- The need for resources to upgrade facilities, equipment, software, and related training to courts outside of the Kathmandu Valley

- The evolving political environment including constraints on the power of the monarchy and engagement of the Maoists into the formal government.

SECTION 1

INTRODUCTION

The Strengthened Rule of Law and Respect for Human Rights Project was structured by USAID/Nepal to support Nepali initiatives for strengthening the rule of law, developing respect for human rights, improving access to justice for the poor and disenfranchised and contributing to a more transparent, accountable and effective government. The Project, referred to as Nepal Rule of Law (ROL) and operated by ARD, Inc., was designed to address the USAID/Nepal Strategic Objective (SO) 7, Strengthened Governance of Natural Resources and Selected Institutions.

1.1 NEPAL RULE OF LAW PROJECT APPROACH AND SUMMARY

USAID/Nepal signed the Project contract with ARD, Inc. on June 11, 2004. The Chief of Party arrived in Kathmandu on July 12, 2004 and submitted the initial First Annual Workplan in August of 2004. As revised by ARD in accordance with the requests of the Nepal Supreme Court with respect to program priorities, the ARD Nepal Rule of Law (ROL) Project was implemented under five operating/administrative Components: Rule of Law Activities, Anti-Corruption Activities, Cross-Cutting Activities, Grants Management, and Subcontracts and Equipment. The first Fiscal Year of operations extended from July, 2004 through September 2005, a total of 14 months. The second Fiscal Year of operations, FY 2006, was for a full 12-month period. The Project contract end date of June 10, 2007 provided an eight month period for the implementation of the Third Annual Workplan.

To achieve a more participatory, representative and accountable democracy through the Nepal Rule of Law Project, ARD engaged beneficiaries, members of civil society organizations, international donors, and counterpart judicial and other Government of Nepal agency officials as partner stakeholders in the implementation of Project activities. These Project partners were encouraged to participate in the design, implementation, and performance monitoring and evaluation of Project activities and tasks. The overall performance monitoring and evaluation effort documented and measured the progress of the Rule of Law Project in achieving USAID/Nepal programmatic results and objectives.

In the development of the Workplans for the first, second, and third years and in the implementation of project activities, ARD Project staff worked closely and coordinated with the Supreme Court and other partners. The ROL Project staff established excellent working relationships with the major rule of law and anti-corruption organizations. Technical assistance, training, and equipment were provided to the major counterparts – Supreme Court, Commission for the Investigation of Abuse of Authority (CIAA), Special Court, Attorney General, National Vigilance Center (NVC), Courts of Appeal and District Courts, Judicial Council, and National Judicial Academy (NJA). Coordination and grant support was provided to civil society organizations in conducting training and other programs in anti-corruption and rule of law. The thirteen grantees included Legal Aid and Consultancy Centre (LACC), Nepal Law Society (NLS), Access to Justice and Advocacy of Rights (AJAR), Forum for Environmental Awareness

and Legal Public Concern (FEALPEC), Forum for Protection of Public Interest (Pro Public), Forum for Women, Law and Development (FWLD), Research and Media Centre Against Corruption (ReMAC), SWATI, Forum for Justice (FORJUST), Rural Community Development Service Council (RCDSC), Spiny Babbler (SB), Radio Sagarmatha (RS), and Transparency International Nepal (TIN).

In the initial two month period of implementation through September 2004, ARD established the ROL Project office, completed the much of the Project staffing, and submitted the First Annual Workplan. In December 2004 the first training event, a Tour to the Hong Kong Independent Commission Against Corruption (ICAC) to observe and discuss investigation and prosecution procedures for corruption cases, was delivered. Through September 2005, the end of the first Fiscal Year of Rule of Law Project implementation, equipment and furnishings were provided to three counterpart agencies and the grants program was nearing selection and final awards to applicants.

In the second full Fiscal Year 2006 of twelve months, the activities of the first year were continued in the Anti-Corruption and Rule of Law Components. In addition, thirteen grants were awarded to Nepal civil society organizations and the ROL Project outreach for anti-corruption and rule of law was greatly expanded.

In the final performance monitoring and evaluation period of October 2006 through mid-April 2007, a period of less than seven months, Anti-Corruption and Rule of Law Component activities with Nepal government counterparts continued. Six of the thirteen civil society grantees completed their scheduled project activities in January 2007 and the remaining seven grantees were scheduled to complete operations by May 2007.

1.2 PARTICIPATORY MONITORING AND EVALUATION

A participatory methodology for monitoring and evaluation supported Nepal ROL Project staff and counterpart and stakeholder personnel in assessing component progress. In this approach, the Nepal ROL Project staff were responsible for defining baselines and indicators for targeted results; collecting and maintaining monitoring and evaluation information; utilizing M&E indicators, as appropriate, to prepare quarterly reports; and assessing and measuring Project progress. The staff involvement in M&E resulted in an enhanced awareness of Project progress and issues.

The participation of stakeholder civil society and judicial sector organizations in Nepal ROL Project activities including M&E was undertaken to keep key Nepali officials and citizens informed on the Project progress, results, and impact. The participatory approach through supporting transparent, accountable, and responsive democratic engagement directly affected the grantee action of the participating civil society organizations on the issues of rule of law, anti-corruption, equity for women and disenfranchised groups, and environmental law.

Project staff worked closely with government counterparts and civil society organizations in designing and implementing rule of law and anti-corruption activities. The selected organizations under the Project Grants Program provided information to support the monitoring

and evaluation of their activities. In September 2005, a meeting was held with members of the five key government counterparts and four civil society organizations to discuss the potential role for a participatory program review advisory committee. The nine-organization Partners Program Review Advisory Committee met four additional times over the past thirteen month period and reviewed the results of the three annual Performance Monitoring and Evaluation Reports. They provided insights, comments, and overall assessments of Nepal ROL Project impact and effectiveness that are incorporated into the Second and Final Performance M&E Reports.

1.2.1 Monitoring And Evaluation Objectives

The First Annual Performance Monitoring and Evaluation Plan was linked to the First Annual Workplan (October 1, 2004 to September 30, 2005) which charted, described, and scheduled project activities, tasks, and outputs towards the desired programmatic results. Emphasis in the first year's M&E effort was on definition of baselines, where appropriate, to contrast the targeted changes over the three-year Project period and the collection of program descriptive (activities and outputs) monitoring and evaluation data for incorporation into the Annual Performance M&E Reports. M&E activities in the second year focused more on outputs and results. In the third year, in addition to ROL Project results, emphasis was placed on assessing Project impact and the sustainability of Project-initiated rule of law and anti-corruption activities.

Monitoring and evaluation was conducted to support ROL Project staff and partners in assessing progress in strengthening rule of law, respect for human rights, and anti-corruption. The staff energy devoted to M&E was intended to be rewarded by an enhanced awareness of ROL Project progress and the identification of potential issues and constraints that may affect the Project activities.

1.2.2 Monitoring And Evaluation Organization and Resources

The small business subcontractor to ARD, MetaMetrics Inc., provided the basic technical assistance for the development and implementation of performance monitoring and evaluation of the ROL Project. Mr. Leo T. Surla, Jr., a Monitoring and Evaluation Specialist worked with long-term local and key expatriate technical staff to develop the Performance M&E plans and support the collection and analysis of results and program descriptive information as directly related to Workplan activities. Technical support was provided over the three year Nepal ROL Project period in the implementation of the annual M&E plans and the writing of annual M&E reports. Four field visits were completed by the M&E Specialist for the development of the First Annual Performance M&E Plan and completion of the First, Second, and Final Annual Performance M&E Reports.

1.2.3 Monitoring And Evaluation Activities

The development of the First Annual M&E Plan was conducted at the outset of the Nepal ROL Project to review the resources and procedures required to provide evaluation training; to coordinate participating counterpart and stakeholder personnel; and to collect and analyze the

required M&E set of information. In incorporating a participatory methodology with substantive input and contributions by ROL Project staff, care was taken to ascertain whether the required M&E level of effort would detract from the implementation of their assigned Nepal ROL Project activities.

M&E training and informational events were key activities of the Nepal ROL Project. Interactive sessions on approaches and methods for evaluating ROL information events were held by Mr. Surla with the entire ARD staff during the field visits. Attention was focused on defining size and nature of the target populations, prospective topics, and training methodologies to support the assignment of resources to conduct evaluations of events. The measures of size and characteristics of participating groups and satisfaction of participants regarding the training events, workshops or conferences were collected as appropriate. Where feasible and applicable, monitoring and evaluation data on training and informational events was collected and presented as gender and caste disaggregated.

The M&E Specialist worked with ROL Project staff to complete the annual M&E assessment and analysis procedures and complete the Performance M&E Reports to provide insights and recommendations for the subsequent Workplans. For the writing of the Annual Performance Monitoring and Evaluation Reports, the M&E Specialist reviewed documentation, interviewed government counterpart officials and officials of selected grantees, and obtained ROL Project staff support for compiling program descriptions, findings, and achievements.

SECTION 2

STRATEGIC FRAMEWORK AND PERFORMANCE MEASURES/INDICATORS

Performance Monitoring and Evaluation Plan indicators addressed the USAID/Nepal Strategic Objective as presented in the Country Strategic Plan at the time of the development of the ROL Project design and in accordance with the guidance and direction of Mission personnel. Revised performance measures for the ARD Rule of Law Project Activity in Nepal were provided to the Project in October 2006.

2.1 STRATEGIC OBJECTIVE AND INTERMEDIATE RESULTS/INDICATORS

The Nepal Rule of Law (ROL) Project addressed the USAID/Nepal Strategic Objective (SO) 7, Strengthened Governance of Natural Resources and Selected Institutions. The USAID revised and specified Intermediate Results (IRs) and performance indicators were reduced from the previous set and are shown below:

SO Level Indicator:
7.2 Percentage of caseloads disposed at the Supreme Court

IR 7.4 Improved Performance of Selected Institutions
IR Level Indicator
7.4.1 Number of mid-level and senior officials prosecuted for corruption

2.1.1 Supreme Court Caseloads

Five-Year Old Case Backlogs

2004:	1,400 cases (Baseline Year)
2005:	655 cases (reduced by 53.2%, Year 1)
2006:	104 cases (reduced by 92.6%, Year 2)

Annual Case Backlogs

2004/5:	17,774 cases (Baseline Year)
2005:	16,346 cases
2006:	14,196 cases

Annual Case Disposal Rates

2004:	6,796 cases (Baseline Year)
2005:	7,494 cases
2006:	8,181 cases

The caseload information, as drawn from the Supreme Court Annual Reports for Fiscal Years 2004, 2005, and 2006 ending July 14 (see Annex C), indicates a reduction in case backlogs and an increase in annual case disposals. As a direct result of the two-year ROL Project effort of preparation of briefs on five-year old Supreme Court cases, the caseload was reduced by 92.6%. The Supreme Court Joint Registrar attributes the decreasing backlog of cases and increased case disposal rates to the technical assistance, training, and equipment provided by the ROL Project.

2.1.2 Cases Prosecuted for Corruption (CIAA)

Nature and Number of Corruption Cases Prosecuted by CIAA

Year	Disproportionate Property	Fake Academic Certification	Bank Loan Frauds	Miscellaneous	Total
Oct 2003-Sep 2004	20	57	-	43	120
Oct 2004-Sep 2005	8	81	7	26	122
Oct 2005-Sep 2006	9	69	9	27	114
Oct 2006-Mar 2007	-	47	-	10	57

Number of Senior and Mid Level Officials Prosecuted by CIAA

Year	No. of Sr. Officials Prosecuted	No. of Mid Level Officials Prosecuted	Total
2000-2001	1	7	8
2001-2002	-	4	4
2002-2003	10 (3 former ministers)	9	19
2003-2004	6 (2 former ministers)	11	17
2004-2005	4 (3 former police chiefs)	13	17
2005-2006	1 (former GM of a bank)	7	8
2007 (Mar)	-	-	Only Junior level officials prosecuted

Source: Annual Reports of CIAA

Since 2003, the number of corruption cases prosecuted by the Commission for the Investigation of Abuse of Authority (CIAA) declined slightly. In the base year of 2004 ending September 2004, there were 120 prosecuted cases. In 2005, the number of prosecuted cases rose slightly to 122. For the 12-month period ending September 2006 there were 114 prosecuted cases. In the six month period of 2007, a total of 57 persons were prosecuted which if projected

to the end of the year in September 2007 would total the same number of persons prosecuted in 2006, 114.

A similar increase and decline occurred in the number of senior and mid-level officials prosecuted by CIAA. In 2004, a total of 17 (6 senior and 11 mid-level officials) were prosecuted. In 2005 the number was constant at 17 (4 senior and 13 mid-level). In 2006, a period of political uncertainty, there was a decline to 8 prosecuted (1 senior and 7 mid-level). The authority of the King was challenged and the Parliament was reinstated. The CIAA, National Vigilance Center, and Office of the Attorney General remained operational throughout the year and there were changes in the leadership of these agencies.

2.1.3 Cases Disposed by Special Court

SPECIAL COURT

Case Disposal Rates, 2004 – 2007

Type of Case	Cases Disposed In 2004	Cases Disposed In 2005	Cases Disposed In 2006	Cases Disposed in 8 mos. of 2007 (Projected for 12 mo. Period*)	Av. Time for Disposal[1] in Months 2005	Av. Time for Disposal in Months 2006	Av. Time for Disposal in Months 2007
Corruption	**130**	**106**	**109**	**42, 63***	**22**	**11**	**13**
a. Disproport. Assets	00	06	02	07	24	23	35
b. False Certificates	82	69	71	29	08	07	08
c. Corruption	43	30	34	05	37	22	17
d. Bribe	05	01	02	01	13	09	10

The number of corruption cases disposed by the Special Court declined since the 2004 Baseline Year. Average time for disposal, overall, was cut approximately in half from 2005 to 2006 and 2007.

[1] Average time for disposal calculated from case samples of 53 in 2005, 63 in 2006, and 42 in 2007.

2.2 ROL PERFORMANCE MANAGEMENT INDICATORS

The following SO and IR indicators were used for Project analysis in the performance and management of Workplan activities. Status as of the final year of implementation is shown in italics.

SO 7: IMPROVED PERFORMANCE OF SELECTED INSTITUTIONS	
IR 7.4.1: Strengthened Rule of Law & Respect for Human Rights	IR 7.4.2: More Transparent, Accountable & Effective Government
SO Level Indicators	**SO Level Indicators**
1. Expert panel assessment of whether rule of law is strengthened. *The Partners Program Review Advisory Committee served as the Expert Panel. Please see the Section on Findings and Recommendations.*	1. State of Nepal and Ministry ranking on Transparency International Indices *(October 2004, Nepal was ranked 94th out of 146 countries. Out of a possible score of 10, Nepal was at 2.8. Below a 3 is considered "rampant corruption." The 2006 TI Report indicated a lower score of 2.5.*
Lower Level Indicators	Lower Level Indicators
1. Decrease in average amount of time (no. of months) from detention to judgment *(2006: 63 cases resolved through legal aid in an average time of 6 months)*	1. Expert panel assessment of whether national government integrity, accountability and anti-corruption systems are enhanced. *The Partners Program Review Advisory Committee served as the Expert Panel. Please see the Section on Findings and Recommendations.*
2 Number of indigents, lower caste/ethnic minorities and women receiving free professional public defense (*2006: 314 poor women and prisoners received legal aid through the ROL Grants Program)*	2. Favorable evaluation of government accountability standards and practices in conformity with new UN and regional anti-corruption convention standards. *CIAA study to be published in the Spring of 2007.*
3. Percentage of polled citizens demonstrating knowledge of basic legal rights *(64.7% of those polled in late 2005 expressed awareness of basic fundamental rights)*	3. Number of cases from CIAA sent to trial and documented in the annual report of CIAA *(see Section 2.1.2)*
4. Number of prosecutions and percentage of convictions in human rights, corruption and environmental crime cases *(2004: 17; 2005: 17; 2006: 8 corruption cases prosecuted by CIAA, final disposition awaiting proceedings and appeals; 2 environmental crimes prosecuted with FEALPEC legal assistance, one conviction secured)*	4. Number of cases adjudicated by the special anti-corruption tribunal *(see Section 2.1.3)*

5. Milestone scale of key policy/regulatory reform processes *(2006 Amendment Proposal on laws discriminatory toward women passed in legislature on October 10, 2006)*	5. Number of mid-level and senior officials a) prosecuted for and b) convicted of corruption *(see Section 2.1.2)*
	6. Availability of information on government budgets and programs at the national, district and local levels *(information is generally available)*
	7. Number of transparency and anti-corruption initiatives carried out by the civil society coalition *(a total of 13 grantees under the ROL Project were engaged in related initiatives)*

SECTION 3

RULE OF LAW COMPONENT

In the first year of Rule of Law Component implementation, activities were guided by the ten basic groupings of the ARD ROL Project workplan. The major government counterparts in that year were the Supreme Court, the Special Court, and the Lalitpur District Court. Technical assistance and training was also provided to the National Judicial Academy (NJA).

In the second year, the workplan addressed strengthening the judicial sector and management capacity of the judiciary. In addition to the counterparts of the first year, work began with the Patan Appellate Court and the Parsa District Court. In addition to the NJA, in the second year, partners included the Nepal Bar Association, FNCCI, and the Judges Society Nepal.

In the third and final year, the focus of the Rule of Law Component activities was on the establishment and initial operations of the three mediation centers at the Supreme Court, Patan Appellate Court, and FNCCI.

3.1 FIRST YEAR SUMMARY

Project activities in the first year included the development of a poll to assess general knowledge in Nepal of basic legal rights; conduct of a feasibility study to serve as the foundation strategic plan for creating public defenders office and/or other public defense services; and a review of judicial security needs and issues to develop appropriate ROL Project activities.

To assess the extent to which prosecutors and judges fear hearing cases against Maoists and develop a plan to create the necessary legal framework, physical infrastructure and procedures for hearing cases against insurgents, meetings were held with U.S. officials, knowledgeable academics and civil society officials, and court officials. Issues were identified and discussed.

International Consultant on Court Administration Fred Humphreys, prepared and implemented a workplan for developing a statistical database for Nepali courts. The statistical database would be the source of reports for court management to evaluate the efficiency and effectiveness of judges, staff and the caseload. The Special Court and the Lalitpur District Court were selected as pilot courts to facilitate the development and implementation of recommended procedures. The Special Court and the Lalitpur District agreed that it would be necessary to train people in procedures for collecting the data. In June On-the-Job training workshops were held in which Special Court and Lalitpur District court staff were trained in procedures for reviewing the cases files and collecting data for the baseline data time series.

Fred Humphreys worked with the Special Court and Lalitpur District Court to develop scientific archive systems to be eventually installed in all Nepali Courts. The Special Court personnel archived over 400 closed cases. The Lalitpur District Court has a much larger volume of files to clean and box. A total of approximately 40,000 District court cases were archived.

The ROL Project staff and representatives of the Supreme Court had extensive discussions on Project support to provide the judges with a case brief of more concise and orderly information to speed up judicial decisions. In an effort to resolve approximately 1,400 cases more than 5 years old the Supreme Court suggested a program in which briefs of each of the cases would be prepared to present significant facts in the cases and any details necessary for decision. An On-The-Job training program over a period of approximately 6 weeks was delivered that trained District and Appellate Court staff on procedures to prepare briefs of a resume of the case facts and to organize the files. The project was successfully completed and the cases briefed and sent forward for decision by the judges.

