

Evaluation of the work of OHCHR in Nepal

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advancing field protection and human rights

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1 Executive Summary

OHCHR arrived in Nepal in 2005 after an intense campaign led by Nepali civil society. Immediately it played a critical role in the conflict and the later transition, winning immense respect for its active neutrality and willingness to be on the front line. It is credited with a major impact in ushering in the peace process and democratic transition. Even though it has lost considerable ground vis-a-vis the army and the government, OHCHR's credibility to this day remains very high compared with most human rights field operations around the world. At the local level, activists respect the ongoing commitment and availability of OHCHR offices and staff, and most authorities respect their professionalism and neutrality. This credibility, history of service, and relative neutrality opens doors to OHCHR quite easily. It makes all communication more fluid, and makes every attempt to influence or intervene in situations more efficient.

The human rights challenges faced by Nepal have evolved considerably since 2005, but the gaps remain enormous. The end of open conflict and the political transition has brought other issues to the forefront, particularly the predatory behaviour of armed groups, weak rule of law, and systemic issues of caste-based discrimination, gender-based violence and access to basic services.

In the period since 2008, OHCHR has adapted, focusing less on immediate preventive approaches to violence, and more on a longer-term influence on human rights protection and peace-building, with a persistent emphasis on combating impunity and discrimination. During this period, OHCHR has been criticised for a lack of perceived direction and an inward-focus. For some Nepali Human Rights organisations, its value has somewhat diminished.

Yet its particular strengths remain remarkably unchanged: its visible field presence and grassroots contacts, its unique credibility and neutrality, its high-quality reports, its ability to access the state and the international community and the commitment and quality of its staff.

The function of an international human rights intervention is to address the gap between the high prevalence of human rights abuse and the low capacity of the national system (the state and civil society) to effectively address that prevalence. OHCHR-Nepal has played this dual role: it takes direct action to prevent violations when they are at crisis level, and works to strengthen the national capacity to deal with the "normal" post-crisis prevalence of abuse.

In the current context OHCHR is playing a long-term peace-building role of continuing to strengthen national actors to reduce this ongoing and still unacceptable non-conflict-related gap between prevalence and capacity, including addressing long-standing sources of abuse such as discrimination, which many consider to be among the root causes of the conflict. At the same time it is still monitoring an incomplete and potentially volatile political process, standing ready to again activate its more immediately preventive role of reducing imminent abuses should more violence erupt again. Nearly all the feedback we received still considered both of these roles important.

The impact of OHCHR's work in Nepal will be most sustainable where it contributes to national structures of human rights protection. The different branches of the state and the civil society actors that hold them accountable play the primary roles in defending human rights in Nepal. Unfortunately, the responsible state organs in Nepal lack sufficient political will to resist pervasive patronage networks. Creating this political will demands a more powerful civil society to hold them accountable.

OHCHR and the Nepal's National Human Rights Commission (NHRC) are secondary actors in this process, playing assistance or support roles. A National Human Rights Institution serves as a watchdog over those state organs of justice but lacks the power or independent constituency to be able to force a government lacking in political will to fulfil its obligations. OHCHR should support the two primary actors (the state organs of justice responsible for protection, and civil society) in their capacity to fulfil their respective roles. OHCHR has an independent source of power - its international linkages and its ability to represent the concerns of the international community – which it can use to hold the state accountable for its political willingness to do its job.

OHCHR and the NHRC have an ambivalent relationship – support and friction. These two institutions fulfil different functions in a human rights system. They need to get past the flawed competitive argument that the NHRC can somehow replace OHCHR or that NHRC capacity will serve as an OHCHR exit strategy. OHCHR and NHRC need a support strategy that builds on NHRC's strengths, and frankly recognises its weaknesses. OHCHR should avoid defensiveness and focus on strengthening the positive relationships that it has, supporting the good work it observes being done by the best of NHRC staff, and using its advocacy power to keep pressing for implementation of NHRC recommendations by the state.

An extremely efficient use of OHCHR's resources has been its support to local civil society organisations in the field. Outside of Kathmandu, OHCHR is able to leverage its key assets of credibility and access to state power to create operational space for local human rights initiatives. In particular, OHCHR's responsiveness and predictable attention when state authorities are dismissive of local organisations' approaches needs to continue to be a recognized pillar/focus of the OHCHR role. OHCHR could leverage its cross-cutting credibility even further by playing a more active convening role in bringing together national human rights actors in more broad-based networks that might help overcome the perceived politicization of individual Nepali organizations and leaders.

OHCHR has also played a key role in keeping the struggle against impunity on the Nepali agenda. Despite limited legal advances, most respondents engaged at any level in human rights issues still firmly support the continued need to press for justice and accountability with respect to conflict related violence, pointing out how long such campaigns can often take before bearing fruit. Several human rights advocates urged OHCHR to make better use of its credibility and political clout, by issuing more reports and doing more high-level advocacy. OHCHR reports are widely respected for their quality, but they need to be more frequent, and be accompanied by proactive longer-term advocacy strategies to press for implementation of recommendations.

One effective way that OHCHR and partners have put pressure on abusers has been by using human rights data for vetting, blocking abusers in security forces and PLA from access to coveted benefits such as service in peacekeeping operations, bi-lateral training programs and even travel visas. To compensate for the lack of prosecutorial advances, these successful sanctions should be used more frequently, and disseminated and publicized more widely within the security forces to maximize their deterrent impact.

The work done by OHCHR on caste-based discrimination has given greater visibility and legitimacy to these issues. Although some mainstream human rights NGOs have devalued this work and question OHCHR impact, Dalit organizations, and others actively involved in working on these issues were very supportive of the OHCHR engagement, and saw it as necessary for prying open societal resistance to address widespread discrimination. Nepali organizations also credited OHCHR with “raising the bar” of analysis on Economic and

Social Rights, facilitating workshops and assisting in the development of human rights indicators. Given the vast scale and deep structural nature of these problems in Nepal, OHCHR needs to ensure that its initiatives are *catalytic*, creating precedents and mechanisms that Nepali actors can take forward.

The strategy for OHCHR to diminish dependence on itself – sometimes called the “exit strategy” – requires a strong emphasis on building local civil society capacity to defend human rights, particularly in the regions and districts where the gaps are greatest. The impact of Kathmandu-based “trickle-down” strategies outside the capital should not be overestimated.

The longer-term structural abuses, discrimination and impunity in Nepal will not be resolved overnight, so there is no automatic reason to assume that a human rights presence addressing deep structural problems should have only a fleeting presence in a country. OHCHR has shown that there is a potential positive long-term role for a UN human rights mission in post-conflict or non-conflict situations such as Cambodia, Guatemala, or Mexico where ongoing capacity-building and technical assistance is combined with monitoring and advocacy.

Despite setbacks in the recent mandate negotiation, the broad political context for OHCHR remains favourable. The esteem and value of OHCHR is widely recognised, often across political lines; civil society remains a powerful actor capable of offering valuable support, while the diplomatic and donor community is very sensitive to human rights issues. In contrast, sovereignty-based resentment of external human rights supervision remains relatively subdued by global standards.

If an independent OHCHR presence is strengthening and not substituting for national capacity, making effective use of its unique international credibility and voice, and it continues to prove its utility to key stakeholders, its focus (and that of its donor supporters) should be on sustaining a positive longer-term relationship with the Nepali government and setting longer-term goals.

Primary recommendations for optimising the future impact of OHCHR-Nepal

- **Strengthen the political profile of the Office and appoint a new Representative of the HC in Nepal.** Strong leadership will help OHCHR to retain respect, credibility and influence – and in some cases to win them back. It will need the clear direction and courage to take strategic, principled stands even when they meet external pressure. Previous leadership gaps have resulted in serious loss of momentum, something OHCHR can not afford to repeat.
- **Emphasize the use of OHCHR’s unique international legitimacy to open political spaces for civil society actors,** making this one of the central objectives or pillars of the office’s work. Civil society strength is the most crucial long-term factor that will facilitate any OHCHR exit strategy. OHCHR should continue to serve as an umbrella or guardian for fledgling human rights networks around the country, intervening when state authorities are unresponsive, leveraging OHCHR’s credibility to help civil society networks gain legitimacy and access to the state. OHCHR can also make greater use of its potential convening role to bring together diverse actors to create more united approaches to human rights problems in Nepal.
- **Sustain the field-based focus of the office,** finding temporary solutions to keep staff permanently posted in the field, while building a strategy to recuperate the field offices in the next negotiation. This demands a clear management decision to re-prioritize the field

with an organizational structure that facilitates it, a commitment to sustain staff quality and continuity in field relationships, and creativity in stationing staff outside Kathmandu.

- **Develop a more agile, flexible and externally focused approach to the work**, breaking out of the phase of internal analysis and showing more external results to partners, including by producing more reports and doing more vocal advocacy.
- **Re-define/Re-energise key relationships**. The office needs to invest more in reclaiming relationships with political parties, the army, and other key players. It needs to do this not by pleading for doors to re-open, but by demonstrating its relevance to these players through firm action, and by using intermediaries when needed to re-build the connections.
- **Develop a more strategic and impact-oriented approach to each of the office's external objectives**. Acknowledging the difficulty of measuring human rights advances, OHCHR still needs to set more concrete goals and planned achievements that can be assessed in the future in order to maximize its impact.
- **Maintain a full field monitoring mandate** in order to continue playing a coherent human rights role in Nepal. If OHCHR demonstrates its usefulness to all stakeholders, does quiet diplomacy with allies in civil society and the international community, strengthens relationships with diverse politicians and non-donor powerful states, and gets appropriate support from Geneva, it can approach the next mandate negotiation with a firm stance asserting what is really necessary for a coherent presence in Nepal, with a willingness to leave if minimum conditions are not met. All of this is predicated on the conclusion that OHCHR's credibility in Nepal positions it in a far stronger negotiating position that it thinks.

We highly recommend that the donor community continue to support OHCHR, encouraging the focus on civil society recommended here, and standing ready to use bilateral political pressure proactively keep the OHCHR mandate open and restore its field offices. Support for OHCHR should be accompanied by additional independent support directly to civil society organizations to assist them in building the base of power they need to hold the state accountable. Donors need to recognize the strengths and limitations of the NHRC and avoid the over-simplified paradigm that support for the NHRC is by itself an exit strategy for OHCHR. And they should continue to demand greater strategic clarity from OHCHR about its objectives.

