



Policy briefing

Nepal: a decade of fragile peace

This briefing sets out findings that arose from three workshops conducted in Siraha, Nepalgunj and Lalitpur, Nepal from January-February 2017, which included participants from 20 districts across Nepal. After the successes of the [Capacities for Peace](#) project¹, the follow-up workshops highlighted a series of potential flashpoints for conflict in the coming months and years as the country undergoes a process of constitutional change.

Saferworld and our partners promote a people-centred engagement model that builds on existing local peacebuilding initiatives and empowers conflict-affected communities to identify their main security threats and respond to them in a constructive and non-violent way. Over time it is intended to lead to a greater understanding of conflict dynamics, which enables outside actors to support communities to reduce levels of violence while strengthening the capacities of those communities and actors to manage conflict peacefully.

Recent outbreaks of violence across Nepal, coupled with the prospect of profound constitutional change, suggest that local peacebuilding will be essential to harnessing the potential of Nepal's new chapter for building long-term peace, stability and shared economic growth. This policy briefing is intended as a contribution to those shared goals.

Introduction

On 21 November 2016, Nepal marked a decade since the signing of the Comprehensive Peace Agreement (CPA) that ended the violent conflict (1996-2006) which killed 13,256 people, resulted in the disappearance of more than 1,350 and injured thousands more.^{2 3}

Remarkably, Nepal has succeeded in bringing all sides of the armed conflict into a largely peaceful political mainstream, although the drawn-out political transition to a secular federal republic continues to pose challenges. The disbanding of the Maoist 'People's Liberation Army' and subsequent integration of former combatants into the national army, as well as their rehabilitation into society were major achievements that helped in consolidating peace. Further, the elections to the Constituent Assembly (CA) that drafted Nepal's first republican constitution in 2015, and the establishment of a Truth and Reconciliation Commission (TRC) and Commission of Investigation on Enforced Disappeared Persons (CIEDP), have all contributed to the peace process.

However, mobilisations during the conflict and the 'People's Movement' that led to the abolition of the monarchy in 2006 also liberated the political, social and cultural aspirations of historically disadvantaged groups who began to assert their rights and demand space in the new political system. Ethnic and regional

¹ Capacities for Peace is a project that was undertaken by Saferworld and Conciliation Resources from September 2013 to February 2016, funded by the EU under the Instrument for Stability. The project aimed to support local actors to undertake or take part in early warning and crisis response processes.

² Ceasefire Report, National Human Rights Commission of Nepal, 2006.

http://www.nhrcnepal.org/nhrc_new/doc/newsletter/Ceasefire%20report%20final.pdf

³ Nepal Conflict Report, Office of the High Commissioner for Human Rights (OHCHR), 2012.

http://www.ohchr.org/Documents/Countries/NP/OHCHR_ExecSumm_Nepal_Conflict_report2012.pdf

groups formed political caucuses inside the CA, as well as taking to the streets to demand their share of representation at all levels of the state. Among these, a regional group known as the Madhesi Front, a loose coalition of political parties based in Nepal's southern plains, was strong in its demand for political and cultural autonomy. There were also ethnic groups, collectively known as the *Janajatis*, who demanded recognition of linguistic and cultural identity as well as meaningful political representation in the new constitution. Women and sexual minority groups also demanded their rights and recognition in the new political system.

The assertions by these groups inside and outside the CA, which also functioned as the interim parliament, meant the peace process which originally had only two parties – the state (represented by the Seven Party Alliance) and the ex-rebels negotiating mutual terms – often stood at odds with other stakeholders of the statute drafting process. This stalemate led to the unfortunate closure of the first CA on 27 May 2012.⁴

The demise of the first CA was followed by months of mutual recriminations between different political actors. Finally the parties agreed to hold second CA elections on 19 November 2013 under a bureaucrat-led government, providing a new lease of life to statute drafting and the peace process. However, the points of contention that brought the downfall of the first CA continued to haunt the second, as Nepal entered another period of political stalemate.

On 25 April 2015 the country was hit by a devastating earthquake that killed more than 8,000 people and injured thousands across 18 districts in the eastern and central regions. The national crisis turned into an opportunity, as the political parties once again engaged in lengthy meetings to thrash out issues of contention.

However as the new draft constitution was being prepared, civic and political groups from Nepal's southern plains as well as those in the mid-western hills, launched separate protests against the proposed federal structures and other provisions in the constitution. The groups also protested against what they perceived as 'high-handedness of the big parties', pushing the constitution through without proper consultation with the public.⁵ Initial protest over the draft federal demarcation erupted in the mid-western hills including Surkhet and Jumla districts, where three people were killed by the police. Following the protests, the CA made changes to the federal map to address the demands of protesters in the mid-western hills, but left the demands of those protesting in the Terai unaddressed.