At the beginning for the first year, the National Judicial Academy (NJA) requested that the Project provide training equipment and office equipment. Project staff advised the NJA to formally update their planning and complete the training assessment in order for the Project to adequately address the need for and the use of the requested equipment. The Project provided support to update an earlier NJA training needs assessment. Five Training Needs Assessment Workshops were held at Pokhara, Janakpur, Biratnagar, Hetauda, and Kathmandu.

The major purpose of the Nepal Judges European Tour, from 3 July to 16 July 2005, was to observe court-annexed mediation, learn about court-annexed/referred mediation procedures, and assess whether successful procedures in other settings could be tested in pilot courts and replicated in Nepal. Ten judges traveled to Arnhem, The Netherlands and Ljubljana, Slovenia to meet with judges and court mediation. On that same Observation Tour, they visited Bologna and Rome, Italy to focus on case management at the Research Institute on Judicial Systems and to meet with the Italian Judicial Council.

3.2 SECOND YEAR SUMMARY

Many of the activities of the second year continued from a foundation established in the first year. Highlights from the ARD ROL Project periodic reports are presented below.

3.2.1 ROL Component Training

In February 2006 four Justices from the Nepal Supreme Court traveled to Washington DC. The trip gave the justices an opportunity to meet with local judges, observe court-connected mediation, discuss court/bar relations, and discuss judicial training.

In July 2006, 2 Supreme Court justices, 1 Special Court judge, 2 Court of Appeals judges, 2 District Court judges and 3 court registrars participated in an observation and study tour organized by the Massachusetts Judges Conference and Judge Patrick King. Judge King, a consultant on court-related mediation in Nepal under a contract with ARD, worked on the mediation program. The tour was originally planned for 22 April – 1 May 2006 and was cancelled because of civil unrest in Nepal. The tour was re-scheduled and took place in July 2006 for a week of meetings and discussions in Boston, Massachusetts. The tour gave the ten participants an opportunity to meet with local judges and court staff, learn about court management and administration, case management, time management, court-connected mediation, judicial ethics, judicial discipline, judicial independence, and judicial training.

Other training/information programs are outlined below. Overall, 34 information events (including observational tours) were conducted under the Rule of Law Component, a two-fold increase over the sixteen events conducted in the first year.

3.2.2 Strengthen Management Capacity of the Judiciary

The Project entered into a Memorandum of Understanding (MOU) with the Supreme Court to provide assistance for organizing the information in approximately 17,000 case files which have been pending for up to three years. The MOU provided for training staff in techniques for organizing the information in the required format. After training, court staff in the Writ and Litigation Division reviewed the files, identified problems which required further activity, updated and recorded due dates and maturity dates for documents, and organized the files for more efficient review by judges hearing the cases. A checklist for the review of the files and identification of the problem was developed. A total of 46 registers for follow ups were maintained

In March 2006 the Project entered into a MOU with the Supreme Court to provide assistance on entering data into the Court's new installed automated case management system. The data entered will be the data prepared under the case information project discussed above. Once the data is entered the system will be able to track cases and prepare reports such as case aging reports, cases decided by each judge, etc.

TechMinds Communication Pvt. Ltd ("TechMinds"), a local software company, was contracted to develop, install and debug case tracking software at the Lalitpur District Court and the Special Court. The contract also provides for training the staff at both courts in operation of the software and in maintenance of computers and software.

A Project activity has been the photo documentation of court buildings with the intent to use the photos in a campaign to increase government funding for the courts. During PY 05-06 brochures were designed using the photos and a video was started.

The Project and the Patan Appellate Court executed an MOU under which the Court committed to make building repairs, upgrade toilets, remove old cars and other litter on the court premises and perform some maintenance over a 2-year period. Repairs and maintenance will be completed within two years and the Project provided furnishings, computers, and office equipment.

The Supreme Court of Nepal completed an Office & Management Survey that reviewed and recommended changes in staffing and duties. With financial support from the Project, the Supreme Court organized a workshop on 22 November 2005 at which it presented the survey's findings and recommendations. Judge Prem Sharma, Butwal Court of Appeal, presented the survey's findings and recommendations. The Survey's findings and recommendations and the comments from the workshop were sent to the Government for approval. The Project intends to assist the Supreme Court with implementation as soon as the Government approves the findings and recommendations.

The Project supported improving the archives at the Special Court, the Lalitpur District Court, and Parsa District Court (Birgunj) and entered into an MOU with the Supreme Court to improve Supreme Court archives. The archiving activity was completed at the Patan Appellate Court. The Project supported an On-The-Job Training Program (OJT) in each of the courts on archiving. The training outlined the activities as detailed in the Archiving Manual developed by the Project's consultant. Court staff, with supervision from senior court staff, purged the files of extraneous and outdated documents in accordance with retention requirements, returned files borrowed from other government agencies, cleared and repaired files, organized the data in new file folders and boxed the files. The Project provided file folders, file boxes, shelving, and fire extinguishers for the archive rooms. The Project entered into a contract with TechMinds Communication Pvt. Ltd., a local computer and software company, for development and installation of archiving software at the Special Court and the Lalitpur District Court. The software would be primarily an automated register of archived files. In addition to developing the software TechMinds would provide training to court staffs.

Included in the Second Annual Workplan was development and implementation of a court user's charter. The Supreme Court drafted a court user's charter and asked the Project to provide financial support for printing copies of the charter and for printing posters to post in the Supreme Court. The Supreme Court was advised that there be a Nepal-wide court user's charter posted in all Nepali courts and agreed to follow the Project recommendations.

ARD Project personnel met with several consultants for the purpose of discussing judicial security for judges trying individuals charged with Maoists activities. The consultants proposed extensive meetings with Royal Nepal Army officers, Home Ministry officials, senior government officials and others at an estimated cost of $100,000. ARD concluded that the proposal was not feasible and the cost excessive.

The Supreme Court held two workshops to discuss enforcement of judicial decisions. Workshop participants made a number of comments and suggestions which were included in a report forwarded to the Government for its approval and action.

Following a November 2005 workshop organized by the Ministry of Law, Justice and Parliamentary Affairs to discuss improving the Special Court, the Ministry recommended adding a second bench to the Court. Implementation of the recommendation is pending Government and Court decisions on the additional facilities needed to house a second bench.

The Project entered into a contract with the Kathmandu School of Law (KSL) to do an analysis of 30 anti-corruption cases decided by the Special Court to determine causes for the delay in decisions and the consequent build-up of the Court's backlog. The Project is waiting for the report so that it can work with the Court to develop a plan for reducing the backlog.

3.2.3 Precedent

In recognition of its 50th Anniversary the Supreme Court decided to publish important and precedential Court decisions and asked the Project for financial support for the printing. A

committee of lawyers and Supreme Court Justices reviewed 13 categories of prior decisions and selected important or precedential decisions for publication in each category. The committee also prepared a brief analysis of each decision. This is the first time that decisions having important or precedential value have been gathered together and published with an analysis of the nature, scope and evolution of the precedents.

3.2.4 Public Defender and Legal Aid

The report on legal aid completed in the first Project year confirmed that Nepalis have four sources of legal aid: stipendary lawyers[2] appointed by the courts, Central and District Legal Aid Committees established under the Legal Aid Act of 1997, the Nepal Bar Association (NBA) under a program funded by the Norwegian Bar Association and the European Union, and civil society organizations.[3] The report concluded that although there is legal aid, it is not available in all parts of Nepal. It also found that many indigents and disadvantaged are not aware of their right to legal aid; and if they are, they do not know how to apply for or get legal aid. The report also recommended that a public defender system be established.

Stephan MacKenzie, International Consultant, arrived in May to work on developing a public defenders program in Nepal. During the May trip he met with many of the legal aid providers and judicial organizations (e.g. Nepal Bar Association, LAAC, AJAR, Registrar of the Supreme Court), stipendary lawyers, and government attorneys to discuss organizing a public defender system in Nepal. Mr. MacKenzie organized a consultation workshop with representatives from the various organizations engaged in providing legal aid. He recommended organizing a public defender pilot project in Kathmandu Valley and that the stipendary lawyers in the Valley be assigned to the pilot project. In addition he recommended that a public defenders commission be set up to oversee the public defenders.

Mr. MacKenzie returned in September 2006 to continue working on the pilot project. He wrote a Public Defenders Code of Conduct and rules of procedure for the pilot project and drafted an implementation plan for the public defender pilot project. He met with the Registrar of the Supreme Court and it was agreed that a Public Defender Board would be organized to oversee the Public Defender Pilot Program and ensure that the implementation plan would be followed. A draft Public Defender Rules and Guidelines was developed in Nepali for adoption by the Supreme Court.

3.2.5 Mediation

In July 2005 Nepali judges and court staff spent a week in The Netherlands and Slovenia learning about and observing court-related mediation. Judges in the Arnhem District Court

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[2] Stipendary Lawyers are appointed to represent indigent criminal defendants in Nepali courts. They have a one year appointment and are paid a nominal monthly sum of NRs 2000.

[3] For a full discussion of the four types and legal aid in Nepal see "Study of the Current Legal Aid System in Nepal," Law Associates Nepal, 2 September 2005, a study commissioned by the ARD Rule of Law Project.

stressed that if court-related mediation is to be successful, there must be a public relations program to educate judges, lawyers and litigants about the benefits of mediation. Judge Machtel Pel, Vice President of the Arnhem District Court also stressed that there must be a continual program for educating and encouraging judges to refer cases for mediation.

The Project contracted with Carr Swanson and Randolph LLC ("CSR"), a mediation consulting firm in Washington, D.C., for three workshops in Nepal to develop public awareness of the benefits of mediation. The workshops were held in Kathmandu, Biratnagar and Pokhara during the week of 26 September 2005.

In January/February 2006 Mr. Robert Randolph, a partner in CSR, and retired Judge Patrick King, a mediation consultant from Boston, Massachusetts, spent three weeks in Nepal to develop mediation awareness in the judiciary and court staffs and to follow-up on mediation activities outlined by ARD and CSR. Due to limitations on communication and travel because of bandhs and curfews, many of the planned activities were either canceled or limited. During that visit there was an "Introduction to Appellate Mediation" for judges and staff from the Supreme Court and Patan Appellate Courts and workshops for Patan Appellate Court and Supreme Court judges and staffs.

Robert Randolph and Frank Carr, partners in CSR conducted workshops and public awareness training programs that consisted of a 3-day basic training, a 3-day advanced training and a practicum. The training courses for the FNCCI and NBA members were sponsored by FNCCI, the NBA and the National Judicial Academy. The FNCCI and NBA members were divided into two groups. The training for judges was sponsored by the Judges Society Nepal. Eighty individuals completed the 56 hours which consisted of basic and advance training and a three-hour practicum. At a ceremony following the last training sessions the participants were awarded a Certificate of Training.

The Project entered into a MOU with the Nepal Judges Society to draft court rules and regulations for court-related mediation and to conform mediation forms prepared by Mr. Randolph to the draft court rules and regulations. After incorporating Mr. Randolph's and Mr. Carr's comments the drafts of the court rules, court regulations and mediation form were sent to a committee of Supreme Court justices for their review and comment.

The Project provided Urban Pixel content for three mediation brochures and asked Urban Pixel to design brochures. The first brochure was completed and the Project will provide copies of the brochures to FNCCI, the Nepal Bar Association and the Nepali courts for distribution and display. Three different designs have been developed for the first brochures. Two other brochures will be completed and distributed in the final Project year.

The Project approached the Federation of Nepalese Chambers of Commerce and Industry (FNCCI) and discussed training FNCCI members as commercial case mediators. The Project suggested that FNCCI organize a mediation center to facilitate mediation of commercial issues and commercial cases in the courts. FNCCI was receptive to the Project's suggestions and participated fully in the Project's mediation activities. The Project and FNCCI have entered into an MOU under which FNCCI would develop a FNCCI mediation center, publicize the center and

encourage its members to train as mediators. The Project agreed to provide funds for staffing the Center for approximately a year and assist FNCCI with a public relations campaign to publicize for the Center. The FNCCI Mediation Center was officially opened on 10 July 2006 and is staffed with an Executive Director and Administrative Assistant.

To address the resistance that some lawyers' associations have towards mediation, Mr. Randolph and Project Staff met several times with Nepal Bar Association (NBA) members to discuss mediation. On 2 February 2006 the NBA with support from the Project hosted a workshop for its members on court-connected mediation. Speakers included Bar President Shambu Thapa and the U.S. Ambassador to Nepal, the Hon. James Moriarty. The ROL COP spoke on human rights and rule of law at the NBA's 10th All Nepal Lawyers National Conference. Project Staff also gave a presentation on court-connected mediation at one of the Conference's workshops. The working paper presented by ARD was published in Nayadoot, a bi-monthly publication of NBA.

In May the NBA held a 2-day continuing legal education program in Pokara for approximately 60 lawyers. ARD Chief of Party Fred Yeager and ARD ROL Coordinator Badri Bhandari gave presentations on mediation. Mr. Bhandari spoke about the basics of mediation and Mr. Yeager spoke about building an ADR practice.

3.2.6 Other Judicial Sector Activities

On 5 May 2005 the Judges Society held a discussion program at which the guidelines, regulations and forms were discussed with participants suggesting changes. The changes were incorporated and the three documents submitted to the full Supreme Court for adoption. The Court adopted the rules, regulations and forms and sent them to the Ministry of Law, Justice and Parliamentary Affairs for final approval. The documents were approved and notice of the court regulations was published in the Nepal Gazette on 31 July 2006.

The Project had discussions with the Executive Secretary of The Judicial Council, Chief Justice of the Supreme Court and members of the Judicial Council on developing programs and procedures for reducing corruption and improving judicial ethics. The political instability, the hostility to the King's autocratic rule and unpopular judicial appointments seemed to paralyze the Judicial Council and the Project was unable to get it to commitment to any programs. However, Project Staff continue to encourage the Judicial Council to develop a program to combat judicial corruption.

The National Judicial Academy (NJA) Strategic Plan was finished and approved by the Governing Council and the Executive committee. Workshops were held for legal/judicial officers, judges, government attorney and private lawyers to discuss training and a questionnaire was distributed to gather information about training needs. The Project provided support for analyzing the data from the questionnaires and workshops through a contract with TechMinds Communication Pvt. Ltd., a local organization, to develop the software and databases for analyzing the data. TechMinds Communication completed the analysis and delivered its report. The questionnaires were analyzed and a Training Plan written and approved by the Executive Committee.

The National Judicial Academy co-sponsored the 3-day Basic Mediation Trainings, the 3 day Advanced Mediation Trainings and the Practicums for Nepal Bar Association members and FNCCI members.

In November 2005 international consultant Mary Noel Pepys spent two weeks in Nepal working with the Nepal Judges Society and the National Judicial Academy. Ms. Pepys met twice with the NJA staff and discussed, among other topics, developing the institutional capacity of the NJA, a broad framework for a training plan, training Supreme Court judges, and initial training for new judges as well as continuing legal education courses for sitting judges.

Over the past year, the Judges' Society reorganized, elected new officers, and became active in several programs including the Project's mediation activities. The Judges' Society sponsored the mediation familiarization programs for court staff and for judges and drafted rules, regulations and guidelines for court-related mediation. The Project supplied office furniture, office equipment and a computer and printer to the Judges' Society.

During her visit to Kathmandu, international consultant Mary Noel Pepys met with the Judges Society and discussed strengthening the Society and becoming a member of the International Judges Association. With Ms. Pepys' and Project assistance, the Judges Society organized a workshop, "Strengthening the Nepal Judges Society" on 17 November 2005. Approximately 75 judges and staff attended the Workshop at which Judge Khatiwada, Secretary General of the Nepal Judges Society, presented a paper discussing the planned activities of the Society. The paper was followed by extensive discussion on the planned activities as well as many comments on the need for a strong judges organization to represent the interest of judges.

The Project entered into an MOU with the Judges Society under which the Judges Society will organize a national convention of Nepali Judges and will develop a training program for women who plan to sit for the judicial exams. These activities will take place in the final Project nine-month period.

3.2.7 Women's Participation in the Legal/Judicial Sector

During her trip to Nepal, International Consultant Mary Noel Pepys met with women judges to develop a program to increase the number of women judges.[4] After several meetings with the two women justices on the Supreme Court and the Executive Directors of FWLR and LACC, Ms. Pepys concluded that a better plan would be to increase the number of women in the legal profession. Increasing the number of women active in the legal profession would create a base from which women could be nominated for appointment to the bench.

Ms. Pepys and Project Staff organized a two-hour Women Legal Professionals Workshop to discuss increasing the number of women in the legal profession. A second workshop was held on December 8, 2005 at which the participants set priorities and selected members of a

[4] There are currently 5 women judges in Nepal. Two sit on the Supreme Court, one in the Appellate Court, and two are district court judges.

Coordinating Committee of Women Legal Professionals. At a meeting on 5 January 2006 fourteen women met and discussed a plan of action of possible activities which would benefit women in the legal profession.

3.3 THIRD YEAR SUMMARY

After the Maoists became members of Parliament in December, 2006 the Project suspended activities with Nepali Courts until an OFAC license was issued by the Treasury Department's Office of Foreign Assets Control. The license was issued on 5 February 2007 and activities were resumed.

3.3.1 Streamline and Strengthen Management Capacity of Judiciary

During the last CY quarter of 2006 the court prepared an Information & Communication Technology Plan ("ICT"). During the first three CY quarters of 2006, the Project and the Supreme Court discussed the ICT and the assistance that the Project could provide. The Project and the Supreme Court agreed that the Project would provide financial support for an assessment of the current level of technology at the Supreme Court and provide financial assistance for hiring an MIS Director to oversee the assessment and implementation of the recommendations from the assessment.

In late December 2006, the Project entered into a contract with a local company, Magnus, to review the Supreme Court's "ICT Master Plan for Computerization of the Supreme Court" and assess the current hardware, software and staffing. Although suspended during January, activities resumed when the OFAC license was received. Magnus has submitted progress reports which show that the contract is on track for completion as required.

The Project entered into an MOU with the Supreme Court to provide support for data entry from court records, staff training in software, systems operations and computers system management, and building staff awareness on the benefits of technology in case and court management. Court staff entered the information developed during the review of and organization of data in 17,000 case files.

During the final CY Quarter of 2006 the Project supported publication of 4 additional volumes of Supreme Court Decisions. The additional volumes covered labor law, land law, execution of decisions, and indexes. With publication of the above 4 volumes, the Project has now supported publication and distribution of 17 volumes of Supreme Court Decisions including an index.

A 10-week case briefing project with the Supreme Court was completed in January 2007. The program began with a one-day orientation program in which the trainees were given instruction on how to summarize basic information of the case file under the given format. Thirty-seven court staffers participated in the OJT program.

3.3.2 Develop a Scientific Central Archive System for the Courts

Archiving activities were completed at the Parsa District Court. The Parsa District Court Staff purged files of extraneous and outdated documents in accordance with retention requirements, cleared and repaired files, organized the data in new file folders, and boxed the files. 59,826 files were archived. Additional shelving was provided at the Court's request.

