

NORWEGIAN REFUGEE COUNCIL

EVALUATION REPORT

▶ ▶ TREKKING IN SEARCH OF IDPS AND
OTHER LESSONS FROM ICCLA NEPAL

A STUDY OF NRC'S ICCLA PROGRAMME IN NEPAL

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EXECUTIVE SUMMARY

After a two-year assessment and decision-making process, the Norwegian Refugee Council (NRC) started its field Information, Counseling, and Legal Assistance (ICLA) programme for internally displaced persons (IDPs) in Nepal in early 2007, finding that there were “clear and critical needs in the protection area, especially civil documentation, counseling for returns support, advocacy on behalf of IDPs, and mediation and litigation for IDP rights.” Restitution of property rights was also identified by NRC and others as a key issue linked to durable solutions. NRC began its field operation in the post-conflict period, at which time according to multiple interlocutors many who wanted to return had already done so and the urgency of the displacement situation had considerably diminished. NRC rapidly established a big footprint in Nepal, opening seven offices and hiring 100 staff by mid-2008. NRC concluded ICLA field activities in early 2009, finding that although the protection needs of IDPs remained unmet, ICLA was no longer relevant and had limited value because it did not/was not able to address those needs including property rights.

Based on an evaluation conducted in mid-2009 as NRC was closing its Nepal programme, this report covers the entire programme cycle from assessment to exit. In an effort to assist NRC with future ICLA programme development, the report examines strategies, assessments, and decision-making at key points.

This report first provides a brief discussion of the context. In particular, it discusses the socio-economic, institutional, and rule of law setting as well as the ten-year armed conflict and displacement, the 2006 peace accord, which apparently came as a surprise to much of the international community, and post-conflict political developments, much of which occurred during NRC’s engagement in Nepal and affected its activities.

The report then turns to an extended discussion of the process of assessment, which led up to NRC’s decision to initiate activities in Nepal, including requests for intervention by the United Nations. It finds that when deciding to initiate activities in early 2005, NRC was on notice that the available information about the situation and needs of IDPs was insufficient for making informed choices about the design of programme activities, including ICLA, and that several factors including logistics and cost threatened effective operations. Nevertheless, there was a clear imperative from the international community – the UN in particular - to clarify and design a response to a situation that was expected to continue to deteriorate as the conflict raged and more displacement occurred. At several points, NRC re-considered its decision to enter Nepal due to changed political circumstances, delays caused by inappropriate international staff recruitment, revised assessments of appropriate NRC activities, and the protracted process of concluding a project agreement with the Government. However, at each stage NRC decided to continue although lacking critical information, at least in part due to concern that withdrawal would be received poorly by other international agencies. While NRC’s intervention was originally contemplated primarily as a survey operation, it evolved largely without revised assessments into a proposal to conduct a standard ICLA programme.

The report flags that proposed activities in which the international community was interested seem beyond the ICLA “brand,” while also observing that assessments omitted consideration of factors crucial for the functioning of a rights-based, law-based programme. These included the legal and institutional framework and remedies needed for vindicating the rights of IDPs and the link of perceived needs and planned activities to durable solutions.

The report continues to examine various aspects of ICLA implementation, including objectives, activities, issues, means, and outcomes as well as organizational structure and management/oversight. It finds that national staff went to extraordinary lengths to find IDPs as this was understood as the prime imperative and donor concern. A considerable part of the two-year implementation period (limited to one year in some of the field offices) was devoted to what could be characterized as “pre-ICLA” activities, namely a continuing needs assessment to locate IDPs and identifying legal and administrative issues related to displacement. Staff routinely reported that ICLA was a difficult “product” to sell to IDPs given their “hand-to-mouth” needs, which they shared with much of the general population. During implementation limited shelter and non-food item (NFI) activities were added to enhance acceptance by IDPs of the ICLA services. A percentage of these material aid services were extended to the non-IDP population to ease staff work in local communities. Staff uniformly had good intentions and strong commitment to better the situation of IDPs.

However, the report finds that a series of decisions, in particular the rapid and widespread field expansion with a large staff unfamiliar with IDPs, ICLA and unclear strategy and goals, created a “perfect storm,” which compromised supervision, coherence and uniformity of programme activities, quality of outcomes and services, and impact. Corrective measures were not diagnosed until after the decision to exit. In particular, decisions leading to significant constraints on legal issues addressed and means employed as well as the absence of systematic analysis of the ICLA caseload and legal and institutional responses limited the impact of what would in any event have been a difficult undertaking. Activities were not linked to outcomes; negative decisions (or the failure of state bodies to take decisions) were not pursued through formal remedies. Advocacy was primarily done on behalf of the general IDP population, not the ICLA clientele, focusing on policy documents rather than legal rights and decision-making institutions and was largely disconnected from the ICLA services. These constraints significantly changed the programme from the parameters of the ICLA Policy as well as what NRC had planned and pledged to donors. In addition, although the ICLA Policy counsels that ICLA programmes should consider a longer-term perspective, NRC started its field operation with a view to exiting within two to three years. This time frame became a reason for limiting activities. While the ICLA Policy highlights the issue of property rights, ICLA Nepal largely avoided this issue as “too political.”

The report also looks at NRC’s external coordination, including with the Nepal Bar Association (NBA), non-governmental organizations (NGOs), the United Nations, state bodies, non-state actors in effective control of areas where NRC operated, and donors. While with one notable exception, international interlocutors complimented the ICLA programme, several Nepali interlocutors expressed the view that NRC’s intervention had created expectations, which were not met. In particular, the relationship with the NBA, which was formalized in the project agreement with the Government, was seen as not fully satisfactory. At the national level, NRC interacted primarily with a single conflict-related policy actor, while at the field level staff had contacts with administrative bodies and institutions. There were no contacts with the judiciary.

The report then turns to NRC’s decision and strategy to exit Nepal, which came within a few months of the election of the first post-conflict Government and resulted in the cessation of field activities within a short period. The political situation changed during the close-out phase, altering the prognosis for progress on post-conflict issues, including IDPs and durable solutions. Low-level displacement continued in several parts of the country. The report finds that while NRC pointed to changes in

the operating environment - including the peace accord, new Government, significant return, and adoption of the IDP Policy - its contribution to normalization whereby exit was appropriate was not highlighted. NRC acknowledged the lack of another agency to assume its role, an observation echoed by multiple observers. The report finds that limited numbers of IDPs and lack of funding were the primary reasons for exit, while proposed changes to ICLA activities to address remaining protection needs were ruled out as requiring too much time. The report notes that in the close-out phase, NRC engaged in a flurry of new end-of-operation activities, creating a mixed message.

The report examines the adherence of the Nepal programme to NRC's basic documents, finding that while it adhered in certain aspects in design and implementation, it appeared inconsistent in significant aspects or otherwise missed opportunities to highlight issues of concern emphasized in those policy documents.

Finally, the report includes recommendations for NRC's consideration in future ICLA programme development, supplementing discussion throughout the text.

Words of thanks. The evaluators wish to take this opportunity to express their most sincere appreciation to the staff – past and present, management and field staff - of NRC's Nepal Country Programme for their invariable interest, support, assistance, energy, good humor, and commitment to bettering the lives of IDPs. While this report finds a number of deficits, some of which have already been identified by NRC's internal processes, the evaluators emphasize their intentions in doing so are to enhance NRC's future ICLA programmes by learning from the Nepal experience, which presented numerous challenges. The evaluators found that this sentiment was shared uniformly by all those associated with the Nepal ICLA programme and trust that their comments will be taken in the constructive spirit in which they are intended. The evaluators also wish to thank the numerous staff in NRC Oslo who assisted and supported this evaluation.

II. CONTEXT

Nepal falls in the bottom 20 per cent of countries rated according to UNDP's Human Development Index (HDI), the lowest HDI in continental Asia.¹ Less than half of the population is literate, while only 35% of women are literate.² For 2008, Nepal was ranked the 25th most failed of 177 countries.³ The wide array of development agencies that have been active in Nepal for decades is evidence of the significant and long-standing development challenges facing Nepal and the overall vulnerability of much of the population. Extensive migration from rural areas to other locations inside Nepal as well as beyond its borders - both permanent and seasonal - for purposes of economic opportunities is a long-standing feature.

An important factor for any international actor in Nepal, but particularly pertinent given the nature of NRC's work is the status of the system of public administration and to a lesser extent the judiciary. The notion of civil service and accountability of government officials to the public are nascent concepts as are the notions of rights,

¹ 2007 UNDP Human Development Index score is 0.534, making Nepal 142 of 177 countries rated, with the lowest HDI in continental Asia, cited UN 2009 Humanitarian Transition Appeal, page 2.

² United States Department of State, Background Note Nepal, January 2009.

³ The Failed States Index 2008, Foreign Policy, July/August 2009, pages 80, 83. This index weighs 12 political, economic, military, and social indicators of state cohesion and performance.

entitlements, and remedies. Corruption is considered to be rampant and state institutions are perceived by the public as largely unresponsive except to those with wealth or political connections. Local elections have not been conducted in years. It is arguable that in terms of interactions between the citizen and the state, considerable aspects of the former feudal culture and mentality remain, both in public officials as well as those who petition the government for relief.

The armed conflict (insurgency - counter-insurgency) between the monarchist Government and forces associated with the Communist Party of Nepal - Maoist (CPN-M), which was waged primarily in rural, mountainous areas, began in 1996. It was characterized by violations of international humanitarian law, gross human rights violations, and displacement. The extent of conflict-induced displacement was and remains unknown.⁴ In the absence of precise figures, the international community utilized a "guesstimate" of 100,000 - 250,000 IDPs with a far greater number - "guesstimated" at 2 million - going to India.

OCHA categorized the displaced population as follows:⁵

- land-owning families (i.e., large-scale landowners)
- politically affiliated persons
- persons subject to general insecurity, threats and human rights violations⁶

The UN Representative of the Secretary General on the human rights of displaced persons also categorized two patterns of displacement by the CPN-M. The primary mode of displacement was of individuals with families or small groups of two types:⁷

- party workers, village authorities, families of Army personnel, rich farmers and other influential people who had been direct victims of violence or threats
- others, including many poor, who could no longer cope with the general insecurity

The Representative also cited examples of displacement of entire villages by forces associated with both sides of the conflict.

The reasons for displacement (including the status of the person(s) displaced) would appear directly related to the question of durable solutions, in particular the feasibility and/or desirability of return including property restitution. This also appeared linked to a differential ability among IDPs to access government benefits.

⁴ NRC and others report that this was in significant part due to the fact that IDPs were frequently not readily visible, which arose from a variety of factors, including the pre-existing pattern of economic migration, which was not readily distinguished from and often closely linked to conflict-induced displacement, and the tendency of IDPs to find shelter with relatives rather than collecting in large groups in camps. Self-identification as an IDP also apparently did not bring with it clear cut advantages at least during some period, perhaps given ambiguous responses from the Government.

⁵ OCHA Inter-Agency Standing Committee, Nepal Needs Analysis Framework Key Findings September 2008, page 21.

⁶ According to OCHA, this last category included people who fled the armed conflict as well as families of "persecuted persons, such as teachers, wives and children of CPN-Maoist members and representatives of the police."

⁷ Specific Group and Individuals: Mass Exoduses and Displaced Persons, Report of the Representative of the Secretary General on the human rights of internally displaced persons Walter Kalin Addendum Mission to Nepal, Commission on Human Rights, E/CN.4/2006/7, Add. 2, 7 January 2006. [hereinafter Kalin Report].

According to OCHA, most of the displacement occurred between 2002 and 2006.⁸ International humanitarian/human rights actors appear to have become significantly concerned about conflict-induced displacement in late 2004 to early 2005, apparently due to an increase in displacement and concern that it would continue to escalate.⁹

The armed conflict was officially brought to an end with the signing of the Comprehensive Peace Agreement (CPA) in late November 2006. The CPA has several provisions specifically relevant to IDPs, including an undertaking by both sides to make an accounting of all seized property,¹⁰ to form a peace and rehabilitation committee to provide relief for conflict victims,¹¹ and in the section specific to human rights to permit return and/or integration elsewhere in Nepal.¹² Parliamentary elections to the Constituent Assembly (CA) were conducted in April 2008, with the CPN-M winning the greatest number of seats. In July 2008, the President was sworn in and that August, a CPN-M-led coalition government was formed. The Parliament adopted the Interim Constitution. For most of NRC's presence in Nepal, the central Government did not exercise effective control over several areas where NRC operated, which were under the *de facto* authority of non-state actors in the form of "Maoist cadres."

In May 2007, the interim Government established the Ministry of Peace and Reconstruction (MoPR), which among its 17 enumerated duties related to the conflict was responsible for IDPs. Prior to the establishment of the MoPR, IDP issues were handled by the Peace Secretariat. While during the interim government, the Minister was a member of the Nepali Congress Party, after the CA elections, the Minister was a member of the CPN-M. At the time of the evaluation visit, MoPR did not have a Minister, although a Minister affiliated with the Maoist-Leninist party was nominated subsequently. The recognition of IDPs was considerably politicized. While the interim Government was primarily interested in recognizing "victims of Maoist terror," the CPN-M led government had little interest in acknowledging that most IDPs were displaced by the CPN-M. One international interlocutor indicated that CPA issues, including IDPs, were in the hands of the Prime Minister given the political nature of these issues.

Subsequent to the CPA, displacement albeit limited has continued, in particular in the southeastern region of Nepal, eastern Terai, due to a combination of ethnic tensions from long-standing grievances and the presence of numerous armed groups including those engaged in crime. MoPR does not have jurisdiction over this post-CPA displacement.

At the time of the evaluation visit, the extent of return as well as continued displacement remained unknown, with international actors utilizing another "guesstimate" of 50,000 to 70,000, which constitutes approximately 0.2 per cent of

⁸ OCHA Inter-Agency Standing Committee, Nepal Needs Analysis Framework Key Findings September 2008.

⁹ E.g., OCHA sent first staff in August 2004 and scaled up in 2005, OHCHR signed agreement with Government in April 2005.

¹⁰ Article 5.1.8, CPA.

¹¹ Article 5.2.4, CPA.

¹² Articles 5.2.8 and 7.3.3, CPA. Both parties express the commitment to allow without any political prejudice the people displaced due to the armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed during the conflict and rehabilitate and socialise the displaced people into the society. Both parties shall respect and protect the individual's freedom to move freely and right to choose a place to reside within the legal periphery and also expresses commitment to respect the right of the people who have been displaced to return home or to live in any other place they choose.

Nepal's population. The Government has "identified" 52,900 IDPs from the ten-year conflict, while the deadline for being registered/identified has expired.¹³

The evaluation visit took place soon after the CPN-M Prime Minister resigned in early May 2009 to protest the President's reversal of his decision to sack the head of the Army, an issue directly linked to the armed conflict. In late May, a new coalition government was formed, which the CPN-M refused to join.

While noting considerable political gains within the past year and maintaining a general view of "cautious optimism," multiple interlocutors expressed concern that the peace process remained fragile and conflict-related issues, including those specific to IDPs, remained open. Most viewed political developments in spring 2009 with concern, opining that these would slow the pace of reform and normalization, although most doubted that there would be a return to open conflict. OCHA in particular has noted that normalization is "hampered by lack of infrastructure, weak institutional structures, a legacy of discrimination, lack of progress on security sector reform, poor economic performance, geographic isolation and harsh climatic conditions."¹⁴ OCHA interlocutors expressed the view that the potential for displacement exists for the next twelve to 24 months. Impunity for past as well as present crimes continued unabated and numerous interlocutors including individual IDPs commented on an ongoing feeling of insecurity. This situation is relevant for purposes of further displacement as well as the feasibility of the return of IDPs.

UN agencies that came to Nepal related to the conflict continued to scale down, either by their own decision or that of the Government. At the time of writing, the mandate of the UN Office of the High Commissioner for Human Rights (OHCHR) ends in early June 2010, although OHCHR in 2009 requested a three-year extension from the Government. The CPA contemplates a specific role for OHCHR in monitoring its human rights provisions. The mandate of the UN Mission in Nepal (UNMIN) expires in late January 2010 and UNMIN continued to draw down and withdraw staff. OCHA indicated it would likely cease operations in 2010.

Staff repeatedly referred to the "unique" aspects of operating in Nepal, usually citing complicating factors noted prior to start-up. However, what may have been most unusual – and which changed from the time of assessment to start-up and several times during implementation – was the political configuration of the central Government. NRC concluded its operating agreement with the conflict-period Government led by a monarch. However, its field activities were conducted during the rule of *in seriatim* a post-conflict interim Government, a post-election Government led by CPN-M and composed of representatives of both conflicting parties, which again changed as NRC was closing down. Additionally, NRC operated in several areas, which were controlled by non-state actors associated with CPN-M both before and after the CPA, and which had not been accessible at the time of assessment. All interlocutors noted that the vast majority of IDPs were the result of CPN-M actions, with estimates ranging from 70-30 to 90-10 (CPN-M/Nepalese Army). With both formerly conflicting parties in Government, this appears to have created a shared interest to minimize the acts, including displacement, caused by their partisans. Given NRC's relatively short engagement as well as its decision to advance the concerns of IDPs and seek solutions primarily through policy or political means rather than legal means, e.g., advocating implementation of the IDP Policy and draft Directives, this rapidly shifting political alignment likely further complicated what would have been a difficult undertaking in any event.

¹³ Ministry of Peace and Reconstruction, interview June 5, 2009.

¹⁴ 2009 Transition Humanitarian Appeal, page 1.

III. ASSESSMENT AND DECISION TO ENTER NEPAL¹⁵

NRC began to follow the situation in Nepal in 2003, both from Oslo and Geneva.¹⁶ NRC's Geneva office conducted a workshop on IDP issues in Nepal in March 2003. NRC also reportedly participated in the "Nepal IDP Research Initiative" together with a number of national and international organizations/institutions, which resulted in the issuance of a report also in March 2003.¹⁷ A number of other reports - both national and international - were also issued in 2004.¹⁸

As discussed below, NRC undertook several assessments, the results of which while leaning toward engagement, were inconclusive and indicated there was insufficient information for NRC to start programme activities. Interest from the UN for NRC engagement appears to have been a critical factor in NRC's decision to initiate activities in Nepal. It seems that the primary purpose for NRC to enter Nepal was to continue to conduct a needs assessment and quantify through a survey the extent of displacement, which had heretofore eluded the international community. NRC labeled the survey as an ICLA activity, although it appears inconsistent with the ICLA policy. In any event, the plan to conduct a survey was soon abandoned. The international community was concerned about the IDP problem, although unclear precisely what the problem was. NRC cited its expertise in IDPs gained in other conflict situations, and based on its reputation NRC was tapped to come to Nepal to diagnose and address the problem. Individual services through ICLA appear to have been secondary or auxiliary to other foreseen core activities. None of the planning or assessment documents made available to the evaluators considered how the effective and efficient use of resources would be ensured.¹⁹

Pre-assessment. NRC was "keen to increase its presence in Nepal" through both secondments and programme activities.²⁰ It began to concretely consider engagement in Nepal in late 2004, reportedly at least in part in response to a contact from a former NRC employee living in Nepal. A pre-assessment was provided by this individual to NRC-Oslo in October 2004 indicating that while figures were unknown, displacement was "massive," would become a "major obstacle" after the end of the conflict, and there had been an inadequate response from both the government, which tended to minimize the number of IDPs, and international agencies, which continued to view the situation through a development lens rather than accounting for the specificities of conflict-induced displacement. The pre-assessment concluded that national institutions and NGOs were incapable of addressing the situation adequately

¹⁵ The terms of reference requested that the evaluators assess the process that led to NRC's decision to open an ICLA programme, including methodologies used to insure stakeholder participation in its inception.

¹⁶ Pre-assessment and secondment, Mission to Nepal, October 2004. [NOTE: A late 2003 document entitled "Nepal" reportedly prepared by NRC's Emergency Department was not provided to the evaluators.]

¹⁷ Nepal IDP Research Initiative Findings - An Initiative of Concerned Agencies in Nepal; Irwin D., van Dujin, L. and Seaman A., Kathmandu, March 2003. [Document not provided to evaluators].

¹⁸ E.g., Dhakal, Dilli Rahman, Plight of Internally Displaced Persons (IDPs) in Nepal: a call for an urgent intervention by the HMG/Nepal, United Nations, and International Community, 2004; Human Rights Watch, Between a Rock and a Hard Place - Civilians Struggle to Survive in Nepal's Civil War, October 2004.

¹⁹ The terms of reference ask the evaluators to assess what measures were taken during planning to ensure that resources were "adequately used."

²⁰ Terms of Reference, Consultant for Pre-assessment.

and there was an unmet need, which fit well with NRC's core activities.²¹ The assessor - who was also looking into possible secondments - met with a representative of the National Human Rights Commission, the Undersecretary of the Office of the Prime Minister, various UN agencies and international NGOs, national NGOs, representatives of the Nepal Bar Association and the Royal Norwegian Embassy. The assessor did not meet with any IDPs.

The report indicated that most displacement was caused by the CPN-M forces, although an increasing number of persons were displaced by state security forces. It further indicated that Government financial support was available to only part of the displaced population and linked to losses caused by only one party to the conflict. The report indicated that IDPs could not be expected "to return en masse in the near future," concluding that much displacement from rural to urban communities would likely be permanent and NRC activities would have to be aimed at the places of displacement. The assessment acknowledged that identification of IDPs "would be more problematic than many other displacement situations," suggesting however that NRC information targeted at the general population would likely reach IDPs who could then address NRC.

In terms of modalities for possible ICLA activities, the pre-assessment indicated that there was a "promising" possibility of conducting a legal aid project targeting IDPs through a co-operative arrangement between the Nepal Bar Association (NBA) and NRC. The NBA had long-standing co-operation with the Norwegian Bar Association through a project funded by NORAD.

In terms of possible ICLA activities, the pre-assessment suggested the following:

- Civil documents, in particular citizenship documents, were identified as a major problem faced by IDPs, women in particular. However, the assessment did not specify what particular need IDPs had for such documents (distinct from the general population), whether they had been lost during displacement or IDPs never had them, what if any obstacles IDPs faced in obtaining them, and on what basis the assessor so concluded
- Individual services and advocacy related to access to education for IDPs
- Improved and impartial IDP registration. Advocacy/policy work to rectify an "abysmal" government practice with regard to IDP registration so as to improve IDPs access to rights, including "the right to vote"
- IDP monitoring to obtain more reliable data for use as the basis of international agency response.
- Dissemination of IDP Guiding Principles
- Capacity building for national NGOs

The pre-assessment indicated that Nepal "is a very bureaucratic country," noting further that the registration process is "lengthy and dependent upon personal relations." It indicated that two agreements with the Government were required and estimated that it could take up to one year to complete both agreements. "Support from well-connected organizations and individuals will facilitate the registration process." The assessment suggested that co-operation with the NBA would facilitate a quick start-up for NRC.

