

Nepal's Capacities for Peace

Introduction

In the wake of a violent conflict that began in 1996 and the subsequent Comprehensive Peace Accord (CPA) signed in 2006, Nepal has made remarkable strides in consolidating peace. Following the CPA between the State represented by the Seven Party Alliance (SPA) and the insurgent group Communist Party of Nepal Maoists (CPNM), many of the stipulated tenets of the Peace Accord were gradually implemented. The achievements included the election of the Constituent Assembly (CA), abolition of the monarchy, discharge and integration of the former rebels into the Nepal Army, and establishment of a Truth and Reconciliation Commission.

The implementation of the CPA has been a challenging process, especially with regards to the CA and the promulgation of a new constitution which it was hoped would address some of the root causes of the conflict. The sluggish pace of the constitution drafting process significantly improved in the post-earthquake period but triggered protests and violent outbreaks which began in the Far-west and Mid-western districts and quickly spread to other Terai districts in the east, with clashes between Madhesi protesters and security personnel in the Terai districts. The violence and blockades that erupted and have persisted over the last few months, around the promulgation of the new constitution, are a reminder of the fragile peace prevailing in Nepal since 2006, and the divisions across political affiliations, communities and identity-based groups.

Local actors have played a critical role in building peace from the bottom up in Nepal. Among them, civil society organisations (CSOs) have engaged, at all levels and in many ways, to support the peace process. This diversity in capacities has been crucial to ensure that the path towards peace is as sustainable as possible. As part of the Capacities for Peace (C4P) project, Saferworld worked with a group of Nepali CSOs¹ active in the different regions of Nepal and with various mandates and expertise to accompany them through a process of conflict analysis and capacity building for a CSO-led early

warning system (NepalMonitor.org). As a result of the workshops conducted between May 2014 and November 2015, the participants generated context analyses of their respective regions. These analyses were then collated to generate a quarterly conflict analysis which was uploaded to the NepalMonitor.org online portal.

This briefing provides an overview of the conflict analysis process, along with an analysis of the capacities of different actors to respond to the key issues and conflict dynamics identified. As such, it also provides some lessons as to what an effective early warning and response system could look like in a context like Nepal.

Conflict dynamics around state restructuring and federalism

One of the cornerstones of the CPA, which put an end to the conflict between the state and the CPNM, was an understanding that a new constitution would provide a framework to guide how the state and Nepal's diverse society relate to one another. This involved installing a federalist system with new administrative units and boundaries. While the promulgation² of the constitution after years of discussions was welcomed, it was also met with opposition and triggered violence in the Terai region.

The Nepali CSOs involved in the C4P project, coming from different regions of Nepal and showing a complementarity of expertise, met at regular intervals between May 2014 and November 2015 to analyse conflict dynamics in their respective regions. The following section provides an overview of the analyses produced during these workshops.

Violence and blockades around the promulgation of the new constitution

Nepal's long journey towards promulgating a democratic, secular and federal constitution came to a conclusion in September 2015 when a majority of the CA endorsed a new constitution. While the promulgation was welcomed and celebrated after years of deadlock, several parts of the country

¹ CSOs included Informal Sector Service Center (INSEC), Peace Action Group (PAG), Nepal Madhesh Foundation (NEMAF), Centre for South Asian Studies (CSAS), Department of Conflict and Peace Studies at Mid-Western University, and NepalMonitor.org.

² *Nepali Times* (2015), 'People's constitution', 20 September – (<http://www.nepalitimes.com/blogs/thebrief/2015/09/20/peoples-constitution/>)

erupted in protests in the run up to it. The protests that began in the Far-West and Mid-Western districts quickly spread to other Terai districts in the east with clashes between the Madhesi protesters and security personnel. Places like Surkhet, Kailali and several other Terai districts experienced some violent protests and several protestors were killed during the clashes with security personnel. The situation took an alarming turn in Tikapur, Kailali district, when a group of protesters demanding an ethnicity-based federal province murdered several policemen. Despite the violence, protests, and strong opposition from Madhes-based parties, the CA promulgated the constitution endorsed by its majority. Protests and violence in the Terai continued unabated after the promulgation. Madhesi protestors began to stage sit-in protests at the Nepal-India border crossings, specifically at No-Man's land, thereby obstructing all cross-border movement. As a result, cross-border trade came to a grinding halt, causing an acute shortage of essential supplies all across the country. While Nepal has seen outbreaks of violence since the signing of the CPA, mostly in the form of 'bandahs' (large-scale strikes usually organised in relation to socio-political grievances, including in reaction to developments around the constitution), none of them equalled the magnitude of the protests staged around the promulgation of the new constitution. This is evident in the length of the protest, its violence and casualties, its international implications, as well as the divisions that are deepening across Nepali society.