Archiving also began at the Supreme Court. The staff selected for the archiving activity was trained in the principles and procedures for archiving and with discussion following the activities described in the Archiving Manual developed by the Project's consultant. The Supreme Court has cleaned, organized and re-filed approximately 70,000 files. The archives at the Supreme Court are larger than at the other courts with approximately 125,000 files to archive.

3.3.3 Institutionalize the Legal Aid Program for the Indigent and Disadvantaged

Nepal Judges' Society revised court rules and procedures for public defenders and the code of ethics prepared by the International Consultant, Stephen MacKenzie, so that they conformed to Nepali court regulations and Nepali laws. Project Staff discussed with the Supreme Court office space for the public defenders pilot project and other issues related to starting the public defenders pilot project. However, due to budget limitations, the entry of Maoists into government and the Project's approaching closing date, the public defender pilot project will not be continued.

3.3.4 Strengthen Mediation and Encourage Consensus Building in the Justice System

Frank Carr, mediation consultant with the firm of Carr Swanson Randolph, arrived in November to preview plans for a Settlement Week and to finalize the Train the Trainers Workshop. He provided short workshops for judges, lawyers and court staff on Settlement Week procedures and selecting cases for settlement. He also worked with FNCCI to finalize its mediation center procedures and organized several familiarization program workshops.

Due to compliance with OFAC the Project substantially revised its plans for Settlement Week. Since neither the Project nor the mediation consultants were able to work with the court, the Project entered into a contract with the Nepal Mediators Society ("NMS"), a local NGO. Under the contract NMS would work with the mediation centers at the Supreme Court and Patan Appellate Court and would monitor the mediators, pay the centers the stipulated amount for each mediation and meet on a regular basis with the Project and mediation consultants CSR. Due to the limited Settlement Week the Project cancelled the media coverage for settlement week.

Bob Randolph and Frank Carr, mediation consultants arrived on 28 January 2007 and spent 2 weeks in Nepal providing support for Settlement Week and conducting a Train the Trainers course for 17 mediators previously trained by Mr. Randolph and Mr. Carr. Mr. Randolph and Mr. Carr met several times with the mediators mediating the cases in the two mediation centers and NMS to review progress and answer any question that the mediators had.

Following up on previous meetings with the Labor Court, Mr. Carr and Project Staff met Judge Shesh Raj Shiwakoti, recently appointed to the Labor Court. During the meeting Judge Shiwakoti expressed his willingness to refer cases for mediation. He stated that he would prefer to refer the Labor Court cases to the FNCCI Commercial Mediation Center. Mr. Carr and Project Staff agreed to meet with FNCCI and discuss procedures for referral of Labor Court cases. Mr. Carr advised Judge Shiwakoti that there should be a Memorandum of Understanding between the Labor Court and the FNCCI Commercial Mediation Center describing the procedures for the referral. Project Staff have given a copy of the draft MOU with the FNCCI comments (See Commercial Mediation below) to the Labor Court for its reviews and comment. The Labor Court expressed its willingness to sign the MOU but requested a letter from the Supreme Court authorizing it to enter into the MOU. Project Staff discussed the authorization with the Supreme Court and the authorization will be given.

During the week of 5 February, Mr. Randolph and Mr. Swanson conducted a 5-day Train the Trainers Workshop. Seventeen participants attended the 5-day workshop. These participants and three alternates were chosen from the approximately 80 individuals participating in the 56-hour mediator training workshops conducted during 2006 by Mr. Randolph and Mr. Carr.

The following subjects were covered in the 5-day training.

- Principles of adult learning
- Training techniques for adult learners
- Creating a schedule of instruction
- Preparing lesson plans
- Designing visual aids
- Conducting experiential learning
- Communication techniques for the adult learner
- Preparing training evaluation forms.

Fred Yeager, COP, gave a presentation on basic principles of mediation to the FNCCI Executive Board meeting of the FNCCI Board. The Board then approved the Commercial Mediation Center's ("CMC") regulations. The Regulations provide the rules and procedures for mediation at the FNCCI Commercial Mediation Center.

During the 3rd and 4th quarters of 2006 Project Staff and Frank Carr and Robert Randolph devoted substantial effort to working with the CMC Administrator to prepare the CMC regulations, mediation forms and other material. It became apparent during the 4th quarter that the administrator was not satisfactory performing his duties. During Mr. Randolph's and Mr. Carr's trip to Nepal in January and February 2007, Mr. Randolph, Mr. Carr, COP Fred Yeager and Badri Bhandari met with the administrator and discussed his performance and failure to meet the standards expected. The Project then contacted FNCCI and discussed the issue with them. FNCCI concluded that it would replace the administrator with a FNCCI employee who had participated in the 56-hour training program conducted by Mr. Randolph and Mr. Carr. In late February 2007 a new administrator was appointed.

With support from the Project, the Nepal Labor Court and FNCCI entered into a Memorandum of Understanding under which the Labor Court would refer cases for mediation to FNCCI's CMC. However, when the Labor Court attempted to refer cases, the Nepal trade unions objected on the grounds that they did not believe the CMC would be impartial. Discussions followed between the Labor Court, FNCCI and the trade unions. The discussions concluded that there was a lack of understanding of mediation by the trade unions and that a program to provide them with information would probably solve the problem. As a result, the Project is planning to give several informational seminars on mediation principles and benefits for the trade unions.

FNCCI organized a workshop on 23 March 2007 for Labor Court officials; member of employer's council and representative of different trade unions. The workshop gave the participants an overview of the benefits of and procedures in mediation. It also provide details on the FNCCI mediation center. Badri Bhandari, Senior Technical Coordinator for Rule of Law presented a working paper on mediation DCOP Mr. Govinda Das Shrestha gave brief remarks during the program.

During the final quarter of 2006 9,000 copies of the mediation brochure "Ten Questions" were printed. Three thousand copies were given to the Supreme Court, 3,000 copies to the Nepal Bar Association and 3,000 copies to FNCCI.

The Project entered into a contract with the Commercial Law Society ("CLS") under which a special issue of its Business Law Journal would be devoted to mediation. The special issue would have articles on mediation in both English and Nepali. The CLS presented the articles in January. After reviewing them, the Project found them unacceptable and return the articles to CLS for further review and rewriting if necessary.

3.3.5 Strengthen Communication, Coordination and Interaction

The Project contracted with Law Associates Nepal ("LAN") to prepare a report including a brief analysis and specific precedential value on 30 landmark cases decided after 1 February 2005. The report, "An Analysis of Selected Decisions of the Supreme Court in the Year 2005" has been completed and sent to the Supreme Court for comment. The intent of the report is to show the independence of the Court during the period after 1 February 2005 when the King was in control of the government. The report was to have been presented at a National Judges Conference being organized by the Nepal Judges Society. However, due to the present political environment and pending constitutional changes, the Conference was cancelled.

The Kathmandu School of Law Moot Court Team contacted the Project and requested financial support for sending the Team to participate in International Moot Court Competition held in the U.S. in March 2007. The U.S. Embassy in Nepal was providing some financial assistance and suggested to the team that it contact ARD for additional support. The Project reviewed the activity and after discussion with USAID concluded that the activity further enhance the technical skills of students planning to become lawyers and judges and would therefore benefit the courts. The project agreed to provide financial assistance. The team traveled to Washington D.C. in March and successfully competed in the competition.

3.3.6 Strengthen Institutional Capacity of the Special Court

The Project entered into a contract with the Kathmandu School of Law ("KSL") for an analysis of 30 Special Court cases to determine the reasons for the Court's backlog. The report "Study of Selected Corruption Cases at the Special Court" was finalized and copies sent to the Special Court, Supreme Court of Nepal, Commission for the Investigation of the Abuse of Authority, Office of the Attorney General and the Nepal Bar Association for review and comment.

The following methodology was adopted by KSL: Analyze the laws and regulations on corruption cases, Supreme Court interpretation of the laws and regulations and emerging trends internationally. Analyze the practices of investigators, prosecutors, judges and defense lawyers. Practicing lawyers and law students observed trials and interviewed individuals. Analyze 30 Special Court cases to establish the time associated with each step of the proceedings

3.3.7 Strengthen Institutional Capacity of the Nepal Judges Society

International consultant Steven MacKenzie who worked on the Project's development of public defender system in Nepal prepared rules, procedures and code of ethics for public defenders. Under an MOU with the Project, the Nepal Judges' Society conformed the rules, procedures and code of ethics to Nepali Court regulations and Nepali laws. A final draft of the rules and procedures was submitted to the Project.

Under an MOU with the Project, the Judges' Society is sponsoring a training program for Nepali women legal professionals wishing to take the judicial service exam. The Project entered into a contract with a Nepali company Management Innovation, Training and Research Academy Pvt. Ltd. ("MITRA") to develop a training program and participate with the Judges' Society in training the participants. Training for women legal professionals planning to take the judicial service exam was conducted.

3.4 SELECTED SUCCESS STORIES

According to government counterparts, the Nepal ROL Project made significant progress in strengthening rule of law institutions. The following illustrate four examples.

3.4.1 Case Disposal Rates Greatly Improved in the Supreme Court

The beginning of a three-year USAID Nepal ARD Rule of Law Project coincided with the first year of the Judiciary's Five-Year Strategic Plan, the first ever initiative for a planned development of the Judiciary in Nepal. Following consultation with the Supreme Court the ARD Project developed programs for strengthening the Judiciary that covered several of the 16 Strategic Intervention areas of the Plan. Implementing an effective case management system was one of the intervention programs identified by the Plan.

ARD supported the Supreme Court's initiative for developing and implementing an effective case management system to reduce delay and case congestion in the Court. ARD in April-May 2005 helped the Court organize an On-the-Job Training program to prepare more than 1,094 case briefs out of 1,400 plus cases pending over a period of five years. Following the successful completion of the first OJT another training program on case file inspection for strengthening monitoring and supervision activities in the Litigation Desks was delivered to facilitate completion of cases in 2006. Through the training 14,217 case files were reviewed. As a result and with the leadership and determination of the justices and court officials and staff, the Court was able to reduce backlog by over 20 percent in 2005 and 2006. The backlog came down to a level of 14,000 from approximately 18,000 cases in 2004. In 2005 to 2006 the Court disposed over 8,181 cases, the highest in thirteen years, the period over which the court maintained the record of case disposal. In 2004-05 the Court disposed 7,494 cases.

3.4.2 Automation of Case Management in the Supreme Court

Information on court case status became a "click away" for legal professionals. Information about weekly and daily cause lists and cases before the benches was made available in the Supreme Court website: www.supremecourt.gov.np. From a study or office one can get information about the latest status of the progress of a case at seven to eight benches of the Court on a daily basis. The bench officer now updates the status of a case as the hearing progresses at the bench.

The Court developed and installed software for entering basic information about live cases. In June 2006, ARD started an eleven-month long program of data entry of over 20,000 live cases, awareness building and change management training for senior officers, training in system operation for 150 officers and staff, and training in system management for 20 officers and staff. With the completion of data entry the Court became able to introduce an automated system of case management in the Court. ARD hired a local software development company to provide back-up services of software and network experts for operation of the system and train the court staff for a sustained operation and management of the system.

3.4.3 Scientific Management of Court Archives

The search for court files is no longer the time-consuming ordeal it had been since ARD supported court initiatives for management of archives at five courts including the Supreme Court. The four other courts included the Lalitpur District Court, Parsa District Court at the trial court level, the Patan Appellate Court, and the Special Court for hearing of corruption cases. According to the Annual Report of the Supreme Court for 2004-2005, the total number of files at all levels of courts was 2,376,344. In the five courts where ARD conducted archive management programs there were a total of 309,425 files, 13% of the files at the courts country-wide. Detailed activities for the systematic management of archives included purging of files, cleaning, re-filing, placing of code numbers for easy location or reference, boxing, shelving and entering the information on the register or a computer database.

3.4.4 Mediation at the Appellate Level

Through ROL Project efforts, mediation became a "win-win" option for dispute resolution. Encourage "consensus building" was one of the strategic intervention activities of the Nepali Judiciary as prioritized in the Five Year Plan approved by the Supreme Court in 2004. ARD in July 2005 organized a ten-day study visit of judges and court officials to the Netherlands and Slovenia to observe and learn more about the benefits of mediation. Encouraged by the success of mediation in these countries planning for developing public awareness of benefits of mediation started soon after the return of the study team. ARD then organized a series of awareness workshops for the public, businesses, judges, lawyers, court officials in different parts of the country followed by a 56-hour training program for 80 mediators in mediation skills and techniques and a three-day training for court officials to conduct court referred mediation. The National Judicial Academy, Judges Society Nepal, Nepal Bar Association, and Federation of Nepalese Chambers of Commerce and Industries jointly organized the training events. Mediation rules and guidelines were adopted for all levels of courts. A Training of Trainers program for 17 mediators was completed for conducting training of mediators in the future. The Nepal Mediators Society was established with the objective of conducting public awareness and media campaigns. With the participation of these organizations and the active participation of judges, lawyers and the business community, the pillars of success of mediation program in the country, a base for its sustainability was put into place.

The eighteen-month long preparation for mediation started giving results with referrals of cases for mediation at the mediation centers established for the purpose in the Supreme Court and Appellate Court Patan. More than 100 cases have been referred for mediation by these courts in three months and the success rates wereencouraging. Twenty-eight cases in the Supreme Court and eleven cases at the Appellate Court Patan were settled. At the FNCCI Mediation Center 12 cases have been referred and registered and 2 cases have been settled.

SECTION 4

ANTI-CORRUPTION COMPONENT

The partners of the Rule of Law (court-related) activities are primarily government judicial agencies. In addition to the government counterparts - Commission for the Investigation of Abuse of Authority (CIAA), Special Court, the National Vigilance Center (NVC), and the Office of the Attorney General (OAG) - the Anti-Corruption Component works with many civil society organizations. Chief among these are ReMAC, Pro Public, CeLLrd, SWATI, and Transparency International.

In the second year, exploratory discussions for ROL Project support were held with the Ministry of Law, Justice and Parliamentary Affairs. Additional civil society organizations were engaged in ROL Project activities.

Anti-Corruption Component activities in the third and final year continued with the training program emphasis on corruption awareness and the strengthening of the three major government counterparts: OAG, CIAA, and NVC.

4.1 FIRST YEAR SUMMARY

Promoting corruption awareness and prevention was a major activity for the Anti-Corruption Component. At the outset of the Project, meetings were held with CIAA staff to discuss media and awareness related programs. The objectives were to develop programs to (1) educate the public about the CIAA and (2) rebut charges levied against the CIAA by individuals investigated and charged by the CIAA. Possible media programs for the next two years were discussed.

Regional conferences on anti-corruption were held in 4 districts at Birgunj, Nepalgunj, Biratnagar, and Pokhara. ProPublic, SWATI, ReMac and others were actively involved in the initial planning for the regional anti-corruption conferences. A working document describing the planned conferences was developed with the major organizers of the conference being the Commission for the Investigation of Abuse of Authority, the National Vigilance Center and the Judicial Council. The local NGOs that participated in the planning and developing the conference agenda were ProPublic, Transparency International, ReMAC, SWATI, COACT, Swatantra Vichar Manch, Sanskar, and Sisnu Pani.

CIAA conducted an interaction program on June 10, 2005 to review declarations made during three anti-corruption regional conferences held at Birgunj, Biratnagar and Pokhara respectively. A Committee was named, headed by the Chief Officer of the NVC, to plan the follow-up and the Project Anti-Corruption Coordinator is a member of that Committee. The fourth Regional Anti-Corruption Conference was held in the first year from 23 August to 25 August 2005 in Nepalgunj.

In late 2003 and early 2004 CIAA, with assistance and support from USAID/Nepal, organized the Mechi-Mahakali Media Society Nepal for the purposes of encouraging media coverage of corruption and supporting CIAA in its efforts to combat corruption. With Project support, the Mechi-Mahakali Media Society Nepal organized a seminar on the "Role of Journalists against Corruption and for Good Governance."

One of the results from the Seminar, conducted on 16 April 2005 in Pokhara, was the recommendation that there should be training for journalists to investigate corruption. ReMAC had earlier submitted a proposal to the Project for conducting investigative journalism training. The Project recommended that the two organizations - Mechi-Mahakali Media Society Nepal and ReMAC - collaborate on developing a country-wide training program for investigative journalists. From September 2 through September 8, 2005, ReMAC conducted an eight half days workshop on investigative journalism. Topics presented by experienced journalists included: anti-corruption laws, investigation of corruption, prosecution techniques, and investigative journalism methods.

4.1.1 Strengthen Institutional Capacity of the CIAA

During the first year, the ARD ROL Project provided technical assistance and training to the Commission for the Investigation of Abuse of Authority (CIAA). Activities included a series of observation tours, workshops and conferences; public media; technical information on investigation of corruption and other topics; and physical infrastructure support (equipment and furnishings).

Michael Genelin, ARD Anti-Corruption Consultant, first arrived in February 2005 to work with the CIAA and the Attorney General's Office on activities to strengthen the institutional capacities of the two agencies. Mr. Genelin met frequently with the CIAA and discussed issues related to improving the skills and techniques of the CIAA staff and government attorneys for investigating and prosecuting corruption cases.

An Observation Tour on investigative skills was organized with the assistance of Hong Kong's Independent Commission Against Corruption (ICAC). Three staff members from the CIAA investigative staff and an attorney from the OAG assigned to prosecute corruption cases at the Special Court participated in the training trip. Mihir Thakur, the project's Anti-Corruption Specialist, accompanied the training participants. The training, which was at the ICAC's offices in Hong Kong from 13-17 December 2004, focused on improving investigative skill. The ICAC organized 17 training sessions and 6 separate observations of government offices, i.e., customs, housing, monetary and the High Court.

A Seminar on Investigation and Prosecution of Corruption Cases was organized and took place on 12-13 March 2005. On August 2005, Mr. Genelin delivered a workshop on Plea Bargaining. With the support of the Ambassador of Australia and the Anti-Corruption Agency of Malaysia, nine participants (three persons each from CIAA, NVC, and Attorney General's Office) visited ten anti-corruption agencies in Australia and the Anti-Corruption Agency of Malaysia and its five divisions. The observation tour took place from 23 July to 4 August 2005.

On 8 September 2005, the participants and the chiefs of the three agencies presented findings from the tour and an action plan of reforms and activities.

Michael Genelin, ARD International Consultant, arrived on 1 June 2005 to continue technical assistance activities for strengthening CIAA and other Nepali agencies fighting corruption. During his previous visit, Mr. Genelin suggested that an anti-corruption trial manual be written for CIAA investigators and government attorneys trying corruption cases. A committee was appointed to draft the manual. Mr. Genelin worked with the committee to prepare the draft of an Anti-Corruption Investigation and Trial Guide that was sent to CIAA for its review and comment.

4.1.2 Strengthen Institutional Capacity of the Special Court

ARD ROL workplan activities under the Anti-Corruption Component included strategic plan development; judicial training on anti-corruption investigation, case preparation and trial procedures; judicial training in fraud and money laundering investigation and trial procedures; and judicial cyber/computer crime training. The project team conducted meetings with the Special Court to discuss plans for improving court facilities and preparing a Strategic Plan. A joint training event, the Observation Tour to Europe, was conducted with participation of judges from the Supreme Court, Appellate Courts, and District Courts.