Implementing these recommendations will also require direct action from Geneva. The naming of a new Permanent Representative is essential and urgent, and should not wait until the next mandate is renewed. Filling other unfilled staff positions is also important. The emission of the current work-in-progress public reports is a high priority, and every effort must be made in Geneva to ensure that report approval processes are not delayed. The High Commissioner will need to take a firm negotiating stance in the next mandate renewal process, continuing to insist on the full monitoring mandate of the office and advocating for the re-opening of the field offices.

2 Introduction

The Office of the High Commissioner for Human Rights (OHCHR) has a broad mandate from the General Assembly covering the protection of all human rights, inclusive of all the protection concerns in this discussion. In addition to its role supporting the work of the Human Rights Commission and Geneva-based special procedures and treaty bodies, it also has highly developed practices of field monitoring and reporting. OHCHR's expansion and reform, begun in 2005, reinvigorated a proactive approach to protection combining monitoring with greater field-based advocacy. The launching of the OHCHR-Nepal is considered by many to have been the "flagship" field presence launched under the leadership of High Commissioner Louise Arbour, rapidly expanding to become the largest human rights field mission, with over 150 staff at its height.

Under the leadership of the office's first representative, Ian Martin, the office rapidly and quite boldly extended itself in the field combining advocacy and visible presence towards the objective of direct physical protection against abuses. It established sub-offices throughout the country, assisting human rights defenders facing grave threats, issuing prominent reports calling attention to serious abuses during the conflict, visiting arrested human rights defenders and political party activists in detention and calling attention to the dubious legality of their detention. At key moments of public unrest between 2005 and the April 2008 elections, the office mobilized all its resources to have a prominent preventive presence at demonstrations and bandhs, and this presence is widely credited with reducing the risk of massive violence. In fact many credit these vigorous efforts with playing a crucial role in helping to usher in the peace process, and the end of the monarchy.

In the period since 2008, the scope of this evaluation, UNMIN arrived to oversee many elements of the CPA, the political situation has been notably more stable, and human rights defenders have been increasingly able to do their work. Despite the end of the conflict, serious human rights challenges remain, notably relating to insecurity caused by armed groups, gender and caste-based discrimination and a full range of economic, social and cultural rights. The ongoing systemic weakness of national rule-of-law institutions continues to obstruct progress in many areas.

Nevertheless, despite these challenges and the many setbacks and uncertainties in the peace process, most observers see Nepal as relatively stable and unlikely to return to all-out armed conflict. OHCHR-Nepal has logically gone through a transition, looking for strategies less focused on immediate preventive approaches to violence, and more focused on a longer-term influence on human rights protection and peace-building, in particular developing a persistent focus on combating impunity and discrimination.

3 Conceptual overview

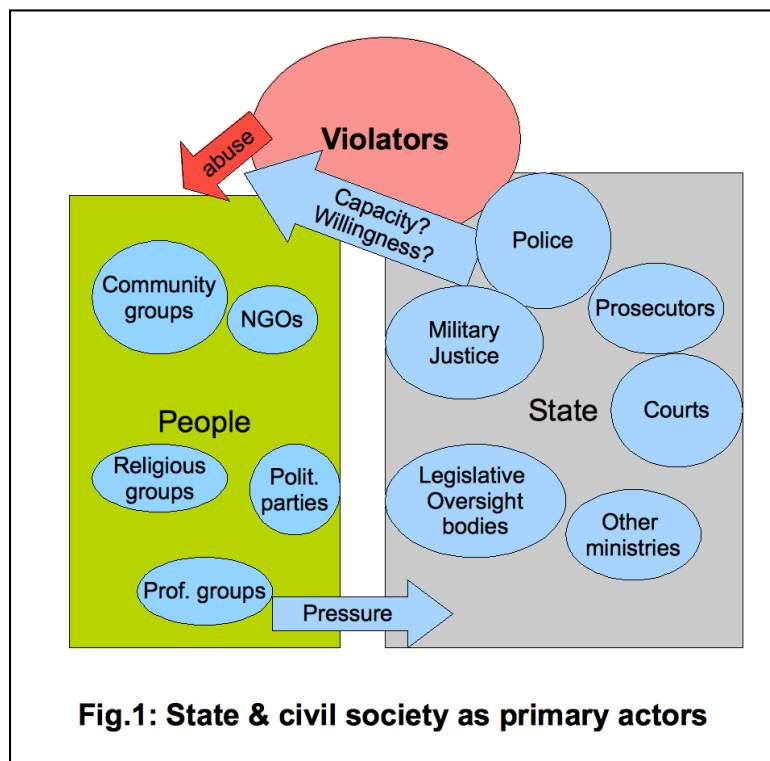
How well has the OHCHR in Nepal achieved its objectives in the period since April 2008, and what changes could be made to further enhance its impact and create the conditions for an eventual exit strategy?

The answers to this overarching question, together with any discussion of the specific work and objectives of the office, should be understood within a conceptual framework that shows where OHCHR fits into a complex human rights system in which many actors play complementary roles. This framework needs to consider first, how human rights protection is achieved, second the relative roles of different institutions, third how these complementary roles can change during political or conflict transitions. Finally, we should consider more specifically what we mean by the phrase “exit strategy”.

3.1 *A systems approach: the role of OHCHR in protecting human rights at the national level.*

There are three fundamental actors in any human rights dynamic: *the people*, who are threatened with abuse, *the abusers* who carry out abuses, and *the state* which is obliged to protect them. (see figure 1). In some situations the state *is* the abuser, in others not. In some cases a significant proportion of the population are abusers, such as in situations of discrimination. But the crucial point is that the protection of human rights depends on a) the state’s willingness and capacity to fulfil its obligations to protect, and b) the people’s capacity to hold the state accountable to these obligations.

Numerous state organs are designated to fulfil this protection role, in particular the justice



system. When looking at Economic and Social Rights, other state bodies, such as Ministries of Health, Education, Land, etc. also have obligations.

The people affected by abuses mobilize through a wide array of civil society groupings, including community groups, NGOs, religious institutions, political parties and more in order to protect themselves or hold the state accountable. The level of mobilization and power of these civil society entities and their ability to hold the state accountable is one of the most fundamental indicators of a functional system of human rights protection. Whether the

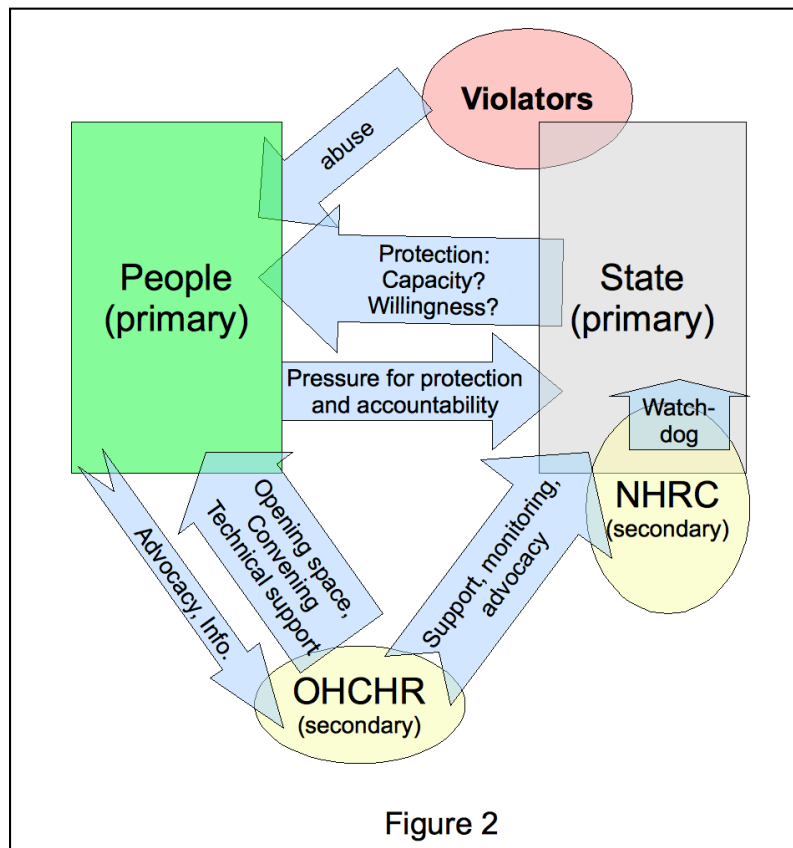
responsible state organs carry out their protection function is often primarily a matter of political will, and political will is a direct consequence of the *power* of civil society to hold them accountable.

An international institution like OHCHR, and a National Human Rights Institution (NHRI) like Nepal's National Human Rights Commission (NHRC), are *not* the key players in this first tier of a human rights system. (See Figure 2) They are secondary, playing an assistance or support role. An NHRI has neither the obligation nor the authority to directly protect human rights, but rather it (at best) serves as a watchdog over those state organs which are supposed to deliver on such protection obligations. While a constitutional identity is a strong legal foundation for a NHRI, this does not by itself generate the power or independent

constituency to be able to force a government lacking in political will to fulfil its obligations.

OHCHR is also a secondary player, serving to support the two key actors (the state and civil society) in their capacity to fulfil their respective roles. Rather than duplicating the watchdog role of the NHRI, OHCHR has an independent source of power - its international linkages and its ability to represent the concerns of the international community – which it can use to hold the state accountable for its political willingness to do its job.

Recognizing these *primary* and *secondary* roles, if OHCHR is to help a country to achieve a sustainable



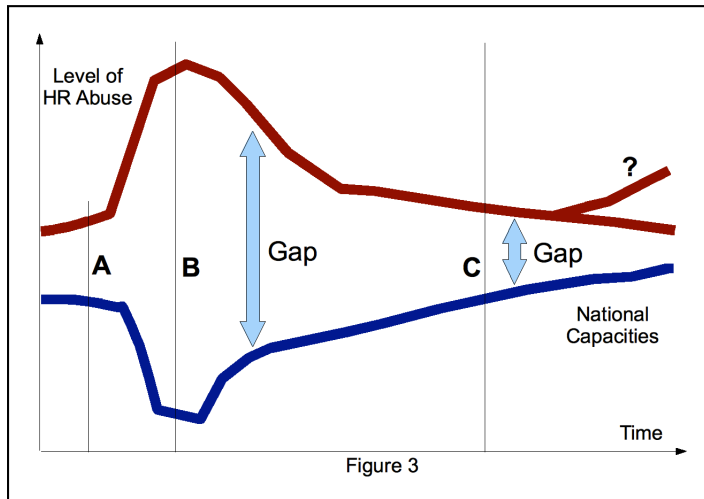
human rights system, its focus must be on the two primary players who form that system: the state and civil society.