Political oppositions and ethnic divisions

The current divergence lies in the opposing positions of the Madhesi groups represented by the United Democratic Madhesi Front (UDMF) and the current government that is an alliance of the Communist Party of Nepal - United Marxist Leninist (CPN-UML), Unified Communist Party of Nepal (Maoists) [UCPN(M)], Rastriya Prajatantra Party Nepal (RPPN) and several other smaller parties. Madhesi and Tharus groups are stiffly opposed to the delineation of boundaries of the newly created federal units and demand that the Terai be divided into only two federal units, rather than the current four that stand in the new constitution. The other demand of the Madhesi group is over proportional electoral constituencies based on population and proportional representation of the Madhesi community in government bodies. This stand-off between the government and the UDMF, and the blockades at the border, are impacting the rest of the country and already stoking enormous amounts of anger amongst the Pahadi and the Madhesi communities, who are both reeling from acute shortages. The Pahadi groups are blaming the Madhesi groups for this predicament while the latter are blaming the former's political dispensation for utter indifference towards their rightful difference.³

³ UDMF is claiming to be responsible for the blockade. They have made this claim repeatedly and have been reported and aired in the National media. As a result, Pahadi community has been putting the blame on the UDMF for the blockade and the acute shortages they are suffering from. Many believe that they are also caught between the excesses of the UDMF and the government's intransigence. UDMF, however, has

This divergence between the two communities is making the situation precarious. Moreover, the three districts demanded by the Madhesi – Jhapa, Morang and Sunsari – have more Pahadi communities living there who are strongly opposed to the idea of merging into the Madhesi province. For the government, the situation appears to be intractable. It also fears that if it were to give in to the demands of the Madhesi political groups, other ethnic groups such as Tamuwan, Tamsaling and Newa will take it as precedent and follow suit by putting forward their own demands for their ethnic federal provinces, which could fuel other future contestations and conflicts.

A rushed process?

Participants in the C4P workshop series had highlighted the risk of conflicts around the promulgation of the constitution while the process was still in a stalemate. The main problem identified was the lack of information available to the public and, as a result, the rumours and speculations running high over the fear of domination of some ethnic groups over others, and around the implication of regional powers (especially India and China) in the process. All of these concerns were being instrumentalised by political groups to mobilise opinions, but at the same time creating further divisions across society. Following the post-earthquake nationwide momentum to finalise the constitution, a preliminary draft of the constitution was then taken by the CA members to their respective constituencies to solicit feedback. However, the public consultations that were carried out throughout the country were not without drawbacks. Workshop participants mentioned that many communities in their respective regions complained that they did not have access to the document, or that they were uninformed of the scheduled time and venues of these consultations. Several communities across the country also claimed that the feedback solicitation was done on a preferential basis whereby only the feedback of those affiliated to the same party as the elected representative were accommodated in the process.

Social resentment and grievances

The lack of effective consultation reinforced the concerns and grievances of groups such as the Madhesi and the Tharus from the Terai region (who, combined, comprise almost 30 per cent⁴ of Nepal's total population), who have long considered themselves marginalised and discriminated against by various policies and social practices. These groups expected the constitution to guarantee their political representation and ruling over Terai territory, improve their participation in national-level politics, and protect them from the discriminations they had faced in the past (political, social and economic).

also label the Kathmandu as the Pahadi political dispensation that is not heeding to the demands of the Madhesi.

⁴ Population Monograph of Nepal. Vol II, Central Bureau of Statistics, 2014.

Since the end of the armed conflict in 2006, grievances have usually been expressed and asserted through protests and settled through agreements with the state (more than 40 of these agreements have been signed since 2007).⁵ Protests broke out when some groups felt that past agreements made with the state were not accommodated in the constitution. Particularly, the Madhesi and Tharu communities came out in large numbers to display their discontent with the constitutional provisions that they felt did not address their demands. At the core of these demands, these groups have sought to keep all Terai districts in two provinces and delinked from the other hill districts in the new federal setup. They are also demanding proportional representation based on demography of the land, both of which were not in the new constitution. Workshop participants were concerned that this crisis might create further divisions along ethnic and regional lines and resentments between different groups.

