PEACE AUDIT nepal

Understanding conflict. Building peace.
ABOUT INTERNATIONAL ALERT

International Alert helps people find peaceful solutions to conflict.

We are one of the world’s leading peacebuilding organisations, with nearly 30 years of experience laying the foundations for peace.

We work with local people around the world to help them build peace, and we advise governments, organisations and companies on how to support peace.

We focus on issues that influence peace, including governance, the economy, gender relations, social development, climate change, and the role of businesses and international organisations in high-risk places.

www.international-alert.org

ACKNOWLEDGEMENTS

This Peace Audit was written by Rabindra Gurung and Elizabeth Drew. We would like to thank Dominic de Ville, Pranav Manandhar, Sargam Ghimire and Care Nepal Hariyo Ban project for their support with the field research; Dan Smith, Phil Vernon, Markus Mayer, Charlotte Onslow, Jana Naujoks, Chandani Thapa and Joe Whitaker for their review and inputs; and to all the many people who gave up their time to speak with us to offer their views, expertise and insights to inform the analysis for this Peace Audit.

International Alert is also grateful for the support from our strategic donors: the UK Department for International Development UKAID; the Swedish International Development Cooperation Agency; the Dutch Ministry of Foreign Affairs; and the Irish Department of Foreign Affairs and Trade. The opinions expressed in this report are solely those of International Alert, and do not necessarily reflect the opinions or policies of our donors.

© International Alert 2015

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without full attribution.

Book design and illustrations by D. R. ink.

Photo credits: Pages 3 and 72 © Rob H. Aft. Pages 21 and 22 © International Alert/Niranjan Shrestha. Pages 33, 47, 53 and 65 © International Alert/Kashish Das Shrestha. Page 42 courtesy of Ingmar Zahorsky under Creative Commons. Pages 49, 51 and 54 © International Alert. Page 50 courtesy of Jan Bockaert under Creative Commons. Page 88 © Kashish Das Shrestha/USAID.
CONTENTS

FOREWORD 4

CHAPTER ONE
INTRODUCTION 7

CHAPTER TWO
METHODOLOGY 8
PEACE FACTORS 9

CHAPTER THREE
CONTEXT IN NEPAL 10

CHAPTER FOUR
OPPORTUNITIES FOR PEACE IN NEPAL 34
ACCOUNTABILITY 37
SEXUAL AND GENDER-BASED VIOLENCE 59

CHAPTER FIVE
CONCLUSIONS AND RECOMMENDATIONS 73

CHAPTER SIX
THE AUDIT 82
Since the research for this Peace Audit was carried out, Nepal has been hit by two major earthquakes and countless aftershocks. Over 8,000 people have died and around 800,000 houses have been destroyed or damaged. Recovery will take years, especially for those who lost loved ones and livelihoods.

Nepal was anticipating an earthquake. The ‘big one’ had been dreaded for some 50 years. Preparedness had been underway, but the scale of the task was overwhelming. Poverty and rapid urbanisation have meant that houses are generally built hurriedly and cheaply, with little heed of building codes. Government capacity to enforce codes has been very weak. Post-war transitional governance has caused disaster preparedness, like all development sectors, to suffer from deep politicisation and stalled decision-making. A disaster management act has been in the works for eight years, for example.

The relief and recovery processes now underway have highlighted two things. First, Nepali citizen mobilisation is a powerful force. Individuals, groups and societies have galvanised their networks to fundraise, organise and deliver practical help to affected people, especially in remote areas. This whirlwind of activity pulled in business, technology, youth, social activists, mountain bikers, Nepali diaspora and many other volunteers. The people-to-people support they provided was particularly important in the initial phase, when the government and big agencies were still ramping up efforts.

Second, the aid influx to Nepal has made the endemic problems explored in this audit ever more apparent: exclusion, political interference and weak citizen–state accountability. Relief distribution is difficult to do fairly anywhere, especially when demand is outstripping supply and people are desperate. Undertaking this in a society with pervasive structural inequities and patronage politics adds a new layer of complexity.

Anecdotal evidence points towards relief being co-opted by local political strongmen for their affiliates and constituencies. Support has also been concentrated in the accessible areas, leaving remote (and often more marginalised) communities left out. Single women, including many women who have husbands working in the Gulf region and unable to return, are struggling to hold onto relief items or assert their rights. Women and girls with no safe shelter have been left more vulnerable to sexual and gender-based violence. ‘Higher caste’ men are directing the flow of goods and services overall. Principles of equity, impartiality and ‘do no harm’ are very difficult to apply at pace.
As natural disasters, fragility and conflict increasingly coalesce into complex emergencies worldwide, conflict-sensitivity is emerging as a vital yet undervalued lens in humanitarian assistance. At both management and technical levels, considerable advocacy has been needed in Nepal to weave basic thinking on conflict risks into relief and recovery planning. Many surge staff flown in to lead the response had never been to Nepal and were unaware of the causes and impact of its recent armed conflict. Nor did they understand the complex power dynamics that make up the country’s political economy. A lot of local knowledge and capacity has been sidelined in favour of seasoned disaster response experience, which leaves large contextual gaps. This is not the fault of aid workers. They work hard and try to grasp the key issues quickly. It is a systemic issue.

The humanitarian sector needs to better integrate conflict-sensitivity ‘upstream’ – in its principles, policies, guidelines and training. This will make its application at pace easier. The do no harm principle needs to be reasserted as integral. In conflict-affected countries, conflict risk should be included in the remit of the Protection Cluster (an inter-agency forum for coordinating humanitarian responses) and features of exclusion built into general and sectoral assessment formats. Basic conflict analysis and peacebuilding should feature in technical protection staff’s skillsets, or conflict and peacebuilding specialists should be involved alongside gender and social inclusion advisors. Agencies and personnel already present in the country should be utilised as far as possible to boost the reservoir of local knowledge. Local language skills need to be a basic consideration in relief distribution. Accountability to beneficiaries and two-way communication with affected communities – ensuring all groups understand that aid is free, needs-based, and how to access it, and are able to give feedback on their preferences and concerns – should be an early priority to prevent the anxiety and tension that arises from poor understanding of relief plans and processes.

Disasters that strike countries in political transition such as Nepal also test governance and statebuilding processes. Rather than creating parallel structures, aid agencies need to find ways of working with and through the government that strengthen its capacity while boosting transparency, accountability and equity. The audit highlights examples of nascent social accountability mechanisms, such as those used by community forestry user groups, that can be drawn on to support this. Working with citizens and civil society organisations, especially those representing excluded groups, to create public oversight mechanisms for the recovery phase, could boost government and aid agency accountability to marginalised people while strengthening the wider democratic culture.

As this Peace Audit shows, many marginalised Nepalis remain in a disempowered mindset of ‘subject-hood’. A strong role in monitoring the recovery for excluded communities – Dalits, Janajatis (indigenous people), religious minorities, vulnerable women, poor people and young people – may also catalyse a shift towards citizenship thinking, with its associated agency, rights and duties. The audit also points towards
business leaders, the media and politicians with aligned ideals as key agents for reducing political interference and corruption, if they are strategically engaged.

There are also wider opportunities to promote peace through recovery. Excluded groups could be empowered with new ‘soft’ and technical skills to lead local reconstruction and recovery processes. Recovery initiatives could be community-based and designed to bridge caste, religious and gender divides and to build social cohesion. The collective experience of trauma and Nepal’s wish to ‘build back better’ could be harnessed towards economic, social and cultural renewal and momentum towards a stronger, fairer Nepal. With the right support, the shocks can reduce social barriers rather than deepening Nepal’s political faultlines.