Mr. Genelin met with the judges of the Special Court to address issues related to trial of corruption cases. During the meeting the judges suggested a special seminar for 12-15 appellate judges on the investigation and trial of the corruption case. The interactive program, “Trial of Corruption Cases in the Court” was conducted on 22 July 2005. Discussions focused on the problems of the Special Court while dealing the cases of corruption. Various issues of the charge sheet and enforcement of the decision were addressed and the interactive program concluded with recommendations for action.

4.1.3 Strengthen Institutional Capacity of the Attorney General's Office

Key activities under the ROL Project workplan that were conducted over the past year included strategic plan development; training in anti-corruption investigation, case preparation and trial procedures; anti-corruption trial manual; training in fraud, financial crime and money laundering investigation; records of dates of arrest, incarceration and bail information; organization of a library for the Attorney General's office; and staff training on working effectively with CIAA in investigation and prosecution. Joint training programs that were attended by officials of the Office of the Attorney General include Training Tour, Hong Kong Independent Commission Against Corruption (ICAC); Seminar on Investigation and Prosecution of Corruption Cases (co-sponsored with CIAA); Anti-Corruption Observational Tour, Australia and Maylasia (with CIAA and NVC); and Plea Bargaining Workshop.

ARD Anti-Corruption Consultant Michael Genelin worked in February 2005 to develop a strategic plan for the Office of the Attorney General (OAG), start the process of developing manuals for prosecutors, develop a training plan, and begin training delivery. An interim plan was developed and presented to the OAG that included proposals for training for the prosecutors

in the following subjects: penal procedure/evidence code; trial skills enhancement; establishment of a permanent training committee; establishment of a "train the trainers" program; merit based hiring and promotion; reviewing the ethics code for possible recommendations and/or revisions; and specialized training such as computer skills, forensic evidence, cyber crime/internet crime, and crime scene investigation.

On April 24, 2005, a staff workshop of government attorneys was organized for the purpose of developing staff ideas and suggestions which would be useful for writing the AG Strategic Plan. The 30 participants attending the one-day workshop were divided into three groups with each group discussing one core area.

During meetings at the OAG, Mr. Genelin and Mr. Thakur discussed procedures for arresting suspects. One of the major issues is that the public prosecutors are not promptly informed when a suspect has been taken into custody. One of Mr. Genelin suggestions was a detailed intake form. Mr. Genelin designed a Criminal Filing Intake Form that was sent to Richard Miles, Police Advisor, DFID, for comment and evaluation. After receiving and incorporating Mr. Miles' comments, the Form was discussed with AG executive personnel and they agreed to refer it the OAG Working Committee for consideration.

4.1.4 National Vigilance Center

Activities conducted by the ROL Project under the workplan with the National Vigilance Center (NVC) included development of a five year strategic plan; improving stronger liaison between NVC and CIAA; identifying government organizations involved in collection, maintenance, and analysis of financial data; and equipment and furnishings.

Joint ARD ROL Project training events that NVC officials attended with other anti-corruption organizations included the Plea Bargaining Workshop; Talk Programme on Auditor General's Report and its Implementation; Regional Conferences on Anti-Corruption; Planning and Follow-Up Meetings for Regional Conferences on Anti-Corruption; Anti-Corruption Observation Tour, Australia and Maylasia; the ADB/OECD 7th Steering Group Meeting and 5th Regional Anti-Corruption Conference, Beijing, Peoples Republic of China; and Journalists Role Against Corruption and for Good Governance, Pokhara.

Project team members and the National Vigilance Center (NVC) began working to develop a strategic plan for the National Vigilance Center at the beginning of ARD ROL Project implementation. On 7 November 2004, ReMAC, a local NGO, with support from the Project organized a seminar to discuss the strengthens and weaknesses of the NVC and its role in fighting corruption in Nepal. Approximately 60 participants attended the Sunday afternoon seminar, "The National Vigilance Center: Role And Challenges Ahead" to kick-off the development of the NVC's strategic plan.

On 18 March 2005, ReMAC, the local NGO with a history of working with the NVC, with support from the Project, organized and delivered a workshop on "Financial Disclosure Law and Its Enforcement. The workshop resulted in recommendations on various methods and processes of implementing property disclosure law and follow-up meetings were planned with Property Record Keeping Offices. An Interaction Program on increasing the efficiency of filing

financial disclosure forms was organized by CIAA, NVC and ReMAC, with support from ARD ROL Project. On 27 June 2005, ReMAC and the ROL Project conducted a workshop on "Unsettled Expenditures in Government Offices."

4.2 SECOND YEAR SUMMARY

Promoting public awareness of the costs of corruption continued to be a major activity during the second year. During the first year, the Project organized regional conferences to discuss anti-corruption, building community support for anti-corruption efforts and developing integrity in government and the private sector. Regional conferences were held in Birgunj, Biratnagar, Pokhara and Nepalgunj. Due to the conflict and political turmoil the Dhangadhi regional conference was delayed until June 2006. The Dhangadri Conference was the largest of the 5 conferences with approximately 180 participants and followed the general format with participants from local government, business community and NGOs.

4.2.1 Promoting Corruption Awareness and Prevention in Nepal

A Task Force formed in June 2005 to follow-up on conference declarations by the regional conferences recommended that Local Coordination Forums (LCF) be formed in each of the 5 conference locations and that a Monitoring Panel with members from CIAA, NVC and ARD ROL be organized to oversee the Local Coordination Forums. The Dhangadhi Local Coordination Forum was organized on the last day of the Dhangadhi regional conference. The Local Coordination Forums are composed of representatives from local government offices, local businessmen and members of local NGOs.

A three-day training workshop for LCF members was organized in Nagarkot on 20-22 August 2006. The workshop was designed to give the participants information about the role and function of the LCF and give them necessary skills and knowledge to plan and implement anti-corruption activities in their communities. In the next project year, the Project and CIAA will work with the LCFs to implement the action plans.

In August 2006, the Project supported CO-ACT's proposal to organize a song competition for the Teej Festival. CO-ACT is a local NGO working on women's activities. The festival participants wrote songs about corruption and sang them. A panel of judges awarded first, second and third monetary prizes. The songs explored the role of women in anti-corruption both as participants and victims. The song competition was videotaped to be shown on Nepali TV.

After several cancellations and reschedulings due to strikes and political demonstrations, the two workshops for investigative journalists were held during the last week of June in Pokhara and the first week of July in Godavari. The Pokhara workshop was sponsored by Mechi Mahakali Media Society and the 35 participants were from Western Nepal. The Godavari Workshop was sponsored by Nepal Institute for Professional Journalism and Communication Studies and 32 participants from Eastern Nepal attended. At the close of each workshop the participants were asked to develop and submit an investigative journalism project on corruption

after their return home. Twenty-one of the participating journalists submitted investigative articles which had been published in their local daily or weekly newspapers.

The Project organized an information tour for CIAA, NVC and OAG officials and senior staff. The participants were hosted by Singapore's Corruption Practices Investigation Bureau (CPIB) and Malaysia's Anti-Corruption Agency (ACA). During the tour the Nepali delegation met with senior officials of CPIB and ACA and discussed anti-corruption efforts, strategies, programs and effectiveness in fighting corruption. During the exposure tour, the Nepali delegation was given information about the community education programs of the two hosting agencies. Since CIAA and NVC have a statutory obligation to conduct community education programs, the tour participants were particularly interested in whether the CPIB or ACA programs could be replicated in Nepal. On 28 July 2006 CIAA organize a discussion program to discuss anti-corruption education programs. Representatives of government agencies and NGOs active in anti-corruption attended.

The Project supported the publication of a 16-page anti-corruption special supplement published in the December issue of the Himal Khabar, a national fortnightly. The supplement covered the achievements and challenges of corruption in Nepal. The supplement also included interviews with the CIAA Chief Commissioner Surya Nath Upadhaya, NVC Chief Office Krishna Kumar Shrestha and private citizens. Included in the Supplement was a brief article on ARD ROL activities in anti-corruption.

4.2.2 Strengthen Institutional Capacity of the CIAA

The Project had planned to support various seminars and workshops for CIAA officials and staff. CIAA received a World Bank grant for training and the Project focused on other activities with CIAA. In May CIAA moved into its new building which was specifically built for CIAA. The Project provided a fire alarm system, access control system and lab equipment for the new building.

At CIAA's annual recognition day, two Project supported publications, "7 Special Court Decisions on Disproportionate Property" and the "Anticorruption Investigation and Trial Guide." were officially presented. Five hundred copies of the "7 Special Court Decisions on Disproportionate Property" were distributed to interested parties. Five hundred copies of "Anticorruption Investigation and Trial Guide" were distributed to CIAA staff and staffs of other government agencies.

The Project supported filming of two 2-minute public service spots (PSS) highlighting the CIAA and its activities in fighting anti-corruption. The PSS will be distributed to cinema halls throughout Nepal and will be shown with advertisements and commercials prior to the start of the movie. One PSS has been completed and distributed to a number of the cinema halls and the second PSS will be completed early in the third year.

During the second year, the Project entered into an MOU with CIAA under which the Project will support a survey of CIAA activities and accomplishments during the last 5 years.

4.2.3 Strengthen Institutional Capacity of the Attorney General's Office (OAG)

Since the start of the Project there have been four different Attorney Generals which has required that the newly appointed Attorney General be informed of Project activities and resulted in delay in previously planned and approved activities.

The Project contracted with a local organization School of Environmental Management and Sustainable Development to work with the OAG and complete the Strategic Plan. Workshops were held in February in Kathmandu and Janakpur to familiarize the public prosecutors and staff with the plans for the Strategic Plan. The Strategic Plan was finalized and was approved by the Attorney General in August 2006.

In August 2006, Project staff met with the newly appointed Attorney General and his senior officials to discuss proposed OAG activities. The Project advised the Attorney General that due to the fact that the project was scheduled for completion in about 10 months it could only commit to providing training. After discussion, the Project agreed to support training programs on human rights, forensics and computer training. In September the OAG sent a proposal for three human rights seminars to be held in October 2006.

4.2.4 Strengthen Institutional Capacity of the National Vigilance Center (NVC)

Over the past two years of the Project, four different individuals have been appointed as Chief Officer of the NVC, resulting in a delay in planned activities as the newly appointed Chief Officer is informed of Project activities. For approximately three months there was no Chief Officer and one of the Joint Secretaries was the Acting Chief Officer.

When the Seven Party Alliance took control of the Government in April 2006, the Prime Minister appointed a committee to review the role and future activities of the NVC. The committee was chaired by the Joint Secretary of the Prime Minister's Office. Included as a member of the committee was the ROL Project Anti-corruption Coordinator, Mihir Thakur. With the departure of the Chief Officer and the appointment of an Acting Chief Officer, Project activity at NVC was reduced to a minimum. The Strategic Plan was completed with the technical support of the School of Environmental Management and Sustainable Development (SAMATA, Nepal) and approved by the NVC Chief Officer.

4.3 THIRD YEAR SUMMARY

Project Staff worked with CIAA staff to finalize plans for a Train the Trainers Workshop (TOT) to develop a cadre of trainers and organizers who would be able to conduct the anti-corruption regional conferences. The Project entered into a contract with Training and Development Center (T&D) a local training organization to assist with the development and facilitation of the workshop.

4.3.1 Promote corruption awareness and prevention in Nepal

At the close of each of the workshops on Investigative Journalism, participants were asked to submit an investigative journalism article on corruption in their home community. Twenty-one of the participating journalist submitted articles. They were invited to attend a 1-day follow-up workshop held in Kathmandu on 14 October 2006. The original intent was to award a fellowship to ten of the 21 journalists for a detailed investigation and report on a particular corrupt incident. However, the selection panel reviewing the 21 articles decided to reduce the amount of the fellowships and to award a fellowship to each of the 21 participants at the one-day workshop. The Mechi Mahakali Media Society printed and published reports in May, 2007 as written by the journalist getting fellowships.

In September 2006 CO-ACT, a local NGO, sponsored a song festival at which women sang songs they had written about corruption. The festival was videoed and the video telecast on Nepal Television on 15 October 2006 and 16 October 2006.

4.3.2 Strengthen Institutional Capacity of the CIAA

On 12 October 2006 CIAA officially opened its new building. Project Staff attended the opening. The Project provided $115,000 of equipment for the new building. In addition, two Public Service Spots ("PSS") about corruption were completed and delivered to CIAA. The CIAA will handle the distribution of the two PSS to cinema halls in Nepal to be shown with other public service spots and advertisements.

The Project entered into an MOU with CIAA to do a survey of 5 years of CIAA activities and accomplishments. The Project entered into a contract with Kathmandu Frontiers Associates ("KSA") to do the survey. Although the survey was suspended while waiting for the OFAC license, KFA continued with its survey activities when the suspension was lifted and expects to complete the survey on schedule.

4.3.3 Strengthen Institutional Capacity of the Attorney General's Office (AG)

The Project advised the OAG that due to the planned completion of the project in June 2007 there was not sufficient time for any meaningful activity on the Model Office Pilot Program. During the CY third quarter 2006 a new Attorney General, Mr. Banjade, was appointed. Mr. Banjade has been a strong advocate of human rights. During the initial meeting with Mr. Banjade, he and his staff requested assistance for training and equipment. OAG then submitted a written request for workshops on human rights, forensics and computer training. The Project agreed to provide support for the requested training.

Four "Interaction Program on Protecting Rights of Accused & Victims" were held in Biratnagar, Butwal, Dhangadhi, and Kathmandu in late 2006 and early 2007. The Project provided support for each of the workshops. The purpose of the programs was to instruct public prosecutors on the rights of the accused and victims under Nepali law and international

covenants to which Nepal is a party. The workshops also encourage the public prosecutors to take a more active role in protecting the rights of accused, particularly while in police custody. The topics were substantially the same at each of the workshops but there were different speakers at each workshop.

The Project supported the OAG's Forensics Science Training Workshop on 26-30 November 2006 at Park Village Hotel in Budhanilkantha. The purpose of the workshop was to provide public prosecutors with information on forensics which would be useful in investigating crimes.

4.3.4 Strengthen Institutional Capacity of the National Vigilance Center ("NVC")

Project Staff met several times with the National Vigilance Center and its new Acting Chief Officer. NVC requested financial support for showing 4 videos that it had shot. The videos are intended to educate the public on the costs of corruption and to educate the public on the role and activities of NVC. The Project agreed to provide financial support for the showing of the videos on Nepal Television. Nepal Television will continue to Air the two public service spots produced by NVC through May, 2007.

NVC held a regional anti-corruption conference in Dolakha Charikot on 12-13 December. Project staff also participated as a key speaker in two-anti-corruption conferences organized by NVC. The conferences were held in Surkhet and Kanchanpur during the 1st and 2nd weeks of March 2007. The conferences followed the format developed by ARD, CIAA and NVC for regional anti-corruption conferences

SECTION 5

GRANTS COMPONENT

During the first year of the ROL Project, beginning in February 2005, work began on developing the Grants Component. Actual implementation of activities of the final thirteen grantees began in December 2005.

5.1 FIRST YEAR SUMMARY

The Project's Grants and Contracts Specialist Manager, Govinda P. Neupane was hired in February, 2005 and work on developing the grants program began that month. With assistance from an ARD Senior Grants Specialist (Mr. Christopher Landry) stationed at the ARD office in Burlington, Vermont and the Project team, a grants manual was developed in April, 2005 and submitted to USAID/Nepal and the USAID Contracting Officer for review.

A half day Grants Application Workshop was conducted on 18 May 2005. There were 33 participants from civil society and educational institutions. Participants were informed about ROL Project goals and objectives. The grants program objectives and the priority activities for receiving grants from ARD were presented. Administrative and technical procedures of the grants selection and administration process were discussed. Participants provided feedback on simplifying the grants procedure according to the capacity of Nepali NGOs. The participants also suggested that ARD review the payment reimbursement method to reduce financial management issues for the NGOs. Clarifications were provided by Project staff and USAID Officials on ARD and USAID procedural requirements. The Grants Orientation Workshop provided necessary information to prospective applicants. Many of the participating organizations responded to the Request for Application (RFA) that was published on 6 June 2005 with a due date of 7 July 2005.

A total of 155 organizations requested and received the RFA/Application Package with an application due date of 6 July 2005. A total of 59 applications were received by the due date and 6 late applications were received by 12 July 2005. Non-conforming applications and late submissions were excluded and a total of 56 applications were reviewed by two panels of 3-person technical application review panels (ROL and AC). The panels were formed to include technical team members of ARD and the USAID CTO in accordance with the procedures presented in the ARD-ROL Grants Management Plan (Grants Manual).

The panels met in July and early August, 2005 and reviewed the applications according to the criteria presented in the Request for Applications. A total of 23 applications were selected for the second stage of the review process. A technical memo was prepared by the panels to document the grant application selection procedures that were followed. No grant applications were selected for second stage review for the activity: Strengthen Institutional Capacity of Government and Non-Governmental Agencies to Enhance Governmental Integrity and Transparency. Revised technical proposals were received from the short-listed 23 applicants by the due date of 5 September 2005. The second stage of grant applications review was completed

by October 2005 and it was expected that up to 14 grants would be awarded with a maximum award amount of $50,000.

5.2 SECOND YEAR SUMMARY

In the second year of the ARD ROL Project, the Grants Component took on a new significance for staff activities and engagement with civil society organizations. A total of thirteen grantees were selected with a total grant amount of $611,946. While Govinda Neupane is designated the Grants Manager, the entire ROL Project staff is engaged in providing technical support and monitoring of grantee activities. ROL Project staff attended many of the training events that are delivered by the Grantees. In the ten-month grant implementation period of the second year, a total of 168 training/information events were conducted by the grantees.

In the first year, the ROL Project focus was clearly on the judicial sector (Rule of Law Component) and anti-corruption. Counterpart government agencies and civil society organizations (NGOs) were easily designated as being engaged either in judicial sector strengthening or anti-corruption. The Grants Component in the second year added a new dimension for increasing access to justice for the poor and disenfranchised and addressing the issues of gender and environmental law. These were areas that were identified in the First Annual M&E Report as requiring attention by the ARD ROL Project.

The ROL Project Grant Component is supporting both relatively new NGOs and well-established NGOs. Among the relatively new NGOs are AJAR, SWATI, FEALPEC, Spiny Babbler and ReMAC. Among the more established NGOs supported by the Grant Component are Pro Public, Transparency International, FWLD, Legal Aid and Consultancy Centre (LACC) and the Nepal Law Society.

The grantee training program is addressed in a sub-section below. In summary, three organizations (FEALPEC, FORJUST, and Pro Public) address environmental laws. Three organizations (Swati, FWLD, and LACC) address women's issues and one (AJAR) provides legal aid to under-represented prisoners. Nine organizations (FWLD, LACC, NLS, AJAR, FEALPEC, Pro Public, FORJUST, RCDSC, and Radio Sagarmatha) are engaged in rule of law (judicial sector). Four organizations (TI, ReMAC, Spiny Babbler, and Radio Sagarmatha) deal with anti-corruption. Selected program information and findings from the M&E interviews conducted with five of the grantees are presented below.

5.2.1 Major Grants Program Results

Over the nine-month grant implementation period, there were many achievements as documented in the quarterly reports from the grantees and as observed by the ROL Project staff. Selected major grant program results are described below.