Lack of transitional justice

This crisis takes place in a broader post-conflict context in which lots of abuses and issues still remain unaddressed, especially the fate of disappeared persons. According to INSEC's data, a total of 932 people were subjected to enforced disappearances (824 by the State and 108 by the warring Maoist party) and their whereabouts still remain unknown. The families of the disappeared persons are unaware of what happened to their kin. In order to address these issues, mechanisms such as the Truth and Reconciliation Commission and the Commission to Investigate the Enforced Disappearance have been instituted. These commissions, however, lack public legitimacy, as they are deemed to be politicised and have taken no significant steps in addressing the needs and concerns of victims of conflict, even after one year. As a result, the renewal of their mandates is uncertain. For many conflict-affected communities, pursuing sustainable peace will remain incomplete without the processes which will prosecute the perpetrators of abuses and violence and meet the victims' demands for rights to reparation, justice and accountability. Just as the country is undergoing a serious crisis around the contestation of the constitution and the new federal system, workshop participants, many of whom work directly with conflict victims, highlighted that the festering grievances around past abuses keep undermining state legitimacy and have the potential to fuel further conflicts.

Post-earthquake deficiencies

The major earthquake that struck Nepal in April 2015, with large aftershocks in the following months, caused

⁵ Nepal: Conflict alert. Available at: <http://www.crisisgroup.org/en/publication-type/alerts/2015/nepal-conflict-alert.aspx>

colossal damage and put the country under considerable strain. According to data presented by the government, close to 9,000 people lost their lives, approximately 22,000 were injured and almost a million private homes were either fully or partially damaged. Thousands of public buildings and parts of Nepal's infrastructure either collapsed or were damaged.

The grievances of those affected began from the immediate aftermath of the earthquake. Although rescue and relief operations ensued immediately following the earthquake, the government's response was deemed as tardy, inadequate, and impartial. Reportedly, the government's response was slow in getting to the victims. In most instances relief supplies were insufficient and in many places relief supplies were allegedly distributed on a preferential basis; based on personal acquaintances or political affiliation.⁶ The monsoon and the subsequent landslides in several earthquake-affected districts added to the woes of the displaced victims as the government was unable to provide suitable shelters. The government's lethargic response in establishing the reconstruction authority to begin the reconstruction process, even after donors had officially pledged funds for the re-building process, has made matters even worse. Eight months after the earthquake, the government has still yet to take any significant steps towards addressing these issues.

Earthquake victims continue to live in temporary makeshift shelters near their collapsed homes. They have braved the earthquake, monsoon and landslides. Now with winter in full swing, and with limited government relief in sight, they will have to endure the harsh winter as well. Their predicament is exacerbated by the acute shortage of fuel and cooking gas resulting from the blockade at the border. The risks of living in these temporary shelters are significantly greater for women and children. There have been numerous reports of sexual and gender-based violence against women and children in these earthquake-affected areas; reportedly rape and trafficking is rife.⁷

Grievances and state legitimacy

The state's weak response to the plight of those affected by the earthquake has only heightened the grievances felt by large sections of society towards the state's inability to respond to their demands or to provide basic services in a fair and inclusive manner, affecting their perceptions of state legitimacy. Most of

⁶ National Human Rights Commission (NHRC) has issued a press statement citing politicization and unfair distribution of relief supplies. Available at -

http://www.nhrcnepal.org/nhrc_new/doc/newsletter/Earthquake-Monitoring%20Pre-%20English-Report%202072.pdf

⁷ Nepal Earthquake 2015 Post Disaster Needs assessment, Vol.A Key Findings, Government of Nepal, National Planning Commission. Available at -

<http://www.worldbank.org/content/dam/Worldbank/document/SAR/nepal/PDNA%20Volume%20A%20Final.pdf>

those severely affected by the earthquake are from impoverished backgrounds.

Similarly, the protests and violence around the promulgation of the constitution, and the resulting blockades, risk further alienating already marginalised communities. The acute shortage of essential supplies as a result of the blockade at the India-Nepal border is spurring black marketing of essential supplies such as cooking gas and fuel. While these commodities are in short supply at regular prices, there is sufficient amount on the black market. The inability of the government to provide essential supplies along with its inability to curb the black market is gradually supplanting the public's trust and faith in the government and leaving ample room for non-state actors to flourish. State legitimacy is also affected by the lack of progress in the search for justice and accountability of conflict victims and their families. Referring back to Nepal's previous conflict experience, workshop participants pointed out that impoverished and marginalised communities are vulnerable and more susceptible to manipulation by groups championing violent ideologies and fighting against the state.

