



*International Labour Organisation:
Promoting Decent Work For All*

Report on the Review of the ILO Decent Work Country Programme: Nepal 2008-2012

Final Report

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List of abbreviations

ADB	Asian Development Bank
AGFUND	Arab Gulf Programme for United Nations Development Organizations
AIDS	Acquired Immune Deficiency Syndrome
ANTUF	All Nepal Federations of Trade Unions
AP	Action Programme
CBS	Central Bureau of Statistics
CCA	Common Country Assessment (UN)
CLAC	Central Labour Advisory Committee
CO	Country Office
CONEP	Confederation of Nepalese Professionals
CP	Country Programme
CPA	Comprehensive Peace Agreement (Nov 2006)
CPN(M)	Communist Party of Nepal (Maoist)
CPR	Country Programme Review
CTEVT	Council for Technical Education and Vocational Training
DANIDA	Danish International Development Agency
DFID	Department for International Development
DOLIDAR	Department of Local Infrastructure Development and Agriculture Roads
DWCP	Decent Work Country Programme
DWT	Decent Work Team
EC	European Commission
EGS	Employment Guarantee Scheme
EmPLED	Employment Creation and Peace Building based on Local Economic Development (LED)
EC	Employers' Council
EO	Employers' Organization
EU	European Union
FNCCI	Federation of Nepalese Chambers of Commerce and Industry
GDP	Gross Domestic Product
GEFONT	General Federation of Nepalese Trade Unions
GESI	Gender equality and social inclusion
GoN	Government of Nepal
HIV	Human Immunodeficiency Virus
IEDI	Industrial Enterprise Development Institute
ILO	International Labour Organisation/Office
IPoA	Istanbul Programme of Action
J4P	Jobs for Peace
JTUCC	Joint Trade Union Coordination Centre (platform)
KM	Knowledge Management
KSP	Knowledge Sharing Platform
LMIS	Labour Market Information System
LRIC	Labour Relations Improvement Committee

MDG	Millennium Development Goal
M&E	Monitoring and Evaluation
MLR	Ministry of Land Reform
MLTM	Ministry of Labour and Transport Management
MoF	Ministry of Finance
MOFALD	Ministry of Federal Affairs and Local Development
MOLE	Ministry of Labour and Employment
MPRF	Madhesi People's Rights Forum
NBF	Nepal Business Forum
NEFIN	National Federation of Indigenous Nationalities
NIRC	National Industrial Relations Commission
NLRC	National Labour Relations Commission
NLSS	Nepal Living Standard Survey
NMICS	Nepal Multiple Indicator Cluster Survey
NO	National Officer
NPC	National Planning Commission
NTUC	Nepal Trade Union Congress
OSH	Occupational Safety and Health
PRSP	Poverty Reduction Strategy Paper
PSI	Programme Support Income
QAM	Quality Assurance Mechanism
RB	Regular Budget
RBM	Results-Based Management
RBSA	Regular Budget Supplementary Account
RBTC	Regular Budget Technical Cooperation
ROAP	Regional Office for Asia and the Pacific (in Bangkok)
SME	Small and Medium Enterprise
SIYB	Start and Improve Your Business
SPA	Seven-Party Alliance
SPF	a) Social Protection Floor b) Strategic Policy framework (ILO's medium-term planning document)
TA	Technical assistance
TB	Tuberculosis
TC	Technical Cooperation
TOR	Terms of Reference
TOT	Training of Trainers
TYIP	Three Year Interim Plan
UI	Unemployment Insurance
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNRC	United Nations Resident Coordinator
WB	World Bank
WHO	World Health Organization
WO	Workers' Organization
XBTC	Extra-Budgetary Technical Cooperation
YCL	Young Communist League

Executive Summary

Country Programme Review (CPR): Objectives, Methodology and Limitations

This report provides the findings and recommendations of the Review of the Decent Work Country Programme (DWCP) of Nepal 2008 – 2012 based on the specifications of the ToR (cf. Annex 1). The ToR states that the purpose of the review is to take stock of what has worked and has not worked from the current DWCP and to see what needs improving and/or continuing to the next DWCP. The scope of the review consists of all ILO interventions in Nepal from 2008 to date. The methodology includes a desk review of documents; an in-country mission of two weeks by the review team; a field trip to South Nepal (Terai region); a stakeholder workshop including a PowerPoint Presentation, in Kathmandu; a presentation to and discussion with ILO-DWT/CO New Delhi; a scoring exercise by the review team as stipulated by the ToR; and, finally, a full mission report. The review team has identified a few limitations, although none of them were major ones; they relate to relatively limited availability of time to consult stakeholders and to conduct the field trip; some comparability problems between data in the DWCP-document, and the implementation plans and reports for Results-Based Monitoring (RBM); some overlap in the performance criteria and factors stipulated in the ToR, and the subjectivity of the scoring exercise.

Country Context

Nepal has undergone a profound transformation since its civil war ended in 2006 with the Comprehensive Peace Agreement (CPA). Parliamentary democracy had been restored, but the prolonged period of political instability continued with the dissolution of Parliament in May 2012 and the uncertainty surrounding the date of the next national election (possibly postponed until early 2013). In the meantime the GoN is considering to having either another three-year interim, or a full-fledged five year development plan. A recent important milestone was the endorsement by the National Planning Commission (NPC) of the new five-year UNDAF 2013-2017 in the design of which the ILO has participated from the beginning.

The overall goal of the ILO DWCP Nepal 2008 – 2012 was to generate productive employment to build peace. Under this overall objective two main outcomes were defined: Improved policy coherence supporting increased productive employment opportunities for men and women (Outcome 1), and improved labour market governance for creating enabling environment for jobs (Outcome 2). These two were further subdivided into 12 programme outcomes (cf. Table 2.2). The indicators used in the current DWCP are summarized in Table 2.3 and set against the results achieved so far.

Findings on the adequacy and appropriateness of the design, outreach and implementation of the ILO interventions

The TOR identifies six 'Performance Criteria' for the Nepal Country Programme Review (CPR), each of which is subdivided in a number of sub-criteria (totalling 34 in all). The scoring procedure is explained in Chapter 3. Overall, the Nepal DWCP 2008-2012 has been rated as 'Satisfactory' having the following scores for the six performance criteria:

1) The role and relevance of ILO in Nepal:	Very Satisfactory
2) Tripartite participation and partnership:	Satisfactory
3) The focus and coherence of the programme:	Satisfactory
4) Evidence of the direct and indirect results:	Satisfactory
5) Efficiency & adequacy of organizational arrangements:	Satisfactory
6) Knowledge management and sharing:	Unsatisfactory

That the overall performance is considered satisfactory is definitely commendable in particular considering the sustained political transition process resulting in prolonged insecurities and disruptions of public life.

Assessment of Progress made towards DWCP Outcomes

Under the two main outcomes of the DWCP, 'Improved policy coherence' and 'Improved labour market governance', there are 12 programme outcomes. The progress made by these 12 outcomes has been assessed as stipulated in the TOR (cf. Annex 1) by means of a scoring exercise concerning five main performance factors:

- A. Resource adequacy
- B. Delivery of outputs
- C. Use of outputs by partners/ target groups
- D. Progress made (against outcome indicators/milestones)
- E. Measure to response to the emerging risks and the opportunities.

The scoring procedure and the criteria and sub-criteria used are set out in the TOR and discussed in detail in Chapter 4. At the outset it needs to be underlined that the scoring is rather subjective in nature, and that this needs to be kept in mind in particular when discussing the individual scores.

The overall scores indicate that the performance of ILO's DWCP 2008-12 was satisfactory. The scores are summarized in Table 4.1. Out of the twelve outcomes seven have a rating between 3.1 and 3.3 and are thus labelled as "Very Satisfactory" according to the TOR, albeit in the lower parts of the scoring range (3 to 4). Five outcomes have a lower score of between 2.4 and 2.9, but all rate well into the "Satisfactory" range.

Looking at the five performance factors, one can conclude that Resource adequacy (A) rated the lowest with 2.75, which is not surprising considering the fact that resource mobilisation has been difficult especially in the early years of the DWCP when Nepal just bounced back from a prolonged period of political turmoil. Factor E, Measure to response to the emerging risks and opportunities, is the second lowest, and here a contributing factor was that ILO did not have a kind of systematic risk register, but mostly dealt with arising risks and opportunities in an ad hoc way. The delivery of outputs (B) and the use made of outputs by partners/ target groups (C) received average ratings around 3.0. Finally, progress made against outcome indicators/milestones (D) received the highest rating of 3.3.

Conclusions and Recommendations

Comparing the findings with the 2007 Country Programme one has to conclude that the overall rating of DWCP 2008-2012 of 'Satisfactory to Very Satisfactory' has improved; in 2007 the

programme was considered 'Satisfactory to Moderately Satisfactory'. At the same time, certain issues concerning comparability have been explained.

The Review Team has made 16 Recommendations divided over the six performance criteria distinguished above, as well as 6 Recommendations specific to the DWCP outcomes.

1. *Role and relevance of ILO in Nepal*

Recommendation 1: Continue the alignment with the GoN's National Development Plans and with UNDAF, while maintaining flexibility in the design and strategy of the DWCP given the continuing political transition.

2. *Tripartite participation and partnership*

Recommendation 2: Continue to take into close consideration the strategic plans of the ILO constituents in the design of the next DWCP, and continue support for the initiatives by employers' and workers' organisations, including local level chapters, to better influence national debate on employment and labour issues. Although it may be difficult for ILO to work directly with these local chapters, it is advised to strengthen the capacity of national level organisations to develop mechanisms to get the local chapters' inputs in the planning process (including for ILO's next DWCP).

Recommendation 3: Provide *targeted* and *strategic* support to the follow-up of the 15-Point Declaration of the Third National Labour Conference 2012 (cf. Box 3.1). In particular, investigate ways in which the constituents can be assisted taking into account:

- a. the most urgent and achievable points of the Declaration, including the expenditures required to implement these points; and
- b. an identification of the capacity building required in MOLE to implement these points.

Recommendation 4: In order to strengthen partnership and ownership among ILO constituents, organize six-monthly tripartite consultation meetings on implementation and monitoring of DWCP; thereby, regularity is of paramount importance.

Recommendation 5: Use the overall baseline assessment undertaken by the CO into the capacities of MOLE and the 10 Labour Offices in the *regions* in order to assess the capacities of these regional offices to be involved in projects dealing with LED (comparable to the EmPLED project visited by the review team).

3. *Focus and coherence of the programme's design and strategies*

Recommendation 6: Strengthen the Results-Based Monitoring system of the country programme, in particular:

- a. Identify clearly and unequivocally the means of action for achieving the DWCP outcomes;
- b. Identify the indicators and the planned results and explicitly indicate the inter-linkages between them, as well as between the two DWCP Outcomes and the (i.e. 12) programme outcomes.

Recommendation 7: Recommendation to ROAP and CO Kathmandu: Simplify the indicators and streamline the scoring. There are overlaps in the performance sub-criteria, such as the adherence to ILO's 19 global outcomes mentioned in the above, and the actions/indicators/results discussions under performance criteria 3 and 4. A very specific recommendation to ROAP and Headquarters in Geneva: Use a different word, either for the (2) main *outcomes*, or for the (12) programme *outcomes* in order to avoid confusion.

Recommendation 8: Deal more explicitly with the cross-cutting issues: it does not only concern gender, but may also include environmental issues, governance, discrimination, etc.

4. Evidence of the direct and indirect results

Recommendation 9: Continue support to the labour law reform process including the tripartite dialogue, in order not to lose the momentum considering the on-going political transition (with the Parliament being dissolved, and the election being in preparation). In particular, continue to facilitate the activities of the task force set up by MOLE to finalize the draft acts of the five labour laws, thereby guaranteeing 'peer support' from all constituents.

Recommendation 10: Pay specific attention to *sustainability* at regional, zonal and district levels in explicit cooperation with the constituents and their branches/members at those levels. In particular, ensure that the data collected through the different surveys undertaken (e.g. Labour Force Survey 2008 and NMICS Survey 2010 on women and children) continue to be used in the design of interventions and in the tripartite forums leading to the mutual reinforcement of different outcomes.

5. The efficiency and adequacy of organizational arrangements

Recommendation 11: Strengthen the work planning and follow-up between the different technical and administrative units of ILO.

Recommendation 12: Tighten the interaction between the CO in Kathmandu and the DWT/CO in New Delhi in order to coordinate timely demand and supply of inputs.

Recommendation 13: Develop an explicit resource mobilisation strategy with the support of a brief and targeted donor mapping exercise tapping into the multi-year plans of donors. Some reports of donor fatigue related to the prolonged political transition could not be confirmed by the Review Team; in contrast, the interviews with two of the main donors in Nepal, DFID and DANIDA, showed dynamic, multi-year plans for support.

6. Knowledge management and sharing

Recommendation 14: Utilize the findings and recommendations of Technical Cooperation evaluations and Country Programme Reviews (CPR) as *inputs* to the design of new project proposals and DWCP: Use the list of Recommendations explicitly to monitor progress on the issues brought forward by the 2012 CPR.

Recommendation 15: Design a communication & media strategy to enhance visibility of ILO. As a matter of priority, develop a bilingual ILO Quarterly Newsletter (half in Nepali, and the other half in English) designed in such a way that it is manageable with the resources available to the Country Office, or with the resources that could be requested additionally for this purpose. In general, increase the use of the Nepali language in the website and in publications.

Recommendation 16: Establish a Knowledge Management Strategy, including identifying good practices/lessons learned, developing relevant data bases, and sharing knowledge. Ensure that the uses of the new CBS census data (which are expected to be published within one month) are included in this KM Strategy.

Recommendations specific to the DWCP Outcomes

Recommendation 17: Continue to closely monitor the preparatory work for the ratification by the GoN of the ILO Conventions 87, 102, 122 and 158.

Recommendation 18: Enhance the involvement of the tripartite constituents, especially of the trade union organisations, in the National Plan of Action on the implementation of ILO Convention 169 on the rights of indigenous peoples.

Recommendation 19: Enhance the provision of substantial and timely follow-up support to the GoN and the line agencies to implement already ratified conventions in order not to discourage the GoN to ratify other conventions.

Recommendation 20: Provide capacity building to national level organisations of the constituents on how to relate effectively with their local level organisations.

Recommendation 21: Join hands with DANIDA to provide assistance to JTUCC, an organisation that may be crucial in halting any further fragmentation of trade unions.

Recommendation 22: Consider replication of the ILO programme with DOLIDAR in the area of capacity building and job creation through a rural roads programme, which is such an essential element in a mountainous country like Nepal.

Possible Future Directions of the new DWCP and Lessons Learned

The review was also expected to discuss possible future directions of the next Nepal DWCP 2013-2017. A new DWCP needs to deal with a number of issues. Firstly, it needs to be aligned to the Development Plans of the Government of Nepal (GoN), to the priorities of the employers' and workers' organisations, to ILO's Global Outcomes, to UNDAF, and to the MDGs. Secondly, potential thematic areas need to be identified; the review has listed 15 such areas based on discussions with all major stakeholders. Thirdly, seven target groups have been identified by the review team. Lastly, the review team has raised some issues dealing with delivery mechanisms as they arose out of the present review exercise, and six such mechanisms are discussed.

Lessons learned from the review in Nepal for *other* countries coming out of a crisis situation are of course always speculative in view of the wide variety of crises that could be identified. However, a few lessons from the 2012 Review are noteworthy for particular situations:

Lesson 1: Jobs for Peace and EmPLED approaches, which are focussed on job creation, in particular for young men, in order to prevent them from engaging in less constructive activities, seem to be suitable for immediate post-conflict situations, but sustainability needs to be enhanced through more linkages between implementing agencies and other stakeholders.

Lesson 2: Capacity building of main stakeholders immediately following conflict resolution is the first priority.

Lesson 3: The focus of ILO CO Nepal on country analytical work and capacity building of the tripartite constituents is useful as a lesson these activities concern necessary preparations for the time when effective changes of legislation become once again possible.

Lesson 4: ILO Convention 169 can be an important dialogue tool for building the peace in countries like Nepal (cf. Implementation Report 2010-2011 of NPL826). However, the ILO has a limited number of experts on the subject within the house, and it would be good if the Office could allocate more resources to the effective implementation of this Convention. In addition, a very concrete lesson learned is that if ILO Convention 169 is implemented without detailed clarifications to the concerned stakeholders on the provisions within the convention, it may easily give rise to misinterpretations of the rights of various ethnic groups, thereby enhancing possible conflicts instead of solving them.

1 Introduction and Methodology

1.1 Objective and Scope

This report provides the findings and recommendations of the Review of the Decent Work Country Programme (DWCP) of Nepal 2008 – 2012 based on the specifications of the ToR (cf. Annex 1). The ToR states that the purpose of the review is to take stock of what has worked and has not worked from the current DWCP and to see what needs improving and/or continuing to the next DWCP. This can be considered by taking into account the country situation and evolving national development plan. The specific objectives of the review are twofold:

- First, the review is aimed at assessing the adequacy and appropriateness of the design, outreach and implementation of the ILO interventions and identifying and making recommendations for improvement, especially in terms of results-based management.
- Second, the lessons learned and recommendations of the review will also be an important input to the formulation of the new DWCP for Nepal.

The review covers all ILO interventions in Nepal from 2008 to date. The review also examines the strategy, capacity and resources available to deliver the DWCP outcomes or milestones set for the 2008/2009, 2010/11, and 2012-13 biennia.

The review scope has two main components:

- The first component involves a review of the appropriateness and adequacy of the programme design, outreach/partnership and implementation performance.
- The second component is an operational assessment to report on progress being made on tangible outcomes directly resulting from ILO contributions.

In summary, the scope of the work is as follows:

1. Assess the overall relevance of the programme to national development challenges, national priorities, UNDAF, ILO priorities and MDGs.
2. Assess the programme formulation process and the focus, coherence and logical fit of the outcomes, outputs and strategies.
3. Analyse programme implementation:
 - i) effectiveness of interventions in producing results, with particular attention to synergies and coherence across interventions
 - ii) sustainability, with particular attention to capacity/institutional development and the creation of an enabling environment (changes in laws, policies and behaviours)
 - iii) key factors of success and constraints encountered (internal and external)
 - iv) adaptation/adjustments to the changing situation (emerging opportunities and threats); evidence of the application of lessons learned
 - v) partnership approach, the role/effectiveness of partners in promoting decent work and coordination among partners
 - vi) knowledge management and communication strategy (internal and external), use of knowledge and incorporation of M&E into the knowledge base
 - vii) organizational arrangements (managerial, administrative and business processes)

- viii) resource availability
 - ix) efficiency of programme execution (time and costs).
4. Assess progress towards outputs and outcomes (with data-supported evidence and using the scale and matrix in the TOR annex; cf. Annex 1), including the assessment of milestones set for the 2008/2009, 2010/2011 and 2012/2013 biennia.

1.2 Methodology and Limitations

The review exercise is a participatory assessment of the five-year ILO programme. The **methodology** comprises the following:

- 1) an extensive desk review of relevant documentation;
- 2) an in-country mission of the review team for information gathering: a series of meetings/interviews between the review team and the Government, workers' and employers' organizations, other UN agencies, major donors and national partners mainly in Kathmandu and Lalitpur: See Annex 2;
- 3) a field trip to Birgunj and Janakpur in the Terai region South/South-East of Kathmandu: See Annex 3;
- 4) a stakeholder workshop organized in Kathmandu as a platform for the constituents and relevant internal and external colleagues to analyse and discuss the draft findings and recommendations of the review team and suggestions for ILO's next DWCP 2013-2017. For this purpose a PowerPoint Presentation was designed by the review team and delivered by the team leader in Kathmandu. After the presentation, the tripartite partners discussed the findings and recommendations in three groups among themselves and presented the conclusions in a plenary session (cf. Annex 4);
- 5) the same PowerPoint Presentation was also delivered in New Delhi by the Regional Programme Analyst of ILO-ROAP for ILO-DWT/CO after the two-week mission had been completed;
- 6) a scoring exercise was undertaken exclusively by the review team as stipulated by the ToR (cf. Annex 1) both for the six Performance Criteria for the Nepal Country Programme Review, as well as for the twelve country programme outcomes specified in the next chapter; the team leader made the final ratings in consultation with the team members, based on the reviewed documents, the interviews with stakeholders, the field trip and the inputs from the consultation workshops in Kathmandu and in New Delhi.
- 7) a full mission report, including findings, recommendations, an assessment of progress made for the 12 Outcomes, and suggestions for ILO's next DWCP.

The core review team consists of an international consultant, Dr. Theo van der Loop, to act as team leader, and Mr. Oktavianto Pasaribu, Regional Programme Analyst, of ROAP, as well as a national consultant, Mr. Jeeban Thapa. CO-Kathmandu and DWT/CO-New Delhi staff helped to facilitate the review process. In addition, ILO specialists and other staff contributed to the exercise, including through participation in a self-evaluation (cf. ToR's Annex 4 in Annex 1 of this report).

The review team has identified several **limitations**, although none of them were in itself major hindrances to the undertaking of the activities specified in the TOR:

- Time availability: There was relatively limited time available to consult the stakeholders, and to conduct the field trip; the team feels that especially more time could have been reserved to meet other donors and other relevant stakeholders.
- Situation on the ground: This applies not only to the review team but to everybody working in Kathmandu: One has to organize one's work around the frequently announced (and sometimes cancelled) *bandhs*¹ by various student unions, political parties and other groups (during the review mission of two weeks five *bandhs* were announced).
- The implementation plans and reports for Results-Based Monitoring (RBM) were not always clearly aligned to the indicators and results of the DWCP, sometimes resulting in difficulties for the review team to assess the progress of each of the 12 outcomes.
- The six performance criteria as analysed below in Chapter 3 do have some overlaps; these will be indicated where relevant in that chapter.
- The scoring as stipulated in the ToR (cf. Annex 1) leaves room for interpretation; when the scoring is for example exactly 2 it can either be unsatisfactory or satisfactory (and the same holds for scores of 1 and 3):

0-1	1-2	2-3	3-4
Very unsatisfactory	Unsatisfactory	satisfactory	Very satisfactory

- The scoring in particular for the twelve country programme outcomes specified in the next chapter is rather subjective; this scoring exercise will be the topic of Chapter 4, and the subjectivity will be further explained at that place;
- The absence of interviews with specialists, and the limited inputs by specialists in the self-assessment in the TOR (cf. ToR-Annex 4, included here in Annex 1) might be regarded as an omission; however, the presence of two specialists at the Kathmandu workshop, and the discussion in New Delhi with DWT to a large extent made up for this omission.

1.3 Report layout

This report will continue in Chapter 2 with the country context in which some highlights of development in Nepal will be discussed; in addition, a summary is given of the content of the current DWCP 2008-2012. Chapter 3 provides the findings on the adequacy and appropriateness of the design, outreach and implementation of the ILO interventions according to six performance criteria. In Chapter 4 an assessment is undertaken of the progress made towards twelve DWCP Outcomes. The concluding chapters include conclusions and recommendations (Chapter 5) and the lessons learned and possible future directions of the next DWCP 2013-2017 (Chapter 6).

¹ A '*bandh*' is a demonstration or strike resulting in a sometimes complete shutdown of public life.

2 Country Context

2.1 Overview: Nepal

Brief socio-economic context

Nepal has undergone a transformation since its civil war ended in 2006, but complex and seemingly intractable problems relating to the structure of the state are still unresolved more than five years after the peace process started. Progress with political effectiveness has been made in recent months, notably with the completion of a deal on former Maoist rebels and, most recently, the putative formation of a new national-unity government. However, the formation of the new government has been delayed, and the constitution-drafting process remains stalled. The government's priority will be to ensure the performance of the basic functions of day-to-day governance, including trying to make sure that the political and security environment is as conducive to economic growth as possible. Economic growth prospects depend largely on the political situation, as the country's security and extreme political instability limit the state's capacity to spend money and boost rural incomes.

Nepal has made substantial progress in the last decades, especially in the social indicators. Life expectancy at birth increased from less than 30 years in 1950s to more than 60 years in 2010. Adult literacy has gone up from 20% in 1980 to around 60% in 2010. There are also many alarming indicators especially in the core economic and development field. The Nepal GDP growth rate in the period 2000 – 2010 has remained very low at 3.8% per annum and the share of manufacturing in the GDP has declined from about 9% of the GDP in 2001 to 6% in 2010. Youth unemployment and underemployment remain pressing issues for the future stability and prosperity of Nepal. Despite the worrying challenges faced by the country, Nepal has the potential and ability to improve relatively fast on all its social indicators through a national concerted effort.

Recent developments have had a major impact especially on the political situation and on governance. On May 27th, 2012 the Parliament/Constituent Assembly was dissolved. The National Election was at first announced for November 22, 2012; however, in view of the Election Commission's inability to conduct it in the stipulated time, the new election date is most likely March/April 2013 based on the recent understanding among major political parties (though the official announcement is yet to be made by the government). New draft laws can thus not be approved since there is no Parliament, and the only alternative is to put it as ordinance to the President. In recent months several ordinances have been put forward to the president but how to deal with these ordinances is currently under discussion between ruling and opposition parties.

The fact that productive employment and decent work, economic growth and social security are mutually interlinked has been well emphasized by the Government in International forums, e.g.

at the 101st ILO International Labour Conference.² However, given the on-going political transition, growing aspirations of Nepalese people including diverse ethnic communities, acute power shortages, frequent strikes/*bandhs* and overall deteriorating business environment, the rate of economic growth has been adversely affected, notwithstanding the significant reduction of poverty rate at 25.4 percent in 2011 from a whopping 42 percent in 1996.

National development framework

The National Development Framework includes in particular the Three Year Interim Plan (TYIP) of the National Planning Commission (NPC), Government of Nepal. It covers the period of 2010-12, and its overall objective is to achieve employment-centric, inclusive and equitable economic growth (see also below).

Recently, the Government of Nepal has formulated an immediate action plan on Economic Development and Prosperity, 2012. The Action Plan focuses on priority areas of economy such as economic growth and employment, infrastructure, agriculture, foreign direct investment, tourism, industrialization and governance. Key government policy is focused on:

- employment creation,
- foreign employment opportunities,
- promotion of employment intensive technologies,
- promotion of self-employment opportunities through skills and entrepreneurship development and subsidized loan facilities,
- reform of labour administration through review of labour legislation and provisions of labour flexibility and social security,
- enact and implement employment guarantee act in select geographical regions to ensure employment for minimal duration,
- establish a national labour commission to ensure workers' rights and expedite labour disputes and expansion of employment service centres to facilitate access to labour market.

The state of the social protection framework has developed into a true 'model' which is described in Annex 8.