Amendment of Discriminatory Laws and Provisions Against Women

The Forum for Women, Law, and Development (FWLD) reviewed the Constitution, 83 pieces of legislation and over a hundred legal provisions. Along with its network of NGOs, FWLD prepared an Amendment Proposal and submitted it to the Ministry of Women, Children and Social Welfare and the Ministry of Law, Justice, and Parliamentary Affairs. On October 10, 2006, with the out-of-the-ordinary cover letter from the Office of the Speaker of the House of Representatives forwarding the Amendment Proposal to the Ministry of Women, Children and Social Welfare for necessary action, 56 provisions of the amendments were passed. These included, among others, inherited property remaining with the women in the case of divorce, marital rape designated as a crime with a prescribed penalty, and support the Government of Nepal policy of 33% participation of women in all government bodies. Please see the FWLD press release (Annex D) for more details on this important development for women's rights.

Legal Aid to Women, Children, and Disenfranchised Groups

Through Legal Aid and Consultancy Centre (LACC), Access to Justice and Advocacy of Rights (AJAR), and Rural Community Development Service Council (RCDSC), a total of more than 324 poor women and prisoners have received legal aid. With AJAR legal aid, 61 prisoner cases were resolved, ranging from obtaining necessary court documents to issuance of final sentences. With the intervention of LACC and AJAR, 97 cases were settled through Quasi-Judicial Bodies (e.g. CDO, Municipalities, and Land Revenue).

Manual on Quasi-Judicial Bodies, Procedures/Laws

The Nepal Law Society produced a Manual on Quasi-Judicial Law. Coordination and cooperation on the drafting involved seven Nepal Government Ministries. The initially planned printing of 1,000 copies has been expanded due to demand from Quasi-Judicial Bodies. The new planned printing will be for 6,000 copies.

5.2.2 FWLD

Having three dedicated FWLD Nepal Bar-admitted attorneys along with other renowned legal experts and retired judges to be assigned to important activities such as the drafting and passing of the Amendment Proposal on Discriminatory Laws and Provisions Against Women was essential for success. The dedicated Grant attorneys have been able to focus on key public interest litigation (10 cases) with two expected to be resolved by May 2007. Through the grant, the attorneys can hold meetings beyond Kathmandu to encourage support and consensus for women's legal issues.

The process for writing the grant proposal and the ARD ROL Project for monitoring and supporting the FWLD grant is seen by the FWLD Chair as systematic and strategic.

5.2.3 SWATI

SWATI a women's NGO is focusing on corruption awareness with the ROL Project grant. Through street dramas and demonstrations at key events such as weddings, the general public is made aware of corruption issues and women's concerns including dowry.

SWATI operates beyond the Kathmandu Valley. With grant support it operates the corruption awareness program in six districts and provided a training event in Biratnagar, Bhairahawa, and Birgunji. Important program aspects include networking, developing coalitions of concerned stakeholders, training programs for women lawyers groups, and supporting regional women's groups on corruption reduction awareness.

5.2.4 Nepal Law Society (NLS)

NLS is a 415 member organization that includes judges and attorneys in the public and private sectors. In the nine-month period of grant implementation it conducted 11 training programs that included 410 participants. A total of 91 participants were female for a ratio of 22.2% female. Of the 11 training sessions, two were conducted in Kathmandu.

At the M&E interview with NLS officials, they confirmed that a lot of time and effort was required to obtain the grant. They stated that much was learned through the grant exercise with the ARD ROL Project. Points included defining the proposal and policy level initially and focusing on procedures to assure sustainability. They stated that it was an extensive learning experience about planning, being transparent, explaining, and improving the project approach. "The USAID system should be continued in other projects." They also learned more about public relations, improving NLS credibility, and being non-aligned politically.

5.2.5 Legal Aid and Consultancy Center (LACC)

LACC has an extensive existing program that has focused on training for women to be lawyers or judges. There are 5 women judges out of the total of 252 judges and two of these are in the Supreme Court. There are approximately 700 women lawyers in the Bar and only 100 practicing women lawyers out of 12,000 total practicing lawyers. Two women attorneys are in the Ministry of Justice. The Bar examination is seen as barrier for women entry into the legal profession. The ROL Project grant provides support for training women law graduates on participation in the judicial sector. Clinical legal education is provided to women law students through the grant.

Legal aid is provided to women primarily in family issues. Consultation with women frequently results in their choosing of mediation. Free legal aid is provided in Kathmandu and two other districts. By September 2006 500 cases were accepted and the overall target is 1,050 cases. On sustainability: LACC will have leftover cases after the end of the grant period and will continue providing services to these women.

A total of 28 cases have been brought to trial and resolution with 21 won for the female litigant and 7 lost. According to the LACC Chair, without ROL Project almost no cases would

have been filed. The Nepal Court's stipendary program is primarily a *pro bono* program that pays attorneys at 2,000 rupees per month for a two year appointment.

The LACC Chair stated that an ongoing concern is the implementing of court judgments. Court procedures are quite lengthy. With the Equality Law passed on September 28, 2006, LACC will be serving on a legislative committee. Other lessons learned by LACC:

- Counseling and mediation is best (win/win) over bringing cases to court.
- Women open up with women lawyers (access to justice).
- Need public awareness alongside legal remedies (not in the current ROL Project Grant).
- Need a shelter for victim women to fight their cases from Kathmandu.
- Need skills training for women to address the post-settlement reality.
- Roll out the program to other Districts.
- Addressing women's access to justice is a long-term process.
- Work in the legal sector is time consuming and the sector is resource poor.
- Without donor support, women and children suffer from lack of access to justice.

The LACC Chair stated that the ARD group is very cooperative, accessible, and interested. The ARD ROL Project is becoming educated about women's issues and they improve with their experience with LACC. Govinda observes the program and has even traveled to far Western Nepal. LACC has no complaints with the ARD ROL Project.

5.2.6 Forum for Environmental Awareness and Legal Public Concern (FEALPEC)

FEALPEC operates in six Western Districts in Lumbini Zone. The grant approach is to sensitize and develop capacity of government and non-government actors to address environmental issues and enforce existing laws. The media mobilization program includes radio programs and the publishing of 1,000 copies 8-page brochures. Eighteen training events have been conducted that included community stakeholder awareness and capacity building of judicial and quasi-judicial bodies. To date, two environmental cases were litigated under the grant. The adjudicated case resulted in the closing of a limestone quarry that violated Nepal environmental law.

5.2.7 CASTE

In contrast to the information collected on Caste distribution for ROL Project training event participants, under the AJAR grant a different set is observable. Of the 70 prisoners in the five Kathmandu Valley prisons, the following table indicates the Caste members served and the proportional distribution.

Ethnic and Gender Composition Received Paralegal Service

Ethnic/Gender	Brahmad/ Chetri	Dalit	Janajati	Newar	Madhesi	M	F	Total
Received Services	15	6	41	6	2	66	4	**70**
Percentage	21.4	8.6	58.5	8.6	2.9	94.3	5.7	**100.0**

In the ROL Project training program (excluding the Grant Component training program), Brahmin/Chettri constitute 88.0% of all participants as compared to 21.4% of AJAR legal aid recipients. ROL Project training participants were 7.7% Newars which is similar to the 8.6% for AJAR legal aid recipients. For the ROL Project training participants, 4.3% were from indigenous groups which contrasts with the 8.6% Dalit and the 58.5% Janajati in prison.

5.3 THIRD YEAR SUMMARY

On 15 December 2006, the second Grants Review and Coordination Meeting was held. Participants included representatives from the 13 grantees, government, and USAID. The grantees presented their major results and achievements through December 2006. All grantees expressed the hope that the grants program would be continued in a follow-on USAID Rule of Law Project. Government representatives expressed their support for the grantees working in their area and commented on the expected results from the program. Many of the grantees were engaged in training and workshops. However, a few had some activities that were somewhat different and they are covered below.

- **LACC, AJAR, RCDSC:** Legal Aid to Women, Children, and Disenfranchised Groups: From Dec 2005 through May 2007, through Legal Aid and Consultancy Centre (LACC), Access to Justice and Advocacy of Rights (AJAR), and Rural Community Development Service Council (RCDSC), a total of more than 701 poor women and prisoners have received legal aid (court representations) and out of 701 cases, 245 cases have already been decided by different courts (see LACC and AJAR final Reports and updates for reference). With the intervention of LACC and AJAR a total of 408 cases received paralegal services to these groups, and 123 cases were settled or completed through Quasi-Judicial Bodies (e.g. CDO, Municipalities, and Land Revenue). (This is important to keep as a latest achievements in Legal aid sector in grants program

- The Nepal Law Society's Manual on Quasi-Judicial Bodies was published and the Project supported publication of an additional 6,000 copies in addition to those provided for by the Grant Agreement. The Manual is used in workshops conducted by the Nepal Law Society in all regions of Nepal. The Manual is used in workshops conducted by the Nepal Law Society in all regions of Nepal in 40 districts. All concerned stakeholders found this manual an useful of their daily business when NLS conducted a quick impact study on the training and manual usage.
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- Radio Sagamatha aired 26 radio programs on rule of law, human rights and good governance issues through two programs, Bidhi Ko Sashan- Rule of Law and Aja Ka Kura- Judiciary's Contemporary issue of the day. The programs were transmitted in Kathmandu Valley and then transmitted to 7 regional FM stations for transmission. Radio Sagarmatha also organized 2 public hearings at Pokhara and Surkhet regions on the quality of service from the judiciary and other quasi-judicial and administrative bodies. Included in the approximately 2,000 persons attending and commenting were senior government officials, representatives of quasi-judicial and other administrative bodies, representatives from civil society organization, media persons and interested citizens. The topics included strengthening rule of law, governance and human rights in the region.

- ProPublic filed 3 PIL cases on environmental pollution. It also completed testing of 8 companies which local community people in the western and eastern regions of Nepal had charged were violating pollution laws and regulations.

- Forum for Justice published 1000 copies of its Manual on Environmental Crime Prosecution and disseminated them in Nepalgunj and Biratnagar regions during capacity building programs.

During the first quarter of 2007 the REMAC, RCDSC, FWLD and SWATI were successfully closed. The remaining nine grants were closed out in out in early May 2007.

LACC 9-month long CLE program for 43 women legal professionals was complete and a graduation ceremony held. The 43 women participating in the CLE program were from Biratnagar, Pokhara and Kathmandu. LACC also completed a 1 month Bar Exam Preparation Training Program for 22 women law graduates planning to take the Bar Exam. Eighteen successfully passed the Bar Exam.

AJAR organized a mobile legal aid camp in 5 districts adjacent to Kathmandu valley. The camp supported approximately 30 cases.

Radio programs public interest litigation activities by FEALPEC, Radio Sagarmatha and ProPublic continued during the quarter.

Spiny Babbler (SB) finalized the 3 video films on anti-corruption. Draft versions of the videos were shown several times to ARD and USAID for comment. After several attempts to improve and clarify the anti-corruption message, ARD, USAID and SB jointly agreed that the films would not be distributed for airing on national television but would be used for educational purposes and public awareness programs. The FOG agreement was modified, the fifth and final milestone was deleted and the grant amount adjusted accordingly.

During the quarter, the following grantees published documents and articles in accordance with their grant agreement:

ReMAC -

- Year Book on Corruption-2007 - 1100 copies
- Book on Investigative Stories - 1100 copies
- Good Governance bimonthly bulletin- 5th and 6th issue – 2000 copies

FORJUST - Re-print of Manual on Environmental Crime Prosecution Techniques-additional 1000 copies

FEALPEC - Environmental Concern- Newsletter Bulletin-7th, 8th and 9th issues - 2000 copies

TIN - Anti-corruption awareness 6 monthly 3rd issues of bulletin- 3500 copies

FWLD - Booklet on current status of discriminatory laws and challenges for future

Grants Manager Govinda Neupane and project staff visited the offices of ten grantees to provide technical support, grants compliances support and review financial procedures.

SECTION 6

TRAINING PROGRAM

In the conduct of the ROL Project, meetings were held with government and civil society organizations. Many of these meetings included groups of twenty or more persons. These activities, critical to the success of the overall ROL program were generally categorized as interactive events when there were large audiences. Accordingly, descriptive data from all sessions were recorded under two distinct categories: "informational events" and training. Informational events were meetings and interactional occasions to discuss issues of mutual interest such as action plans and approaches to addressing program concerns. Training events are defined as formal presentations of new technical material by specialists in the topic and subject matter.

Training, aside from that of the grantees, was conducted with the active participation of the government counterparts and civil society organizations. The organizations proposed objectives and agendas that were reviewed by the Project staff. The Project provided the technical specialists, facilities, and staff logistical support. Project staff collected information on the number and characteristics of event participants. The ROL Component and Anti-Corruption Component Coordinators played important roles in organizing and conducting the events. A Project mandatory requirement for training events, including international observation tours, was the completion of deliverables by the participants and organizing organizations such as conference declarations and action plans.

Many of the events were conducted for participating organizations, both government and civil society, that were engaged in both rule of law and anti-corruption activities. The Special Court, for example, could be included in the Project Rule of Law Component as part of the judicial system. The Special Court sits in judgment of corruption cases and is included in the Anti-Corruption Component for reporting purposes. The Office of the Attorney General (OAG) is included in the Anti-Corruption Component because of its role in prosecuting anti-corruption cases. Anti-corruption, however, is a small portion of the overall prosecutorial criminal caseload of the OAG. ROL Project Grantee organizations provided training that dealt with rule of law, anti-corruption, and other ROL issues. A third category was the training and informational events delivered by the ROL Project Grantees.

6.1 RULE OF LAW AND ANTI-CORRUPTION TRAINING EVENTS

During the implementation of the Second Annual Workplan, 18 training events (including observational tours) were conducted under the Rule of Law Component, a three-fold increase over the six training events conducted in the first year. The number of total participants, 461, was a substantial increase over the 92 participants in the first year. There were a total of 28 women participants out of the total 796 participants in the second year. This proportion of women participants of 6.1%, while low, was still a substantial increase over the 3.3% women participation rate in ROL training during the first year.

Under the Anti-Corruption Component in the second year, there were 12 training events. This was the same number of training events conducted by the Anti-Corruption Component in the first year. Of the total 336 participants, 30 or 8.9% were women. This women participation rate remained constant relative to the first year of Anti-Corruption Component training.

In the third year, five additional training events were held under the Rule of Law Component in which 311 participants were in attendance. Of these 311 participants, there were 43 women representing 13.8% of total training event participation. This percentage was greater than a two-fold increase over second year events. It is also more than a three-fold increase over the first year. The Anti-Corruption Component in the third year had one training event with 42 men and 1 woman in attendance.

6.2 RULE OF LAW AND ANTI-CORRUPTION INFORMATIONAL EVENTS

There were 15 informational events under the Rule of Law Component in the implementation of the Second Annual Workplan which attracted 796 total participants. This constitutes a slight increase from the first year ROL Component informational events. In the second year the proportion of women participants reached 38.4%, seven times the proportion from the first year. This increase was substantially aided by the National Women Lawyers' Seminar conducted in September 2006 which included 250 women. Without this event, the proportion of women participants in ROL Component informational events would have been 10.3% (a two-fold increase).

Under the Anti-Corruption Component in the second year there were 7 informational events with 212 total participants. Of the total participants the proportion of women (1.9%) remained largely unchanged from the first year. However, the number of informational events and level of total participants fell dramatically during the second year to nearly half the levels from year one.

In the third year there were 3 informational events under the Rule of Law Component with 58 participants attending. The Anti-Corruption Component held 5 informational events. Of the 194 total participants 4.1% were women. This is greater than a two-fold increase in the proportion of women in Anti-Corruption informational events relative to the first and second years.

6.3 GRANT TRAINING PROGRAM

There were 157 training events for grantees activities during the second and third years. Of the 5,506 total participants 2,153 (39.1%) were women. The proportion of women participating in training events remained approximately equal between the two years.

Grantees activities also accounted for 131 informational events that were attended by 5,755 individuals. The participation rate of women for the informational events was 21.0%. Unlike the training events, participation rates of women at informational events varied from 17.0% in the second year, to 42.5% in the third year.

6.4 INTERNATIONAL TRAINING EVENTS

In the first year there were a total of 6 international events. Three were classified as conferences/observation tours and three were classified as training for individuals. In the second year there were five international events. Three were group observational tours and two were for single individuals attending seminars/training. In the final year there were no international training events.

In the first year, two female judges, one was the President of the Kaksi Appellate Court later appointed to the Supreme Court and the other was a judge at the Lalitpur District Court, participated on an international observational tour. In the second year, there were no female participants for international events.

6.5 INDIVIDUAL PARTICIPANTS AND REGIONAL DISTRIBUTION

Many of the persons participating in Project events during the first year attended more than one ROL Project conference or workshop. On average for the first year, it is estimated that participants participated in two ROL Project events and a total of 980 individuals were reached.

Contrary to initial expectations, the bulk of the participants in the first year resided outside of Kathmandu. A total of 660 participants of the total 940 individual participants or 70.2% were from districts outside of Kathmandu.

In the second year, the ROL Project continued to conduct training outside of Kathmandu and to include residents from outlying Districts. For example, both Investigative Journalism Workshops were conducted outside of Kathmandu, one in Pokara for journalists from Eastern Nepal and one in Godavari in the Kathmandu Valley for journalists from Western Nepal. The Follow-Up Investigative Workshop was conducted in Kathmandu in October 2006.

While most third year Rule of Law Component events occurred in Kathmandu, several Anti-Corruption informational events were held outside Kathmandu in Biratnagar, Butwal, and Dhangadhi.

6.6 COMBINED TRAINING AND INFORMATIONAL EVENTS

The ARD ROL Project First Annual Workplan listed a possible sixteen training/informational events (including conferences, workshops, special interaction sessions, individuals sent for training abroad, and international observation tours) to be held during the period 1 October 2004 through 30 September 2005. A total of 44 training/informational events (including three substantive interaction meetings that included from 20 to 60 participants) were documented for the first year. This constituted nearly three times the originally planned number.

The ROL Second Annual Workplan listed a planned twenty-one events. Given that 44 training/informational events had been delivered in the first year, 44 would have been a reasonable target for the second year. The ROL Project actually delivered 52 training/informational events in the second year, an increase of 18.2%. This is for only those

events conducted through the staff and through direct funding for delivery. Additionally, 176 ROL grants implementation training/informational events were conducted over a nine-month period.

In the Third Year Workplan covering 1 October 2006 through 31 March 2007, 14 training/informational events were held. In addition, 112 training/informational implementation activities were delivered by the ROL Project Grantees.

During the first year and second year, there were 1,805 participants in the Rule of Law and Anti-Corruption training/informational events. While the number of participants remained constant from the first to second year, the number of total training/information events increased from 44 to 52 constituting an 18% increase in the number of events. This change lowered the average number of participants per event from 41.02 in the first year, to 34.71 in the second year. The average number of participants in the third year returned towards first-year levels at 43.29 participants per event.

In the second and third year, 288 training/informational grantee activities took place under the grant training program. Out of the 11,261 participants attending these events, 3,349 (29.9%) were women.