Capacities for Peace in Nepal: challenges and opportunities

Several mechanisms and entities that have the potential to prevent conflict and contribute to peacebuilding are identified below. Partner organisations and Saferworld jointly identified them through a stakeholder analysis during the last workshop conducted in December 2015.

Nepal Police (NP)

Nepal Police (NP) is the frontline law enforcement agency in Nepal. It is the primary instrument of the government entrusted with the mandate of ensuring the safety and security of the public by maintaining law and order. NP has come a long way since its establishment, evolving and adapting to the various political transformations that Nepal has undergone. Despite several political upheavals, NP's organisational mandate and ability has remained largely intact over the years with little change.⁸

The ability of NP to serve as a capable agent in safeguarding peace is justified by its organisational mandate alongside its widespread presence. As an instrument of the government, NP is bestowed its mandate to safeguard peace and its primary role to ensure law and order in the country. NP units are present in all areas and are within reach of the public. When faced with any adversity, NP is generally one of the first entities that the public reach out to for assistance and support. The tendency to contact NP still remains high among the public. In the majority of

cases, NP mediates disputes between conflicting parties. The demand for the presence and varied services from NP is increasing.⁹ The selfless acts of courage displayed by NP personnel in the recent post-earthquake rescue operations won the organisation widespread plaudits and strengthened the sense amongst the public that the police are truly out there to serve and help them when they need it the most.

NP, however, has several shortcomings that prevent it from playing an effective role in safeguarding peace. First, NP has been hampered by politicisation; the tendency of political actors to interfere in policing functions is prevalent. Therefore, NP's ability to function independently as a law enforcement agency is marred due to external interference. This in turn has served to blunt public trust and faith in the organisation. Second, NP is ill equipped and does not have adequate human and other resources to function effectively and provide a timely and professional response to meet public demand. As a result this resource crunch also affects its credibility in the eyes of the public. Also, some of the aberrant acts illustrated by several killings by the police in the process of quelling the recent Terai protests stoked mistrust of the NP, especially among the Madhesi community. The morale of the NP personnel remains low given the highly taxing environment they operate in. The immense expectations of the public, the long hours they operate, the insufficient amount of staff and resources, the continual external interference in their work, and the critical lack of compensation and incentives are all affecting their morale.

Local Peace Committees (LPCs)

LPCs were established by the government in 2006 following the CPA and their terms of reference were agreed in 2007. An LPC is a district- and village development committee (VDC)-level mechanism comprised of members from political parties, civil society, representatives of conflict victims and district-level authorities. It is responsible for:

- i. assisting the implementation of the CPA by promoting and facilitating peacebuilding and conflict transformation processes at the local level until the new constitutional system is in place
- ii. monitoring the implementation of the Ministry of Peace and Reconstruction (MOPR)'s relief and reconstruction programmes
- iii. providing necessary support to the Task Force constituted by the Government of Nepal to collect data on conflict-affected individuals, families, and structures
- iv. facilitating constructive conflict transformation processes in situations of debilitating political or social conflict

⁸ The NP still functions under the 1955 Police Act despite the several political transformations in Nepal. Aside from the addition in number of personnel, the organisational structure too remains largely unchanged.

⁹ According to the NP, the demand to establish NP units across the country has increased significantly. The requests are mostly from the communities that don't have NP presence in their vicinity.

- v. working on reconciliation, healing and trust-building
- vi. continuously monitoring political and social developments at the local level and making attempts to defuse tensions by employing conflict resolution processes
- vii. disseminating information to LPC members and the public on issues that affect national or local peace processes.¹⁰

The potential of the LPCs is highlighted by their widespread presence, their ability, and their members' influence in their communities. There are LPCs in almost all districts of Nepal and their mandate illustrates how their duty is predominantly related to conflict resolution and peacebuilding. The LPCs convene regularly and mediate conflicts at the local level, and have managed to acquire further credibility by successfully defusing tensions and preventing outbreaks of conflict in several parts of the country. For example, in Surkhet district the LPC reportedly played an instrumental role in mediating a conflict that had erupted between the Buddhist community, who were intent on erecting a Buddhist shrine in Kakrebihar community forest, and government authorities bent on stopping them from building it. LPCs also obtain financial support alongside members' skills training from the Ministry of Peace and Reconstruction.