ILO constituents

The ILO convention on Tripartite Consultation (International Labour Standards) of 1976 (No. 144) was ratified by the Government of Nepal in March 1995. Since then, the concepts and approaches of tripartism and social dialogue have been well taken and widely adopted by the ILO constituents. Nepal, which has been a member of the ILO since 1966, has in all ratified 11 ILO Conventions (cf. Table 2.1). This also shows that some of the conventions that were targeted by the DWCP such as 87, 102, 122 and 158, have not yet been ratified despite progress made (see below, especially Table 2.3).

The main stakeholder within the government changed its name and mandate recently. With the reshuffle of the Council of Ministers headed by the Prime Minister Dr. Baburam Bhattarai in May 2012, the former Ministry of Labour and Transport Management (MLTM) has taken the designation of Ministry of Labour and Employment (MOLE). The new Minister of MOLE, Mr. Kumar Belbase, was appointed on 21 May 2012.

² Source: Nepal News, dated 8 June 2012: <http://www.nepalnews.com/home/index.php/news/2/19341-labour-minister-belbase-expresses-nepals-commitment-to-promote-decent-employment.html>.

Table 2.1: List of Ratifications of International Labour Conventions by Nepal.

Convention	Convention Title	Ratified on
14	Weekly Rest (Industry) Convention, 1921	10.12.1986
29	Forced Labour Convention, 1930	03.01.2002
98	Right to Organise and Collective Bargaining Convention, 1949	11.11.1996
100	Equal Remuneration Convention, 1951	10.06.1976
105	Abolition of Forced Labour Convention, 1957	30.08.2007
111	Discrimination (Employment and Occupation) Convention, 1958	19.09.1974
131	Minimum Wage Fixing Convention, 1970	19.09.1974
138	Minimum Age Convention, 1973; Minimum age specified: 14 years	30.05.1997
144	Tripartite Consultation (International Labour Standards) Convention, 1976	21.03.1995
169	Indigenous and Tribal Peoples Convention, 1989	14.09.2007
182	Worst Forms of Child Labour Convention, 1999	03.01.2002

SOURCE: <http://webfusion.ilo.org/public/applis/appl-byCtry.cfm?lang=EN&CTYCHOICE=1840&hdroff=1>

The main employers' and workers' organizations with which the ILO Country Office in Kathmandu has been working are as follows:

- Federation of Nepalese Chambers of Commerce and Industry (FNCCI), the main employers' organisation;
- Nepal Trade Union Congress (NTUC);
- General Federation of Nepalese Trade Unions (GEFONT); and
- All Nepal Federations of Trade Unions (ANTUF).

ILO commitment in the UNDAF

The United Nations Development Assistance Framework (UNDAF) for Nepal (2008 - 2010), which was aligned with the TYIP, included *four priority areas*:

- A. National institutions, processes and initiatives to consolidate peace are strengthened;
- B. Socially excluded and economically marginalized groups have increased access to improved quality basic services;
- C. Sustainable livelihood opportunities are expanded, especially for socially excluded groups in conflict affected areas;
- D. Respect, promotion and protection of human rights are strengthened for all, especially for women and the socially excluded, for sustained peace and inclusive development.

The focus was to improve policies, institutions and programmes for poverty reduction and employment generation. The UN Country Team aimed to assist with the creation of economic opportunities for young people, excluded groups, people living with or at risk of contracting HIV, migrant workers, home-based workers and refugees. With the adoption of the Three Year Interim Plan (TYIP), the UNDAF period was extended until 2012.

In early September 2012 the new UNDAF 2013-2017 was endorsed by the National Planning Commission (NPC).³ The UNDAF has 10 broad outcomes as listed in Box 2.1 whereby the ILO will be involved in particular in Outcomes 2, 3 and 9.

³ UN (2012): UNDAF 2013–2017; United Nations Development Assistance Framework. Kathmandu: Version dated 14 August 2012.

Box 2.1: UNDAF 2013-2017: Ten broad outcomes.

- 1) Vulnerable and disadvantaged groups get improved access to basic essential social services and programmes in an equitable manner.
- 2) Vulnerable groups have improved access to economic opportunities and adequate social protection.
- 3) Vulnerable groups experience greater self-confidence, respect and dignity.
- 4) Vulnerable groups benefit from strengthened legal and policy frameworks, and have improved access to security and rule-of-law institutions.
- 5) Institutions, systems and processes of democratic governance are more accountable, effective, efficient and inclusive.
- 6) Tiers of government are established and function to meet the provisions of the new federal constitution.
- 7) People living in areas vulnerable to climate change and disasters benefit from improved risk management and are more resilient to hazard-related shocks.
- 8) National institutions have adequately addressed conflict-related violations of human rights and international humanitarian law and the post-conflict needs of victims.
- 9) National actors and institutions have managed conflict risk and are progressively consolidating the peace.
- 10) Nepal's institutions are strengthened for more effective integration of policy and the economy into intergovernmental economic and normative processes, and international policy and legal regimes.

These outcomes are in line with the GoN's current priorities, as was clearly stated by the UNDAF document in the following quotation: "The TYIP has seven priority areas: (i) social and physical infrastructures; (ii) employment creation, agriculture, tourism, industry and trade; (iii) excluded communities, regions and gender; (iv) quality essential services; (v) good governance; (vi) climate change and environment; and (vii) relief to people. Achieving the MDGs, human rights and gender equality are principles that cut across the TYIP. As these are key issues for Nepal's development, it is reasonable to assume that these will continue to be priorities in the GoN's next strategic plan. The UNDAF outcomes are aligned with the TYIP and will contribute to the TYIP's overall objective of achieving employment-centric, inclusive and equitable economic growth." (cf. UN 2012: 14).

2.2 The ILO Decent Work Country Programme: Nepal 2008 – 2012

The ILO Office in Nepal began to prepare its Decent Work Country Programme (DWCP) in 2005 and the first draft of DWCP was produced in February 2006. However, the draft DWCP could not be finalized due to political instability. Since the signing of the Comprehensive Peace Agreement (CPA) in November 2006, the rapidly evolving political situation has determined a necessary adjustment of the draft DWCP. Moreover, the Nepal Biennial Country Programme Review (2006-2007)⁴, organized by the Regional Office in Bangkok, recommended that the next ILO Nepal Country Programme focus on supporting implementation of the CPA as its first priority, consistent with the objectives of ILO Constituents and UNDAF, as well as focus on "upstream interventions," related to the development and implementation of policy in the areas of labour market reform, employment and livelihood generation and youth employment. A summary of the recommendations of this 2007 Review is included as Annex 5.

A two-day workshop during 18-19 January 2008, participated by ILO's tripartite constituents, identified the DWCP priorities to better support Nepal to achieve peace and development for an

⁴ This CPR was undertaken right in the middle of a major transition period, when Nepal was moving from violent conflict into a transition to peace with the signing of the CPA in 2006.

inclusive society through generation of productive employment. Potential areas discussed for the inclusion of DWCP were employment policies and programmes, labour law reform, social protection, industrial relations, promotion of ILO standards and social dialogue. From these six areas of inclusion the generation of productive employment, which includes elements from the other areas, was ultimately identified as the priority area for the DWCP for Nepal. At the DWCP workshop, indicative outcomes and outputs and expected partnership arrangements were also developed. In February 2008, the ILO fine-tuned the concept and the structure of DWCP for Nepal, which focused on ILO's priority for generation of productive employment for sustained peace, which again depend upon the two critical and interrelated areas as: policy coherence for a national employment policy and labour market reform. Based upon this the following two outcomes for DWCP 2008-10 were identified:

- Outcome 1:** *Improved policy coherence supporting increased productive employment opportunities for men and women.*
- Outcome 2:** *Improved labour market governance for creating enabling environment for jobs.*

In line with the Three Year Interim Development Plan (TYIP), the ILO Office in Kathmandu and the constituents decided to revisit its DWCP 2008-10 and extend it till 2012 with necessary revisions. To ensure full consensus among the constituents, regarding the major elements of current problems in the world of work, and to investigate together and revise the document with possible programme solutions, a 1/2-day participatory logical framework workshop was carried out on 06 December 2010. Under these two main outcomes, twelve programme outcomes were designed: four under Outcome 1, and eight under Outcome 2 (cf. Table 2.2). These twelve outcomes will be assessed in detail in Chapter 4 of the present report.

Table 2.2: Twelve programme outcomes related to the two main DWCP Outcomes.

DWCP Outcome	SMM	Country Programme Outcome
1	NPL101	Improved policies and legal framework on social security coverage for workers, notably of excluded groups
1	NPL126	Improved policy coherence supporting increased availability of decent job opportunities
1	NPL127	Increased availability of productive employment opportunities for young men and women
1	NPL128	Labour intensive public works designed and implemented for increased employment opportunities and poverty reduction
2	NPL104	Labour laws will have been improved and their implementation made effective for creating enabling environment for jobs
2	NPL801	Strengthened institutional capacity of employers' organizations
2	NPL802	Strengthened institutional capacity of workers' organizations
2	NPL803	Increased capacities of employers' and workers' organizations to participate effectively in the development of social and labour policy
2	NPL826	Strengthened capacity of member states to ratify and apply international labour standards and to fulfil reporting obligations
2	NPL827	Policies, Programmes and Action Plans are adapted in order to improve the application of ILO conventions 87 and 98
2	NPL828	Constituents adopt and implement an integrated approach to the elimination of forced labour and trafficking
2	NPL829	Constituents in partnership with other stakeholders have implemented priority activities of national Master Plan on Child Labour, with specific emphasis on the elimination of the worst forms of child labour by 2016

Results-Based Monitoring (RBM) was introduced, not at the start, but during the execution of this DWCP, and since then the monitoring plan has undergone several changes to be in line with ILO guidelines on RBM. This has led to different types and versions of implementation reports and plans. In addition, the extension of the DWCP has led to new indicators and results, which were not clearly linked to each other (cf. the DWCP document 2008-2010 and the DWCP-Annex which was attached for the extension 2010-2012). In close cooperation with the ILO Country Office (CO) in Kathmandu, the Review Team has tried to link the proposed indicators with the results in Table 2.3 on the following pages.

Table 2.3: Indicators of the DWCP 2008-2012, and the results as per the Implementation Reports (2008-09 and 2010-11) related to the twelve DWCP outcomes.

Nr.	INDICATORS DWCP 2008 - 2012	Results as indicated in the Implementation Reports related to the 12 DWCP outcomes (NPL101 - NPL829)
Outcome 1: Improved policy coherence supporting increased productive employment opportunities for men and women.		
1	A National Employment Policy in place by June 2009	NPL126- Lessons and policy recommendations that the constituents can use in developing agenda for inclusive growth and jobs are made available by commissioning Nepal Labour Force Survey 2008. In 2010, ILO focused on country analytical work in order to strengthen policy dialogue, development planning and implementation of country strategies. ILO's analytical work contributed in policy inputs for addressing the constraints to productive employment growth. Nepal Report on Child Labour, Labour and Social Trends in Nepal, 2010, Appraisal of the Karnali Employment Programme as a Regional Social Protection Scheme and Employment Diagnostic Study-Phase-I were the major country analytical work undertaken with substantive involvement of the Government. In addition, ILO designed and implemented a few innovative projects which have provided an important information base for key stakeholders and decision makers for employment policy formulation and designing youth employment focused projects in a post conflict situation. (see also Indicator 2).
2	No of disincentive factors (barriers) to coherent employment policy reduced by 2010	NPL126- Capacity of the Central Bureau of Statistics for labour force data collection and analysis has been enhanced. NPL126- The current national three-year development plan 2010/11 - 2012/13 focuses on the nexus between economic growth, employment and poverty. The three-year plan covers an employment target by using ILO methodology. An analysis of 5 sectoral policies has been undertaken in close coordination with NPC. Report will be published soon.
3	ILO Convention on Employment Policy (No. 122) ratified by December 2009	NPL126- No report found on the result of this indicator
4	Extent to which the revised National Employment Policy is in line with relevant ILO conventions by mid 2012	NPL126- See under Indicator 2.
5	Level of integration of foreign employment issues in the National Employment Policy by mid 2012	NPL828- In February 2011, the revised Foreign Employment Regulation was endorsed by the Government. NPL828- In May 2011, A training manual on Monitoring of Recruitment Agencies was published in Nepali by the Government. NPL828- In February 2010, the newly established Foreign Employment Tribunal started prosecuting and convicting persons involved in frauds, especially of women and girls. NPL828- In February 2010, a new Foreign Employment Tribunal (FET) was established. NPL828- In July 2011, an e-foreign employment information and database management system was established.
6	A National Plan of Action on Youth Employment in place by July 2008	NPL127- (reported under 126:) Government has prepared a National Plan of Action (NPA) on Youth Employment, 2008-2015.
7	Extent to which the elements of the final National Youth Employment Action Plan (NYAP) are integrated into TYP and other employment programmes of GON by early 2011	NPL127- The current Three-Year Development Plan 2010/11 - 2012/13 contains a chapter on employment, incl. for youth. NPL127- The introduction of ILO's Know About Business (KAB) into the curriculum of the Council of Technical Education and Vocational Training was not executed due to lack of funds. NPL127- The National Planning Commission has recognized "Employment Guarantee Scheme" as a social protection measure and is seeking to include it in the upcoming development plan.
8	No of new jobs created for men and women by December	NPL127- More than 180,000 days of work have been created since 2008 in 2 LED project districts (i.e. Dhanusha and

	2010, guaranteeing at least the prevailing minimum wage	Ramechhap district under EmPLED and Parsa and Rautahat district under Jobs for Peace project).
9	Number of tested employment strategies and tools available for replication by 2011	NPL126-128- See under Indicators 6, 7, 8 and 11.
10	The Policy initiative to implement at least 2 of the following Social Protection Floor elements: Child benefit; Assistance to underemployed and poor; universal Old-Age and Disability Pension by 2011	NPL101- The current budget 2011/12 has announced the introduction of: A National Employment Guarantee Scheme (EGS); GON has prepared the National Employment Guarantee Act. Employment Injury Benefits; Maternity Benefits; and Sickness Benefits Last year's budget covered introduction of: Social Security Law and Unemployment Insurance Benefits. NPL101- In March 2011, a Social Security Fund was established and the members of the Board of Directors for the Fund were appointed. Collection of contributions to the Fund has been started. It is too early to assess the impact of these changes. The following categories of benefits are covered under the plan for 2011/12: Unemployment benefits; Employment Injury Benefits; Maternity Benefits; Sickness Benefits; and Employment guarantee scheme for unemployed people, focusing on women and youth. NPL101- In June 2010, a Tripartite Task Force on Social Security was established under the chairmanship of Finance Secretary. The Task Force has delivered a plan of action on social security reform in Nepal.
11	No of districts using the ILO Local Economic Development (LED) approach in their planning by December 2010	NPL127- The Government has designed a 3-year LED based employment generation program to be implemented in 27 districts, has allocated budget to launch it in 9 most disadvantaged districts and has requested ILO's Technical assistance for the same.
12	Gender Sensitive programmes to protect migrant workers in place by June 2009	NPL826- TC project "Protection of migrant workers from forced labour and human trafficking" funded by AGFUND was implemented from 2009-2011. NPL828- Another TC project "Prevention of trafficking of migrant workers" funded by Irish Aid was implemented from 2010-2011."
Outcome 2: Improved labour market governance for creating enabling environment for jobs		
13	At least two labour related acts revised as per ILO standards by December 2008	NPL104- The existing labour act and trade union act are revised and submitted to the GON for review and approval. Three new acts- Social Security Organisation act ; Unemployment Benefit Insurance act and Labour Commission act are also at the stage of finalisation These new labour laws will reflect at least 95 per cent of the comments by the Office. Endorsement of these acts is expected by the end of 2012 The Central Labour Advisory Committee announced the revision of the Labour Act 1992 in line with the ILO Conventions and Recommendations and established a Tripartite Task Force on Labour Market Reform which will execute the revision of the 1992 Act with the ILO technical support. The revised Act which is waiting for the endorsement by the Cabinet defines employment relationship in line with ILO Convention 158 and relevant Recommendations, including Recommendation 198.
14	Extent to which existing and new Labour Legislations integrate provisions and standards of relevant ILO conventions	NPL826- A National Plan of Action on the implementation of ILO C.169 was drafted but not yet endorsed. A draft report on the ratification of C.169 was shared with ILO, but the government needs to submit the final report to the ILO, which is overdue for two years. New labour laws drafted by constituents under the technical assistance of the ILO are very much in line with relevant ILO conventions.
15	A new National Labour Relations Commission (NLRC) functional by June 2009	NPL128- Development of new institutions: Government of Nepal is actively considering establishing a National Labour Commission. Draft national labour commission act prepared through tripartite consultation is being reviewed by the GON NPL128- Capacity enhancement: MOLE organized the National Labour Conference in July 2012.
16	No of effectively functioning labour market/social dialogue institutions and mechanisms	NPL801- Federation of Nepalese Chambers of Commerce and Industry (FNCCI) has established a legal unit to look into labour issues. It has remained proactive in influencing the preparation of

	by 2012	<p>national budget and to protect the interest of its members.</p> <p>NPL802-Capacity enhancement: The major national trade union federations have established a Joint Trade Union Coordination Committee (JTUCC) to address the common issues/challenges of all the workers and to develop common policies and programmes.</p> <p>NPL803-Capacity enhancement: The workers' and employers' organizations separately presented their recommendations to the Constituent Assembly for the formation of new constitution, and also presented their recommendations to the government for the formation of national budget 2009-2010. The workers' organizations presented its memorandum to the Finance Minister for development of social security system in Nepal.</p>
17	Number of industrial dispute cases settled through NLRC	NPL128 - (see Result under Indicator 15)
18	A new Unemployment Insurance system in place by December 2008	NPL128 - Unemployment Benefit Insurance Act has been drafted by social partners and submitted to the MOLE for review and GON approval process.
19	ILO Conventions No 87 and No 158 ratified by December 2008 and 2009 respectively	NPL826 -The government is actively considering to ratify ILO Convention on Freedom of Association and Protection of the Right to Organize (NO. 87). The government has recently submitted a periodic report to ILO, in accordance with Article 22 of the ILO Constitution.
20	ILO conventions 87, 102 and 158 are ratified by 2012	<p>NPL826-In 2011, the Government of Nepal submitted, on time, the reports of ratified Conventions. In 2010, a study on the ratification of ILO C87 was submitted to the Cabinet. In August 2011, Prime Minister announced the consideration of ratification of C87. The new three-year development plan has a specific chapter dealing with social inclusion issues, including ILO Convention 169 concerning indigenous peoples.</p> <p>NPL827- Awareness raising programs are being designed and implemented towards the ratification of conventions 87 and 98.</p>
21	ILO Constituents and other stakeholders implement programmes/projects in line with ratified conventions	<p>NPL801-In 2010, an online labour market information system (database) has been established within FNCCI: 325 youth have uploaded their profiles onto the website and more than 550 youth have used online information.</p> <p>NPL801-In November 2010, a Training Unit is established in FNCCI aiming to facilitate capacity building activities. The unit also has published annual training calendar to be organised for chamber and enterprise representatives. Some training such as negotiation skill, collective bargaining, workplace cooperation and labour law provisions such as termination of employment were conducted. Booklet on negotiation skill was finalised and printed. Similarly, stickers were published and widely distributed on different themes of workplace cooperation.</p> <p>NPL802-In 2011, a strategic work plan was endorsed by unions in Nepal, covering training programmes in the areas of trade union rights, indigenous peoples' rights, employment relations, child labour, migrants, gender equality, social security, informal economy and HIV/AIDS. Not yet results but worth mentioning: there are seven union leaders who are parliamentarian members in Nepal. Through our capacity building activities, they have advocated ILO fundamental principles and rights at work into the draft Constitution.</p> <p>NPL803-See Result under Indicator 16.</p>
22	Percentage of trained labour officials and labour inspectors capable of effectively implementing the new labour legislation by June 2009	NPL104 -The Social partners have submitted 5 labour bills for GON's review and approval.
23	Decreased number of labour strikes and lockouts by 2010	NPL802 - (no results found)

3 Findings on the adequacy and appropriateness of the design, outreach and implementation of the ILO interventions

The TOR (cf. Annex 1) identifies six 'Performance Criteria' for the Nepal Country Programme Review (CPR) which are discussed in detail below in Sections 3.1 through 3.6. Each of these six criteria is subdivided in a number of sub-criteria, totalling 34 in all. The scoring procedure has been summarized in Annex 6.

3.1 The role and relevance of ILO in Nepal

This criterion tries to capture the role and relevance of ILO in Nepal, its niche, its comparative advantage and UN partnership approach. It has been subdivided into six sub-criteria, as follows:

1. National political, economic and social factors have shaped formulation of country programme

The structure of ILO's DWCP 2008-2010 reflects very much the situation in Nepal at the time of designing it in 2006-2007 when the country was going through a phase of intense political transition. In particular, the design took into account the post-conflict situation after the 'Comprehensive Peace Agreement' (CPA) in 2006 and the priorities of the Government of Nepal (GoN) at the time. The overall goal of the DWCP reflects this very adequately: *"Generate productive employment to build peace."*

2. Flexibility and ability to respond to emerging opportunities

The ILO in Nepal developed a modest DWCP with relatively limited, but targeted interventions fully realising the challenges and constraints in Nepal due to the political situation just after the CPA was concluded in 2006. The ILO has continued to show its clear understanding of the political transition phase which Nepal was going through at the end of the DWCP 2008-2010; therefore, it has decided to extend it to 2012 which precisely aligned with GoN's Three Year Interim Plan (TYIP). It was also aligned with the UNDAF 2010-12 as well as with the MDGs.

3. ILO establishes priorities consistent with its capacities and comparative advantages

ILO has focussed on its comparative advantages considering the situation of political instability prevailing at the start of the DWCP. Therefore, there was a focus on:

- the design of tripartism and social dialogue on major new labour legislation,
- access to productive employment,
- capacity building of the tripartite partners, and

- certain vulnerable groups that were suffering disproportionately from the transition phase, such as child labour and forced/bonded labour.

The extension phase was aligned to the ILO Strategic Policy Framework with its 19 global outcomes; the twelve DWCP Outcomes tapped into 11 of these 19 outcomes (cf. Table 3.1). In other words, 8 out of 19 outcomes were not directly targeted (the shaded areas in the table), although for some interventions it was a secondary goal/effect.

Table 3.1: Interaction of ILO Global Outcomes and the 12 DWCP Outcomes in Nepal (the shaded outcomes are not directly targeted in Nepal).

ILO Global Outcomes (19)		DWCP Outcomes
1	Access to productive employment	2
2	Skills development	1
3	Sustainable enterprises	
4	Social Security	1
5	Working Conditions	
6	OSH	
7	Labour Migration	
8	HIV/AIDS	
9	Employers' organisations	1
10	Workers' organisations	1
11	Labour legislation/administration	1
12	Labour market governance	1
13	Decent work in econ. sectors	
14	Freedom of Association	1
15	Forced Labour	1
16	Child Labour	1
17	Discrimination at work	
18	Intl. Labour Standards	1
19	Mainstreaming Decent Work	
TOTAL		12

4. ILO ensures that the Common Country Assessment (CCA) of 2009 addresses subjects that are priorities for decent work in the country

ILO has participated in Nepal's UN Common Country Assessment (CCA) in 2009 and the United Nations Development Assistance Framework (UNDAF) 2010-2012 processes, and was thereby able to ensure that the decent work priorities were given due attention.

5. ILO achieves overall policy coherence between ILO action and the UNDAF

ILO has achieved overall policy coherence between ILO action and the UNDAF's process, priorities and outcomes, as has been shown in the above (sub-criteria 4).

6. PRSPs/ MDGs: ILO's country programme links to and supports/influences national PRSs.

The development plans of the GoN are laid down in the TYIP 2010/11-2012/13, to which the ILO has aligned its extension of the DWCP 2010-2012. The GoN is also still very much committed to the MDGs (cf. UN 2012).

Overall score for this criterion: Very Satisfactory (3.5).

3.2 Tripartite participation and partnership

This criterion is subdivided into four performance sub-criteria as follows.

1. National tripartite constituents are active in national development planning forums and networks

The constituents are certainly active in national development planning forums and networks. In fact, the tripartite constituents have worked together to draft five labour laws and one draft on social security. They all tabled their suggestions in various meetings, culminating in the 15-Point Declaration agreed at the last National Labour Conference in July 2012 facilitated by the ILO (cf. Box 3.1). It is very significant that the tripartite constituents arrived at such a substantial agreement including a time frame (four months) and the organization of an Employment Summit, alongside agreements on a number of thorny issues, especially considering that the participants in this conference included all three employers' and all ten workers' organisations active in the country. Of course, a lot of work still needs to be done in order to begin with the actual implementation of these points, and hereby political stability and sustained political commitment are of the utmost importance.

Currently MOLE is in the process to consolidate the draft laws. The employers' organisation, FNCCI, has written a position paper with their main suggestions, and the main trade unions have voiced their comments among other things through the Joint Trade Union Coordination Centre (JTUCC), a platform of seven trade unions (including the three main ones mentioned in the above). Some of the issues that have not yet been resolved are FNCCI's demand of 'No work, no pay' when lawful strikes and *bandhs* are called, and the trade unions' demand to include the informal economy into the draft labour laws; the draft Social Security Act does already include the informal economy.

Box 3.1: 15-Point Declaration

National Labour Conference, July 2012

- 1) Labour Law will be one unified law.
- 2) Apply Social Security system in all sectors.
- 3) Reform of all six Labour Acts within four months.
- 4) Trade Union Act: Collective Bargaining.
- 5) Labour administration and inspection.
- 6) Organization of Employment Summit conference to discuss employment promotion, productivity, etc.
- 7) Create a tripartite trust environment.
- 8) Create institutional structure to fix minimum wages.
- 9) Establish OSH information system.
- 10) Make a non-discriminatory and gender-friendly environment.
- 11) Prevent all exploitative labour practices, forced labour & the use of child labour.
- 12) Hold a discussion on foreign employment.
- 13) Strengthen labour market information system.
- 14) Implement earlier agreements between employers and workers organisations.
- 15) Hold a Labour Conference every three years.

(Unofficial summary)

2. National tripartite constituents take ownership of the ILO's country programme

After the conclusion of the Comprehensive Peace Agreement (CPA) in 2006, the tripartite constituents were involved in the preparations and the design process of the ILO DWCP 2008-10 resulting in a considerable degree of ownership at the national level. They were also involved in the discussions on the extension of the DWCP 2010-12. However, at the local level the participation of local governments, local branches of employers' organisations and local chapters of trade unions in the design and implementation was not very evident. Regarding

monitoring of the progress in the outcomes of the DWCP there is less evidence of regular meetings or consultations.

3. Tripartite constituents have improved capacities to influence national policy and resources within decent work areas

The tripartite constituents have acquired improved capacities to influence national policies as is evident from their substantial inputs in the labour reform process drafting six new acts, including new ways of putting forward their (varied) demands, e.g. FNCCI's position paper, and the joint representation of the unions' points of view through the JTUCC.