On 24 August 2015, violence erupted amid street protests by the Tharus in the town of Tikapur in far-western Kailali district. Eight policemen and a toddler were killed when a violent mob attacked the police deployed to take control of the situation. In the counter-violence, another mob-attack vandalised and torched dozens of homes and shops belonging to Tharus in the town. The violence quickly spread to other central and eastern Terai districts, where clashes between protesters and the police led to death of another 49 people including women, children and a police constable who was travelling off-duty.

After eight years of political stalemate, on 20 September 2015 Nepal's political parties promulgated the new constitution amid great contention and protest. Following the promulgation of the constitution, a blockade along the Indo-Nepal border was launched that prevented vehicles carrying petroleum products, medicines and other essential goods from entering into the country, which continued for five months. While the Madhesi protesters claimed responsibility, the government in Kathmandu blamed India for aiding and abetting the blockade.

More than a year since the end of the blockade, the Terai is simmering with yet more protests, launched separately by the coalition of Madhesh-based parties and Tharu groups, angry at the governing coalition's delay in amending the constitution as earlier promised.⁶

Constitutional deadlock, reconstruction and local elections

Nepal has been without representative local government for the last 15 years, after the last elected local bodies were dissolved in 2002. Since then, local bodies have been run by bureaucrats and an informal 'all-party mechanism' which has gained notoriety for embezzling the local development budget, as well as

⁴ Black Day, *Nepali Times*, 2012. <http://www.nepalitimes.com/blogs/thebrief/2012/05/27/black-day/>

⁵ Nepal's fast-tracked constitutional process trades rights for speed, *The Wire*, 2015. <https://thewire.in/7673/nepals-fast-tracked-constitutional-process-trades-rights-for-speed/>

⁶ NC promises another amendment to the constitution, *The Himalayan Times*, 2015. <https://thehimalayantimes.com/nepal/nc-promises-another-constitutional-amendment/>

interfering in management committees of public schools, hospitals and forest user groups.⁷ This has become a major governance problem in a country which is trying to boost its economy by investing in infrastructure including roads, hospitals and hydro-electricity projects to tackle acute power deficits and stimulate economic growth.⁸ Local elections will also prove crucial for post-earthquake reconstruction in the affected districts where people still languish in makeshift camps.

Under intense pressure from public and civil society organisations, the Nepal government declared the next local elections in two phases, to be held on 14 May 2017 and 14 June 2017, which will elect representatives to more than 700 village and municipal councils.⁹ However, impending disputes over constitutional provisions that have held Nepali politics and society hostage for the last eight years have already dampened public enthusiasm and expectations for how the elections may be able to improve their lives.

There are four major areas of contention surrounding the new constitution: state boundaries, constituency delineation, citizenship and proportional representation at all levels of the state mechanism. The agitating groups want the boundaries of No.2 and No.5 provinces expanded to accommodate areas with Madhesi and Tharu populations respectively, which are presently in neighbouring provinces. Similarly, they want at least 50 per cent of the local level constituencies to be in the Terai region, given that the region accounts for half the country's population. They also wish to see proportional representation in the lower house of the parliament, which was reduced to 40 per cent, to be raised to 50 per cent and the provincial representation in the upper house of parliament to be in proportion to its population. And finally, the demand for non-discriminatory citizenship provisions, including citizenship being passed down to children by mothers, as opposed to exclusively fathers, as is currently the case.¹⁰

The government's delay in addressing demands for constitutional amendments recently led to the Madhesi Front withdrawing support from the government. The Front has issued an ultimatum, threatening to launch another wave of protests in the Terai if the government fails to make amendments soon. At a time when the government is racing against a constitutional time-frame to hold parliamentary, provincial and local elections by January 2018, the escalation of tensions risks the peaceful conduct of the elections themselves, and the potential conflict that may be left in their wake.

Cross-regional conflict dynamics

Governance

The adverse effect of Nepal's political instability and protracted transition is readily apparent in the governance of various sectors. A lack of transparency, accountability and mismanagement of the public sector has made accessing services difficult for communities, placing them in potential conflict with government agencies.

Workshop participants reported that the absence of elected representatives at local level for a long period has promoted self-serving collusion between bureaucrats and local political leaders in the temporary all-party mechanism that has been leading local bodies. Incidences of budget allocated for the welfare of disadvantaged groups being diverted for different purposes have been widely reported from several districts in the eastern, central, mid-western and far-western region. A participant from Dang district, for instance, reported that the welfare budget allocated for women and children was spent for infrastructure development such as the construction of roads.