Elizabeth Drew
Country Representative
International Alert Nepal
CHAPTER ONE
INTRODUCTION

This report is the second in a series of global ‘Peace Audits’, in which International Alert assesses the opportunities and challenges of building sustainable peace around the world.

Conflict occurs in all societies; it is not always negative. It can bring about change and progress. We therefore want to better understand how conflict can be managed peacefully. The Peace Audit goes beyond just looking at the risks and drivers of conflict. It looks at the possibilities for peace as well – the strengths in a society that make it possible to forge a path to peace. It analyses challenges, but it also looks for the capacities and opportunities for peaceful change.

The global zone of peace has been expanding over the past 30 years. There were approximately 30 armed conflicts in 2010 compared with 50 in 1990. Diplomatic activity produced more peace agreements and peacebuilding led to a growing number of locally-driven peace processes. Since 2010, however, this improvement has ceased. The number of wars spiked to 37 in 2011, falling back to 33 in 2013. In many cases, peace agreements are not sticking. They are failing to address the causes of violence and post-war progress has been insufficient. Compared with 43% in the 1960s, 90% of conflicts initiated in the 21st century were in countries that had already experienced an armed conflict. The risk of a slide back to war after civil conflict is therefore very high.

This Peace Audit was undertaken to understand people's perspectives and aspirations for peace in Nepal nine years on from the signing of the Comprehensive Peace Agreement (CPA) and the end of the country’s 10-year armed conflict. It takes stock of outstanding and new conflict risks, and explores good examples of what is being done to promote peace in Nepal. In particular, it highlights the challenges to the ‘social contract’ in the country brought about by political interference and weak accountability in governance, and widespread sexual and gender-based violence (SGBV), and what can be done to promote a peaceful transition in Nepal.
In this Peace Audit, we assess the risks to and opportunities for peace in the country by looking at how Nepal measures up to what we call ‘peace factors’ – five conditions that we believe underpin sustainable peace in countries and regions across the world.

In a post-conflict context such as Nepal, the peace factors help us to assess the quality and sustainability of the political settlement. They provide a framework to identify and evaluate enablers of or obstacles to progress towards peace and opportunities for strengthening or reducing these respectively. The five peace factors are inter-related, in that each can reinforce or undermine the others. For a description of each peace factor, see page 9.

In conducting this analysis, we consulted with a diverse range of people who could shed light on these issues, including policy-makers, political party leaders, government officials, community leaders and organisations, journalists, private sector actors, activists and others. We covered a range of areas, including Kathmandu and Banke, Dhankuta, Bardiya, Kailali and Morang districts.

In this audit, we share stories from some of these people, for whom conflict and peacebuilding is a day-to-day reality; people who are promoting more participative governance, social justice, state transparency and greater safety, access to justice and wellbeing for victims of violence.

The analysis also draws upon Alert’s recent research on effective interventions in preventing gender-based violence (GBV) against women in Nepal, and earlier research exploring the mechanics and dynamics of political interference in the public security and justice sectors in the country.
PEACE FACTORS

1. **Power and governance**: Everyone is able to participate in shaping political decisions and the government is accountable to the people.

2. **Income and assets**: Everyone has an equal opportunity to work and make a living, regardless of gender, ethnicity or any other aspect of identity.

3. **Law and justice**: Everyone is equal before the law, the systems for justice are trusted and fair, and effective laws protect people’s rights.

4. **Safety and security**: Everyone lives in safety, without fear or threat of violence, and no form of violence is tolerated in law or in practice.

5. **Wellbeing**: Everyone has fair and equal access to the basic needs for their wellbeing – such as food, clean water, shelter, education, healthcare and a decent living environment.
CHAPTER THREE
CONTEXT IN NEPAL

BACKGROUND

A HISTORY OF ‘HAVES’ AND ‘HAVE NOTS’

Nepal's 10-year ‘People's War’ (1996–2006) radically changed the country. More than 14,000 people lost their lives and thousands more were injured or displaced. By 2009, the conflict had cost an estimated 3% of the country's gross domestic product (GDP). However, the uprising, together with the 2006 'Jana Andolan' (people's movement), triggered a political sea-change. The once Hindu kingdom was declared a federal, democratic, secular republic. The CPA, signed by the Maoists and Seven-Party Alliance in 2006, set out a broad and ambitious agenda for reform.

The experience of exclusion that drove many to rise up against the state has a long history. A definitive characteristic that has stratified Nepali society and created centuries of discrimination is the caste system. The caste system, as practised according to Hinduism, was modified and strengthened by various kings during Nepal's history. Hinduism was used for political and cultural unification, and people from different ethnic groups were forced to follow Hindu religion, culture, festivals and social values and norms. Such policies led to the loss of linguistic, cultural and religious rights for indigenous people.

The armed conflict was a product of this long history of exclusionary governance. In 1854, Jung Bahadur Rana, the first Rana prime minister, formally instituted the caste system for all Nepali citizens, Hindu and non-Hindu alike, by introducing the Muluki Ain (penal code). This created a legally and socio-economically stratified society and institutionalised inequality. The autocratic, monarchical Panchayat system (1961–1990) enforced widespread political suppression, including the killing, torture and imprisonment of political opponents. It enforced Hinduism as a national religion and Nepali as a national language, suppressing Nepal's broad ethnic and linguistic diversity and religious minorities.

Repressive and exclusionary governance created widespread grievances among the system's 'losers', which resulted in the first non-violent People's Movement uprising in 1990, restoring multi-party democracy. A new constitution guaranteeing fundamental rights to all was instituted. However, little changed in reality. Power remained with elites. Poverty, growing inequality, lack of equitable development and lack of access to quality services, among others, contributed to the beginning...
of violent armed conflict in 1996. Amid the ongoing armed conflict and failure of political parties to govern effectively, King Gyanendra took over in 2005 beginning his absolute rule, which was ended with the 2006 revolution known as the People’s Movement II, with support of the Maoists. The CPA signed in 2006 formally ended the armed conflict, heralding a new era in Nepali history with the establishment of a Constituent Assembly (CA) to draft a new constitution, ensure equality and end marginalisation.

Nepal has since been charting an uncertain transition to peace. Crucial gains have been made. The ceasefire held, the Maoist People’s Liberation Army (PLA) was demobilised and reintegrated, and Nepal was declared landmine free. However, progress on the wider provisions in the CPA intended to foster a new political settlement, including a new constitution, transitional justice and land reform, has stalled. Moreover, the underlying causes of the conflict linked to structural inequality are still widespread.

Peacebuilding efforts have produced some benefits. Nonetheless, deep-rooted societal structures and political cultures are now overlaid by new challenges linked to transition, creating a complex mix of frustrations and aspirations, progress and set-backs.

Nine years on from the CPA, where is Nepal in its journey towards peace?

PUTTING PEACE INTO PRACTICE

The first CA was elected in April 2008 with landmark levels of inclusion. Of the 601 members, 197 were women. Moreover, 201 were Brahmin/Chhetri, 202 were Janajatis (indigenous people) and 136 were Madhesi. It was also the first time in the country’s history that as many as 50 Dalits had served in parliament at any one time.

The CA was tasked with producing a new, inclusive constitution. However, political polarisation on state restructuring and governance prevented consensus, even after repeated deadline extensions. The CA was finally dissolved in May 2012 amid regional rallies and strikes over proposed federalism models. A period of political and legal limbo followed, which led to Supreme Court Chief Judge Khil Raj Regmi assuming responsibility for steering the country through new CA elections.