Alongside their abilities, however, there are some factors that prevent them from making a significant contribution in conflict prevention and peacebuilding. Despite their mandate, LPCs are neither endowed with the ability to enforce compliance, nor are they in a position to address the root causes of a conflict. There have been allegations of the LPC membership selection process being exclusive, with only powerful and influential members of society being selected. The functionality and effectiveness of the LPCs vary greatly too. While some are very active, some are barely operational and others defunct. Some people believe that LPCs are not as autonomous as they should be, because in many instances the Chief District Officer (CDO) reportedly has more influence on this mechanism than the other members, thereby skewing the impartiality dynamic.

All Party Mechanism

In 2009, an All Party Mechanism (APM) was established through a government decision. This mechanism was set up to serve as a temporary solution to the political representation vacuum resulting from a lack of locally elected representatives.¹¹ In general this mechanism was set up at the district and VDC levels. Essentially, an APM is mandated to act as a consultative body to ensure

development activities at the local level continued even in the absence of locally elected representatives. Across the country, the composition of this mechanism varied both in terms of the number of members and the party affiliation of its members. In most areas, the representatives of the three major parties who secured the highest number of seats in the Constituent Assembly – mainly the Nepali Congress (NC), CPN-UML and UCPN(M) – formed the APM. There were, however, areas where members of other political parties were also included in the APM. Although the APMs were formally dissolved in 2012 following a Commission for the Investigation for the Abuse of Authority (CIAA) directive, the APMs still continue to function informally and wield considerable influence at the local level.

APMs have the potential to play a significant role in promoting and safeguarding peace at the local level. Given their influence they can serve as intermediaries between a local context and national-level politics, as their senior-level leadership is usually part of the government. In the absence of locally elected bodies, APMs continue to play a key role in the allocation of resources at the local level. This prominent role is vital to ensuring that no conflicts arise as a result of unfair resource distribution. Additionally, government authorities have begun to rely on APMs to mitigate conflicts that are beyond their capacity.¹² APMs can play a particularly vital role in mitigating conflicts that are non-political in nature.

There are, however, several deficiencies in their ability to play a very effective role in peacebuilding activities. Although they continue to function informally, their legitimacy is questionable as they have been officially dissolved. Members of the APMs are not accountable because an APM is a consultative body with no official mandate and there is no one formally heading the mechanism.¹³ Likewise, its credibility has been hampered by allegations of corruption. Since most APM members represent the larger parties, smaller party representatives are excluded, thereby calling into question the mechanism's impartiality and inclusiveness.

National Human Rights Commission (NHRC)

The NHRC was initially established as a statutory and autonomous body in 2000, which was later elevated to a constitutional body through the interim constitution of 2007. The primary function of the Commission is to protect and promote Nepalese people's human rights. It does so by conducting inquiries and investigations into human rights violations, carelessness and negligence in the

¹⁰ Terms of Reference of Local Peace Committees, 2009 (2065)

¹¹ Local election in Nepal have not taken place since 1998. In 2002, the government under the Hing Gyandera had conducted local elections but was not seen as legitimate because most major political parties boycotted the elections. Those elected in 2002 naturally became obsolete following the collapse of King Gyanendra's rule.

¹² Several Chief District Officers (CDO) interviewed by Saferworld during various research conducted in the last three years have affirmed their partnership and consultations with APM to maintain peace and harmony in the districts.

¹³ Political Economy Analysis of Local Governance in Nepal with special reference to education and health sectors. Available at - <http://asiafoundation.org/resources/pdfs/analysislocalgovernancenepal.pdf>

prevention of human rights violations by any person, organisation, or authority concerned. The NHRC has the authority to enter into any official premises for investigative purposes without prior notification. It is also endowed with powers to review the provisions on safeguards provided by the constitution and other prevailing law for the enforcement of human rights and can submit necessary recommendations for the effective implementation of such provisions. Additionally, it can study, monitor and provide recommendations to the government on Nepal's implementation of international treaties and instruments on human rights provisions.

Several factors highlight the significance of the NHRC's potential in peacebuilding. As an autonomous constitutional body, it serves as an ombudsman and has considerable authority to investigate human rights transgressions. Its responsibility to monitor the human rights situation across the country and report the findings adds value to the discourse of peacebuilding by providing a much-needed assessment of the situation. The NHRC's monitoring role, which involves adherence Nepal's international treaty obligations, serves as a reminder of the state's commitment to upholding peace in general. Its nationwide presence through regional offices and ability to dispatch missions to any site in Nepal demonstrates its outreach capability. Similarly, its staff and members are endowed with the necessary skill sets to contribute to the promotion and protection of human rights.