This has important implications for considering the OHCHR exit strategy.

It is unrealistic to expect a NHRI, with its inherent limitations, to be able to replace an OHCHR mission as substantial as that in Nepal. This should be neither the goal nor the expectation. Instead, the ongoing need for an OHCHR presence should be determined chiefly by the capacity of the underlying *primary* system of human rights protection to sustainably address the human rights challenges it confronts.

3.2 Bridging the gap

In most (perhaps all) developing countries, there is a substantial gap between the prevailing levels of human rights abuse, and the capacities of national actors (state and civil society) to adequately deal with those abuses. Given that an organization like OHCHR should serve to help narrow this gap, it is instructive to consider how this gap changes over time, and how OHCHR's role changes with it. (See figure 3)



In the pre-crisis stage (point A) there was already a substantial gap. Nepali institutions were already unable to deal adequately with pre-conflict levels of abuse. With the eruption of the conflict to crisis levels, human rights abuses escalated dramatically, and repression further limited the capacity of both civil society and state actors to confront it. The huge gap became a scream for help, from civil society, political parties and diplomatic community as well, resulting in an impressive political

lobbying success that yielded the arrival of OHCHR-Nepal in 2005 (point B).

In the first years, the OHCHR role in reducing this gap was entirely focused on the top line in this graph: reducing the numbers of grave abuses, through preventive presence, reporting and advocacy at all levels (local, national and international) and by playing a role in promoting a peace process. As the prevalence of abuse came down, and national actors had some space to operate again, OHCHR began to work on bringing up the lower line as well, supporting civil society human rights actors as well as state institutions. In essence, this is the dual role of an international human rights intervention: direct action to prevent violations when they are at crisis level, and supportive action to strengthen the national capacity to deal with the “normal” post-crisis prevalence of abuse.

Now Nepal might find itself at point C in this graphic timeline. Although the crisis-levels of conflict-related abuse are past, there is still a substantial gap between the prevalence of abuse and the capacity of the national actors to deal with it, and there is considerable uncertainty about the next stages in the political process. The OHCHR role is therefore two-fold: on the one hand it is playing a long-term peace-building role of continuing to strengthen national actors to reduce the ongoing and still unacceptable non-conflict-related gap, including addressing long-standing sources of abuse such as discrimination, which many consider to be among the root causes of the conflict. At the same time it is still monitoring an incomplete and potentially volatile political process, standing ready to again activate its more “preventive” role of reducing abuses should more violence erupt again. Its focus on combating impunity serves both of these purposes.

4 The overall relevance, effectiveness, and efficiency of OHCHR-Nepal in the current situation

4.1 Proactive prevention and possible deterioration

Our research yielded overwhelmingly positive feedback about the ongoing relevance and importance of OHCHR here in Nepal, especially regarding its effective prevention of violence. Although the most important impact of this preventive work was in the pre-2008 period, whenever people discussed the risks of future unrest or violence, there was a clear sense that there was no national actor that could play this role, and they would want to be able to count on OHCHR’s visible presence during any future tensions. These affirmations came from across the political spectrum. For instance, a Nepali Congress representative mentioned that even though he considered OHCHR to be “pro-Maoist”, he would want OHCHR around to protect him should the Maoists come to power.

Although many feel secure that a return to war is unlikely, others expressed concerns about the deterioration of the peace process, stressing the ongoing role that OHCHR should still play in assisting it – for instance by continuing to monitor the human rights aspects of the CPA. Many mentioned the lack of a permanent constitution as an indication of political instability requiring the presence of OHCHR. Others pointed out that unresolved underlying tensions could result in outbreaks of inter-communal violence during some of the upcoming political transitions and debates. Others, especially in the eastern Terei, warned strongly against complacency and were very concerned at ongoing closure of political space due to armed groups and an ineffective state justice system suffering from widespread political interference and corruption.

4.2 *Opening space for civil society*

Respondents repeatedly pointed out how OHCHR has effectively opened the political space for local civil society organizations and actively contributed to their capacities. Although Nepal boasts several strong and highly skilled human rights organizations, one very promising aspect of the political transition has been the rise of many newer and weaker civil society organizations, newly active human rights defenders, who express a strong need for OHCHR as a “guardian” of their safety, a crucial support to assist them gain access to state authorities, as well as a source of key strategic advice. Some of the more experienced human rights activists in Kathmandu emphasized how important the OHCHR presence was out in the field where the more isolated activities were in much greater need of support. And in every field location there was great concern expressed about the closure of the office in the field.

The kind of ad-hoc mentoring and intervention at the field level in support of local groups that OHCHR has been doing is a very efficient use of resources. By engaging in periodic meetings or joint missions and making occasional phone calls on demand to targeted state authorities, OHCHR is facilitating a much larger quantity of human rights work being done by other local actors. The multiplier impact of these interventions is significant. This supportive mentoring and protection over the years has also created a wellspring of loyalty and trust in OHCHR that directly contributes to the efficiency of its own investigations: people are willing to share sensitive information with OHCHR because of the trust it has built up. One Nepali analyst pointed out, “Here in Nepal, if you encourage someone they will die for you”.

This crucial work is highly dependent on the networks of trust and credibility that OHCHR has built up in the field locations, and their ability to be responsive when interventions and support are required. To be able to continue it, OHCHR needs to be present in the field. Attendance at civil society events sends strong, facilitating, messages of support – while absence can communicate a loss of interest. Strategically selected responsiveness to ad-hoc requests facilitates the work of local CSOs and builds their capacity to work more effectively. Such responsiveness should be consciously and strategically planned: it is not a random process of putting out fires, nor is it a distraction from more easily planned work. On the contrary, sustaining this active responsiveness to civil society needs to continue to *be* a recognized pillar/focus of the OHCHR role, acknowledging the crucial role of civil society in sustaining effective human rights systems.

4.3 *Keeping impunity on the agenda*

The work area of justice, rule of law and accountability will be discussed in more detail below, but a few comments are important regarding its overall effectiveness. There were

plenty of doubts and disillusionment from respondents, due to the lack of convictions for conflict-era crimes, the ongoing impunity for crimes committed by state actors as well as armed groups, the deep levels of corruption throughout the system and the resulting failure of the government and army to respond to any demands for accountability.

OHCHR and other human rights actors have managed to keep impunity on the public agenda, keeping up the pressure on the state to eventually take more coherent action. This itself is an achievement, maintaining political space for the discussion of past crimes, while avoiding the negative implications had impunity fallen from the radar.

Secondly, most respondents believe that some of the non-judicial sanctions that have been applied (such as vetting of individual security force members from DPKO or bi-lateral trainings) have changed some of the attitudes within the security forces and therefore had a deterrent effect on future abuses. This approach could be much more systematically and rigorously applied to multiply this impact.

Despite such limited advances, most respondents engaged at any level in human rights issues still firmly support the continued need to press for justice and accountability with respect to conflict related violence. Several human rights advocates urged OHCHR to make better use of its credibility and political clout, by issuing more reports and doing more high-level advocacy.

4.4 The power of a credible, neutral image

In Nepal, OHCHR's credibility remains far greater than most human rights presences in the world. The institution is widely credited with helping to bring peace and reduce violence. Its support and protection of political party activists in detention in 2005-6 is still remembered by all. Civil society actors express with great pride their sense of "success" in mobilizing the international community to deploy OHCHR in 2005, and this sense of ownership is a powerful asset for OHCHR in its ongoing relationship with civil society. At the local level, activists respect the ongoing commitment and availability of OHCHR offices and staff, and most authorities respect their professionalism and neutrality.

Some of the political parties who were previously "victims" of human rights violations by the state are now in the government and are responsible for human rights protection, and may thus be less enthusiastic about OHCHR scrutiny. Some openly accuse OHCHR, for instance, of being pro-Maoist.

Nevertheless, OHCHR is generally seen as a rare neutral actor, especially in the field outside of Kathmandu. This opens many doors to OHCHR and facilitates communication. It makes influence or intervention in most situations more efficient and allows OHCHR to influence many issues simply by showing up. OHCHR can convey pressure at times with a simple phone call, whereas a field mission without such credibility cannot always get government authorities to listen. The amount of effort required for every single intervention is greatly reduced because nearly every prominent actor in Nepal is open to OHCHR.

The notable exceptions remain the links with the military, and the reputation of OHCHR with the Nepali Congress. Despite many requests, we were unable to meet with Nepali Army officers. If communication with the army has been virtually closed, this represents a major loss of influence for OHCHR and requires a specific strategy to address.

Similarly, one Nepali Congress member described OHCHR as "pro-Maoist." This may have been an honest opinion or posturing, since this same respondent wanted OHCHR to stay around in case the Maoists came to power, but in any case it highlights the need to ensure that OHCHR is sustaining good relationships with such key actors on the Nepali political scene

4.5 Proximity

A key factor in OHCHR's effectiveness and efficiency has been its widely deployed field presence and mobility. This presence has enabled OHCHR to be close to where things are happening, respond rapidly, and establish daily contact with all actors. The close relationships and fluid communication that OHCHR has maintained with many local actors has created networks of trust and respect that allow more efficient interaction with all parties and access to information.

4.6 Staffing quality

The quality of OHCHR's staffing has been a strength and a source of efficiency since the start of its Nepal presence in 2005. We heard very impressive feedback from interlocutors about how the expertise, flexibility and sensitivity shown by both national and international staff allowed the institution to efficiently react to all different kinds of situations and to support national actors in a responsive way. Highly experienced staff can make decisions more quickly, and feel the confidence to be flexible and creative, and this has clearly had an impact on the work here.

However, a key efficiency problem currently faced by OHCHR is how to sustain such staffing quality, not only due to budget cuts, but more importantly rooted in difficulties of the international UN human resource system that are beyond the scope of this evaluation to assess. All UN human rights operations have great difficulty in filling posts quickly and in sustaining high-quality staffing, but it is even more difficult to fill posts when the future of a presence is being questioned politically. The fear of non-renewal of mandate inhibits the issuing of new long-term contracts.