²¹ The terms of reference ask the evaluators to assess the rationale behind the limited focus on Nepali partner organizations.

Assessment. In December 2004, NRC conducted an assessment mission to further explore the possibilities of engaging in activities in Nepal, per the recommendations of the pre-assessment.²² The assessment characterized the situation in Nepal as different from many countries where NRC had provided assistance because the armed conflict was ongoing and the displacement was increasing. The team met with the National Human Rights Commission, various UN bodies and international NGOs then present in Nepal, several national NGOs, the Nepal Bar Association, and selected international donor agencies. The assessment team had no meetings with national authorities, which was explained by lack of time. The team had only limited ability to assess the field situation - making one field visit as well as another to a Bhutanese refugee camp - due to travel restrictions resulting from the ongoing armed conflict. The team had unspecified "interactions with" IDP groups in one town.

The assessment went through the six factors NRC considers when initiating activities.²³

While noting that IDPs had few acute humanitarian needs given family networks and coping mechanisms and the extent of the problem remained unclear, the assessment concluded that there were gaps in assistance to IDPs and ICLA activities were relevant precisely because of the lack of data and documentation of the IDP situation. It proposed three possible ICLA components:

- IDP mapping²⁴
- Co-operation with Nepal Bar Association for legal aid to IDPs²⁵
- Promotion of IDP principles²⁶

The rationale supporting the assessment's conclusion that the absence of information made ICLA activities appropriate eludes the evaluators. Further, at least one and possibly two of the activities - IDP mapping and promotion of IDP principles – particularly when proposed as primary activities do not appear to be consistent with the ICLA policy. Inclusion of such activities appears to dilute the ICLA "brand."

With regard to the proposed activity that appears consistent with the objectives set out in the ICLA policy, the assessment provided little information. It neither specified the type of legal aid IDPs needed nor included any information or assessment of the legal and institutional framework within which an ICLA programme would function. It also did not clarify how co-operation with the NBA would function. In particular, it included no mention of the legal and political situation in relation to occupied or "seized" property, particularly relevant given that overcoming legal obstacles related to housing, property, and land is a primary ICLA objective.

The assessment flagged difficulties for access to IDPs, i.e., the extent of displacement was not well documented, IDPs were widely dispersed often in places inaccessible by road, and IDPs were not eager to be identified, all complicating identification of IDPs and targeting of services. The assessment noted that due to these factors assistance "may involve unacceptable administrative and logistic[al]

²² Assessment Mission to Nepal, December 2004.

²³ NRC Policy Paper, page 6.

²⁴ The assessment proposed a possible NRC role in an IDP survey, indicating that further discussion with OCHA would be taken to assess utility.

²⁵ At time of assessment, this option had not been further explored with NBA, assessor was to meet subsequently.

²⁶ Reportedly, NRC provided training on the IDP Guiding Principles to the National Human Rights Commission in May 2005.

costs.” In terms of durable solutions, the assessment concluded that return to Maoist-held areas was not an option “in [the] foreseeable future.” Hence, assistance would have to focus on integration elsewhere in Nepal. The assessment made no mention of how the proposed activities would facilitate durable solutions. The assessors acknowledged the situation was not "ideal" for NRC intervention, but suggested that the trend of departures for India weighed in favour. The assessment did not provide recommendations in relation to the design, size, staffing or location of a field operation. The assessors made inquiries into funding, but provided no conclusions about its availability.

The assessment concluded that given an “almost total **lack of reliable data regarding the scale of displacement**. . . it [is] **almost impossible to design relevant responses to the IDP problem in Nepal**.” The report noted that the outcome of a World Food Programme study was expected in early 2005 and there was consensus in the international community to wait for the result prior to deciding on further action. The assessment recommended that **NRC should not open a country office in Nepal until more “concrete programming opportunities are present,”** but suggested activities to prepare for possible opening of an office continue.

Decision to initiate core activities. In early 2005, NRC decided to open a Country Office in Nepal. It appears that opinion in NRC was not unanimous in favor of opening a Country Office, with at least one interlocutor indicating that the Nepal project remained "too vague" to proceed. The evaluators have not been provided with any documentation subsequent to the December 2004 assessment, which would indicate either the reasoning or the basis for NRC's decision. However, it appears that NRC's decision was significantly affected by requests for engagement by the United Nations, in particular the Inter-agency Internal Displacement Division (IDD) OCHA. There were apparently a number of discussions between UN officials and NRC, including the Geneva office. The precise role of NRC's Geneva office in the discussions and decision related to start-up remains unclear to the evaluators.

The December 2004 assessment highlighted that an upcoming visit to Nepal by Walter Kalin, the Representative of the UN Secretary General on the human rights of internally displaced persons, would likely give impetus to the IDP issue. Kalin's visit took place in mid-April 2005 simultaneously with a mission from IDD. He concluded that Nepal faced

"a serious problem of conflict induced displacement. While this situation does not amount to a humanitarian crisis in the usual sense, there are reasons for grave concerns about the humanitarian and human rights situation of many internally displaced persons that need [sic] to be urgently addressed."²⁷

²⁷ Kalin Report.

Kalin identified a range of protection needs²⁸ and called on the Government, CPN-M, and the international community to respond before the situation evolved into a "major humanitarian crisis." Kalin observed that the Government had not registered a substantial number of IDPs, highlighting delays and systematic flaws in the administrative registration process, including the Government definition of IDPs limited to "victims of Maoist violence," apparently meaning direct victims. He noted that as a result of the limited definition, only some IDPs were eligible for the Government compensation schemes. Others were ineligible because their displacement resulted from factors not considered in the law. Among his recommendations regarding protection during displacement, Kalin urged the Government

"to assess through appropriate means, including surveys undertaken by international agencies or NGOs or through information and counselling centres run by such organizations, the number and situation of internally displaced persons."

Although NRC was not mentioned in Kalin's report, his recommendation would appear to refer to ICLA activities. According to NRC-Oslo, Kalin **"advised the Government of Nepal to invite NRC to assist in conducting an overall survey of the IDP situation in the country. The UN organizations present in Nepal have expressed their will to assign NRC the responsibility to lead the survey/registration process re the IDP situation in Nepal."**²⁹

In May 2005, the IDD mission concluded that "preventive measures are urgently needed to prevent further deterioration" of the situation. IDD cited "an acute lack of new and reliable information from across the country on protection and humanitarian concerns, including on the needs of IDPs."³⁰ While acknowledging the need for additional assessment, IDD nevertheless recommended that "[c]onsideration should be given to establishing appropriate information centres in relevant areas to give proper advice to IDPs and other[s] affected by the conflict." IDD emphasized that efforts to secure durable solutions, including return, were required, noting in particular that **"land tenure will be a key factor to be addressed in this response."** IDD also called for wider dissemination of basic humanitarian and human rights principles, including those of IDPs, for purposes of improving the Government and international agency response. IDD recommended that **"[a] specific assessment of the overall IDP situation needs to be undertaken on which further strategy development can be based,"** recommending further that OCHA **"with support from UNHCR and NRC take the lead in this exercise."**

²⁸ Kalin identified the following problems and needs of IDPs: "security and protection; discrimination; food; shelter and health; access to education for children; documentation; sexual abuse and increased domestic violence; risk of increased female prostitution; risk of increasing child labour; lack of protection of property rights; and denial of voting and electoral rights." Kalin noted that IDPs "face problems due to lacking documentation ... both from their place of origin, but also in their new places of residence," noting that no measures had been taken to facilitate issuance of documents lost in the course of displacement. Lack of documentation was identified as an obstacle that prevented integration and barred access to public services. Kalin also noted that IDPs had not been informed of their rights, consulted as to their needs or how those needs might best be met.

²⁹ Terms of Reference, Consultant to serve in Nepal as temporary Country representative for NRC. (The same individual was the primary assessor in the December 2004 assessment and conducted the pre-assessment).

³⁰ Report on the Inter-Agency Internal Displacement Division (IDD) Mission to Nepal (11-22 April 2005).

Several interlocutors highlighted the importance to NRC of its relationship with the UN as well as noting that one should not "under-estimate the psychological impact" on NRC's decision making of being mentioned by the UN. Another NRC interlocutor mentioned pressure from the UN on NRC to come to Nepal with its IDP expertise, including training on the guidelines. Yet another highlighted the close relationship between NRC's Geneva office and Kalin's office.

In internal documents and interviews, NRC representatives cited weaknesses in the process that led to the decision to enter Nepal including:

- IDP crisis was not sufficiently "significant"
- insufficient attention paid to logistics of implementation
- inadequate field assessment and analysis, lack of appropriate baseline for decision, decision based on incorrect assumptions
- proposed activities vague
- "jumped on the UN train" too fast
- decision excessively linked to individual who did assessments, but not present for implementation

In hindsight, multiple NRC interlocutors questioned NRC's decision to enter Nepal. The Country Director of the International Rescue Committee (IRC) observed that in retrospect IRC should not have entered Nepal. UNHCR also questioned in retrospect whether it would have engaged on the IDP issue. However, given NRC's strong policy emphasis on assisting UN agencies, the expectation in 2005 of continued deterioration, and the repeated identification of basic needs and gaps (at least prior to the CPA), NRC's decision seemed unavoidable. For whatever reason, it appeared that despite repeated assessments it was impossible to obtain sufficient information without a presence in country. Given the lack of clarity, the question is how NRC should have started implementation to ensure it was sufficiently adapted to constraints – known and unknown.

IV. START UP – HOST COUNTRY AGREEMENTS AND FURTHER ASSESSMENTS

After its decision to open a Country Office, the NRC management group allocated NRC funds to recruit on a half-time basis the individual who did the assessments in order to continue monitoring the situation and begin the registration process. This individual left Nepal in March 2005. According to several interlocutors, NRC froze the start-up process at about the same time due to the changed political situation, i.e., the King had dissolved the Government and a state of emergency was declared. In mid-May, the above-mentioned IDD report was issued. NRC's management group decided in late June 2005 to re-vitalize the start-up process, making it appropriate to register and open a Country Office.³¹ It appears that there was a Nepali acting Country Director for part of the first half of 2005.

Starting in July 2005, a Norwegian-Nepali consultant negotiated an agreement with the Nepali Social Welfare Council (SWC) for NRC to operate. As the basis for its request to establish a presence, NRC cited the UN's request that it "play an active role in a specific assessment of the overall situation for internally displaced persons in Nepal and that the UN OCHA with support from UNHCR and NRC will take the

³¹ Terms of Reference Consultancy to start the registration process of NRC and open an office in Nepal, 11 July 2005. Several memos to the management group from the period January to July 2005 mentioned in the Terms of Reference were not provided to the evaluators.

lead in this exercise.”³² NRC provided a “rough outline” of its 2005 planned activities, including:

- profiling of the IDP caseload – protection need and gap survey – citing the IDD report
- training on the UN Guiding Principles on Internal Displacement
- assessment of potential areas of intervention in all core activities with regard to IDPs and those who moved/fled to India

Return facilitation through ICLA “in the settlements and in/on the border to India” was mentioned as the last of the core activities.

The agreement, which limited NRC's international staff presence to one, was signed 1 September 2005.³³ It was valid for five years, i.e., until August 2010. Prior to the signing of the agreement, the first international Country Director (CD) arrived in Nepal in mid-August 2005, but was withdrawn by NRC within two months given inadequate performance. A "Project Manager" recruited to manage programme development "withdrew before starting."

A mid-October 2005 report, which re-emphasized the lack of baseline information indicated that “UNHCR and OCHA are eager that NRC takes the lead in forming a Core Group for a survey” of IDPs, noting that UNHCR “was positive that it could help fund such mapping activities.”³⁴ It observed that agreement on “how to map the IDP situation” and ways of gathering information was needed and recommended a “pilot project” after which further decisions should be made. Finally, it recommended hiring a Project Manager with “survey background.”

The NRC Shelter Adviser was sent in late October-November 2005 to again assess the situation, in particular in relation to the possible use of an electronic mapping device to conduct the survey called for by IDD, for purposes of participating in the 2006 CAP.³⁵ He noted that the situation of IDPs and their needs remained unclear and better data was needed, highlighting that “[e]ven the CAP does not identify major areas for immediate support to typical IDP groups.” He concluded that “the situation provides an opportunity to gain valuable experience in working with IDPs living in a dispersed, self settled solution.” At this time, it appeared NRC would in addition to the survey engage in shelter activities. It was seen as “natural” to develop ICLA along with the other program preparations. In other words, ICLA was considered at this stage as a subsidiary activity, not the *raison d’être* for NRC to start programme activities in Nepal.

In mid-November 2005, NRC temporarily assigned the individual who conducted the pre-assessment and assessment to “lead the programme development,” while the process of recruiting a Project Manager [sic] was ongoing. This consultant, who at this time was heading NRC’s programme in another country, was tasked to develop a strategy for future NRC engagement in Nepal. In late November 2005, the consultant advised that while NRC had lost the initiative on a survey, “NRC could land a survey implementation role if we can establish a qualified presence quickly enough.”³⁶ He re-

³² Establishment of the Norwegian Refugee Council in Nepal, letter from Eric Sevrin to Whom it May Concern, 11.07.2005.

³³ General Agreement between Social Welfare Council, Nepal and Norwegian Refugee Council, Norway.

³⁴ Report Registration Advisory Assessment, Nepal October 13-18, 2005, Tord Roe.

³⁵ Travel report, Oyvind Nordlie 05.12.2005.

³⁶ Interim Status Report - Nepal, Ulf Edqvist, 24.11.2005.

iterated however that "the nature and scope of activities will have to be based on better data." This individual participated in an inter-agency assessment in December 2005.

For most of the first half of 2006, NRC's Country Office "remained effectively dormant" with one national staff member.³⁷ NRC's Internal Displacement Monitoring Center (IDMC) did some training in 2006.

Another inter-agency assessment (multiple UN agencies, 1 INGO, and 1 NGO) conducted in late May 2006, in the eastern region of Nepal produced general recommendations and conclusions on a host of issues, including the definition of IDPs, concerns during displacement including IDP registration, identity and vital statistics documents, and conditions for return. NRC did not participate.³⁸

The second CD arrived in June 2006. He concluded that the situation had "changed drastically" since NRC had decided to come to Nepal. The CD concluded that based on further assessment the assumed wide-scale destruction of private property had not occurred. Hence there was no need for shelter activities. On the other hand, the CD stated that "[t]here is a clear need for our ICLA program, and our partners are waiting for it eagerly, both to address critical beneficiary needs, and also as hopefully a source of information on other beneficiary needs."³⁹ He concluded that "[w]ithdrawing at this stage would reflect very badly on NRC." An ICLA Programme Manager arrived in October 2006.⁴⁰

In February 2007, the CD signed the project agreement with the Government for both ICLA and shelter programmes. It included two national partners as required by the Government, of which one - the Nepal Bar Association - was relevant to ICLA. The project agreement was valid through August 2011, subject to renewal of the general operating agreement. One interlocutor noted that there appeared to be some confusion in NRC Oslo about the need for two agreements with the Government in order to conduct activities. Consistent with the pre-assessment, a former NRC-Oslo Programme Coordinator observed that the process for concluding a project agreement in Nepal was significantly more complicated than in other countries where NRC had conducted operations, requiring approval by a thirteen-member ministerial body as well as the Ministry of Home Affairs. The CD noted that considerable lobbying was required to get all required approvals and believed that the "tide turned" because the Government – the Ministry of Home Affairs in particular - had a perceived need to adopt an IDP Policy.

V. IMPLEMENTATION OF CORE ACTIVITIES

NRC started ICLA field activities aware that implementation would be difficult because:

- it lacked information about IDPs, issues, and institutions sufficient to make informed programmatic choices
- IDPs was a foreign concept for Nepalis

³⁷ Country Strategy Country Nepal 2006-2008, Revision February 2007.

³⁸ Inter-Agency Mission Report Eastern Region 18-29 May 2006.

³⁹ Email Alexander Jones to Marit Backe, 22 August 2006.

⁴⁰ Until the project agreement was signed, NRC was permitted to have only one expatriate in country. A former PM noted that when she arrived in country, her presence was contrary to the general agreement and she lacked the appropriate visa.

- a host of factors, including the related issues of time, cost, and logistics threatened effective activities

All proved to be concerns during implementation. As concluded by multiple NRC interlocutors, this “perfect storm” of risk factors should have counseled a cautious pilot project, the purpose of which would have been to develop better information, a targeted strategy, including modalities and means of assessment, and a core team of national staff with common understanding of the purpose and goals of the ICLA programme. From this core, more informed decisions could have been made.

Instead, NRC's two-year field operation was characterized by relatively rapid expansion and contraction of field offices and staff as well as expansion and contraction of services. NRC also started working in areas, which remained largely outside the control of the central Government and had not been accessible at the time of assessment. A considerable part of the implementation period was devoted to what could be characterized as “pre-ICLA” activities, namely a continuing needs assessment to locate IDPs and identify legal and administrative issues related to their displacement. Internal and external constraints in terms of issues, modalities, security, politics, differential vulnerability of IDPs, funding and time limited NRC's activities and services. Advocacy and ICLA services were conducted largely as separate activities.

Although ICLA was the only core activity for most of the implementation period, limited shelter and non-food item (NFI) distribution activities were undertaken, partially conducted by ICLA staff and partially by other staff temporarily hired for that purpose. These material aid activities were reportedly undertaken to respond to needs found in the field as well as enhance acceptance of the ICLA programme. Several international legal staff criticized the addition of these activities, which appeared to be favored by national staff given the positive reaction from IDPs, as diverting time and attention from ICLA work. In the field office that began active operations in Fall 2008, NFI distribution, including to persons displaced by a 2008 flood, began prior to ICLA-specific work, reportedly due to the volatility of this region. ICLA staff also distributed school supplies as NRC was closing its operation.

A. Objectives⁴¹

With limited exceptions, the objectives of the ICLA programme do not appear to have been tailored to specifics of the Nepal situation and the issues and challenges facing Nepalese IDPs and NRC. NRC put forward separate objectives for advocacy,⁴² which

⁴¹ The terms of reference ask the evaluators to assess whether the programme objectives were “aligned with the mandate” and whether they were “well defined.”

⁴² In 2007, the focus of advocacy was:

- identification of advocacy issues within the scope of the ICLA program that have the chance of producing tangible results for beneficiaries within a medium term timeframe
- continue to press for finalization and full implementation of a national IDP policy that is equitable and comprehensive

In 2008, the strategic objective for advocacy was “active advocacy for IDPs and refugees to improve their access to durable solutions,” with aims to

- “retain IDP issues in the top priorities” of the government and UN actors
- Approval of IDP Directives, and dissemination and implementation of IDP Policy and Directives
- Advocate for IDP rights to durable solutions
- Advocate for women IDP rights

with some exceptions, appear to define the advocacy itself as an objective rather than as a tool through which a specific result or product (objective) would be achieved for IDPs. Advocacy activities were largely de-linked from the ICLA direct legal aid activities and client population.

The early 2007 objectives emphasize “ensuring awareness” of IDPs (about basic/civil and political rights, mechanisms, and conditions of return, and ensuring that IDPs have means to “represent themselves” in disputes with state bodies) and ensuring better information about the IDP situation.⁴³ This would indicate that NRC intended to engage primarily in information activities, i.e., providing information to and collecting information from individuals, which as discussed below was indeed the primary activity. Generic advocacy about documents and capacity building was also included. The objectives did not indicate how they were linked to durable solutions.

The mid-2008 “strategic objective” to assist IDPs access durable solutions through ICLA essentially copies the text of the ICLA Policy.⁴⁴ Other objectives recite the attention to durable solutions and HLP, suggesting a somewhat more active role for NRC vis-à-vis services to IDPs, while using language such as contribute and assist which appear to show an awareness of limited impact. These objectives included issues such as HLP and identity documents on which NRC was not actively working.⁴⁵

In particular, given the unresponsive nature of Nepalese institutions and officials responsible for addressing IDP protection needs at the local and national level, it is notable that the objectives reflect to only a limited or no extent documenting or improving responsiveness. The objectives focus on rights, but omit consideration of the availability or effectiveness of the remedies IDPs would need in order to vindicate those rights, in particular its most vulnerable beneficiaries, including women, the illiterate, Dalits, etc. who could be presumed least able to navigate administrative or

⁴³ Country Strategy Country Nepal 2006-2008, page 5. Objectives were:

- **promote** the personal documentation and obligations of the State to IDPs
- ensure IDPs are **aware** of their civil and political rights and the appropriate mechanisms in Nepal to access their rights
- ensure IDPs have the means to **represent themselves** in administrative or legal proceedings related to their basic rights as Nepalese citizens
- ensure that IDPs are **aware** of the conditions of return and make informed choices regarding return when possible
- ensure that more accurate and comprehensive information is available as to the conditions, locations, and numbers of IDPs
- support the continuation of ICLA-type activities by strategic capacity building of national partners, especially the Nepal Bar Association.

⁴⁴ Country Strategy Nepal 2007-2009, page 10. Objectives were:

- NRC will **contribute** to the best basis on which target groups can decide what durable solution is appropriate for their needs
- **Assist** to overcome legal obstacles to durable solutions, in particular with regard to housing, land and property issues
- **Contribute** to the recognition of legal personality, and access to rights and services that are dependent on obtaining legal identity documents
- **Contribute** to the protection of women IDPs as well as those most vulnerable
- **Monitor** in areas outside of regular project activities to ascertain the situation of ICLA beneficiaries and to advocate for access to IDP rights and services
- Document issues of concern and advocate/contribute to their solution or improvement
- NRC will increase the capacity of relevant authorities in protection matters notably on IDP policy and directives

⁴⁵ See footnote 87 for definition of identity documents used for purposes of this evaluation.

legal hurdles without assistance. It would be useful consistent with NRC's mandated role as a "courageous spokesman" to highlight the limits on its ability to be effective due to lack of remedies, which limitations would no doubt be even more severe for NRC's intended beneficiaries.

B. Organizational Structure⁴⁶

As discussed above, NRC's primary objectives – at least at the outset –were to give and collect as much information as possible about IDPs. This is consistent with the original but abandoned ideas for NRC's entry into Nepal, i.e., to conduct a survey. There was no emphasis on learning and documenting how institutions addressed issues confronted by individual IDPs. It appears that this focus – in tandem with the relatively short time NRC expected to work - drove the design of NRC's field structure and its activities.