The shortcomings of the NHRC are primarily linked to its autonomous status. The selection process of the NHRC's chairperson and four members is often questioned because the selection criteria do not rest solely on merit but also on the basis of political affiliation and leaning. If the selection has political influence then it somewhat negates the idea of its members being impartial. Likewise, since it has to rely heavily on the government for its budget, that dependency too puts its autonomous status and impartiality into question. Reportedly, a large segment of people in Nepal is unaware of the existence and the function of the NHRC, which debilitates its effectiveness.¹⁴

Civil Society

Civil society (*Nagarik Samaj*) in Nepal also has significant potential for peacebuilding. Civil society includes a wide array of actors, but in the Nepali context a broader interpretation that includes professional associations such as the Chamber of commerce, the Nepal Bar Association, local NGOs such as INSEC and other autonomous citizen groups such as the Collective Campaign for Peace (COCAP) has been taken into account.¹⁵

¹⁴ Partners that participated in the C4P workshop affirmed that only few people in their regions knew about the existence and functions of the NHRC.

¹⁵ The names mentioned as examples are used for illustrative purpose and does not constitute an exclusive list of actors.

Since the start of the conflict in Nepal, civil society's engagement in peacebuilding has been pivotal. The April 2006 people's uprising that ultimately led to the collapse of the monarchy and paved the way for the CPA between the government and the Maoist rebels is often attributed to the activism and vigour of civil society.¹⁶ During the conflict, the operational space for civil society was constricted either due to restrictions by the state or by the Maoist insurgents at the time. Following the CPA, however, peace prevailed and allowed for a larger space for civil society organisations to operate.

Civil society has the potential to play a critical role in promoting peace. Members of civil society can serve as facilitators between conflicting parties. For example, INSEC has district representatives in all 75 districts who have built a reputation as facilitators/mediators and continue to serve this role with great effectiveness. Likewise, civil society representatives such as Padma Ratna Tulahdar and Daman Nath Dhungana were instrumental during the peace process; their facilitation role was notable in bringing conflicting parties towards a consensus. Raising awareness on issues related to peace and conflict is another role they can play. The scope of NGOs involves awareness raising, and many of them have gained expertise in that field. Their local presence and engagement provides them with a unique vantage point to monitor the context for signs of conflict and opportunities for peace. Civil society in Nepal is also viewed as a champion when it comes to advocating for change, and there are numerous cases of civil society-led advocacy campaigns that have resulted in positive change. They also serve as a platform to effectively communicate people's grievances and concerns to government authorities.

Despite the vast potential of civil society, there are several barriers that dampen their ability to play a more effective role. Civil society is comprised of a disparate medley of actors who often have competing interests, agendas and political affiliations/inclinations. Civil society often lacks the adequate knowledge, skills, resources and credibility to engage in peacebuilding.

Media

The media in Nepal is remarkably vibrant and influential. During the conflict period, there were some restrictions on the media. Following the CPA, however, those restrictions were lifted, resulting in a surge in the number of media outlets – including television, radio and print media. Before 2006, only a few FM radio stations were operational across the country, but today there are more than 600.¹⁷ There has been a similar surge in online media.

¹⁶ Saubhagya Shah, *Civil Society in Uncivil Places: Soft State & Regime Change in Nepal*, (Washington DC: East West Center Policy Paper 48, 2008).

¹⁷ Ministry of Information and Communication - <http://www.moic.gov.np/upload/documents/fm-list-2072-08-14.pdf>

The media in Nepal could play a significant role in conflict prevention and peacebuilding. Transparency International's 2014 National Integrity System assessment report rates the media as the highest amongst 11 other pillars for its overall performance compared with other institutions. This is based on average scores for three dimensions: capacity (resources and independence), governance (transparency, accountability, and integrity) and role (pillar-specific).¹⁸ Primarily, media representatives' access to information and individuals in the country makes this category particularly significant for peacebuilding and conflict prevention, as it can be used to bring attention to peace and security issues. The media's access to individuals from all parts of society is also useful in acquiring information and using it to inform, influence and shape opinions and perceptions. The media in Nepal has frequently demonstrated its watchdog role by reporting on the excesses and transgressions of powerful actors in society, exerting pressure on relevant authorities and holding them and those complicit to account. The presence of countrywide FM radio stations is a useful tool for disseminating peace messages and other relevant information to a wider populace. The other prominent role of media is as an outlet to express viewpoints of those involved in the conflict to a larger audience in an impartial manner.