These elections were conducted smoothly in November 2013 with a 69% turnout. The Maoists and Madhesi parties, dominant in the first CA, were severely depleted. Nepali Congress (NC) won sway, forming a coalition with the runner-up Communist Party Nepal – Unified Marxist-Leninist (CPN-UML). Out of the 575 newly elected CA members (26 were later nominated by the cabinet), 172 were women, 228 were Janajatis, 103 were Madhesi and 41 were Dalit.
However, a self-imposed deadline to finalise the constitution was missed by the parties in January 2015 and the process remains hostage to deep political divisions. It now stands as one of the longest constitution drafting processes in the world.

As well as requiring a new constitution, the CPA mandates the formation of transitional justice measures including a Truth and Reconciliation Commission (TRC) and Commission on Investigation of Disappeared People (COIDP). Despite a commitment to form these within 60 days of the CPA, they were only finally formed eight years on, in February 2015, amid much criticism. The act passed granted the commissions wide-ranging amnesty powers – a protection measure to serve the interests of all the conflict parties, since both the Maoists and the state security forces have been implicated in gross human rights violations. Conflict victims, the UN and human rights groups cited the act’s contravention of Nepal’s commitments under international law and human rights standards, and lobbied for changes. The amnesty provision was overturned by the Supreme Court in February 2015. However, the process still looks unlikely to satisfy the needs of victims for comprehensive truth, justice, reconciliation, reparations and healing, and will fall far short of the transitional justice aims of addressing the causes and consequences of the armed conflict.

The CPA also states the need for “scientific land reform ensuring lands for landless people, including squatters, bonded labourers, tillers, economically and socially backward classes”. Around 25% of the population in Nepal are thought to be landless. Natural resource management, including the distribution of and access to land, forests and water, was one of the causes of the armed conflict. Ownership of and access to land and forests confer considerable cultural status in Nepal as well as being economically significant in what remains a largely agrarian society based on subsistence farming. The Maoists aimed to overthrow the ‘feudal’ system in Nepal, which kept vast numbers of people landless and in bonded labour, forcibly seizing and redistributing land. However, attempts at land reform since the CPA was signed have failed due to politicisation of the issue. Various land reform commissions have been established and their reports ignored. Natural resource management remains a key conflict cause among communities.

**IT’S THE ECONOMY, STUPID**

While almost a quarter of Nepal’s population lives below the poverty line, this has significantly decreased over the last decade. Nepal’s GDP grew by 5.2% in 2014, up from 3.8% the previous year – helped by a timely budget and a favourable monsoon supporting agricultural productivity. Yet, this growth needs to be carefully scrutinised in order to understand its impact on peace. Every year, around 400,000 young people enter the job market in Nepal, but lack of economic opportunities means that around 1,500 of them leave the country every day in search of work.
Nepal’s economic growth is largely attributable to the ever-increasing remittances sent by the millions of Nepalis working in foreign countries, totalling (officially) around 29% of total GDP in 2014 – though this figure could be much greater in reality. This enormous dependency on one income stream largely relies on India, Malaysia and the Gulf’s demand for labour. However, India’s economy is slowing and the Gulf’s labour demand is linked to the price of oil, which is unstable. Moreover, analysis shows that remittances are not being used to generate wealth within Nepal. There are also manifold social consequences of large-scale emigration that create risks for peace. The over-reliance on remittances therefore leaves Nepal vulnerable (see ‘Jobs and the impact of migration’).

Infrastructure development begun in the transport, energy and tourism sectors has the potential to boost economic development. However, corrupt tendering, poor resource management, weak oversight and insensitive community engagement are undermining their developmental and peace dividends. Development is therefore being carried out in a way that is largely insensitive to conflict dynamics and risks exacerbating historic grievances.

The picture today is a mosaic of unprecedented progress and frustrating setbacks. Much has been achieved, but Nepal’s peace is fragile. Dealing with the fundamental causes and impacts of the conflict remains a sizable task amid navigating a contentious political transition. This audit explores the key components that could make or break positive peace in Nepal.

**POWER AND GOVERNANCE**

Since the signing of the CPA, the majority of the country has experienced an end to armed conflict, an increase in security and the beginnings of a ‘peace dividend’ in terms of the scaling-up of development and economic activity. However, there remain pockets – regional and socio-economic – that have yet to feel any benefit
from what is often perceived as being largely a Kathmandu-centric transition. Progress towards addressing the root conflict causes of structural inequality in the country has been slow and some feel inequality is actually widening. Research findings over the past two years tell us that a significant sector of the population believes that things have improved only for the ‘strong’ in society – be that politically or economically. This important constituency comprises many of those belonging to traditionally marginalised groups, including young people, women, ethnic and religious minorities, and ‘lower’ caste groups. Governance remains fundamentally characterised by elitism, patronage and corruption. There has also been more social and political fragmentation, as prolonged debates about the country’s political settlement have triggered multiple forms of mobilisation and localised conflict around identity-based issues – models of federalism being chief among these.

**THE POLITICAL ECONOMY OF THE CONSTITUTION**

The constitution drafting process is a microcosm of this wider dynamic of persistent elitism and increasing polarisation. The first CA was dominated by the United Communist Party of Nepal – Maoist (UCPN-Maoist) and Madhesi parties and reflected strong indigenous rights groups’ activism. The second CA election shifted the balance of power to the more conservative NC and CPN-UML parties, with the pro-monarchy and Hindu nationalism Rastriya Prajatantra Party Nepal (RPPN) also achieving greater representation. This swing to the right reflects popular frustration at the lack of progress made by the left-led first CA. It has also alarmed pro-change constituencies, who fear a slide back to the pre-war political settlement, including the potential scaling back of commitments to secularism,
state restructuring and decentralisation of power. The left’s loss of power has led to a splintering of left-wing and identity-based parties, including a new hardline Maoist faction forming under war-time leader Netra Bikram Chand: CPN-Maoist (known colloquially by their leader’s nom de guerre, ‘Biplav’). The Maoists being fragmented and largely outside the CA creates considerable challenges to fostering broad-based political consensus on a constitution and the process continues to stall.

While significant political changes are debated in the CA and representation has broadened, the mode of ‘doing politics’ is little changed. Key decision-making is ultimately still limited to a handful of political leaders behind closed doors – much in the same way that the peace deal was negotiated. Voting within the CA is conducted along party lines and CA members complain that they have little ability to influence the decisions of their leadership. A key barrier to constitutional agreement is acknowledged to be disagreement between party leaders about who among them should get which top position. This calls into question the meaningfulness of CA representation and its role as a vehicle for broadening participation. Further, public consultation on the drafting of the constitution was patchy during the first CA and has been negligible through the second. This has led to frustration among civil society and low awareness or apathy among the wider population. The exclusiveness of the process reflects the enduring elite capture of power in the country. Ultimately, the modus operandi of politics in Nepal has not yet been transformed.