6.7 TRAINING BY CASTE

ROL Project Staff, for the majority of delivered training and informational events during the second and third years, reviewed participant lists and identified participant caste by their names. The proportion represented by each caste category remained constant over both years. Of the total 66 training/informational events over the two-year period, this name analysis was conducted for 55 events as summarized below (Indigenous includes Dalits and others):

Brahmin: 66.0%

Chettri: 19.8%

Newars: 9.8%

Indigenous: 4.4%

SECTION 7

M&E FINDINGS AND RECOMMENDATIONS

Monitoring and evaluation methodology uses findings and conclusions to derive an end product of programmatic development themes and recommendations. In the participatory approach utilized for the Nepal ROL Project monitoring and evaluation, these findings and conclusions are presented as supportive of program development suggestions, recognizing that program priorities will depend upon the utilized sources of such information and the background interests involved. Recommendations were derived from interviews and group discussions with knowledgeable counterparts and stakeholders in order to determine the level of consensus on rule of law and anti-corruption program directions. The suggested priorities and recommendations here will ultimately be appraised in accordance with the availability of USAID resources for a future ROL program.

The nature of any new rule of law and anti-corruption programmatic initiatives will be shaped by USAID/Nepal with additional input from government counterparts and civil society stakeholders. The information, analysis, and suggestions/recommendations presented here are intended to support such mutual discussions and decisionmaking.

7.1 ROL PROJECT IMPACT

At the final meeting of the ROL Project Partners Program Review Advisory Committee meeting, the members representing four government counterparts and six CSO's constituted the Expert Panel to assess "whether rule of law is strengthened" and "whether national government integrity, accountability and anti-corruption systems are enhanced." Committee members were reminded that the period of interest was June 2004 through April 2007. Nine of the ten represented organizations said, "Yes, rule of law in Nepal is strengthened as a result of the USAID ROL." When asked in what areas was there improvement and for examples, the following was offered in both the rule of law and anti-corruption arenas.

- **Mediation:** Mediation Centers were established, cases have been cleared, and demand is expected to increase. The amending of court-related mediation rules was a good development.

- **Public Interest Litigation:** Important cases were disposed over the past year. Compliance by government authorities has improved

- **Court/Agency Facilities:** Court facilities and services have improved in Kathmandu.

- **Capacity Building:** Public agency parties are better informed now. Attitudes of government public officials on rule of law have been changed. Court staff work effectively in Kathmandu courts, have become more supportive, and services have improved. Previously, government counterpart organizations only depended

on the government funding. Now they approach other donors like USAID and use ARD and CSOs for support and funding of activities.

- **Public Awareness:** FWLD became active in 19 Districts and Pro Public was active in 24 Districts. Public awareness towards judiciary improved. The publishing of an Anti-Corruption Year Book 2007 was very good and was the first of its kind in Nepal. As a result of increased public awareness, behaviors of judges and court officials have changed for the better.

- **Civil Society Organizations:** As a result of the ROL Project, the number of new CSOs in anti-corruption areas increased and included ReMAC, SWATI and others.

- **Gender:** Discriminatory laws and provisions against women have been improved and amended. Public Interest Legislation related to women and legal aid for women and the indigenous have improved their situations. The level of awareness on anti-corruption has been increased among women's groups. An increasing number of information, education, and communications materials emphasizing gender and anti-corruption were produced. Other informational and awareness events have been increased. As a result, the perception of the people on corruption is gradually changing.

7.2 PROJECT OPERATIONS

"This support (from the USAID-funded ARD ROL Project) was unusual and far superior to the methods of other donors. ARD staff initially were demanding on mechanisms, capacity, and project status. We were then impressed with them from the beginning. since ARD made project people accountable and our project ran smoothly. They were practical and considered the country's political status. Some changes were necessary and they were flexible. Through M&E, now FWLD has its own documentation of the program and successes. USAID ROL was different from other donor organizations. We were impressed with the USAID selection of partners. ARD delivered and their staff was informative and clear about what was to be achieved. As a result of this experience with the ROL Project, FWLD hired a new Executive Director with management and evaluation abilities."

Ms Sapana Malla Pradhan
Chairperson
Forum for Women, Law, and Development (FWLD)

The Project staff was cooperative in the process of collecting and reviewing project description and performance information for the preparation of the Annual M&E Reports. The Project staff was professional in its approach to conducting Component activities. The overall ROL Project results confirm that the staff was committed to achieving Project goals.

The Chief of Party was inclusive in his management approach. He encouraged creativity and innovation on the part of Project staff and consultants, listened and communicated well, and accepted responsibility for the overall performance of the ROL Project team.

The allocation of Component tasks among staff members was appropriate to Project goals. Staff members who were added after the first year included the Grants Manager, Travel Specialist Consultant, Equipment Procurement Specialist, and Rule of Law Coordinator. The addition of these staff members was appropriate to the workload, which increased substantially with the implementation of the Grants Program. All of the original staff remained with the ROL Project.

The Grants Manager also had the responsibility of supporting the ongoing M&E information collection by the ROL Project staff. In this capacity, he structured a system of Grants reporting that provided information on Grantee performance. The collection of detailed court information to measure changes and impact was handled by the Anti-Corruption and ROL Coordinators. Collection of such information will be facilitated in the future as the several court case management information systems become operational.

7.2.1 Coordination, Cooperation, and Participatory Approach

The Project was effective in cooperating and coordinating Component activities. Additional partnerships were developed over time with counterparts, civil society organizations, and donors engaged in related rule of law and anti-corruption activities. The Project COP and staff embraced a participatory approach including support for the Partners Project Review Advisory Committee. The Grants Program substantially increased the ROL Project outreach to civil society organizations.

7.2.2 Publications and Action Plans

The ROL Project, through its various components including the grants program resulted in the publication of more than 50 studies, surveys, and reports on rule of law, anti-corruption, and related management, administrative, and topical issues. See Annex A for a partial listing.

Government agency action plans contributed to the engagement of counterpart organizations in rule of law and anti-corruption policy and action. Interviews with officials at the OAG and the Supreme Court indicated that there was increased attention on issues such as case backlogs.

The Project supported several of the government counterparts in developing action plans. Action plans were formally requested of groups of officials that were sent on ROL Project international observation tours. Similarly, products such as conference declarations were achieved and resulted in the formation of several Task Forces. A Task Force reviewed action on conference declarations by the regional conferences resulting in the establishment of anti-corruption Local Coordination Forums (LCFs) in each of the 5 conference locations. Another recommendation was that a Monitoring Panel with members from CIAA, NVC and ARD ROL be organized to oversee the Local Coordination Forums. The Dhangadhi Local Coordination

Forum was organized on the last day of the Dhangadhi regional conference. The Local Coordination Forums are composed of representatives from local government offices, local businessmen, and members of local NGOs.

The ROL Project focus on sound and informed planning affected the administration of the counterpart agencies. The ROL Project emphasis on action planning may continue to improve the focus of counterpart government agencies on issues of rule of law and anti-corruption through time, thus contributing to the sustainability of ROL Project goals.

7.2.3 Annual Workplans

Substantive improvements were made in the approach and structure of the subsequent Annual Workplans. Implementation of the First Annual Workplan resulted in establishing working relationships with the key government counterparts, developing and implementing the training program, initiating important system and equipment court information developments, and improving court procedures and reduction of case backlogs. Implementation of the Second Annual Workplan focused on the implementation, monitoring, and evaluation of the Grants program, while continuing to work with and provide training to counterpart government agencies. Implementation of the Third Annual Workplan resulted in continuation of the ROL, Anti-Corruption, equipment/services, and Grants components while making the Mediation program operational at three Mediation Centers.

7.2.4 Environmental Crime

The prosecution and conviction of environmental crime was an ROL Activity that was substantially addressed in the second year. Project grants in this area were substantively implemented by three NGOs: FEALPEC, PRO PUBLIC, and FORJUST.

7.2.5 Geographic Outreach

The ROL Project, through the training program succeeded in reaching larger numbers of participants outside of the Kathmandu Valley than within, approximately three times as many. This was accomplished even with the threat of Maoist obstruction before the September 2005 ceasefire. ROL Project outreach beyond the Kathmandu Valley continued throughout the three year project period.

7.2.6 Continuity with Rule Of Law and Anti-Corruption Counterparts

The ROL Project Chief of Party noted that continuity with counterparts was an issue given the high turnover of key officials in the counterpart agencies. There was turnover in senior officials in anti-corruption agencies with the CIAA Chief Commissioner retiring in November 2006. The NVC Chief Officer was replaced in August 2006. There were four Chief Officers of NVC and four Attorneys General since July 10, 2004.

7.2.7 Participatory Monitoring and Evaluation

ROL Project grantees noted that the monitoring and evaluation requirements imposed by the ROL Project on grantees, while initially seen as excessive reporting, actually resulted in the grantees focusing on objectives, documenting progress, and providing guidance for improving grant operations. Grantees saw the USAID M&E process as unique among donors. The members of the Partners Program Review Advisory Committee also commented that no other donors had instituted a process of reviewing program progress with stakeholders.

7.3 TECHNICAL ASSISTANCE

Direct transfer of technical knowledge was conducted through technical experts on mediation, public defender programming, development of intake forms, archiving, preparation of case briefs, financial disclosure, and anti-corruption investigation. This assistance, according to interviewed counterpart officials, produced results and had an impact on their understanding of new concepts and approaches for rule of law and anti-corruption.

7.3.1 Rule of Law Component

The focus of the ROL Component in the first year was on the courts with little engagement with civil society as compared to the Anti-Corruption Component. In the second and third years, the ROL Component staff engaged with the Nepal Bar Association, Federation of Nepalese Chambers of Commerce & Industry (FNCCI), and the Judges Society Nepal.

Training was conducted by the Judges Society Nepal for judges and court staff in mediation. The action plan of the National Judicial Academy was completed along with a training assessment.

Mediation Program

Mediation Centers were established and made operational at the Patan Appellate Court, the Supreme Court, and the Federation of Nepalese Chambers of Commerce & Industry (FNCCI). The Centers at the Patan Appellate Court and the Supreme Court were provided with furnishings. District Court Regulations, Appellate Court Regulations, and the Supreme Court Rules were amended incorporating the mediation provisions in the regulations. Guidelines for conducting mediation 2006 were prepared and adopted by the Supreme Court. A total of 80 persons were provided 56 hours of training in mediation. Court and FNCCI staff were trained in procedures for operating the mediation centers. Each of the mediation centers has a roster of mediators and in order to get on the roster the applicant must demonstrate participation in 56 hours of mediation training.

- **Supreme Court Mediation Center:** As of April 2007, there were 78 mediation cases referred by the Supreme Court. A total of 51 cases were processed with 30 resolved through mediation and 21 referred back to the Supreme Court. Those not resolved were duel to the professed “rigidness” of the contesting parties. All

were civil cases dealing with Land and Property. The ROL Project provided brochures, support for mediation regulations, and funding for mediators.

- **Patan Appellate Court Mediation Center:** A total of 57 cases were referred in the two and a half month period of the Center's operation. A total of 37 cases were cleared with 11 resolved through mediation and 26 referred back to the Appeals Court. Payment for mediators through the ROL Project ended after 50 cases and future mediation fees will need to be paid by the contesting parties.

- **FNCCI Mediation Center:** The commercial mediation cases for this Center are for non-payment for goods. A total of 9 cases were referred with none cleared by April 2007. One or two mediation cases are expected to be cleared by June. A nominal Center Registration Fee of $15 to $20 is requested from the contesting parties. More cases are expected from the Labor Court with signing of a Memorandum of Understanding with the Ministry of Labor. Discussions were underway on mediation for bankers on debt repayment on 2,000 cases. The ROL Project supported the Center with brochures andj the development of a marketing plan.

Archiving of Court Records

The archiving of 50,000 case files at Lalitpur District Court was completed in the second year. The LDC staff can now archive up to 1,200 case records per year. The LDC computerized case tracking system was expected to be operational and in use by May 2007.

Finding a case file used to take one to four hours, an estimated average of two hours per case file search. Now the case file is found in minutes, an estimated average of five minutes. LDC personnel were enthusiastic at the change. There apparently was a resulting reduction in solicited contributions (unofficial and unauthorized) for the conduct of case file searches.

The Project expanded the improving the archives effort to the Special Court and Parsa District Court (Birgunj). The Project entered into an MOU with the Supreme Court to improve Supreme Court archives. There apparently was a demonstration effect and archiving was seen as desirable by the Supreme Court and potentially other Nepali courts. Patan Appellate Court has completed the archiving activity in which the court purged, repaired and boxed 59,700 files.

Supreme Court

The Joint Registrar of the Supreme Court was very supportive of the rule of law activities of the ROL Project throughout the project period. He stated that there remains a need to further involve judges in the process of court development and that a major interest of the judges is case disposal.

According to the Joint Registrar, the ROL Project backlog case brief effort resulted in 900 cases disposed of 1,000 cases. Over the past two years of ROL Project operations, he

recognized that the Supreme Court disposed of the largest number of cases ever. In November 2006, 2,000 case briefs were prepared with ARD support.

- Nepali fiscal year July 15, 2004 through July 14, 2005: 23,840 new and old cases. Disposed of 7,494 or 23.4%. Remaining cases 16,346.

- Nepali fiscal Year ending July 14, 2006: 22,377 cases and 8,181 disposed or 36.15% Remaining cases 14,196.

Additional USAID support was expressed as needed for expediting case disposal and the development of software to transform court operations and management.

Special Court

According to Judge Bhoop Dhoj Adhikari of the Special Court, he learned a lot from his participation on the Boston Observation Tour sponsored by the ROL Project. He stated that the air-conditioned courtroom of the Special Court, furnished by the ROL Project, was a comfortable work environment. He also stated that it had a positive impact of productivity. CIAA officials, Supreme Court judges, and other judges came and admired the air-conditioned courtroom.

Judge Adhikari suggested that model courts be developed outside of Kathmandu to strengthen courts and rule of law in the Districts. He also advocated for the purchase of laptops for judges to allow them to also work while at home and to transfer the existing desktops to court staff.

ROL Project support for Supreme Court Case Briefs reduced case backlog. As a result, the Supreme Court is disposing of more cases. The archiving and expansion of the archiving program has resulted in an orderly cataloging and storage of case records. The time to access case files was greatly reduced. In the Special Court and Lalitpur District Court, automated case management systems are being developed. With the successful completion of these systems, the ROL Project will be able to demonstrate an even greater increase in efficiency for court administration.

Several ROL component activities were more fully implemented in the final year. These included the Mediation Program at FNCCI, Patan Appellate Court, and the Supreme Court; exploration of the Public Defenders/Legal Aid Program; and the work with Quasi-Judicial Agencies.

7.3.2 Anti-Corruption Component

In the final year of ROL Project operations, a Regional Conference on Anti-Corruption in the far Western Region of Dhangadhi was conducted. Public awareness and education programs against corruption were delivered through print, electronic, and broadcast media. Training and informational events were held on monitoring assets of public officials. The Anti-Corruption Song Competition was sponsored by the ROL Project.

In the assessment of the M&E Specialist, the Anti-Corruption Component was implemented in a well-planned and effective manner. The emphasis on training/information events in partnership with CSOs resulted in reaching a large audience and addressing critical issues such as increasing the role of the media in investigating and reporting on corruption.

National Vigilance Center

The NVC Joint Secretary requested ROL Project assistance on regulations to be passed by the Cabinet and development of an NVC act. He expressed gratitude for ROL Project support to complete the Strategic Plan. He made positive comments on the ReMac programs for NVC on anti-corruption awareness and the public support seminars, which included parliamentarians.

Public Prosecutor Training

The ROL Project sponsored a training/informational event for prosecutors in Biratnigar that was organized by OAG. The topic was protecting the rights of the accused and the victims. The event's objective was to get public prosecutors to work more closely with the police to ensure that the constitutional and statutory rights of an accused and the victim are observed and enforced.

Office of the Attorney General

The ROL Project supported the development and completion of a Strategic Plan for the Office of the Attorney General (OAG). Books were provided for the OAG library. Training events included Forensic Science, Computer, and Human Rights training for public prosecutors. The Observational Trip to Washington, DC organized by the Project was seen as a positive effort. There was good and improving cooperation of USAID and the ARD Rule of Law Project with the OAG.

Investigative Journalism Follow-Up Workshop

Participants interviewed at the Follow-Up Workshop said that the program was helpful and increased their ability to cover public and private sector corruption. A story by a participant who had attended a Regional Workshop publicized that persons appointed by the King were receiving gifts and preferential treatment (Japanese cultural trip for their children) that subsequently was not taken after publishing of the story. The article resulted in editorials and the story picked was up by other print and broadcast media.

Other examples included lack of maintenance for a District bulldozer and a radio report on encroachment of individuals on public lake property. The latter story was picked up by print in Kathmandu and Pokhara, Rasasa (National News Agency), and online. The government said that encroaching persons would be removed.

7.4 GRANTS PROGRAM

The Grants Program greatly expanded the ROL Project outreach. A key achievement was the expansion of the ROL Project into access to justice and human rights for women and disadvantaged groups. One grantee addressed the involvement of women in the anti-corruption movement. Quasi-Judicial Agencies received training in legal procedures. Grantees stated that being a USAID ARD ROL Project grantee opened doors for them with government agencies. They were able to have unprecedented access due to the recognition of government officials of the USAID ROL program.

The Grants Program resulted in a greatly expanded overall training and information transfer program, additional community mediation, and support against environmental crimes. A total of $611,946 of ROL Project funds was allocated to 13 grantees.

An M&E interview was conducted at the Legal Aid and Consultancy Centre (LACC). A lesson learned by LACC through its legal assistance to women is that counseling and mediation are superior to legal litigation and can provide for a win/win situation. Other program lessons included women open up with women lawyers (access to justice), there is a need for public awareness/information alongside legal remedies (not available in their ARD Grant), and a shelter is needed for women in adverse legal situations. Skills training for women should be provided to deal with the post-settlement reality that may include separation and divorce. The program should be rolled out to additional Districts. Addressing women's access to justice is a long-term process. Work in the legal sector is time consuming and the sector is resource poor. Without donor support, women and children in Nepal suffer.

LACC staff stated that the ARD group was very cooperative, accessible, and interested in women's issues. ARD staff even observed LACC programming in far Western Nepal and other regions. ARD staff became educated on women's issues and their activities and support for women improved with the ROL Project experience with LACC and the other Women's CSOs: FWLD and SWATI.

7.5 EQUIPMENT, FURNISHINGS, AND SERVICES

In the first year, commodities were purchased by the Project for five counterpart organizations. The Special Court commented that their courtroom was the first air conditioned court in Nepal and that the productivity of judges and attending personnel had increased with the increased use of the room during hot weather. Interviews have indicated that the Supreme Court considered placing air conditioners in other courts with Government of Nepal funding. Interviews with other counterpart agencies provided the information that the equipment and services provided through the ROL Project were being utilized and were greatly appreciated.

In the second and third years, in addition to continuing support to the original five counterparts, the ROL Project provided equipment/furnishings/services to three additional counterparts – National Judicial Academy, Patan Appellate Court, and Parsa District Court – as well as to the Judges Society Nepal. Mediation Centers were established at the Patan Appellate Court and the Supreme Court.

The expenditures for furnishings, including computer equipment, totaled $587,720. Expenditures for services such as the mediation training video, strategic planning, and legal rights poll totaled $461,059. The total expended for this ROL Project Component is $1,048,779.