4.7 Limitations

A number of external observers perceive that OHCHR has lacked focus in the post-CPA period. Many civil society actors are disappointed and expecting a more proactive and prominent role. OHCHR has not adequately articulated, even to its partners, how it sees its role is in a post-conflict peace-building environment. We will discuss in a later section how this might be articulated more effectively.

OHCHR was perceived by many to have suffered from a lack of clear direction in the period following the sudden departure of Ian Martin as HC Representative in 2006. This contributed to degree of internal uncertainty, and external confusion about its role and a weakening of some key political relationships, and these weaknesses continue to be perceived today. Many respondents recommended that after the current gap since the departure of the previous representative, there needs to be a strong leader taking the reins to clearly define the institution's evolving strategy, strengthen key relationships, and push for more proactive role in Nepal.

Clearly the NHRC and OHCHR have failed at the national level to build a sufficiently productive complementary relationship (see section on NHRC below). In some cases there are more positive individual working relationships in the field offices, but even these are strained by the national-level tensions. It is one of the major missed opportunities for both the NHRC and OHCHR as both institutions failed to recognize the manner in which they complement each other. OHCHR could potentially have played a greater role in advocating with the Constituent Assembly to press for active consideration of the NHRC's reports and recommendations.

The office's work on Economic and Social Rights (discussed in more detail below) received very mixed reviews. Some of the scepticism suggested an unwillingness by some actors to take issues like caste-based discrimination seriously as human rights abuses. Others

suggested it should simply be a lower priority, or left to Nepali organizations to work on. Others questioned whether OHCHR with its short-term mandates has a capacity to deal with such long-term issues. But in contrast, women's organizations, Dalit organizations, and others actively involved in working on these issues were very supportive of the OHCHR engagement, and saw it as necessary for prying open societal resistance to address widespread discrimination.

5 Pursuing specific objectives:

We now turn to take a more detailed look at what OHCHR has been doing to achieve the specific objectives it has set for itself.

5.1 *Establishing accountability for serious and systematic human rights abuses with a view to preventing their reoccurrence*

Establishing accountability for human rights abuses requires creating meaningful negative consequences for their perpetrators. The most obvious sanction is to be held to account legally via prosecution and conviction. Lesser sanctions are sometimes applied through different transitional justice mechanisms. Individual perpetrators also face direct costs through vetting mechanisms. In addition, naming-and-shaming advocacy and public reporting can put pressure on individuals as well as authorities responsible for taking action. OHCHR is engaged in a range of strategies.

5.1.1 Naming, shaming and public reporting

Historically, one of OHCHR's primary strategies has been to generate pressure through the production of high quality reports, either a focus on particular "emblematic cases" or documenting trends or systemic failures. This has been complemented by a consistent use of public space to mention failures of accountability.

OHCHR's reports are widely respected as neutral and well-researched. They create space for Nepali civil society organizations to continue to raise the same issues, using OHCHR as a legitimate, respected and neutral source. The diplomatic community has also found the reports to be valuable sources of information and analysis.

In some cases, the release of a report has been part of a consciously designed strategy of building pressure towards concrete state action. The Bardiya report, for example, was followed by protracted engagement in advocacy for a Commission on Disappearances, including a major investment in facilitating the participation of victims committee's in legislative policy input.

In other cases, civil society observers felt there had been little strategic planning of how to maximise a report's impact. It is essential that the substantial effort put into the investigation and production of such high-quality reports be fully taken advantage of through a commensurate investment in political engagement and advocacy strategy that uses the report to target specific obstacles to progress.

More recently, OHCHR's public reports have been greatly missed by the stronger Nepali human rights organisations, who openly wonder whether OHCHR is self-censoring in order to facilitate its mandate negotiations. This perception is particularly damaging since the one of the crucial added-values of OHCHR is its unique potential to raise sensitive issues and do firm advocacy that may be too difficult or dangerous for local organisations.

Some respondents urged OHCHR to produce reports that are more analytical in identifying trends and patterns. They suggested that specific case-based reports can be adequately done

by Nepali organisations. OHCHR currently has a number of reports in the pipeline, including two on Economic and Social Rights, one on Extra-judicial executions, and a larger study mapping conflict-era violations against the command-structure of the armed actors. Their prompt publication should be prioritised, and should be accompanied by vigorous advocacy strategies.

Occasional long reports are not the only means of using the ‘naming-and-shaming’ strategy. The legitimacy of OHCHR’s voice in Nepal is a powerful tool that can be used with much more frequency, through public statements, use of media, shorter thematic or incident-based publications and statements and more. OHCHR-Nepal has done all of these, but there is a sense from many observers that it has gotten too quiet, losing the opportunity to contribute as fully as it could to human rights protection in Nepal.

5.1.2 Vetting

Some degree of accountability has been established through vetting processes for UN missions and military trainings with member states. The possibility of a UN peacekeeping assignment is a major incentive for Nepali Army and Nepal Police officers and the risk of losing this opportunity can be a powerful motivator. This tool was used to encourage better behaviour during the conflict period. It remains relevant in relation to high-profile cases of extra-judicial executions and torture, but is generally not used to address every-day failures of rule-of-law.

Training opportunities with US, UK or other international forces are another important “perk” which can be threatened by a history of human rights abuse. OHCHR furnishes information about violators to states considering offering military training or even visas to military or police officers.

In the absence of legal accountability, these vetting processes offer important opportunities to apply costs to human rights abusers, and should be implemented more frequently and vigorously. But their effect depends on the extent to which these sanctions are disseminated and understood throughout the security forces and Maoist cadres. This impact of this strategy would be clearer if there were studies or surveys measuring attitudes and perceptions within the security forces in order to establish what kinds of sanctions are affecting their thinking¹. Such analysis would contribute to more targeted dissemination strategies aimed at maximizing the deterrent effect of individual cases of sanction (both by DPKO and bilateral).

5.1.3 Emblematic cases and prosecutions

There is very little interest among Nepali authorities or political parties in allowing any serious investigation of conflict-era crimes, so prosecutions are not likely in the short term. Moreover, even if sufficient pressure was generated to eventually move a few cases forward, this progress might be too-little-too-late to have a significant enabling effect for broader conflict-era accountability. Nevertheless, to cease to pursue these cases after such sustained campaigns would normalise impunity and undermine the Nepali human rights organisations standing against it.

Even the successful pursuit of “emblematic cases” would be of limited deterrent effect if it results in nothing more than a handful of prosecutions. Instead, the goal of an emblematic-case strategy is primarily to create precedent - legal, procedural and psychological- that can

¹ Direct engagement in such surveys would be quite difficult for OHCHR itself, however, subcontracting of more neutral institutions (relevant university programs, for instance.) with social science expertise in studying attitudes within security institutions might be possible.

then be used to facilitate broader accountability for the many other abuses that have occurred. At the psychological level, as with examples of successful vetting mentioned above, each example needs to be effectively projected through targeted dissemination to the audience it aims to deter.

5.1.4 Policy and legislative efforts

OHCHR has also been offering technical assistance to the drafting of specific legislation to establish new mechanisms of accountability, including a proposed Truth and Reconciliation process, a Commission on Disappearances, a draft criminal code and a criminal procedural code. OHCHR inputs have aimed at ensuring that this legislation meets international standards. In the case of the Commission on Disappearances, OHCHR and other actors made effective use of the Bardiya investigation and report to lobby for a coherent bill. However, neither legislation had yet been passed at this writing, so the remaining challenge is one of addressing a lack of political will through advocacy. Some respondents felt that OHCHR could be more active and creative in addressing this weakness of political will.

5.1.5 Rule of Law and overall respect for human rights

The system of justice in Nepal is deeply flawed and corrupt, and the process of developing greater respect for the rule of law will be a very long one, requiring a systematic approach to corruption, patronage and political interference. Greater attention should be paid to cases of obstruction and non-implementation of judicial processes.

Our investigation was not adequate to assess the necessary strategies for addressing this huge challenge, but our initial impression is that the international actors concerned about these issues (OHCHR, UNDP, donors, etc.) need to put much more effort into supporting – and *demanding* - reform of the organs of justice more directly, and put less hope in the assumption that a stronger National Human Rights Commission can make these changes happen.

One damaging dynamic we have noted is that all the national organisations working on human rights, from the NHRC to the civil society human rights organizations, are perceived as being associated with political interests. These perceptions limit the credibility and impact of their work and damage the overall image of human rights work. In contrast, OHCHR's position outside political party influence represents a rare and valuable source of non-partisanship. An "exit strategy" for OHCHR must address this dynamic and perceptions, by affirming where competent, impartial and neutral human rights work is being carried out by national actors, calling attention to examples of bias, and perhaps by facilitating or encouraging the creation of a more broad-based Nepali human rights network that crosses political boundaries and can speak with a more respected and non-partisan voice.

5.2 Addressing discrimination and economic, social and cultural rights

Nepal had already made advances on discrimination before OHCHR's involvement,. Caste-based Discrimination was already illegal, and the Maoists listed Dalit issues in their 42 demands. National and international organizations had addressed caste discrimination before, but when OHCHR took it on so visibly, it gave the issue an additional level of legitimacy. One human rights lawyer pointed out, "No mainstream Pahadi human rights organization had ever produced a serious report on Madhesi discrimination."

With OHCHR support, some cases of discrimination were getting to court, in a few cases all the way to guilty verdicts. According to one anti-discrimination activist, "If these cases are implemented it will give the avenue to end caste-based discrimination." One of the judges

who issued a verdict called it, “a huge message to the non-Dalit community that what they were doing was illegal.”

In addition to pursuing emblematic cases, OHCHR field offices were supporting the creation of human rights networks bringing together both Dalit and non-Dalit organizations, and making a special effort to support a growing cadre of Women Human Rights Defenders around the country. Some Dalit activists credit OHCHR support with opening doors for them: “*Authorities talked to us because they thought if they didn’t they would get a call from OHCHR.*”

Working on discrimination and Economic and Social Rights was new territory for many human rights organizations and lawyers, including for OHCHR. OHCHR tried to bring to Nepal the “best practices” in this developing field of human rights work, and Nepali activists credit this support with “raising the bar of analysis.” In addition to organizing trainings on ESCR for activists around the country, OHCHR also worked closely with the NHRC, civil society groups and the Prime Minister’s office to develop a set of rigorous indicators for measuring advances in respect for ESCR, and getting these indicators integrated into the National Human Rights Action Plan.