Field offices.⁴⁷ NRC opened two field offices in February 2007 (Nepalgunj, Biratnagar), which locations were concluded to have the greatest concentration of IDPs, although at least one Country Director after the fact thought Biratnagar was not a good choice given limited numbers. These choices as well as the opening in early–mid 2007 of an office in Kathmandu - co-located with the Country Office - were guided by the notion of looking for IDPs in urban areas where they were presumed to have congregated. By fall 2007, two additional field offices in the Western Hills (Surkhet, Rukum) were opened. These areas were adjacent to areas most heavily affected by the conflict and controlled by CPN-M forces. Hence, five offices opened in less than six months. NRC opened two more field offices in 2008 (Kathmandu B⁴⁸ and Lahan) and closed two others (Surkhet and Rukum). Most remaining field offices ceased new case intake in early 2009, all follow-up client services in Spring 2009 and closed during the period April to June 2009.

Three offices conducted ICLA operations for approximately two years, while four worked for one year or less. Several reasons were cited as the basis for the development of the extensive field office structure: IDPs were widely dispersed, difficult terrain and poor roads hampered travel, importance of field presence in both areas of displacement and return, donor pressure, and new displacement in Eastern Terai.⁴⁹ Pressures – real or perceived – to have greater numbers of beneficiaries also seemed to have driven the expansion of offices. The continued expansion of the field offices required continuous recruitment, hiring, and induction of new national staff at a time when issues and strategy were not well developed.

International management staff. During the bulk of NRC's presence, there were two international staff, the CD and ICLA Programme Manager (PM), both based permanently in the Country Office.⁵⁰ There was considerable turn-over in the international staff, particularly notable given the relatively short period of active

⁴⁶ The terms of reference ask the evaluators to assess whether "the organizational structure successfully accommodated the country programme in reaching its objectives."

⁴⁷ In August 2006, the CD projected that NRC could "scale up" to 6 regional offices." The Project Agreement between NRC and the Nepalese Government proposed pilot field offices in Nepalganj, Pokhara, Kathmandu, and Biratnagar, which could be further expanded.

⁴⁸ Kathmandu maintained two locations in the capital area under unitary management.

⁴⁹ The terms of reference ask evaluators to assess the rationale behind the extensive geographical coverage of the project and the implications this had on the efficiency of the program.

⁵⁰ CD's terms of reference indicate Kathmandu as the duty station, without any reference to expected field activities. PM's terms of reference also indicate Kathmandu as the duty station, but indicate that the PM was obligated to go to the field "regularly."

operations.⁵¹ NRC contributed to this turnover by moving the second CD to another NRC operation. This turnover has implications for how NRC recruits international staff and likely had an impact on programme development, coherence, and supervision. In addition, at least one international trainee was in a field office for approximately six months, while another international programme coordinator was in-country for approximately one year, but in the field for approximately seven months. A number of NRC secondees were placed with UN agencies to address IDP related issues for periods of up to six months.

Given that ICLA was the sole core activity in Nepal, the question arises as to the respective roles and credentials of the CD and PM as well as the inter-relationship between the two, particularly given the extensive field operation. It appears there were disagreements between some CDs and some PMs as well as within NRC Oslo about how duties should be divided. In practice, the PM was deemed solely responsible for the day-to-day operation of the ICLA direct aid programme. Several of those interviewed believed that in an ICLA-only operation, the CD should also have legal qualifications and participate substantively in the running of the direct aid activities so as to facilitate the PM being present in the field. One CD indicated he had been told by NRC Oslo to stay out of the substantive aspects of the ICLA direct legal aid activities.

The CD headed up advocacy activities, which frequently involved staff solely in his chain of command who were not involved in direct legal aid, prepared budgets, handled additional administration, overall security, and logistics, and liaised with the government and donors. Several PMs indicated their view that the PM should have a role in explaining ICLA activities to donors.

National staff. The seven field offices, with limited exceptions, were staffed by national staff only. Field offices were headed by a national Project Officer recruited for management experience and English-language ability, few were lawyers or legally trained. Project Officers were not routinely involved in the day-to-day ICLA field activities, but were primarily involved in administration. Both in the Country Office and field offices, there were a large number of job titles and a highly hierarchical chain of command, which appears to have broken up tasks and diluted responsibility. [See attached organigram]. The direct aid activities were primarily carried out by those lowest on the field office hierarchy, namely field assistants (earlier called community mobilizers) and legal assistants. Several interlocutors indicated that it was these lower-ranked staff who understood the ICLA project best. Despite the diversity of job titles in the hierarchy, in most field offices, the activities of field staff were largely indistinguishable. Some additional short-term staff was recruited to deal with shelter and NFI. One national staff member in the Country Office liaised with the Government, including participation in evaluations of NRC's programmes, and participated with the CD in national-level advocacy activities as well as internal "monitoring and evaluation."

While some field staff were recruited locally, a considerable number were recruited from areas other than the location where they worked, in particular from Kathmandu. An initial two-day induction was provided for all new staff.

International staff uniformly commended the commitment, desire, and efforts of the national staff to improve the situation of individual IDPs. Based on the staff met, the evaluators were similarly positively impressed.

⁵¹ 3 CDs between September 2005 and June 2009, 3 PMs from October 2006 to June 2009.

National staff uniformly reported that the concept of IDPs was difficult for them to grasp. This was confirmed by multiple international staff both in Nepal and Oslo, who added that some national staff were unable to grasp the ICLA idea and concepts and the skills of the national legal staff should not have been over-estimated, i.e., national legal staff had difficulty identifying and addressing legal issues. Considerable time and energy was required to train staff how to appropriately distinguish conflict-induced IDPs from other types of migrants. At least one PM indicated that in her view two years was too short a period to get national staff “up to speed.” At least one Nepalese observer outside NRC also noted that NRC’s national staff were in “learning mode” and not likely to challenge authority. Notably, there seemed a difference of opinion between the CDs and the PMs and other NRC international staff in relation to the abilities of the national ICLA staff.

C. Internal co-ordination/supervision/management/monitoring⁵²

A primary means for co-ordinating ICLA activities was through weekly and later monthly reports from field offices to the PM. Field reports addressed events and activities during the reporting period including numbers. Reports were neither thematic nor cumulative.

The PM provided monthly and later quarterly reports to the CD and NRC Oslo and the Country Office provided two Annual Reports as well as two Country Strategy documents. The PM primarily reported on activities and administration, rather than substantive issues and covered briefly in a few pages a wide range of topics, including typical ‘sit rep’ information about political developments, meetings, staff training, logistics of field operations, establishing new offices and hiring new staff, security incidents, etc. Later reports featured short descriptions of individual cases as well as charts with statistical information.⁵³ Some reports signaled albeit briefly concerns regarding staff understanding of strategy, issues, and information collection, indicated the need to and revisions made to the database and case closure procedures, need for consistency in staff approach, including ICLA and advocacy activities, confusion between shelter and ICLA methodologies, problems in Maoist-controlled areas, inexperience of some office managers, etc.⁵⁴ Several NRC-Oslo interlocutors indicated limited attention to the PM’s reports, one expressing the

⁵² The terms of reference ask the evaluators to assess the internal monitoring mechanisms and objectively verifiable indicators as well as whether “case processing tools and procedures (i.e., criteria for closing cases, etc.) adequately design to assess performance and progress.” [sic]

⁵³ Statistics included numbers of clients, activities broken down by type, and services provided, including documents, legal services, information, and referrals. Documents were further broken down into eleven specific types, while legal services were broken down by categories such as “women’s property,” “other property,” “establish relationship,” “other criminal cases,” “domestic/sexual violence,” “other civil cases,” etc.

⁵⁴ E.g., PM Monthly Report covering May 2007 noted workshop to improve legal staff “understanding of key issues such as ICLA target beneficiaries and the type of work in which ICLA lawyers should be primarily engaged,” reporting greater clarity afterward. PM Report September 2007 notes “lack of clarity amongst senior staff as to the project’s implementation strategy.” PM Quarterly Report covering June – August 2008 notes a first “Program Meeting ... to ensure that the ICLA and Advocacy initiatives work consistently and with mutual benefit,” cited training for Database Officers regarding “effective use of the database as well as training for field office staff on the definition of IDP.” The report further notes the updating of client registration forms to obtain more detailed information on durable solution options and development of new client forms, including those linked to case closure, noting that “FOs will now be able to systematically close cases,” target open cases, and use database statistics to analyze their caseload. The PM also noted that one FO “is struggling to understand/implement the ICLA project in a meaning full [sic] way.”

view that such reports were an inadequate monitoring tool, another indicating that the usefulness varied with PMs, while another indicated that the information provided by the reports led to a misunderstanding of the issues and activities in which ICLA Nepal engaged. At least one member of the international management indicated that little feedback was received from Oslo on the content of reports.

A second means of co-ordination was through monthly meetings between the Project Officers and the international management. Given Nepal's terrain and road infrastructure, traveling between field offices and the Country Office was feasible only by air, which had the effect of significantly limiting contact between the international management and most field staff. Field staff engaged in day-to-day ICLA activities rarely met with the international management. The PM and CD travelled to field offices to meet with field staff and also had contact by phone and email.

It appears that, despite regular reports and meetings, there were considerable gaps in meaningful communication between the field staff and international management. The Country Strategy issued in mid-2008 highlighted these weaknesses as did the case closing report. Lack of in-depth and substantive supervision by the international management appears to have been the cumulative result of the large and widespread field structure, which expanded rapidly, one international staff member responsible to supervise large and widespread field operation, and lack of shared understanding as to the activities to be undertaken, issues to be addressed, modalities to be used, as well as overall strategy and approach. Several interlocutors expressed the view that the field staff was left to implement the programme as it found best. Similarly, it was expressed that the international staff presumed that the national staff, in particular legal staff, "knew what to do." While several interlocutors noted that national staff required extensive supervision, at least one PM said it was not feasible to directly manage or supervise all field activities given the extensive field operation. She indicated that "just doing the basics" took all of her time.

One PM indicated there was a lack of guidelines or office routines for ICLA field staff to organize their work, although there was a client registration sheet. All information on clients/beneficiaries in NRC's files was kept in Nepali, which was cited by several international staff as frustrating oversight and supervision. The case closing report highlighted gaps in oversight mechanisms, which frustrated effective staff work. It found that due to the absence of case guiding procedures, national staff "lacked understanding of legal methodology and process and took on cases without any clear picture of a desired outcomes or results. [sic] There has also been a lack of system [sic] approach to the various categories of cases and to take advantages on good practices [sic]." Further, the report concluded that the national staff "appear to have preferred a one-to-one approach only," overlooking common denominators or use of collected cases (including rejected applications) for documenting systematic problems and seeking systematic changes.

An electronic database for storing and compiling beneficiary information, which could serve as a tool for oversight of ICLA activities and outcomes, was revised several times during implementation. Database models from other ICLA programmes were not found useful for Nepal and hence the programme devised its own database. This database – as well as the national staff's use and understanding of it - was found by at least some of the international management to lack adequate definition/clarity and produced results they characterized (after the fact) as inaccurate/misleading as to the

actual work and outcomes of the ICLA programme.⁵⁵ The case closing report concluded that NRC's prior statistics derived from the database had been misleading in terms of either outcomes or NRC's role in outcomes. The numbers are also likely questionable given the pressure to meet project proposal targets, which turned into an incentive to register as a client anyone with whom the field staff had the most limited contact.

It also seems likely that a considerable amount of information was simply lost as it was not transferred in a sufficiently clear way into the database to be extracted or was never entered. Information available in individual case summaries seen in periodic reports or elsewhere did not emerge from the database. According to the CD, while a database assistant actually entered case information in English into the database, ICLA field staff who dealt with individual beneficiaries/clients participated in the process. A national staff member in the Country Office was designated as the "monitoring and evaluation" (ME) officer and there were reportedly ME focal points in each field office. Together these staff apparently had some responsibility in relation to the database. It remained unclear to the evaluators how this ME function operated and whether it was intended to serve as a type of delegated supervision or quality control on performance and outcomes.

Near the end of the programme, international management as well as the ICLA Adviser noted that most cases remained "open," due to the absence of criteria or procedures for concluding/closing cases included in the database, i.e., to determine what if any outcome had derived from NRC's service. This deficit appears linked at least in part to the primary service modalities used by ICLA Nepal, namely "one-off" information or referral contacts with persons counted as beneficiaries for which no follow-up legal service or action was taken by NRC.

In late 2008 and early 2009, the PM and ICLA Adviser devised criteria for determining whether legal/civil documentation services provided by NRC had been closed "successfully," "unsuccessfully," or "without result." These services were divided into six categories – HLP, IDP registration, civil documentation, applications for state financial assistance, compensation claims for injury/death, and domestic/sexual violence. HLP was sub-divided into four types of real property claims: repossession, inheritance, compensation for damage or loss, and transaction/transfer obstacle. No case closing criteria were developed for information and counseling services. Setting criteria after the programme's work had largely been completed no doubt significantly limited the measures that could be used. Criteria had to be developed to assess what was realistically knowable from the available data, rather than measures established in advance, which would determine what data was gathered. Two field offices had been closed prior to the development of case closing criteria.

Using the case closing criteria, the first "case-based" analysis was done at the close of the ICLA programme and after the visit of the ICLA Adviser. The lateness of this analysis hampered NRC's ability to review and adjust activities during implementation. It also appears to indicate that NRC viewed the work for each individual largely in isolation, having no particular perspective on using the accumulated experience and knowledge gained from numerous similar cases to point out systematic problems, including deficits in the actions of state bodies. The international management and NRC Oslo were surprised by the results of the closing

⁵⁵ The CD noted that the end-of-programme re-assignment of 600 cases previously categorized as legal services to information demonstrated staff mischaracterization of services due to lack of adequate understanding of ICLA activities and database.

exercise and what it indicated about activities, an additional indication of gaps in communication and oversight.

The criteria for “successful” closure in most categories reflected that the sought thing was gained or a positive stage in the process had been reached.⁵⁶ It appears that some cases were considered successfully closed when an outcome was still pending final decision or the client had yet to receive the sought thing.⁵⁷ Similarly, cases were closed as “unsuccessful” where the sought thing was refused.⁵⁸ Finally, cases in two very different postures were closed under the category “no result.” Some cases were no longer “alive” or pursuable, e.g., NRC had insufficient information to follow up, NRC had lost contact with the client, etc. In contrast, “no result” also included numerous “live” cases for known clients that remained pending decision before various bodies. It seems appropriate that rather than being lumped together, these distinct types of cases would be closed as separate categories, one of which would be worth consideration of hand-over (if possible) or other action as opposed to cases for which no further decision/action could be expected or known.

In general, the criteria did not include an indication of how results were gained or what NRC contributed to the result. Such criteria, which looked only to the result not the means may measure the current state of success or lack thereof from the client’s perspective, but does not provide a clear insight into the impact of NRC’s activity or provide guidance for which NRC interventions worked and which did not. Under such criteria, NRC counts a case as a success even if it took little or no action toward achieving that result, while counting a case as unsuccessful or without result, regardless of possible extensive work on NRC’s part. Hence, the criteria are not particularly informative for purposes of assessing NRC’s performance or its impact in individual cases or on institutional decision-making. The criteria may thus both over-state and under-state NRC’s work and impact. The criteria for successful closure for domestic/sexual violence cases appear particularly misleading both as to the result for the client and NRC’s role.⁵⁹

The PM who conducted the case closing exercise used the criteria as established by her predecessor, but expressed the view that “successful” and “unsuccessful” categories were unsatisfactory and “illogical in a legal context.”⁶⁰ In her view, “NRC can not guarantee a successful outcome if the client has requested (1) an outcome which is against the law, or (2) an outcome which the client is not legally or administratively entitled to.” Similarly the PM concluded that “unsuccessful” implied that “NRC has not been successful securing a favorable outcome for the client, despite having exhausted all available legal means” and that NRC “does not accept any decision which is not in favor of the client.” Finally, the PM found the criteria lacking particularly in the Nepal context where NRC had not used legal remedies. While different than the assessment of the evaluators as discussed above, the PM’s

⁵⁶ E.g., “HLP repossession/reoccupation is achieved;” “Government grants compensation to the client;” Client appears on MoPR IDP list; client obtains the document “with the assistance of NRC.”

⁵⁷ MOPR endorsed the claim and will grant compensation; NHRC recommends compensation.

⁵⁸ E.g., “informal mediation not successful; HLP repossession/reoccupation not obtained; client’s legal ownership not registered; client’s ownership not evidenced by ownership certificate; Government refused to grant compensation; refused to acknowledge/register the client; authority denies registering application; client unable to obtain the document after requesting.

⁵⁹ Client receives legal counseling from NRC and client is referred to specialist organization.

⁶⁰ Analysis of the legal services/civil documentation assistance provided by the ICLA program in Nepal 2007-2009.

critique also appears to highlight that the criteria have limited value as they focus on the client's perspective, not NRC's role.

The Nepal ICLA programme also raises the question of the capacity of NRC Oslo or other ICLA programmes to assist start-up or ongoing ICLA programmes encountering difficulties or questions. The first PM visited the ICLA programme in Sri Lanka, but concluded that several tools used there were inappropriate for Nepal. Several interlocutors noted long-standing requests for assistance from the ICLA Adviser, which post was vacant for a considerable period during programme implementation. In this vein, the ICLA Adviser noted that with a growing number of ICLA programmes, it had become increasingly difficult to prioritize how and where to provide oversight and responses to requests for guidance and support from the field. Also due to considerable turnover in NRC Oslo, multiple persons were involved for short periods in the process of assessment and start-up as well as implementation, with the result that no single person had a good overview of the Nepal programme. Both international and national staff indicated that given difficulties in implementation and grasping concepts, they had requested information related to ICLA field operations in other countries, which requests remained largely unmet reportedly. Numerous staff of the Country Office – both national and international - perceived that there was limited attention in NRC Oslo to the Nepal operation, particularly because being ICLA only - it was a relatively small programme and budget - and that it was not a priority.

During the evaluation, NRC pointed out several tools, which as part of its internal oversight and evaluation process had been developed either during the Nepal programme or currently under development. These tools are seen by NRC as addressing concerns of which it became aware during the Nepal programme and/or are discussed in this evaluation.⁶¹

D. Activities/services⁶²

Prior to the start-up of field activities, NRC found that there were "clear and critical needs in the protection area, especially civil documentation, counseling for returns support, advocacy on behalf of IDPs, and mediation and litigation for IDP rights."⁶³ Despite objectives that appeared to emphasize information, NRC proposed the full range of ICLA activities and approaches:

- provision of personal documentation
- provision of legal information and assistance
- litigation and counseling
- advocacy on behalf of IDP groups
- return facilitation

In the words of at least one PM, the intended ICLA activities and objectives were unclear and staff "made it up" as they went along, with the result that the activities grew "organically" rather than as a result of considered analysis, sufficient information or complete assessment. NRC's ability to evaluate or re-adjust its activities was hampered by the fact that no substantive analysis of the activities and outcomes was done during the programme's implementation, coming only at the end.

⁶¹ The mentioned tools include the Core Activity Database and the revised ICLA Handbook.

⁶² The terms of reference request the evaluators to assess the inter-related questions of whether the ICLA programme was a "technically adequate solution to the protection needs" and whether the programme "adequately addressed the needs of the target group."

⁶³ Country Strategy Country Nepal 2006-2008, page 4.

The ICLA programme repeatedly emphasized certain constraints, including funding and time and later IDP as a novel concept, politics, inefficient institutions, in particular the judiciary, and over-riding existential needs, most of which had not been considered in the assessments and programme design/strategy.⁶⁴ NRC's response to these constraints – which were hazards not only for its work but the rights of its intended beneficiaries - was to significantly restrict its services.⁶⁵ These decisions significantly altered the issues addressed and means used from those which had been proposed in assessments, country strategies, and donor proposals. Although continuing to hold itself out as a legal services provider, NRC's decisions (or lack thereof) mostly prevented it from providing legal services.

Limited time – late arrival and scarce funding. More than two years passed between NRC's first inquiries about entering Nepal and the start of field activities. In early 2007, the CD indicated that funding was tight for 2007 and 2008 and "it is unlikely that there would be scope for an NRC presence in Nepal beyond 2009." Hence, NRC started its ICLA programme cognizant that it would likely be limited to two or at most three years, despite the five year general and project agreements. This is notable in view of the ICLA policy that counsels "NRC will plan any legal assistance project with the assumption that it may require a longer-term perspective...." It appears these projections of short time frame were shared with neither national staff nor Governmental officials.

The CD noted that one complication of an ICLA-only programme was that all overhead costs had to be borne by the single programme, making it necessary to continue to search for funds.⁶⁶ At least one PM spoke of the heavy obligation to prepare multiple donor proposals and reports, indicating this made it more difficult to focus on the substantive work of the programme. While two ECHO grants were under spent, the CD indicated that these funds were not for programme activities, but assorted overhead costs.⁶⁷ In addition, it appears that at least in part funding pressures resulted from the resource-intensive nature – in particular number of offices and staff - of the programme design. [See also discussion in Section IX regarding organizational pressure for Country Offices to attain certain minimum budgets]. The evaluators were not made aware of any tools adopted from other ICLA programmes to maximize cost efficiency in Nepal.⁶⁸

No use of formal legal remedies. Contrary to project document representations,⁶⁹ NRC concluded that it would not use formal legal remedies to resolve any type of legal dispute because the judicial system could not deal efficiently with issues pertaining to IDPs,⁷⁰ litigation was too long lasting,⁷¹ and "to limit to the very minimum

⁶⁴ The terms of reference asked the evaluators to assess what external factors influenced the achievements or failures of the programme in attaining stated objectives.

⁶⁵ In at least one field office, NRC vehicles traveled with no fewer than 3 staff due to security concerns. Because most staff had to be together rather than splitting into teams, field activities were further limited.

⁶⁶ The terms of reference asked the evaluators to assess the implications of implementing ICLA as the sole core activity.

⁶⁷ The terms of reference asked the evaluators to assess what measures had been taken during implementation to ensure that resources were adequately used.

⁶⁸ The terms of reference asked the evaluators to assess whether the programme had utilized tools and knowledge from other ICLA programmes to maximize cost efficiency.

⁶⁹ Country Strategy Country Nepal 2006-2008, February 2007, page 4; Country Strategy Nepal 2007-2009, page 10, 11 July 2008.

⁷⁰ Annual Report Nepal 2008, 31 January 2009, page 4.

⁷¹ There is a certain lack of clarity about the policy on litigation. Staff reported that as a matter of policy, the initiation of court proceedings was prohibited. A former PM reported that the

lengthy and costly legal process with unclear outcomes."⁷² Apparently, this decision was made in relation to judicial proceedings, but in practice it also applied to administrative proceedings, the majority of NRC's legal services. NRC's decision went to the core of its programme and reflected a significant change.