Insufficient local participation and inclusion in planning processes has been linked to lopsided development priorities and a lack of effective implementation of local development projects. Local hospitals and health services were reported to be in very poor condition. Lack of medicines, equipment and budget to fund trained doctors, nurses and assistant health workers are among the reasons cited for these conditions. Bikash Tiwari, from Saptari district, recently went on hunger strike for 18 days, demanding an improvement to health

⁷ Corrupt at the roots, *Nepali Times*, 2011. <http://nepalitimes.com/news.php?id=18761#.WMJEm997IU>

⁸ Treasury surplus at all-time high as government fails to spend, *The Himalayan Times*, 2016. <https://thehimalayantimes.com/business/treasury-surplus-time-high-govt-fails-spend/>

⁹ Local polls in two phases, 14 May and 14 June, Republica, 2017.

<http://www.myrepublica.com/news/18743/>

¹⁰ Nepal's Divisive New Constitution: An Existential Crisis, International Crisis Group, 2016.

<https://d2071andvip0wj.cloudfront.net/276-nepal-s-divisive-new-constitution-an-existential-crisis.pdf>

services and greater availability of medicines and essential medical treatment at Sagarmatha Zonal hospital in Rajbiraj.¹¹

Similarly people visiting government offices such as the District Development Office (DDO), District Administration Office (DAO) and District Land Revenue Office to obtain citizenship certificates, passports and land ownership certificates have reported facing bureaucratic obstacles, nepotism and corrupt officials, impeding their access to effective public services.

Political mobilisation and tensions

Political mobilisation by different groups with competing agendas represents a major challenge for Nepal's government and its agencies. While some of these groups are mainstream political forces seeking to redress grievances through the parliamentary process, other political groups identified by workshop participants do not wish to directly engage with state agencies and are mobilising outside of mainstream political frameworks.

Mobilisation by political parties - those participating as well as opposing the elections - will increase as the polling date approaches. Given that local polls are happening after an extended period, the parties are expected to launch aggressive campaigning which could lead to stand-offs between cadres belonging to different parties.

Cadres of the Madhesi Front protesting against the government decision to hold polls before constitutional amendments were recently engaged in clashes with the police in several districts. In Saptari, five people were shot dead by the police on 6 March 2017, with several others critically injured when locals including Madhesi Front cadres tried to disrupt an election campaign by CPN-UML¹². A National Human Rights Commission team which went to monitor the situation was also attacked by angry family members of those killed by the police.¹³

The Madhesi Front have also been disrupting the government's initiative to restructure local government offices as part of preparations for holding elections, making way for new local government under a federal provincial structure. In Parsa district cadres belonging to the Madhesi Front blackened signboards at a newly-formed District Coordination Committee office, which has replaced the District Development Committee.¹⁴

Similarly, the Tharuhat Tharuwan Joint Struggle Committee – a loose coalition of Tharu activists and organisations advocating for political rights of the indigenous Tharu community – have also launched protest movements against the demarcation of federal boundaries in two of the provinces in mid-west and far-west Nepal. The committee declared a general strike in the first week of February 2017 and has vowed to disrupt local elections if its demands are not met.¹⁵

In addition, there are two other major actors active in various regions of the country who have dissociated themselves from any political dialogue with the government, refused to recognise the new constitution, and are mobilising towards their own political ends. They include Chandra Kant (CK) Raut, who was campaigning in eastern and central Terai districts calling for a 'Free Madhesh' and an end to the 'internal colonisation of Madhesh' until February 2017 when he was arrested for the second time on sedition charges. Raut, whose separatist political agenda lacked widespread popular support in Madhesh until a year ago, has been attracting and mobilising followers among young Madhesis, disillusioned by the current political leadership in the region, as well as those who are angry at the excessive use of force by police during protests in Madhesh.¹⁶ Similarly, the former leader of the ruling Communist Party of Nepal (Maoist-Centre), Netra Bikram Chand (Biplav) who now leads a splintered faction, is mostly active in the mid-western and far-

¹¹ Bikash Tiwari ends fast-unto-death on 18th day, *The Himalayan Times*, 2016.

<https://thehimalayantimes.com/nepal/bikas-tiwari-ends-fast-unto-death-today/>

¹² Communist Party of Nepal- Unified Marxists and Lenists.

¹³ Press Release, National Human Rights Commission of Nepal, 2017.

http://www.nhrcnepal.org/nhrc_new/doc/newsletter/NHRC_Press_Statement_Attack_on_Commissioner_&_Vehicle_Saptari_2073_11_26.pdf

¹⁴ Madhesi Front cadres vandalise district office in Parsa, *Nagarik News*, 2017.

<http://www.nagariknews.com/news/16412/>

¹⁵ Tharuhat announces more protests, *The Himalayan Times*, 2017

<https://thehimalayantimes.com/nepal/tharuhat-announces-more-protests/>

¹⁶ Nepal is nearing a point of no return, *The Wire*, 2016.