Some respondents, however, were quite critical of OHCHR’s focus in this area of work. It was described by some traditional human rights NGOs as a low priority compared to ongoing abuses of civil and political rights, and by some political actors as “social issues” requiring economic solutions. The frequent resistance among Nepali actors to take these abuses seriously, given the ongoing prevalence of discriminatory practices, suggests that OHCHR is playing a necessary role as an external and more objective actor in pushing for greater attention to it.

The biggest challenge for OHCHR in this work is to find a way to make a small and short-term intervention make a difference on long-term structural problems. To do this, its initiatives have to be catalytic. The emblematic cases, ideally, should provide national civil society actors with legal precedents they can continue to replicate. Getting rigorous ESCR content into the National Action Plan should give national actors a tool for ongoing advocacy. New human rights networks addressing caste-based discrimination should continue to pursue these objectives after OHCHR leaves.

It is too early to tell whether these initiatives will actually *have* the desired catalytic effect. But OHCHR should be engaging in joint strategic thinking with national human rights actors in order to assess the catalytic value of its interventions and facilitate their continued use by others.

5.3 Supporting the National Human Rights Commission

OHCHR-Nepal and the NHRC have an ambivalent relationship. On the one hand, OHCHR has an objective of capacity-building the NHRC, and it has invested substantial time and money in the process. At the same time, there are serious frictions between them, especially at the national level, to the extent that many observers considered that the NHRC was probably one of the major voices seeking to reduce the OHCHR mandate.

We have already argued that the most sustainable capacity-building investment OHCHR can make is with civil society institutions, but it nevertheless should still sustain the objective of strengthening the NHRC. To do this requires a frank recognition of the NHRC’s weaknesses and of any errors OHCHR may have made which contributed to the deterioration of the relationship. More importantly, both institutions need to look ahead to how to break free of any sense of jurisdictional competition, and recognize their complementary roles.

Our respondents stressed over and over again that the NHRC faces political constraints and lack of independence at the Kathmandu level, especially symbolized by the implicit ‘quota’ system allocating commissioners according to political parties. As a result, civil society activists do not feel the NHRC will adequately stand up to the government, the army, the police or political interference as it should. They often described the NHRC as not being “inclusive,” not having enough of a field focus, and not producing enough hard-hitting reports. Some human rights NGOs also stressed the failure of the NHRC to understand the complementary role of civil society, instead feeling that the NHRC was arrogantly using its “constitutional” status to claim a monopoly on human rights work in the country. Other activists were unimpressed by the low level of commitment of NHRC staff, insisting that human rights work cannot be a “10-5” desk job. Finally there were serious concerns about internal NHRC staffing problems and the potential imminent loss of many experienced people.²

Doubts about the NHRC’s competence, commitment and political independence are a matter of widespread discussion in the human rights community and among international partners. OHCHR-Nepal needs therefore to be particularly careful to avoid any further unintentional undermining of the legitimacy of the NHRC. NHRC respondents mentioned concerns about poaching of staff by OHCHR. Some considered it unfair that OHCHR submits cases that add to the NHRC’s backlog and then complains about NHRC inability to deal with all the cases. Some civil society respondents felt that there was no fundamental need for OHCHR and NHRC to have a difficult relationship and that smoother cooperation was possible and would benefit everyone.

On the positive side, the NHRC does have a strong Constitutional basis for an independent role. It has hundreds of staff, with offices spread around the country. At the field level, we heard several examples of active collaboration between NHRC, civil society and OHCHR, including in joint investigations and regular coordination meetings. NHRC has done many investigations and issued thousands of coherent recommendations. And it has engaged in unpopular human rights issues such as the plight of the Kamalhari. Some of its field staff were quite committed, and frustrated with the lack of implementation of NHRC recommendations by the government, and even were suggesting that the NHRC should play a louder “naming and shaming” role in following up this lack of implementation. Most recently, even as this report was being researched, the NHRC was engaged in a groundbreaking exhumation of bodies related to a sensitive conflict-era case.

OHCHR has done substantial positive collaboration over the years, doing many trainings of NHRC staff, and playing an informal mentoring role at the field office level when the personal relationships allowed for it. OHCHR has assisted NHRC in framing policy and legislative proposals, and facilitated funding support, among other engagements. It has also encouraged civil society organizations to engage more with the NHRC. Despite all the rumours of behind-the-scenes competition, much of the feedback we received from NHRC respondents about the OHCHR role was positive.

These two institutions, as well as the donor community and other stakeholders, need to understand that they fulfil different functions in a human rights system, as was described

² The Supreme Court has ruled that NHRC must hire its staff through the Public Service Commission. Only around 10% of current staff are permanent, while the remaining 90%, being contracted will be forced to reapply for their jobs when hiring recommences. However the majority are over the age limit for entry into the public service and are expected to be ineligible to apply as “new” candidates. Over time, this move from contracted to permanent employment may improve job security but it will fix salaries low, especially in comparison with those in international organisations.

above, and because of this they need to avoid the competitive argument that the NHRC can somehow replace OHCHR or that NHRC capacity will serve as its exit strategy. At a technical and investigatory level, a strong national human rights institution might develop the capacity and competence to absorb many human rights activities, including receiving complaints, following up on cases, referring them to the justice system, proposing human rights legislation and policy, and even producing hard-hitting reports – if it has the political courage. In the upcoming process of revising the constitution, it would be helpful if the NHRC emerged with greater independence. In any case, despite its Constitutional mandate, it will always be more vulnerable to internal governmental pressures, and it cannot replace the *international voice and advocacy* represented by OHCHR.

NHRC clearly does not have such a substantial capacity yet. OHCHR needs a support strategy that build on NHRC's strengths, without getting lost in the black hole of competition and political friction. Accepting for the time being the political nature of the top level of commissioners and the consequent critique of OHCHR, OHCHR should avoid defensiveness and should focus on strengthening the positive relationships that it has at other levels, and on supporting the good work it observes being done by the best of NHRC staff. This approach could involve public affirmation of the strong points of NHRC case work or investigations, deliberate collaboration and field mentoring of NHRC offices where relationships are good. If possible, OHCHR should also strategize together with NHRC about how the OHCHR international voice could be used to press for greater implementation of NHRC recommendations.

Rather than focusing on formal guidelines or MOUs between the two institutions, OHCHR should seek more channels of non-formal communication and support, building linkages and alliances in different places within the NHRC.

5.4 OHCHR working in coordination with other international actors

Although we were not able to meet with enough interlocutors to fully assess the effectiveness of OHCHR's work in inter-institutional coordination, we did get some inputs, and were also provided with some lessons-learned documentation. We will comment here on three areas of coordination: the OHCHR role as Protection Cluster coordinator during the 2008 floods and landslides; OHCHR's coordination in the field with UNMIN and other UN partners; and OHCHR's coordination of thematic working groups at the national and field level (e.g. the Impunity Working group).

The "Protection Cluster" is a mechanism of the recent UN humanitarian reform, aimed at ensuring a more coherent reaction to emergencies (conflict and natural disaster) with greater accountability. In different countries the leadership of this process is taken on by UNHCR, UNICEF or, less frequently, OHCHR. In Nepal, given the strength of the OHCHR presence, it was the "protection cluster lead" and for many human rights officers, this engagement with disaster relief was new to them, and involved a steep learning curve. A subsequent evaluation of the process³ concluded that OHCHR, in addition to general coordination, played a key role in ensuring that key protection issues that were not usually considered by humanitarian agencies were on the agenda for assessment and response, including caste discrimination in the relief response or excessive use of force by security forces. One respondent from a local government Women's Development Office (WDO), (the local cluster lead), praised OHCHR

³ LESSONS LEARNED FROM PROTECTION ACTIVITIES IN NEPAL -- BASED ON EXPERIENCES OF FLOOD RESPONSE IN 2008, Annette Lyth, OHCHR- Nepal, HQ, IASC Protection Cluster Lead.

for helping to train local actors on protection, and for providing assessment tools and vehicles.

At the field level, OHCHR established close relationships with any other UN partners that were present, including UN-OCHA, UNMIN, or others. Generally, where there was close proximity and personal friendships among colleagues, these coordination relationships were considered to be effective. In some instances, OHCHR was seen to be insufficiently engaged with other UNCT members.

Feedback was also very positive about OHCHR's coordination of thematic working groups in areas of its direct work. For instance, both donor agencies and NGOs praised the competence and seriousness of its coordination and advocacy with the Impunity Working Group.

5.5 OHCHR engagement with the UN Peace Fund

The UN Peace Fund potentially provides a mechanism for additional human rights work, and given the constant difficulty for any human rights presence in finding sufficient funding for fieldwork, it is important that OHCHR engages with such mechanisms. Unfortunately, in two of the UNPF key programs that OHCHR is engaged with, our research raised a few serious concerns about its impact.

The "Mapping Project", funded through the UNPF, aims to provide a detailed analysis of all the current data available about human rights abuses during the entire conflict, while also tracking the command structure within the security forces and PLA during the same period. By correlating this data, it should provide crucial support for future investigations (legal or truth commissions) and vetting processes, as it will assist in assessing individual command responsibility for major abuses. The report generated by this study should be very important for the entire Nepali human rights movement.

As part of a second UNPF funded project, OHCHR launched a competitive grant process to fund local NGOs to do outreach around issues of transitional justice. But the competitive process of winning these small grants left a bitter taste among many of OHCHR's civil society partners. Several respondents in different suggested that OHCHR should avoid "turning into a donor like other INGOs," asserting that the process damaged relationships and credibility.

A third major programme involves monitoring the compliance of the UCPN-M and the PLA with their commitments under UN Security Council Resolution 1612 and the CPA, and specifically their commitment to demobilise and sever contacts with "disqualified combatants", mostly former child soldiers. The project is a collaborative effort between OHCHR, UNICEF and UMIN, designed to leverage the particular skills of each organisation, and in particular the monitoring expertise of OHCHR.

At a collaborative and functional level, the project is proceeding smoothly and is generating high-quality information regarding the situation of disqualified minors. However, the actual impact on people's lives appears to be largely negative. Most of the "disqualified minors" are now adults. Although monitoring has been able to bring many into contact with vocational training and other services, the more substantial effect has been to enforce their separation from their primary sources of financial and social support. Returning to their villages as "disqualified" (Nepali translation: "rejected") and without financial means has also contributed to social problems on return.