For the evaluators, the question is not whether formal legal remedies should or should not have been used. Rather, the question is whether NRC's decision against the use of formal legal remedies was based on an evaluation of the specifics of individual cases and individual local courts as well as the possible value of concretely demonstrating – if only on a pilot basis - the ineffectiveness of the judiciary, which could be used as a basis for advocacy, either in relation to the need for better judicial remedies or the need for repossession by other means. Further, if a client requested litigation and was fully informed of the pros and cons including that NRC would possibly not remain long enough to complete the case, NRC's refusal to assist frustrated the clients' sole means for formally registering their legal claim. Even if NRC had decided not to handle litigation itself, it is unclear what prevented NRC from ensuring representation through a contractual arrangement with a member of the NBA (as has been done in other ICLA projects). Of even greater concern, NRC assisted with the preliminary stages of administrative requests, e.g., documents, but then used no formal remedies if requests were delayed, rejected or denied. One PM suggested that contrary to its principles, NRC's approach interfered with access to justice by denying assistance in relation to formal legal remedies to a highly dependent clientele.

It appears NRC's decision against court litigation was based solely on assumptions of failure rather than an assessment of the needs of its clients. The refusal to handle any litigation appears premised on NRC having no plan for sustainability or continuation of legal work started but not possible to conclude. With this decision, NRC deprived itself of any informed basis on which to comment about the ability of IDPs to access rights through courts, how courts did or did not address such claims, and gaps in the Nepalese law. The basis for NRC's inaction with regard to administrative claims appears to have resulted from lack of knowledge and oversight.

Limit engagement in occupied property. Both the ICLA policy and Nepal programme documents – including the mid-2008 Country Strategy objectives - emphasize housing, land, and property (HLP) issues. However, NRC decided - in the words of many staff - to largely “stay away” from property issues and in particular not to use formal legal remedies to assist clients repossess occupied land because restitution or compensation for HLP seizure “is to be solved at a political level”⁷³ and NRC was not in a position to solve cases related to land, and other heavily politicized issues where political decisions are pending in regards to the legal framework.”⁷⁴

NRC apparently had no case-by-case approach, but appears to have lumped all seized property claims together without distinguishing those of wealthy, absent landlords/landholders from those IDPs with more modest land/property claims. Another complicating factor highlighted by some NRC staff and at least one UN interlocutor were the competing claims related to property – namely between those who owned seized land/property and landless persons to whom the CPN-M had

policy was that no court cases should be initiated without prior clearance by the PM. Whichever is correct, the result was that no litigation was initiated and clients were informed that NRC could not assist anyone who wanted to go to court.

⁷² Exit Strategy NRC Nepal 2008-2009, December 2008, page 6.

⁷³ Annual Report Nepal 2008, 31 January 2009, page 4.

⁷⁴ Exit Strategy NRC Nepal 2008-2009, December 2008, page 5.

subsequently distributed it. However, NRC did not flag this as a reason for its non-involvement. Additionally, the conflict was frequently exploited by family members to take over a relative's property. This aspect of property seizure was also not highlighted.

Although never reflected in NRC's documents, "politically sensitive" appears to be code for not physically or politically safe for NRC and its staff to be engaged in action against persons who had taken over property, the bulk of whom were seen as associated with or protected by the CPN-M. Several staff reported being questioned, threatened or otherwise viewed with suspicion by Maoists when looking for and working for IDPs. If this was indeed the assessment made by the NRC management, which seems an appropriate choice to safeguard staff security, it would have been useful for this to be explicitly acknowledged as an obstacle not only to NRC's activities but to the exercise of rights, including return, by those dispossessed of their property. Contrary to the programme objectives NRC was unable to contribute substantively on the question of occupied property.

1. Identifying IDPs

The primary task/strategy of the field staff at the beginning and throughout the project was to locate and identify *bona fide* IDPs. As discussed above, this preliminary effort of finding IDPs was complicated by the fact that, according to staff, the concept of IDP was difficult for Nepalis to grasp.

Staff were told to figure out how to find IDPs, an exercise one PM likened to "finding needles in a haystack." Staff used a variety of means to find IDPs, including community meetings aimed at the general populace. This strategy however was frequently inefficient with only a small percentage of those in attendance being IDPs. In one locale, it was deemed unsafe to use this approach. Staff also obtained information and referrals to IDPs from NGOs as well as from IDPs. National staff went to considerable lengths, including multi-week hiking trips and going to door-to-door in order to locate IDPs and returnees. Complicating IDP identification, staff reported that IDPs were frequently fearful of being identified as an IDP, requiring multiple contacts. This raises a question whether the international community's and NRC's insistence on identifying IDPs was always in their best interest. Considerable time - from six months to a year was dedicated almost exclusively to finding IDPs. Particularly for those field offices that operated for a year or less, the time-consuming process of just locating IDPs hindered providing services.

NRC used multiple estimates as to the anticipated and actual number of beneficiaries - including IDPs and non-IDPs (including the general public). Documents from early 2007 contain different estimates: direct support for 25,000 persons⁷⁵ and direct assistance in legal matters to 5 to 10,000 direct beneficiaries annually, while a larger number would benefit from information activities.⁷⁶ In mid-2008, NRC indicated that the actual number of beneficiaries was in excess of 15,000,⁷⁷ while in mid-2009, the number of beneficiaries was set at over 22,000, with somewhat less than 6,300 clients and less than 2,000 legal services clients.⁷⁸ At least one PM noted an inconsistency that although NRC did not know the number of IDPs, project proposals

⁷⁵ Country Strategy Country Nepal 2006-2008, page 5.

⁷⁶ Project Agreement between Social Welfare Council and Norwegian Refugee Council, 01.02.2007.

⁷⁷ Country Strategy Nepal 2007-2009, page 6.

⁷⁸ Analysis of the legal services/civil documentation assistance provided by the ICLA program in Nepal 2007-2009.

included targets for IDPs to receive services. Multiple staff indicated that the need to meet numerical targets became an over-riding priority over-shadowing actual services.

As indicated in numerous reports prior to NRC's start-up, the IDP population included wealthy land-owning elites or others with some financial means, public officials and those otherwise associated with state structures as well as those of modest means or impoverished and vulnerable. Given the context, the definition of who was seen as wealthy, including ownership of land or access to financial means, appears to have been set at a very modest threshold. Early on, NRC decided that its target group was vulnerable IDPs, not those perceived as wealthy elites. This latter population was seen as having alternative means, including political influence. NRC also concluded that it was "too political" to assist such IDPs who had been particular targets of Maoist forces.

Field staff frequently came into contact with non-IDPs who had existential needs similar to IDPs for whom NRC was providing services, in particular shelter and NFI. [Notably this seems not to have been an issue with regard to ICLA services]. Staff found that it would have been counter-productive to limit NRC's services to only IDPs and complicate their work in the communities. Hence upon staff recommendation, NRC adopted a policy under which 10-20% of assistance was provided to non-IDPs.⁷⁹ Staff recommended that future programmes should incorporate such a principle/policy from the outset given that the need to do so could be readily anticipated.

2. Issues of IDPs

After finding and identifying IDPs, the staff was tasked to determine displacement-related issues subject to being addressed by the ICLA programme.⁸⁰ Staff uniformly reported that existential problems were the primary concern of most IDPs. Several interlocutors expressed the view that it was difficult to distinguish IDP issues from those of the general population. Notably, NRC's exit strategy, took this same position.

Staff consistently reported that ICLA was a difficult "product" to sell to IDPs given their existential ("hand to mouth") needs. IDPs did not readily see the value of the offered ICLA services, in particular the most frequently offered service of information or assistance with obtaining documents, in particular birth certificates, although staff reported that at least some clients came to value it in time. The Social Welfare Council (SWC) concluded that legal support to IDPs and non IDPs as provided by NRC was a "secondary need" and that NRC did not have resources for material support.⁸¹ The 2008 Country Strategy highlighted the lack of a participatory approach in programme design as a weakness.⁸² Numerous staff opined that ICLA should have

⁷⁹ The Social Welfare Council concluded that NRC wrongly identified some beneficiaries as IDPs, appearing unaware of its policy decision to include a percentage of non-IDPs. Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, page 30.

⁸⁰ The terms of reference asked the evaluators to assess what methodologies were used to ensure stakeholder participation in programme implementation.

⁸¹ Monitoring Visit Report, June 30, 2008, page 3.

⁸² In contrast, the SWC concluded that NRC had used a participatory approach, although its basis of information for this conclusion is unknown. Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, page 30.

been conducted together with other NRC core activities and conducting ICLA alone in the Nepal context was inappropriate.

It appears there were some inconsistencies between offices as to which issues were addressed or emphasized. This reflects both a lack of uniform understanding and supervision. At least one PM indicated field staff experienced difficulties with determining how to address particular legal questions.

HLP. Pre-start up assessments by NRC and UN, Country Strategies, donor proposals, interlocutors, and ICLA clients all identified seized/occupied real property as a key problem for IDPs. According to NRC staff, many IDPs were uncomfortable with initiating legal action and a considerable number indicated no present intention to return. The case closing report noted that HLP was linked to durable solutions, but NRC did not significantly engage with this issue. Further given the decision to avoid involvement in property matters, cases were improperly categorized and staff did not register all seized property cases that came to their attention, registering fewer than 50 cases on an *ad hoc* basis only. In addition, NRC recorded 100 cases of persons seeking compensation for property.⁸³

Staff provided assistance to a limited number of clients whose property had been seized primarily through informal negotiation with the occupying party, resulting in repossession in one case while efforts failed to resolve several others.⁸⁴ In most circumstances, NRC gave advice to the client about possible remedies, although NRC did not assist in utilizing those remedies. NRC was involved in less than ten cases in which compensation for property was obtained from the State. In late 2008, the ICLA Adviser noted that no court actions had been initiated and "that ICLA was not really offering legal services on HLP issues, rather some sort of counselling combined with mediation in certain cases." He indicated that staff had difficulty identifying mechanisms for property restitution and compensation.

Given the number of men killed during the conflict, ICLA staff also encountered widows with issues related to property inheritance rights, recording more than forty cases. Again it appears that most women did not wish to initiate formal legal proceedings and again the primary service by NRC was to provide information about possible remedies. In about one-third of the cases, NRC attempted to negotiate on behalf of the client, with outcomes deemed successful in twelve.

Compensation – personal injury. Various compensation schemes were available for victims of the conflict, including those whose family members had been killed or disappeared and those who had been injured or tortured. NRC registered 160 clients with such concerns and was involved in some unspecified way in compensation obtained in 40 cases.⁸⁵ Frequently, the claimants were widows seeking compensation related to their deceased husbands. Reportedly, compensation was often taken by the families of the dead husband, so it is unclear the extent to which the widows benefitted from any compensation obtained.

⁸³ Analysis of the legal services/civil documentation assistance provided by the ICLA program in Nepal 2007-2009.

⁸⁴ In contrast, the Social Welfare Council concluded "[i]n some cases [NRC] has settled many of the property disputes." Assessment of Projects Supported by the Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to the Social Welfare Council, 21.06.2009, page 30.

⁸⁵ Analysis of the legal services/civil documentation assistance provided by the ICLA program in Nepal 2007-2009.

Documents. The most frequent service offered by the ICLA programme was related to vital statistics documents, although an issue infrequently raised by IDPs themselves. Staff indicated that most clients did not initially request or recognize the value of obtaining civil documents, requiring staff to explain their value. This was confirmed in meetings in which few if any NRC clients referred to documents in their discussion of assistance provided by NRC until the evaluators specifically asked. It is unclear the extent to which the lack of documents was due to displacement or whether IDPs lacked documents prior to displacement.

NRC was involved in some way in obtaining over 1,600 documents, primarily birth certificates for children, which were intended to assist with attending school in displacement.⁸⁶ The case closing report found that birth certificates were somewhat relevant to durable solutions for some IDPs by facilitating school enrollment. Several interlocutors suggested that ICLA emphasized documents because it was easiest for staff and beneficiaries to understand. With limited exceptions, NRC was not involved with identity and property documents.⁸⁷ One Project Officer indicated that in contrast to its advocacy for IDPs being able to obtain civil documents in the place of displacement (rather than the place of origin), NRC did not advocate for IDPs to obtain citizenship documentation in the place of displacement given the political sensitivity of this issue and Government concerns about fraud.

IDP registration. IDP registration was a prerequisite for obtaining certain types of benefits and was a key for accessing durable solutions for those who did not want to return, which included most of NRC's clients. From the outset, there was concern from many international quarters about logistical problems, bias, and corruption in the IDP registration process. This was a primary motivator for NRC's advocacy related to the IDP Policy and Directives. NRC registered 200 cases in which it played some part in attempting to complete IDP registration, of which approximately 30 cases were successfully registered.⁸⁸ At the end of NRC's operation, more than 130 cases were still pending. It appears this issue was addressed inconsistently by field offices despite its relative importance. The case closing report found that IDP registration was linked to durable solutions, but NRC's approach to this issue was inconsistent and most cases were closed without result. The ICLA Adviser noted multiple uncertainties regarding IDP registration.

Return facilitation. Staff reported that by the time NRC began field operations, most of those who wanted to return had done so. NRC referred more than 1,300 persons to other agencies for assistance with return. It is unclear what other types of activities NRC did to facilitate return or what gap it filled, particularly since NRC was not involved in HLP issues. One NGO estimated that approximately 4,000 families would return if property was re-possessioned. At least one NRC interlocutor noted that IDPs knew the situation in their home place much better than NRC and hence any information that NRC might have been provided was likely of limited added value.

⁸⁶ Analysis of the legal services/civil documentation assistance provided by the ICLA program in Nepal 2007-2009.

⁸⁷ For purposes of clarification, the evaluators consider "identity documents" to include only those state-issued documents, which are used for purposes of establishing the identity of the bearer through a photograph as well as other identifying personal information, for example a passport or national identity card. The evaluators consider documents such as birth, marriage and death certificates as "vital statistics" or "civil" documents, which document life events. Similarly a citizenship certificate establishes a status, not identity. This definition appears consistent with NRC's Legal Handbook issued in June 2009. In contrast, some NRC interlocutors considered some or all of these certificates as "identity documents."

⁸⁸ Analysis of the legal services/civil documentation assistance provided by the ICLA program in Nepal 2007-2009.

NRC indicated that it met with local authorities for purposes of securing “return package” benefits for clients who were returnees.

Durable solutions.⁸⁹ NRC reported that 60% of its clients did not want to return. NRC and numerous interlocutors indicated that many IDPs did not want to return to the rural/hill areas from which they had been displaced, since regardless of the cause for their displacement, they had come to appreciate the better opportunities in the urban areas. Multiple interlocutors in and out of NRC observed that multiple obstacles to durable solutions for IDPs, in particular occupied land/property, remained largely unresolved. In this context, the question arises what NRC concretely was proposing as a durable solution for those who wanted to integrate and over what period of time. It was unclear how the proposal for an “integration package” fit with other Government compensation schemes for losses resulting from the conflict, e.g., compensation for HLP.

Violations of IHL and gross human rights violations. IDPs frequently reported gross human rights violations and violations of international humanitarian law. Other than assist with information related to compensation, NRC provided no additional information or action. This issue was noted in at least of the PM’s monthly reports with a query about further action.⁹⁰

3. Means employed⁹¹

ICLA staff employed a limited range of means contemplated in the ICLA Policy. Despite these limitations, NRC did not – at least not until closure of its programme - refer clients to other legal aid providers. Further, given the limited means utilized, beneficiaries who lacked the capacity to undertake actions by themselves or who were rebuffed, got no answer, or were otherwise rejected by public officials or institutions were left without recourse.

Information and counseling, including referrals. One-to-one information (including referrals) was the primary service provided (nearly 75% of all clients and nearly 80% of all services).⁹² Most information/counseling (5,959 or 72%) related to unspecified issues, while other information activities involved referrals related to return (1,335 or 16%), and other referrals (968 or 12%), often social welfare related.

It appears NRC believed providing information was “more sustainable” because it enabled individuals to deal directly with authorities for purposes of obtaining rights or benefits. NRC produced fliers with brief information about some topics related to IDPs, including one or more specific to women, although not about IDP registration or property repossession. It appears that NRC’s emphasis on information-only services seems to have been decided without consideration of the abilities of NRC’s clients to actually reach remedies through state bodies. It does not appear that NRC undertook any systematic follow-up to determine whether its information services were successful in assisting IDPs to obtain benefits or entitlements. To the contrary, at

⁸⁹ The Terms of Reference asked the evaluators to assess how the concept of durable solutions was reflected in ICLA documents and activities.

⁹⁰ PM Report April 2008.

⁹¹ The Terms of Reference asked the evaluators to assess whether the methodologies used were adequate to the economic and educational conditions in the country.

⁹² Analysis of the legal services/civil documentation assistance provided by the ICLA program in Nepal 2007-2009. **Clients:** total: 6,291; legal + documentation: 1,740 (27%); information: 4,551 (73%); **Services:** total: 10,539; legal: 634 (6%); documentation: 1,643 (16%); information: 8,262 (78%)

least one IDP noted that she was now aware of her right to a widow's pension, but queried who would help her apply for it.

Legal Assistance. Documentation and what ICLA Nepal classified as legal services together made up approximately 20% of all services, with documentation constituting the vast majority.⁹³ Some offices provided assistance to individuals in terms of obtaining civil documents, reclaiming property, submitting compensation claims, or registering as IDPs, but this appears not to have been done uniformly. Assistance included help with filling out forms, going to public offices, informal negotiation with opposing parties (referred to as "mediation" by ICLA staff⁹⁴), etc. Some staff advocated in person with local authorities on behalf of individual clients.

To the extent NRC provided legal services, it was primarily involved in assisting IDPs with administrative proceedings subject to administrative law, e.g., applications for documents, IDP registration, applications for compensation. There is no indication that the ICLA staff understood their work in this light or tried to make use of administrative law or remedies, including appeals for delayed or denied requests. Denied or long-pending requests were either followed up with an oral inquiry or not followed up.

Staff highlighted that IDPs were required to obtain numerous documents from their home districts, which they were loathe to do either due to fear or cost. Staff did not explore the possibility of using power of attorney (POA) to accomplish things IDPs needed to do in their home districts. It is unclear how helpful POA would have been since it appears certain actions had to be done in person, but it is notable POA was not explored.

Several national staff commented that when hired, they understood that they were going to work for a legal services programme, but it had not proven to be so. Several NBA representatives indicated that in their view, NRC did not do legal work and did not make use of the legal skills and credentials of the national legal staff.

Although ICLA was a rights-based, law-based programme, the evaluators found virtually no written materials produced by NRC explaining with specificity national law, procedures, regulations (directives, instructions, etc) relevant to legal issues identified as important for IDPs and durable solutions.⁹⁵ The only documents consistently discussed by NRC were the IDP Policy and draft Directives. Several national staff highlighted their frustration in attempting to convince local authorities to comply with documents of little or no legal status. Noting NRC's focus on the IDP Policy and draft Directives, the Social Welfare Council cautioned that "NRC should also be aware that this policy may contradict with other existing laws and regulation."⁹⁶

⁹³ Analysis of the legal services/civil documentation assistance provided by the ICLA program in Nepal 2007-2009.

⁹⁴ It is arguable that the ICLA programme misused the term "mediation." This term is ordinarily applied to impartial intervention by a third party to assist parties to a dispute to resolve the dispute. In the case of the ICLA programme, NRC was already associated with one party to the dispute and hence advocated for the rights of that person vis-à-vis the other party.

⁹⁵ A possible exception was the Legal Handbook issued in June 2009 after NRC closed its ICLA operations. However, its legal content was limited, it had no emphasis on procedures, and was unavailable for advancing NRC's ICLA work in Nepal. NRC noted that it contributed to a legal manual issued by the European Commission.

⁹⁶ Monitoring Visit Report, June 30, 2008, page 4.

Advocacy. The CD assumed responsibility for advocacy at the national level together with staff members with job titles specific to advocacy and communications. According to several PMs, the PM in general was not included in advocacy at the national level. The CD stressed that national level advocacy included ICLA staff involved in direct aid activities, although this was not clear to the evaluators. At least one PM opined that ICLA should be the organizing concept, of which advocacy was a tool and several indicated their view that the advocacy was not programme based. One PM suggested that the PM should be responsible for ICLA-based advocacy.

Prior to the initiation of field activities, the CD was involved in assisting the Government revise its IDP Policy, which participation was seen as constructive by multiple interlocutors.

Country-level advocacy was largely focused on promotion of the IDP Policy, urging adoption of the draft IDP Directives, and highlighting the situation of IDPs in general, including numerous issues beyond the scope of the ICLA direct services programme, e.g., types of housing, economic conditions, etc. Advocacy was based on neither Nepali law nor legally enforceable rights. Additional field research, including “monitoring” by the “Protection Monitoring Team,” composed of staff retained from closed field offices and assessments after NRC had closed its ICLA services, was undertaken for the purpose of collecting data, including through meetings with local officials, for advocacy efforts. In its promotion of the IDP Policy and draft Directives, NRC did not comment on the multiple layers of bureaucracy required to address the simplest IDP issue and the likely negative effect this would have on the ability of IDPs to vindicate rights or for the IDP Policy to be effectively implemented.

NRC’s advocacy frequently dealt in a general way with issues presented by ICLA beneficiaries and urged general solutions to general problems, e.g., return occupied property as promised, adopt the draft Directives, etc. Despite having numerous clients with the same problem, NRC did not engage in consolidated advocacy with national authorities on behalf of those clients, e.g., long-pending IDP registration requests.⁹⁷ Nor did NRC document the ICLA approach or thematic findings, including findings about the deficits of state bodies in dealing with IDP issues. The CD indicated that the inability to obtain accurate information prevented more than anecdotal use of ICLA cases. At least one national NGO pointed out the important role NRC could have and had been expected to play in scrutinizing the work of state bodies.

Written advocacy documents took the form of general reports or publications, which for the most part were neither targeted at specific officials (referring to the Government) nor indicated which officials or institutions were failing to act or needed to take action to make reforms called for by NRC. The evaluators were not made aware of letters, demands or other documents by which NRC addressed a named official, asking the official to do something specific in relation to ICLA clients or issues.⁹⁸ With the exception of OCHA Nepal, the evaluators were also not made aware of examples of NRC’s information being cited by name in the reports of other agencies who addressed IDP issues, including those of donors, such as the annual United States Human Rights reports, periodic reports by UN agencies, European Commission, etc. It is unknown whether efforts were made to include NRC

⁹⁷ One NRC interlocutor noted that after the evaluation visit, NRC sent a letter to the MoPR regarding the pending IDP registration cases. It appears that this letter was sent in direct response to a discussion with the evaluators.