4. Constituents have clear links to target groups.

The constituents have clear links to their target groups. This is relatively straightforward for the FNCCI which caters for employers. In the case of the workers' organisations, there are clear affiliations with political parties and their memberships. For example, the insistence of the Maoist party affiliated ANTUF on the inclusion of informal economy workers (especially in agriculture, construction and transport) in the labour law reform process makes perfect sense in that they cater for this target group, and at the same time they are trying to build a niche for themselves within the trade union movement.

The picture is more mixed with respect to certain other target groups. Trade unions may have to step up their efforts to include certain marginalised groups including Indigenous Peoples (who represent 36.3% of the total population).⁵ The ILO has on the whole tried to mainstream gender, which has become evident from the fact that the stated results have generally been sex-disaggregated (see also Section 3.3). The ILO has also undertaken interventions focussed on specific target groups, such as women domestic workers, child labour and bonded/forced labour. Some of these activities were undertaken with the help of specialised NGO's since they were considered to be the main experts in that area.

Overall score for this criterion: Satisfactory (3.0).

3.3 The focus and coherence of the programme's design and strategies

There are nine Performance sub-criteria under this criterion.

1. Programme coherence supporting an integrated approach to decent work

The DWCP includes two main program outcomes and these are coherent, and amount to an integrated approach to decent work. Two outcomes seem limited but were clearly rationalized with the difficult political transition at the time of the design of the DWCP which tellingly had as overriding aim *"Generate productive employment to build peace."* In that period resources were few and far between, and it was imperative to try to have targeted interventions with relatively limited means.

⁵ There are 218 Indigenous Peoples (IP) Members in the Constituent Assembly of a total of 601 members, which amounts to 36.3%. Source: http://www.idea.int/asia_pacific/nepal/upload/IP-position-key-points.pdf.

The DWCP also benefited from the quality assurance mechanism (QAM) by the ILO's Regional Office and relevant technical units in ILO headquarters and in the field. The document was finalized, incorporating comments provided through the QAM, and in line with the ILO guidelines on RBM. As stated above, the DWCP has also taken into account the findings and recommendations of the previous country programme review, which were also considered as part of the QAM.

2. Country programme fits within ILO's Strategic Policy Framework and programme and budget priorities and strategies

The DWCP fits clearly within ILO's Strategic Policy Framework (SPF) and its 19 Global Outcomes. This was already discussed in the above under Section 3.1 'The role and relevance of ILO in Nepal', and notably in Table 3.1, which indicates one area of overlap between the (sub-)criteria identified in the TOR.

3. Country programme reflects a consensus between the country and the ILO on decent work priorities and areas of cooperation

There was clear consensus on various areas of cooperation between the constituents and ILO at the kick-off workshop of DWCP in January 2008, and recently, in July 2012 a joint 15-Point Declaration was agreed between the tripartite constituents under the auspices of the ILO. Ratifications of various ILO Conventions are discussed in various forums, among others as part of the labour market reform process (e.g. Conventions 87, 98 and 102).

All constituents have confirmed that there is a substantial degree of trust between ILO and the partners. MOLE has set up a separate ILO-Cell within the Ministry, and expects nothing less from the ILO than that it will step up its interventions substantially in the coming years, and trusts that this will occur. There is generally consensus among the constituents that ILO should continue and where possible increase its activities in Nepal.

4. Presents a strategy with main means of action for delivery of ILO support.

The DWCP document is clear; it is straightforward and clearly adjusted to the turbulent circumstances in which it was initially designed; it is not too ambitious for the same reason. The document provides indicators and strategies for the original 2008-10 DWCP, however, without a clear identification of the means of action. In addition, the *extension* for the period 2010-12 lacks a clear strategy, in particular, because there is not a separate document but only a two-page annex that has been added to the original DWCP. In that annex, indicators and planned results are listed as 'shopping lists' without any explicit inter-linkages.

5. Cross-cutting goals are integrated

On the whole, efforts have been made to include and at times mainstream gender issues; the advisers and experts involved were mostly gender-sensitive, which was evident from the fact that the stated results have usually been sex-disaggregated. Some examples are as follows:

- The DWCP's intention to mainstream gender was clear from Outcome 1: "Improved policy coherence supporting increased productive employment opportunities for men and women."

- In 2011, a strategic work plan was endorsed by unions in Nepal, covering training programmes in several areas, including child labour and gender equality (NPL802);
- In February 2010, the newly established Foreign Employment Tribunal started prosecuting and convicting persons involved in frauds, especially of women and girls (NPL828).
- Two TC projects dealing with Gender Sensitive programmes to protect migrant workers ("Protection of migrant workers from forced labour and human trafficking" funded by AGFUND implemented from 2009-2011, and "Prevention of trafficking of migrant workers" funded by Irish Aid implemented from 2010-2011);
- More than 180,000 days of work have been created in 4 districts (EMPLD and J4P),⁶ of which about *one-third* were for women workers; 55 trained/certified lead farmers (36% female) delivering private farm extension services (incl. Occupational Safety and Health, OSH) in high value cash crops.
- During the field visit the Review Team made sure that female beneficiaries were included among the respondents as far as possible, and for example interviews were held with a successful female cattle farmer and a female beneficiary of SIYB (incl. micro finance). However, it needs to be underscored that at the *local* level in future additional efforts should be undertaken to include a larger percentage of women in such projects.

International Labour Standards have been integrated into the DWCP and its twelve outcomes, while environmental issues, and especially green jobs, were the subject of specialised interventions. Such attention for cross-cutting issues is not automatic within the Nepali context, which became clear when some unions raised the issue of discrimination, and the urgent need to reduce it, especially in the areas of gender, class, caste, and religion.

6. Current programme is coherent, logic and captures opportunities for reinforcing each other in meeting objectives

As stated in the above, the DWCP is coherent and logical, and does present opportunities for the twelve outcomes/interventions to reinforce each other (cf. Table 2.2); for example, the capacity building activities (NPL801-803) have clearly enhanced the negotiation process and end result of the six labour laws designed with the support of other ILO interventions (NPL101 & 104), as well as the capacity of member states to ratify and implement international labour standards and ILO conventions (NPL826-827).

7. Partnerships and tripartite constituents build national capacities and support policy change

The DWCP promoted capacity development for all constituents. However, given its relatively limited size and resources there was less scope for full-fledged capacity development, in particular of the governmental stakeholders. Overall, the capacity building efforts at the *district* level are relatively weak and require further support.

8. Verification that ILO responds to recognized needs among constituents

ILO did make efforts to respond to the needs of constituents and the changing circumstances, in particular by changing the indicators and planned results in the extension of the DWCP. It must

⁶ Employment Creation and Peace Building based on Local Economic Development (EmPLED), and Jobs for Peace (J4P).

be underscored, however, that ILO's interventions were constrained by the relatively limited resources.

9. Resource mobilization is an integral part of strategies.

Resource mobilization, though being an integral part of ILO's strategies, has been difficult because donors were reluctant to make funds available to Nepal given the difficult position the country was facing at the time of the start of the DWCP in 2008. The ups and downs in the political stability between 2008 and 2012 have not helped to change this condition substantially. Notwithstanding the difficult local resource mobilization, the ILO also sought funding support from global projects to support country level work in Nepal, including through the Regular Budget Supplementary Account (RBSA).

Overall score for this criterion: Satisfactory (2.75).

3.4 Evidence of the direct and indirect results

This criterion tries to capture the evidence of the direct and indirect results of ILO's contributions and support at national level. Evidence of results will first be presented below (3.4.1), followed by a discussion of the seven sub-criteria in which this criterion has been subdivided (3.4.2).

3.4.1 Evidence of results

The evidence of direct and indirect results of Outcomes 1 and 2 against the DWCP indicators have been discussed in detail in the above (Section 2.2, especially Table 2.3). This section will provide a summary of the highlights.

Results under DWCP Outcome 1:

- 1) The current TYIP 2010/11-2012/13 focuses on the nexus between economic growth, employment and poverty.
- 2) The Nepal Labour Force Survey 2008 undertaken by CBS with the assistance of the ILO has been published and used among others by NPC; in addition, CBS collaborated with UNICEF for the Nepal Multiple Indicator Cluster Survey (NMICS) 2010 with the primary objective of filling the data gap on children and women that existed particularly in the Mid-western and Far-western regions of Nepal.
- 3) A Diagnostic Study on Constraints to Economic Growth has been undertaken (in cooperation with ADB and DFID; 2009), and the GoN has adopted the employment target proposed in this study.
- 4) An analysis of five sectoral policies has been undertaken, and the report will be published soon, and is expected to be endorsed by NPC. The sectors involved are: Agriculture, Tourism, Infrastructure, Hydropower & Manufacturing.
- 5) In February 2011, the revised Foreign Employment Regulation was endorsed by the Government.
- 6) With respect to Youth Employment two results are particularly noteworthy:
 - a. National Plan of Action (NPA) on Youth Employment 2008-2015;
 - b. The inclusion of youth employment in the employment chapter of GoN's TYIP.
- 7) The NPC has recognized the "Employment Guarantee Scheme" (EGS) as a social protection measure and is seeking to include it in the next GoN Development Plan.

- 8) More than 180,000 days of work have been created in 4 districts (EMPLED and J4P), of which about one third were for women workers; 55 trained/certified lead farmers (36% female) delivering private farm extension services (incl. Occupational Safety and Health, OSH) in high value cash crops.
- 9) In June 2010, a Tripartite Task Force on Social Security was established, and a plan of action on social security reform made. The National Social Protection Framework document was developed by NPC and UNDP.
- 10) MOLE was in the lead while drafting the Social Security Act; the draft was already concurred by the Ministry of Finance, and has recently been submitted to the Ministry of Law and Justice for review.
- 11) Gender has generally been mainstreamed, and specific interventions were also undertaken (such as a study on women and child trafficking for domestic work).
- 12) Adoption of the 15-Point Declaration by the National Labour Conference in July 2012.

Results under DWCP Outcome 2:

- 1) Drafts of Five Labour Acts are being reviewed by MOLE following extensive tripartite social dialogue; these draft acts are:
 - i. Labour Act
 - ii. National Labour Commission Act
 - iii. Trade Union Act
 - iv. Bonus Act
 - v. Unemployment Benefit Insurance Act
- 2) A draft National Plan of Action on the implementation of ILO Convention 169 was designed.
- 3) FNCCI established a legal services centre, and a training unit, dealing also with labour issues; gender equity promotion was undertaken, and booklets were published on workplace cooperation, and negotiation and collective bargaining; an Employers' Handbook was recently published as well; a youth employment website was created; in house training was undertaken, also through local branches; and, lastly, green jobs were promoted (presented in an ILO regional meeting in Surabaya, Indonesia).
- 4) In August 2011, the Prime minister of the GoN announced in an informal meeting that the government is considering the ratification of ILO Convention 87. The trade unions have been investing substantial resources into this ratification process, and they supplied memorandums on its importance to the government.
- 5) MOLE issued several regulations on protecting women migrant workers.
- 6) In 2010, the National Master Plan on Child Labour and the National Plan of Action on Bonded Labour were revised.

3.4.2 Evidence of the direct and indirect results: Seven sub-criteria

1. The programme has defined clear outcome-level results against which it can be assessed

The outcome level results have been clearly defined, specific enough and mostly measurable, but these have not been matched with the indicators. Both were enumerated as lists without any direct inter-linkages as the example of Annex 1 of the DWCP shows clearly.

2. These results are documented and verifiable

Because the indicators of the two Outcomes were not always well-defined and not related to the planned results in the DWCP document, this led sometimes to less than adequate reporting of the results of these outcomes; for example, it took some time to establish the linkages between the indicators and the twelve DWCP outcomes (as reported in the previous chapter, i.e. Table 2.3).

3. The outcomes justify the resources spent

The overall impression of the review team is that the results clearly justify the resources spent (staff & non-staff). With such relatively important achievements as the drafting of six labour laws and the agreement of tripartite partners on the 15-Point Declaration, but also important progress in such areas as child and bonded labour, ratifications of ILO Conventions, international labour standards, employment creation and capacity building, one can only conclude that the relatively modest resources were very well spent. The quality of the technical assistance (i.e. technical experts and consultants) employed by the ILO has almost without exception been reported by the interviewees as more than sufficient. The quality of partnerships is usually valued very positively.

Total resources from the regular budget (i.e. Technical Cooperation-RBTC, Supplementary Account-RBSA plus Programme Support Income-PSI) for the period 2008-2012 amounted to over US\$ 1.1 million or 10% of the total allocations; thereby, RBSA took up the largest share with 56%, followed by RBTC with 38% and PSI with 6%. This is relatively small compared with the allocations for XBTC: over US\$ 10 million, which amounts to 90% of the total allocations emphasising its critical importance to the DWCP (cf. Table 3.2).

Table 3.2: Budget breakdown (allocations) by DWCP Outcome (2008-2012).

DWCP Outcomes	Regular Budget (US \$ *)	XBTC (US\$)	TOTAL (US\$)	Percentage
Outcome 1: Subtotal	621,119	6,293,856	6,914,975	61.8
• NPL101	380,104	0	380,104	3.4
• NPL126	72,815	200,000	272,815	2.4
• NPL127	46,600	6,093,856	6,140,456	54.9
• NPL128	121,600	0	121,600	1.1
Outcome 2: Subtotal	491,504	3,784,243	4,275,747	38.2
• NPL104	98,580	0	98,580	0.9
• NPL801	25,800	0	25,800	0.2
• NPL802	23,585	47,775	71,360	0.6
• NPL803	48,589	0	48,589	0.4
• NPL826	180,000	3,356,468	3,536,468	31.6
• NPL827	0	0	0	0.0
• NPL828	110,000	100,000	210,000	1.9
• NPL829	4,950	280,000	284,950	2.5
TOTAL	1,112,623	10,078,099	11,190,722	100.0
Percentage	10.0	90.0	100.0	

*) Includes RBTC, RBSA and PSI.

Table 3.2 also shows that almost 62% of the total allocations was for Outcome 1 (Policy Coherence), while 38% was for Outcome 2 (Labour Market Governance). When looking at the different interventions, an imbalance is noticed in that 85% of the total budget allocation comes only from the XBTC projects of two (out of twelve) outcomes (NPL127 and 826).

Considering actual expenditures, it turns out that out of the total XBTC allocations 91.1% was actually disbursed; this relatively high percentage can be explained by the fact that most of the TC projects are already fully completed projects. In contrast, the relative actual expenditures for the regular budget (RBTC) and for the RBSA/PSI are much lower: respectively 59.1% and 74.6% of the respective allocations. This can be explained by the fact that the RBTC and RBSA/PSI allocations are earmarked for a period ending in December 2013 so there is still sufficient time to spend these funds. It has to be noted, though, that the resources for 2012-13 cover a period beyond the current DWCP (2008-2012).

4. The secondary effects, either positive or negative, are known and associated risks addressed

The risks for the DWCP were first and foremost related to the uncertainties brought about by the turbulent political transition process in the middle of the previous decade. These were certainly adequately identified in the DWCP and taken into account during the implementation. In fact, the risk management strategy consisted of a flexible, modest three year DWCP 2008-10 followed by an extension of this DWCP to include 2010-12.

5. ILO has influenced thinking and action related to policy changes

ILO has influenced policy changes in various ways; two examples are the recognition of the Employment Guarantee Scheme (EGS) by NPC as a social protection measure, and the fact that the current TYIP 2010/11-2012/13 focuses on the nexus between economic growth, employment and poverty. Many more examples can be given (reference is made to Section 3.4.1). Moreover, ILO's interventions have catalysed the drafting of new labour and social security laws. Sustainability of the interventions is further enhanced by broad activities in capacity building and training.

6. Results are sustainable by partner institutions and at various levels (local, national, regional)

The results of the interventions have a large degree of sustainability as indicated under the previous sub-criterion. However, this applies in particular to the national level, and is much less pronounced at local and regional levels.

7. Expansion and replication of successful demonstration and pilot interventions.

There is ample evidence of the expansion and replication of several successful demonstration and pilot projects, such as:

- the use of ILO's SIYB training materials, among others by IEDI,
- the FNCCI industrial relations training package, and
- the value chain upgrading and LED approach.

Overall score for this criterion: Satisfactory (3.0).

3.5 The efficiency and adequacy of organizational arrangements

This criterion tries to capture the efficiency and adequacy of organizational arrangements to deliver ILO's programme in Nepal. It has been subdivided into five sub-criteria as follows.

1. The operations of the programme match the programme plan

The application of ILO's Results-Based Monitoring (RBM) at times remains challenging, in particular when indicators, results and implementation plans and reports have to be related to each other; it has to be admitted that the various changes over the past few years have resulted in different prescribed formats, for example the prescribed format for the implementation plan for the biennium 2010-2011 was substantially different from that for 2008-09. As a result, the monitoring and evaluation plans and reports for RBM for the DWCP are not always clearly aligned for the entire period of 2008-2012, making it sometimes difficult for the review team to assess especially the progress of each of the 12 outcomes.

2. The ILO has operated fairly and with integrity

The constituents are unanimous in recognizing that the ILO has operated with integrity and fairness in all interventions. It has played a neutral facilitator between the tripartite constituents for example in the National Labour Conference in July 2012. It has to be noted that the participants in this conference included three employers' and ten workers' organisations, while ILO generally works with the largest of them (the FNCCI for the employers, and GEFONT, NTUC and ANTUF for the workers). Many of the other workers' organisations are much smaller, and a few of them exist mainly on paper. Therefore, the review team wholly endorsed the approach by the ILO, which is directed not only at the largest organisations, but also at platforms or networks where the others can participate (JTUCC and the National Labour Conference).

One thorny issue was brought forward by one of the large trade unions: sometimes ILO contracts NGOs without consulting the tripartite constituents especially the unions. The review team investigated this issue from several sides and concluded that the ILO had acted in good faith since the NGOs in question had a reputation of unique expertise in the areas involved. A related issue is the remark that trade unions had not been involved in the ratification of ILO Convention 169 on Indigenous and Tribal Peoples back in 2008, although at least one union participated in preparatory workshops⁷; the strong recommendation of the review team is, therefore, to include the tripartite constituents closely in the coming *implementation* of this convention.

3. Credible, skilled specialists support the work

The stakeholders appreciated ILO's technical strength and the quality of the specialists and consultants involved.

4. Resource mobilization is effectively and efficiently carried out

ILO's resource mobilization strategy has not as such been put on paper, and that leads to the conclusion that it is not yet as developed as it could have been; there are clear, often implicit,

⁷ The ILO's publication "ILO Convention No. 169 and Peace Building in Nepal" showed the participation of one member from GEFONT in a two-day National Dialogue Conference on ILO C. No. 169 in January 2005.

strategies, whereby the principle of integrity is much appreciated. At the same time, it would be a step forward to make the strategies *explicit*, to put them on paper, and to discuss them with relevant desks within the ILO. Tapping into the already existing multi-year plans of donors, and adjusting topics to their priority areas, does not subtract from integrity but can make a great deal of difference in the funding volume.

As mentioned earlier, resource mobilization for the country programme in Nepal was not only done locally but also linked up with efforts done regionally at the level of the ILO's Regional Office and globally at headquarters, including the use of RBSA. Towards the later stages of the DWCP, resource gap analysis began to be used as a tool for mobilisation of external budgetary resources.

5. Work processes are efficient and timely.

Work processes are generally determined by the requirements of the relevant bureaus at the headquarters in Geneva, and often cannot be changed. Paperwork is thus a necessity, but perhaps there are ways to reduce it locally; at the same time, it must be said that when a partner is experienced in working with the ILO complaints seem to be less; in other words, it concerns especially partners with whom the ILO has not worked before who need to get used to the way to do the paperwork efficiently.

The value of an in-country ILO Country Office (CO) in Nepal has proven to be important in adjusting the DWCP to the changing political situation in the country. In general, coordination and communication between ILO and the main stakeholders and partners is appreciated. Internal coordination within the CO may have to be enhanced in the areas of regularity of meetings on the monitoring of the DWCP and of the sharing of information and documents. The review team supports the request of the country director to have one of the NO-A programming positions enhanced to NO-B, and to turn the temporary NO-A position into a permanent one; it is the feeling of the review team that such changes would be an important step towards balancing the human resources situation within the CO. In addition, there was a suggestion by a specialist in the consultation meeting in Delhi that an enhancement of the technical capacity at the CO might well be beneficial especially when the intention will be laid down in the next DWCP towards an increased volume and complexity of work. At the same time, there is a need to tighten the interaction between the CO in Kathmandu and the DWT/CO New Delhi in order to coordinate timely demand and supply of inputs.

Overall score for this criterion: Satisfactory (2.75).

3.6 Knowledge management and sharing

This criterion is subdivided into three sub-criteria, as follows.

1. M&E is part of the knowledge base

M&E data are generally gathered at project level, and the data are properly processed, managed, and analysed. However, the last step in the process, i.e. dissemination, is often neglected or left to others, resulting in a gap between the M&E system and the knowledge base.

2. Office follows a communication/KM strategy, making effective use of its website and other tools for outreach

There is on the whole a lack of an explicit Communication/Media strategy, and also of a Knowledge Management strategy for the DWCP. MOLE has expressed its definite interest to jointly design a communication mechanism with ILO. The ILO Website is generally considered as very informative and up-to-date, but there are many complaints from the members of stakeholders that too little is in the Nepali language. The introduction of the ILO's Knowledge Sharing Platform has facilitated the sharing of knowledge among ILO staff. It is however still too early to assess how effective this platform will be to promote knowledge sharing.

3. ILO knowledge development used to improve national programmes, policies and benefit priority groups.

The tripartite constituents have easy access to ILO websites and generally express appreciation of the content, although more extensive use of Nepali language should be encouraged. The quality of Information, Education and Communication materials is generally appreciated, but the dissemination needs to be improved, so that they could have a greater impact.

Overall score for this criterion: Unsatisfactory (1.75).

3.7 Conclusion

In conclusion, the Nepal DWCP 2008-2012 has been rated as 'Satisfactory' having scores of Very Satisfactory (1), Satisfactory (4) and Unsatisfactory (1). That the overall performance is considered satisfactory is definitely commendable in particular considering the sustained political transition process resulting in prolonged insecurities (the latest being the absence of the Parliament), alongside other disruptions of public life such as the frequent occurrence of *bandhs*, and the severe shortage of electricity supply.

4 Assessment of Progress made towards DWCP Outcomes

The assessment of progress made towards the twelve DWCP Outcomes will be undertaken by means of five main performance factors for outcome-specific findings regarding progress and performance (cf. TOR in Annex 1):

- A. Resource adequacy
- B. Delivery of outputs
- C. Use of outputs by partners/ target groups
- D. Progress made (against outcome indicators/milestones)
- E. Measure to response to the emerging risks and the opportunities

A scoring exercise has been undertaken as specified in this TOR, and the scoring procedure and the criteria and sub-criteria are further explained in Annex 7. The Review Team were the only persons involved in the scoring exercise which they based on their findings during the programme review. The twelve programme outcomes are grouped in this chapter according to the two main outcomes of the DWCP (cf. Sections 4.1 and 4.2). These twelve outcomes are each analysed based on the above five factors, and the actual scores on these factors will be discussed at the end of this Chapter in Section 4.3.

At the outset one comment has to be made which needs to be kept in mind at all times during the below exercise. The scoring is rather subjective in nature, and arriving at the final ratings posed difficulties in translating an assessment of the different dimensions of performance into an average score, while at the same time trying to ensure a degree of consistency of the ratings itself. This is further compounded by the fact that outcome scores are given for an implementation period which includes activities that were started and/or are completed at different moments in time.

4.1 DWCP Outcome 1: Improved policy coherence

Under DWCP Outcome 1, "Improved policy coherence supporting increased productive employment opportunities for men and women", there are four programme outcomes: NPL101, 126, 127 and 128.

1. Improved policies and legal framework on social security coverage for workers, notably of excluded groups (NPL101)

A. Resource adequacy

The funding sources for outcome NPL101 amount to just over US\$ 380,000. This amount came from RBSA (56%) and the rest from RBTC and PSI, while there were no XBTC or other resources available. The funding was allocated to two milestones, of which one is adequately resourced, while the other is under-resourced; however, the latter milestone concerned only two out of a total of seven outputs of NPL101. A lack of TC funding was the main reason for the

partial under-resourced milestone. The general opinion is that the delays in the enactment of the draft social security law were not due a lack of funding, but much more due to the period of political transition.

B. Delivery of outputs

The Social Security Act has been submitted by MOLE to the Ministry of Finance and the Ministry of Law and Justice after solid discussions at the National Labour Conference in July 2012. Since at present there is no parliament the law might have to wait until after the elections (most likely in March/April 2013) although currently it is being discussed among political parties whether it is also possible to enact them through an Ordinance directly to the president. When this materializes it should be considered as a major milestone. Therefore, the main planned outputs, i.e. the assistance towards arriving at a draft law, are expected to be delivered by the end of 2012; in quantitative terms, five outputs will be delivered, while the two remaining outputs suffer from a partial lack of resources.

Regarding the quality of the outputs, it needs to be underscored that there have been intense, but fruitful discussions between the tripartite constituents resulting in a general feeling of satisfaction that, despite counterproductive circumstances in the political arena, the three constituents have arrived at a consensus on the draft law. NPC has also concurred the draft law. The final endorsement of the law may suffer from further delays because of the lack of a parliament, but this does not affect the outputs per se.

C. Use of outputs by partners/ target groups

The outputs have indeed mostly been used by partners and target groups; for example, NPC, MOLE and the constituents were involved in the planning of the TA, and the research paper by ILO has been used in the drafting of the Social Security Act. Thus, the outputs have been appreciated by the constituents. MoF has endorsed the draft act and now MOLE has submitted it to Ministry of Law and Justice in order for it to be passed on to the Parliament. ILO's TA has deepened the already existing knowledge on Social Security systems. The collection of social security contributions started in 2011 which needs to be monitored on a regular/permanent basis. On the whole, the ILO concluded that one of the lessons learned was that the 'Social Protection Floor' (SPF) and its four essential guarantees⁸ would require financial support from the Ministry of Finance and the NPC. Another lesson was that since the SPF covers the mandate of various UN agencies it would be beneficial to coordinate more closely in future.

D. Progress made (against outcome indicators/milestones)

Relatively substantial progress was made towards the achievement of milestone 1.

- Social security organisation act is being finalised by the GoN;
- GoN has passed a regulation and established a Social Security Fund, and Prime Minister's Office has directed this Fund to immediately design and implement 3 schemes: employment injury benefits, maternity benefits and sickness benefits.
- Unemployment insurance benefit act has been prepared and finalised through tripartite mechanism.