Elite capture of power also remains pervasive locally and is a reflection of the historical political exclusion in Nepal. In the absence of local elections since 1997, decisions concerning district and village development committees (VDC) development planning are being made by bureaucrats such as VDC secretaries and local development officers (LDO), who report to the Ministry of Federal Affairs and Local Development. Even though the All Party Mechanism (APM), a political committee formed in 2006 by the government to forge local development plans and support implementation in the absence of elected local bodies, was formally dissolved in January 2012, the practice of political parties engaging in governance and heavily influencing decision-making still continues. The participation of disadvantaged groups in the planning and implementation of local projects has increased, but in the absence of effective oversight, tactical collusion between bureaucrats, politicians and community elites prevails. This affects the phases of development planning, resource allocation, implementation and process evaluation. Resources are often therefore distributed among political parties and budgets are aligned with their interests. There have been reports, for example, of relief distribution in earthquake-hit districts being co-opted by local politicians eager to supply and please their constituencies at the cost of more needy communities. The inability of the central government to effectively curb corruption and deviations from due procedure locally only further entrenches such practices. This has wide-ranging implications for how support for local governance processes should be conceived and implemented.
RENegotiating Nationhood

The persistence of elite politics has meant that the fundamental conflict causes around structural exclusion are not being adequately addressed. Nepal has instituted progressive policies and laws to boost inclusion, such as the Gender Equality Act (2006) and the Civil Service Act Amendment (2007). Yet, despite support from development actors, implementation of these acts has been weak. Gender, caste and ethnic discrimination are still pervasive in Nepali society. Efforts at increasing social inclusion, led by the international community, have come under attack from certain quarters. Although some discontent is to be expected when power is being renegotiated, a valid complaint is that there has been a lack of nuance in understanding experiences of exclusion in Nepal. Poor Brahmins, for example, display high levels of frustration at the current ‘social inclusion’ discourse – in particular, proposals for federal states delineated along ethnic lines. More broadly, Brahmins and Chhetris (representing around 29% of the population19) are organising themselves into ‘samajs’ (committees), as vehicles for solidarity and activism to protect their interests.

The move to a federal state structure, which was intended to address the power differential between the centre and periphery through greater decentralisation, brings with it inherent risks. Those who benefit from the current status quo fear they will lose power, particularly in the event of a federal system which uses ethnicity as a basis for state division and which some fear may lead to the ‘balkanisation’ of the country and a loss of certain traditions. Those who are marginalised by the current system of centralised government too often see federalism as a panacea for all of their grievances (indeed, this is how ethnic federalism is presented by many of its political proponents). There are also fears and expectations on all sides about the impact of federal boundaries on the management of natural resources, in terms of revenue distribution between state and central levels, and benefits from resources such as rivers and forests that cross boundaries. Selection of new regional capitals and the attendant concentration of power and services is highly contentious, for instance. The government will need to manage these expectations, as well as the inevitable conflicts which arise.

Inclusion – The gap between theory and practice

Although Nepal has recognised the need for more inclusive and participatory policy-making, there remains a question mark over the extent to which inclusion agendas can progress. Although 29% of CA members are women, their representation at the level of political party decision-making is poor. In 2013, only 21 of the NC’s 80-member central committee were women; 22 of the 115 central committee members of CPN-UML, six of the 98 UCPN-Maoist politburo members, and only six of 43 CPN-Maoist central committee members were women.20 Even after the introduction of policies to make state services more inclusive, only 13% of civil servants are women. Women’s participation in the security forces is even lower: women comprise only 5.7% of police officers, 3.7% of the armed police
and 1.6% of army personnel.\textsuperscript{21} As with all marginalised groups, there remains the danger that only a handful of elites (for example, the wives of political leaders, security chiefs or secretaries) make it into positions of real power and once there, claim to speak for the rest. Even within institutions where the number of women is increasing, the inclusion is not necessarily meaningful, with their involvement often not being linked with decision-making.

Young people also remain largely excluded from political decision-making in Nepal, despite their important role in every political sea-change. However, this varies from party to party. Only around 78 (13\%) of the second CA members are categorised as youth,\textsuperscript{22} revealing relatively limited youth representation in decision-making. The UCPN-Maoist is one of the ‘youngest’ parties in parliament and relatively young cadres make it into positions of considerable power in the party, such as the former People’s Liberation Army (PLA)/Young Communist League (YCL) commanders and district party chiefs. Most of the major parties now have youth wings, but they are often formed just to flex the party’s muscles and counter the influence of another party’s youth wing, rather than truly recognising the contributions of young people.\textsuperscript{23} For example, the Youth Force of CPN-UML was formed in response to the UCPN-Maoist YCL. Often political youth wings gain notoriety for employing violence in clashes with one another and activities for financial gain, including interference in contract tender processes, complicity in smuggling, solicitation of forced donations, unlawful taxation, efforts to influence appointments of user groups and management committees, and efforts towards ‘dispute resolution’. Such a negative role of youth wings can undermine political space, development and public security.\textsuperscript{24} On the other hand, young leaders have been seen to bring a new energy to their parties and can constitute more progressive forces. Youth wings have worked together on key issues to benefit youth, such as economic policies. They therefore constitute an important entry-point in influencing wider political dynamics in Nepal.

A further issue of inclusion concerns local representation. The post-conflict constitutional wrangling has prolonged the power vacuum created by the war at the local level.
Historically weak state penetration was exacerbated by the displacement of local bureaucrats caused by the war-time violence and post-war insecurity (becoming latterly more criminal). Local elections have therefore not been held since 1997. Local decision-making is led by bureaucrats under the influence of political strongmen. Political party fiefdoms have formed, which are in some cases interconnected with organised crime, and political interference in local governance and state services is widespread.

THE STATE OF CIVIL SOCIETY

An empowered, transparent, non-partisan civil society is a must for ensuring that power-holders, including government and political parties, are held accountable and responsible to people. Some 39,759 non-governmental organisations (NGOs) and 189 international NGOs are registered with the Social Welfare Council, the governmental regulatory body. Despite this large number, there is a widespread perception that civil society has become more politicised and fragmented since 2006. Transparency International Nepal’s National Integrity System Assessment 2014 highlights weaker governance within civil society as a concern, saying: “It is difficult to find statistical information particularly on financial details, the amount of money given by donors and the way it has been spent in Nepal.”

Despite the perceived weakness of civil society at large, outside of the political arena, civil society has had varying degrees of success in influencing the peace process and political debate. In 2010, the private sector, led by the Federation of Nepalese Chambers of Commerce and Industry (FNCCI), convened and facilitated dialogues between top political leaders during a stand-off over key issues related to state restructuring. They have also been taking a lead against the strikes and closures announced by various political parties, highlighting its economic cost for the nation.

The media has also been able, to some extent, to raise issues of corruption or mismanagement, as evidenced during a value added tax (VAT) evasion scam and corruption around accreditation of medical colleges, among many other things. Nonetheless, the media itself is widely politicised and dominated by elites, limiting the space for investigative journalism and the scope of coverage.

The private sector and media have been, relatively speaking, more successful than the rest of civil society in exerting influence over political parties. This is due to the fact that much of Nepali civil society, in particular NGOs and think tanks, is politically aligned. They sometimes, therefore, lack the legitimacy or incentives needed to hold political parties to account. In some ways, the modalities of donor funding have also undermined relations and coordination between civil society groups, as they compete for funding. When there is a clear, non-political issue to be addressed, and there are clear incentives for working collectively, NGOs have shown strong solidarity.
The lack of access to economic opportunity for the majority of the population is often cited as a key driver of conflict in Nepal. Economic opportunities within the country remain extremely limited and are restricted to a handful of urban centres (largely in Kathmandu and the Terai region). There are very few large employers, in terms of business and industry. The only real option for many men (and increasingly women) of working age is migration in search of employment, either to India or further afield (e.g. the Gulf or Malaysia).

Nepal’s open border with India, migrants’ use of irregular channels to travel abroad and a dearth of research make it difficult to accurately gauge the number of Nepali migrant workers. However, it is estimated that over two million Nepalis work in India and some 3.8 million elsewhere, mainly in the Gulf states and Malaysia. The number of women migrants is increasing every year, with around 5.6% of the total foreign work permits issued to women.

The remittances sent home by economic migrants are largely responsible for keeping the economy afloat, contributing almost 30% of Nepal’s total GDP in 2014, as shown below (see Figure 1). This is helping to increase foreign currency

**Figure 1: Remittances to Nepal as a percentage of GDP**

* Based on data for the first eight months of the financial year 2013-2014.
reserves and putting the country’s overall balance of payments into surplus. Flows of remittance have also helped to reduce the overall poverty rate in the country, which is decreasing by around 2% per year; 25% of the population now lives below the poverty line, compared with 42% in 1996.