⁹⁸ But see footnote 97.

information in such reports issued outside Nepal, which could serve as a means to amplify its message.

In-person advocacy at the national level appears to have been aimed solely at the Ministry of Reconstruction and Peace or with UN actors to advocate with this Ministry. There was no advocacy at the Country Office level with the line Ministries responsible for day-to-day implementation of laws and policies related to IDPs – including the Ministries of Local Development and Home Affairs – and which were the administrative superiors of the local and regional officials with whom field staff dealt on a regular basis. A national NGO noted that NRC did not bring in any high-level NRC representative to highlight the situation of IDPs, relying on staff although the IDP issue was dealt with at the highest political levels not readily accessible to staff.

Activities at the national level characterized as advocacy also included numerous public information and public awareness activities, including interviews, paid radio announcements, TV films, press releases, concerts, street dramas, newsletters, and also addressed general human rights issues. Some of these activities were intended to disseminate the IDP Policy and draft Directives while others were intended to lessen prejudices of the general population toward IDPs by trying to humanize their plight.

For purposes of advocacy, the ICLA Adviser indicated in late 2008 that it was of "particular importance" that a "final report on the existing legal obstacles for durable solutions in Nepal - based on ICLA's caseload - is produced and disseminated among government officials and international organizations."⁹⁹ While internal and public reports were generated at the end of NRC's presence in Nepal, neither fit this description. A public report was based on a field assessment conducted by NRC in Spring 2009 together with NGOs in the IDP Working Group. It includes some information from ICLA but does not systematically address the caseload and covers numerous issues other than those addressed by ICLA. Such documents neither required nor relied on NRC's large field presence.

Training. NRC conducted training for officials and NGOs on the IDP Policy and draft Directives as well as training for NGOs and attorneys about a legal aid manual published in June 2009, after it had concluded field activities.

E. Outcomes and impact¹⁰⁰

In considering the impact of NRC's activities, it is relevant to assess the impact on 1. Individual IDPs, 2. Target population, 3. National institutions, policy/law framework and its implementation, and 4. the international community, primarily UN. Relevant also is the sustainability of NRC's activities with regards to these four categories.¹⁰¹

⁹⁹ Elsewhere, the ICLA Advisor stated that "[a]n analysis of ICLA's caseload should be transformed into a report highlighting (one or more) specific legal issues important for IDPs access to durable solutions. The report should be launched before NRC's exit as a final contribution to the search for displacement solutions in Nepal."

¹⁰⁰ The terms of reference ask the evaluators to assess the extent to which "changes that have occurred during the intervention" can be identified and measured; whether changes are attributable to the intervention and whether they are positive; and whether the "overall situation of the target group with regards to durable solutions and protection is better as a result of the programme implementation."

¹⁰¹ The terms of reference ask the evaluators to assess if the results of the programme are likely to last over time.

Most of NRC's activities were not linked to outcomes or means employed, which frustrates the assessment of impact, leaving the evaluators to comment primarily on anecdotal information. For activities for which some kind of outcome was followed, NRC primarily focused on numbers of IDPs and whether the sought thing was obtained. As a result, its indicators stressed **quantitative** measures in terms of numbers of clients. While numbers are always relevant, a fuller (and more accurate) picture of the impact of the Nepal programme would require the use of **qualitative** measures, including those indicative of the **quality of process**, for example effort investment indicators, content indicators, and indicators as to responsiveness of institutions and state bodies. However, this type of substantive evaluation of impact would have to be part of the design and ongoing implementation.

Individuals. It is undoubted that ICLA field activities had a positive impact on some hundreds or thousands of service recipients, including the NFI and shelter activities, which are largely outside the scope of this evaluation but appeared to be valued more by beneficiaries.¹⁰² The case closing report indicated that more than 4,500 individuals were provided with over 8,200 information services. No follow-up on outcomes from information and counseling services was undertaken. Hence, the evaluators can only presume a general benefit to some number of individuals who as a result of NRC's intervention were better informed about rights or services. The extent to which such information was immediately relevant to durable solutions is unknown.

The case-closing exercise indicated that nearly 1,750 individuals were provided with nearly 2,300 legal and documentation services. While approximately 70% of nearly 1,650 documentation services were closely successfully,¹⁰³ only somewhat more than 20% of approximately 630 legal services were closed successfully with the vast majority closed without outcome.¹⁰⁴ In general, negative outcomes were not followed up during implementation.

With limited exceptions, cases pending at NRC's exit were not handed over to other providers for further action. NRC did not consider handover of cases other than those dealing with real property, concluding that only a small percentage of the case load "is linked to legal obstacles that could be relevant for other legal aid providers to address."¹⁰⁵ NRC did not handover cases dealing with pending document requests or IDP registration, although these issues had been elsewhere identified as obstacles to durable solutions. It appears that these pending administrative requests were considered unsuitable for other legal aid providers, particularly the Nepal Bar Association, although they had constituted the bulk of NRC's activity. It is unclear why these cases (either individually or as a group) were not considered for referral to national NGOs.

The statistics indicate NRC's major measurable role was in the delivery of vital statistics documents, with a considerably smaller impact in compensation and HLP.

¹⁰² The Social Welfare Council found "many people have in fact benefitted." Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, page 30.

¹⁰³ Documentation services: closed successfully:70%; closed without result: 29%

¹⁰⁴ Legal services: closed successfully: 21%; closed without result: 71%; IDP registration: closed successfully: 15%; closed without result: 66%; Personal injury/death: closed successfully: 26%; closed without result: 74%; Real property: closed successfully: 10%; closed without result 86%.

¹⁰⁵ Legal Memorandum, Hilde Svenneby to Philippe Clerc, 15 May 2009.

While positive, the weak link of many individual services to durable solutions limited sustainability and impact.

Staff nearly uniformly saw the impact of their work in terms of winning trust of IDPs, assisting IDPs to recognize rights, with some staff indicating their efforts “saved lives.” In 2008, the Social Welfare Council (SWC) made similar conclusions, finding that field staff created “hope and confidence” among IDPs, noting NRC’s impartiality and trust building success. The SWC commended NRC’s efforts and impact at an individual level.¹⁰⁶ In 2009, the SWC found that NRC “contributed to the dignity and self respect of individuals and families in trouble and trauma of conflict. It further found IDPs were “encouraged by NRC’s support,” identified NRC as a “helping hand,” were “more aware of their rights and access to basic services,” “are now getting the facilities provided by the government,” and its “counseling programs left certain impact.” The SWC commended NRC for maintaining “high standards of its quality of service.”¹⁰⁷

Using the “guesstimate” of 50,000 to 70,000 IDPs, ICLA’s more than 6,000 clients constituted approximately 9 to 12.5% of all IDPs.¹⁰⁸ NRC assumed that each registered client had three dependents, thereby postulating over 4,800 beneficiaries of legal and documentation services and nearly 22,500 in total.¹⁰⁹ This assumption seems questionable given the limited services provided and is susceptible to criticism as an effort to artificially inflate numbers.

Target population. At least one field office reported that its interventions with government offices created a space for IDPs to approach these institutions on their own for purposes of obtaining civil documents. The sustainability of this trend was however unclear and it appeared not all field offices had engaged in this activity or if they had whether it had been successful in easing access. In 2008, the SWC noted that NRC field staff registered considerably larger numbers of IDPs than Central District Officers (CDOs),¹¹⁰ concluding that NRC was successful in assessing the IDP situation.¹¹¹ However, it is unclear if all of NRC’s information was made available to the CDOs. One local bar association highlighted the importance of NRC’s simply being present in more remote locations, noting that NRC tried “to dig out” the legal issues of IDPs.

NRC’s work on civil documentation for IDPs could have an unintended positive spill-over effect to increase documentation of the general population. This might be facilitated by end-of-operation training for NGOs and attorneys and issuance of a pamphlet with basic information on civil documents, although incomplete in terms of deadlines, administrative proceedings, etc. NRC’s work could also perhaps complement UNHCR’s programme, which assists *de facto* stateless persons in obtaining citizenship documents, although this was never foreseen by either NRC or UNHCR.

¹⁰⁶ Monitoring Visit Report, 30 June 2008, page 3.

¹⁰⁷ Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, pages 4, 29.

¹⁰⁸ Using the figure of 200,000 IDPs, the Social Welfare Council considered NRC’s beneficiaries “considerably low.” Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, page 28.

¹⁰⁹ Exit Strategy, page 5; Analysis of the legal services/civil documentation assistance provided by the ICLA program in Nepal 2007-2009, page 3.

¹¹⁰ CDOs are regional officials of the Ministry of Home Affairs.

¹¹¹ Monitoring Visit Report, 30 June 2008, page 3.

National policymakers/institutions. Multiple interlocutors noted NRC's positive impact in making policymakers aware of the concept of IDPs and their issues and keeping this issue on the agenda. In 2008, the SWC noted that while NRC coordinated with MoPR, the hold up on approval of the draft Directives and implementation lay elsewhere.¹¹² That the IDP Policy and draft Directives likely violated national law, as SWC noted, suggests limited impact and sustainability. Beyond awareness raising, NRC had limited impact on how institutions addressed IDP concerns.

NRC's field activities as well as its involvement with the adoption of the IDP Policy, training, and awareness raising can be presumed to have improved the knowledge of state actors and NGOs as well as affected in a positive way the general public's views of IDPs and the climate for their integration in local communities. The CD noted that national NGOs were included in advocacy documents as a means to enhance their impact, both in terms of strengthening the legitimacy of the document as well as empowering the NGOs.

Given Nepal's susceptibility to natural disasters, it is possible that NRC's work could have a possible positive future impact when state bodies are required to address new displacement scenarios.

International community. Multiple interlocutors credited NRC for keeping IDPs on the agenda of the international community during its tenure. However, with the exception of OCHA, international agencies demonstrated little activity or interest on their own initiative in IDP-specific issues by the time of the evaluation, having largely moved on to other questions. In the absence of NRC and given the lack of a continuing and independent interest in the IDP issue, it is unclear that NRC's work would have an impact on the international community's future work in Nepal.

Constraints on impact and achieving objectives.¹¹³ NRC positioned itself as the sole agency focusing exclusively on IDPs and more precisely on legal support to IDPs. Having so positioned itself, NRC opted not to use formal legal remedies on behalf of its clients, including administrative remedies, limiting its possible impact both in terms of individuals and the larger situation. Even in proceedings where NRC played a role, it did not follow up negative determinations, leaving clients without further recourse. Similarly, if requests to lodge applications were refused, e.g. deadlines expired, insufficient documentation, NRC also did not follow-up or attempt a remedy. The ICLA Adviser found that for NRC's intervention to have had more than an anecdotal impact "a radical shift in the type of services and methodologies" would have been required, namely the use of formal legal remedies.¹¹⁴ NMFA and ECHO also questioned impact.

NRC also diminished both the possible impact and sustainability of its work by not documenting and analyzing systematically – throughout implementation – weaknesses in **national law** and problems in its implementation by institutions based on its caseload. Given its extensive field presence and interaction with numerous local officials on the same issues, this was a missed opportunity to document systematic problems in the functioning of institutions on which IDPs depended for entitlements and rights. After closure of the programme, documentation of the systematic failure of state

¹¹² Monitoring Visit Report, 30 June 2008, page 4.

¹¹³ The terms of reference ask the evaluators to assess the degree to which programme objectives have been achieved as a result of the planned activities.

¹¹⁴ ICLA Advisor Mission to Nepal 17 November to 1 December 2008 Report, page 3.

institutions could have been valuable for those who would continue to follow the issue.

For example, although information was likely in its files, NRC missed the opportunity to highlight with precision at least some of the extent of remaining property seizure (in terms of numbers, location, scope, efforts to resolve, etc) and to distinguish between the types of IDPs who continued to experience this problem. This type of documentation based on an actual caseload would reflect specifically – rather than generally - on remaining challenges to return and durable solutions and would leave a record for further action after NRC departed Nepal, both in regard to individual cases and the issue as a whole. This seems particularly vital given that property and land issues were identified by multiple interlocutors as a root cause of the armed conflict. In late 2008, the ICLA Adviser noted particular concern that the Nepal programme had not adequately addressed this issue.

Similarly, NRC did not use the considerable information at its disposal to highlight with specificity and in relation to the implementation of national law:

- women's rights to inheritance of property, including recent changes in the law expanding women's property rights
- compensation claims
- IDP registration, including gaps and inconsistencies in the registration process – including on again, off again deadlines and arbitrary procedures
- IHL violations and violations of gross human rights violations

Cases raising the same issue involving the same state bodies were not compiled and raised in a consolidated fashion. In this way, NRC failed to take advantage of a vehicle which could benefit individual clients as well as the IDP population by demonstrating that the problem was not anecdotal.

Through its extensive field operations, NRC came into contact with numerous IDPs who may or may not have been in contact with other agencies and as a result came into possession of considerable information about a range of protection and legal issues. Given the lack of documentation, hand-over or follow-up, this information has been lost with NRC's exit.

In summary, while limited time as well as the climate in Nepal would have no doubt restricted impact, NRC further restricted the impact of its work by its limited modes of work on behalf of its clients.

F. External co-ordination¹¹⁵

In conducting its activities, NRC interacted and coordinated at both the field and Country-Office level with a variety of actors, including state bodies, the Nepal Bar Association, international and national NGOs, UN agencies, and donors. In discussions with multiple national actors, a recurrent theme was sounded, namely that national organizations had heightened expectations from NRC given its reputation as well as conspicuous presence and resources. The Social Welfare

¹¹⁵ The terms of reference asked the evaluators to assess the extent to which NRC coordinated its activities with other actors (national bodies, UN coordination mechanisms, etc) and what had been the quality of such.

Council confirmed the expectation on the part of the Government and community people for material aid.¹¹⁶

Nepal Bar Association (NBA). The evaluators met with multiple local NBA branches. According to NRC, the NBA was added to the project agreement due to the Government's insistence that NRC deliver services through national implementing partners. NRC was clear that it did not intend to implement through the NBA but implement ICLA activities itself. The most substantial co-operation was NRC's employment of several NBA-associated attorneys for limited periods (2 to 3 months). In addition, the NBA allowed NRC to issue several documents including the NBA logo, e.g., Advocacy Paper,¹¹⁷ although the NBA's role in the development or dissemination of these documents appeared limited to none. One CD noted that the interest and openness of the NBA decreased considerably with a change in NBA leadership in 2007. It seems that at least for some time and particularly in reaching an initial agreement with the NBA, NRC benefitted from the long-standing co-operation between the Norwegian Bar Association and the NBA. In 2008, the SWC noted NRC's direct implementation as well as a gap in coordination with the NBA,¹¹⁸ while in 2009, it noted "close collaboration."¹¹⁹ Some local NBA members as well as field staff indicated coordination was insufficient, suggesting there was insufficient coordination at the national level, while others suggested coordination was good.

At least one member of the NBA who had worked in an NRC office expressed the view that NRC was not engaged in legal work, but clerical work, which was his characterization of activities related to administrative claims such as applications for documents, compensation, and IDP registration, limiting the possibilities for co-operation. No cases were referred to the NBA until NRC was closing its operation. Based on discussions with staff and the NBA it seems unlikely that any of these cases will be followed up by the NBA, which indicated it would respond only if approached by the client. Some NBA members indicated they could not take over NRC cases because of the remote locations of NRC's clients. Local branches of the NBA were the primary recipients of the hand-over of NRC assets upon closure. Based on discussions with NBA, it appears that the project agreement led to certain expectations, which remained unfulfilled. Discussions with the NBA highlighted its "free legal aid" programme, but it remained unclear what services were provided and what type of cases were deemed appropriate.

NGOs. The evaluators met with numerous Nepalese and one international NGO with which NRC indicated it worked in partnership. With regard to the vast majority of these organizations, the collaboration was limited to identification of IDPs (or suggestions of where to locate IDPs) and cross-referral of beneficiaries for services. In relation to the international NGOs, the referrals were of persons who wanted to return given that the INGOs were involved in return facilitation. NRC coordinated with a number of NGOs in leading an IDP assessment conducted at the end of its operation. NRC had written memoranda of understanding (MOU) with several NGOs. According to the CD, these MOUs strengthened collaboration by formalizing co-operation at an organizational level.

¹¹⁶ "Government and community people demand hardware component from the donors. If we look at the program of NRC in the field we do not find any resource which can be used in community level in one hand, on the other hand we see only the software component and coordination activity." Monitoring Visit Report, June 30, 2008, 2064/065, page 3.

¹¹⁷ "Advocacy Paper," undated.

¹¹⁸ Monitoring Visit Report, June 30, 2008, page 4.

¹¹⁹ Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, page 29.

In addition to co-ordination in relation to individuals, it appears that some field offices played a coordinating role between organizations, in particular linking local NGOs with international NGOs for activities or assistance. NRC also provided direct aid to some local NGOs, e.g., providing bicycles to facilitate field work.

Most organizations commented in a general way about good co-operation with NRC and the value of its work, but most seemed to have limited knowledge of NRC's services or whether persons referred found the services useful. In 2008, the SWC also noted positive examples of NRC's field co-ordination with national NGOs,¹²⁰ finding in 2009 NRC "reasonably collaborated" and "worked in close collaboration."¹²¹ At the closure of operations, one field office looked into the possibility of handing over individual cases related to property to a national NGO, although the extent of possible follow-up was unclear. At least one NGO noted that despite co-operation with NRC, NGOs were not the primary recipients of NRC's assets upon closure. At least one national NGO indicated its view that substantive co-ordination was lacking, citing the example of NRC being the first to issue an estimate of IDPs without coordinating with national actors.¹²² This NGO felt that co-ordination was largely events driven. It referred to NRC's "high profile entrance, slow profile presence, and no profile exit." At least one national NGO was critical that NRC did not live up to its mandate, reputation or the expectations it created.

One field office noted that during a flood emergency in Western Terai in 2007 most or all humanitarian aid organizations with the exception of NRC contributed to the relief effort. This was seen as negatively effecting relations.

State officials and institutions. At the national level, NRC interacted primarily limited with a single conflict-related policy actor. The CD and national Advocacy Officer had contacts with the Ministry of Peace and Reconstruction (MoPR), a post-peace agreement Ministry responsible for oversight of seventeen specified conflict-related issues, of which IDPs was one. Notably post-conflict IDPs were **not** in its jurisdiction. NRC's contacts prior to the CPA and CA election with the predecessor of the MoPR – the Peace Committee – were related to revision and adoption of the IDP Policy. As part of this interaction, NRC handed over considerable information about IDPs, which was recalled as particularly helpful by the representatives of the MoPR, and provided training. Later contacts related to drafting of the IDP Directives and further follow-up in relation to the effort to get the Directives adopted by the Government. NRC also apparently had some contacts with MoPR in relation to problems with IDP registration, for which together with compensation claims a MoPR Taskforce was responsible. The Social Welfare Council noted NRC's co-ordination with MoPR, but recommended that NRC be in touch with other Ministries to advance policy objectives.¹²³

The CD spoke of NRC's "privileged relationship" with the MoPR, but it appeared that this referred to some past quality of co-operation. The CD noted that the CPN-M

¹²⁰ Monitoring Visit Report, June 30, 2008, page 4.

¹²¹ Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, pages 4, 29.

¹²² The CD indicated these estimates were issued by IDMC prior to NRC's establishment of a Country Office. This provides an example that national organizations do not or cannot distinguish the actions of different parts of the same international organization, counseling consideration of the impact on in-country operations of actions by other parts of the organization.

¹²³ Monitoring Visit Report, June 30, 2008, page 4.

Minister of MoPR appointed in 2008 would not deal with NRC and another highly placed representative in the MoPR was also an obstacle. The MoPR told the evaluators that it was unaware of and had no mandate to work with NRC in relation to ICLA field activities.

Also at the national level, NRC coordinated with the SWC, which was party to NRC's project agreement as well as the original operating agreement. As part of SWC's oversight of NRC's activities, NRC and SWC met on a regular basis with the Project Advisory Committee and the SWC conducted evaluations of NRC's activities in 2008 and 2009. SWC's 2008 evaluation noted good co-operation.

NRC's contacts with other state bodies at the national level appear to have been largely of a courtesy nature, including its contact with the National Human Rights Commission, which appeared to take a limited role on the IDP issue, indicating it did not have jurisdiction to deal with individual IDP cases and could only make recommendations about displacement in general. Multiple interlocutors indicated that the NHRC was a weak institution. Some field offices indicated they "referred" individuals to the NHRC, but the utility of such referrals was unclear.

At the local level, national field staff had contacts with officials responsible for issuing vital statistics documents (village development committees VDCs), which were part of the Ministry of Local Development (MoLD). NRC did not propose that the evaluators meet any VDCs, perhaps indicative of a lack of substantial co-ordination/interaction. Reportedly, in some parts of Nepal, VDCs are still displaced. To a limited extent, field staff had contacts with officials responsible for IDP registration and compensation claims (CDOs), which were part of the Ministry of Home Affairs (MoHA). As these officials rotated on a regular basis, most with whom the evaluators met were largely unfamiliar with NRC's work or had met rarely or not at all. National field staff also had contacts with Local Peace Committees (LPCs), post-conflict bodies. However, in many locations these had reportedly not yet been convened. In 2008, the SWC noted "sufficient" co-operation between NRC and such local bodies, although it suggested at least some local officials had asked for "manpower" assistance from NRC and additional information sharing could be of use as well as "redefinition" of activities. Staff in one field office noted that management concerns for the privacy of personal information prevented NRC from responding to a request to a CDO for IDP information. In 2009, the SWC found "line agencies have reasonably collaborated" with NRC.¹²⁴

NRC did not have contacts at either the national or field level with the judiciary or Ministry of Justice. The Country Office did not have contact with line ministries (such as MoHA and MoLD) responsible for the implementation of IDP-relevant laws and policies.

Non-state actors. At the local level, national field staff in several areas had contacts with *de facto* authorities associated with the CPN-M, which in some instances had established parallel institutions and decision-making bodies. Staff reported suspicion on the part of these authorities and the need to "win them over." In one instance, the national ME Officer was dispatched to the field to meet with such *de facto* authorities. It does not appear that NRC had contacts with these non-state actors on the national level.

¹²⁴ Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, page 4.

UN agencies. During NRC's engagement in Nepal, the IDP issue was addressed at different times to varying degrees by different UN agencies. From early on, it seemed that no UN body wanted to take the lead on the IDP issue and wanted NRC to take the lead. By the time NRC engaged, the UN agencies, with perhaps the exception of OCHA, had largely returned to the prior position that IDPs did not have protection/human rights concerns distinct from the general population and general development solutions would also resolve the concerns of IDPs.