The overwhelming experience of field monitors is that most "beneficiaries" see themselves as worse off as a result of this separation. While at the grass-roots level the monitoring

programme itself appears to be sensitively undertaken, it's primary goal remains enforcement of a political agreement that is not based on the wishes of the individuals concerned.

An analysis – possibly outdated but insufficiently reviewed - that this is good for the peace process has been allowed to take precedence over the livelihoods and wishes of the individuals involved, something difficult to justify from either a rights-based or humanitarian perspective. It must be questioned whether OHCHR is the appropriate lead for such an initiative.

6 Past and future mandate negotiations

The 2010 mandate extension negotiation, resulting in the closure of OHCHR-Nepal field offices, was a surprise to many observers, and a depressing disaster to OHCHR's civil society partners in the field. There are many theories and rumours about what went wrong. Some say India did not want OHCHR offices near its border. Others say the Nepali Congress considered OHCHR too pro-Maoist.⁴ Many put the blame on the NHRC's criticism of OHCHR.

The final negotiation occurred in Geneva, and some potential allies expressed dismay at learning of the demand for field office closure at too late a point in the process to mount an effective response. It is not clear therefore, whether this demand was fully supported by government stakeholders, nor whether it was a "make-or-break" condition for renewing the mandate (though of course in the nature of any negotiation it was probably presented as such.) Many respondents questioned whether the High Commissioner was firm enough in her negotiating approach, suggesting that if she had refused to accept the closures of the field offices, OHCHR would have sustained enough diplomatic and civil society support and the Nepali government might not have had the political capital to force OHCHR to leave. Civil society or the donor community respondents who feel a degree of "ownership" of OHCHR, were upset that such a concession was made without their having had sufficient opportunity to oppose it. Some observers felt, though, that these same allies did not take the steps they could have to stand up for the office.

Allowing the negotiation to be shifted to Geneva may itself have been a mistake. This distanced the discussion from the field reality and from the direct influence of OHCHR allies on the ground in Nepal, as well as potentially undermining the credibility of the Representative in Nepal.

It is difficult know what else might have happened, or to second-guess a confidential negotiation. But it was notable in all the feedback we received how no one voiced any desire for OHCHR to leave, nor any clear reason as to why the field offices should be closed. On the other hand, all stakeholders consulted, from civil society to the NHRC to political representatives across the spectrum, continued to affirm OHCHR's importance, and the need for its continued presence. All agreed that the peace process was not complete, that the international role was still important. If any in the Nepali government are willing to expel OHCHR, it is significant sign of OHCHR's strength that they did not say so out loud.

This suggests that there is more space for a stronger negotiating stance than OHCHR and the HC may have thought. We suggest in our recommendations below that a firmer approach to the next negotiation is possible, and will also strengthen the impact of OHCHR's work on the ground.

⁴ More than one respondent noted that an OHCHR press release in May 2010 crediting the Maoists with carrying out peaceful demonstrations was very badly timed to create this impression.

7 Reinforcing leadership and developing strategic clarity

Many of the key challenges facing OHCHR will require clear statements of direction and by senior management in Kathmandu. Yet, changes in personnel, protracted recruitment processes and the mandate uncertainty have created serious gaps at the senior level, threatening to seriously undermine relationship and identity-building efforts. Changes and gaps in leadership naturally undermine the ability of the institution to take the clear and sustained positions it will need to and lead to postponing of decisions.

The present extended lack of a Representative, exacerbated by absences among other senior managers, is of particular concern.

7.1 *Strategy development*

OHCHR-Nepal's latest published annual strategy document⁵ describes the objectives set out in its mandate as *monitoring* the observance of human rights, *monitoring* the human rights provisions of the CPA, *advising* authorities on policies and programmes, *advising* the NHRC and civil society, and *submitting* reports to other UN bodies. *These are not objectives.* They are simply broad categories of activities, with no planned or measurable outcomes.

If the mandate does not provide strategic and measurable objectives, it is up to OHCHR-Nepal to create its own, in order to ensure that it has a real impact. The same strategy document therefore goes on to outline three priority areas of work, each with objectives and activities. In the first priority area, for instance, "Strengthening national human rights institutions and civil society," every sub-objective is described as "contribute to...", "strengthen...", "build capacity of..." but in not a single instance is any more specific outcome articulated. How much capacity are we aiming for? How do we measure how strong a national institution is? Again, there are no real objectives.

In the second priority area, "Transitional Justice, Accountability, Impunity" the same weakness emerges. Most of the objectives are vaguely "to address impunity through X or Y activity," "strengthen accountability by..." In a minority of examples some specific outcomes can be inferred, such as specific legislation that is being advocated. But even in many of the other advocacy activities, it is not spelled out how OHCHR will know whether its advocacy has been effective. The third priority area, Economic and Social Rights and Discrimination, has similarly unmeasurable objectives in most instances.

OHCHR is not entirely at fault nor alone in this vagueness. Human rights objectives are notoriously difficult to achieve or measure, and these kinds of vague objectives are prevalent throughout the field. In addition, most substantial human rights objectives, like development objectives, require very long-term strategies and investments, and human rights institutions are frequently under unrealistic pressure from donors to show short-term measurable results that do not reflect the way such deep structural problems can really be transformed over time.

Nevertheless, the challenge must be confronted, not to create pleasing strategy documents for donors, but simply to be able to assess one's own progress and do a better job. If, for instance, the goal is to strengthen an institution, one must identify its current levels of strength and points of weakness, choose which aspects need to be strengthened, set

⁵ "Human rights and Consolidation of Peace in Nepal: OHCHR-Nepal operational Plans and Priorities for 2009 and beyond." OHCHR, 2009. Due the uncertainty around the 2010 mandate renewal negotiation and the structural changes it might lead to, a new strategy document for 2010 or 2011 has not yet been written, but the 2009 document still roughly represents the main priorities and activities of the office.

reasonable goals for change based on a specific plan of action, with a plan to measure if those goals were achieved. A year later a similar assessment must be done of the same institution, looking at the same strengths and weaknesses and trying to identify changes. If the real problem in an institution is lack of political will, a good strategy will recognize this as a broader advocacy challenge rather than a capacity-building one. For example, if the government is not implementing recommendations of the NHRC, a technical capacity-building project aimed at the NHRC itself will not resolve this. Instead, a political (and inherently subjective) analysis needs to identify the obstacles outside of NHRC, in Ministries, Security Forces or political parties, and set some modest objectives to weaken these obstacles.

If a particular action plan is about advocacy for a specific decision by other actors, the strategy has to articulate what decision is desired, and explain the logic of how certain kinds of advocacy might influence those actors to make such a decision. And if the desired decision then does not happen, an understanding of this logic will facilitate a revision of the necessary political analysis and a new advocacy approach.

If the challenge is to address a long-term structural issue like caste-based discrimination, in which measurable social change might take decades, the first step must be to assess the current strengths and weaknesses of the Nepali system in addressing it (including government bodies and civil society actors). This analysis then must identify where an external actor like OHCHR can strengthen this system, what kinds of catalytic initiatives can be effectively carried out, and how other national actors can be expected or encouraged to take these catalytic initiatives forward. Without this kind of strategic thinking, the investment of OHCHR's limited resource cannot be effectively targeted, and every individual effort becomes a small drop in a large bucket.

In many cases, smart OHCHR staff have clear ideas about what the outcomes of their efforts are expected to achieve, but these have not been sufficiently articulated and documented in a transparent way for other partners or even colleagues to understand. If OHCHR could articulate this thinking more clearly, to itself and to its partners, its impact will be improved. This process will also help both OHCHR and the donor community to better understand the complexity of the idea of an "exit strategy."

7.2 *The "Exit strategy" dilemma*

We have argued in the beginning of this paper that the function of a mission like OHCHR-Nepal is to bridge the gap between the high prevalence of human rights abuse and the low capacity of national governmental and civil society institutions to confront it. And we explained that while that gap has crisis or conflict-related dimensions, it also has substantial longer-term dimensions that both precede and outlive the conflict. And we suggest that OHCHR is playing an important role in both dynamics.

If the human rights challenge were only conflict-related, the question of exit strategy would be simpler. Benchmarks could be set such as the end of the conflict and conflict-related violations, completion of a peace process, demobilization/disarming of rebel forces, and/or establishment of a sustainable political process through, for instance, a new constitution. These sorts of changes, together with a more subjective political analysis of future risks, would signal that the crisis was past, and an international intervention aimed only at that short-term crisis could arguably be labelled "completed." In the best of scenarios, within a few more years many of these conflict-related benchmarks may have been met. It might therefore seem fairly straightforward to suggest, given the effective conflict-prevention role OHCHR has already played, that it should sustain its presence at least until the peace process is completed.

But if we acknowledge the importance and severity of longer-term structural abuses, discrimination and impunity in Nepal, both for their contribution as causal factors to the conflict as well as for their intrinsic importance as non-conflict patterns of abuse, the exit strategy question is much more complicated. For instance, pursuing post-war prosecutions to address impunity, or even establishing truth commissions, are usually very long-term processes requiring sustained international pressure. Also, as the representative of the High Commissioner and of the entire set of human rights commitments of the United Nations, OHCHR's responsibility goes far beyond conflict abuses. If OHCHR were to work in a country like Nepal and simply ignore such an endemic human rights problem as caste-based discrimination, it would be failing in its global responsibility.

OHCHR has shown that there is a potential positive long-term role for a UN human rights mission in post-conflict or non-conflict situations such as Cambodia, Guatemala, or Mexico, among others, combining ongoing capacity-building and technical assistance with monitoring and advocacy. These presences (and many other UN human right missions) far outlast the relatively short 5-year lifespan of OHCHR-Nepal. There is no automatic reason to assume that human rights presence addressing deep structural problems should have only a fleeting presence in a country.

If working on long-term structural patterns of abuse is legitimate, and we accept that the gap between abuse prevalence and national capacity will be wide for a long time to come, the question should be "What is the future role and characteristics of the UN's human rights presence in Nepal that will best contribute to addressing these problems?" If an independent OHCHR presence is strengthening and not substituting for national capacity, making effective use of its unique international credibility and voice, slowly closing that gap, and it continues to prove its utility to key stakeholders, its focus (and that of its donor supporters) should be on sustaining a positive longer-term relationship with the Nepali government and setting long-term goals.