The positive impacts of labour migration are not limited to financial benefits and poverty reduction. Labour migrants bring back new skills and ideas in construction, carpentry and electrical work, which could be useful in villages and provide the seeds of entrepreneurship. Remittances are invested by families primarily in education, land and housing – for example, replacing traditional houses with concrete structures. This improves families’ long-term wellbeing and creates short-term demand for construction work. However, the potential for growth through remittances is underexploited. Very few families or returnees invest in more productive (but more risky) sectors such as business and are not supported to do so by the state. Investing these acquired skills and remittances could create viable domestic livelihoods and greater wealth generation. Migration is also yielding benefits in terms of gender equality. With male out-migration, women family members become the default heads of household (although only temporarily). This has increased women’s decision-making power and their freedom to work and travel. Female property ownership has also increased, from 9.11% in 2001 to 19.71% in 2011.

The negative effects of mass economic emigration also need to be analysed and managed, however. One effect is a ‘brain drain’ – of young men in particular. Apart from the loss of a productive population and its implications, this is having a range of negative socio-economic impacts on families and communities. The number of households headed by women has increased by 11 percentage points, from 14.87% in 2001 to 25.73% in 2011. While the rise in female-headed households brings certain opportunities, it also generates a greater workload for women, which can compromise their health. They are also more vulnerable to violence and harassment from family and community members due to the stigma of being alone, and men starting new marriages and families elsewhere, sometimes leaving their Nepali or ‘first’ families destitute. More recently, single women have reportedly been losing out in the distribution of relief items following the April and May earthquakes. NGOs on the ground have said that it is the remaining men who are acquiring and erecting the limited tarpaulin sheets for shelter for their families, leaving women-headed households without.

**NATURAL RESOURCES**

Natural resources, specifically forests, water and land, tend to be conflict flashpoints in Nepal. According to the International Centre for Integrated Mountain Development (ICIMOD), local-level conflicts, caused by resource scarcity and their multifunctional role in society, are “an inevitable part” of Nepali society. Land and forests hold strong cultural importance. Access to and
ownership of land is closely linked to status, as well as being a critical source of livelihood/subsistence. An estimated 25% of Nepal’s population is landless or near landless. Yet, ownership of agricultural holdings is highly skewed. The top 7% of households own about 31% of agricultural land in Nepal, whereas the bottom 20% of households own some 3%. Land distribution is unequal from a social perspective too. Traditionally disadvantaged people (e.g. women, Dalits, indigenous communities and other vulnerable groups) are the most affected by this inequality. Twenty years ago, Janajatis and Dalits owned less than 1% of the land, despite constituting half of the population.

Complicating matters further, parallel customary and formal systems of land access, tenure and ownership create layers of confusion and dispute. Land was one of the prime drivers of the armed conflict. The 40-point Charter of Demands issued by the Maoist Party before the armed conflict stated: “Land should ... belong to ‘tenants’. Land under the control of the feudal system should be confiscated and distributed to the landless and the homeless.” The Maoists described their movement as an agrarian revolution to break the historical feudal structure and distribute “land to the tillers”. The Maoists confiscated land from landowners and distributed it to landless people and tenant farmers. The CPA and subsequent political agreements committed the Maoists to returning the seized land to its owners, but these commitments were only partially fulfilled.
Land conflicts have increased in complexity since the war, as a result of internal displacement (due both to conflict and natural disasters), destruction of records and legal ambiguity. Of the almost 160,000 cases currently under review in court, 27% are related to land disputes. A significant number of land disputes are also handled within communities through informal justice mechanisms, such as traditional, religious and paralegal committees, meaning that in reality the number will be much higher. The newly formed CPN-Maoist have also restarted land and property seizures. Various attempts by reform commissions or ministries to address land issues have not been implemented or have stalled. Moreover, despite featuring in every political party’s manifesto as one of the major agendas, virtually nothing has been achieved. Political polarisation and intransigence has developed around land reform to the extent that parties cannot even agree on a shared vocabulary. The issue meanwhile continues to drive localised conflict.

Disputes over forests and water also trigger community conflicts. Despite the importance of forests to the income, health and identity of the communities that live in and around them, forest governance has tended to be dominated by the interests of local political and economic elites — although some initiatives are beginning to counter this (see case studies below). Additionally, resettlement of or encroachment on land by ‘landless people’ with political party support has also negatively affected local conflict dynamics. Often political parties try to sway landless people’s votes in their favour by encouraging them to occupy land. In Kailali district alone, over 40,000 hectares of public land have been occupied in the name of landless people. Violence has intermittently broken out when communities, with the support of the security forces, try to evict these settlers, threatening the peace and stability of the community.
State restructuring attempts will have further complex and possibly contentious implications for land, forestry and water governance. The delineation of new administrative boundaries, for example, will change communities’ access rights. In addition, the creation of new state capitals will move local land and forestry administrative bodies away from some populations and closer to others, creating perceived disadvantages among certain interest groups. The FNCCI Rautahat chapter recently organised a general strike demanding that the government revoke its decision to open a Land Revenue Office and Land Survey Office service centre in Chandrapur municipality, for instance. If the implications of federalism for natural resource administration and conflict dynamics are not analysed and well managed, this process could trigger new conflicts.

INVESTMENT

Donors and Nepal’s government have invested heavily in economic recovery and development programmes, including those that aim to increase access to economic opportunities for marginalised groups. In 2014 alone, donors committed US$1.02 billion in foreign aid, which is expected to increase to US$1.09 billion by 2017. The sectors supported are wide-ranging but include infrastructure development projects like transport and energy, income-generation (e.g. credit and savings groups) targeted largely at women, agricultural community cooperatives, vocational training programmes for young people, and youth entrepreneurship programmes, including the government’s Youth Self Employment Fund (YSEF). In 2013, the Asian Development Bank (ADB) provided a US$20 million grant, with an additional US$5 million contribution from the government, to provide market-oriented skills training for up to 45,000 young men and women, 40% of whom will be female and 30% from excluded communities.

However, the impact of such programmes on strengthening equal access to economic opportunity has been varied. The YSEF, for instance, has become a political football, with the process stopping and starting according to shifts in power and allocations being politicised. In some cases, programmes risk reinforcing the status quo, for example by targeting women for micro-enterprise schemes and young people (often men) for more ambitious entrepreneurship programmes.

Then there is foreign direct investment, which is primarily focused on the manufacturing, mineral and service sectors. However, investment in large hydropower schemes and road-building projects has also created pockets of local employment. The recently signed Power Trade Agreement with India and the South Asian Association for Regional Cooperation (SAARC) Framework Agreement for Energy Cooperation, for example, have facilitated a conducive investment environment, as evidenced by the Upper Karnali and Arun III hydropower projects. Yet, such schemes are vulnerable to the effects of insecurity, labour conflicts and disputes with local communities over compensation, which can see projects closed down for months at a time. The energy transmission line construction project funded by the
World Bank, for example, is currently stalled after staunch community resistance. Political instability, corruption and power shortages also contribute to weak investor confidence. This has severely affected the growth of the agricultural and industrial sectors. Larger Nepali businesses are not making plans to scale up substantially and are even scaling down operations, citing insecurity, labour unrest and lack of an enabling policy environment as major reasons. Consequently, in 2013, foreign direct investment in Nepal fell by US$18.3 million on the previous year, down to US$73.6 million. Yet, some encouraging investment is still being seen in the service sector (including tourism), which contributes 5.4% of the country’s total GDP, and in the energy sector. Figure 2 below breaks down the growth rate by sector.