<https://thewire.in/43938/nepal-is-nearing-a-point-of-no-return/>

western region. Chand and his supporters denounce the new constitution and are planning to form a militant wing that aims to launch a 'people's revolt' to capture the state.¹⁷

Social cohesion and tensions

One of the major outcomes of Nepal's civil conflict and subsequent decade-long political transition has been the growth in confidence of marginalised communities to challenge traditional social structures. This newly realised assertiveness has given impetus to the debate on inclusion but poor political management has led to a rupturing of social relations and deep polarisation in some contexts. If this can be managed non-violently the process may still lead to greater inclusion and equality in Nepali society and ultimately contribute to long-term peace.

While ethnic polarisation in the hill districts has subsided in the months following the declaration of the constitution, divisions remain prominent in the plains. A year and half after a series of incidents – known as 'the Madhesh movement' that claimed 58 lives including 11 security personnel – there is deep tension and fear between communities that have historically coexisted. In Kailali's Tikapur, the divide between indigenous Tharus and Pahades (people of hill origins) has deepened as the communities boycott one another.¹⁸

Tikapur, one year on

"After the Tikapur incident, where eight policemen and a toddler were killed by a crowd during protests, several Tharu families reported intimidation and torture in the following weeks. Women were manhandled and abused, while men were forced to flee across the border fearing arrest – many have not returned. Some of those arrested are still being detained without charges laid against them. Houses and shops belonging to the Tharu community were vandalised and torched in the aftermath of the incident. The victims are yet to receive reparation for the damage done. The annual election of the village leader *Bhalmansa* was cancelled last year amid fear and threats. In Tikapur town, there is still palpable tension among Tharus and hill communities whose social contacts with one another have been limited".

– Hem Karna BK, workshop participant

Similar local disputes are leading to dangerous communal conflicts, as was the case in Kailali district where remains of dead cows found in nearby forests were wrongly portrayed as the result of a mass slaughter, and used to incite anger against a religious minority. The issue was politicised by local groups and led to several days of protests in the mid-west and far-west districts.¹⁹

Mystery of the dead cows

The incident began when communities living near Kailali's Patela community forest found an injured cow in the forest and took it to a local veterinary clinic, where the animal died undergoing treatment. The incident led to protests by local religious groups who blamed religious minorities in the area for 'slaughtering cows'. The protesters filed a police complaint and provided photographs from inside the community forest that showed carcasses of cows as evidence. During the investigation police found that locals from around the area as well as from nearby municipal towns routinely left old and diseased animals in the forest and concluded that the injured animal was among those abandoned by their owners. Local media reported the police findings, after which the protests stopped.

– Based on report by workshop participant

Another shocking incident took place in Siraha's Dhangadhi village where a family from a marginalised community was barred from collecting water from a well. Despite facilitation and intervention from media and a renowned film actor, the so-called upper-caste families refused to allow the family to draw water from the well. Following a national outcry the local administration intervened and ensured the family's access to the water.²⁰

¹⁷ Chand Maoist planning a military wing in Rolpa, *The Kathmandu Post*, 2017.

<http://kathmandupost.ekantipur.com/printedition/news/2017-02-20/chand-maoist-planning-a-military-wing-in-rolpa.html>

¹⁸ Trouble in Tikapur, *Record Nepal*, 2016. <http://www.recordnepal.com/wire/trouble-in-tikapur/>

¹⁹ Unholy Politics, Centre for Investigative Journalism-Nepal, 2016. <http://cijnepal.org.np/unholy-politics/>

²⁰ Dalits barred from well, *The Kathmandu Post*, 2015 <http://kathmandupost.ekantipur.com/news/2015-08-08/dalits-barred-from-well.html>

A workshop participant also reported an incident that took place at Banke district's Mataiya Village Development Committee in October 2016, during the Muslim community's Mohammad Day celebration, where two people were killed and nine injured in a dispute between locals of the Hindu and Muslim communities. The situation came under control after members of local civil society groups, the Chief District Officer and police intervened to mediate the dispute. The police also arrested and charged four people in the incident.

Participants also identified problems caused by the growing exodus of Nepalis seeking overseas employment. The lack of employment opportunities, low wages and poor working conditions at home has compelled millions of Nepalis to seek opportunities in various countries across the Gulf and Asia. Although remittances help to support the economy, it is leading to the disintegration of families, increasing social divisions and crime. Forced to live separately for many years, migrant workers often return with poor physical and mental health, while families back home face social stigma and harassment from village moneylenders. Participants reported unusually high divorce rates and property disputes leading to crime among families of migrant workers.²¹ In addition, drug and alcohol abuse among youth, dowry-related disputes and incidences of domestic violence were identified as triggers in localised conflict.

Resource conflicts

The absence of elected bodies has also led to resource conflicts at the local level. With no elections at municipal and village level councils, School Management Committees (SMCs), Forest User Group Committees and Local Cooperative Group Committees, have become an arena for local politics. Political parties fiercely contest elections to these bodies in an attempt to control and mobilise budgets allocated to them, often leading to violent conflict.