If on the other hand, there are political forces in Nepal (or elsewhere) which force OHCHR to leave prematurely, the same question is still key: What then will be the UN's human rights role to best continue the process in Nepal? Since a premature exit is a real political risk that may be outside of OHCHR's control, it could be developing alternative models – for instance in discussion with UNDP, which in some countries hosts "Human Rights Adviser Units" which together with its Rule of Law units can continue to fulfil some of these functions.

8 Recommendations for optimising the future impact of OHCHR-Nepal

The foregoing analysis yields a number of major and inter-linked recommendations for OHCHR-Nepal, expanded in more detail below.

- Strengthen the political profile of the Office and appoint a new Representative of the HC in Nepal.
- Emphasize the use OHCHR's unique international legitimacy to open political spaces for civil society actors, making this one of the central objectives or pillars of the office's work.
- Recognise the centrality of field presence to the core work and capacity-building strategy of OHCHR. Sustain the field-based focus of the office, finding temporary solutions to keep staff permanently posted in the field. Despite the political challenges, build a strategy to recuperate the field offices in the next negotiation.

- Develop a more agile, flexible and externally focused approach to the work, breaking out of the phase of internal analysis and showing more results to partners, including by producing more reports and doing more vocal advocacy.
- Re-energize/re-define key political relationships, including with political parties, the army, the NHRC and civil society.
- Aim to negotiate a longer-term full field mandate in order to continue playing a coherent human rights role in Nepal.

8.1 Appointment of a Representative: Strong and clear leadership

Clear and decisive strategy-making, identity-shaping and relationship-building all require strong, clear and consistent leadership from senior management in Kathmandu. OHCHR ability to retain respect and influence and credibility— and in some cases to win them back — will depend on its capacity to take strategic, principled stands even when they meet external pressure. Many respondents related strongly negative experiences arising from previous leadership gaps, linking it to inward focus and a perceived lack of direction, precisely some of the negative perceptions that are now circulating. Any repeat of this experience puts the viability of the Nepal presence in serious doubt.

For these reasons, the present extended lack of a Representative, exacerbated by absences among other senior managers, is of particular concern.

8.2 Emphasize civil society support

The gradual, if uneven, stabilization of the security and political environment over the last years has reduced the need for OHCHR presence as an emergency measure. Nevertheless, there remains a substantial gap between the magnitude of the remaining human rights challenges and the national capacity to adequately address them, especially in the more remote areas.

Although the strengthening of state institutions remains essential, in particular through improving the rule-of-law and the justice system, this is clearly a long-term challenge. In the shorter term, the most viable and sustainable way to reduce the “human rights gap”, and the way best aligned with OHCHR’s skills, experience, assets and unique role, is the work towards building and supporting national civil society capacity. OHCHR has a unique ability to protect the space of local initiatives through timely interventions and indications of support.

The support offered to local organisations should be such that it places them in the forefront of human rights action. OHCHR can act primarily as an umbrella, intervening when state authorities are not responding adequately or by providing selective high-clout reporting and advocacy, thus leveraging OHCHR credibility to help civil society networks gain strength, legitimacy and access to the state.

More traditional capacity-building and training will also be required, but the priority should be to strengthen Nepali networks by linking grassroots activists with stronger national organizations that can also provide training.

OHCHR could also make much greater use of its potential as an independent and neutral “convenor.” In addition to the positive work at the field level promoting human rights networks, it could also be promoting greater unity and coordination among Nepali human rights actors at the national level, for instance by organizing or facilitating thematic conferences. This convening function could help bring together civil society actors, the NHRC and other Nepali authorities on a more regular basis for dialogue and debate.

8.3 *Stay in the field*

Maintaining the impact of OHCHR's field work should be the dominant strategic goal of the office in the medium term. OHCHR's past successes and credibility, its reservoir of trust from civil society, and its access to good information are all linked to its field presence

OHCHR's greatest strengths in Nepal are its credibility and profile and its access to high-level international and national actors. These carry more weight in the field than they do in Kathmandu. Regional and district-level civil society groups are far more easily sidelined than those in Kathmandu, and benefit immeasurably more from OHCHR support.

Moreover, the gap between human rights abuses and the ability of national actors to address them is greatest in the more remote locations. OHCHR's "exit strategy" still demands the dual objectives of building local capacity to be "good enough", together with retaining the relationships and logistic capacity to be able to de-escalate political flashpoints when they arrive. The field presence is central to both of these.

Geography and distance always constrain the impact of national efforts based only in a capital city. In Nepal there has been a particularly strong historic disconnect between Kathmandu and the rest of the country. While national-level approaches must be continued, the biggest human rights gaps continue to be in the field, and the most effective way to address them is by being there.

To maintain this field effort OHCHR will need to overcome a number of obstacles:

Firstly, OHCHR needs a decisive and unambiguous high-level policy decision to prioritize the field presence. The flexible, responsive and creative capacity-building work that has been occurring at the field level – and its dependence on proximity to the ground – need to be more fully incorporated into the internal understanding of OHCHR's role.

Secondly, given that the physical offices must close for the time being, a range of creative strategies will need to be applied to actually maintain the field work and the relationships which make it effective. This will require a strong commitment to maximizing both the *amount* of presence, and also the *quality* of that presence. The continuity of relationships depends on individuals and every possible effort should be made to place back to the field the same HROs who already have a trusted network of personal contacts in the region they know.

There are many possible approaches to this logistical challenge of *how* to maintain the field presence, and the office should be creative and flexible, perhaps finding different solutions in different locations. One option is to negotiate collaborative arrangements with other UN partners to host a desk for OHCHR field officers at their field locations. Another possibility in field locations where the relationship with NHRC is positive, would be to experiment with "co-location" of staff with the NHRC, as part of strengthening that relationship. In addition to keeping a minimum staff presence permanently in the field, other Kathmandu staff will need to travel regularly to the field, including being available on short notice when necessary.

Proximity is a powerful source of inertia or momentum. We do not believe that OHCHR can effectively sustain its strong work in the field unless some staff are permanently located there, and others have job descriptions that explicitly prioritize their availability for frequent field trips. In order to ensure the continuity of individuals' presence in the regions they know, and to avoid Kathmandu-based tasks absorbing their time, designated staff will need to be consciously prevented from taking on roles that require them to be in Kathmandu too much of the time.

Thirdly, the office in Kathmandu must be structured such that the creative capacity-building work of the field does not fall between the cracks of thematic over-specialisation. Much of

the core field-work – building and sustaining relationships, gathering information, responding to (prioritized) ad-hoc requests – is enabling of more technical work of specialized teams. Yet these essential field priorities will be neglected if key managers, making decisions about resource allocation, see them as marginal to their particular responsibilities.

The loss of the field offices will make it significantly more difficult for OHCHR to maintain the quality and impact of its fieldwork. A simple allocation of current HROs into two thematic teams does not provide a structure that can realistically achieve this. Instead, a substantial number of dedicated, generalist, field-oriented staff will be essential.

8.4 An agile and externally-focused approach

OHCHR needs to break free from what is perceived externally as a period of excessive introspection. It must be more active and visible, showing decisive and flexible leadership, and quick responsiveness. It should not hold back. OHCHR's key value is its ability to say and do things other can't, creating space. Its value will be questioned if it avoids issues likely to draw the ire of the state. Its partners need it to be issuing strong reports and pushing them forward with vigorous advocacy strategies.

This approach goes beyond reporting: the staff must be consciously getting out of the office more and dealing with people (both partners and critics) as much as possible. One of the bureaucratic challenges of a “shrinking” institution is a tendency for administrative, management and other internal procedures, which become rigid during periods of growth, to continue to take up as much investment as they used to, while external program investment suffers disproportionately. Management decisions need to actively force things in order to reverse this tendency, by demanding that internal processes be simplified and external engagement be prioritized and rewarded in work planning.⁶

8.5 Re-define/Re-energise key relationships

OHCHR should consciously invest more in building and sustaining relationships with other groups, such as diverse politicians, especially those that are critical of its work, as well as influential non-donor diplomatic missions such as India. These interactions should include meetings that are regular and informal enough – below the Representative level - that real information and concerns are able to be exchanged. Approaching with an initial attitude of respectful listening can be a strong basis for on which to grow more fluid communication with actors who are not traditional supporters.

Army

OHCHR needs a pro-active strategy to regain substantive contact with the army, a key actor within Nepal. The army should be encouraged to engage as an important state actor intimately tied to human rights issues, not simply as a violator, and this encouragement may need to involve indirect contacts through other allies of the army as well as direct discussion.. Contacts should naturally raise accountability issues and specific human rights concerns, but should also include space for more genuine dialog, allowing the army to raise concerns of their own. OHCHR can't ‘beg’ for this dialog, but needs to demonstrate that it is still an important political player that can have an impact on the army and therefore needs to be dealt with through a direct relationship⁷.

⁶ Some observers noted that the very location of the OHCHR HQ was part of the problem, as it was quite distant from nearly all of its Kathmandu interlocutors. Staff are seen to be buried up in their office on the hill.

⁷ Since the evaluators were unable to meet directly with the army or its close allies, we cannot recommend a specific diplomatic strategy for achieving this, but rather encourage OHCHR to invest strategic thinking and

political capital in assessing how this relationship has broken down and putting in place a concrete plan to rebuild it.

NHRC

Engagement with NHRC should be clear and direct, acknowledging both the strengths and weaknesses of the institution, , emphasizing positive collaboration with those in the NHRC who have a will to collaborate, and avoiding competition or excessive compromise with those who do not.

Basic field-level collaboration with the NHRC should continue to be encouraged, as should informal discussions and dialog at Kathmandu level. Senior-level engagement should be clear, transparent and unapologetic about the role of OHCHR as distinct from the role of a National Human Rights Institution.

Given the serious doubts that exist about the independence and efficiency of the NHRC, OHCHR should be careful in future agreements not to put limits on OHCHR's own capacity to fulfil its necessary independent human rights function. At the same time, it should look for promising avenues to empower some of the good work being done by the NHRC, and to support the implementation of its unfulfilled recommendations.