⁸ These are: 1) access to essential health care for all; 2) all children have income security; 3) all those in active age groups who are unable to earn sufficient income on the labour markets (the unemployed and the poor) should enjoy a minimum income security through social assistance; and 4) all residents in old age and with disabilities have income security through pensions. Source: ILO (2011): Social Protection Floor for a fair and inclusive globalization. Report of the Advisory Group chaired by Michelle Bachelet. ILO Geneva: 2011, with collaboration of WHO.

- GON has prepared a national framework for social protection which is in the process of finalisation and approval by relevant authority.
- In June 2010, a Tripartite Task Force on Social Security was established which was led by the Finance Secretary. The Task Force has delivered a plan of action on social security reform in Nepal.

The outputs planned to contribute to Milestone 2 are under resourced. An actuarial report aiming at enhancing the financial viability of prioritised social security floor schemes has been drafted.

E. Measure to response to the emerging risks and the opportunities

The main risks that were taken into account and to which ILO responded during the implementation are twofold:

- Political transition in Nepal: Many cabinet changes took place, and also a relatively large turnover of government staff; at times political interference occurred in the relationships between the tripartite constituents as well as among each of them.
- Local donors were not interested in *formal* sector social protection.

Since social protection is broad and a comparatively new area for the ILO constituents including the GoN there is a window of opportunities to be involved in the development of national policies, legal framework and social security schemes in Nepal. In addition, there was increased awareness among GoN partners and donors regarding the importance of social protection towards achieving the MDG goal of poverty reduction by 2015. This awareness will trigger increased commitment from the GoN and the donors in this sector particularly for the informal economy.

The ILO country programme did try to take those risks and opportunities into consideration, and the programme and the interventions have been adjusted to circumstances, in particular the extension of the DWCP 2008-2010 to include the period 2010- 2012. The CO also continues with resource mobilisation efforts, and is aware of challenges in the actual enactment and implementation of the act.

Average Score for this Outcome: 3.2 – (Very) Satisfactory.

2. Improved policy coherence supporting increased availability of decent job opportunities (NPL126)

A. Resource adequacy

The total allocation of US\$ 270,000, including 200,000 from XBTC (NEP/08/02/UND: Labour Force Survey II), is not sufficient. Two out of seven outputs are under-resourced, in particular for LMIAS; an allocation of an additional US\$ 1.1 million is required. Until now ILO could not find funding for LMIAS and for the M&E system for employment targets.

B. Delivery of outputs

Two out of seven outputs are not likely to be delivered by the end of 2012. Overall, the quality and quantity of outputs delivered is rated as satisfactory, and the NPC even acknowledged the high quality of ILO's interventions. There will be delays for two out seven outputs.

C. Use of outputs by partners/ target groups

The outputs delivered by the ILO have been appreciated and used, e.g. by NPC, MOLE, CBS, and UNRC. NPC plans to use them as an input for developing its employment plan and programme. The ILO country office makes continuous efforts to sensitize policy makers on the use of the various technical outputs to prioritize decent work in their macro analysis.

D. Progress made (against outcome indicators/milestones)

Clear progress has been made, for example:

- The on-going development plan of the GoN has incorporated a target for employment generation for the first time in its history, and
- GON has prioritised 4 sectors for employment in Nepal.

On the other hand, progress was not registered for two out of the seven outputs, and the coherence among the seven different outputs is not always clear, while the main focus of Outcome 1 concerns policy coherence. The two outputs that lagged behind suffered from a lack of funding.

E. Measure to response to the emerging risks and the opportunities

The main risk has been the frequent changes in the government staff resulting in delays for follow-up activities. The country programme tries to take this into consideration, and therefore, targets newly appointed staff with priority.

Average Score for this Outcome: 2.9 - Satisfactory.

3. Increased availability of productive employment opportunities for young men and women (NPL127)

A. Resource adequacy

With almost US\$ 6.2 million, this outcome is the largest of the 12 of the DWCP, but it was nevertheless not adequately resourced. In particular there was not enough resource for enhancing the capacity of SMEs for more (green) jobs for youth (an additional US\$ 3.5 million was required). There were five XBTC projects with a total of over US\$ 6 million:

XBTC Number	Project Allocation	Description
NEP/10/50/UND	322,000	Rehabilitation of verified minors/late recruits
NEP/09/50/UN	1,852,000	ILO-FAO Jobs for peace
NEP/07/02/IFA	870,000	Skill enhancement
NEP/06/51/NET	3,000,000	EmPLED
NEP/08/03/UNA	50,000	Employment creation for PLHA
TOTAL	6,094,000	

B. Delivery of outputs

Not all outputs are expected to be delivered at the end of 2012. However, over 178,000 person days work have been created and 13,000 long term jobs; in addition, the capacity of the GoN to design programs on youth employment creation has been enhanced. The quality of the outputs is partly acceptable, although institutional development at local level has at times not sufficiently materialized. Delays of a few outputs are due to a lack of funding

C. Use of outputs by partners/ target groups

The outputs delivered have been used in various ways; by the NPC (in its Employment Chapter), and ILO's SIYB Level -1 is being widely adapted by GoN and other partners (incl. IEDI). However, there is limited attention at the central level for decentralized economic growth and job creation. At District level, efforts are being made to establish and capacitate inclusive public-private-civil society dialogue forums for advisory services to the Local Authorities for employment generation.

D. Progress made (against outcome indicators/milestones)

Progress has indeed taken place in the past five years, in particular:

- Job creation and peace building in selected districts.
- Institutional capacity building of youth organisations has also been enhanced, although additional attention is required at the local level.
- The TC projects directly targeted employment of youth in selected districts, and have contributed to job creation.
- Evaluation reports of the projects indicate that these projects also contributed in peace building by engaging youth in productive activities, and that youth organisations which earlier focussed on social activities are now also including the agenda of youth employment in their programmes.
- Capacity of the SIYB Secretariat has been strengthened which has further contributed to create a conducive environment for sustainable enterprises.

E. Measure to response to the emerging risks and the opportunities

The substantial dependency on TC project resources for even small technical assistance is slowly pushing ILO away from enterprise development and skills development sectors in Nepal. The sustainability, impact and replicability of the interventions are threatened by a lack of effective institutional capacity building at the *local* level, and by the limited attention at the central level for decentralized economic growth and job creation. The country programme partly takes this risk into consideration, and tries to build capacities in GoN to include local job creation interventions, and generally tries to enhance capacity building. ILO is also exploring resource mobilisation from local donors.

Average Score for this Outcome: 2.7 - Satisfactory.

4. Labour intensive public works designed and implemented for increased employment opportunities and poverty reduction (NPL128)

A. Resource adequacy

A total allocation of about US\$ 121,000 (mainly RBTC) is not adequate to deliver the planned outputs, in particular not for the productive infrastructure project in Terai area to demonstrate Green Jobs (which requires over US\$ 1 million). No funding is available for the remainder of the outputs.

B. Delivery of outputs

Out of seven outputs, about half will be delivered within the DWCP period. The quality and quantity of outputs delivered is satisfactory, and this applies in particular to NPC's EGS, and DOLIDAR's capacity building for rural roads construction and maintenance, although less so for other interventions (Karnali, Terai). Delays have occurred due to lack of funding, and partly also due to political transitions.

C. Use of outputs by partners/ target groups

Because the outputs were planned after extensive consultations with the stakeholders, the partners, i.e. NPC, DOLIDAR, and others, are widely using them. The interventions were very much appreciated, but replication was very limited despite requests by the concerned stakeholders (e.g. DOLIDAR). Strategies for infrastructure based job creation have been made available to the stakeholders.

D. Progress made (against outcome indicators/milestones)

Progress has taken place in several areas, for example:

- The capacity of DOLIDAR to design and implement road maintenance programmes was strengthened;
- the Employment Guarantee act was formulated by the GoN,
- the draft act on the National Labour Commission is being reviewed by MOLE.
- Strategies for infrastructure based job creation have been made available to the stakeholders.

However, some interventions did not materialize because of lack of funding (e.g. Terai Green Jobs, and employment generation pilot project in Karnali)

E. Measure to response to the emerging risks and the opportunities

The main emerging risks were political instability, and the tendency to employ capital-, instead of labour-intensive road construction. There is, however, a potential to mobilise donor resources as labour based infrastructure is increasingly recognised as an important means of job creation, especially in rural areas. These risks and opportunities are taken into account, as already indicated in the above; strategies for infrastructure based job creation have been made available to the stakeholders, while resource mobilisation strategies were not yet sufficiently effective.

Average Score for this Outcome: 2.4 - Satisfactory.

4.2 DWCP Outcome 2: Improved labour market governance

Under DWCP Outcome 2, "Improved labour market governance for creating enabling environment for jobs", there are eight programme outcomes.

5. Labour laws will have been improved and their implementation made effective for creating enabling environment for jobs (NPL104)

A. Resource adequacy

The allocation of about US\$ 100,000 (mainly RBTC) is adequate for the adoption of the five labour laws, but not for the implementation (as explicitly specified in the outcome statement). In

addition, there was a local contribution from DFID. It may have been too ambitious to include the implementation of the five laws also in the outcome statement.

B. Delivery of outputs

All five labour laws have been drafted, which is a major accomplishment in itself, but enactment and implementation are pending. The quality of outputs delivered is very satisfactory: there have been intense discussions among the tripartite constituents, and they have arrived at some degree of agreement on most of the provisions of the draft laws. There are delays in the enactment and implementation due to political instability.

C. Use of outputs by partners/ target groups

The technical comments by the ILO have been used by the constituents in their tripartite dialogue in the drafting of the laws. They have very much appreciated the outputs, and these are used by each constituent in their position papers. ILO's understanding of the local context explained the decision to support the National Labour Conference of July 2012 where all constituents committed to adopting all five Labour Acts within four months.

D. Progress made (against outcome indicators/milestones)

The tripartite Central Labour Advisory Committee decided to draft the new Labour Acts in line with the ILO recommendations. However, the enactment and implementation are pending. The labour laws are in the final stages of agreement among constituents, and since there is no parliament enactment is pending.

E. Measure to response to the emerging risks and the opportunities

Political stability is crucial for the timely endorsement of the bills and for the implementation of the results. ILO technical assistance is important in order to bring the national legislation in conformity with ILO conventions and recommendations. The active participation by the ILO constituents has been fruitful and it provides further opportunities to the ILO to be actively involved in the process

Some issues are still in need of finalisation by MOLE (such as 'no work no pay', and possible inclusion of the informal economy). The on-going political transition in the country may delay the actual enactment; this was taken into consideration for example by facilitating the organisation of the National Labour Conference in July 2012 to maintain dialogue and agreement of the final drafts.

Average Score for this Outcome: 3.1 – (Very) Satisfactory.

6. Strengthened institutional capacity of employers' organizations (NPL801)

A. Resource adequacy

The relatively small allocation of US\$ 25,800 (RBTC) seems adequate for the planned outputs. In addition, there are other resources from ACTRAV (INT/09/54/NOR).

B. Delivery of outputs

Most of the planned outputs will be delivered by the end of 2012, but some are subject to delays, such as in the LMIS consolidation. The following outputs have already been delivered:

- Full-fledged legal unit within FNCCI;
- Online database (LMIS), and website on youth employment;

- Setting up of a training unit and undertaking training, including several publications (e.g. on negotiations and on workplace cooperation); and
- HIV/AIDS workplace education.

The quality of the outputs delivered is generally satisfactory.

C. Use of outputs by partners/ target groups

The FNCCI is widely using the outputs, which has been appreciated by their members; certain outputs are widely replicated. ILO's understanding of the local context comes to the fore, for example, in their advice to FNCCI to sustain the training programme by charging their members who participate in such training programmes, and to appoint full-time staff.

D. Progress made (against outcome indicators/milestones)

Progress in terms of building the capacity on drafting labour laws, on collective bargaining, on negotiation, and on the promotion of gender policy, will contribute towards the achievement of this outcome. In particular, the FNCCI established a legal services centre, and a training unit, dealing also with labour issues; gender equity promotion was undertaken, and booklets were published on work-place cooperation, and negotiation and collective bargaining; an Employers' Handbook was recently published; a youth employment website was created; in-house training was undertaken, also through local branches; and, lastly, green jobs were promoted (presented in an ILO regional meeting in Surabaya, Indonesia).

E. Measure to response to the emerging risks and the opportunities

The main risks have been identified including political instability, a lack of enterprise supportive program policy, and inadequate energy supply and infrastructure.

There are, however, also a number of opportunities, such as:

- Promotion of social dialogue,
- Capacity building for employers and their representatives,
- Promoting Labour Market Governance,
- Promoting gender equality in workplace, and
- Enterprise development and youth employment.

ILO takes these risks and opportunities into consideration when delivering the TA, and is in constant contact with FNCCI about adjustments.

Average Score for this Outcome: 3.2 - (Very) Satisfactory.

7. Strengthened institutional capacity of workers' organizations (NPL802)

A. Resource adequacy

The outcome NPL802 is adequately resourced through 3 sources:

- RBTC of about US\$ 23,000;
- the PAF project: almost US\$ 48,000 for NEP/10/03/UNA: HIV and TB transmission risk assessment of street vendors; and
- ILO/ACTRAV Norway project: INT/09/53/NOR & INT/09/56/NOR since 2012.

B. Delivery of outputs

The outputs set for biennia 2008/09 and 2010/11 were fully achieved while it is expected that about half of the outputs for the biennium 2012/13 will be delivered already by the end of 2012. Some of the main results are:

- a. Under ILO/ACTRAV Norway Project, 2 action programs on organizing informal economy workers were implemented;
- b. ILO prepared a draft 'constitution' for JTUCC;
- c. Mainstream gender and youth perspectives in training programmes of workers' organizations;
- d. 2011 Strategic Work plan endorsed by unions covering training in areas of TU rights, IP rights, employment relations, child labour, migrants, gender equality, social security, informal economy and HIV/AIDS.;
- e. TOT for women educators and for safe migration; etc.

The quality and quantity of outputs delivered were well received by the target group, while no major delays were encountered.

C. Use of outputs by partners/ target groups

The outputs of this outcome are based on the needs and priorities of the unions and thus are linked with the union activities in the country. The outputs have certainly been appreciated and parts of them are already used by target group. ILO's understanding of the local context is apparent through the balanced set of interventions that has been provided, including the important initiative to counter union fragmentation through the drafting of the JTUCC 'constitution'. Follow-up activities in the latter's case have been left to cater for by a Danish international trade union and DANIDA.

D. Progress made (against outcome indicators/milestones)

Significant progress was made in terms of workers' participation on reviewing and influencing labour policies. It was made through the labour market reform process practiced since 2007. Major unions have been able to include the issues of ILO conventions, informal economy, social security, gender and migrant workers in their strategies and plans. These outputs were directed at the three major unions in particular, although there are about 10 unions in total; however, the activities with the JTUCC were beneficial to an additional four unions.

E. Measure to response to the emerging risks and the opportunities

The main emerging risks concerned an increasing number of trade unions, which are competing with each other, and the political transition situation which sometimes distracts unions from set priorities. Once the revised labour laws are enacted and the new mechanisms (Labour Commission, Social Security Organizations) for labour administrations are established, there will be different windows of opportunities for Nepalese Trade Unions to protect the rights of workers and to strengthen the trade union movement as a whole. The country programme has taken these risks into consideration, partly by stimulating joint operations of trade unions, e.g. through the JTUCC Constitution, and, partly also, by enhancing the possibilities of mutual reinforcement with some of the other interventions, e.g. on social security (NPL101) and the five labour laws (NPL104).

Average Score for this Outcome: 3.3 - Very Satisfactory.

8. Increased capacities of employers' and workers' organizations to participate effectively in the development of social and labour policy (NPL803)

A. Resource adequacy

In view of the fact that there were no major financial outputs planned, the allocation of almost US\$ 50,000 (RBSA and RBTC) was adequate.

B. Delivery of outputs

All planned outputs are expected to be delivered by the end of 2012, in particular the interventions related to:

- Nepal Labour Commission draft act;
- National Industrial Relations Commission (NIRC);
- Capacity Building of Labour Commissioners via NIRC;
- Training module on Collective Bargaining adapted to Nepali context; etc.

The progress of the Central Labour Advisory Committee (CLAC) and the climate change interventions could not be assessed.

Overall, the target groups were satisfied about the quality and quantity of the outputs delivered, and there were no major delays.

C. Use of outputs by partners/ target groups

The outputs delivered by the ILO have been used by the partners/ target groups, for example, the GoN now recognizes the importance of the role of Workers' and Employers' organisations, and these organisations are no longer left out of important consultative meetings. The target groups are already using and/or employing the outputs in their activities.

D. Progress made (against outcome indicators/milestones)

The progress/changes have taken place in the country in the past five years, notably:

- Employers and Workers' organisations were able to reach consensus for their overall social security contribution;
- EOs and WOs were able to draft five new labour laws jointly with the government;
- Green jobs agenda was incorporated in their work plans.

There is some overlap here with the progress claimed by for example NPL 801 and 802 and NPL104; although in itself it is important that there are mutual reinforcements among outcomes, it seems here the progress is at least partly double-counted.

E. Measure to response to the emerging risks and the opportunities

The main risk that emerged was the political stability which is crucial for the timely endorsement of the draft acts and for the implementation of the resulting laws. An important emerging opportunity is the increased recognition among EOs and WOs of the importance of improved Industrial Relations. The country programme took these risks/opportunities in to consideration, by striving towards a balanced mix of activities in this outcome, and by adjusting it for the extension of the DWCP in 2010.

Average Score for this Outcome: 3.2 – (Very) Satisfactory.

9. Strengthened capacity of member states to ratify and apply international labour standards and to fulfil reporting obligations (NPL826)

A. Resource adequacy

This intervention was adequately resourced with an allocation of US\$ 180,000 RBSA and four TC projects with a total of over US\$ 3.3 million (cf. the TOR's first annex in Annex 1):

- 1) NEP/08/01/AGF: Protection of migrant workers: US\$ 200,000.
- 2) NEP/08/02/MUL: Promotion of indigenous peoples' rights: US\$ 1,120,000.
- 3) NEP/10/02/UNA: Behaviour analysis of returnee sex workers from India: US\$ 36,000.
- 4) NEP/06/50/USA: Sustainable elimination of child bonded labour in Nepal Phase: US\$ 2,000,000.

However, for the capacity building activities of stakeholders to implement ILO Convention 169 on the rights of Indigenous Peoples an allocation of US\$ 5 million is required (cf. budget of UNDAF 2013-2017). So far, modest funding for technical cooperation has been identified.

B. Delivery of outputs

Most planned outputs are expected to be delivered by the end of 2012. In general the quality and quantity of outputs delivered is considered satisfactory, although there is much discussion on the plan of action for Convention 169 especially among trade unions. Delays could be forthcoming since the plan of action for Convention 169 has not yet been endorsed by the GoN.

C. Use of outputs by partners/ target groups

The partners have effectively used the outputs delivered by the ILO, and the government has also submitted a progress report on the implementation of several ILO conventions. ILO's understanding of the local context is generally good, but in this case it may have to anticipate somewhat more on the problems for the line ministries to implement ratified Conventions (human and financial resources).

D. Progress made (against outcome indicators/milestones)

The planned progress has to a large extent taken place, for example:

- GoN submitted timely reports on ratified conventions (2011).
- The new three-year development plan incorporates social inclusion issues within the framework of Convention 169.
- National Plan of Action on the implementation of Convention 169 was drafted by GoN.
- National Master Plan on the Elimination of Child Labour was reviewed and finalized.
- National Plan of Action on the elimination of Bonded Labour was finalized.

However, the Plan of Action for Convention 169 has not yet been endorsed by the GoN.

E. Measure to response to the emerging risks and the opportunities

ILO conventions have been frequently misinterpreted which might create difficulties to promote and implement the provisions of the conventions. Two more conventions were ratified during the DWCP period (cf. Table 2.1), and this provides a window of opportunities for the ILO, i.e. to be involved in their effective implementation and sensitization efforts. ILO conventions can be effectively used as development tools for creating decent jobs, social inclusion and harmony.

An important emerging risk is that the GoN is very much concerned about the possible obligations arising upon ratification of certain conventions. Particularly, the line agencies responsible for the implementation of ratified conventions often do not have sufficient resources to implement the conventions. The government expects follow up support from the ILO to

implement the ratified conventions which is not always available as and when needed. Such follow up programmes need to be provided in order to encourage the government to ratify other ILO conventions.

Average Score for this Outcome: 2.8 - Satisfactory.

10. Policies, Programmes and Action Plans are adapted in order to improve the application of ILO conventions 87 and 98 (NPL827)

A. Resource adequacy

This outcome receives only a modest allocation from the regular budget, mainly for missions of ILO's technical specialists; this has been provided for the work on preparation for ratification of ILO Convention 87.

B. Delivery of outputs

The output/milestone for this outcome was directed at the design and implementation of awareness raising strategies and programs towards the ratification of ILO Conventions 87 and 98. All the planned outputs for Convention 87 will have been delivered by the end of 2012. The partners have generally appreciated and used the outputs, while no major delays were reported. However, no progress can be reported with respect to Convention 98.

C. Use of outputs by partners/ target groups

The partners have appreciated and effectively used the outputs delivered by the ILO. The ILO has shown a thorough understanding of the issues involved when trying to ratify convention 87, and has adjusted its strategy to the local context.

D. Progress made (against outcome indicators/milestones)

Several milestones have been achieved despite difficult political circumstances:

- 1) MOLE submitted a study report on the ratification of Convention 87 to the Cabinet.
- 2) Prime Minister discloses in August 2011 the GoN's intention to ratify Convention 87.
- 3) Civil servants (up to the gazetted third class officers) were granted the right to form and join the union of their choice.
- 4) Trade unions have been effectively campaigning for the ratification of Convention 87.

However, the actual ratification of Convention 87 is pending mainly due to the political instability, while no activities can be reported on Convention 98.

E. Measure to response to the emerging risks and the opportunities

The main risk that emerged was the increasing trend of politicisation of union activities which might indeed harm the overall trade union movement. Unionization of the workers in the *informal* economy is being promoted by various trade union federations which might provide the ILO better opportunities to work with the workers' organizations. The country programme has taken this into consideration: it has tried to enhance cooperation between unions (e.g. in JTUCC), and it has supplied information on informal economy issues to the unions and other stakeholders.

Average Score for this Outcome: 2.6 - Satisfactory.

11. Constituents adopt and implement an integrated approach to the elimination of forced labour and trafficking (NPL828)

A. Resource adequacy

This outcome seems adequately resourced with an allocation of US\$ 110,000 (mainly RBSA) and two XBTC projects:

- NEP/10/01/M/IRL-a: 'Preventing Trafficking of Nepalese Migrant Workers' (US\$ 100,000).
- NEP/10/01/M/IRL-b: 'Opening a new front in the fight against HIV/AIDS: Prevention for Migrant workers' (US\$ 290,000).

On the other hand, for 2012-13 there is a resource gap of over US\$ 400,000 for four outputs, for which no funding is as yet available.

B. Delivery of outputs

The critical outputs that contribute to the achievement of the set milestones for this outcome will be achieved as targeted by the end of 2012. The quality and quantity of outputs delivered, analysed below, is generally considered satisfactory, and no major delays are reported.

C. Use of outputs by partners/ target groups

The ILO constituents have been using the services and products which resulted from this outcome. The Ministry of Labour and Education and CTEVT have shown interests towards initiating certified training for domestic workers. The GoN is interested, and has already taken initiatives to provide rehabilitation support to freed haliyas in collaboration with UN and other development agencies. ILO has shown its understanding of the local context by adjusting and adding targeted interventions, such as capacity building of constituents in areas related to improvement of situation of (ex-) bonded labour and migrant workers.

D. Progress made (against outcome indicators/milestones)

Progress has taken place in the past five years, in particular:

- i) MOLRM has used the technical support for rehabilitation of freed bonded labour;
- ii) Trade Unions have organized freed bonded labour by increasing their membership;
- iii) GoN is proactive for effective implementation of ILO Convention 29 and 105 and submitted a bill to endorse an act for prohibition of haliya system;
- iv) GoN's on-going 3 years plan has explicitly shown its commitment to make foreign employment decent, safe and productive.
- v) Foreign Employment Tribunal Regulation was endorsed by GoN in early 2011, and capacity building was provided to judges.
- vi) Training manual on 'How to Monitor the Recruitment of Migrant Workers' was translated in Nepali language (2011).
- vii) Pre-departure orientation manual for migrant workers was developed in partnership with the Foreign Employment Promotion Board.
- viii) E-Foreign employment information and database management system was established, and a study tour was organized to Sri Lanka (2011).

E. Measure to response to the emerging risks and the opportunities

Two risks and two opportunities emerged. The risks are:

- Frequent changes of staff in MOLE.

- The government's attention is focused on providing rehabilitation support to bonded labourers in mid and far west regions. The large number of similar forms of bonded labour in the eastern region has not received due attention (according to the government because they are relatively less poor);

Opportunities:

- The rights of Nepali migrant workers are increasingly being recognised, as is their contribution to the economy in terms of remittances; and
- Government, TUs and civil society have become more aware of issues involved in forced labour and trafficking.

The country programme tries to take these risks and opportunities into consideration, and outcomes and strategies are adjusted (for example, above under C); however, political instability as such cannot be addressed, and bonded labour in the Eastern Region is not (yet) targeted.

Average Score for this Outcome: 3.2 - (Very) Satisfactory.

12. Constituents in partnership with other stakeholders have implemented priority activities of National Master Plan on Child Labour, with specific emphasis on the elimination of the worst forms of child labour by 2016 (NPL829)

A. Resource adequacy

The available resources include limited RBTC funding (almost US\$ 5,000) and one XBTC project: NEP/11/01/DAN: Support to the implementation of Nepal's National Master Plan on the elimination of child labour: US\$ 280,000 (on-going). It seems that these are not adequate to deliver the set outputs, but there is clear potential for further funding from the Danish Embassy for the second phase of the Child Labour TC Project.

B. Delivery of outputs

Whether all planned outputs will be delivered by the end of 2012 is still too early to tell since the intervention started recently (in 2012; cf. TOR in Annex 1). However, substantial progress has already been made, and the strategy is partly also aimed at delivering the outputs by the on-going TC Project on Child Labour and through the design and implementation of a new TC project on Child Labour in 2013. In particular, achieving Outputs 1, 2, 3 and 5 depends on the implementation of the Action Program under the TC project 2012 and on the funding of the new TC project in 2013:

- Output 1: MOLE develops and promotes National Child Labour Policy.
- Output 2: MOLE amends and promotes the National Child Labour (Prohibition and Regulation Act) 2001.
- Output 3: Strategy developed for mainstreaming child labour issues in key national, local (district), and sectoral policies/programs through gender sensitive approaches.
- Output 5: Constituents develop strategies for the elimination of (worst forms of) child labour in line with the National Master Plan.