A number of barriers currently prevent the media from maximising its peacebuilding role. The media is prone to manipulation by the ability of powerful political actors to discredit its impartiality and professionalism. It is common to hear allegations that the media can be paid to dilute or not report certain issues. A lack of skills in conflict sensitivity among media professionals is often viewed as an impediment to their wider peacebuilding role, as they frequently report on sensitive issues in an indifferent manner and with little or no concern for the ramifications.¹⁹

Social media is becoming more widely used in Nepal, and its prospects as a peacebuilding tool appear bright. Although using social media on computers is still mainly limited to urban areas, more people are using their mobile phones/devices to get online. The potential of social media as a tool was highlighted during Nepal's post-earthquake period when it was used to communicate various issues without much restriction. Social media transformed into a platform where users went to acquire or share information. It effectively became a marketplace for ideas, goods and services and also served as a safety tool. Social media's broad reach gives it the potential to be constructively employed to promote peace, especially due to its ability to transmit information and allow people to share perceptions and developments. There are, however, drawbacks to using social media.

¹⁸ National Integrity Systems Assessment Nepal 2014. Available at - http://www.tinepal.org/tmp-content/uploads/2014/05/2014_NISNepal_EN.pdf

¹⁹ Dharma Adhikari, Democracy Can Complicate the Job of Journalists, Neiman Reports, VOL. 62 NO. 1 SPRING 2008.

It can be used to communicate divisive viewpoints and fabricated information. Due to social media's accessibility and difficulty to monitor completely, it can also be used as a platform to convene surreptitiously by those acting against as well as for peace.

Towards effective early warning and response in Nepal

As part of the C4P project, Saferworld in partnership with Indonesian peacebuilding NGOs Institut Titian Perdamaian and Institut Titian Damai Maluku organised a learning visit to Indonesia from 26 October–1 November 2015, which was supported by Peace Brigades International Germany. A team of six – one Saferworld anchor, three participants from INSEC, one from PAG and one from NepalMonitor.org – travelled to Ambon in Indonesia's Maluku Islands. The purpose of the trip was to exchange experiences with, and learn from, other actors (civil society organisations, community leaders, local authorities, police, INGOs) on community-based early warning and early response (CEWER) systems. For the Nepali organisations that collaborate on their own early warning system through the Nepal Monitor platform, this visit provided the opportunity to explore how best to link data collection, analysis and response. The team drew several lessons from this visit, echoing experiences and reflections from Nepal, notably:

- **Maximise local capacities and traditional mechanisms**, especially by involving communities and using local mechanisms such as the Pela-Gandong, a traditional Maluku mechanism that helps to facilitate relations between groups and/or communities from different clans or religion.
- **Tailor data collection templates**: accurate field-based data collection is key to effective and credible CEWER systems. Tools have to be tailored to each local context, especially based on a shared analysis of conflict dynamics, and at the same time needs to build in some flexibility so as to include and report incidents and issues that were not identified from the onset.
- **Ensure the participation of, ownership and buy-in from government authorities and security agencies**: this is important for the system to function effectively. The role of security agencies, mainly the police, was acknowledged to be complementary and indispensable – not only to prevent or respond to incidents, but to strengthen the rule of law in the long term.
- **Maintain a conflict-sensitive approach in mind at all time**: this is crucial when working on such sensitive issues which carry the risk of alienating groups or actors. This implies a range of actions such as relying on local mechanisms as much as

possible and ensuring that decisions are being made in an inclusive and transparent manner.

Recommendations

Increase state-civil society collaborations on peace and conflict

Collaborations between civil society organisations and state authorities still remain deficient in Nepal. Particularly, authorities often consider peace and conflict related matters as the sole prerogative of the state. The advent of the concept of human security and increased activism of human rights advocates and other civil society groups has certainly contributed to dilute this sentiment, and, to an extent, has instilled awareness among authorities about the added value of collaboration with non-state actors. The adherence to and actual implementation of existing policy frameworks or guidelines such as the Development Cooperation Policy 2014 and National Planning Commission's 13th Plan would strengthen collaborations of national and local authorities with civil society to address conflict and security issues. For civil society organisations, it would also provide an opportunity to hold their authorities into account regarding the effectiveness of inclusive and participatory processes in the field of peace and conflict.