Participants from the eastern region discussed a case last year in 2016, where two people were killed when a fight broke out between political groups inside an SMC meeting in Dhanusa district. Six people were killed in the district over disputes in the SMCs in recent years, while three more were killed in nearby Rautahat district. Disagreements and violence have also stalled elections in 5,000 SMCs all over the country.²²

Participants from the western region explained how private hydropower projects are leading to disputes in the hill districts over the community's access to water for drinking and irrigation. Similarly, there is a rapid exploitation and depletion of natural resources along Nepal's foothills, also known as Chure region, which extends from west to east. The illegal mining of sand and aggregates from the riverbeds and timber smuggling from the forests has been blamed for erosion and flash floods, drought and depletion of the water table. There is a clear nexus between owners of these illegal mining companies, local bureaucrats and politicians, and the growing local dissatisfaction, which is an early sign that the situation over exploitation of resources could escalate violently in the near future.²³

Transitional justice

After several years of delay, and following the Supreme Court's strong verdict against the government's earlier attempt to form a single commission with authority to grant amnesty even in serious cases of human rights abuse, in April 2014 Nepal's parliament endorsed bills to form two commissions to investigate atrocities and to ascertain the whereabouts of those disappeared during the conflict. Last year in 2016 the commissions began collecting complaints from families and they have to date received more than 58,000 complaints at the TRC and 2,874 complaints at the CIEDP. There were reports of intimidation of families by the Maoists as well as the security forces, with threats designed to prevent complaints being filed. Following this the commissions mobilised officials to reach out to families to collect complaints directly.

The commissions' functioning however has been stalled by internal feuding between members and their alleged partisan interests, as well as limited resource allocation by the government. There has been a call for amendments to the TRC Act by victims as well as national and international bodies, to empower the commission to hold a free and fair investigation. The commission has also been requesting an amendment

²¹ Based on information provided by participants from mid-west and far-west regions during C4P workshop and case studies reflecting social costs of remittance driven economy, published by Centre for Investigative Journalism Nepal, 2016. <http://bit.ly/2i6EwAk>

²² School mismanagement Committee, *Nepali Times*, 2016.

<http://nepalimes.com/article/nation/school-mismanagement-committee,3123>

²³ Crushers continue illegal operations in Chure region, *Republica National Daily*, 2016.

<http://admin.myrepublica.com/society/story/37474/crushers-continue-illegal-operations-in-chure-region.html>

to the act to reach internationally-recognised standards, as well as formulating necessary laws to facilitate its work.²⁴

The uncertainties and frustrations of victims' families at the prolonged delay in the delivery of truth and justice is turning into anger. In February 2017, hundreds of victims' families protested in front of the Parliament Secretariat in Singha Durbar, demanding justice. Similarly, a group of former Maoist combatants picketed and padlocked the CPN (MC) office in November last year, demanding compensation for their exploitation as child soldiers.

Although Nepal may be quickly moving out of its protracted transition with the promulgation of the constitution, participants pointed out that the delay in delivering justice to the victims of war could sow the seeds for future conflict.²⁵

Capacities for peace: identifying the challenges

Apart from cross-regional conflict dynamics, workshop participants identified common issues that present direct challenges to local peacebuilding efforts. These issues, with local and national consequences, directly limit the potential for peacebuilding in Nepal. The following section lists the main challenges identified.

Fractured political discourse

Nepal's peace process is remarkably unique in the way it has been led primarily by domestic political forces which have direct stakes in its outcome. This has imparted legitimacy and broader ownership to the entire political discourse, from the mainstreaming of an armed group and its integration into mainstream politics, to the drafting and promulgation of a new republican constitution.

During the course of this process, political groups with contending ideological backgrounds were forced into temporary power-sharing arrangements. Besides these, there were cross-party political caucuses of marginalised groups including women, indigenous and ethnic groups, who formed loose coalitions around common agendas. The differences among these groups, however, first delayed the drafting of the constitution, before leading to the dissolution of the first CA, when it became clear they were not going to be reconciled.

Nevertheless, driven by a sense of urgency after the nation was hit by a major earthquake, Nepal's second constituent assembly promulgated the new constitution by a majority. The achievement itself is historic for a country that was engaged in a civil conflict for a decade. However, broader public ownership of the constitution remains in question, primarily because it was pushed through without sufficient consultation to create a wider sense of legitimacy, and also due to protests by political groups demanding amendments to various provisions.

While the engagement of political leaders in a robust public exchange is welcome – often leading to compromises at that level – it is important to highlight that entrenched positions continue to be contested at the grassroots level among party cadres, sustaining and building conflict. The violence across Nepal's southern plains last year and in Saptari are an example of how these dynamics, driven by national level disagreements, result in actual violence on the ground.