Apparently relatively unique to the Nepal context, OHCHR convened the Inter-Agency Standing Committee (IASC) Protection Cluster, which included the issue of IDPs. Upon the instigation of NRC's CD who was concerned that the Cluster did not focus sufficiently on IDPs, a working group specific to IDPs was created and chaired by NRC. NRC consistently received high marks from UN agencies for its work in the Cluster meetings as well as its role in adoption of the IDP Policy and keeping the IDP issue on the agenda with the Government, the UN, and in the public eye, including in the field. Most of the UN agencies cited unspecified collaboration with NRC in relation to the IDP Policy and the draft Directives. The UN agencies found NRC's secondments particularly useful.

OHCHR noted that NRC was a reliable partner in terms of providing statistics and accurate information, noting NRC's considerable efforts targeted at adoption of the draft IDP Directives. At the CD's initiative, OHCHR prompted a letter in late 2008 from Walter Kalin to the Government, urging passage of the Directives, which was never answered.

UNHCR coordinated with NRC in the field, with NRC primarily working in the areas of displacement and UNHCR in the place of origin. NRC and UNHCR also worked together in joint field teams, sharing logistical support, etc.

OCHA valued ICLA's work, which assisted in the identification and location of IDPs and supported OCHA's effort to document the situation of IDPs. OCHA commented favorably on the co-ordination between NRC and OCHA at both the Country Office and field level. The CD successfully lobbied the UN Resident Co-ordinator to meet with a Government representative to push for passage of the draft Directives. The UN Resident Co-ordinator also agreed to participate in one or more NRC awareness-raising events.

Donors. The evaluators met with representatives of three main ICLA programme donors - Norwegian Ministry of Foreign Affairs (NMFA) (both Oslo and Nepal), United States Office of Foreign Disaster Assistance (OFDA), and European Commission Humanitarian Office (ECHO).

The NMFA noted that while NRC struggled to establish its presence in Nepal, once it did it identified gaps and a role for itself. The NMFA noted that the CD played a role in coordinating the UN agencies, which had different agendas. Although acknowledging it was not closely following the programme in Nepal, the embassy expressed the view that NRC did a good job with the cases it handled and was positive toward the contact, communications and co-ordination between NRC and the embassy, including the exit strategy and discussion of difficulties in conducting operations.

Because the OFDA grant was primarily administered from the US and the Nepal-based staff had mostly left the country, the US embassy had limited knowledge of NRC's programme. OFDA had an overall good impression of NRC's operation, commenting that it found both reporting and communications with the donor good.

OFDA also believed that NRC was effective in its assistance to beneficiaries. NRC arranged a meeting with beneficiaries in the field, which OFDA found useful. OFDA indicated that the discontinuation of funding after two years was consistent with planning for this type of funding stream, which is limited to disasters.

ECHO was the sole donor with the same representative in country for the entire ICLA implementation period. ECHO primarily funded field offices that were open for one year or less, including one which began active operations shortly before NRC decided to exit, and which NRC identified as most challenging in terms of security and access to beneficiaries. NRC cited tension between the ECHO representative and the CD, which was viewed as the basis for some criticism.

ECHO expressed concern about co-ordination, in particular communication related to NRC's exit and the ICLA Adviser not meeting the donor when visiting Nepal. ECHO also expressed frustration that NRC was not transparent about other donor funds and suggested some of NRC's representations to ECHO bordered on bad faith and neglect. In this vein, ECHO declined to pay 10,000 euros of incurred costs as a penalty.

ECHO expressed disappointment with NRC's implementation, observing errors in assessment and lack of benefit from its experience when planning future activities and drafting proposals. ECHO found NRC's reports lacked sufficient content and inflated beneficiary numbers (including re-directing assistance to natural disaster IDPs instead of conflict IDPs). ECHO assessed that there was insufficient oversight and accountability, staff engaged in their own activities, international managers were insufficiently present in the field, and some of the international staff was too junior. ECHO questioned NRC Oslo's oversight.

ECHO noted that NRC under spent its grants, opting to close field offices and exit, rather than take advantage of a no-cost extension. ECHO noted that at least one field office did not wrap up activities but simply stopped working. ECHO found unsatisfactory the explanation that NRC did not finish proposed activities due to exit, given ECHO's belief that additional time could be expected to improve outcomes. ECHO noted that NRC did not invoke the contract's suspension clause for security although security was cited as the reason for delay in opening the last field office.

Acknowledging that assisting with documents was useful and compensation payments could aid with livelihood, ECHO questioned the cost efficiency or sustainability of these activities, both in terms of numbers of beneficiaries and the depth of the services provided. In hindsight, ECHO concluded that an information and counseling programme was inappropriate for a "failed state" such as Nepal, in particular advising about legal remedies but not assisting with legal remedies. ECHO concluded that NRC expanded too quickly before understanding the situation or type of activities warranted and was overstretched in terms of donors, projects/activities and field offices. ECHO concluded that if NRC wanted to have a significant impact, it needed to stay longer. ECHO noted that the Nepal programme was inconsistent with NRC's positive reputation.

VI. EXIT - DECISION TO LEAVE NEPAL AND EXIT STRATEGY¹²⁵

Prior to starting ICLA field activities in 2007 and again in mid-2008, the Country Director signaled that NRC's presence in Nepal beyond 2009 was unlikely,¹²⁶ despite contracts with the Government extending to 2010 and 2011. Even prior to the ICLA Advisor's visit in late 2008 after which he recommended terminating the programme, NRC had determined to exit Nepal in 2009. The EC's denial of funding – apparently due to errors/omissions in the application - was cited as the basis for exiting as of the end of August 2009.¹²⁷ NRC's decision to exit came within a few months of (and in part relied on) the installation of the first elected post-conflict Government. As discussed above, the political configuration proved unstable and changed after NRC had decided to leave, which caused concern among multiple interlocutors about future progress on conflict-related issues including IDPs.

Several national interlocutors expressed the view that since the issue of durable solutions was not solved, it was not time for NRC to exit. Referring to NRC's "early exit," the SWC stated that "NRC should have remained till the completion of its tenure in NEPAL."¹²⁸ Other interlocutors felt that NRC had not provided a sufficient explanation of its reasons for departure. The SWC found on the one hand that NRC attributed termination of ICLA "to financial constraints only." However, on the other, the SWC found that NRC's explanations such as "lack of funds" and "change of priorities" were incomplete, concluding that NRC's reason for leaving "was the lack of conducive political and bureaucratic environment."¹²⁹ OCHA, MoPR, and NGOs were among those who indicated they would be most affected by NRC's exit.

According to the ICLA Advisor, the Country Team determined that "displacement problems cannot be solved by the type of services being delivered," citing also funding constraints, political developments, and the relatively small number of IDPs.¹³⁰ He further noted that the Country Team concluded that "[a]ddressing the remaining legal obstacles will require a long term intervention as well as the will of the responsible government authorities to put in place legal frameworks and institutional structures."

Exit rationale. The Exit Strategy approved by NRC's management team in December 2008 goes through the five factors from the Exit Handbook, concluding that several criteria for closing operations applied to Nepal. The analysis under each factor is largely the same. While noting that the protection needs of IDPs remained unmet, in particular return of occupied property and security, and the Government had shown a lack of political will to tackle IDP issues, NRC concluded that ICLA was no longer relevant and had limited value because it did not address these problems.¹³¹ NRC cited the following developments as relevant to its exit decision:

1. CPA signed + new government = post-conflict framework

¹²⁵ The terms of reference asked the evaluators to assess how the strategic planning for exit affected the sustainability of the programme.

¹²⁶ Country Strategy Nepal 2006-2008, February 2007; Country Strategy Nepal 2007-2009, 11 July 2008.

¹²⁷ Due to this failure to obtain EC funding, which had been planned to constitute 70% of 2009 funding for the Nepal programme, NRC requested the CD to accelerate the exit process so as to ensure that it was completed with available funding.

¹²⁸ Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, pages 12, 32.

¹²⁹ Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, pages 31, 33.

¹³⁰ ICLA Advisor Mission to Nepal 17 November to 1 December 2008 Report, page 1.

¹³¹ Exit Strategy NRC Nepal 2008-2009, December 2008, page 14.

2. Most IDPs willing/able to return did so after CPA, although sustainability unclear
3. IDP Policy adopted

Absent was how NRC's activities (or accomplishment of its objectives) contributed to normalization of the situation whereby it was appropriate to withdraw. NRC did not tie its activities to reduced protection needs, rather passage of time and changes in the environment were cited as well as NRC's impotence to affect remaining needs and fulfill several objectives. Many of the developments and rationales cited for NRC's departure were present at the time it began its field operation. The Exit Strategy did not discuss that NRC was terminating its presence one to two years prior to the expiration of the agreements with the host government. It also did not mention the extent to which NRC's exit had been discussed with the host authorities, donors, NGOs, etc.

NRC based its decision to leave on the following:

1. Too few IDPs – no obvious humanitarian emergency
2. ICLA **as implemented** could not remedy IDP protection needs, particularly HLP
3. Too much time required to revise ICLA activities to address protection needs
4. Insufficient funds available (as a result of 1, 2, and 3 above)

NRC's stark assessment of its relevance and role at the time of exit reflects considerably on its relevance and role at start-up and during implementation.

Remaining protection needs. NRC's assessment as to whether IDPs continued to have unique protection needs was less than clear. While on the one hand NRC found that IDPs' protection needs remained unresolved, it concluded on the other that their needs were similar to those of other Nepalis **except** conflict-related needs of property restitution and compensation. NRC found that restitution of and compensation for property **should** be addressed through legal and political means. Numerous interlocutors noted that the situation of IDPs and other victims of the armed conflict was unresolved and the Government was not taking responsibility. NRC did not point to specific actors or actions to solve this need, noting instead lack of will and capacity, and stating it was unable to have an impact. The Exit Strategy did not address the needs of IDPs who did not want to return. NRC did not flag civil documents as a remaining protection need. It is unclear whether NRC believed its activities largely satisfied this need or whether this was never a substantial protection need of IDPs. NRC did not flag that post-CPA IDPs were not within the jurisdiction of the MoPR.¹³²

The case closing report identified obstacles to durable solutions in general terms, including:

- Seized property a political question; clients afraid to act
- Women unaware of their rights to inherit real property; widows afraid to act¹³³
- Delays and otherwise unreasonable length of proceedings in Government decision-making on petitions for compensation, IDP registration, etc

¹³² In comments to the draft evaluation, the CD stated that the June 2009 report addressed several issues highlighted in this paragraph.

¹³³ The SWC observed that "[t]he most important issue is the issue of widows and women rights, finding that NRC "has only partially addressed such issues." Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, page 31.

- Requirement that IDPs obtain documents, lodge requests, etc. needed to access rights in place of origin

There was also considerable discussion of NRC's inability to influence the situation, given the hostile political environment on virtually any IDP issue NRC tried to address, arbitrary action by national authorities, etc. Most of these obstacles had been identified previously, were acknowledged by the SWC, but no actions were identified to overcome and no specific documentation done.

Other actors. The Exit Strategy noted there was no agency to take up NRC's role. NRC concluded however that the Government and other organizations working at the national and local level **should** and **could** adequately address the protection needs of IDPs and returnees. Given NRC's finding that the Government lacked political will, this explanation rings hollow. Similarly, while suggesting that the NBA and NGOs could work for IDPs, there was neither an indication of how this would work in practice nor how the situation had changed since NRC began operations, which was predicated on NGOs being deemed as inadequate. As further justification for its departure, NRC noted that OHCHR and ICRC were also scaling down operations in Nepal.

The NMFA as well as several UN agencies noted that NRC's departure left a gap, which no agency had stepped forward to fill. Several noted that the UN was not ready or willing to take the lead, while several noted that national NGOs were not in a suitable position to advance the issue. In particular, several noted that national NGOs were still significantly politically aligned. The NMFA expressed lack of confidence that conflict-related issues including IDPs would be successfully addressed without international community action. The NMFA indicated its view that there were reasons for staying in Nepal, but understood NRC's reasons for leaving. In mid-2009, the SWC noted that there was a continued need for "support similar to that of NRC," observing that with NRC's departure another organization was needed to conduct similar programmes. For the SWC, "[w]ho will give continuity, consistency and smooth transition with the phasing out of NRC remained an answered question."¹³⁴

Cost effectiveness. NRC concluded that given widely dispersed IDPs, ICLA services as implemented had a low cost-effectiveness ratio when contrasting the number of clients with the budget. This challenge to operations in Nepal was flagged in the pre-start up assessment and was a challenge throughout implementation. At least two donors, NMFA and ECHO, expressed questions about cost-effectiveness (given small number of IDPs and big field operation) during implementation.

NRC's total budget for Nepal was approximately 24.2 million NOK. NRC has indicated that approximately \$184,000 covered shelter and NFI activities. Reducing the budget for those non-ICLA activities, most of which were provided to ICLA clients, the average cost per client was approximately 3,700 NOK (\$600 or 425 Euros).

Ability to affect change. NRC repeated its position that ICLA was unable to positively affect return and property repossession issues because of their "political" nature. Security appeared to be a big issue behind implementation decisions, but was not cited in the Exit Strategy. The ICLA Advisor concluded that legal action was required to have a positive impact on property issues, but this was infeasible given lack of funding.

¹³⁴ Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, pages 5, 21, 31.

The common thread running through the rationales for closure was that ICLA as implemented was insufficiently adapted to the reality on the ground.

Exit activities. The Exit Strategy proposed four activities prior to closure:

1. Case closing
2. Analytical paper based on ICLA caseload
3. Strengthen sustainability of IDP Working Group
4. Direct advocacy

ICLA field activities were concluded within a few months of the exit decision and five to six months prior to NRC's exit, apparently to facilitate time for the case closing exercise and analytical report. A third PM who arrived in February 2009 closed out ICLA activities and issued an internal report assessing legal services and documentation assistance, with limited focus on information and counseling, providing statistical data, assessments, and recommendations. This case-closing process involved training of field staff as to newly established criteria for closing and categorizing cases as well as lengthy visits by the PM to field offices to do case closing.¹³⁵

NRC launched a series of new activities at the end of its operation including a multi-agency field assessment, issued several publications, conducted multiple trainings, produced a television film, etc. While these activities appear intended to enhance the impact and sustainability of the ICLA programme, it seems likely their impact will be diminished (and undermined) coming simultaneously with NRC's exit. While it seems a natural impulse, particularly if accomplishments are in doubt, to have a big push at the end of a programme, it is worth considering whether such a surge in high visibility activities is consistent with phasing out operations and handing over.

Mixed signals and negative impact from exit. Both NMFA and ECHO observed that NRC's exit sent the message that the job in Nepal vis-à-vis IDPs was substantially done – "Mission Accomplished." Regardless of NRC's efforts to clarify - including its eleventh-hour issuance of a 50-page report "Distant from Durable Solutions," Legal Aid Manual, and film – the message most likely to be taken from NRC's departure – a version of "actions speak louder than words" - is that the Government had largely addressed the IDP issue successfully. In its Exit Strategy, NRC did not address the larger political impact of its exit decision, including how that decision could complicate further work on behalf of IDPs by the remaining national actors.

Funding. NRC cited funding as the ultimate reason for closure of the Nepal programme, with programmatic design and impact concerns playing a secondary role. During the evaluation, NRC stressed that in addition to a lack of programme-specific donors, the difficult financial situation of NRC overall due to the world-wide economic downturn meant that NRC had none of its own funds available for the Nepal programme to allow either a re-orientation of the programme, scaled down programme, or search for other donors.

While NRC indicated that there was no further funding available from donors, the evaluators' discussions with donors were not so clear cut. At least two donors indicated some openness to funding for unresolved IDP issues, although ECHO would not fund the programme as it had been implemented. These donor reactions

¹³⁵ Analysis of the legal services/civil documentation assistance provided by the ICLA program in Nepal 2007-2009.

may not however have been typical of those when NRC took its decision to close. Reactions received by the evaluators to NRC's exit may have been significantly affected by the less optimistic view of donors, which resulted from the political instability that occurred in May and June 2009.

Staff reaction to closing. Numerous national staff said the Nepal programme was too short, that it was closed just as it was getting firmly established and penetrating the population, given the long time needed for preliminary ground work. Multiple staff indicated to the evaluators that they did not feel that their work was fully reflected in the case closing exercise and resulting analysis, including their work with non-IDPs, which had been agreed as work appropriately included in the ICLA programme. Staff felt that the analysis did not adequately capture the effort and time required just to get small steps accomplished in an individual case.

At least some national staff saw an implicit criticism of them and their work in the manner in which NRC exited Nepal and closed the case load, in particular the criticism for lack of focus on HLP and use of formal legal remedies. One staff member reported being told that NRC Oslo considered the Nepal programme “a failure.” Considerable disillusionment was also evident among most of the international legal staff. While these types of reactions are not reason to refrain from exiting, they further emphasize the need for strong supervision and management, clear strategy, overall methodology, and understood approach to individual cases from the beginning as well as non-numerical indicators. It is regrettable for staff who worked with good intentions to end their association with NRC on this footing.

VII. ADHERENCE TO NRC'S MANDATE AND POLICIES¹³⁶

The objectives of the Nepal ICLA programme largely complied with NRC's mandate and policies, echoing in general terms concerns highlighted in those basic documents. However, inconsistencies were observable during implementation.

A. NRC mandate

The Nepal programme was most consistent with the NRC mandate in terms of strengthening UN coordination and general advocacy on behalf of the rights of IDPs. The extent to which NRC fulfilled its role as “a courageous spokesperson” was questioned by one national NGO, which expressed the view that NRC could have been more forceful.

The ICLA programme's different approach to IDPs on the basis of political affiliation and economic status could be seen as inconsistent with the mandate. NRC's justification for this distinction appeared to be two-fold: 1. security/political problems (with Maoists) if NRC was seen to assist IDPs who were affiliated with state structures, and 2. rational allocation of limited resources to focus on IDPs deemed vulnerable and lacking access to other means/resources. Both arguments appear reasonable field choices; the latter in particular also appears in line with the ICLA and Protection Policies. The decision limiting beneficiaries highlights an apparent tension between the mandate imperative of absolute non-discrimination with the triage approach of providing services to those most in need, which are reflected in Policies. Related to this question, a NMFA representative questioned whether NRC remained sufficiently neutral/impartial/even-handed in terms of being “conflict sensitive.”

¹³⁶ The terms of reference request the evaluators to assess whether the ICLA programme was designed and implemented in line with NRC's basic documents: NRC mandate, ICLA policy, Protection Policy, and Gender Policy.

NRC's start-up after the emergency also could be viewed as contrary to the mandate.

B. ICLA Policy.

The Nepal programme complied with the ICLA Policy in several aspects, including the emphasis on documents, work on a limited number of property cases including inheritance, attention to the most vulnerable IDPs, in particular widows, and coordination and cooperation with UN agencies and to a lesser extent with NGOs.

The Nepal programme appeared inconsistent with a number of other aspects, including the link to ICLA objectives related to durable solutions and HLP, phases and timing in relation to a conflict, approach and advocacy.

Durable solutions. Many ICLA activities were weakly linked to durable solutions and NRC avoided activities seen as most linked to such solutions. Several international staff – particularly those arriving near the end of the programme – confirmed this point. The internal case analysis report provided a frank discussion of multiple ways in which implementation was seen as at variance with the ICLA Policy (although many observations were also pertinent to issues such as supervision, management, and impact) including a lack of overall understanding and strategy, lack of legally based follow-up or interventions, and insufficient mechanisms for monitoring and reporting on achievements toward durable solutions.

HLP. The ICLA Policy highlights HLP both in terms of objectives and approach. NRC repeatedly cited HLP as an obstacle to durable solutions, but neither acted to solve more than a limited number of cases nor documented the extent to which this affected its clients. If security (for NRC, clients, or both) was the reason for avoiding active work on individual cases, it was worth documenting with specificity why this issue, which tends to be politically sensitive in most if not all post-conflict situations where property has been seized – was of particular potency.

Post-conflict. The policy indicates that ICLA is “particularly relevant for post-conflict situations with opportunities for durable solutions.” In contrast, the exit strategy and terms of reference suggest that the end of the conflict (and return to development context) substantially changed the situation rendering NRC's engagement no longer appropriate. Nepal was in a development context before NRC intervened, although with an internal armed conflict on top. Consistent with the Policy, post-conflict could provide a better opportunity for ICLA activities to gain traction rather than during the conflict. Hence, it seems that neither the post-conflict nor development stage was the critical factor, but rather that durable solutions were infeasible within NRC's time frame and mode of implementation.

Time-frame/duration. The ICLA Policy stresses two points about timing of ICLA activities, both at the beginning and end. First, when planning a legal assistance programme, NRC should assume that it “may require a longer-term perspective.” NRC went into Nepal planning for no more than two to three years. At the outset, this time frame seems to put a question behind the appropriateness of ICLA activities. As implemented, the short time frame became a reason not to undertake what the Policy defines as basic ICLA services. Hence, the design of the Nepal programme presents a tension between emphasizing presence during emergencies and implementing ICLA.

Second, the ICLA Policy recommends that exit activities be undertaken “well ahead” of exit. In Nepal, the exit activities started only shortly before exit. This may have

been unavoidable due to funding constraints, but nevertheless appears inconsistent with ICLA Policy guidance.

Approach. Although ICLA is a programme premised on rights and remedies, in Nepal it acted with limited reference to law and procedures and had only informal interactions with institutions charged with implementing rights. It primarily described obstacles in a general way, without reference to law, procedural deadlines, relevant body, etc. A legalistic approach was frequently not wanted by NRC's clients, but negative actions on submitted claims – as well as the refusal to accept claims due to the imposition of arbitrary deadlines - were not challenged.

Advocacy. The Policy indicates that ICLA advocacy involves the identification of **legal obstacles**, citing the use of thematic reports as a means. The Nepal programme did not produce thematic reports discussing issues based on its caseload or the case-specific application of relevant laws, procedures, regulations, instructions, deadlines, etc. by specific state bodies. Advocacy documents referred to obstacles in general, but did not highlight systematic legal or institutional obstacles with reference to how actual applications were handled or decided.

C. Protection Policy.

Several issues relevant to compliance with the Protection Policy have already been discussed above under the ICLA Policy. The Nepal programme also appeared to vary from several other aspects of the Protection Policy, including those specific to ICLA.

A rights-based programme, which does not use or comment on the availability or effectiveness of remedies and does not comment on the extent to which the host government complies with its **legal obligations** appears to be inconsistent with the notions of protection articulated in the policy. NRC rejected the use of legal remedies and did not provide access to justice. One PM concluded that NRC in fact interfered with access to justice by failing to follow up rejected claims or refusing to use any formal remedies.

NRC was also not involved in obtaining identity documents.¹³⁷ It is unclear whether this was irrelevant in Nepal.