7.6 TRAINING/INFORMATION PROGRAM

The Workplan for the ROL Project first year planned for sixteen training/informational events. These events included:

- Conferences
- Workshops and Seminars
- Interaction Sessions
- Technical Training
- International Individuals Training
- International Observation Tours

During the first year of ROL Project implementation a total of 44 training/informational events were delivered. In the Second Annual Workplan a total of twenty-one events were listed. The ROL Project staff delivered 52 events which constituted a 18.2% increase. The 13 grantees of the Grants Program delivered a total of 176 events. The overall total for the ROL Project training/informational program was 228, a five-fold increase over the first year's performance.

For the 2005 ROL Project year ending September 30, 2005 there was a total of 43 ROL events and 1,805 Participants. That year, women were 100 or 5.5% of the 1,805 ROL participants. In 2006, there was a total of 52 ROL events and again 1,805 Participants.

In 2006, there were 368 women constituting 20.4% of the 1,805 ROL participants. The ROL Projects sponsored the National Women Lawyers Conference that was attended by 250 women. If this event is omitted, women were 8.2% of the remaining ROL participants. There were 1,706 women in the events conducted by the 13 grantees. This is 23.8% of the 7,175 participants in grantee events. Combined, there were 2,074 women or 23.1% of all participants in ROL Project training/information events in 2006.

Training/informational events have been a major ROL Project means to transfer technical knowledge, develop certain abilities, and cultivate new attitudes to achieve rule of law and anti-corruption goals. The events also present opportunities for Project staff to coordinate and communicate with counterparts and civil society organizations. Through working with civil society organizations to design and deliver training events, the Project has been able to develop sound working relationships with their personnel. The requirement of deliverables such as action plans for observation tours has assured additional results of the events and the potential for subsequent reforms and administrative activities.

Improvements can always be made to training/informational programs, especially those that are extended into second and third cycles. The ROL Project improved each session of the Regional Conferences on Anti-Corruption and is following up with the development of Local

Coordination Forums (LCFs). With internal evaluation of an ongoing training event such as a three day conference, changes can be made to replace ineffective resource personnel and presenters, add or drop workshop topics, and improve the logistics and training settings.

7.7 POLITICAL ENVIRONMENT

On February 1, 2005, King Gyenendra declared a national emergency, abolished the Parliament, and assumed executive power. While this move was antithetical to democracy, the USAID Mission and the ROL Project were not deterred in going forward with first year and second year activities.

According to the Executive Director of Transparency International/Nepal, progress in anti-corruption was severely hampered by King Gyenendra's actions over the past year. The Royal Government formed a six member Royal Commission to Combat Corruption (RCCC). The Commission convicted former Prime Minister Sher Bahadur Deuba and his Minister, Prakash Man Singh amid public controversy over the constitutionality of the Commission and questions of the possibility of its politically motivated actions. The Supreme Court subsequently decided against the RCCC and freed Deuba and Singh. On April 25, 2006 under public pressure, the King reinstated Parliament. On May 15, 2006, the Parliament curtailed the governmental authority of the King.

The existence of the RCCC, according to many knowledgeable observers, confused the mission of the CIAA. Activities of the CIAA and Special Court were curtailed resulting in a reduction of anti-corruption cases prosecuted and cleared.

As of April 2007, the political situation is still in flux. Negotiations on arms, the future of the monarchy, and other issues were underway between the Seven Party Alliance and the Maoists. The election date for the Constitutional Assembly was still to be settled by the Nepal Election Commission.

7.8 PARTICIPATION OF WOMEN AND DISADVANTAGED GROUPS

During the first year of ROL Project operations, women constituted 5.3% of all training/informational event participants. There were no explicitly ROL Project strategies for increasing the participation of women in rule of law and anti-corruption efforts. During the first year, Project activities to improve judicial services such as public defender or legal representation to women and disadvantaged groups consisted in an assessment of public defense services. An M&E suggestion was made to focus on gender representation in the Project's second year of implementation. It was anticipated that the Grants Program in the second year would respond to the needs of disenfranchised groups and women's representation in ROL and AC activities.

Of the 1,873 participants in the ROL Project information program, 383 or 20.4% were women. Including the training/information events of the ROL Project grantees, a total of 1,950 or 26.0% of the participants were women. This is a five-fold increase over the 5.3% participation of the first year.

Through the Grants Program in the second year, there are three NGOs that promote equity and legal representation for women: FWLD, SWATI, and LACC. There are also three NGOs that promote equity and legal representation for disadvantaged groups: RCDSD, AJAR, and PRO PUBLIC.

While this participation is greatly needed, the access to justice for women and disadvantaged groups requires attention. The implementation of ROL Project plans for a public defender pilot project in early 2007 will be an important step.

7.9 PARTNERS PROGRAM REVIEW ADVISORY COMMITTEE

During the first year, a Nepal ROL Partners Program Review Advisory Committee was demonstrated as feasible. An orientation session was conducted for several counterpart and CSO organizations and interest in participating in such a committee was expressed by the attendees. A follow-up meeting was held at which the findings, conclusions, and suggestions of the First Annual Performance M&E Report were presented. With the ROL Project Chief of Party as Chair, it was agreed that the Committee would meet at least once annually.

During the second year, two meetings of the Partners Program Review Advisory Committee were held. At the first meeting, the progress on selected First Annual Performance M&E Report recommendations were reviewed. At the second meeting, in which the USAID CTO participated, the conclusions, findings, and recommendations of the draft Second Annual Performance M&E Report were presented. During the two hour meetings, issues such as the impact of the King's engagement in government were discussed.

At the end of the third year, on April 19, 2007, the fifth and final meeting of the Partners Program Review Advisory Committee was held. In addition to a review of findings by the M&E Specialist, the Committee acted as the expert panel on whether rule of law is strengthened (over the three year project period) and whether national government integrity, accountability and anti-corruption systems are enhanced. The Advisory Committee also commented on areas for future rule of law and anti-corruption development to be considered by USAID/Armenia and other agencies.

7.10 SUSTAINABILITY

The sustainability of ROL Project developments, concepts, and goals has been realized in many areas due to the focus and intent of the ROL Project staff and the support of USAID/Armenia. In the interviews conducted by the M&E Specialist for the preparation of the final report, a specific question was the sustainability of the improvements and changes as a result of ROL Project activities. While interviews could not be completed with all of the counterpart government agencies and CSOs, the following comprise the comments on sustainability from a major portion of the partners:

- **Gender Awareness:** With Ford Foundation core funding for the next three years, FWLD will focus on the Constitutional Assembly and provide civic education in

19 Districts. The Public Interest Litigation begun under the ROL Project grant will continue as will efforts on the elimination of discriminatory law. FWLD funding is needed for Women in Judicial Sector activities in order to conduct TV and radio programs, meetings, and conferences. Some of the activities funded by USAID will be continued by SWATI.

- **Anti-Corruption:** CIAA and NVC have conducted regional conferences on anti-corruption with ROL Project assistance and established regional Local Coordination Forums. Cooperation with civil society organizations was established with ROL Project encouragement. These activities are expected to continue into the future.

- **Supreme Court:** The budget of the Supreme Court has been increased, possibly as a direct consequence of a Radio Sagarmatha program. Archiving of files will be current in June 2007 and, with the addition of three staff for this function, archiving will be continued. While mediation at the Supreme Court Mediation Center will continue, payment for the services of mediators is expected to be an issue.

- **Mediation:** The Nepal Mediators Society expects civil cases on land and property to increase. New areas for commercial mediation are expected to develop in banking debt repayment and in labor/management disputes. Mediation technical support and training are important areas that will not be addressed when the ROL Project ends.

- **Civil Society:** Radio Sagarmatha expects to continue rule of law, human rights and anti-corruption programming on their existing network of seven radio stations. Expansion of the network would be desirable. Pro Public, FWLD and FEALPEC will continue to pursue the Public Interest Litigation begun under the ROL Project grant even if a donor is not found to fund the activities. ReMAC, a relatively new CSO funded by the ROL Project has support from DANIDA only through June 2007 and remains optimistic about obtaining resources to continue their anti-corruption activities. Likewise LACC and AJAR will also continue supporting and following up the legal aid cases to women and poor prisoners on their own and even mobilizing donor support in future.

7.11 FUTURE DIRECTIONS

At the final meeting of the ROL Project Partners Program Review Advisory Committee meeting, the members representing three government counterparts and six CSO's were asked on what areas should USAID focus if a new rule of law/anti-corruption project were developed.

The group agreed that, while progress had been made over the past three years in Nepal rule of law and anti-corruption, much work remained to be done. Nepal is now in a transition period politically and there is potential for unrest and disorder. Donor support for rule of law, still a challenge in Nepal, is needed. The following summarizes the discussion that was held by the Committee members.

- **Judiciary:** The seed of corruption is still in the mind of the judges, so that should be addressed first to reduce the judicial corruption. The increased Court budget is not sufficient for rolling-out archiving and computerized case management systems in other District and Appeals Courts.

- **Prosecution:** Public prosecutors are the one who defend the cases of CIAA and advise govt. on legal and human rights protection of the accused and victims in the course of prosecutions, the public prosecutors need more training on anti-corruption and ROL and other skills development on the prosecutions anti-corruption and other cases to protect the human rights of the victim and accused and to prosecute the CIAA cases.

- **Gender:** Women-based CSOs need continuing USAID support for expanding coverage of the anti-corruption movement. Women, even those with current and unapplied law educations, should be entering the judical/legal sector. Gender sensitization training programs to law enforcement agencies and their officials and judges are needed

- **Mediation:** Mediation is a new judicial process with the potential of up to 600 mediation cases annually and needs continuing support in this initial stage of development. Public awareness programs should be increased on mediation education. Mediation certification is important but not as much as enriched training on mediation. More training programs on mediation as a new field are required and can include conflict management, resolution and reconciliation, community mediation, as well as the new technical areas of labor/management and debt recovery. An umbrella Act for Mediation is needed.

- **Anti-Corruption:** The increasing impunity of government officials should be addressed. Follow-up is needed on CIAA/Auditor General reports on government official irregularities. Financial indiscipline of government officials is a concern.

- **Public Interest Litigation:** PIL initiatives should be strengthened. Monitoring of the implementation of the PIL judgments and support on gender justice and financial indiscipline areas are required.

- **Community Education and Awareness:** People need to sensitized on their rights including the right to government services without illegal payments to officials. The radio network to broadcast anti-corruption programming can be expanded. Efforts of the Local Coordination Forums can be introduced and expanded.

- **Capacity Building:** Support is required for training to prosecutors on anti-corruption. Support is needed for the continuity of Local Coordinating Forum activities and the preventive side of anti-corruption such as monitoring of corruption. Judicial training outside of Kathmandu is needed. There is a need to educate the Nepal political parties, including the Maoists.

7.12 ROL AND ANTI-CORRUPTION PRIORITIES

The Rule of Law Project staff was asked to place priorities on six categories of activities for rule of law and anti-corruption. The staff rankings are as follows:

- **Rule of Law**
  - Support to Courts and Government Agencies
  - Mediation
  - Human/Citizen's Rights
  - Gender Considerations
  - Training/Government Capacity Development
  - Community Education and Awareness

- **Anti-Corruption**
  - Community Education and Awareness
  - Support to Courts and Government Agencies
  - Training/Government Capacity Development
  - Human/Citizen's Rights

These priorities are clearly consistent with ROL Project staff observations and knowledge of the programmatic needs Nepal rule of law and anti-corruption. Courts and government agencies constitute the foundation for rule of law and these institutions need to be improved. Mediation, from the three-month experience of the three Mediation Centers, is seen as a means to reduce civil caseloads throughout the court system and provide speedy adjudication. Human rights, which could incorporate gender and indigenous group considerations, still needs to be addressed. Training and community education are related and are methods rather than rule of law issues.

Community education and awareness is highly ranked in order to address corruption through community action. Support to those government agencies charged with fighting corruption is seen as important. Training, again, is more of a method than an issue and human/citizen's rights may be more relevant for rule of law than anti-corruption.

7.13 PROGRAM ISSUES AND CONTINUING PROBLEMS

There would be little need for future USAID assistance in rule of law and anti-corruption if challenges had no longer existed in this arena. While much progress was made on rule of law and anti-corruption during the three-year period of the USAID/Nepal Strengthened Rule of Law and Respect for Human Rights Project, two planned activities were not completed as originally envisioned in the Workplans. These were an institutionalized legal aid program and a strengthened Judicial Council as discussed below. There are also are other issues and problems to be considered for developing future USAID programming in rule of law.

7.13.1 Legal Aid Program for the Indigent and Disadvantaged

The ROL Project commissioned a study to support the development of a legal aid program. The report confirmed that Nepalis have the following four sources of legal aid:

(1) Stipendiary lawyers appointed by the courts,
(2) Central and District Legal Aid Committees established under the Legal Aid Act of 1997,
(3) Nepal Bar Association (NBA) support for legal aid under a program funded by the Norwegian Bar Association and the European Union, and
(4) Civil society organizations, several of which were grantees for legal aid under the ROL Project Grants Program

The report concluded that although there is legal aid, it was not available in all parts of Nepal. Many indigents and disadvantaged are not aware of their right to legal aid; and if they are, they do not know how to apply for or get legal aid. The report recommended that a public defender system be established.

Stephan MacKenzie, International Consultant, arrived in May 2006 to work on developing a pilot public defender's program in Nepal. During the May trip he met with many of the legal aid providers, including the Nepal Bar Association, LAAC, AJAR, the Registrar of the Supreme Court, stipendary lawyers, government attorneys, and others to discuss organizing a public defender system in Nepal. Mr. MacKenzie organized a consultation workshop with representatives from the various organizations engaged in providing legal aid. At the workshop many of the participants raised questions about a public defender's office and its impact on their activities. Mr. MacKenzie assured the participants that the public defender's office would handle only criminal cases leaving them free to concentrate on civil issues.

At the conclusion of the May trip Mr. MacKenzie recommended organizing a public defender pilot project in Kathmandu Valley and recommended that the stipendiary lawyers in the Valley be assigned to the pilot project. In addition he recommended that a public defender's commission be set up to oversee the public defenders

Mr. MacKenzie returned in September to continue working on the pilot project. During the September trip he drafted court rules for public defenders, standards for Public Defenders, and an implementation plan for the public defender pilot project. He met with the Registrar of the Supreme Court and together they organized a Public Defender Board to oversee the Public Defender Pilot Program and ensure that the implementation plan would be followed. Judges' Society Nepal prepared draft court rules and procedures for public defenders on the basis of documents prepared by the International Consultant so that they conformed to Nepali court regulations and Nepali laws.

With the Supreme Court Project Staff discussed office space for the public defenders pilot project and other issues related to starting the public defenders pilot project. However in late 2006, due to budget limitations, the pending entry of Maoists into government, and the Project's approaching closing date, there was insufficient time and resources to continue with the public defender pilot project.

7.13.2 Strengthen Institutional Capacity of the Judicial Council

During the Nepali Judges' Observation Tour to Europe, meetings were held with the Italian Judicial Council in Rome, Italy. The Italian Judicial Council's mandate is similar to that of the Nepal Judicial Council. The judges learned about the Italian Council's activities and procedures for appointing judges, transferring judges, disciplining judges, and training judges. The Nepali judges also attended a session of the Council at which the transfer of an Italian judge was discussed. The Nepali judges were surprised at the openness with which the issue was discussed and the fact that there was a vote by show of hands.

A consultation meeting was held on 5 August 2005 in Kathmandu to assess the organizational structure, composition and role of the Judicial Council and to discuss making the Council more accountable and responsible. Participants included past and current members of the Judicial Council, Supreme Court Judges, representative of the Ministry of Law, Justice and Parliamentary Affairs, and representatives of the Nepal Bar Association. Chief Justice Dilip Kumar Poudel opened the program with an address. The Secretary of the Judicial Council made a presentation on the role and reform of the Council. Following the presentation the floor was opened for discussion. A large part of the discussion covered issues of judicial corruption and the need to discipline judges who are charged with or suspected of corruption.

At the end of the program a ten-point conclusion and recommendations resolution was adopted. The recommendations included suggestions for making the Council more effective in maintaining discipline in the Judiciary and a more transparent system of appointment, promotion and transfer together with enhancement and capacity building of judges.

During the second and third program year of the ROL Project, discussions were held with the Executive Secretary of The Judicial Council, Chief Justice of the Supreme Court and members of the Judicial Council on developing programs and procedures for reducing corruption and improving judicial ethics. During that time, the political instability and hostility to the King's autocratic rule and unpopular judicial appointments seemed to paralyze the Judicial Council. The Project was unable to obtain a commitment to any Judicial Council strengthening programs.

7.13.3 Remaining Issues and Problems

Several other issues/problems affecting the rule of law and anti-corruption that were addressed and noted by the ROL Project over the three-year period still persist and include:

- Continuity with counterparts is an issue with the high turnover of key officials in counterpart agencies
- The changing and uncertain political situation
- The lack of enforcement of judicial decisions

- The leveling off of CIAA prosecution of corruption cases with a slight increase in seriousness of those cases prosecuted

- The continuing lack of access to justice for women as well as disadvantaged groups and the need to develop a public defender program.

- While some progress was made in introducing investigative anti-corruption techniques to many journalists, they are basically unaware of efforts to improve the administration of justice and issues outlined here. They are not sufficiently informed of the importance of judicial independence and the lack of resources to upgrade court equipment and systems.

- The minimal, although improved, ROL Project engagement with OAG and NVC as compared to cooperation with other ROL counterparts, especially the courts.

- The need for resources to upgrade facilities, equipment, software, and related training to courts outside of the Kathmandu Valley.

7.13.4 Consequences of Inaction on Rule of Law and Anti-Corruption

The apparent sustainability of many of the advancements in rule of law and anti-corruption as a result of the USAID ROL Project are not sufficient to address the remaining challenges in the strengthening of rule of law and human rights in Nepal. Of the many needs, the provision of legal aid to indigents and women is the most pressing as is obvious from the miscarriage of justice of many cases observed by ROL Project and grantee staff. Additionally, while mediation has been introduced, the successful implementation and roll-out beyond the Kathmandu Valley will require the introduction of this dispute resolution technology and the training of additional legal professionals. Similarly, the successful introduction of innovative court management and records maintenance in Kathmandu will only be generalized into other Districts with careful planning and allocation of technical and financial resources according to knowledgeable sources.

7.14 SUMMARY OF FINDINGS, CONCLUSIONS, RECOMMENDATIONS

As presented in the original ARD, Inc. proposal, the M&E information collected and reviewed by the M&E Specialist with support from the ARD Project staff and with input from the members of the Partners Program Review Advisory Committee indicates that the ROL Project fulfilled on its avowed project approach as follows:

- ARD engaged beneficiaries, members of civil society organizations, international donors, and counterpart judicial and other Government of Nepal agency officials as partner stakeholders in the implementation of Project activities.

- Project partners were encouraged to participate in the design, implementation, and monitoring and evaluation of Project activities and tasks.

- ARD Project staff and grantees documented and measured the progress of the

Rule of Law Project in achieving USAID/Nepal programmatic results and objectives.