The activities under outputs 4 and 6 are underway:

- Output 4: Constituents jointly determine the list of Hazardous Child Labour and raise awareness among stakeholders.
- Output 6: Child labour stakeholders have increased knowledge on the child labour situation and policy concerns.

Whether the quality and quantity of outputs delivered is satisfactory is also too early to tell, although the DANIDA local office has expressed satisfaction about the delivery of ILO's TA, particularly with regard to addressing the frequent changes of staff in MOLE.

C. Use of outputs by partners/ target groups

The social partners are very much keen and are in the process to plan and use the products and services created by the project. MOLE is facing resources limitation to use the outputs effectively. The initial signs are that the outputs are appreciated. ILO has a good understanding of the local context, and is planning targeted follow-up.

D. Progress made (against outcome indicators/milestones)

So far the progress has been good:

- 1) MOLE signed the Action Program (AP) with ILO to implement a number of National Master Plan (NMP) driven activities (incl. policy recommendations);
- 2) WO's & EO's started implementing the NMP driven Mini-Programs which target the elimination of the worst forms of child labour by 2016.
- 3) The GoN and the social partners joined hands with ILO in the World Day Against Child Labour 2012.
- 4) Research on child labour related issues is on-going.

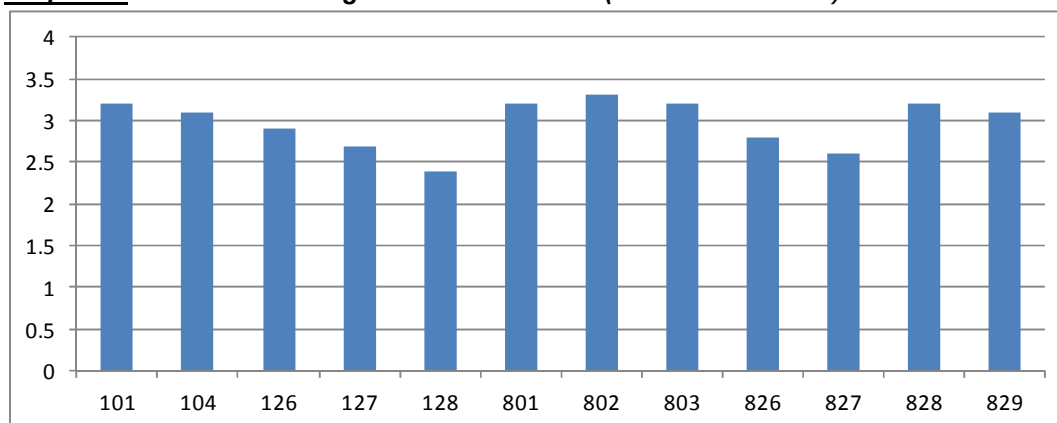
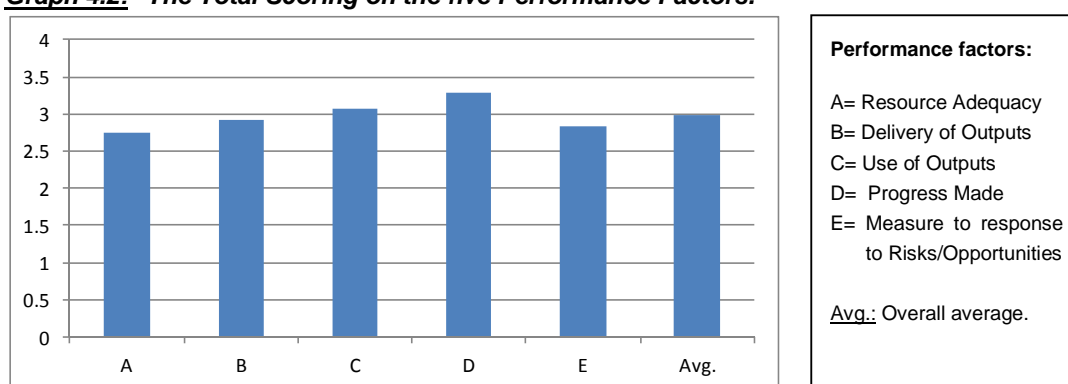
E. Measure to response to the emerging risks and the opportunities

Emerging risks are the political transition and the relatively frequent changes of staff in the ministries involved. The intervention has only recently started (in 2012), but substantial efforts have been made to target and approach newly appointed officials in ministries. The positive feedback received from the Danish Embassy with respect to the possible funding of the second phase of the Child Labour TC Project brings options in meeting the funding gaps.

Average Score for this Outcome: 3.1 - (Very) Satisfactory.

4.3 Scoring on Performance Factors: Conclusions

The overall scores analysed in the present chapter indicate that the performance of ILO's DWCP 2008-12 was satisfactory (with an average of 2.98). The scores are summarized in Graph 4.1. Out of the twelve outcomes seven have a rating between 3.1 and 3.3 and are thus labelled as "Very Satisfactory" according to the TOR, albeit in the lower parts of the scoring range (3 to 4). Five outcomes have a lower score of between 2.4 and 2.9, but all rate well into the "Satisfactory" range. The details of the scores are given in Table 4.1 below.

Graph 4.1: The Total Scoring of the 12 Outcomes (NPL 101 – NPL 829).**Graph 4.2: The Total Scoring on the five Performance Factors.**

Looking at the five performance factors in Graph 4.2, one can conclude that Resource adequacy (A) rated the lowest with 2.75, which is not surprising considering the fact that resource mobilisation has been difficult especially in the early years of the DWCP when Nepal just bounced back from a prolonged period of political turmoil. Factor E, Measure to response to the emerging risks and opportunities, is the second lowest, and here a contributing factor was that ILO did not have a kind of systematic risk register, but mostly dealt with arising risks and opportunities in an ad hoc way. The delivery of outputs (B) and the use made of outputs by partners/ target groups (C) received average ratings around 3.0. Finally, progress made against outcome indicators/milestones (D) received the highest rating of 3.3.

In more qualitative terms, one can conclude that overall the ILO has been doing the right things considering the circumstances of political transition prevailing in Nepal just before and during the implementation of the DWCP. For example, of the relatively limited resources, large allocations were made to the crucial Jobs for Peace and EmPLED programmes which aligned with the primary objectives of both the GoN and the DWCP; almost 200,000 days of work were created by these programmes, and the project evaluations concluded that thereby peace was enhanced. The other substantial technical cooperation (XBTC) allocations of the DWCP concerned the elimination of child bonded labour (e.g. the National Master Plan) and the promotion of indigenous peoples' rights, indicating a focus on core ILO activities. There was also attention for other special groups, such as women and migrants, as well as for the special needs of the workers in the informal economy (a majority of the labour force).

Table 4.1: The Scoring of the 12 Outcomes (NPL 101 – NPL 829) by the five performance factors for the assessment of progress (A – E), and their averages.

Fac-tors	Programme Outcomes (NPL)												Ave- rage
A *)	101	104	126	127	128	801	802	803	826	827	828	829	
	3	2.5	2.5	3	1.5	3	3.5	3	3.5	1.5	3	3	2.75
B	3	3.5	2.5	2.5	2	3	3	3.5	2.5	3	3.5	3	2.92
C	3.5	3.5	3.5	2.5	3	3.5	3	3.5	2.5	2.5	3	3	3.08
D	3.5	3	3	3.5	3	3.5	3.5	3	3.5	3	3.5	3.5	3.29
E	3	3	3	2	2.5	3	3.5	3	2	3	3	3	2.83
Avg.	3.2	3.1	2.9	2.7	2.4	3.2	3.3	3.2	2.8	2.6	3.2	3.1	2.98

*) A=Resource Adequacy; B=Delivery of Outputs; C=Use of Outputs by Partners/Target Groups; D=Progress Made; and E=Measure to response to Emerging Risks and Opportunities.

In such circumstances of political transition, it may be labelled a success that drafts of five labour laws and one on social security have been discussed among the tripartite constituents and that they have come a long way towards agreement on the draft texts, so that when the parliament is installed again these laws can be proposed for laws without further delays. This tripartite dialogue was further stimulated by organizing the National Labour Conference only recently in July 2012, which was successful in that it reached agreement among all stakeholders through the 15-Point Declaration. It has also been endorsed that ILO decided not to spread its resources too thinly by working with all three employers and ten workers organisations, but instead focusing on four of them.

Furthermore, in view of the frequent changes in staff in the relevant government organisations, it made perfect sense to focus on analytical work and capacity building of constituents since these concern necessary preparations for the time when effective changes of legislation become once again possible. In the same vein, the work done by ILO on institution building laid important foundations for future endeavours, in particular the Task Force for Social Security, the JTUCC and several initiatives by the FNCCI.

Thus, the comparative advantages of the ILO were certainly realized in a number of areas, such as with respect to the capacities of constituents, tripartite dialogue, social security, job creation, labour governance, attention to special groups, etc. However there are several areas where this has been lagging behind.

Firstly, the work undertaken on the various ILO Conventions has met with hindrances in three respects:

- In 2007 two conventions have been ratified by Nepal (cf. Table 2.1), but after that no more ratifications have taken place. This is especially related to the fact that the government could not undertake sustained actions because of the period of political transition (e.g. frequent changes in staff at relevant ministries and the current lack of a parliament). An informal ministerial statement indicates that the government may now be ready to ratify Convention 87, but for the ratification of Conventions 102, 122 and 158 some more work has to be done by the ILO as well as the government.
- Convention 169 was ratified in 2007, but has met with some implementation problems; a National Plan of Action on the implementation of this convention was drafted but has until today not yet been endorsed by the GoN. In addition, the trade union organisations have voiced some criticism concerning this plan and their limited involvement.

- The follow-up support from the ILO to implement the ratified conventions needs to be substantial and on time. The GoN is concerned about the possible obligations arising upon ratification of certain conventions, particularly for the line agencies responsible for the implementation of ratified conventions which often do not have sufficient resources to implement the conventions. Such follow up programmes are the more important since it will encourage the government to ratify other ILO conventions.

Secondly, a number of outcomes clearly targeted local and regional level branches of the constituents, but it has also become evident that there is still a lot of work to be done in this respect. In particular, national level organisations need to be trained how to relate effectively with their local level organisations, and the ILO is well-placed to assist with this.

Thirdly, the JTUCC has been assisted by the ILO in preparing a kind of constitution, but after that assistance to JTUCC was left to DANIDA and a Danish trade union. It would be better to join hands with DANIDA in this activity which is crucial to counter further union fragmentation.

Fourthly, the ILO programme with DOLIDAR concerning capacity building and job creation through a rural roads programme was considered successful and highly relevant in a mountainous country like Nepal. The replication of this programme with the necessary improvements is recommended.

These areas will be the subject of specific recommendations in the next chapter.

5 Conclusions and Recommendations

5.1 Conclusions and Comparison with the 2007 Review

The ILO Decent Work Country Programme in Nepal from 2008-2012 has in the present report been rated overall as 'Satisfactory', at times reaching the 'Very Satisfactory' levels (cf. Sections 3.7 and 4.3). Comparing the ratings with those of the 2006-07 Nepal Biennial Country Programme Review (November 2007), the situation has improved somewhat: in 2007 the overall programme was considered to be 'Satisfactory to Moderately Satisfactory'. However, the absolute ratings for the performance factors given in Table 5.1 are on average a little higher in 2007 (2.87) than in 2012 (2.79). In contrast those of the outcome-specific findings given in Table 5.2 are somewhat higher for 2012. The differences in scoring may have been determined not only by the performance itself, but it may have to do with two external reasons as well:

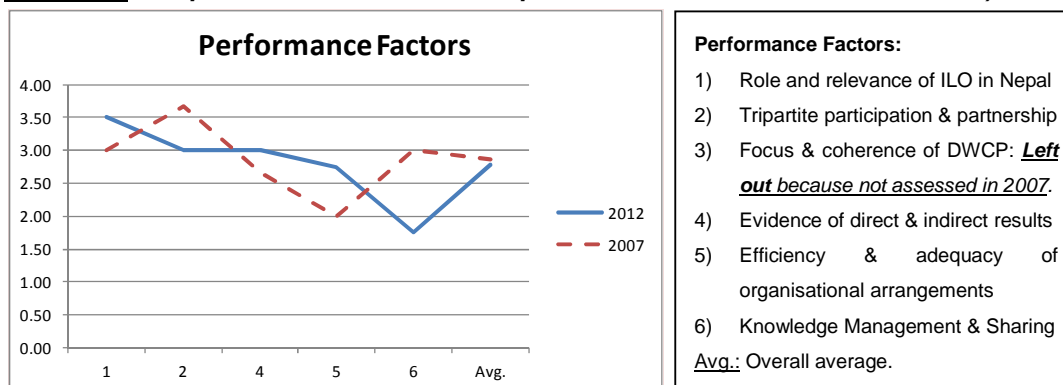
- firstly, the difficult political circumstances around the time of the CPA in 2006, and
- secondly, the change in the scoring range in 2012 as was prescribed in the TOR as compared to 2007 which made an adjustment of scores necessary (cf. Tables 5.1 and 5.2 and the tables' footnotes).

Among the performance factors, especially 'Knowledge management and sharing', and, to a lesser extent, 'Tripartite participation' rated *lower in 2012* than in 2007 (Table 5.1). A graphic presentation of the comparison of the scores of the CPR's in 2007 and 2012 shows this clearly (Graph 5.1).

Table 5.1: Performance Factors for General Findings, 2007 and 2012.

Performance Factors for General Findings	Scores in 2012	Scores in 2007 Adjusted & (Original) *)		
1. Role and relevance of ILO in Nepal	Very satisfactory (3.5)	Satisfactory to Moderately Satisfactory	3.00	(4.5)
2. Tripartite participation & partnership	Satisfactory (3.0)	Satisfactory to Very Satisfactory	3.67	(5.5)
3. Focus & coherence of DWCP	Satisfactory (2.75)	<i>Not assessed as a specific criterion</i>		
4. Evidence of direct & indirect results	Satisfactory (3.0)	Moderately Satisfactory	2.67	(4.0)
5. Efficiency & adequacy of organisational arrangements	Satisfactory (2.75)	Moderately Unsatisfactory	2.00	(3.0)
6. Knowledge Management & Sharing	Unsatisfactory (1.75)	Satisfactory to Moderately Satisfactory	3.00	(4.5)
AVERAGE	Satisfactory (2.79)	Satisfactory to Moderately Satisfactory	2.87	(4.3)

*) The 2007 original score (between brackets) was out of a total range of 0 to 6: Very unsatisfactory (1), Unsatisfactory (2), Moderately unsatisfactory (3), Moderately satisfactory (4), Satisfactory (5), and Very satisfactory (6). In 2012 the scoring range was set at 0 to 4. Therefore, the scores for 2007 have been adjusted to match those for 2012.

Graph 5.1: Comparison between scores on performance factors in 2007 and 2012.*)

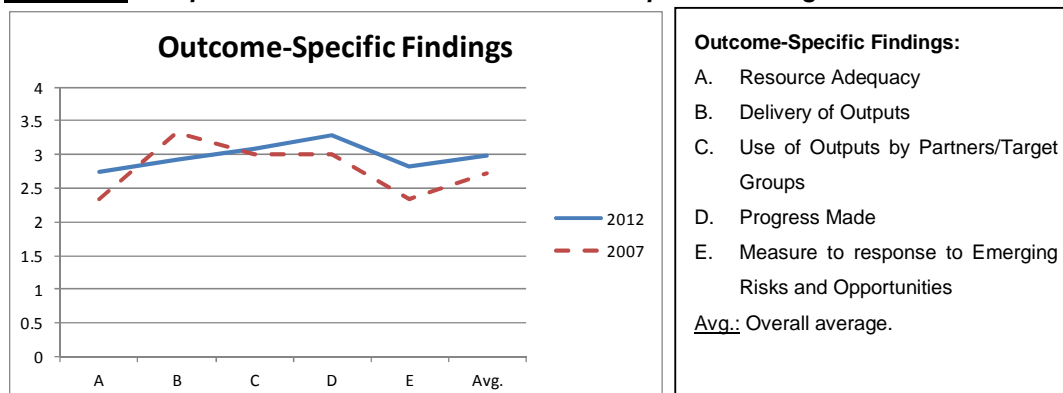
With respect to the outcome-specific findings only one of them, i.e. 'Delivery of outputs', scored lower in 2012 than in 2007 (Table 5.2). A graphic presentation of the comparison of the scores of the CPR's in 2007 and 2012 shows the generally slightly higher scores in 2012 as compared to those in 2007 (cf. Graph 5.2).

Table 5.2: Performance Factors for Outcome-Specific Findings, 2007 and 2012.

Performance Factors for Outcome-Specific Findings	Scores in 2012	Scores in 2007 Adjusted & (Original) *)	
		Adjusted	(Original) *
A. Resource Adequacy	2.75	2.33	(3.5)
B. Delivery of Outputs	2.92	3.33	(5.0)
C. Use of Outputs by Partners/Target Groups	3.08	3.00	(4.5)
D. Progress Made	3.29	3.00	(4.5)
E. Measure to response to Emerging Risks and Opportunities	2.83	2.34	(3.5) **)
AVERAGE	2.98	2.73	(4.1)

*) The 2007 original score (between brackets) was out of a total range of 0 to 6: Very unsatisfactory (1), Unsatisfactory (2), Moderately unsatisfactory (3), Moderately satisfactory (4), Satisfactory (5), and Very satisfactory (6). In 2012 the scoring range was set at 0 to 4. Therefore, the scores for 2007 have been adjusted to match those for 2012.

**) Risks and opportunities were each assessed separately in 2007 (resp. 3.0 and 4.0), but are here averaged for reasons of comparison with the 2012 rating.

Graph 5.2: Comparison between scores on outcome-specific findings in 2007 & 2012.

5.2 Recommendations concerning the six Performance Criteria

In this section we will identify and make recommendations for improvement of ILO interventions distinguishing between the six performance criteria of the ILO DWCP analysed in the above.

Role and relevance of ILO in Nepal

The role and relevance of ILO in Nepal has been rated as very satisfactory, in particular because it has been able to organise interventions that were relevant during a difficult period of transition, and because ILO was able to adjust to the changing context. In addition, its extension of the DWCP was clearly aligned with the TYIP of the GoN and with the UNDAF which gave positive signals to the tripartite constituents and donor organisations. The recommendation to the ILO is therefore:

Recommendation 1: Continue the alignment with the GoN's National Development Plans and with UNDAF, while maintaining flexibility in the design and strategy of the DWCP given the continuing political transition.

Tripartite participation and partnership

Tripartite participation and partnerships have been rated as 'Satisfactory' because the partners have been active, a case in point being the 15-Point Declaration (cf. Box 3.1), because the partners have taken ownership of the DWCP, and because capacity building has clearly made a mark. The problems were identified mainly as a lack of participation of subunits at the regional and local level, the less than satisfactory monitoring of the progress in the outcomes of the DWCP, and in specific cases, the problems with the links with target groups.

Recommendation 2: Continue to take into close consideration the strategic plans of the ILO constituents in the design of the next DWCP, and continue support for the initiatives by employers' and workers' organisations, including local level chapters, to better influence national debate on employment and labour issues. Although it may be difficult for ILO to work directly with these local chapters, it is advised to strengthen the capacity of national level organisations to develop mechanisms to get the local chapters' inputs in the planning process (including for ILO's next DWCP).

Recommendation 3: Provide *targeted* and *strategic* support to the follow-up of the 15-Point Declaration of the Third National Labour Conference 2012 (cf. Box 3.1). In particular, investigate ways in which the constituents can be assisted taking into account:

- a. the most urgent and achievable points of the Declaration, including the expenditures required to implement these points; and
- b. an identification of the capacity building required in MOLE to implement these points.

Recommendation 4: In order to strengthen partnership and ownership among ILO constituents, organize six-monthly tripartite consultation meetings on implementation and monitoring of DWCP; thereby, regularity is of paramount importance.

Recommendation 5: Use the overall baseline assessment undertaken by the CO into the capacities of MOLE and the 10 Labour Offices in the *regions* in order to assess the capacities of these regional offices to be involved in projects dealing with LED (comparable to the EmPLED project visited by the review team).

Focus and coherence of the programme's design and strategies

The focus and coherence of the programme's design and strategies were rated overall as satisfactory because they clearly reflect the political transition at the time of the DWCP design,

because it is aligned to the 19 global outcomes of ILO's SPF, because there is a great deal of trust in the ILO interventions, because there were clear instances of outcomes reinforcing each other, and because capacity building responded to the needs of the constituents.

Recommendation 6: Strengthen the Results-Based Monitoring system of the country programme, in particular:

- a. Identify clearly and unequivocally the means of action for achieving the DWCP outcomes;
- b. Identify the indicators and the planned results and explicitly indicate the inter-linkages between them, as well as between the two DWCP Outcomes and the (i.e. 12) programme outcomes.

Recommendation 7: Recommendation to ROAP and CO Kathmandu: Simplify the indicators and streamline the scoring. There are overlaps in the performance sub-criteria, such as the adherence to ILO's 19 global outcomes mentioned in the above, and the actions/indicators/results discussions under performance criteria 3 and 4. A very specific recommendation to ROAP and Headquarters in Geneva: Use a different word, either for the (2) main *outcomes*, or for the (12) programme *outcomes* in order to avoid confusion.

Recommendation 8: Deal more explicitly with the cross-cutting issues: it does not only concern gender, but may also include environmental issues, governance, discrimination, etc.

Evidence of the direct and indirect results

The fourth performance criteria, evidence of the direct and indirect results, was rated as satisfactory because the results were in itself adequately specified, the outcomes clearly justified the resources spent, technical assistance was usually of good quality, ILO has influenced several policy changes, and the large majority of allocations was actually disbursed, while the results were in general sustainable and in several cases expanded and replicated. Some of the points requiring improvement are addressed in the following recommendations:

Recommendation 9: Continue support to the labour law reform process including the tripartite dialogue, in order not to lose the momentum considering the on-going political transition (with the Parliament being dissolved, and the election being in preparation). In particular, continue to facilitate the activities of the task force set up by MOLE to finalize the draft acts of the five labour laws, thereby guaranteeing 'peer support' from all constituents.

Recommendation 10: Pay specific attention to *sustainability* at regional, zonal and district levels in explicit cooperation with the constituents and their branches/members at those levels. In particular, ensure that the data collected through the different surveys undertaken (e.g. Labour Force Survey 2008, and NMICS Survey 2010 on women and children) continue to be used in the design of interventions and in the tripartite forums leading to the mutual reinforcement of different outcomes.

The efficiency and adequacy of organizational arrangements

The efficiency and adequacy of ILO's organizational arrangements was rated as satisfactory because the ILO is generally seen by the constituents and partners to have operated fairly and with integrity, the quality of the TA was overall appreciated, and work processes were mostly efficient considering the parameters within which work needs to be undertaken.

Recommendation 11: Strengthen the work planning and follow-up between the different technical and administrative units of ILO.

Recommendation 12: Tighten the interaction between the CO in Kathmandu and the DWT/CO in New Delhi in order to coordinate timely demand and supply of inputs.

Recommendation 13: Develop an explicit resource mobilisation strategy with the support of a brief and targeted donor mapping exercise tapping into the multi-year plans of donors. Some reports of donor fatigue related to the prolonged political transition could not be confirmed by the Review Team; in contrast, the interviews with two of the main donors in Nepal, DFID and DANIDA, showed dynamic, multi-year plans for support.

Knowledge management and sharing

Knowledge management and sharing was the only criteria rated as unsatisfactory, mainly because there is a lack of an explicit communication/media strategy, as well as a lack of an explicit knowledge management strategy. Other problems include a perceived gap between the M&E system and the knowledge base, and the limited use of the Nepali language in publications and on the website.

Recommendation 14: Utilize the findings and recommendations of Technical Cooperation evaluations and Country Programme Reviews (CPR) as *inputs* to the design of new project proposals and DWCP: Use the list of Recommendations explicitly to monitor progress on the issues brought forward by the 2012 CPR.

Recommendation 15: Design a communication & media strategy to enhance visibility of ILO. As a matter of priority, develop a bilingual ILO Quarterly Newsletter (half in Nepali, and the other half in English) designed in such a way that it is manageable with the resources available to the Country Office, or with the resources that could be requested additionally for this purpose. In general, increase the use of the Nepali language in the website and in publications.

Recommendation 16: Establish a Knowledge Management Strategy, including identifying good practices/lessons learned, developing relevant data bases, and sharing knowledge. Ensure that the use of the new CBS census data (which are expected to be published within one month) are included in this KM Strategy.

5.3 Recommendations concerning the DWCP Outcomes

The analysis of the DWCP outcomes gave rise to a number of recommendations, of which quite a few have already been included in Section 5.2. Several others have not yet been dealt with and can be formulated as follows:

Recommendation 17: Continue to closely monitor the preparatory work for the ratification by the GoN of the ILO Conventions 87, 102, 122 and 158.

Recommendation 18: Enhance the involvement of the tripartite constituents, especially of the trade union organisations, in the National Plan of Action on the implementation of ILO Convention 169 on the rights of indigenous peoples.

Recommendation 19: Enhance the provision of substantial and timely follow-up support to the GoN and the line agencies to implement already ratified conventions in order not to discourage the GoN to ratify other conventions.

Recommendation 20: Provide capacity building to national level organisations of the constituents on how to relate effectively with their local level organisations.

Recommendation 21: Join hands with DANIDA to provide assistance to JTUCC, an organisation that may be crucial in halting any further fragmentation of trade unions.

Recommendation 22: Consider replication of the ILO programme with DOLIDAR in the area of capacity building and job creation through a rural roads programme, which is such an essential element in a mountainous country like Nepal.

6 Possible Future Directions of the new DWCP and Lessons Learned

6.1 Possible Future Directions of the new DWCP for Nepal

The Terms of Reference for the present Country Programme Review (CPR) as included in Annex 1, state that the purpose of the review is not only to look back, but also “... to see what needs improving and/or continuing to the next DWCP.” This section deals with this task, and is intended to initiate the discussion on the orientation and contents of the next Nepal DWCP for 2013-2017. The CPR Mission made some preliminary suggestions during the stakeholder workshop on 12 September 2012 in Kathmandu and during the discussion with DWT in New Delhi on 17 September 2012 in order to start-off the discussion between the tripartite constituents. As far as possible, we have tried to include the points that were discussed at these gatherings in the following.

A new DWCP needs to deal with a number of issues, such as its alignment, possible thematic areas, target groups and delivery mechanisms. These have been discussed in that order below.

Alignment

The next Nepal DWCP needs to be aligned first and foremost with the National Development Plans of the Government of Nepal. In part these are already existing, but the TYIP 2010/11-2012/13 is still running and the GoN has not yet decided whether the next development plan will be a three-year interim plan or a full-fledged five-year plan. In the meantime, the preparations for the new DWCP are already underway.