The Policy highlights a participatory approach for programme design. However, the programme was designed and implemented with little IDP input.¹³⁸ NRC's own security concerns appear to have influenced a considerable number of its decisions related to programme implementation. The Protection Policy countenances this – however the security reasons were rarely clearly spelled out.

The Policy mandates that protection concerns outside “the comparative advantage of NRC” will be actively referred. Impunity issues were a significant concern among the NRC clientele. However, NRC made no substantive reference to these issues in its documents (not even in terms of non-identifying statistics such as how many killings/disappeared and from where were among its clients) nor referred to in its advocacy although this was a considerable durable solution obstacle.

¹³⁷ See footnote 87 for definition of identity documents used for purposes of this evaluation.

¹³⁸ In contrast, the Social Welfare Council concluded that NRC “adopted a participatory approach at all levels of needs identification, project planning, implementation, and evaluation.” Assessment of Projects Supported by Norwegian Refugee Council in Nepal 2007-2009, Study Report submitted to Social Welfare Council, 21.06.2009, page 30.

D. Gender Policy

In its documents, NRC stated its attention to women IDPs and their specific vulnerability. Clients were nearly equally divided between women and men, with a slightly higher percentage of men.¹³⁹ Field staff reported taking special measures to ensure that they met with women and discussed their concerns. NRC reported expending considerable efforts to inform women about property rights, including inheritance and compensation, producing one or more information sheets on these issues. Most services related to the inheritance of real property or compensation for personal injury/death were provided to women, as most claims arose from the conflict-related death of a spouse, predominantly at the hands of Maoist forces. The case closing analysis reflected a limited number of cases in which “legal advice” was given to women victims of “domestic/sexual violence,” although the content and extent of the advice was unclarified. Anecdotal information about protection issues specific to women appeared in a number of PM reports to Oslo, primarily in the discussion of individual cases. The assessment report issued in June 2009 included one page discussing a litany of protection issues specific to women including gender-based violence, prostitution, HIV/AIDs, etc. However, NRC missed the opportunity to consolidate the information in its possession to further shed light through a thematic report or otherwise on these conflict-related gender issues as a whole, including adherence to newly adopted women’s property rights law and the impact of the largely traditional view of women prevailing in many locales. Staff hiring was well gender balanced.

VIII. EVALUATION METHODOLOGY

According to the terms of reference, the primary purpose of the evaluation was "to inform future ICLA programme development" given that NRC had previously decided to exit Nepal. [See Appendix 1]. The evaluation was intended to assess the full programme cycle, through in-depth examination of strategies, assessments, and other decision-making processes. NRC indicated that additional features were of particular interest, including the implementation of ICLA as a sole core activity, work in a development context, and sustainability. Finally, NRC promulgated over thirty questions for use by the evaluators in guiding their application of NRC’s evaluation criteria.

The study team was composed of two lawyers, one international and one national. The international attorney has worked in post-conflict legal services with NRC as well as with international organizations on rule of law issues. The national evaluator has considerable knowledge of Nepalese law, institutions, and officials as well as evaluations of international agency projects in Nepal.

The evaluators used the following methods to gather information.

Desk study/NRC Oslo visit. The evaluators reviewed numerous documents produced by NRC as well as reports produced by other organizations, many of which are cited in this report. Prior to the field visit, the international evaluator visited NRC Oslo 18 through 19 May 2009 for purposes of clarifying the terms of reference for the evaluation as well as conducting interviews (both in person and by phone) with NRC

¹³⁹ Analysis of the legal services/civil documentation assistance provided by the ICLA program in Nepal 2007-2009 Total clients: 3056 women (49%), 3235 men (51%); legal services and documentation: 856 women (49%) 884 men (51%) were men.

personnel (both current and former staff) who had been associated with the assessment, start-up and implementation of the Nepal programme.

Country visit, including visits to localities and interviews. The evaluators undertook an evaluation visit to Nepal 21 May through 10 June 2009.¹⁴⁰ According to an agenda proposed by the NRC Nepal Country Office, the evaluators met with current and former NRC staff, UN agencies, national and international NGOs, public officials and representatives of national institutions, and representatives of the Nepal Bar Association - at both the national and local level. The evaluators also held individual as well as group meetings with NRC beneficiaries as convened by NRC. Finally, the evaluators met with representatives of NRC's non-UN donors.¹⁴¹ The international evaluator conducted additional phone interviews with former international staff while in Nepal. [See Appendix 2 for list of interlocutors]. At the end of the field research, the evaluators held a de-briefing meeting with the CD, PM and selected staff, during which they highlighted preliminary findings.

The terms of reference requested that the evaluators assess all field activities. However, by the time of the evaluation, NRC had already closed three field offices and ceased active field operations several months earlier in those offices that remained open. The remaining offices were largely dismantled, many staff terminated, and closing within days or week of the visit, with the result that cases files, databases, and other types of work-related information were unavailable. The PM had arrived in country three months prior charged with closing the programme, not implementation. As a result, the ability of the evaluators to assess the field activities as delivered was significantly constrained. The evaluators visited the three field offices that remained open as well as the localities of two of three field offices that had been closed in October 2008 and May 2009, respectively.

The evaluators did not have the services of a translator available, requiring the Nepali evaluator to assist the international evaluator with interpretation during meetings conducted in Nepali. Given that the Nepali evaluator was fully engaged in such meetings interacting with interlocutors, this made full or significant interpretation impossible, resulting in minimal participation/comprehension on the part of the international evaluator in such discussions.

The draft report was submitted to the NRC Steering Committee on 1 July 2009 as agreed. As subsequently agreed with the NRC Steering Committee, the evaluators submitted a revised draft report on 3 August 2009, including references to the evaluation report of the Nepalese Social Welfare Council, which was received in late July 2009. NRC provided the evaluators with written comments on the draft report on 31 August 2009 as well as additional documents referred to in several queries. The evaluators provided the final report on 9 September 2009 in response to which NRC sent additional comments on 16 September 2009. The evaluators provided the final report on 20 September 2009.

¹⁴⁰ NRC selected the international evaluator in late April 2009 and the Nepali evaluator in early May 2009.

¹⁴¹ The ICLA programme reportedly had two UN donors – UNHCR and UNFPA. The evaluators met with UNHCR, although not specific to its role as a donor, but did not meet with UNFPA, which was not proposed by NRC as a key interlocutor. In addition, UN-HABITAT was a donor for a limited shelter and non-food item (NFI) distribution activity carried out through the ICLA programme in the second half of 2008.

IX. LESSONS LEARNED AND RECOMMENDATIONS

The evaluators have observed a number of lessons learned throughout this report. A non-exhaustive list of recommendations/lessons learned includes the following.

Based on the Nepal experience, it appears that clarification within NRC of the scope of the ICLA “brand” would facilitate future assessments of when, whether, under what conditions, for what purpose, through which means, with which type of structure and staff, and which type of approach and indicators NRC will initiate ICLA core activities.

1. Clarification of the ICLA “brand” #1. NRC’s primary motivation to initiate a presence in Nepal was to clarify for a concerned international community, in particular the United Nations, what continued to be an unclear but worsening situation for IDPs for purposes of further strategy development. NRC’s projected role was alternatively described as “IDP mapping,” “an overall survey of the IDP situation in the country,” “profiling of the IDP caseload,” “protection need and gap survey,” etc. While the project concept evolved over time, a significant part of implementation was devoted to just such need assessments, i.e., finding IDPs and identifying legal/administrative problems. In the event this scenario presents itself again, the question is whether consistent with the ICLA Policy, NRC views that as an ICLA activity or a “pre-ICLA” activity.¹⁴²

2. Clarification of the ICLA “brand” #2. Does NRC intend ICLA to function and produce results more like a law or paralegal office or more like a generic human rights organization or UNHCR protection officer? Consistent with the ICLA Policy, is NRC primarily a legal actor or a monitor? The answers to these questions affect many issues during assessment and implementation as well as recruitment of staff.

In terms of assessing the feasibility of conducting ICLA as the sole core activity of a NRC Country Programme, Nepal does not provide lessons easily extrapolated to other contexts. The answer to that question largely depends upon the extent to which the target population has crucial needs that can be addressed through an ICLA programme, whether the national legal and institutional framework provides remedies for those needs, and whether the target population and NRC are willing and able to use those remedies. Most of those issues were not addressed in Nepal during the pre-start up assessment. This determination can be made in a society in a development context as well as one which is more developed.

3. Clarification of the ICLA “brand” #3. One NRC interlocutor queried whether the Nepal programme should have had an objective “to make sure that a body/authority took charge on the IDP issue.” The Country Team, in particular the CD, made efforts to have others continue work on IDP issues after NRC’s exit. However, NRC had no means at its disposal to force any organization either national or international to assume responsibility for the issue and the activities NRC had undertaken. Further, consistent with the ICLA Policy, the Nepal programme was primarily one of direct implementation by NRC, not capacity building of national actors. Development of alternative capacity would have taken considerable efforts and would have to have been part of the original programme design.

¹⁴² Based on information obtained after the first draft of the evaluation report, it appears that NRC has previously undertaken similar mapping/registration exercises in Sudan and Indonesia with UNHCR. It is unknown to the evaluators whether these activities were considered as ICLA.

As noted in the Terms of Reference for the evaluation, sustainability is not part of the ICLA Policy criteria. However, as recognized by the ICLA Policy, given the nature of ICLA issues and activities, it is foreseeable that resolution or substantial progress requires considerable time. This means that if NRC intends to ensure substantial completion of its legal aid activities, NRC must remain in country as a direct implementer for a considerable period or find a way to conduct meaningful handover of pending work as part of its exit. As in Nepal, it is foreseeable that where NRC deploys an ICLA programme, national capacity may be lacking. Hence, it appears that discussion of the possible role in future ICLA programming of specific national capacity-building efforts (in tandem with direct implementation activities) as a vehicle for post-exit continuation/completion of activities might be fruitful.

4. Thoughts on budget size taking precedence over programme content quality. As discussed above, it appears that for purposes of best assuring quality of programming and service delivery, the situation in Nepal counseled a smaller programme, at least at the outset. However, several NRC interlocutors indicated that NRC has an unwritten rule that country programmes should not have budgets less than 20 million NOK/\$3.3 million per annum. This policy would appear to have ramifications for all stages of NRC programming from design through implementation to exit and would tend to give budget concerns precedence over programme design and service delivery concerns. The imperative to reach certain budget targets would appear to push NRC toward expanding programmes whether or not programmatic goals are best served in that way. If NRC primarily values programmes or measures them as a “success” by their budget size, this would also likely lead to less attention paid to small-budget programmes regardless of their impact or potential for impact, less attention to the content/outcomes of any programmes, and early closure of small budget programmes. Most if not all of these effects were seen with the ICLA programme in Nepal.

This type of budget versus content approach appears particularly questionable when applied to legal aid activities, where one legal intervention could have considerable and lasting systemic impact on behalf of NRC beneficiaries, but not require a big budget. Although small targeted programmes might not bring a lot of money for NRC, if done well they could bring other forms of recognition and could be well worth the investment. While some minimum budget is likely needed to cover overhead costs, it seems that this issue, which appears to be an undercurrent, deserves to be evaluated in a straight forward manner for purposes of future ICLA planning.

5. Assessment and decision to enter

The assessments conducted for NRC for Nepal did not adequately consider several of NRC’s criteria for initiating activities in a new geographical area as specific to an ICLA programme. In particular, the assessments omitted to consider the political and legal environment in which an ICLA programme would function, which is relevant to whether NRC would be in a position to implement “a professionally justifiable programme.” The assessments considered financial resources, but included no reference to the availability of sufficient human resources in the field and headquarters. Needs identified in the assessments were not linked to durable solutions nor clearly identified by IDPs themselves.

5.1 Needs identified by target population. The Nepal programme highlights the importance that an assessment of the needs to be addressed by an ICLA programme be identified through meaningful interaction with the target population, i.e., through a participatory approach in the identification of their needs.

5.2 National legal and institutional environment, including unresponsive authorities. As a rights-based, law-based programme, ICLA functions within a specific national legal and institutional context. Assessments should explicitly consider the feasibility of NRC addressing legal obstacles to durable solutions within the legal and institutional framework prevailing in country and what remedies are realistically available, which the target population and NRC would be willing and able to use. This requires assessment of national law and remedies, including the judiciary and public administration, relevant to the legal obstacles identified. Unresponsive national authorities such as those seen in Nepal are typical of contexts in which NRC would consider to implement ICLA. An assessment should also consider what remedies are available to address this situation.

5.3 A broader view of security – hostile political environment – legal or political obstacles. In Nepal, NRC abstained from what would usually be seen as basic ICLA work due to “political sensitivity” of certain issues and certain portions of the IDP population. When considering “security,” assessments should also look more closely at the feasibility of NRC and in particular NRC’s national staff engaging on behalf of unpopular clients in a hostile environment – including non-state actors in *de facto* control of territory and/or institutions - with competing interests.

5.4 Human resources. ICLA provides services, not materials. As such, ICLA is wholly dependent upon the quality, skills, knowledge, and impartiality of the staff that provides the service. Hence, an assessment of whether NRC will undertake ICLA services, particularly if it intends to implement itself through a combined international-national staff should include an evaluation of the availability of staff able to deal with the identified legal questions and political pressures and the type of supervision/mentoring/structure that might be needed to bring staff “up to speed.” This is particularly true since it appears that persons who typically work for NRC are not human rights activists, accustomed to challenging national authorities. Assessments should also consider the anticipated need for support/assistance from the ICLA Adviser.

5.5 Mandatory national implementing partners. Apparently rare for countries in which NRC operates, Nepal required NRC to have an implementing partner, although NRC intended to implement directly. In the event such a requirement were to arise again, it is worth considering at the time of assessment whether entering into official partnership agreements, which are done for formal purposes only and not for implementation, is a sound approach, particularly when such agreements are with members of the legal profession who would be expected to either support, co-operate with or carry-on ICLA activities.

5.6 Limited time. NRC decided to go ahead with its Nepal programme in the knowledge of only a two to three year time frame even though the ICLA Policy counsels a “longer term perspective” and it had signed five-year agreements. NRC’s short time frame became the reason for limiting activities and means employed. When making an assessment, NRC should be clear about projected time frame and what consistent with the ICLA policy an ICLA programme can accomplish in that time frame, including consideration that the accomplishment of basic tasks and staff “getting up to speed” will take a considerable period as well as provisions for continuation of ongoing legal work.

5.7 National professionals participate in assessment. Because the decision to initiate an ICLA programme should be based on considerable insight about the national legal and institutional framework applicable to identified legal needs,

available in-country human resources, etc., it might be fruitful to include a national professional in NRC's assessments.

6. Start-up and implementation

6.1 Objectives. Objectives should reflect the reality on the ground in terms of what can realistically be accomplished by NRC within the legal and institutional framework, not generic recitations of ICLA Policy language. Objectives should relate not only to the rights of the target population, but also the state institutions responsible for providing remedies.

6.2 Plan entrance to manage expectations. Multiple interlocutors indicated that based on its reputation, NRC's high-profile entry into Nepal created significant expectations as to the progress NRC could accomplish in relation to the situation of IDPs, including leverage with institutions responsible for delivering remedies. Several interlocutors indicated that these expectations were not met, including the way and time in which NRC decided to exit. It seems likely that at least some expectations may have been unrealistic. Nevertheless, given this apparent impact of NRC's reputation as well as its repeated reference to its IDP expertise, it warrants consideration when NRC enters a new country how that entry is conducted and how such expectations can be managed so as not to create false or overly high expectations, which cannot be fulfilled.

6.3 Know the situation and develop shared approach before expanding operations. NRC quickly expanded its field presence and staff, prior to developing a clear picture of the target population, needs, and an agreed understanding of activities and interventions. It would have been preferable for NRC to begin with a considerably smaller presence concentrated in one or two places. This smaller presence would have facilitated hands-on coordination and management of the international managers with the implementing project staff, determining which types of staff were needed depending on an agreed set of activities, interventions, developing a core staff that had a shared concept of ICLA, the ICLA-related issues, and the types of activities to be undertaken. Since virtually all work was done in the field, a smaller core staff could have worked in mobile teams, visiting specific areas on an agreed schedule.¹⁴³

6.4 Field and management structure to ensure coherence of ICLA programme. In its desire to have a broad field base, NRC developed an organizational structure both in terms of its geographic scope as well as its division of responsibility, which was insufficiently supervised in fact and likely unsupervisable as designed. Division of responsibilities among staff also diluted accountability, with a long distance between those implementing the programme and those responsible for overall oversight. Structure should facilitate communication between those with information on implementation activities with those responsible for oversight. Too many intermediate managers dilute both the message and accountability. A shared language rather than relevant skills and knowledge became a primary hiring criteria for managers and those coordinating ICLA activities. Since language is a foreseeable issue in NRC programmes, particularly those like ICLA which require discussions of a highly technical nature, it is advisable to consider building positions for language assistants (with other responsibilities as well) into the design of a programme so as to facilitate communication between national and international staff.

¹⁴³ The terms of reference ask the evaluators to assess whether the programme could have used less resources and still achieved the same objectives, if yes how, and whether the programme could have implemented other strategies to achieve the same objectives.

6.5 International management staff accountable for and integrally involved in service delivery. The job of the international management staff in an ICLA programme is to be engaged in the legal work and to make informed decisions about content, modalities, etc., based on national law and procedures together with national legal staff. This role should be clarified at the time of recruitment. International staff and managers should be aware that they are responsible for knowing (and correcting if needed) what is happening in the programme. Practical legal experience – as contrasted to monitoring or protection work only - is an important qualification for an international PM. The ICLA Adviser should be involved in the recruitment and hiring of ICLA international staff.

6.6 Systematic analysis of implementation of national law by national institutions. Part of the power of ICLA programmes is the amount of information gathered from numerous similar cases about how institutions implement national law and procedures. Documenting and analyzing systematically through thematic reports or targeted advocacy to state bodies – throughout implementation - weaknesses in the law and problems in institutional implementation is the means and strategy by which NRC can advance its objectives and the cause of its clients as well as the target population. The absence of such activities from an ICLA programme should be interpreted as a warning sign, meriting further inquiry. A decision (either implicit or explicit) by an ICLA programme not to engage in such activities should be carefully considered in future programmes.

6.7 Issues, modalities, and indicators. When implementing an ICLA programme, NRC should not only identify legal or administrative issues, but indicate how these issues link to durable solutions, what type of action NRC will undertake toward accomplishing durable solutions, and how the outcome of NRC's intervention can be determined. In Nepal, most of NRC's activities were not linked to outcomes. If NRC intends to undertake information activities only, it should clarify in advance how the impact of information on the decisions of the target population will be seen. Further, if NRC is going to be involved with administrative or legal services, what steps will be followed to determine an outcome, including formal remedies. In particular, NRC should look into developing indicators other than numerical indicators, which reflect on the nature/responsiveness of the institutional or legal environment. If there are standard ICLA issues NRC cannot or will not address, it should clearly so signal early on and why.

6.8 Access to justice. Consistent with the ICLA Policy, NRC should carefully review decisions and rationale by ICLA programmes to forego – either itself or through referral to licensed lawyers - the use of formal legal remedies on behalf of its clientele who present issues addressed through administrative requests or which would be subject to judicial review.

6.9 HLP. Consistent with the ICLA Policy, NRC should carefully review decisions and rationale by ICLA programmes to forego – either itself or through referral to licensed lawyers – engagement with property issues presented by its clientele, including documentation for purposes of demonstrating ineffectiveness of remedies.

6.10 Unresponsive authorities. NRC should up front expect that national authorities will be unresponsive to various petitions, requests, etc. on behalf of the target population/clients and develop strategies for addressing such unresponsiveness. Getting a negative answer (or no answer at all) is often just the beginning of the story, not the end. Staff – in particular international management - should explicitly be informed at recruitment that this is a likely feature of their work and should derive remedies as well document unresponsiveness as a means to push for systematic

change or leave a legacy for those who continue the work. Failing to act due to the presumed unresponsiveness of state institutions is unhelpful, leaving individuals without having made use of available remedies and without providing a baseline.

6.11 ICLA Adviser should visit new ICLA programmes within six months of start up. The ICLA Adviser visited Nepal after NRC had already decided to exit. In order to allow for early assessment and corrective action if need be, the ICLA Adviser should visit new ICLA programmes soon after their initiation as well as continue to visit and monitor ongoing activities. If given the number of programmes, this requires further staff support in the ICLA Adviser's office, this should also be considered.

6.12 Advocacy. NRC should clarify for all staff that advocacy is a tool of the ICLA programme, not an end in itself. Further it is a tool primarily intended for NRC's clients, which requires both certain types of actions on behalf of individuals but also an overall approach to compilation of information and interaction with national authorities. As a legally based programme, NRC should explore coordination and advocacy with those national actors responsible for taking decisions about the rights of IDPs.

6.13 IHL violations. NRC has no policy or procedures for how to appropriately and ethically handle information about gross human rights violations or violations of international humanitarian law, which it comes to possess through its activities. Given NRC's frequent engagement in conflict and post-conflict areas, this situation as in Nepal is likely to recur, where NRC may be the only agency in contact with certain victims. Given the relation between impunity and durable solutions, normalization, and transitional justice, it is recommended that NRC develop policies and operating procedures for use in its field operations so that it fulfills its humanitarian and human rights obligation to bring to light and for the use of appropriate institutions such information consistent with obligations of confidentiality and security of clients as well as NRC staff and operations. It is also recommended that NRC highlight this information in its own reporting, through the use of non-identifying information, so as to highlight with specificity the impact of impunity on the absence of durable solutions.

7. Exit

7.1 Time frame. NRC concluded ICLA services within a few months of its decision to exit and five to six months before exit. Some offices were closed within less than a year of beginning active operations. Cessation of field activities was accelerated to do a case closing review. The short period between the exit decision and end of activities precluded possible follow-up or corrective action after the ICLA Adviser's assessment and establishment of case-closing criteria, potentially limiting impact and sustainability. Exit was done even though one donor indicated a grant was under spent and a no-cost extension was available, although the CD indicated there were insufficient funds to continue. If at all possible, termination of activities and exit should be considered further ahead.

NRC cited a new Government as one rationale in support of closure, although the Government had only been installed several months earlier and proved unstable within a few months. If at all possible, where NRC ties its exit to a normalized post-conflict situation, NRC should wait slightly longer to see how stable the post-conflict configuration proves to be.