Donor investment in energy, infrastructure and employment programmes, growth in tourism and remittances have so far sustained Nepal’s economy and enabled growth. However, Nepal is still struggling to establish sustainable sources of income and jobs. The fact that employment creation remains far below demand also creates frustration, particularly among young people, hence the high levels of youth migration.

Figure 2: Economic growth rate (%) by sector (at constant 2000/01 price)

Source: CBS, 2014
Nepal’s 2007 interim constitution ensures equality and freedom for all citizens. It upholds fundamental human rights regardless of gender, caste, sex and ethnicity. It also grants all powers relating to justice to the court and other judicial institutions, to be exercised in accordance with the constitution, laws and recognised principles of justice. The Muluki Ain (civil code) and interim constitution form the foundations of Nepali law. Within the Muluki Ain and its amendments, several discriminatory laws remain, particularly with regard to gender (e.g. property rights) and caste, although many of these have now been reformed or overruled by Supreme Court precedents.

Since the CPA, the government has adopted numerous gender-responsive laws, policies and action plans, for example: the Gender Equality Act (2006), which repeals and amends 56 discriminatory provisions of various previous acts and incorporates provisions to ensure women’s rights; the Domestic Violence Act (2009); the National Action Plan for the implementation of the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) (2004); the National Action Plan for Implementation of UNSCR 1325 and 1820 (2011); and the Local Peace Committees Terms of Reference (2009), which includes a provision mandating 33% female participation. In addition, responding to the Supreme Court directive of 2007, Nepal has officially recognised a third gender status – a highly progressive move among developing countries.

However, there remain discriminatory laws in Nepal. Despite numerous directives from the Supreme Court, single mothers are still not able to pass on their citizenship to their children without the writ of the court. The proposed provision in the new constitution would make it even more difficult, as it specifically mentions both ‘mother and father’ as a precondition for citizenship. Likewise, the denial of inheritance of property to married daughters and the government’s ban on women under 30 travelling for foreign employment both remain, as does gender-insensitive terminology in other laws.

Even where effective and egalitarian laws do exist, the challenge in a country as culturally and topographically diverse as Nepal, and with a relatively weak state presence, is in their implementation. The functionality of the formal justice system and its capacity to provide equitable, accessible justice and sustain the rule of law (particularly rurally) remains an ongoing challenge for Nepal.
FORMAL AND INFORMAL JUSTICE SYSTEMS

The interim constitution provides three tiers of courts in Nepal: the Supreme Court, courts of appeal and district courts. All courts and judicial institutions, except the Constitutional Assembly Court, come under Supreme Court jurisdiction. District courts are the first court in which cases will be heard and tried. If the result is unsatisfactory, either the plaintiff or defendant may then approach their local court of appeal. In addition to these regular courts, there are provisions in the constitution to establish special types of courts or tribunals for the purpose of hearing certain cases: the Administrative Court, Labour Court, Debt Recovery Tribunal, Debt Recovery Appeal Tribunal and Special Court, and four revenue tribunals.

The formal court system is often criticised for being beyond the reach of average Nepali citizens, particularly poor people and those living rurally. Cost, geographic remoteness, corruption, discrimination, and lengthy and complex processes all create significant barriers, especially for women and marginalised people, to access state justice services. There is a sense among these groups that state justice and security mechanisms are only for those who are economically ‘strong’ or politically connected. Female victims of SGBV, for instance, face particular obstacles in reporting crimes and gaining justice. The numbers of female staff within the police and judiciary are very low, with only 11 out of 344 judges in all courts (10 in courts of appeal and one in the Supreme Court) women. Judicial staff, regardless of sex, are also poorly trained to deal with cases of SGBV. Language also poses a significant barrier to certain ethnic groups accessing formal justice – there are over 100 different ethnic groups and languages in Nepal. Moreover, public oversight and monitoring of state provision of justice is weak or non-existent. As a result, there is growing popular recognition of the level corruption and interference in the judiciary, which favours only those with political and economic resources. The Judicial Council, which is responsible for recommending Supreme Court judges, appointing and transferring judges to district and appellate courts, and investigating and taking disciplinary action against judges, comes under repeated public suspicion and reprimand for proposing names that are perceived as being politically motivated, undermining its legitimacy. All these factors have contributed to an erosion of public trust in the ability of the judiciary to provide fair and effective justice, and thus risk exacerabating exclusion, frustration and ultimately localised conflict, as people seek security and justice in other ways.

Many people in Nepal therefore use informal justice mechanisms to resolve disputes. These mechanisms offer quick and affordable justice within the community. In the indigenous Tharu community, for instance, elected village leaders resolve disputes, while in Muslim communities the Maulana religious leaders play a key role. These mechanisms are also seen as more accountable and appropriate to social and
cultural norms. In addition, the informal justice sector includes mechanisms such as paralegal and community mediation committees, which have been supported by the international community, in recognition of the weak capacity of the state to respond to local justice needs. The informal justice sector also includes actors such as political parties and their sister wings, which are sometimes approached to resolve disputes and settle cases.

Although informal mechanisms are often seen as being more accountable and accessible than their formal counterparts, there are drawbacks. Some more traditional mechanisms reinforce existing disparities, in particular with regard to gender, and do not uphold human rights and gender-sensitivity standards. Many traditional and non-traditional mechanisms also get involved in handling criminal cases, for example those concerning rape or domestic violence, rather than referring them to the formal system, with which they have poor links. Furthermore, informal mechanisms often lack oversight and monitoring to ensure transparency, accountability and respect for legal norms.

**TRANSITIONAL JUSTICE**

The TRC and COIDP, envisioned in the CPA, are intended to examine wartime atrocities, provide justice to victims and promote reconciliation. It took eight years for them to be formed and they have been severely criticised. The Truth and Reconciliation Act passed in 2014 gives the TRC broad-ranging discretionary powers to recommend amnesties for perpetrators of serious human rights violations. Human rights representatives, including the UN Office of the High Commissioner for Human Rights, stated that the act is not compliant with Nepal’s international legal obligations. This was upheld by the Supreme Court in early 2015, which ruled that the act contravened established principles of justice, constitutional provisions and international law – the act is largely the same as a 2013 ordinance rejected by the Supreme Court in early 2014. The commissions were thus finally formed in February 2015. However, Maoist factions are demanding that the

**BOX 1**

**OVERSIGHTS OF JUSTICE**

Nanda Prasad Adhikari, father of Krishna Prasad Adhikari, who was allegedly murdered by Maoist cadres during the war era, embarked on an 11-month hunger strike to pressurise leaders for justice for his son’s murder. He died in September 2014. His wife Ganga Maya Adhikari still awaits justice after ending her own hunger strike.

On 17 August 2003, security forces (then Royal Nepalese Army) shot dead 18 Maoist activists at point-blank range and claimed it as an encounter. The National Human Rights Commission (NHRC) of Nepal investigation backed by forensic tests proved that they were killed after being detained, contravening norms and rule of war. However, no formal charges have been made and no one has been held to account even 12 years after the incident and nine years after the CPA.
court’s decision be scrapped, claiming it goes against the spirit of the CPA and interim constitution. Government security bodies are tacitly supportive of this, since they too are subject to accusations of gross human rights violations. The TRC itself has therefore become a bargaining chip in the wider political transition, with the Maoists threatening to withdraw cooperation on forging constitutional consensus if the amnesty provisions are revised. Conflict victims have grown deeply frustrated with the extensive delays and politicisation of the process, forming a Conflict Victims Common Platform to more strongly and collectively articulate their needs. These relate to much wider forms of transitional justice, including reparations, psychosocial support, memorialisation and healing. Importantly, the formal TRC does not include cases of SGBV and torture – a key gap. Other options to help victims of these crimes are therefore also being explored. However, the failure of leaders and the state to date to deliver equitable justice and support to victims is reinforcing divisions and stalling the country’s healing process, undermining both social harmony and citizen–state trust.