Secondly, alignment is crucial with the priorities and plans of both the Employers' and the Workers' Organisations.

Internationally, the DWCP needs to be aligned with the ILO's 19 Global Outcomes of the SPF, and with the newly designed UNDAF 2013-2017, as well as with the MDGs. In addition, a case is made to tap into the often already existing multi-year planning of the main donors.

In view of the above, the Review Team does not wholly endorse one of the suggestions received to consider designing only a broad Decent Work *Framework* (where a logical framework is not required) in order to cope with conditions in a country like Nepal where the political transition is continuous; the suggestion is that it might allow the ILO to adjust the framework to meet the fluid situation of the country concerned. Although the Review Team feels it is useful to consider this option, at the same time it has found that various organisations are opting for multiple (often five-)years programmes; for example, ILO's country programme is an integral, as well as a valued part of the recently endorsed UNDAF 2013-2017. Therefore, the team recommends to continue with the preparations for a full five-year programme building in some flexibility for mid-term adjustments.

Thematic areas

The thematic areas proposed by the different stakeholders tend to be vast and wide; on the one hand, it is important to know the “shopping lists” of the various partners, but on the other it is important to focus as much as possible from the beginning. In particular, it was suggested by the Secretary of MOLE at the stakeholder workshop not to come up with too wide thematic areas and instead try to learn from the experience of the Nepal Business Forum (NBF). This is the country's first national platform for public–private dialogue established to deliberate on important investment climate issues and to recommend measures to improve it. Chaired by the Rt. Honourable Prime Minister, it was established by Executive Order in May 2010, and it has 75 members including senior government policymakers, representatives from the private sector, civil society members, economists, academicians and several development partners (see Annex 9). The recommendation of the Secretary is hereby reiterated.

At the same time it is useful at this stage to have the overall ‘shopping list’ concerning thematic areas which may or may not be included in the new DWCP of ILO Nepal:

Number	Thematic Areas
Thematic area 1:	Tripartite social dialogue among the constituents.
Thematic area 2:	Bipartite social dialogue: Industrial relations.
Thematic area 3:	The finalisation and passing by the Parliament of the five Labour Laws.
Thematic area 4:	Social security and protection: The ‘Nepal Model’ of a Social Protection Framework was discussed in the above (see also Annex 8): It has developed gradually since 1994, but currently the GoN already spends about Rs. 10 billion per year on various cash transfers. This is a major accomplishment considering that Europe took about half a century to put a substantial social security system in place. For the near future Nepal needs to prioritize activities in social protection, investigating targeting of transfers to the real poor. In addition, employers have indicated that they would like to target interaction programs on social security in five local chambers at the district level.
Thematic area 5:	The inclusion of the informal economy in various draft labour acts.
Thematic area 6:	Enterprise development including productivity.
Thematic area 7:	Rural Productive Infrastructure (esp. rural roads and irrigation).
Thematic area 8:	Environmental issues, in particular ‘Green jobs’, as cross-cutting issues; Green jobs under ILO should be considered to relate in particular to such labour agendas as social security and protection (area 4, above), informal economy (area 5), enterprise development (area 6) and labour inspection (area 10).
Thematic area 9:	Improvement of workplace environment, training on workplace cooperation and development of OSH standards, including: Training on Collective bargaining and negotiation skills, and the publication of a booklet on conflict management.
Thematic area 10:	Labour inspection.
Thematic area 11:	Gender equality and gender mainstreaming.
Thematic area 12:	Ratification of international labour standards in particular ILO Convention 87: The trade unions appeal for more attention, and more commitment from the GoN; A concrete plan is needed how to proceed with the ratification.
Thematic area 13:	Labour administration capacity of the government should be enhanced

Thematic area 14:	An integrated Labour Market Information System (LMIS) and website would be beneficial to all constituents: Integrate the existing initiatives.
Thematic area 15:	IT Capacity Building program (FNCCI).

Target groups

The target groups of the ILO in its DWCP 2008-2012 have been rather diversified, and it is expected that some will require additional assistance also in the next DWCP. In particular, the following groups are likely to be target groups, partly also because they have already been identified in the UNDAF for 2013-2017:

- ▶ Youth (un-employment)
- ▶ Women
- ▶ Child labour
- ▶ (Foreign) Migrant workers
- ▶ Bonded Labour
- ▶ Indigenous peoples
- ▶ Other marginalised groups.

Delivery mechanisms

Lastly, the review team would like to list several issues dealing with delivery mechanisms because these have been explicitly raised to the attention of the team by one or more of the constituents, either in bilateral talks, or during the stakeholders workshop. These issues have thus arisen out of the present review exercise, and need to be considered and used as inputs for the next DWCP for Nepal.

Delivery Mechanism 1: Capacity Building of ILO constituents with special attention for branches at regional and local levels. This could include for example, capacity building on rights and obligations of the various constituents, enhancing employers' skills for effective social dialogue, and promoting a trainer pool for the FNCCI Employers' Council (EC).

Delivery Mechanism 2: Enhancing tripartite cooperation platforms among constituents, as well as joint trade union platforms (e.g. JTUCC).

Delivery Mechanism 3: Targeted district level interventions, including LED type of interventions whereby Employers' and Workers' Organisations are linked with NGOs/Local Associations and MFIs/Banks.

Delivery Mechanism 4: Inclusion of 'gender equality and social inclusion' (GESI), should be regarded as cross-cutting issues in all activities.

Delivery Mechanism 5: Activities/Training at enterprise level, e.g. OSH, collective bargaining and workplace environment.

Delivery Mechanism 6: Some stakeholders in the government feel that the ILO needs to step up its activities, and the new DWCP should be moving from the delivery of almost exclusively 'software' (especially policy guidance) to more 'hardware' in particular, capacity building and skills development for the grassroots people. This should also target the Trade Unions explicitly. A focus on rural areas is needed, e.g. agricultural skills development, as well as on education.

6.2 Lessons Learned for Countries coming out of a Crisis Situation

Some lessons learned from the review in Nepal for other countries coming out of a crisis situation are of course always speculative in view of the wide variety of crises that could be identified (political, economic, degrees of violence involved, natural such as earthquakes, tsunamis and volcanic eruptions, etc.). For example, the Nepal Biennial Country Programme Review 2006-2007 (November 2007) concluded as follows:

“To contribute effectively, the ILO will need to take an approach that is differentiated from programming in stable environments. The human and financial resource profile of the Nepal office should be adjusted to ensure that it has the appropriate skills for policy and convening activities. Bridging financing may be required for the Nepal office to engage “upstream” activities as there tends to be fewer resource mobilisation opportunities. Finally, the ILO as an institution needs to clarify its policy on work in post-conflict/crisis situations, and strengthen forms of support for Country Offices programming in those contexts. There was little or no evidence that the Nepal Country office has received such support.”

However, with the above note of caution in mind, a few lessons from the 2012 Review are noteworthy for particular situations:

Lesson 1: Jobs for Peace and EmPLED approaches, which are focussed on job creation, in particular for young men, in order to prevent them from engaging in less constructive activities, seem to be suitable for immediate post-conflict situations, but sustainability needs to be enhanced through more linkages between implementing agencies and other stakeholders.

Lesson 2: Capacity building of main stakeholders immediately following conflict resolution is the first priority.

Lesson 3: The focus of ILO CO Nepal on country analytical work and capacity building of the tripartite constituents is useful as a lesson these activities concern necessary preparations for the time when effective changes of legislation become once again possible.

Lesson 4: ILO Convention 169 can be an important dialogue tool for building the peace in countries like Nepal (cf. Implementation Report 2010-2011 of NPL826). However, the ILO has a limited number of experts on the subject within the house, and it would be good if the Office could allocate more resources to the effective implementation of this Convention. In addition, a very concrete lesson learned is that if ILO Convention 169 is implemented without detailed clarifications to the concerned stakeholders on the provisions within the convention, it may easily give rise to misinterpretations of the rights of various ethnic groups, thereby enhancing possible conflicts instead of solving them.

Annex 1 Terms of Reference (TOR)

TERMS OF REFERENCE NEPAL COUNTRY PROGRAMME REVIEW

Final version – 17 August 2012

1) Introduction and objectives

The national tripartite constituents approved the ILO's decent work country programme (DWCP) for Nepal for 2008-10 in July 2008. The overarching priority of the DWCP is to generate productive employment to build sustained peace. Under this priority, two outcomes have been identified:

- Outcome 1: Improved policy coherence supporting increased productive employment opportunities for men and women; and
- Outcome 2: Improved labour market governance for creating enabling environment for jobs.

In response to the adoption of the Three Year Interim Plan, covering the period of 2010-12, by the Government of Nepal, and in accordance with the extension of the United Nations Development Assistance Framework (UNDAF) until 2012, the tripartite constituents and the ILO Office in Nepal decided to extend the duration of this DWCP to 2012.

To analyse the progress made toward achieving outcomes and to identify lessons learned in order to guide the development of the next DWCP, a country programme review (CPR) of DWCP Nepal will be undertaken. The review is a management tool to assess the design of a DWCP and examine recent performance against stated outcomes. It enables constituents and other partners to provide their feedback on collaboration and coherence within a larger multi-agency context and to consider strategies and actions needed in future.

The CPR of DWCP Nepal will assess the relevance and coherence of the DWCP design, the efficiency in implementation, effectiveness of its operations, sustainability of results and the impact of the programme. It is also intended to provide a basis for improved insights within the Office as to how to better design, implement, monitor and assess country programmes in the future. It will cover all interventions planned and carried out during 2008-2012 and will be coordinated by the ILO Regional Office for Asia and the Pacific (ROAP) in cooperation with CO-Kathmandu and DWT/CO-India.

The core review team will consist of an international consultant to act as team leader and a national consultant. The ILO Regional Programme Analyst from ROAP will also participate. CO-Kathmandu and technical specialists from DWT/CO-India will provide inputs and support to the review team. The ILO approach is to encourage participation of key stakeholders throughout the review process. The accuracy of the CPR of Nepal will depend on the collaboration from the national tripartite constituents and other relevant stakeholders.

2) Background and context

Brief socio-economic context

Nepal has undergone a transformation since its civil war ended in 2006, but complex and seemingly intractable problems relating to the structure of the state are still unresolved more than five years after the peace process started. Progress with political effectiveness has been made in recent months, notably with the completion of a deal on former Maoist rebels and, most recently, the putative formation of a new national-unity government. However, the formation of the new government has been delayed, and the constitution-drafting process remains stalled. The government's priority will be to ensure the performance of the basic functions of day-to-day governance, including trying to make sure that the political and security environment is as conducive to economic growth as possible. Economic growth prospects depend largely on the political situation, as the country's security and extreme political instability limit the state's capacity to spend money and boost rural incomes.

Nepal has made substantial progress in the last decades, especially in the social indicators. Life expectancy at birth increased from less than 30 years in 1950s to more than 60 years in the 21st Century. Adult literacy has gone up from 20% in 1980 to the current around 60%. There are also many alarming indicators especially in the core economic and development field. The Nepal GDP growth rate in the present millennium has remained very low at 3.8% per annum with the share of manufacturing in the GDP has

declined from about 9% of the GDP in 2001 to 6% in 2010. Youth unemployment and underemployment remain pressing issues for the future stability and prosperity of Nepal. Despite the worrying challenges faced by the country, the overall feeling is that Nepal has the potential and ability to improve relatively fast all its indicators through a national concerted effort.

National development framework

The Government of Nepal has formulated immediate action plan on Economic Development and Prosperity, 2012. The Action Plan focuses on priority areas of economy such as economic growth and employment, infrastructure, agriculture, foreign direct investment, tourism, industrialization and governance. Key Government policy is focused on employment creation, foreign employment opportunities, promotion of employment intensive technologies, promotion of self-employment opportunities through skills and entrepreneurship development and subsidized loan facilities, reform of labour administration through review of labour legislation and provisions of labour flexibility and social security, enact and implement employment guarantee act in select geographical region to ensure employment for minimal duration, establish a national labour commission to ensure workers' rights and expedite labour disputes and expansion of employment service centres to facilitate access to labour market.

ILO constituents

Nepal has ratified the ILO convention on Tripartite Consultation (No. 144). The concepts and approaches of tripartism and social dialogue have been well taken and widely adopted by the ILO constituents.

With the reshuffle of the Council of Ministers headed by the Prime Minister Baburam Bhattarai in May 2012, the former Ministry of Labour and Transport Management will take the designation of Ministry of Labour and Employment. The respective new Minister was not yet appointed. The following are the main employers' and workers' organizations:

- Federation of Nepalese Chambers of Commerce and Industry (FNCCI)
- Nepal Trade Union Congress (NTUC)
- General Federation of Nepalese Trade Unions (GEFONT)
- All Nepal Federations of Trade Unions (ANTUF)

ILO commitment in the UNDAF

The United Nations Development Assistance Framework (UNDAF) for Nepal (2008 - 2010), aligned with TYIP, has one of the four priority areas to expand sustainable livelihood opportunities, especially for socially excluded groups in conflict affected areas. The focus of UNDAF is to improve policies, institutions and programmes for poverty reduction and employment generation. The UN Country Team aims to assist with the creation of economic opportunities for young people, excluded groups, people living with or at risk of contracting HIV, migrant workers, home-based workers and refugees. With the adoption of the Three year Interim Plan, the UNDAF period is extended till 2012.

3) Decent Work Country Programme of Nepal

The ILO Office in Nepal began to prepare its Decent Work Country Programme (DWCP) in 2005 and the first draft of DWCP was produced in February 2006. However, the draft DWCP could not be finalized due to political instability. Since the signing of the Comprehensive Peace Agreement (CPA) in November 2006, the rapidly evolving political situation has determined a necessary adjustment of the draft DWCP. Moreover, the Nepal Biennial Country Programme Review (2006-2007), organized by the Regional Office in Bangkok, recommended that the next ILO Nepal Country Programme focus on supporting implementation of the CPA as its first priority, consistent with the objectives of ILO Constituents and UNDAF, as well as focus on "upstream interventions," related to the development and implementation of policy in the areas of labour market reform, employment and livelihood generation and youth employment.

A two-day workshop during 18-19 January 2008, participated by ILO's tripartite constituents, identified the DWCP priorities to better support Nepal to achieve peace and development for an inclusive society through generation of productive employment. Potential areas discussed for the inclusion of DWCP were employment policies and programmes, labour law reform, social protection, industrial relations, promotion of ILO standards and social dialogue. From these six areas of inclusion the generation of productive employment, which includes elements from the other areas, was ultimately identified as the priority area for

the DWCP for Nepal. At the DWCP workshop, indicative outcomes and outputs and expected partnership arrangements were also developed. ILO Headquarters in February 2008 fine-tuned the concept and the structure of DWCP for Nepal, which focused on ILO's priority for generation of productive employment for sustained peace, which again depend upon the two critical and interrelated areas as: policy coherence for a national employment policy and labour market reform. Based upon this the following two outcomes for DWCP 2008-10 were identified:

Outcome 1: Improved policy coherence supporting increased productive employment opportunities for men and women

Outcome 2: Improved labour market governance for creating enabling environment for jobs

In line with the Three Year Development Plan, the ILO Office in Kathmandu and the constituents decided to revisit its DWCP 2008-10 and extend it till 2012 with necessary revisions. To ensure full consensus among the constituents, regarding the major elements of current problems in the world of work, and to investigate together and revise the document with possible programme solutions, a 1/2-day participatory logical framework workshop was carried out on 06 December 2010.

ILO means of action for implementing the country programme

The ILO has a Country Office in Nepal. The ILO's work is backstopped by the ILO DWT/CO-New Delhi and ILO ROAP. The technical cooperation projects that have underpinned the DWCP Nepal are listed in Annex 1.

Mapping of country programme outcomes SMM/implementing plan 2008/2009, 2010-2011 and 2012-13

SMM/Implementation Plan 2008/2009	SMM/Implementation Plan 2010/2011	SMM/Implementation Plan 2012/2013
	NPL101 – Improved policies and legal framework on social security coverage for workers, notably of excluded groups	NPL101 – Improved policies and legal framework on social security coverage for workers, notably of excluded groups
	NPL104 – Labour laws will have been improved and their implementation made effective for creating enabling environment for jobs	NPL104 – Labour laws will have been improved and their implementation made effective for creating enabling environment for jobs
NPL126 - Improved policy coherence supporting increased availability of decent job opportunities.	NPL126 – Improved policy coherence supporting increased availability of decent job opportunities	NPL126 – Improved policy coherence supporting increased availability of decent job opportunities
NPL127 - Increased availability of productive employment opportunities for needy groups in targeted areas.	NPL127 – Increased availability of productive employment opportunities for young men and women	NPL127 – Increased availability of productive employment opportunities for young men and women
NPL128 - Improved Labour Market Governance for Creating Enabling Environment for jobs.	NPL128 – Labour intensive public works designed and implemented for increased employment opportunities and poverty reduction	NPL128 – Labour intensive public works designed and implemented for increased employment opportunities and poverty reduction
NPL801 - Strengthened institutional capacity of employers' organizations	NPL801 – Strengthened institutional capacity of employers' organizations	NPL801 – Strengthened institutional capacity of employers' organizations
NPL802 - Strengthened institutional capacity of workers' organizations	NPL802 – Strengthened institutional capacity of workers' organizations	NPL802 – Strengthened institutional capacity of workers' organizations
NPL803 - Increased capacities of employers' and workers' organizations to participate effectively in the development of social and labour policy	NPL803 – Increased capacities of employers' and workers' organizations to participate effectively in the development of social and labour policy	NPL803 – Increased capacities of employers' and workers' organizations to participate effectively in the development of social and labour policy
NPL826 - Strengthened capacity of member States to ratify and apply international labour standards and to fulfill their reporting obligations	NPL826 – Strengthened capacity of member states to ratify and apply international labour standards and to fulfill reporting obligations	NPL826 – Strengthened capacity of member states to ratify and apply international labour standards and to fulfill reporting obligations
		NPL827 – Policies, Programmes and Action Plans are adapted in order to improve the application of ILO conventions 87 and 98
		NPL828 – Constituents adopt and implement an integrated approach to the elimination of forced labour and trafficking
		NPL829 – Constituents in partnership with other stakeholders have implemented priority activities of national Master Plan on Child Labour, with specific emphasis on the elimination of works forms of child labour by 2016

Purposes and scope of country programme review

Purposes

The purpose of the review is to take stock of what has worked and has not worked from the current DWCP and to see what needs improving and/or continuing to the next DWCP. This can be considered by taking into account the country situation and evolving national development plan.

The specific objectives of the review are twofold: First, the review is aimed at assessing the adequacy and appropriateness of the design, outreach and implementation of the ILO interventions and identifying and making recommendations for improvement, especially in terms of results-based management. Second, the lessons learned and recommendations of the review will also be an important input to the formulation of the new DWCP for Nepal.

Scope

The review will cover all ILO interventions in Nepal from 2008 to date. The review will also examine the strategy, capacity and resources available to deliver the DWCP outcomes or milestones set for the 2008/2009, 2010/11, and 2012-13 biennia. The review scope has two main components: The first involves a *review of the appropriateness and adequacy of the programme design, outreach/partnership and implementation performance*. The second component is *an operational assessment to report on progress being made on tangible outcomes directly resulting from ILO contributions*. In summary, the scope of the work is as follows:

1. Assess the overall relevance of the programme to national development challenges, national priorities, UNDAF, ILO priorities and MDGs.
2. Assess the programme formulation process and the focus, coherence and logical fit of the outcomes, outputs and strategies.
3. Analyse programme implementation:
 - effectiveness of interventions in producing results, with particular attention to synergies and coherence across interventions
 - sustainability, with particular attention to capacity/institutional development and the creation of an enabling environment (changes in laws, policies and behaviours)
 - key factors of success and constraints encountered (internal and external)
 - adaptation/adjustments to the changing situation (emerging opportunities and threats); evidence of the application of lessons learned
 - partnership approach, the role/effectiveness of partners in promoting decent work and coordination among partners
 - knowledge management and communication strategy (internal and external), use of knowledge and incorporation of M&E into the knowledge base
 - organizational arrangements (managerial, administrative and business processes)
 - resource availability
 - Efficiency of programme execution (time and costs).
4. Assess progress towards outputs and outcomes (with data-supported evidence and using the scale and matrix in the TOR annex), including the assessment of milestones set for the 2008/2009, 2010/2011 and 2012/2013 biennia.

The depth of achievement of the above objectives will be commensurate with the number of days allocated to consultation processes.

5) Proposed methodology

The review exercise is a participatory assessment of the five-year ILO programme. The methodology will comprise an extensive desk review of relevant documentation. It also includes an in-country mission of the review team for information gathering. The process includes a series of meetings/interviews between the review team and the Government, workers' and employers' organizations, other UN agencies, major donors and national partners, as appropriate. A stakeholder workshop will be organized as a platform for relevant internal and external colleagues to analyse and discuss the ILO's work in the country.

An external consultant will be hired to facilitate the review process and to prepare the review report. The TOR has been finalized to take into account inputs from ILO constituents.

The external consultant will draft the review report based on the inputs from the consultations with relevant stakeholders and with members of the review team. The draft report will be submitted to the ROAP, which will share the draft report with the key stakeholders in Nepal.

ROAP will also share the draft report with relevant ILO staff and specialists for comments and will consolidate all the comments and submit them to the external consultant for consideration to incorporate them in the revised report.

The core review team will consist of an international consultant, Mr. Theo Van Der Loop, to act as team leader and Mr. Oktavianto Pasaribu, Regional Programme Analyst, of ROAP. CO-Kathmandu and DWT/CO-New Delhi staff will help facilitate the review process. In addition, ILO specialists and other staff may be asked to contribute to the exercise, including through participation in a self-evaluation of the two components of the review to be covered by the review team.

Preparation

- 1) CO-Kathmandu will provide the following documents to the review team:
- 2)
 - Portfolio of projects during 2008-2012 and its extra-budgetary;
 - Total allocation and expenditure (RB, RBTC, PSI, XBTC and RBSA) during 2008/2009, 2010/2011 and 2012/2013 by outcomes;
 - Summary performance profiles for each outcome – not to exceed one page with information that corresponds to assessment criteria. A summary of outcomes performance profile should be prepared for each outcome according to the assessment criteria provided;
 - DWCP monitoring plan and work plan;
 - Summary of relevant countries' policies, such as employment, migration, education, social security and labour protection; and
 - Other relevant background information, including project progress reports, project evaluations, as well as evidence of major outputs and other performance-related information.
- 3) CO-Kathmandu will prepare the review mission's agenda and schedule meetings for the review team with the following:
 - Government (Ministry of Labour and Employment and other concerned Ministries etc.)
 - Employers' organizations
 - Workers' organizations
 - UN agencies
 - major donors
 - other key partners.
- 4) CO-Kathmandu together with tripartite constituents, will arrange a stakeholder workshop where relevant internal and external stakeholders can analyse and discuss ILO's work in the country (also for the review team to share the preliminary findings if applicable).

Actual review

The external consultant will facilitate group meeting/discussions (internal ILO staff, tripartite constituents, relevant ministries UN agencies and donors) commensurate with time allocated.

6) Outputs

- The external consultant will present the preliminary findings in the tripartite constituent's stakeholder workshop after the review mission.
- The external consultant will prepare a draft and final report based on the scope of the work in this TOR, in line with the objectives of this review. The report should include:
 - analysis from the review of documentations
 - analysis of the responses given by constituents
 - findings from the interviews of tripartite constituents and key stakeholders
 - inputs from the tripartite stakeholders' workshop.

Draft and final reports will be produced in English in word file. The report is the property of the ILO.

- The lessons learned and recommendations should include how to better design, implement, monitor and assess country programmes in the future and strategies for the future DWCP of Nepal, but not limited to the following:
 - ILO role and relevance, its niche and comparative advantage
 - the alignment of technical cooperation projects and country programme
 - capacity building and sustainability
 - partnership approach
 - cost containment and efficiency
 - risks and ways of managing them
 - knowledge management
 - organizational arrangements
 - resource mobilization
 - exit or transition strategy.

7) Provisional work plan and schedule

The time frame is based on the scope of work and methodology previously outline and resources available for the review.

Proposed time frame:

Task	Time frame	Responsible person	unit/	Consultations
1. Draft TORs prepared	20 July 2012	ROAP		EVAL
2. Identification of external facilitator	25 July 2012 - 9 August	ROAP/CO-Kathmandu		EVAL/CO-Kathmandu
3. Internal and external consultations to finalize terms of reference	20 July - 17 August 2012	CO-Kathmandu		CO-Kathmandu, DWT/CO-New Delhi, national stakeholders
4. Preparation of background document and summary performance profiles by outcomes	6 - 24 August 2012	CO-Kathmandu		DWT/CO-New Delhi, project staff and ILO staff in Nepal
5. An itinerary scheduled for the review team to get inputs from national stakeholders (government, workers' and employers' organizations, UN agencies, etc.) and DWT/CO-New Delhi	15 August 2012	CO-Kathmandu		ROAP
6. Documents reviewed by the review team	20 - 31 August 2012	Consultant and other review team members		
7. Field mission/consultations	3 - 14 September 2012	Review team		National tripartite stakeholders, national partners, UN agencies
8. - meeting/ interview with stakeholders in Nepal		CO- Kathmandu		
9. Stakeholders workshop	12 September 2012	Consultant, Kathmandu, DWT/CO-New Delhi	CO-	
10. First draft report	24 September 2012	Consultant/review team		ROAP, CO-Kathmandu, and DWT/CO-New Delhi

Task	Time frame		Responsible person	unit/	Consultations
11. Sharing the report to key stakeholders for comments	1-12	October	ROAP CO-Kathmandu		Tripartite constituents, CO-Kathmandu, DWT-CO-New Delhi
12. Final report submitted	19	October 2012	Consultant/ROAP		
13. Follow up on the recommendations	Oct	2012	CO-Kathmandu		

8) Resources

ROAP will finance the Nepal country programme review exercise, including the external collaboration contract for the external consultant.