7.2 Honest exit. If for whatever reason NRC decides to exit a country, it is important to provide a clear picture of what happened during implementation, the reasons for

its departure, and remaining situation, including state institutions and other national actors. If that entails indicating that NRC was unable to satisfactorily implement its plans for whatever reason, internal and/or external, that should be spelled out. The departure of an INGO like NRC will inevitably be read as a signal that the State authorities have satisfactorily resolved whatever problem NRC came to address or the problem is no longer serious unless NRC makes clear its exit is for some other reason. Consistent with the “do no harm” principle, a clear explanation although possibly slightly uncomfortable is important so as not to undermine the situation of IDPs and those national actors who would continue to work on IDP issues.

7.3 Evaluations. The ICLA PM as the person most familiar with the ICLA programme should be included in the Steering Committee for evaluations.

Based on their experience in Nepal, the evaluators found that the evaluation process itself led to heightened expectations on the part of some national interlocutors, including beneficiaries, i.e., the evaluation could impact NRC’s decision to exit. The evaluators were also neither able to get a full view of the programme as implemented nor contribute to adjustments in its implementation. To the extent possible, such late evaluations should be avoided.

APPENDIX I

TERMS OF REFERENCE: EVALUATION OF ICLA NEPAL 2009

Project/Program: ICLA

Country: Nepal

Period: 01.05-01.07.09

A. Project Background

Information, Counselling and Legal Assistance is one of the five core activities of NRC worldwide. The primary objective of ICLA is to contribute to durable solutions for refugees, IDPs and returnees and to assist them in realizing their rights. The specific objectives of ICLA are:

- To help these mentioned target groups overcome legal obstacles, particularly related to housing, land and property issues;
- To offer information on assistance and services that deliver their recognized rights; to offer information to refugees and displaced persons on options for return, local integration and resettlement;
- To assist in monitoring the return process in order to identify protection concerns; to improve the protection of especially vulnerable groups;
- And to advocate for solutions or improvements to the protection of rights of those target groups.

The Norwegian Refugee Council decided to start a program in Nepal in 2005 as a response to the displacement caused by the internal conflict between the Maoists and successive Nepali governments of the Monarchy. Due to a lengthy state registration process, NRCs activities could only start early 2007. The main core activity of the Nepal program has been ICLA, with an additional small shelter repair/ NFI distribution project in 2008.

The parties of the internal conflict signed a Comprehensive Peace Agreement (CPA) in late 2006 which ended a decade of internal conflict. The conflict caused approx 13 000 deaths and displaced approx 200 000¹⁴⁴. Often displacement has been to urban centres in Nepal, such as Nepalgunj, Kathmandu and Biratnagar, in order to obtain greater state protection and livelihood opportunities.

2008 was marked by major political breakthroughs with the establishment of Constituent Assembly, the election of Prime minister, Vice President and President. Since the peace agreement in 2006, many displaced persons have returned to their homes in Nepal with Government, UN and NGO assistance.

Although the problems related to displacement in Nepal have not yet been solved, NRC believes the Government should not rely in external humanitarian actors to provide assistance to those IDPs who remain without durable solution, as conflict displacement has now largely ended in Nepal. Due to the political development and severe funding constraints, NRC is planning to exit Nepal by the 31st of August 2009.

¹⁴⁴ In the absence of any comprehensive registration of IDPs and of any systematic monitoring of population movements by national authorities or by international organizations, it is difficult to provide any accurate estimates on the total number of people displaced since the conflict started in 1996. A majority of the displaced since 1996 are believed to have crossed the border to India where a 1,500 km-long open border has made the monitoring of movements extremely difficult (<http://www.internal-displacement.org>).

NRC's Information, Counselling and Legal Assistance (ICLA) program has been operational in Nepal since February 2007. As of December 2008, the program has assisted over 4,500 clients to obtain legal and information services, with 6 offices situated across the access of displacement in Nepal. To date over 75 NRC staff, including 14 national lawyers, assist displaced persons with their legal and protection concerns.

Program outcome:

According to the 2007-2009 Country Strategy, the overall objective of the ICLA program in Nepal is to:

- o *Contribute to access to durable solutions for Nepalese IDPs and returnees through the provision of information, counselling and legal services*

B. Purpose and phase for the evaluation and intended use

The main purpose of the evaluation is to inform future ICLA programme development. The evaluation of the ICLA programme in Nepal provides NRC with a unique opportunity to learn from that experience because:

- The evaluation will assess a full program cycle (from start up to exit). This allows for an in-depth examination of strategies, assessments and other decision-making processes.
- The ICLA program has been the only NRC core activity implemented during most of the organization's presence in Nepal.
- In 2007, the armed conflict had ended in Nepal and the country context was well into a development context. Operating in this environment is not common for NRC and learning could be drawn from the experience.
- Sustainability is not a programmatic criteria for ICLA. Yet, donors and other stakeholders have requested stronger emphasis in this aspect of programme implementation which becomes even stronger in a development context.

This evaluation examines the program at the end of the program's lifecycle. Its findings and conclusions shall be shared with the NRC Head Office in Oslo, ICLA Adviser, other ICLA program managers and external consultants engaged in ICLA program set up, assessment and phase out. The final version will be printed and made available to the general public on NRC web site.

C. Scope of work and method

The evaluation should review all aspects of ICLA programming implemented by NRC in Nepal from 2007 to the present.

The methodology will include:

- 1) Desk Studies: The evaluation team should examine independent country reports, topical/thematic reports produced by the NRC, prior evaluations, NRC global and country strategy documents, grant agreements, proposals, donor and internal reports, internal legal assistance guides/documents, training documents, and any other relevant materials.
- 2) Field Visits: The evaluators should study the work of field offices, including interviewing clients who agree to share information; interviewing target populations; interviewing international and national NRC personnel; interviewing partner organizations including UN Agencies, Local Government, and national or local NGOs operating in common locations; and interviewing representatives of the justice system that NRC interacts with.
- 3) Interviews with Stakeholders: The evaluators should pay particular attention to the interviewing of stakeholders, namely NRC national and international

staff, former NRC international and national staff, local authorities, and beneficiaries targeted.

- 4) Interviews with National-Level RoL/Protection Actors: The evaluators should interview members and staff of the Ministry of Justice, the Judiciary, UN Agencies working on the rule of law, legal assistance or human rights protection, and any other partner organizations at the national level.

Issues to be covered

The following list is meant to guide the evaluator in applying NRC's evaluation criteria. The Steering Committee may request the evaluator further analysis of specific areas as the exercise progresses or upon the delivery of the first draft of the report.

- Policy/ Mandate
 - Are programme objectives aligned with the mandate?
 - Has the program been implemented in line with the NRC mandate and the ICLA policy?
 - How well is the concept of "durable solutions" reflected in programme documents and activities?
 - Is the programme design and implementation in line with NRC Protection and Gender Policies?
- Relevance/appropriateness
 - What processes led the NRC to take the decision to start up an ICLA program in Nepal? What was the analysis framework used to reach the decision?
 - What methodologies have been used to ensure stakeholder participation in the inception and implementation of the programme?
 - Is the ICLA programme a technically adequate solution to the protection needs at hand?
 - Has the program adequately addressed the needs of the target group?
 - Has the programme adapted to respond to changes in the situation of the target group or to other contextual changes?
- Efficiency
 - What measures have been taken during planning and implementation to ensure that resources are adequately used?
 - Could the programme have used less resources and still achieve the same objectives? If yes, how?
 - Could the programme have implemented other strategies to achieve the same the results?
 - What have been the implications of implementing ICLA as the sole core activity for the greater part of the program period?
 - What was the rationale behind the extensive geographical coverage, and what implications did this approach have on the efficiency of the program?
 - Has the programme utilised knowledge and tools from other ICLA programmes to maximize cost efficiency?
 - Are there are any features of the ICLA programme in Nepal (I.e. tools guidelines, procedures that could be adapted and used
- Effectiveness
 - Are the objectives well defined?

- To what degree have the objectives of the programme been achieved as a result of the planned activities?
- What external factors have influenced the achievements or failures of the programme in attaining stated objectives?
- What are the internal monitoring mechanisms and objectively verifiable indicators? Are case processing tools and procedures (i.e. criteria for closing cases, etc) adequately design to assess performance and progress?
- Coordination/internal processes
 - To what extent has NRC Nepal co-ordinated its activities with other actors (national bodies, UN co-ordination mechanisms etc? (if any) What has been the quality of such?
 - Has the organisational structure successfully accommodated the country programme in reaching its objectives?
- Impact
 - |To what extent can the changes that have occurred during the intervention be identified and measure?
 - Are the changes attributable to the intervention? Are all changes positive?
 - Is the overall situation of the target group, with regards to durable solutions and protection, better as a result of the programme implementation?
- Sustainability
 - Is the programme supported by local institutions?
 - Are the methodologies used (i.e. legal, information, protection) adequate to the economic and educational conditions in the country?
 - How does direct implementation by NRC affect the sustainability of the programme activities?
 - Are the results (i.e. a case solved) of the programme likely to last over time?
 - How has the strategic planning for exit affected the sustainability of the program?
 - What is the rationale behind the limited focus on Nepali partner organisations, and what implications does this approach have for the sustainability of the program?

E. Evaluation team

The evaluation team should consist of two members, at least one of them from Nepal.

The team should be led by a person with competence in legal assistance and the protection of rights, and who has worked with justice systems and the development of the rule of law in both a humanitarian and development context. Well documented evaluation experience required. A requirement is also gender awareness and gender sensitive program capacity.

The evaluation will be guided by the following ethical rules/considerations:

- Openness – of information given, to the highest possible degree to all involved parties
- Publicity/public access – to the results when there are not special consideration against this
- Broad participation – the interest parties should be involved when relevant/possible
- Reliability and independence – the evaluation should be conducted so that findings and conclusions are correct and trustworthy

F. Steering committee

An Evaluation Steering Committee will be established, with the following members:

- Philippe Clerc, Country Director Nepal
- Mads Almaas, Head of Section Asia
- Oddhild Günther, Evaluation Advisor
- Fernando de Medina Rosales, ICLA Advisor
- Stine Paus, Program Coordinator, Nepal

G. Time frame and budget considerations

Expression of interest should be forwarded to not later than 14.04.2009. The final decision on will be taken immediately afterwards.

H. Reporting

At the end of the field research, the evaluation team will hold a workshop with relevant staff of the NRC office identified by the Steering Committee to discuss the preliminary findings of the evaluation exercise.

A draft report should be submitted not later than 8.06.2009. The completion date for the Final Evaluation report will be 01.07.2009 with the consultant having addressed NRC's comments as appropriate.

The size of the report should be approximately (appendices not included) 30-40 pages, clearly written in English, using Arial 11 point.

The evaluation report should consist of:

- Executive summary and recommendations not more than pages 3 pages
- Main text, to include index, context, NRC mandate, evaluation methodology, commentary and analysis addressing evaluation purpose and outputs to include a section dedicated to the issue of particular lessons-learning focus, conclusion.
- Appendences, to include evaluation terms of reference, maps, sample framework and bibliography.

All material collected in the undertaking of the evaluation process should be lodged with the Evaluation manager prior to the termination of the contract.

Once the final report is submitted, the lead evaluator will be called to present findings to the steering committee and possibly other NRC management staff.

Appendix 2 - Interviews/meetings

NRC Oslo staff

Marit Backe - NRC Oslo - former Programme Coordinator Nepal
Fernando de Medina Rosales - NRC Oslo - current ICLA adviser
Oyvind Nordlie - NRC Oslo - shelter adviser
Eric Sevrin - NRC Oslo - former Head of Section
Lisbeth Pilegaard - NRC Oslo – former Programme Coordinator Nepal
Stine Paus - NRC Oslo - current Programme Coordinator Nepal

NRC Nepal staff - current and former

Phillippe Clerc - Country Director
Alexander Jones - former Country Director (by phone)
Hilde Svenneby - Programme Manager
Angela Lenn - former Programme Manager (by phone)
Liza Scicluna – former Programme Manager (by phone)
Ingvald Heldal - former Programme Coordinator (by phone)
Suresh Pandit - Monitoring, Evaluation and Advocacy Officer, Country Office
Amrita Shrestha - Project Officer, Kathmandu Field Office
Urmila Shrestha - Communication Assistant, former staff Nepalgunj (now Kathmandu)
Puruswatom Prajapati - former Legal Assistant, Kathmandu
Manisa Shrestha - Community mobilizer, former staff Kathmandu
Rajendra Dhangol - former Legal Assistant, Kathmandu
Bisnu Bhattarai - former Kathmandu Staff
Krishna Ghimire - Project Officer, Nepalgunj Field Office
Prithvi Timilsina - former Legal Officer, Surkhet Field Office (now Nepalgunj)
Bindra Majarjan - Legal Assistant, Nepalgunj
Padam Pandey - Legal Assistant, Nepalgunj
Sundari Karki - Community Mobilizer, Nepalgunj
Santosh Chaudhary - Community Mobilizer, Nepalgunj
Madhev Rizal - former Project Officer, Biratnagar Field Office
Rewati Dakal - former Communications Assistant, Biratnagar (now Kathmandu)
Devi Regmi - former Legal Assistant, Biratnagar
Tilswor Chaudhary - former Communications Assistant, Biratnagar
Om Purbey - former Administrative Assistant, Biratnagar (now Lahan)
Anna Dahal - Legal Officer, Lahan Field Office
Sijendra Sada – Community Mobilizer, Lahan office
Geeta Lama - former support manager, Country Office

National NGOs

Gopal Krishna Siwakoti - President - INHURED International (International Institute for Human Rights, Environment, and Development)
Bijay Raj Gautam - Executive Director - INSEC (Informal Sector Service Centre)
Amar Bk and Chhabi Bk, Dalit Welfare Organization - Kohalpur
Rama Pyakurel, Legal Aid and Consultancy Center, Surkhet
Prajwal Khatiwada - Project Coordinator, Community Service Development Center,
Ghanashayam Rijal - Inhabitant Protection Center, Dharan
Aaita Bahadur Limbu - Inhabitant Protection Center, Dharan
Phul Maya Achami - Inhabitant Protection Center, Dharan
Sita Bhagat - Inhabitant Protection Center, Dharan

Sabita Pradhan - Inhabitant Protection Center, Dharan
Hiradevi Pradhan - Inhabitant Protection Center, Dharan
Som Raj Thapa - Regional Co-ordinator, INSEC Biratnagar
Pratikcha Basnet - former CVICT, Biratnagar
Nirmala Pasawan - Feminist Dalit Organization (FEDO), near Lahan
Bhupendra Pasawan - Dalit Youth Club, Lahan
Umesh Kumar Bisankhe - Dalit Youth Club, Lahan
Ramkumari Das - Dalit Youth Club, Lahan

International NGOs

Marcel de Brune, Country Director, International Rescue Committee
Birendra Thagunna – Programme Officer, International Rescue Committee,
Nepalgunj

United Nations

Anthony Cardon de Lichtbuer, Special Assistant to the Representative of the High
Commissioner, OHCHR
Daisy Dell, Representative, UNHCR + 3 national staff
Wendy Cue, Head of Office, and Vincent Omuga, Humanitarian Affairs
Officer, OCHA
Prem Awasthi, OCHA sub-office Nepalgunj
Bittu Shrivastav, OCHA Biratnagar

IDPs

Group meeting with 12 IDPs – Kohalpur
Individual meetings with 4 IDPs - Surkhet
Group meeting with approximately 20 post-CPA IDPs - Bange
Group meeting with 14 IDPs - Itasari
Group meeting with 18 IDPs - Lahan
Group meeting with 11 IDPs - Kathmandu

Public officials and institutions

Birendra Bahadur Baniya - Chief District Officer Nepalgunj
Rudra Prasad Paudel - Chief District Officer Surkhet
Nabraj Baral - Administrative Officer in District Officer Surket
Harihar Dahal - Assistant Chief District Officer, Sunsari
Sashisekhar Shrestha - Chief District Officer, Morang (Biratnagar)
Gehanatha Bhandari - Chief District Officer, Siraha
Laxi Prasad DHakal - Chief District Officer, Lalitpur
Bed Prasad Bhattarai, Regional Co-ordinator, National Human Rights
Commission Nepalgunj
Durga Nidhi Sharma - Joint- Secretary and Project Co-ordinator, Emergency Peace
Support Project, Ministry of Peace and Reconstruction

Nepal Bar Association

Nepalgunj branch

Praladha Karki, Advocate, Vice-President of Nepal Bar Association

Lok Bahadur Shaha, Advocate, President of Appellate Court Bar Association
Nepalgunj
Madhu Pathak, Advocate, Secretary of Appellate Court Bar Association Nepalgunj
Mani Acharya, Advocate
Rudramani Neupane, Advocate
Rajendra Prasad Sharma, Advocate
Bal Bahadur Chanda, Advocate
Khem Raj Giri, Advocate
Govinda Giri, Advocate
Rajendra Sharma, Advocate
Janak Sahi, Advocate
Narayan Prasad Shastri, Advocate

Surkhet branch

Parma Thami, Advocate, President of Appellate Court Bar, Surkhet
Bibas Basnet, Advocate
Ratna Bhandari, Advocate
Utam Prasad Acharya, Advocate
Birendra Kumar Thapa, Advocate
Nanda Bhandari, Advocate
Kashinath Yogi, Advocate

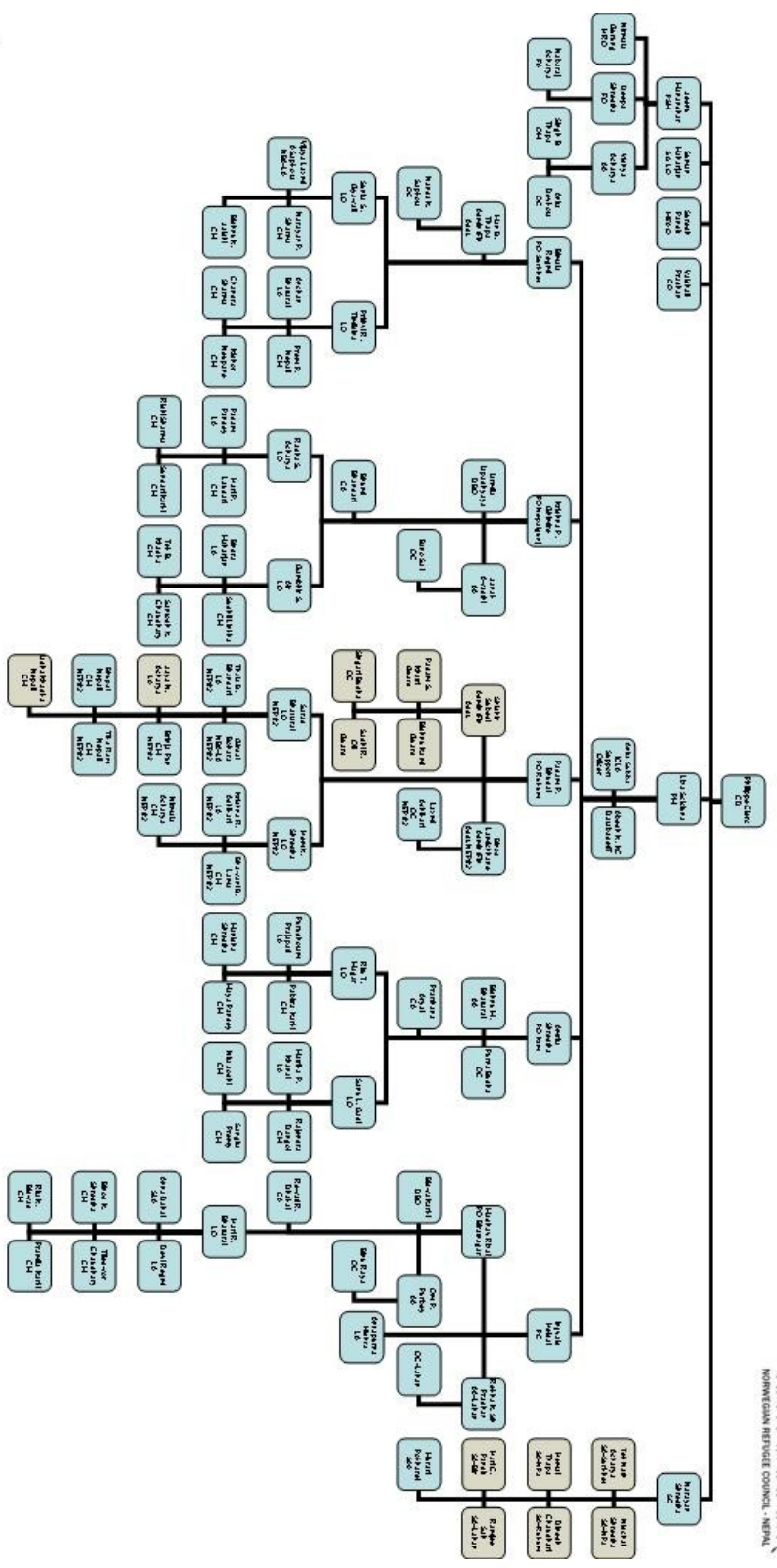
Sunsari branch

Nayana Lal Yadav - Advocate, President, Sunsari District Bar
Prem Phokharel - Advocate, Secretary, President, Sunsari District Bar
Badri Bhattarai - Advocate
Indra Pokharel - Advocate
Krisha Thapa - Advocate
Ram Babu Ghimire- - Advocate
Puspa Adhikari - Advocate
Ramadev Jha - Advocate

Donors

Kikkan Haugen - Norwegian MFA - former DCM Norwegian embassy Nepal -
2004-2008
Dag Nagoda, Political Officer, Royal Norwegian Embassy - Nepal
Dominique Feron - Technical Assistant for Nepal, ECHO
Bill Patterson and Sabita Shrestha - OFDA

Norwegian Refugee Council-Nepal Organizational Structure



- Acronyms**
- CD Country Director
 - PM Project Manager
 - SE Senior Executive
 - SM Senior Manager
 - PSM Program Specialist
 - SA Senior Advisor
 - MEMO Member of the Executive Management
 - CA Country Advisor
 - HNO Human Resource Officer
 - MA Manager

- Abbreviations**
- NO Norwegian
 - LO Local
 - CH Community Health
 - LE Local Executive
 - NTS Nepali Term Staff
 - NS Nepali Staff
 - NSP Nepali Support
 - NSM Nepali Senior Manager
 - NSA Nepali Senior Advisor
 - NSC Nepali Senior Counselor
 - NSD Nepali Senior Director
 - NSM Nepali Senior Manager
 - NSA Nepali Senior Advisor
 - NSC Nepali Senior Counselor
 - NSD Nepali Senior Director

Last updated: 28 August 2008

Biratnagar - 14	Kathmandu - 30	Nepalgunj - 17
Surferat - 12	Rukum - 8	Lahan - 4
Short Term Staff - 3	Nepalgunj (2) - 12	
Total Staff - 100		