SAFETY AND SECURITY

THE MAKE-UP OF NEPAL’S SECURITY FORCES

Public security in Nepal is formally provided by the police and Armed Police Force (APF). The police, with 67,416 personnel across the country, are officially the first point of contact for providing security to the general population. According to research by Alert, public trust in the institution is limited, however, with many pointing to a lack of resources (such as vehicles, infrastructure and personnel) and widespread political interference as key contributing factors to it being a weak and ineffective force. Even though the police have ‘women and children cells’ in all 75 districts, as with the justice sector, insufficient female staff and appropriate training for personnel mean that police responses to SGBV cases are particularly weak. The police, for their part, recognise that they need to build trust with the population and on the whole are outspoken about the need for greater autonomy from political interference.

The APF was established in 2001 by the then NC-led government as a paramilitary force to ‘balance’ the monarchy-controlled army and support the crackdown on
Maoist PLA activities. It now has 40,000 personnel and is primarily deployed to ensure the security of the country’s borders and control illegal cross-border trade. It also provides back-up support to the police when general shutdowns (bandhs) or riots threaten unrest, and to assist in natural disaster response, like during the recent earthquakes.

Political interference in the security sector is one of the major challenges to the effective and accountable provision of security and justice in most districts. A senior police officer interviewed by Alert in one district described how the police would have to release suspects without further investigation after receiving phone calls from political leaders. There are reports that the politicisation of the security agencies has undermined police capacities to respond to SGBV in particular. During research in the Terai region, survivors of sexual violence said that members of all the main political parties had made interventions to get the alleged perpetrators released.

All this points towards the need for comprehensive security sector reform (SSR) in Nepal in order to make the security and justice sectors more accountable and democratic. The Army Act (2006) was reformed in 2007 and some components of SSR, including the integration of former Maoist combatants into the army, were completed in 2012. However, larger SSR issues have been sidelined, including the need outlined in the CPA to resize the army, due to political interests and sensitivities. National security policies and strategies are yet to be finalised, although drafts are reportedly prepared. However, what is clear is that the successful transformation of the security sector in Nepal depends on a holistic approach to SSR at both the political and military levels.

PUBLIC SECURITY CHALLENGES

The overall security situation in Nepal is perceived as improving. However, some pockets, namely the central and eastern Terai and the eastern hills, remain volatile due to the activities of organised groups, who tend to be armed. Some of these groups are reported to have political agendas and links, while others appear to be purely motivated by economic gain. The activities carried out by politically-linked groups are not only political (e.g. strikes, closures and picketing) but criminal (e.g. abductions, intimidation, assaults and forced donations/extortion) in nature. Businesspeople and government employees, who are seen as lucrative targets, have been most at risk of these criminal activities. Political parties are often involved in these activities, with several reports emerging of businesspeople being threatened and even abducted by parties for refusing to pay a ‘donation’ to the party. Instances such as these may increase as more radical splinter parties form who believe that the causes of the conflict have still not been addressed and direct action is required, resulting in increased forced donations and capture of land and property.

SGBV has also been identified as a major concern across Nepal. Various district assessments undertaken by Alert and partners show that SGBV (including domestic
violence, rape and physical harassment) was perceived as the number one security threat faced by women. This includes rising trafficking of young girls, which is exacerbated by poverty, low levels of awareness among parents, the long open border with India as well as high levels of criminal activity along the borderlands. In an attempt to control the risks to women working outside of Nepal, in 2012 the government banned women below the age of 30 from travelling to the Gulf region for work. Yet, this ban not only violated women’s and girls’ fundamental rights to travel, but made the situation even worse, forcing many to use illegal means to travel through India and therefore making them vulnerable to abuse.

Another public security concern are bandhs, which have become the main vehicle for political parties or interest groups to protest or exert pressure. The shutdowns have tended to increase around key political deadlines, such as constitutional milestones, and are likely to continue as polarisation over the constitution and federalism increases. In 2012, 132 days of strikes/bandhs were called at the local and national level, increasing to 159 in 2013, but then reducing to only six in the first five months of 2014 – the latest period for which data is available. Young people who are affiliated with parties or socio-economically marginalised are most often recruited and paid to enforce bandhs. This includes ex-combatants. According to a recent study by the Ministry of Peace and Reconstruction, Maoist ex-combatants who left the cantonments where they resided following the CPA appear to be running out of the funds they received for voluntary retirement and are now considered at a higher risk of mobilisation by groups with political or criminal motives. Verified minors and late recruits who were disqualified from receiving the full demobilisation and reintegration package are also said to be joining the more revolutionary CPN-Maoist faction as active agitators.

**WELLBEING**

**QUALITY OF SERVICES AND EQUALITY OF ACCESS**

There are over 102 public hospitals, 208 primary healthcare centres, 1,559 health posts and 2,247 sub-health posts, 12,618 primary healthcare/outreach clinics run by the government and over 301 private hospitals in Nepal. Health service provision largely corresponds to population density and geographic accessibility, with 319 health service points in the mountain region, 982 in the hilly region and 1,678 in the Terai, for example. There are 34,782 schools in Nepal, which has a literacy rate of over 65%. The National Living Standards Survey 2010/11 showed a decline in poverty between 1996 and 2010, from 43% to around 25%.
This includes an improvement in wellbeing. For example, the number of houses with electricity increased from 14.1% to 70% in 2010/11. Over the same period, the number of houses with piped drinking water increased from 32.8% to 44.5%. However, the presence and quality of basic services varies enormously from region to region and from rural to urban areas in Nepal. The majority of the country’s population lacks access to basic public services, including health, education, water and sanitation. For teachers and doctors, a posting to a remote area is still considered a punishment. Many only travel to their posts intermittently, preferring to remain in district headquarters for most of the year, which has severe consequences for service users. Those living in remote hill and mountain areas are therefore more likely to lack access to services. Similarly, marginalised and low caste groups in the hill and Terai areas are also less likely to be able to access these services due to historically unequal patterns of resource and service allocation by the state. In these regions, horizontal inequalities (between poor, marginalised communities and elites living nearby) are more pronounced.

Government policy in recent years has been aimed at providing access to basic services such as health and education to all, including indigenous groups and linguistic minorities. In education, this includes the Education for All programme, followed by the School Sector Reform Programme, returning responsibility for the management of government schools back to local communities, providing for free education up to grade 5 and providing for scholarships to Dalit students, supported by international donors. However, despite their aims, the failure of such programmes to engage ethnic and linguistic minorities (e.g. Muslims, Madhesis and indigenous groups, and in particular girls within these groups) is notable. This has been attributed to extreme poverty among these groups, which requires children to be engaged in employment rather than education, plus the limited use of local languages in schools and in the campaigns designed to raise awareness among parents of the benefits of sending their children to school. Corruption and mismanagement of the programmes by government employees and communities have also negatively impacted access to and the quality of education, and therefore the overall goal of such programmes.