Create opportunities to strengthen and sustain partnerships between civil society organisations

Civil society organisations working in various sectors in a given geographical area do not frequently communicate or coordinate with each other. In the absence of such coordination, there are many instances of duplication of efforts and unhealthy competition over resources.²⁰ Organisations working to empower communities in their respective sectors have displayed little interest in learning about other sectoral interventions and forming partnerships.²¹ Providing the space and opportunities for organisations to coordinate – and at best to collaborate and partner – with each other would maximise their respective impact.

Strengthen civil society organisations' capacity to apply conflict-sensitive approaches

A large number of civil society organisations work alongside communities in Nepal. Although their actions are well intentioned and motivated by a genuine urge to empower the community they are working with, they sometimes run the risk of their activities inadvertently stoking conflicts in Nepal's fragile contexts, if not designed, implemented and evaluated with a conflict-sensitive lens. Imparting

skills that enable these organisations to conduct conflict analysis and embrace conflict-sensitive approaches would be highly beneficial, not just to the effectiveness of their engagement, but also to the collective impact they have on the context.

Strengthen the capacities of the police to respond to and interact with other actors at the local level

Despite being the primary instrument of the government to maintain law and order and ensure peace, NP faces several constraints that prevent it from providing better services to the public. A lack of resources, general experience and knowledge, as well as, to some extent, a lack of public faith, have been continually highlighted by the institution itself as being the greatest impediment to its professionalism and responsiveness. These challenges should be addressed through the provision of increased resources and broader police reform. In the meantime, community security initiatives could provide adequate frameworks for public engagement and collaboration with communities and civil society organisations, as well as support for mechanisms like local peace committees to identify and respond to the main conflict dynamics at the local level.

Early warning and early response (EWER) mechanisms institutionalised from the local to the national level

The importance of an early warning system for disasters has long been recognised in Nepal, and the government along with other national and international entities has taken a keen interest in institutionalising disaster-related systems. There is, however, still minimal knowledge and development when it comes to conflict-related early warning systems, despite several initiatives taken in recent years.²² The recent upsurge in violence and conflict relating to the constitution and the delineation of boundaries of the new federal units has clearly illustrated how Nepal is still prone to unforeseen conflicts. An effective conflict early warning system would be useful in order to more systematically anticipate and prevent conflict from breaking out. Such a system should build on existing state and non-state capacities to maximise collective potential to detect tensions, report incidents, analyse conflict trends and respond to risks of violence. This would imply investing at the local level to support relevant actors and frameworks (such as the above-mentioned Local Peace Committees) to deal with conflicts where they are breaking out, and make the necessary links at the national level to ensure that structural causes are addressed.

²⁰ Quarterly Conflict Assessment - Public perceptions on current development initiatives and development stakeholders in selected districts in Mid- and Far West Nepal. August 2014. Available at - http://pdf.usaid.gov/pdf_docs/PA00KK92.pdf

²¹ Ibid.

²² Including for example a UNDP run early warning framework, as part of its Conflict Prevention Programme.

Conclusion

Nepal has endured a violent conflict in the past and is currently witnessing an emergence of newer and more intractable conflicts. Following the promulgation of the constitution in particular, the likelihood of a relapse into a full-blown conflict in Nepal has increased significantly. For a context that has endured a violent conflict, the susceptibility of relapse into conflict remains alarmingly high. Therefore, vigilantly monitoring the context and having the capacity to respond to conflicts at multiple levels is crucial. Given this fragility, a system that is able to anticipate conflicts and address their drivers before they erupt into violence would not only be beneficial but has now become indispensable for the Nepal.

For any EWER system to function effectively, however, a collective realisation of its need, an enduring will and commitment, broad-based ownership and capacity to respond to conflicts in a timely manner without recourse to violence or fear of retribution is imperative. It also requires coordination between government and civil society both at the national and local levels. Equally essential is contextual knowledge and a deep understanding of the drivers of conflict supplemented by sound analysis of the interplay of actors and factors that serve as triggers to instigate conflict including those that are transnational in nature. Alongside these prerequisites, the capacity at various levels to be able to respond to and address triggers of conflict in a timely manner is equally crucial. Only with the institutionalisation of such a system can Nepal be able to anticipate and address conflicts in a timely manner before they erupt into violence and exacerbate an already fragile context.

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 that everyone should be able to lead peaceful, fulfilling lives, free from insecurity and violent conflict.

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

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About Capacities for Peace



Capacities for Peace is a project funded by the European Union, under the Instrument for Stability and implemented by Saferworld and Conciliation Resources. The project involves working with local actors to enhance the effectiveness of local analysis, early warning and early action in 32 countries around the world.

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