Annex 1. All XBTC projects in Nepal that have contributed/linked to CP Outcomes (Agreement Start Date is > April 2008 till as of today)							
CP Outcomes	XB Symbol	Project Title	Total budget (US\$)	Total Expenditure (US\$)	Activities covered (%)	Agreement Start Date	Agreement End Date
NPL101							
NPL104							
NPL126	NEP/08/02/UND	Labour Force Survey II	200,000	181,400	100	24/07/2008	17/31/09
NPL127	NEP/10/50/UND	Support to the rehabilitation of verified minors and late recruits	322,070	316,146	100	01/08/10	31/05/12
	NEP/09/50/UND	ILO-FAO Jobs for peace:12,500 youth employed and empowered through an integrated approach.	1,851,785	1,735,802	100	01/03/2009	12/31/11
	NEP/07/02/IFA	Skill enhancement for employment project	870,000	791,516	100	11/05/08	31/12/11
	NEP/06/51/NET	Employment creation and peace building based on local economic development (EmPLED)	3,000,001	2,700,000	100	05/2007	30/04/10
	NEP/08/03/UNA	Employment creation for people living with HIV and AIDS (PLHA)	50,000	43,261	100	10/2008	11/2009
NPL128							
NPL801							
NPL802	NEP/10/03/UNA	HIV and TB transmission risk assessment of street vendors	47,775	46,961	100	17/01/2011	29/06/12
NPL803							
NPL826	NEP/08/01/AGF	Protection of migrant workers through better regulation & monitoring of private recruitment agencies	200,040	166,118	100	04/06/2009	30/06/2011
	NEP/08/02/MUL	Promotion of indigenous peoples' rights in the constitution- making and state-reform process in Nepal	1,120,791	1,064,994	100	22/10/08	31/07/2011
	NEP/10/02/UNA	Behaviour analysis of returnee sex workers from India	35,637	31,996	100	01/03/11	29/06/12
	NEP/06/50/USA	Sustainable elimination of child bonded labour in Nepal Phase II	2,000,000	1,900,000	100	09/2006	31/12/10
NPL827							
NPL828							
NPL829	NEP/11/01/DAN	Support to the implementation of Nepal's National Master Plan on the elimination of child labour	280,000	110,047	70	31/08/11	31/12/12
	NEP/10/01/MIRL	Preventing Trafficking of Nepalese Migrant Workers	100,000	95,743	100	01/09/2010	30/09/2011
		Opening a new front in the fight against HIV/AIDS: Prevention for Migrant workers	288,907	260,675	100	10/2008	10/2009

Annex 2: Performance criteria for Nepal country programme review

The role and relevance of ILO in Nepal, its niche and comparative advantage and UN partnership approach
<p>Performance criteria:</p> <ul style="list-style-type: none"> ▪ national political, economic and social factors have shaped formulation of country programme ▪ flexibility and ability to respond to emerging opportunities ▪ ILO establishes priorities consistent with its capacities and comparative advantages ▪ ILO ensures CCA addresses subjects that are priorities for decent work in the country ▪ ILO achieves overall policy coherence between ILO action and the UNDAF ▪ PRSPs/ MDGs: ILO's country programme links to and supports/influences national PRSs.
Tripartite participation and partnership
<p>Performance criteria:</p> <ul style="list-style-type: none"> ▪ national tripartite constituents are active in national development planning forums and networks ▪ national tripartite constituents take ownership of the ILO's country programme ▪ tripartite constituents have improved capacities to influence national policy and resources within decent work areas ▪ constituents have clear links to target groups.
The focus and coherence of the programme's design and strategies
<p>Performance criteria:</p> <ul style="list-style-type: none"> ▪ programme coherence supporting an integrated approach to decent work ▪ country programme fits within ILO's strategic policy framework and programme and budget priorities and strategies ▪ country programme reflects a consensus between the country and the ILO on decent work priorities and areas of cooperation ▪ presents a strategy with main means of action for delivery of ILO support. ▪ cross-cutting goals are integrated ▪ current programme is coherent, logic and captures opportunities for reinforcing each other in meeting objectives ▪ partnerships and tripartite constituents build national capacities and support policy change ▪ verification that ILO responds to recognized needs among constituents ▪ resource mobilization is an integral part of strategies.
Evidence of the direct and indirect results of ILO's contributions and support at national level
<p>Performance criteria</p> <ul style="list-style-type: none"> ▪ the programme has defined clear outcome-level results against which it can be assessed ▪ these results are documented and verifiable ▪ the outcomes justify the resources spent ▪ the secondary effects, either positive or negative, are known and associated risks addressed ▪ ILO has influenced thinking and action related to policy changes ▪ results are sustainable by partner institutions and at various levels (local, national, regional) ▪ expansion and replication of successful demonstration and pilot interventions.
The efficiency and adequacy of organizational arrangements to deliver the ILO's programme in Nepal
<p>Performance criteria:</p> <ul style="list-style-type: none"> ▪ the operations of the programme match the programme plan ▪ the ILO has operated fairly and with integrity ▪ credible, skilled specialists support the work ▪ resource mobilization is effectively and efficiently carried out ▪ work processes are efficient and timely.
Knowledge management and sharing
<p>Performance criteria:</p> <ul style="list-style-type: none"> ▪ M&E is part of the knowledge base ▪ office follows a communication/KM strategy, making effective use of its website and other tools for outreach ▪ ILO knowledge development used to improve national programmes, policies and benefit priority groups.

Annex 3: Summary of specific outcome performance profile

Performance factors and related questions for outcome-specific findings regarding progress and performance	
A. Resource adequacy	<ul style="list-style-type: none"> Is the Outcome adequately resourced? Are there any TC projects contributing to this outcome? Any other resources? If under-resourced, why?
B. Delivery of outputs	<ul style="list-style-type: none"> Will all planned outputs be delivered by the end of 2012? Are the quality and quantity of outputs delivered satisfactory/acceptable?
C. Use of outputs by partners/ target groups	<ul style="list-style-type: none"> Have the outputs delivered by the ILO been used by the partners/ target groups?
D. Progress made (against outcome indicators/milestones)	<ul style="list-style-type: none"> Have the progress/changes taken place in the country in the past five years (taking into account the milestones set)? If not, why did it not happen?
E. Measure to response to the emerging risks and the opportunities	<ul style="list-style-type: none"> What are emerging risks and/or opportunities that affected the progress of <u>this specific outcome</u>? Does the country programme take into consideration those risks and opportunities and adjust the outcome and/or its strategies?

The scoring categories are below

0-1	1-2	2-3	3-4
Very unsatisfactory	Unsatisfactory	satisfactory	Very satisfactory

Very Satisfactory – when the findings suggest substantial performance achieved by the DWCP Nepal against the performance criteria. Good practices could be developed/ demonstrated. No major shortcomings were identified.

Satisfactory- when the findings suggest satisfactory performance by the DWCP Nepal against the performance criteria. Some minor shortcomings were identified.

Unsatisfactory – when the findings suggest limited performance of DWCP Nepal against the performance criteria. Major shortcomings were identified.

Very Unsatisfactory – when findings suggest failure of the DWCP Nepal against the performance criteria. Major shortcoming were identified

Outcome-specific findings regarding progress and performance			
Outcome: _____			
Performance area	Rating	Comments by ILO / tripartite constituents/ partners	Plans for next period
A. Resource adequacy			
B. Delivery of outputs			
C. Use of outputs by partners/ target groups			
D. Progress made (against outcome indicators)			
E. Measure to response to the risks and opportunities			
Total score			

Annex 4

SELF-ASSESSMENT BY OUTCOMES (TO BE FILLED BY CO-KATHMANDU AND TO BE REVIEWED BY DWT/CO-NEW DELHI)

<i>NPL101 – Improved policies and legal framework on social security coverage for workers, notably of excluded groups (SR and NN)</i>		
Performance area	Comments by CO-Kathmandu	Plans for next period
A. Resource adequacy	1. Available resource (RBTC) is only about 13 % of total non-staff resource required. 2. No TC projects, no RBSA and PSI 3. Local donors not interested in formal sector social protection.	<ul style="list-style-type: none"> - Resource mobilisation efforts will be continued; - Technical support to NPC and MOLE will be strengthened to ensure the achievement of the outputs by the end of 2013 that contribute to the achievement of Indicator 4.2.
B. Delivery of outputs	With the available resources and given the current political situation only 40 % outputs may be delivered by the end of 2012.	
C. Use of outputs by partners/ target groups	The 2 outputs to be delivered by the end of 2012 have been planned at the request of constituents and National Planning Commission. Hence, will be used by them.	
D. Progress made (against outcome indicators)	<p>Convincing progress made towards the achievement of milestone 1. – Social security organisation act is being finalised by the GON; GON has passed a regulation and established a Social Security Fund which GON plans to develop as an umbrella organisation of social security.</p> <ul style="list-style-type: none"> - Prime Minister's Office has directed the SSF to immediately design and implement 3 schemes-; employment injury benefits, maternity benefits and sickness benefits. - Unemployment insurance benefit act has been prepared and finalised through tripartite mechanism. - GON has prepared a national framework for social protection which is in the process of finalisation and approval by relevant authority. - In June 2010, a Tripartite Task Force on Social Security was established which was led by the Finance Secretary. The Task Force has delivered a plan of action on social security reform in Nepal. <p>-Outputs planned to contribute to Milestone 2 are under resourced.</p> <ul style="list-style-type: none"> - An actuarial report aiming at enhancing the financial viability of prioritised social security floor schemes has been drafted. 	
E. Emerging risks and opportunities	<ul style="list-style-type: none"> - Instability of GON is very likely to cause delay in the necessary endorsement of the new Social Security related laws and the national social protection framework. - Social protection floor covers the mandate and technical areas of various UN agencies including WB and ADB. ILO's collaboration has been regarded important but effective collaboration has been challenging due to unavailability of resources with ILO. - Since social protection is broad and comparatively a new area for the ILO constituents including the GoN there is a window of opportunities to be involved in the development of national policies, legal framework and social security schemes in Nepal. - Increased awareness among GON partners and donors regarding the importance of SP towards achieving the MDG goal of poverty reduction by 2015. This awareness will trigger increased commitment from the GON and the donors in this sector. 	

<i>NPL104 – Labour laws will have been improved and their implementation made effective for creating enabling environment for jobs (SR)</i>		
Performance area	Comments by CO-Kathmandu	Plans for next period
A. Resource adequacy	Adequately resourced through RBTC, RBSA and XBTC (DFID)	<ul style="list-style-type: none"> - Maintain overall achievement.
B. Delivery of outputs	All the planned outputs will be delivered.	
C. Use of outputs by partners/ target groups	Partners have extensively used the outputs.	

D. Progress made (against outcome indicators)	The tripartite Central Labour Advisory Committee decided to draft new Labour Act in line with the ILO recommendations. (The National Labour Conference held in July 2012 declares: "To regulate the labour sectors, the amendment process of labour act and trade union act is on-going. Labour flexibility and social security compliments to each other thus social security fund and national labour commission and other labour laws are in a package. This conference is committed to prepare draft labour laws within four months to end the on-going process of the employment protection, social security, social dialogue, labour relation and strengthening the labour administration).	
E. Emerging risks and opportunities	Political stability is crucial for the timely endorsement of the bills and for the implementation of the results. ILO technical assistance is important in order to bring the national legislation in conformity with ILO conventions and recommendations. The active participation by the ILO constituents has been fruitful and it provides further opportunities to the ILO to be actively involved in the process	

<i>NPL126 – Improved policy coherence supporting increased availability of decent job opportunities (NN)</i>		
Performance area	Comments by CO-Kathmandu	Plans for next period
A. Resource adequacy	Resource not sufficient for output 2 and 3 Available RBTC resources had to be allocated for target outcomes as no RBSA was available.	Coordination with the NPC to deliver output 3 by the end of 2013. - Strengthening MOLE's capacity to play the key role on its recently added mandate-the employment.
B. Delivery of outputs	- Output 1 has been delivered. - Delivery of output 3 will depend on GON's (NPC) commitment as this has been planned at GON's request; - Output 2 requires initiation from ED /EMP and interest from other 2 collaborators- ADB and DFID.	
C. Use of outputs by partners/ target groups	Output 1 is delivered jointly with the NPC. NPC plans to use it as an input for developing its employment plan and programme.	
D. Progress made (against outcome indicators)	- Government's on-going development plan has incorporated target for employment generation for the first time in its history. - GON has prioritised 4 sectors for employment in Nepal.	
E. Emerging risks and opportunities	-Change in current coalition government will change the NPC board. This may affect the commitment in jointly delivering the remaining outputs and their further use in the development framework as planned. . - NPC recognizes ILO as its major partner in employment sector.	

<i>NPL127 – Increased availability of productive employment opportunities for young men and women (NN, SJ and NK)</i>		
Performance area	Comments by CO-Kathmandu	Plans for next period
A. Resource adequacy	- Not adequate. - Exploring resource mobilisation from local donors.	- Resource mobilisation - Technical support to the GON to
B. Delivery of outputs	- Current Outputs cannot be delivered by the end of 2012.	
C. Use of outputs	- Outputs widely used.	

by partners/ target groups		
D. Progress made (against outcome indicators)	<ul style="list-style-type: none"> - In the past five years ILO Nepal implemented 2 important TC projects directly targeting employment of youth in selected districts. The projects contributed in job creation. Evaluation reports of the projects indicate that the projects also contributed in peace building by engaging youth in productive activities. More importantly youth organisations that earlier focussed on social activities are now including the agenda of youth employment in their programmes. - Capacity of the SIYB Secretariat has been strengthened which has further contributed to create a conducive environment for sustainable enterprises. 	
E. Emerging risks and opportunities	<ul style="list-style-type: none"> - Heavy dependency on TC project resources for even small technical assistance is slowly pushing ILO away from enterprise development sector in Nepal. - ILO's SIYB Level -1 is being widely adapted by GON and other partners. - Increasing demand for generic SIYB 	
	-	

NPL128 – Labour intensive public works designed and implemented for increased employment opportunities and poverty reduction (NN and SJ)

Performance area	Comments by CO-Kathmandu	Plans for next period
A. Resource adequacy	- No TC funds available. RBTC/ RBSA not adequate to deliver the set outputs	-Resource mobilisation
B. Delivery of outputs	- 50 % delivered	
C. Use of outputs by partners/ target groups	- Outputs were planned after consultation with the stakeholders. Hence, widely used by them.	
D. Progress made (against outcome indicators)	<ul style="list-style-type: none"> - Capacity of DOLIDAR strengthened to design and implement road maintenance programmes. - Employment guarantee act formulated by the GON; - Strategies for infrastructure based job creation have been made available to the stakeholders 	
E. Emerging risks and opportunities	<ul style="list-style-type: none"> - Instability of the government; - GON resources prioritised for “national pride projects”, which mainly include capital intensive road construction. - Potential to mobilise donor resources as labour based infrastructure are increasingly recognised as an important means of job creation, especially in rural areas. 	

NPL801 – Strengthened institutional capacity of employers' organizations (PS)

Performance area	Comments by CO-Kathmandu	Plans for next period
A. Resource adequacy	RBTC resources have been allocated from the Country Office and also from ILO/ACT/EMP. TC project (INT/09/54/NOR) also contributed to this outcome.	-Maintain the achievement
B. Delivery of outputs	The planned outputs will be delivered by the end of 2013.	
C. Use of outputs by partners/ target groups	Outputs delivered are being used by the Employers.	
D. Progress made (against outcome indicators)	Progress in terms of building the capacity on drafting labour laws, collective bargaining, negotiation and for the promotion of gender policy will contribute towards the achievement of this outcome.	

E. Emerging risks and opportunities	<p>Risks:</p> <ul style="list-style-type: none"> - Political instability - Lack of enterprise supportive program policy - Inadequate energy supply and infrastructure - lack of trained workforce in labour market - Lack of investment friendly climate - Increasing threats and insecurity - Long standing process on Labour Market Governance <p>Opportunities:</p> <ul style="list-style-type: none"> - Promotion of social dialogue - Capacity building for employers and their representatives - Promoting Labour Market Governance - Promoting gender equality in workplace - Enterprise development and youth employment 	
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NPL802 – Strengthened institutional capacity of workers’ organizations (NB)

Performance area	Comments by CO-Kathmandu	Plans for next period
A. Resource adequacy	The resource adequately channelled through ILO/ACTRAV Norway project (INT/09/53/NOR; INT/09/56/NOR) since 2012 and the PAF project (NEP/10/03/UNA) in 2011-12.	Effective implementation of the provisions of new labour legislations through workers’ education, awareness, training and capacity building for effective social dialogue with the employers.
B. Delivery of outputs	The outputs set for bi-annum 2008/09 and 2010/11 were fully achieved while it is expected that about 50% of the outputs for the bi-annum 2012/13 will be delivered by the end of 2012.	
C. Use of outputs by partners/ target groups	The outputs are very well received by the target group (major trade unions). In fact, the DWPC outcomes/outputs are based on the needs and priorities of the unions and thus are very well linked with the union activities in the country.	
D. Progress made (against outcome indicators)	Significant progress made in terms of workers’ participation on reviewing and influencing the labour policies. It was made through the LM reform process practiced since 2007. Major unions have been able to include the issues of ILO conventions, informal economy, social security, gender and migrant workers in their strategies and plans which have obvious links with ILO’s Decent Work agenda.	
E. Emerging risks and opportunities	Fragile political situation have been a key risk factor which distracts the unions from set priorities and thus can impede the effective implementation of proposed new laws. However, if the revised laws are enacted and the new mechanisms (Labour Commission, Social Security Organizations) for labour administrations established there will be windows of opportunities for Nepalese Trade Unions for protecting the rights of workers and thus strengthening the trade union movement as well.	

NPL803 – Increased capacities of employers’ and workers’ organizations to participate effectively in the development of social and labour policy (SR, NB and PS)

Performance area	Comments by CO-Kathmandu	Plans for next period
A. Resource adequacy	Adequate resources	
B. Delivery of outputs	Will be delivered by the end of 2012	
C. Use of outputs by partners/ target groups	Widely used	
D. Progress made (against outcome indicators)	<ul style="list-style-type: none"> - Employers and Workers’ organisations were able to reach to consensus for their overall social security contribution; - Eos and WOs were able to draft 5 new labour laws 	

	- Green jobs agenda incorporated in their work plan	
E. Emerging risks and opportunities	-Political stability is crucial for the timely endorsement of the bills and for the implementation of the results. - Increased recognition among Eos and WOs for improved Industrial Relations.	

<i>NPL826 – Strengthened capacity of member states to ratify and apply international labour standards and to fulfil reporting obligations (SR)</i>		
Performance area	Comments by CO-Kathmandu	Plans for next period
A. Resource adequacy	Adequately resourced (RBTC, RBSA, XBTC)	Maintain overall achievement
B. Delivery of outputs	All the planned outputs will be delivered by 2012.	
C. Use of outputs by partners/ target groups	Partners have effectively used the outputs delivered by the ILO.	
D. Progress made (against outcome indicators)	GoN submitted timely reports on ratified convention (2011). The new three-year development plan incorporates social inclusion issues within the framework of C169. National Plan of Action on the implementation of C169 drafted by the GoN. National Master Plan on the Elimination of Child Labour reviewed and finalized. National Plan of Action on the elimination of the Bonded Labour finalized.	
E. Emerging risks and opportunities	ILO conventions have been frequently misinterpreted which might create difficulties to promote and implement the provisions of the conventions. Two more conventions were ratified during the period which provides window of opportunities for the ILO to be involved in for their effective implementation and sensitizations. ILO conventions can be effectively used as development tools for creating decent jobs, social inclusion and harmony.	

<i>NPL827 – Policies, Programmes and Action Plans are adapted in order to improve the application of ILO conventions 87 and 98 (SR)</i>		
Performance area	Comments by CO-Kathmandu	Plans for next period
A. Resource adequacy	Adequately resourced.	Maintain overall achievement
B. Delivery of outputs	All the planned outputs will be delivered by 2012.	
C. Use of outputs by partners/ target groups	Partners have effectively used the outputs delivered by the ILO.	
D. Progress made (against outcome indicators)	- The Ministry of Labour and Employment submitted a study report on the ratification of C87 to the Cabinet. -Prime Minister discloses GoN's intention to ratify the C87. (August 2011) -Civil servants (up to the gazetted third class officers) were granted the right to form and join union of their choice. - Trade unions effectively campaigning for the ratification of C87.	
E. Emerging risks and opportunities	Increasing trend of politicisation of union activities might harm the overall trade union movement. Unionization of the workers in the informal economy is being promoted by the various trade union federations which might	

	provide the ILO better opportunities to work with the workers' organizations.	
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NPL828 – Constituents adopt and implement an integrated approach to the elimination of forced labour and trafficking (BKT and BSP)

Performance area	Comments by CO-Kathmandu	Plans for next period
A. Resource adequacy	This Outcome is adequately resourced. RBSA available to deliver the outputs that contribute to the elimination of bonded labour. TC Project “Protection of Nepalese Migrant Workers from Forced Labour and Human Trafficking” and “Prevention of Trafficking of Nepalese Migrant Workers” contributed to this outcome (September 2009-2011).	
B. Delivery of outputs	The critical outputs that contribute to the achievement of the set milestones will be achieved as targeted by the end of 2012.	
C. Use of outputs by partners/ target groups	The ILO constituents have been using the services and products. Ministry of Labour and CTEVT have shown interests towards initiating certified training for domestic workers. (Output4)	
D. Progress made (against outcome indicators)	The Ministry of Land Reform and Management (MOLRM) has been using the technical support delivered under this programme for rehabilitation of freed bonded labour; Trade Unions have organized freed bonded labours by increasing their membership in trade unions, empowered to prevent them from bonded situation and fight for minimum wage through collective bargaining; the government is proactive for effective implementation of ILO C 29 and C 105 and submitted a bill to endorse an act for prohibition of haliya system; Government on-going three years plan has explicitly shown its commitment to making foreign employment decent, safe and productive.	
E. Emerging risks and opportunities	<ul style="list-style-type: none"> - The government’s attention is focused to provide rehabilitation support to bonded labourers in mid and far west regions. The large number of similar forms of bonded labour in eastern region has not received due attention; - The government is strongly interested and has taken initiatives to provide rehabilitation support to freed haliyas in collaboration with UN and other development agencies. - Frequent changes of staff in the Ministry of Labour and Employment - Contribution of remittances to the economy and rights of Nepali migrant workers increasingly being recognised. Government, TUs and civil society more aware about forced labour and trafficking issues.	

NPL829 – Constituents in partnership with other stakeholders have implemented priority activities of national Master Plan on Child Labour, with specific emphasis on the elimination of works forms of child labour by 2016 (Bipina)

Performance area	Comments by CO-Kathmandu	Plans for next period
A. Resource adequacy	TC funds available but not adequate to deliver the set outputs. Limited RBTC fund allocated for 2012.	<ul style="list-style-type: none"> • Resource Mobilisation (internal and external) • Continue providing technical assistance to the ILO constituents
B. Delivery of outputs	Aimed at delivering the outputs by the on-going TC Project on Child Labour and through the design and implementation of the new TC project on Child Labour in 2013. Achieving Outputs 1, 2, 3 and 5 depend on the implementation of the Action Program under the TC project 2012 and on the funding of the new TC project in 2013. The activities under outputs 4 and 6 are underway	

C. Use of outputs by partners/ target groups	The social partners are very much keen and are in the process to plan and use the products and services created by the project. MoLE is facing resource limitation to use the outputs effectively.	
D. Progress made (against outcome indicators)	<p>The Ministry of Labour and Employment signed the Action Program (AP) with the ILO to implement a number of National Master Plan (NMP) driven activities. Policy recommendations are a part of it.</p> <p>The workers' organisations and the employers' organisations have started implementing the NMP driven Mini-Programs which targets the elimination of the worst forms of child labour by 2016.</p> <p>The GoN and the social partners joined hands with ILO in the World Day Against Child Labour 2012 to increase advocacy and awareness on child labour elimination.</p> <p>Researches underway on child labour related issues to find out the real situation of child labour in Nepal and for providing policy recommendations.</p>	
E. Emerging risks and opportunities	<p>Continued political unrest and frequent turnover of the officials from the Ministry of Labour and Employment will pose a great risk in achieving the outputs as envisioned.</p> <p>The positive attitude shown by the Danish Embassy for funding the second phase of the Child Labour TC Project brings options in meeting the funding gaps as identified.</p>	

Annex 2 Schedule of Mission and Persons Consulted

Decent Work Country Program Review (2008 - 2012) Mission from 3 to 15 September 2012:

1) Agenda of Meetings/Work Schedule:

Day 1, Monday, 03 September 2012					
Time	Name	Department/Office number	Email	Telephone No.	Main topics for discussion
09:30-10:00	Mr. Jose Assalino	Director, ILO Office in Nepal	assalino@ilo.org	977-1-5551080	Welcome and Introduction
10 :30 – 11:00	Mr. Jeeban Thapa	National Consultant	jeeban.thapa@yahoo.com	977-1-4355669 -9841210748	Expected roles/responsibilities
12:00 – 13:00	Mr. Shalikram Jamkattel	President, All Nepal Federations of Trade Unions (ANTUF)	antuf2007@gmail.com	977-1-4602793	Perspectives on ILO's technical Assistance in labour market reform process- NPL104, NPL101
13:00 – 14:00	Lunch				
14:30 – 15:15	Mr. Binod K.C.	Joint Secretary, MOLE	info@moltm.gov.np	977-1-4211991	ILO's work and linkages with the Ministry's priorities
Day 2, Tuesday, 04 September 2012					
10:00 – 11:00	Mr. Bishnu Rimal	President, General Federation of National Trade Unions (GEFONT)	office@gefont.org	977-1-4168000	Workers' perspectives on ILO's support (labour laws, freedom of association) – NPL 104, NPL 101, NPL 802, NPL 827

11:30 – 12:30	Mr. Baburam Ranabhat	Executive Director, IED			
12:30 – 13:30	Lunch				
14:00 – 14:30	Mr. Sanjay Khanal	Chief, Social Development Unit, National Planning Commission	surabhi67@live.com	977-9841312504	ILO's policy work in the areas of youth employment, social protection floor: NPL101, NPL 127
15:00 – 15:45	Mr. Purna Chandra Bhattarai	Director General, Department of Foreign Labour /MOLE (Ex-Joint Secretary to MOLE	pcbhatrai@yahoo.com	977-9841551642	ILO technical assistance in different sectors and for the better management of foreign labour migration, in particular - NPL 104, NPL 102, NPL 829
16:15hrs.	Project Managers	ILO CO Kathmandu			
Day 3, Wednesday, 05 September 2012					
09:30hrs.	Mr. Ben Powis	DFID	b-powis@dfid.gov.uk	977-1-5542980 Ext: 2200 -9851111397	
10:30 – 11:00	Prof. Pushkar Bjracharya	Ex-Member ,National Planning Commission/ Academician	pushkar2000@gmail.com	977-9841684519	ILO's support in policy making in general and its role in developing employment-centric development plan - NPL 126
12:30 – 13:00	Mr. Laxman Kumar Hamal	Under Secretary, Ministry of Land Reform	lkhamal@gamil.com	977-1-4211852	Collaboration on policy and advocacy work in the area of forced labour - NPL 828
13:00 – 14:00	Lunch				