The USAID ARD/ROL Project worked closely with counterparts and partners for strengthening Nepal rule of law and respect for human rights. Interviewed counterpart officials stated in the interviews conducted by the M&E Specialist that the ROL Project and USAID assistance made a difference in their agencies and the support was greatly appreciated.

The design, structure, and implementation of the USAID ROL Project should serve as the basic model for future USAID endeavors in rule of law and anti-corruption in Nepal. The approach was comprehensive in engaging government counterparts and civil society organizations. The areas chosen for enhancing court operations were key and appropriate including facilities, court procedures, and key areas such as public defenders and court-ordered mediation. M&E Specialist suggestions, operational and programmatic, for future USAID efforts in rule of law and anti-corruption are based in this three-year ROL experience and are presented below in an approximate priority listing.

The formation of the ROL Partners Project Review Advisory Committee was a unique development in the application of participatory development methodologies. While some risk may be involved in engaging disparate groups and individuals from government counterparts mixed with civil society organizations, a well managed program of presenting monitoring and evaluation information and analysis in an open and transparent manner, as was the case for the USAID Nepal ROL Project, can produce cooperation, coordination, and the potential for sustainability of programmatic results.

7.14.1 Training

In terms of sustainability of ROL Project results, effective and appropriate training provides the highest value. As an example, the Investigative Journalism training program introduced journalists throughout Nepal to the value of pursuing the exposure of corruption. Investigative journalism will continue after the completion of the ARD ROL Project. Additionally, large numbers of individuals can be reached for relatively low infusions of staff and financial resources.

The conduct of the training program improved throughout the Project period. Events were conducted outside of the Kathmandu Valley. Follow-up activities such as formation of Local Coordination Forums (LCFs) and the investigative journalism follow-up workshop were undertaken and reinforced the intentions of the original training events. There was an increase in the collection of training event participant information by ROL Project staff. In addition to characteristics such as caste, participant assessments of the events were collected for selected training events including formal workshops and seminars.

7.14.2 Grant Program

The ROL Grants Program greatly enhanced the Project outreach and impact on rule of law and anti-corruption. The direct ROL Project investment of $596.522 was far less than the

equipment, furnishings, and services investment of more than $1 million. An increase in the budget and expansion of the number and/or length of time of grants would be an effective way of increasing USAID support of Nepali initiatives in rule of law and anti-corruption.

The intensive ROL Project support to grantee organizations and grant application process aided grantee goal setting and planning. While grantee organizations acknowledged that the process was time-consuming and difficult, the rewards of clarity of grant purpose and planning for grant implementation were evident.

For the relatively low expenditure, the ROL Grants Program provided a high level of activity and the engagement of key and new organizations in rule of law and anti-corruption. The amount of training was more than doubled, laws and regulations were introduced and amended, and public awareness was greatly increased. A future ROL project should feature a prominent grant program. The participatory approach pioneered by the ARD ROL Project should be utilized in such a grant program.

7.14.3 Public Information

The Investigative Journalism Workshops generated a group of journalists with a better understanding of corruption in Nepal. While there has been an increase in anti-corruption articles on public and private sector offenders in the print and broadcast media, journalists and influential print columnists are still not well-informed about the Nepal judicial system.

The ROL Project could support a demonstration or pilot effort such as a Public Information Office at a selected court, possibly the Lalitpur District Court or the Supreme Court. Workshops/Seminars on the Nepal Judicial System could be conducted for selected and influential journalists/publishers. Efforts by Nepali courts and international donors to improve the rule of law could be highlighted. Discussions could be opened on other matters of general public concern such as perceived and real corruption in the courts.

7.14.4 Women and Access to Justice

The ROL Project made progress in promoting equity and legal representation for women. As suggested by annual M&E reports, the ROL Project made conscious decisions to include CSOs involved in women's issues in the grantee program and provided support to national conferences on women and justice. While progress was made through the ROL Project, including the amending of laws and regulations discriminatory to women, access to justice for women and participation of women in the judicial system remain as very serious issues in Nepal.

7.14.5 Technical Assistance

The technical assistance provided by the ROL Project was highly effective. Developments included the introduction of court-ordered mediation, action planning, court case management, and archiving of court records. New concepts were introduced through training and informational events. While the ROL Project successfully introduced innovative concepts, the generalization of these developments will still require the continued application of financial

and technical support to areas beyond the Kathmandu Valley.

7.14.6 Commodities and Equipment

A judicial system, to be effective, requires the equipment to facilitate record keeping and access to court management information. Furnishings for court rooms is an essential requirement for maintaining the dignity of a court charged with critical decisions that affect justice, civil and economic life. The ROL Project demonstrated the need for appropriate courtroom environments and the efficiency of computerized record maintenance and access. Generalizing these developments to the entire Nepal court system will eventually require that adequate resources be committed by the Nepal government. The increase in the Supreme Court budget for the coming year is only a start.

ANNEX A
ROL PROJECT STUDIES AND PUBLICATIONS

AJAR, *Basic information on Prisoner's legal aid rights*

AJAR, *Basic information on Prisoner's legal rights (pictorial)*

AJAR, *Audi cassettes on prisoners legal rights*

CIAA, *Anti-corruption Investigation and Trial Guide-Tools and Techniques to investigate and try corruption cases*, August 2005

CIAA, *Seven Trial Court Decisions on Disproportionate Property*, February 10, 2006

FEALPEC, *Environmental Law Awareness Resource Manual*

FEALPEC, *Manual on compilation of Resource Papers on Enforcement of Environmental Laws,* in May 2007

FEALPEC, *Thematic Bulletins on "Environmental Concern,"* (bi-monthly, 9 issues)

FORJUST, *Manual on Environmental Crime Prosecutions*

FWLD, *Draft Amendment Proposal on Discriminatory Laws*

FWLD, *Booklet on current status of discriminatory laws and challenges for future*

FWLD, *Posters on women participations in judiciary*

Himal Khabar, *National Fortnightly, Special supplement on Anti-Corruption*, January 1-15, 2006

LACC, *Information Kit on Community Mediation*

LACC, *Training Manual on Community Mediation*

MacKenzie, Stephen H., Esq. *Trip Report: Institutionalizing a Criminal Legal Aid, or "Public Defender" System in Nepal, 30 May- 14 June 2006,* for review by the United States Agency for International Development, June 2005

MetaMetrics Inc. under subcontract to ARD, Inc., *Strengthened Rule of Law and Respect for Human Rights in Nepal: First Annual Performance Monitoring and Evaluation Plan,* January 5, 2005

MetaMetrics Inc. under subcontract to ARD, Inc., *Strengthened Rule of Law and Respect for Human Rights in Nepal: First Annual Performance Monitoring and Evaluation Report,* September 26, 2005

MetaMetrics Inc. under subcontract to ARD, Inc., *Strengthened Rule of Law and Respect for Human Rights in Nepal: Second Annual Performance Monitoring and Evaluation Report,* October 25, 2006

NLS, *Procedural Manual on Quasi-Judicial Bodies*

Pepys, Mary Noel, *Trip Report,* for review by the United States Agency for International Development under Strengthened Rule of Law and Respect for Human Rights in Nepal contract, December 2005

Radio Sagarmatha, *No Publication, only Radio programs on rule of law, anti-corruption, good governance and human rights-116 episodes*

Radu, Paul. *Trip Report: Investigative Journalism Workshop, 24 June- 8 July 2006,* for review by the United States Agency for International Development, July 2006

Randolph, Robert. *Trip Report: Court-Connected Mediation, 15 September-4 October 2005*. Carr Swanson and Randolph, LLC, for review by the United States Agency for International Development, November 2005

Randolph, Robert. *Trip Report: Court-Connected Mediation, 17 January-4 February 2006*. Carr Swanson and Randolph, LLC, for review by the United States Agency for International Development, March 2006

Randolph, Robert. *Trip Report: Court-Connected Mediation, 16 March- 6 April 2006*. Carr Swanson and Randolph, LLC, for review by the United States Agency for International Development, April 2006

Randolph, Robert. *Trip Report: Court-Connected Mediation, 18 June-6 July 2006*. Carr Swanson and Randolph, LLC, for review by the United States Agency for International Development, July 2006

Randolph, Robert. *Trip Report: Court-Connected Mediation, 13 August- 2 September 2006*. Carr Swanson and Randolph, LLC, for review by the United States Agency for International Development, September 2006

RCDSC, *Posters and Pamphlets on Rule of Law, Access to Justice, Human rights, Legal Aid and Community Mediation*

ReMAC, *Good Governance Year Book -2006*, February 2007

ReMAC, *Investigative Reports on Corruption & Irregularities*, February 2007

ReMAC, *A Study on Financial Statement of Public Officials*, February 2007

ReMAC, *Thematic Bulletin on Good-Governance and Anti- Corruption " SUSHASHAN"* (bi-monthly, 6 issues)

Spiny Babbler, *3 Episodes of Video film on Anti- Corruption Awareness, cost and consequences for educational purpose*

Spiny Babbler, *Brochures on Anti- Corruption Awareness, cost and consequences*

SWATI, *News letter Bulletin on Anti-Corruption and Women's Participation " ASTITWA"* (2 issues, 6 monthly)

SWATI, *Posters and Pamphlets, Stickers on anti-corruption and women*

TI-Nepal, *Training Manual on Anti- Corruption for CSOs and Govt. Training Institutions*

TI-Nepal, *Investigative Reports by 10 fellow Journalists*, in May 07

TI-Nepal, *Anti-corruption Awareness Bulletins by TI-Nepal's Seven Local Support Groups* (3 issues , 6 monthly basis)

ANNEX B
MEETINGS AND INTERVIEWS

April 13, 2007

ARD, Inc. Rule of Law Project
Discussions on Final M&E Report
Schedule of Activities
Govind Das Shrestha, Deputy Chief of Party
Mihir Kumar Thakur, Sr. Anti-Corruption Coordinator
Govinda Neupane, Grants Manager
Sangeeta Rana, Administrative Assistant
Eleena Subba, Project Secretary
Len Lama, Procurement/Training Specialist

April 16, 2007

Supreme Court
Mr. Prakash Raut, Section Officer, Mediation Center
Chief of Archiving

Nepal Bar Association
Bishwa K. Mainali, President of Bar Association
Hari Prasad Uprety, Vice President

Federation of Nepalese Chambers of Commerce & Industry (FNCCI)
Govind D. Pandey, Senior Consultant, Commercial Mediation
K.P. Pandey, Assistant Director, FNCCI and Mediation Center Director

April 17, 2007

Meeting in the office of ARD, Inc. ROL Project
Nepal Mediators Society
Ram Prasad Bhattarai, President

Court of Appeals, Patan, Lalitpur
Ram Prasad Neupane, Mediation Center Section Chief
and Chief of Administration Section
Jiwan Hari Adhikari, Registrar

Access to Justice and Advocacy of Rights (AJAR Nepal)
Hari Bahadur Karki, General Secretary
Rabindra Bhattarai, Chairperson
Bhishma Raj Kadariya, Advocate
Devi Maya Gurung (former detainee at Central Jail and current AJAR client)

PRO PUBLIC Forum for Protection of Public Interest
Prakash Mani Sharma, Executive Director
Vikram Basyal, Staff Scientist
Rama Pant, Lawyer

Forum for Women, Law, and Development (FWLD)
Ms. Sapana Malla Pradhan, Chairperson
Ratna Shrestha, Staff Member

ReMAC
Krishna Bhandari, Project Director cum Executive Director
Kamal Pokhrel, REMAC Senior Staff member and former grant project director
Radio Sagarmatha
Ghamna Raj Luitel, Program/News Director
Kiran Pokharel, Radio Producer
Ms Durga Karki, Producer

April 19, 2007
ROL Partners Program Review Advisory Committee
Review of Findings, Assessment of Progress, and Priority ROL Areas
Mr. Sneh Sayami, Vice President, Transparency International/Nepal
Ms. Rosy Adhikari, Sr. Program Officer, Transparency International/Nepal
Mr. Ratna Shrestha, Staff Member, Forum for Women, Law & Development
Ms. Sangita Niroula, Chairperson, SWATI
Mr. Rudra Nath Baisyal, Under-Secretary, NVC
Mr. Ratna Kaji Bajracharya, Joint Secretary, CIAA
Mr. Narendra Pathak, Deputy Attorney General, OAG
Mr. Prakash Mani Sharma, Executive Director, Pro Public
Mr. Ram Prasad Bhattarai, President, Nepal Mediator's Society
Mr. Badri Bhandari, Rule of Law Coordinator, ARD, Inc. ROL Project
Mr. Mihir K. Thakur, Anti-Corruption Specialist, ARD, Inc. ROL Project
Mr. Govinda Neupane, Grants Manager, ARD, Inc. ROL Project
Mr. Govind Das Srestha, Deputy Chief of Party, ARD, Inc. ROL Project

April 23, 2007
M&E Presentation, ARD Office
All staff present

USAID Presentation
Final Performance M&E Report
Bishnu P. Adhikari, Democracy and Governance Advisor, USAID/Nepal
Govind Das Srestha, Deputy Chief of Party
Mihir Kumar Thakur, Sr. Anti-Corruption Coordinator
Govinda Neupane, Grants Manager
Badri Bhandari, Rule of Law Coordinator
Len Lama, Procurement/Training Specialist

ANNEX C

SUPREME COURT CASELOADS AND DISPOSAL RATES, 1994-2006

Fiscal Year	New Cases	Total Caseload	Disposed Cases	Disposed Cases (%)	Cases Carried Forward
1993-94/2050-51	-	12,316	3,288	26.7	9,028
1994-95/2051-52	5,533	14,561	4,513	31.0	10,048
1995-96/2052-53	6,266	16,314	5,962	36.5	10,352
1996-97/2053-54	6,367	16,719	4,252	25.4	12,467
1997-98/2054-55	6,456	18,923	4,479	23.7	14,444
1998-99/2055-56	6,362	20,806	5,321	25.6	15,485
1999-00/2056-57	7,522	23,007	6,686	29.1	16,321
2000-01/2057-58	7,326	23,647	7,199	30.5	16,448
2001-02/2058-59	7,768	24,216	7,542	31.1	16,674
2002-03/2059-60	7,749	24,423	6,483	26.5	17,940
2003-04/2060-61	6,630	24,570	6,796	27.7	17,774
2004-05/2061-62	6,066	23,840	7,494	31.4	16,346
2005-06/2062-63	5,938	22,377	8,181	36.6	14,196

Source: Annual Reports of the Supreme Court

ANNEX D

FWLD PRESS RELEASE

On the passage of Bill to amend some Nepal Acts, 2063 to ensure gender equality

This is a fact that not only the social and cultural practices but also the state enacted legislations are discriminatory against women in Nepal. A study "Discriminatory Laws against women in Nepal and their impact on women, 2006" conducted by the Forum for Women, Law and Development (FWLD) reveals that there are 173 legal provisions of the 83 various legislations including the Constitution itself are directly discriminatory against women. There has been persistent advocacy to repeal or amend the discriminatory law against women from all the concerned civil societies including the Forum. In the context, it is also significant to mention that the Supreme Court has issued directive orders to amend the discriminatory laws in various cases filed by the Forum and other organizations. In the second and third periodic report on CEDAW, the CEDAW Committee has recommended Nepal to initiate appropriately for amending the discriminatory laws against women with a specific time frame. Similarly, the House of Representatives reinstituted after the historical people's movement has endorsed a landmark proposal to eliminate all forms of discrimination against women on 30 May, 2006.

In the context, the House of Representatives has passed the Bill to amend some Nepal Acts to ensure gender equality on 28 Sep, 2006. The Bill has been proved as an important step towards the movement on eliminating discrimination against women. We would like to extend our thanks to the government of Nepal, especially to the Ministry of Women, Children and Social Welfare for submitting the Bill and to the Ministry of Law, Justice and Parliamentary Affairs for proceeding the Bill and also to all the Hon'ble parliamentarians of the House of Representatives for their effort to pass the Bill unanimously.

The passed Bill has repealed and amended 56 discriminatory provisions of the various Acts and also has incorporated some provisions to ensure women's rights. Major provisions amended by the Bill are as follows: -

- In lieu of previous provision that the summon to be issued by the court should be received by male member of the family as far as possible and if not by the female member is replaced by the provision that it can be received by any person of the family who has attained the age as prescribed by the law.
- The term wife, mother and grand mother have been inserted respectively after the term husband, father and grand father in various Acts and Regulation.
- The term "second marriage" has been inserted in lieu of "to elope".
- The provision relating to the ground for divorce in case of no children within 10 years of marriage has been taken out.
- Marital rape has been included as a ground for divorce.
- After the divorce, mother shall have first right to guardianship of child, if the child is minor.
- The provision that deprives mother from the guardianship of child in case of second marriage has been removed.

- The provision that a daughter shall return the share property once she is married has been repealed.
- Women are entitled to use their movable and immovable property freely in lieu of previous provision that required consent before exercising more than half of the immovable property.
- The Chapter on Adoption has been replaced by the Chapter on Adopted Son and Daughter.
- The definition of the term "claimant" which just includes only male side of the seven generation has been replaced by the provision of nearest claimant of the seven generation.
- The care taker shall entitle all the intestate property of the deceased person.
- It has provided that any person of the family shall be the main person of the house in lieu of the previous provision that assumes only father or husband as the main person of the house under the Chapter on Transaction of the Country Code.
- It has provided imprisonment up to 1 year to 5 years as per the term of the pregnancy in lieu of 3 months to 5 months imprisonment, in case any person caused to perform abortion to any woman by force, coercion or undo influence.
- It has provided 6 month to 2 years of imprisonment to a person who perform and caused to be performed abortion on the basis of identification of sex.
- In lieu of the provision of the Chapter on Intention to Rape that criminalize only to the physical sexual harassment, it has criminalized all forms of sexual harassment; physical, verbal, written, gesture or any forms of sexual harassment.
- The definition of rape has been broadened. Marital rape has been included within the definition of rape and punishment for marital rape.
- It has provided additional punishment to the rapist having HIV positive.
- The provision that assumes rapist as her husband and provides share property from the rapist has been amended and the concept of compensation has been introduced. It has also provided that compensation should be mentioned in the time of delivering decision relating to rape.
- It has provided that consent of the first wife should be taken before entering to the polygamy under the prescribed condition by the law.
- It has provided 1 to 3 years of imprisonment in case any government employees rape or make any arrangement to any one to rape to women who is in the prison.
- The different prescribed age for men and women for court marriage has been amended and made same 20 years for both.
- Maternity leave has been added in the types of leave to be received by the judges.
- It has repealed the provision that allows only the most senior person from amongst the male members is entitled to register the birth and death.
- The provisions relating to claimant for the line of succession in various provisions of the various Acts and Regulations have been amended with the gender equality perspective.
- The discriminatory provision relating to the cloth allowance to the officials of the Constitutional Body has been reformed.
- Daughter is included within the definition of the family under the Act Relating to Land.

Gender equality is an inevitable aspect of the people's democracy. The gender equality Bill that has repealed and amended the discriminatory laws against women is an attempt to eliminate the discrimination made by the state enacted laws, which has supported the gender equality

movement. However, there needs lots of efforts for the effective implementation of the amended laws. In the context, the Forum is committed to ensure *de-facto* equality as well as *de-jure* equality and urged all the concerned stakeholders to support for the practical realization of the equality.