As the country comes out of the first phase of local elections in May, a second phase scheduled for June and then provincial and parliamentary elections in January 2018 means these differences may lead to further polarisation.

²⁴ TRC Chief wants Act amended for Int'l acceptance, *Republica National Daily*, 2016.

<http://admin.myrepublica.com/politics/story/39669/trc-chief-wants-act-amended-for-int-l-acceptance.html>

Interim Report, Truth and Reconciliation Commission, 2016.

<http://trc.gov.np/base/userfile/files/Interim%20Report%20Magh%2022.pdf>

²⁵ Victims demand justice on Nepal's Maoist war anniversary, *The Himalayan Times*, 2017.

<https://thehimalayantimes.com/kathmandu/victims-demand-justice-nepal-maoist-war-anniversary/>

Disqualified PLA fighters padlock CPN-MC HQ, *The Himalayan Times*, 2016.

<https://thehimalayantimes.com/nepal/disqualified-peoples-liberation-army-fighters-padlock-cpn-maoist-centre-headquarters/>

Managing liberated public aspirations

One of the hallmarks of Nepali democracy in the republican era has been the liberation of people's aspirations, especially among marginalised communities whose assertion of their rights has often been at odds with the limited capacity of the state to deliver.

For a nation with such ethnic, linguistic and cultural diversity, ensuring inclusion at all levels of the state holds great opportunities, but is also a challenge. The new constitution provides a broad framework for this inclusion. However, the capacity and willingness to be inclusive also requires a change in the mind-set of actors in the political system. This is not an overnight process and will take persistent, sustained and long-term efforts in policymaking and governance, both at national and local levels. This has serious implications for the current short time frames envisaged by the donor community to support this process.

As the country adopts a federal governance system, it will bring government closer to the people, increasing their ability to demand services. This will test the capacity of elected representatives to deliver on their promises.

Managing young demography

Nepal has one of the youngest populations in the region, with almost 60 per cent of the population in the working age bracket of 15-55 years.²⁶ The population has immense potential to unleash Nepal's development which has been stalled for several decades, primarily due to conflict and political instability.

However, the lack of job creation in the economy and low wages have forced millions of Nepalis to seek employment overseas. If the current political situation continues, the young and educated will further question the ability of their political leaders to create opportunities, resulting in the continued exodus of Nepal's skilled workforce from the country. For those who remain, there is a real danger their frustration and anger could be used by non-state forces to create further instability, which may drag the country into new cycles of violence.

Tolerance and accommodation of differences

Nepal has witnessed one of the most rapid political upheavals in its history. From a monolithic kingdom with centralised governance systems to an inclusive secular republic, the country has made significant strides, with one of the most progressive statutes in the region in the form of the new constitution. Yet this is a society where women's participation in politics was negligible until recently and several sections of society remain ostracised and discriminated against, including gender and sexual minorities.

Thus, the institutionalisation of these constitutional gains will also require greater tolerance of difference in society. As the disadvantaged groups exercise their new constitutional rights, society at large needs to be accommodating and tolerant in response. This is inevitably a long-term process of social change, but one in which civil society is well-placed to assist.

Victims of political conflicts and social exclusion and their families are often forced to live and interact in the same social and political space with perpetrators. This puts them in a potential situation of conflict. The clash between so-called upper-class families and the marginalised Dalits in Siraha district, and recent protests by victims of war are early warnings of such conflict.

Capacities for peace: identifying the role of actors and opportunities for peace

COCAP | Nepalmonitor.org and Saferworld have been interacting with and working alongside various individuals and organisations who have a long-term stake in peace in Nepal. We see the role of the following seven actors as crucial to peacebuilding efforts – through integrating collaborative and conflict-sensitive approaches to programmes that address the underlying drivers of conflict and insecurity, especially at the local level.

Nepal's vibrant **civil society** (*NagarikSamaj*) has historically played a crucial role in driving political discourse and debate in the country, as well as facilitating dialogue among various actors. There are

²⁶ Census Report, Central Bureau of Statistics, 2011

<https://web.archive.org/web/20130418041642/http://cbs.gov.np/wp-content/uploads/2012/11/National%20Report.pdf>

organisations like the Nepal Bar Association, Chamber of Commerce, NGO Federation, Federation of Nepali Journalists and human rights organisations, among others, that are vocal constituencies of Nepal's civil society at the national level. In addition thousands of community-based organisations (CBOs) with their social mobilisers and volunteers are the agents of peace and change at the grassroots level.

From gender activists who have been campaigning against domestic violence and increasing women's participation in local planning, to members of community forest user groups who have protected and ensured communities' access to local resources, and organisations that have campaigned to end violence against sexual and gender minorities – Nepal's CBOs play a crucial role in empowering people at the grassroots and fostering social harmony. With enhanced capacity, CBOs can play a more effective role in providing early warning and response to local conflict.