14:00 – 15:00	Mr. Ang Kaji Sherpa 9851048184	Secretary General, National Federation of Indigenous Nationalities (NEFIN) (Beneficiary of PRO 169)	info@nefin.org.np	977-1-5001754	ILO support in NEFIN's movement to address the issues of Indigenous nationalities- NPL 826
15:30 – 16:00	Mr. Yuba Raj Neupane	Coordinator, JTUCC		977-1-4241412	
Day 4, Thursday, 06 September 2012					
09:30 – 10:30	Ms. Manju Lama	Danish Embassy	manlam@um.dk	977-1-4413010 Ext. 26	
12:00 – 12:30	Mr. Bhupendra Bahadur Basnyat	Director General DOLIDAR	c/o Bubaneshwor Lamichhane 9841327631	977-1-5000107	ILO's assistance in Employment Intensive Infrastructure Programmes – NPL 128
13:00 – 14:00	Mr. Pashupati Murarka	Vice President and Chairperson of Employers' Council/FNCCI	fncci@mos.com.np	977-1-4262255, 977-15262218, - 9851045416	Employers' perspectives on ILO's technical assistance- NPL 104, NPL 101, NPL801, NPL 803
15:00 – 15:45	Mr. Bikas Bista	Deputy Director General, Central Bureau of Statistics	u_malla@yahoo.com	4229406 / 9841296107	ILO's assistance in generating national statistics- NPL 125
Day 5, Friday, 07 September 2012					
09:00 – 10:30 16:00 – 17:00	Desk Work				
10:30hrs.	Mr. Robert Piper	UN Resident Coordinator Venue: Resident Coordinator's Office	robert.piper@undp.org	977-1-5590497, 977-1-5523200, - 9851024514	Collaboration of the ILO with UN agencies, its participation in UNDAF process
13:15 – 14:00	Lunch				

14:30 – 15: 30	Mr. Laxman Basnet	President, National Trade Union Congress	ntuc@wlink.com.np	977-1-4107677	Workers perspectives-NPL104, NPL 801, NPL802, NPL827
COB	END OF INTERVIEWS				
Saturday, 08 September 2012			Preparation PowerPoint Presentation for Wednesday		
09 - 11 September 2012			Field Visit (meeting/interview with TC projects IPs and beneficiaries- Jobs for Peace, UNIRP, EmPLED), Beneficiaries/IPs of ACTRAV, ACT/EMP		
12 September 2012			Stakeholders Workshop: From 1 – 5 p.m.		
13 September 2012			Desk work		
14 September			Desk Work / Debriefing and discussion on Programming issues		
15 September			Departure to Bangkok		

2) List of Persons Consulted in Kathmandu

S.No.	Name of the Person	Designation	Organization	Date	Place
1	Mr. Assalino Jose	Director	ILO Office in Nepal	3 Sep 2012 (Also on 7 & 12 Sep)	Kathmandu
2	Ms Nita Neupane	Programme Officer	ILO Office-Nepal	3 Sep 2012	Kathmandu
3	Mr Saloman Rajbanshi	Programme Officer			
4	Mr Bina Thapa	National Project Coordinator			
5	Mr Shalik Ram Jamkattel	President	All Nepal Federations of Trade Unions (ANTUF)	3 Sep 2012	Kathmandu
6	Mr Ganesh Regmi	General Secretary			
7	Mr Binod KC	Joint Secretary	Ministry of Labour & Employment (MOLE)	3 Sep 2012	Kathmandu
8	Dr. Man Bahadur BK	Director General			
9	Mr Krishna Dawadee	Under Secretary			
10	Mr Navin Pokhrel	Under Secretary			
11	Mr Jagdish Shivakoti	Section officer			
12	Mr Bishnu Rimal	President	General Federation of Nepalese Trade Unions (GEFONT)	4 Sep 2012	Kathmandu
13	Mr Umesh Upadhyaya	General Secretary			
14	Mr Baburam Rana Bhat	Executive Director	Industrial Enterprise Development Institute (IEDI)	4 Sep 2012	Kathmandu
15	Mr Dilip Thapa	Member Secretary, SIYB Secretariat			
16	Mr Sanjay Khanal	Under Secretary	National Planning Commission	4 Sep 2012	Kathmandu
17	Mr Purna Chandra Bhattarai	Director General	Dept. of Foreign Employment	4 Sep 2012	Kathmandu
18	Mr Shailendra Jha	National Programme Manager	ILO Office-Nepal	4 Sep 2012 & 13 Sep *)	Kathmandu
19	Mr Narayan Bhattarai	National Project Coordinator			
20	Ms Bina Thapa	National Project Coordinator			
21	Ms Bharati Sharma	National Project Coordinator			
22	Ms Bipina Sharma	National Project Coordinator			
23	Mr Nabin Karna	National Project Coordinator			
24	Mr Prakash Sharma	Sr. Project Assistant			
25	Mr Ben Powis	Social Development Advisor	DFID Nepal	5 Sep 2012	Kathmandu
26	Dr Pushkar Bajracharya	Ex-Member/ Professor	National Planning Commission / Tribhuvan University	5 Sep 2012	Kathmandu
27	Mr Tej Raj Pandey	Joint Secretary	Ministry of Land Reform & Management	5 Sep 2012	Kathmandu
28	Mr Laxman K Hamal	Under Secretary			
29	Mr Ang Kaji Sherpa	General Secretary	Nepal Federation of Indigenous Nationalities (NEFIN)	5 Sep 2012	Kathmandu
30	Mr Dandu Sherpa	Treasurer			
31	Ms Indira Jimmy	Vice President			
32	Mr Jyoti Danuwar	Project Coordinator			
33	Mr Ramji Kongrel	Federal Council			

		Member			
34	Mr Yubaraj Neupane	Coordinator	Joint Trade Union Coordination Centre (JTUCC)	5 Sep 2012	Kathmandu
35	Mr Shiva Adhikari	General Secretary, CONEP **)			
36	Mr Hikmat Bhandari	General Secretary, NDECONT- I **)			
37	Mr.Devendra Musang	Central Committee Member, FENEPT **)			
38	Ms Maria Ana Peterra	Deputy Head of Mission	Danish Embassy/ DANIDA	6 Sep 2012	Kathmandu
39	Ms Manju Lama	ILO Desk In-charge			
40	Mr Bhupendra Basnet	Director General	Dept of Local Infrastructure Development & Agriculture Roads (DOLIDAR)	6 Sep 2012	Kathmandu
41	Mr Pashupati Murarka	Vice President	Federation of Nepal Chambers of Commerce & Industries (FNCCI)	6 Sep 2012	Kathmandu
42	Mr Hansa Ram Pande	Director			
43	Mr Yagya Man Shakya	Dy. Director			
44	Ms Kabita Shrestha	Industrial Relations Officer			
45	Mr Bikash Bista	Dy. Director General	Central Bureau of Statistics (CBS)	6 Sep 2012	Kathmandu
46	Mr Robert Piper	UN Resident Coordinator	UNDP	7 Sep 2012	Kathmandu
47	Mr Laxman B Basnet	President	Nepal Trade Union Congress (NTUC)	7 Sep 2012	Kathmandu
48	Mr Ganesh P Niroula	Vice President			
49	Mr Achyut Raj Pande	General Secretary			

*) On 13 Sep Director Mr Jose Assalino, Programme Officers Ms Nita Neupane and Mr. Saloman Rajbanshi, Admin & Finance Officer Ms Marina Rai and Sr. Secretary to Director Ms.Sita Gurung from ILO- CO also joined the meeting along with other ILO personnel of Sep 4 meeting (excluding Mr. Naryaan Bhattarai and Prakash Sharma).

**) CONEP: Confederation of Nepalese Professionals; NDECONT-I: National Democratic Confederation of Nepalese Trade Unions-Independent; FENEPT: Federation of Nepal Progressive Trade Unions

Annex 3 Field Visit to Birgunj (Parsa) and Janakpur (Dhanusha)

List of persons consulted during field trip:

S.N.	Name of the Person	Designation/Occupation	Organization/Intervention Agency	Date	Place
1	Mr Raj Kumar Paswan	Entrepreneur/SIYB beneficiary (CD shop & Mobile repair)	ILO Jobs for Peace Project/CHEC Nepal	9 Sep 2012	Parwanipur (On the way to Birgunj)
2	Mr Umesh Kumar Gupta	Chairman	CHEC Nepal	9 Sep 2012	Birgunj, Parsa District
3	Mr Amit Kumar Gupta	Trainer			
4	Mr Pritam K Gupta	Secretary			
5	Mr Mukesh Dhakal	Regional Manager	Nirdhan Utthan Bank Ltd (NUBL)	9 Sep 2012	Birgunj
6	Mr Parmeshwar Chaudhary	Programme Officer			
7	Mr Shankar Neupane	Programme Officer			
8	Mr Kamlesh K Saha	Coordinator/Officer	Alliance Nepal/SODEC	9 Sep 2012	Birgunj
9	Mr Amit K Gupta	Entrepreneur/Vocational training beneficiary (Mobile shop & repair)	ILO J4P/ Alliance Nepal/SODEC	9 Sep 2012	Birgunj
10	Mr Ali R Hawadi	Motor Cycle Mechanic/VT beneficiary	ILO J4P/CHEC Nepal/NUBL	9 Sep 2012	Birgunj/ Alau-6
11	Mr Amrullah Ansari/ Ms Aalam Aara	Entrepreneur/SIYB/ Access to Finance - MFI beneficiary			
12	Mr Amrit Man Singh	Mid Zone President			
13	Mr Laxman P Kurmi	District President	NTUC	9 Sep 2012	Birgunj
14	Mr Chhote Lal Saha	District Secretary			
15	Mr Kamlesh Jha	Zonal President/Nat'l Committee Member			
16	Mr Damodar Parajuli	Zonal Secretary	ILO-J4P/Social Welfare Youth Users Committee, Bagahi	10 Sep 2012	Bagahi-1, Parsa
17	Mr Umesh K Sah	Chairman			
18	Mr Jayalal Mahato	Tech Advisor			
19	Bambhola Mahto	Member	Bagahi VDC		
20	Mr Madan P Upadhya	Beneficiary/Former VDC Chairman			
21	Mr Govinda P Dulal	Past Chairman	Jai Kisan Milk Producers Cooperative Ltd.	10 Sep 2012	Sindureghari, Dumariya (M)-2, Rautahat (On the way to Janakpur, Dhanusha)
22	Mr Mahendra P Chaulagain	Chairman			
23	Mr Prakash Chaulagain	Past Vice Chairman			
24	Mr Krishna P Devkota	Manager	ILO-J4P/Janbikash Consultancy/Jai Kisan Milk Producers Co-op		
25	Mr Ganga B Basnet/ Kumar Basnet (Co-op member)	Cattle Farming/Skill Training (for Co-op members)			
26	Ms Chandrika Dulal	beneficiaries			
27	Mr Bechan T Yadav	Chairman	Aurahi Baba Community Forest Users Committee.	10 Sep 2012	Nakattajhij, Dhanusha
28	Mr Ram Krishna Mahto	Users Committee			
29	Ms Gauri Devi Mandal	Members/Beneficiaries of ILO EMPLED			

		Asparagus Interventions			
30	Mr Bishnu Dev Yadav	District Agriculture Dev. Officer	District Agriculture Development Office (DADO)	10 Sep 2012	Janakpur, Dhanusha District
31	Mr Shyam P Sah	President	Janakpur Chamber of Commerce & Industries (JCCI)	10 Sep 2012	Janakpur
32	Mr Nirmal Chaudhary	Immediate Past President/Zonal Representative at Central Level			
33	Mr Bijay K Saha	Sr. Vice President	ILO EmPLED/Fish Farmers Cooperative/ DADO	11 Sep 2012	Nanupati, Dhanusha
33	Mr Bawe Lal Mukhiya	Fish Farmers/ Beneficiaries of ILO EmPLED			
34	Mr Ramesh Mukhiya				
35	Mr Bijay Shrestha				
36	Mr Kanhaiya Mukhiya	Intervention in Fishery Sector in Dhanusha			
37	Mr Ram Gulam Mandal				
38	Mr Lattoo Sahani				
39	Mr. Ram Ashish Yadav	Chief/Manager	Sita Media P. Ltd/Janakpur FM Radio	11 Sep 2012	Janakpur

Annex 4 Stakeholders Workshop

Stakeholders Workshop on the Review of the DWCP 2008-12, organized by ILO on Wednesday 12 September 2012, in Hotel Himalaya, Lalitpur:

1) List of Participants:

S.No.	Name	Office/Organization
1	Mr Som Lal Subedi	Ministry of Labour & Employment (MOLE)
2	Mr Krishna P Dawadee	
3	Mr Jagdish Chandra Siwakoti	
4	Mr Barun K Jha	Department of Labour
5	Mr Purushottam Nepal	Ministry of Federal Affairs & Local Development (MOFALD)
6	Mr Shyam P Bhandari	National Planning Commission (NPC)
7	Mr Kiran Pokhrel	
8	Mr Uttam N Malla	Central Bureau of Statistics (CBS)
9	Mr Tanka Pandey	Social Security Fund/MOLE
10	Mr Kewal P Bhandari	
11	Mr Awich Roman	Federation of Nepalese Chamber of Commerce & Industries (FNCCI)
12	Mr Hansa Raj Pandey	
13	Mr Yagyaman Shakya	
14	Ms Kabita Shrestha	
15	Mr Umesh Upadhya	General Federation of Nepal Trade Unions (GEFONT) Nepal
16	Mr Bidur Karki	Nepal Trade Union Congress (NTUC)
17	Mr Laxman Basnet	
18	Mr Madhav Bhandari	
19	Mr Mohan Basnet	All Nepal Federations of Trade Unions (ANTUF)
20	Mr Rupak Gurung	
21	Ms Bandita Sijapati	CFSLAM/Social Science Baha
22	Mr Saloman Rajbanshi	International Labour Organization (ILO)
23	Ms Marina Rai	
24	Bharati S Pokhrel	
25	Mr Milan Shrestha	
26	Ms Bipina Sharma	
27	Mr Prakash Sharma	
28	Mr Dipak Adhikari	
29	Mr Krishna Lama	
30	Mr Shailendra K Jha	
31	Ms Nita Neupane	
32	Mr Nabin Kumar Karna	
33	Ms Bina Thapa	
34	Mr Sanjeeb Manandhar	
35	Mr Ronald Berghuijs	ILO Consultant

2) Workshop Schedule:

Time	Program
13:00 - 13:30	Registration and Tea/coffee
13:30 - 17:00	Technical Sessions and Closing
13:30 - 14:00	<p><u>Chair Person:</u> <u>Mr. Som Lal Subedi, Secretary, Ministry of Labour and Employment</u></p> <p><u>Session 1: Background and Introduction</u> Welcome remarks and brief introduction of the Country Program Review objective and process by Mr. Jose Assalino Director, ILO Country Office for Nepal</p> <p>Participants' introduction</p>
14: 00 - 15:00	<p><u>Session 2: Presentation of preliminary findings of the review and discussion</u></p> <ul style="list-style-type: none"> • Presentation on the review findings by Dr. Theo van der Loop, International Consultant. • General questions and answers
15:00 - 15:15	<u>Tea/Coffee</u>
15:15 - 16:30	<p><u>Session 3: Group work by constituency groups:</u></p> <ul style="list-style-type: none"> • Comments/inputs on major issues that emerged from the review • Priorities for the next cycle of DWCP • Plenary
16:30 - 17:00	<p><u>Session 4: Closing remarks</u></p> <ul style="list-style-type: none"> • Workers' Organization • Employers' Organization
	Remarks from the Chairperson
	Vote of Thanks and Closing of the workshop by Mr. Jose Assalino, Director, ILO Country Office for Nepal.
17:00	Refreshment: Hi-tea

Annex 5 Nepal Country Programme Review 2007: Summary of Recommendations

Nepal Biennial Country Programme Review 2006-2007 (November 2007) Summary of Recommendations

- 1) The ILO should regularly update its analysis and assumptions about the programme context in Nepal, to ensure the relevance and effectiveness of its programmes and avoid any negative impact on conflict dynamics. The analysis should build on the work of other UN agencies.
- 2) Prior the drafting of the next DWCP, the ILO's Crisis Response and Reconstruction programme should identify what resources and assistance it can provide, including in the areas of conflict analysis, the concrete application of lessons learned from other ILO programmes in conflict affected environments and results monitoring.
- 3) The existing Country Plan results matrix should be updated before the end of 2007, to ensure that all activities are included and that all deliverables are considered.
- 4) The next ILO Nepal Country Programme should focus on supporting implementation of the CPA as its first priority, consistent with the objectives of ILO Constituents and the UNDAF.
- 5) The ILO Nepal should focus on "upstream" interventions, related the development and implementation of policy in the areas of labour market reform, employment and livelihood generation and youth.
- 6) The ILO should consider requests from Constituents to play a role convening related processes of social dialogue and capacity development as a core part of its next plan.
- 7) The ILO Nepal should avoid project implementation, unless it is directly related to upstream interventions, as pilots for scale up, policy research or otherwise.
- 8) The human and financial resource profile of the Nepal Country Office should be revised to ensure that it has the capacity needed to play policy development, technical assistance, analytical, capacity development and convening roles.
- 9) The ILO should review its institutional framework for working in post conflict/crisis situations. In particular, Country Programmes such as Nepal require support that is differentiated from what the ILO provides in stable environments.
- 10) A special fund to support programming in post-conflict environments could be situated in the ILO's Crisis Response and Reconstruction programme, or other appropriate department. The Fund would provide flexible and rapidly allocated resources to meeting funding gaps in transitional situations such as Nepal.

Annex 6 Scoring by Review Team on the Six Performance criteria

The Review Team will provide a score on each of the 34 Performance Sub-criteria listed below. The scores for the six main Performance Areas (3.1 to 3.6) will be calculated based on the scores on the respective sub-criteria. The scoring itself will be undertaken as specified in the Annex 3 of the TOR, keeping in mind the limitations specified in Section 1.2.⁹

PERFORMANCE CRITERIA	SCORE	COMMENTS
3.1 The role and relevance of ILO in Nepal, its niche and comparative advantage and UN partnership approach		
<ol style="list-style-type: none"> 1. national political, economic and social factors have shaped formulation of country programme 2. flexibility and ability to respond to emerging opportunities 3. ILO establishes priorities consistent with its capacities and comparative advantages 4. ILO ensures CCA addresses subjects that are priorities for decent work in the country 5. ILO achieves overall policy coherence between ILO action and the UNDAF 6. PRSPs/ MDGs: ILO's country programme links to and supports/influences national PRSs. 		
3.2 Tripartite participation and partnership		
<ol style="list-style-type: none"> 1. national tripartite constituents are active in national development planning forums and networks 2. national tripartite constituents take ownership of the ILO's country programme 3. tripartite constituents have improved capacities to influence national policy and resources within decent work areas 4. constituents have clear links to target groups. 		
3.3 The focus and coherence of the programme's design and strategies		
<ol style="list-style-type: none"> 1. programme coherence supporting an integrated approach to decent work 2. country programme fits within ILO's strategic policy framework and programme and budget priorities and strategies 3. country programme reflects a consensus between the country and the ILO on decent work priorities and areas of cooperation 4. presents a strategy with main means of action for delivery of ILO support. 5. cross-cutting goals are integrated 6. current programme is coherent, logic and captures opportunities for reinforcing each other in meeting objectives 7. partnerships and tripartite constituents build national capacities and support policy change 8. verification that ILO responds to recognized needs among constituents 9. resource mobilization is an integral part of strategies. 		

⁹ The scoring categories are as follows (cf. TOR - Annex 3, here included as Annex 1):

0-1	1-2	2-3	3-4
Very unsatisfactory	Unsatisfactory	satisfactory	Very satisfactory

3.4 Evidence of the direct and indirect results of ILO's contributions and support at national level		
<ol style="list-style-type: none"> 1. the programme has defined clear outcome-level results against which it can be assessed 2. these results are documented and verifiable 3. the outcomes justify the resources spent 4. the secondary effects, either positive or negative, are known and associated risks addressed 5. ILO has influenced thinking and action related to policy changes 6. results are sustainable by partner institutions and at various levels (local, national, regional) 7. expansion and replication of successful demonstration and pilot interventions. 		
3.5 The efficiency and adequacy of organizational arrangements to deliver the ILO's programme in Nepal		
<ol style="list-style-type: none"> 1. the operations of the programme match the programme plan 2. the ILO has operated fairly and with integrity 3. credible, skilled specialists support the work 4. resource mobilization is effectively and efficiently carried out 5. work processes are efficient and timely. 		
3.6 Knowledge management and sharing		
<ol style="list-style-type: none"> 1. M&E is part of the knowledge base 2. office follows a communication/KM strategy, making effective use of its website and other tools for outreach 3. ILO knowledge development used to improve national programmes, policies and benefit priority groups. 		

Annex 7 Assessment of Progress made towards DWCP Outcomes

For each of the 12 projects/interventions a score will be given for the five main performance factors based on the assessment of performance on the questions specified.¹⁰

FACTORS FOR ASSESSMENT OF PROGRESS MADE	SCORE	COMMENTS
A. Resource adequacy		
• Is the Outcome adequately resourced?		
• Are there any TC projects contributing to this outcome?		
• Any other resources?		
• If under-resourced, why? Funding gaps?		
B. Delivery of outputs		
• Will all planned outputs be delivered by the end of 2012?		
• Are the quality and quantity of outputs delivered satisfactory/acceptable?		
• Delays?		
C. Use of outputs by partners/ target groups		
• Have the outputs delivered by the ILO been used by the partners/ target groups?		
• Appreciated? Replicated? Used elsewhere?		
• ILO's understanding of the local context?		
D. Progress made (against outcome indicators/milestones)		
• Have the progress/changes taken place in the country in the past five years (taking into account the milestones set)?		
• If not, why did it not happen?		
E. Measure to response to the emerging risks and the opportunities		
• What are emerging risks and/or opportunities that affected the progress of this specific outcome?		
• Does the country programme take into consideration those risks and opportunities and adjust the outcome and/or its strategies?		
OVERALL AVERAGE SCORE		

¹⁰ The scoring categories are as follows (cf. TOR - Annex 3, here included as Annex 1):

0-1	1-2	2-3	3-4
Very unsatisfactory	Unsatisfactory	satisfactory	Very satisfactory

Annex 8 The Nepal Model of a Social Protection Framework

Institutional arrangements for Nepal

Nepal has effectively delivered important elements of a social protection framework, supporting some of the most effective social transfer programmes in a low-income country. In 1994, Nepal implemented a universal old age pension for all people 75 years of age or older. More recently, the government has announced the extension and expansion of the system of social grants, which are implemented by the Ministry of Local Development. Various ministries – including the Ministry of Education, the Ministry of Health and Population, the Ministry of Peace and Reconciliation and the Ministry of Labour – implement programmes that involve social transfer delivery. The growing role of social transfers in the government's national development framework increases demand for a more comprehensive social protection framework and policy. This section describes a possible model based on the lessons discussed above and consultations with key government stakeholders within Nepal. Nepal's National Planning Commission (NPC) carries overall responsibility for policy planning and coherence, and executes co-ordination functions with all the ministries related to social protection. The NPC is responsible for overall social policy planning and implements broad monitoring and evaluation functions across government. The NPC has convening authority and the policy authority to integrate policies across government ministries. The NPC is well-positioned to co-ordinate an overall social protection framework and policy development process. Furthermore, this model has worked successfully in Nepal.

When the International Labour Organisation (ILO) started providing technical assistance to the Government on the formulation of a National Plan of Action on Youth Employment (NPA), the NPC vice chair established a task force which was chaired by a joint secretary and consisted of all concerned line ministries, including finance. After the NPC succeeded in developing the model, it handed over the implementation to relevant line ministries with coordination by the Youth Ministry.

The various ministries responsible for social protection elements play critical roles in the development and implementation of specific policies. The Ministry of Women, Children and Social Welfare (MWCSW) is responsible for core elements of social protection, particularly in terms of vulnerability and social exclusion. The Ministry of Labour holds responsibility for other important and distinct social protection areas, particularly in terms of labour market protection. The Ministry of Education and the Ministry of Health and Population both deliver programmes to make human capital services more accessible. The Ministry of Finance plays several important roles in the areas of policy formulation, resource allocation and coordination.

These various ministries have certain implementation responsibilities for which harmonised delivery systems may improve effectiveness and efficiency. For example, the old age pension, maternity incentive scheme, school scholarships and public works programmes involve cash payments across the country. The Ministry of Local Development (MLD) is responsible for the social pension scheme and delivers these cash payments through Village Development Committees (VDCs). Building a harmonised and well-functioning capacity for cash payments lowers the administrative costs to government and the private costs to beneficiaries while improving overall delivery. Other key delivery systems include registration systems, targeting

systems, management information systems, monitoring and evaluation systems and appeals systems.

SOURCE:

DFID/Nepal (2009) (Extract from South Africa based Economic Policy Research Institute's Report on their website): http://epri.org.za/wp-content/uploads/2011/01/EPRI_Chapter4_4.pdf

Annex 9 Nepal Business Forum

The Nepal Business Forum (NBF) is the country's first national platform for public–private dialogue established to deliberate on important investment climate issues and recommend measures to improve it. Poverty alleviation, employment–centric growth, agriculture, infrastructure building and social development are all key priorities for overcoming economic challenges and creating a business-enabling environment in Nepal. With this in mind, the Government of Nepal established NBF through an Executive Order in May 2010 to assist and speed up the formulation and implementation of reforms that would benefit industry and investment. NBF is aimed at accelerating and facilitating the reform process by providing the government and the private sector with a structured, transparent and results-oriented mechanism through which they can voice concerns, and solutions and drive progress. Chaired by the Rt. Honourable Prime Minister, NBF has 75 members including senior government policymakers, representatives from the private sector, civil society members, economists, academicians and several development partners.

NBF's structure and functions have been developed after careful deliberation through a consultative process including representatives from the private sector, government and civil society. The Executive Order outlines the mandate and roles of various NBF bodies including the Private Sector Development Committee (at the cabinet level), the Steering Committee, the Secretariat and the seven Working Groups, including one regional PPD forum, which are listed below:

- Business Environment, Labour Relations and Industrial Security
- Export Promotion and Trade Facilitation
- Financial, Monetary and Insurance Affairs
- Industrial Investment Promotion
- Infrastructure
- Tourism
- Women Entrepreneurship Development
- Eastern Regional Business Forum

At the apex is the High Level Business Forum which is chaired by the Rt. Honorable Prime Minister. The HLBF, which meets bi-annually, sets policy, provides strategic direction to NBF and, if required, resolves issues on which resolution has not been achieved at lower levels. The Secretary, Ministry of Industry, serves as the Member Secretary for the HLBF.

The Private Sector Development Committee, chaired by the Chief Secretary, comprises of the Secretaries of all relevant Ministries as well as other invited participants such as development partners and experts from relevant fields. The PSDC meets every two months to clear any inter-ministerial roadblocks to reform and reports to the HLBF on Working Group activities. The Secretary, Ministry of Industry, serves as Member Secretary for the PSDC.