8.6 Mandate renewal strategy

First, recognize that OHCHR's credibility in Nepal and its resulting strong negotiating position has not resulted from meek compromises, not from watering down reports or avoiding sensitive issues. On the contrary, its strength has come from a courageous and proactive independence: going wherever it was necessary to go, investigating what needed to be investigated, issuing reports that pushed for change, and offering consistent protection and support to local actors. The only way to sustain credibility and legitimacy in Nepal is to keep doing that job, firmly and honestly and without compromise.

If OHCHR's presence in Nepal is tenuous now, it is at least in part because the reason for its presence has become less clear to its most ardent potential supporters. Civil society activists, instrumental in bringing OHCHR to Nepal, watched the dramatic front-line role OHCHR played after its arrival and the succession of high-profile reports. These same actors now see OHCHR "drifting" and decreasingly active and courageous in its publishing.

OHCHR's retains credibility and status for the impact it has achieved in the past. It is through sustaining impact that it can regain its chief supporters. The best way for OHCHR to retain – and regain - its mandate is simply to be effective. Relevance and power ultimately come from doing the job well and continuing to provide a service to Nepal.

The previous recommendations are the means of doing this: continuing the field presence, the investigations and hard-hitting reports, following them up with strong advocacy. OHCHR must do the things that are uniquely OHCHR's to do, using its unique international voice and neutrality wherever they will complement the efforts of national actors. Rather than being "one more human rights actor" it needs to show people the unique role it has representing the legitimate human rights voice of the international community in Nepal and mobilizing the advocacy power of the international community where Nepali's need it.

Quiet discussion with allies in civil society and diplomatic corps

Allies in civil society and the diplomatic corps should be consistently kept informed of OHCHR's work and priorities including in the mandate renewal process. OHCHR should also listen to suggestions, in particular as to the best use of its role. Support for its presence should be a natural result of an appreciation of their work.

If OHCHR shows its value through action, and articulates its *raison d'être* to partners, it can ask those partners to analyze for themselves whether a continued OHCHR presence is worth fighting for, and encourage them to strategize their own approach to the next mandate negotiation. OHCHR should not have to plead or lobby for its partners to stand up for it. But it can explain to partners that the mission only arrived in Nepal due to wide stakeholder support, and it will only stay if key stakeholders perceive its role important enough to advocate for. With that understanding, if donors, civil society and other stakeholders *want* to ensure OHCHR continued role, there will be space for a more proactive joint strategy, in which OHCHR can urge its partners to use whatever political clout they have to stand firm in support of the full mandate with field presence

Clarify the understanding of “exit strategy”

As described in the section on strategy above, OHCHR needs to articulate more clearly the objectives and logic of all its strategies and activities, and how these objectives naturally evolve over time. The “exit strategy” relates intimately to the purpose and ongoing effectiveness of the presence.

Ensure support from Geneva

OHCHR-Nepal and other international stakeholders/donors, will need to communicate the importance of this approach to the High Commissioner, OHCHR Geneva management and the Human Rights Council. This strategy needs support from Geneva, in terms of facilitating the more rapid emission of public reports, budget support for sustaining the field presence, and there should be no mixed messages about the importance of the field offices and the full mandate.

Firm negotiating stance: be willing to leave if necessary

In Nepal, the OHCHR’s irreplaceable asset is its profile, credibility and access to authorities. It needs its full mandate and field presence to best leverage these assets. If it allows itself to be too constrained, the justification for its presence is greatly reduced. Having clear minimum requirements will increase the office’s credibility and the strength of its negotiating position. The High Commissioner should enter the next negotiation with a clear argument about the benefits to Nepal of the OHCHR role (in the country and in the field) and why the fulfilment of this role requires a) a full monitoring and reporting mandate, b) field offices, and c) at least a two-year extension to enable the develop of effective strategies. The HC should be prepared to close the office if adequate conditions cannot be obtained.

Some respondents argue that this ambitious approach is politically unrealistic, given the currently reduced political space available to OHCHR. We would suggest, however, that it has not been tried, since in the last negotiation OHCHR and its allies did not take advantage of their strengths. The surest way to end up with a steadily reduced mandate is not to fight for it in the first place.

The risks of taking such a stance may also be overstated. A more prolonged OHCHR presence may be of little value if it is attained at the price of constrained effectiveness, and reduced respect for the Office, in Nepal, in South Asia and beyond.

8.7 Additional recommendations in specific thematic work areas

8.7.1 Accountability

- Continue to produce reports, documenting trends and patterns, which can be used in the future by national actors.

- Publicize emblematic cases and individual vetting decisions (by DPKO and bilateral) in a way that sends a clear message of deterrence throughout the security forces.

8.7.2 Economic, Social and Cultural rights and Discrimination

- Focus efforts on having a catalytic role. Strategize together with national human rights actors about which OHCHR initiatives will be most useful to them. Work with them to make subsequent use of OHCHR's achievements, for a multiplier impact.
- Continue to support the mobilization of cross-cutting alliances and networks.

8.7.3 Support for the NHRC

- Look for promising allies to support and encourage within the institution.
- Avoid any undermining signals. Project encouraging messages of the positive aspects of NHRC work.
- Encourage and advocate openly for the implementation of NHRC recommendations.

8.8 *Recommendations to the donor community*

- Support the continued field presence; encourage the focus on civil society
- Avoid the over-simplified paradigm that support for the NHRC is by itself an exit strategy for OHCHR.
- Stand ready to use bilateral political pressure proactively keep the OHCHR mandate open and restore its field presence
- Continue to demand strategic clarity from the organization.
- Continue support for civil society human rights initiatives independent of support for OHCHR.

To OHCHR-Geneva

- A concerted effort is needed to ensure that OHCHR-Nepal can fill its open staff positions. Given some of the overly constraining human resource administration rules in Geneva, this may need some high-level management intervention. It is particularly crucial that the top position – the HC Representative – is not left vacant.
- The emission of the current work-in-progress public reports is a high priority, and every effort must be made in Geneva to ensure that report approval processes are not delayed.
- The High Commissioner should consider the discussion above about the mandate negotiation, and be prepared to stand firm again for the full reporting mandate of the office, to insist on a longer mandate time-frame and to advocate for the re-opening of the field offices.

9 Conclusion

An evaluation often tends to focus on institutional weaknesses and failures, seeking solutions and proposing improvements, and this document does this to some extent. However, given the strong positive feedback we received from so many respondents, as well as our analysis of the important role that OHCHR continues to play in promoting and protecting human rights in Nepal, our primary message is to emphasize some of the institutional strengths which are in danger of suffering setbacks – especially its work in the field and its support for civil society. The greatest mistake OHCHR and its partners could make at this juncture would be to fail to appreciate and take advantage of these strengths, by pulling back from the necessary ongoing field-based role and outspoken international advocacy that the Nepali human rights situation requires from it.

10 Methodology

The analysis and opinions presented here are based on a field visit carried out on Nepal between August 20 and September 19, 2010. In addition, numerous documents, including internal and external publications of OHCHR-Nepal, as well as assessments of OHCHR written by others.

The field study included travel to all current locations of OHCHR offices (Kathmandu, Biratnagar, Nepalgunj, Dhangadi), one location where an office has been shut down (Pokhara), and locations important to OHCHR's work (Gulariya, Kapilvastu). In each locality attempts were made to meet with a wide range of stakeholders, including both partners and critics of OHCHR work. In total, these interviews included:

- Members of OHCHR staff and management (including individual staff, and a half-day work shop with 20 staff at the end of the visit)
- Representatives of civil society organizations (specifically local and national human rights organizations)
- Representatives of organizations of victims of abuse
- Representatives of political parties
- Representatives of the National Human Rights Commission (at both national and local level)
- Local police
- Former government officials
- Journalists
- Representatives of the diplomatic corps (including UK, Swiss, Danish, United States, German, Australian)

Total number of interviews: 66 external and 16 internal

The notes from these interviews were typed up and entered into a database, organized along the themes laid out in the terms of reference for the evaluation. In order to have a resulting document available and usable promptly both by donors and OHCHR, this draft has been written very quickly, especially given the wealth and depth of material that was gathered during the field visit. The data will also be used in a longer global study of Human Rights Field Operations which Fieldview Solutions is carrying out, which will result in a publication with a broader scope in 2011.

11 About the authors

Liam Mahony and Roger Nash are the co-founders of Fieldview Solutions (www.fieldviewsolutions.org). Fieldview Solutions helps organizations that deploy staff in conflict zones and regions of significant human rights abuse, by bringing a rigorous analysis of best field practice into planning, guidance materials and training. Civilian suffering in the face of conflict and human rights abuse places a tremendous obligation on United Nations and non-governmental organizations who try to confront it: an obligation to be efficient and effective; an obligation to get past words and rhetoric and find real solutions that make a difference. To meet this obligation, they need good analysis, well-trained staff and creative strategies. Fieldview Solutions consultants bring together practical field experience from NGOs and UN organizations. We specialize in best practices analysis, creative training development, and strategic advisory services.

Fieldview Solutions founder, Liam Mahony, has been doing fieldwork, analysis, advocacy and training focused on protection for over 25 years. The field manual, "Proactive Presence: Field strategies for civilian protection," authored by Mr. Mahony and published by the Centre for Humanitarian Dialogue, is now a fundamental resource for many institutions to assist in planning and training for the integration of protection into the ongoing work of a wide range of field operations. He is currently or recently involved in analysis and training development projects with the UN Office of Coordination of Humanitarian Affairs' Protection Standby Capacity project, the Office of the High Commissioner for Human Rights, the UN Department of Peacekeeping Operations, and the World Food Program.

Fieldview's co-founder, Roger Nash, has a diverse background of human rights and humanitarian field work in Colombia, Afghanistan, Sri Lanka, and Sudan. His academic work has focused specifically on maximization of the protective impact of UN field presence in conflict. brings to this initiative a field background of human rights and humanitarian work in Colombia, Afghanistan, Sri Lanka, and Sudan. Mr. Nash is currently a protection trainer for the OCHA ProCap program (Protection Standby Capacity) and a skills trainer for DPKO Civil Affairs.

Indu Tuladhar is a Nepali lawyer and independent consultant with a background working in access to justice for women victims of violence. She has more than 10 years experience working with a diverse range of national and international organisations, providing technical expertise and carrying out advocacy to strengthen the legal and constitutional protection of children, women and minority groups in Nepal.