Similarly, the **media** has been a guardian of people's rights in the country and among the most vocal constituency that has questioned autocratic regimes and those in power for abuses of authority even under democracy.

There are 910 registered newspapers, 85 television channels, 652 radio stations and 432 online news portals active in 75 districts across the country, constituting a vibrant media community.²⁷ Thousands of journalists working in the newsrooms of these media outlets are important watchdogs who provide a form of early warning and intervention when public rights and safety are threatened. The rise of social media with multiple online platforms has also strengthened this intervention.

The network of community radio stations across the country continues to play a critical role in informing people by disseminating public campaigns on education and health. This has helped to reduce child as well as maternal mortality rates and raise public awareness on sensitive issues such as 'untouchability'.²⁸

During the devastating earthquake of 2015, radio and online media played a crucial role in disseminating information about the extent of damage which helped relief agencies prioritise their resources. They remain effective in overseeing the ongoing reconstruction process.

However, the integrity and professionalism of media and journalists has often been under scrutiny during periods of political polarisation, when some have been blamed for publishing and broadcasting politically-biased content. This undermines their legitimacy in the public's eyes and thus reduces their potential to contribute to healthy inter-communal and state-citizen relations. Having said this, the watchdog body remains a key stakeholder to peacebuilding, both at national and local levels.

The National Human Rights Commission (NHRC) has a crucial role to play in Nepal's capacity for peacebuilding. The constitutional body is mandated to defend the fundamental rights of Nepali citizens and non-citizens and was first established with a statutory role at the height of Maoist conflict in 2000. The NHRC is a body which can independently initiate inquiries into cases of human rights violations by both the state and non-state actors and direct the government to take necessary action as per its recommendations.

Since its inception, the NHRC has played an instrumental role in protecting and upholding human rights in the country. During the conflict, when there were reports of arbitrary detention and the disappearance of students affiliated to the Maoist party by the security forces, the NHRC asserted its right to access the premises of Nepal Army's Bhairabnath Battalion to monitor detainees.²⁹ Recently, the commission has also been playing a crucial role in monitoring and mediating the ongoing situation in Nepal's southern plains. However, although the rights body has been vocal in condemning violence and the violation of rights, its recommendations have been repeatedly ignored by both government bodies and political groups.³⁰ Despite these setbacks, the NHRC remains an important player in local and national peacebuilding for Nepal.

Political parties have also played a historic role in mediating and ending the decade-long conflict in Nepal, by signing a CPA with the Maoists in November 2006. In the absence of local bodies, political parties formed an all-party mechanism which included members of major political parties in the area to help village and municipal secretaries run local bodies until the new elections were held. The temporary mechanism provided

²⁷ Annual Report, Press Council Nepal, 2016.

<http://www.presscouncilnepal.org/np/wp-content/uploads/2016/10/Final-Yearly-Report.pdf>

²⁸ Untouchability is a discriminatory practice against so-called lower castes, whereby they are prevented from entering into temples or households of the upper castes, or from touching food or drinking water sources including public taps.

²⁹ Nepal Conflict Report, OHCHR, 2006.

http://nepalconflictreport.ohchr.org/files/docs/2006-05-26_report_ohchr_eng.pdf

³⁰ Recommendations of NHRC ignored by government, *The Kathmandu Post*, 2015.

<http://kathmandupost.ekantipur.com/printedition/news/2015-04-21/recommendations-of-nhrc-ignored-by-government.html>

Press Release, NHRC, 2017. http://www.nhrcnepal.org/nhrc_press_release_details-387.html

interim provisions for people to participate in the planning, execution and overseeing of local development activities, avoiding unnecessary disputes over resource allocation. Amid growing concerns over transparency, the government dissolved the all-party mechanism in January 2012.³¹

With the first phase of local elections having taken place in May and with a second phase scheduled for June 2017 and further provincial and parliamentary elections scheduled for January 2018, political parties will once again be in charge of governance at national and grassroots levels.

Local Peace Committees (LPCs) established in 2006, have been among the key players in Nepal's post-conflict peacebuilding efforts. These committees were established at village or town level all over the country and acted as mediators and facilitators between victims' families and the parties in conflict. Their mandate was to assist in local reconciliation and healing processes and prevent the escalation of violence.³² Over the years, the LPCs in districts where they work well have been effective in facilitating local level conflict resolution, helping communities to self-heal and reconcile. Despite their impressive work, there is a need to re-imagine their role in the coming days, by broadening their mandate to address new kinds of conflicts that have emerged at the local level. As the country moves into a federal governance system, LPCs can play a crucial role in maintaining ethnic, regional and communal harmony among people from various backgrounds.

The Nepal Police are another major actor for peacebuilding. The 72,719 member force has bases in all five regions and 75 districts. At the height of the Maoist conflict, the Nepal Police were deployed along with the Nepali Army and Armed Police Force (APF) under a unified command to oppose the rebellion and protect public lives and property. The legacy of the conflict period, however, means that there remains a deficit of trust between communities and the police, in particular the Armed Police Force, which inhibits the normalisation of relations between them.

However following the end of the war, the Nepal Police have dedicated themselves to working alongside local communities to maintain the rule of law. The force has also made efforts to modernise itself and its policing techniques, adopting the concept of community policing. The police are often too overstretched to serve the public, primarily due to lack of prioritisation of resources. The manpower and resources allocated to protecting the public are allegedly monopolised for catering to the needs of politically powerful elites. This creates an inability to deliver effective services at the local level, which risks in turn undermining public trust at the community level.³³

The police have been criticised for a lack of coordination on the ground and excessive use of force.³⁴ But analysts also point to the over-politicisation of the police force and the personal interests of some officers for jeopardising the reputation of the police in this way.

Recommendations

Nepal has experienced a protracted civil conflict, and the trauma of that violence is still fresh in the memory of the population today. While the formal conflict is over, many of the underlying drivers of that conflict remain unresolved and retain the capacity to reignite violence. To add to this, the constitution drafting process has bitterly divided a society trying to rebuild. Years of political instability, and a lack of quality public services and opportunities have left various sections of the population profoundly dissatisfied with the state. This discontent has often manifested in various forms of conflict, especially at the local level, and remains a threat to Nepal's journey towards stability and economic growth. There is an urgent need for concrete and coordinated action from responsible actors and agencies to prevent the escalation of conflict leading to violence.

The following recommendations are based on the detailed conflict analysis workshops conducted at the regional and national level by COCAP | Nepalmonitor.org and Saferworld, attended by government and civil society representatives from more than 18 districts across the country:

- **Increase capacities of community-based organisations** to identify potential issues that could lead to conflict, analyse trends and make coordinated efforts for early response including through the provision of adequate training and support for those involved in mediation and monitoring. Many

³¹ Local Governance in Nepal: Public Participation and Perception, The Carter Center, 2014.

<https://www.cartercenter.org/news/pr/nepal-022814.html>

³² Terms of Reference of Local Peace Committee, 2009.

³³ Snapshots of Local Security and Justice Perceptions in Selected Districts, Saferworld, 2013.

<http://www.saferworld.org.uk/downloads/pubdocs/Snapshot-of-local-security-and-justice-perceptions-in-selected-districts-of-Nepal.pdf>

³⁴ From Tikapur to Maleth, *Nepali Times*, 2017.

<http://www.nepalitimes.com/blogs/thebrief/2017/03/12/from-tikapur-to-maleth/>

participants of the workshops were aware of the local issues in their area and could identify potential flashpoints of conflict. Some participants from the eastern Terai districts and from the far-west even admitted to being aware of the increasing tensions that led to breakouts of violence in their region last year. They expressed an inability to make meaningful and coordinated responses to diffuse the situation *before* that conflict erupted into violence.

- **Foster collaboration among local civil society, donor partners and government bodies** including the NHRC, Chief District Officer and local security bodies. The donor community in Nepal must encourage effective, sustained and coherent peacebuilding approaches to support the development of a trusted, effective and responsive Nepali State that is able to command the confidence of its diverse citizens.
- **Discourage politicisation of security bodies**, including the police and the APF. The politicisation of these institutions in recent years has had an adverse effect on their capacity to professionally perform their duty to provide public security. The manipulation of security forces for personal and partisan interests at the leadership level undermines their capability and credibility on the ground. This undermines public faith in these institutions and puts them in situations of potential conflict with the people they are mandated to protect. The government must also prioritise the allocation of resources and manpower meant for public security and guard against its diversion for other uses. The security forces must adhere to internationally accepted human rights standards while discharging their duties, especially when deployed during political protests.
- **There is a need for stronger NHRC presence at the regional level** to play an effective role on the ground. Given recent attacks on its officials during local protests, a visible NHRC at the community level could help to educate the public about its role and mandate.
- **Political parties should refrain from stoking communal, ethnic, regional or nationalist sentiments** for their political ends. While political competitions are essential for fostering democracy, exploiting public sentiments can lead to bitter divisions in communities and neighbourhoods, reinforcing a situation of violent conflict.
- **The media, commentators and opinion shapers should be careful about polarising public opinion.** While discharging their duty to inform the public the media in particular must also play a conciliatory role in moderating and mediating political and social debates.



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About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with local people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and International policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity.

We are a not-for-profit organisation with programmes in nearly 20 countries and territories across Africa, the Middle East, Asia and Europe.

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