A further issue is that the education sector remains a target for political recruitment in Nepal. Both teacher and student trade unions are extremely active, and are arranged along political lines. In the Terai, there have also been reports of armed groups using schools as recruiting grounds. Conflict over the control of school management committees or student politics results often turns violent, in fact, affecting not only the quality of education but also community security and peace. Furthermore, education is a key reinforcer of class divides, with those who can afford it sending their children to private schools, where learning English is emphasised. Those graduating from state schools, on the other hand, are often much weaker at English and have more restricted employment opportunities.
Many of the approximately 14,000 conflict-related deaths during the war are attributable to state forces (i.e. the police, APF or army) and the Maoists. In areas where the fighting was most intense, such as the Midwest region, public trust towards the state, and particularly these security services, remains very low. Moreover, over the course of the conflict, 3,198 people were ‘disappeared’ by both sides, with their whereabouts still unknown. Conflict-related deaths and disappearances in addition to injuries and trauma sustained during the war have impaired the psychosocial wellbeing of conflict victims and their families. However, there has been no concentrated effort by the government to provide psychosocial support to these victims. The slow formation of the TRC and COIDP, and failure to deliver any wider transitional justice support beyond the limited Interim Relief Programme (focused on monetary compensation to a few victims), have meant that conflict-era trauma, reconciliation and other factors central to dealing with the past and people’s wellbeing have gone unsupported. Besides, the TRC and COIDP are not considered by victims and human rights activists to be victim-centric; their capacity to deliver healing looks doubtful, therefore.

Young people are a group of particular importance and concern in Nepal. Around 28% of the population (7,369,405) are aged between 15 and 29. Young people have been historically marginalised both socially and politically in the country. Age is traditionally a key dimension of how status is conferred in society. The education and employment opportunities of young people in Nepal today were also most severely impaired by the war, and the perceived failure of the peace process to significantly improve employment opportunities and to end insecurity has arguably hit young people the hardest. As previously noted, each year around 400,000 young people enter the job market and every day around 1,500 young people leave the country in search of work – and this does not even include the number of undocumented migrants leaving the country via India through the open border. The euphoria experienced by people with the signing of the CPA has been shattered by the lack of economic growth, rising inflation and lack of employment opportunities in the country, as well as the lack of quality health, education, justice, security and other services, which are negatively impacting the overall quality of people’s lives. The frustration many feel manifests itself in widespread youth support for bandhs, violent protests and armed and criminal groups. Indeed, young people engaged in such groups say that they join up because of the promise of security, a sense of ‘belonging’ and economic gain.
Despite political frustrations and economic hardship, there is optimism in Nepal. Many people perceive that change is happening, albeit slowly. After withdrawing from remote areas during the conflict era, the state has started to return. Health posts, schools, police posts and agricultural centres are reopening. VDC secretaries are moving back to their villages. However, the increasing presence of state services is only half the battle. Political forces still co-opt local governance, fostering corruption, inefficiency, discrimination and impunity in the delivery of state services. These in turn badly affect social inclusion. The quality and, crucially, equity of service delivery must be ensured for peace to be deepened. Social divisions including caste-based discrimination persist, but an awareness of rights and equality is slowly spreading, and there is an increasing social acceptance of people from other communities. As a Terai-based local said:

“Coming from a Madhesh background, my language is limited to either Hindi or my local language. Before it was difficult to ride on public buses or go to public offices, as people used to discriminate against me or made derogatory remarks for speaking Hindi. Now, things have changed and I don't feel the same kind of treatment anymore.”

Taking stock of Nepal’s current conflict and peace context, the country faces multiple challenges and opportunities to consolidate peace. This research shows that two key issues among these stand out as cross-cutting and undermining all five peace factors in Nepal. These are weak accountability and gender inequality, particularly SGBV (including structural violence, wherein people’s rights and opportunities are mediated by their gender or sexuality). Both elements are central to determining equitable access to power and governance, income and assets, law and justice, safety and security, and wellbeing. However, progress on both these issues is currently sorely lagging amid weak rule of law and ingrained discriminatory attitudes. Challenges in these areas need to be addressed holistically and good practice expanded.
**Accountability:** Accountability is the essence of democracy, good governance, rule of law and healthy citizen–state relations. These are all cornerstones of positive peace, in which everyone can equally influence decisions and keep their leaders in check, make a decent living, feel safe, exercise their human rights, feel protected by the law, live in social harmony and access basic services. Accountability shapes citizens’ levels of satisfaction or frustration with the state and its leaders and, as discussed below, is the foundation of a healthy social contract, which underpins any positive peace. Accountability in Nepal is challenged on multiple fronts, both nationally and locally, with political interference and corruption being the principle problems. Checks and balances and information flows that counter elite extraction, corruption and discrimination are weak. The impact of these prevailing dynamics on state services and access to opportunities continues to reinforce historical patterns of marginalisation and humiliation, affecting women and marginalised groups the most. Improved accountability is therefore one of the greatest peace needs in Nepal.

**SGBV:** The proportion of Nepali women who have been subjected to domestic violence is estimated at 60%–70%. It is even worse in rural communities, where an estimated 81% of women experience recurring domestic violence – although accurate statistics are difficult to acquire, in part due to low reporting. Equally, too little is understood about the impact of SGBV on men and boys and sexual and gender minorities. Linked to these high levels of SGBV are impunity and weak service provision in the formal security and justice sectors. With a large part of Nepali society experiencing regular violence and many viewing violence as a legitimate recourse to resolve disputes, express frustrations or achieve their aims, human rights, social justice and social harmony are eroded and oppression and brutality risk becoming normalised.

This paper looks specifically at opportunities and best practices to improve accountability and address SGBV more effectively. It shares people’s perspectives on the status of accountability and SGBV in Nepal and collates locally generated ideas on how they can be improved. At the same time, it explores initiatives that are underway and draws out lessons and opportunities.
ACCOUNTABILITY

ADVANCING ACCOUNTABILITY FOR A JUST SOCIAL CONTRACT

Accountability has long been a topic of great discussion in Nepal, as well as an area of confusion and frustration. It also has huge implications for the success of the country’s transition to peace and development.

Accountability is the ability of people or entities to reward or sanction those in power according to their realisation of a set of agreed standards that are equitable and broadly accepted. It is the foundation of state–citizen relations. The state must be accountable to its citizens for the quality and equity of its governance. Citizens must also be accountable to each other and the state before the law. Accountability is therefore the cornerstone of the social contract in a country. State institutions, political parties and civil society organisations (CSOs) such as the media and NGOs are key custodians of this contract. They are responsible for holding each other to account, ensuring fairness and due process in accordance with the law. However, the proper functioning of these institutions in Nepal has historically been hampered by poor transparency, political interference, corruption, clientelism and nepotism. This has undermined trust between Nepalis and their public institutions, eroding the social contract.

Since the beginning of modern Nepal, state affairs have been run through two systems: pajani pratha, where employees are screened for government jobs in a process that involves giving money and resources to officials; and chakari/chaplusi pratha, which involves flattering and pleasing superiors in order to acquire benefits from the system. Even though pajani pratha has been reformed over the years, the system of chakari/chaplusi has become embedded in the culture of Nepali public institutions. Favours and benefits are sought from political forces in return for loyalty. Political interference is intertwined with the public sphere at every level. State institutions are frequently accountable to political powers and their cadres rather than to the public. The vacuum of local state presence produced by conflict-era insecurity and the absence of local elections and, consequently, of legitimate local representatives for more than 15 years, has compounded this dynamic.

People therefore tend to perceive government employees, regardless of their position or sector, as being politicised. The widespread accordance of favour based on political affiliation has also created a societal necessity to align with a particular party, in order to seek protection or services. The need to have a political affiliation to access state services, opportunities and resources has reinforced traditional norms of patronage and a reliance on kinship networks and identity politics rather than formal institutions.
Political parties have devised mechanisms for allocating dividends at every level, from school management committees to court judge selection. Naturally, political pressure often determines the outcome of state services. The power politics at play within the public sphere has enabled Nepal’s elites to maintain their dominant positions across most spheres of society, even through the ongoing political transition.

Furthermore, weak accountability enables this corruption and lack of transparency to permeate most service and resource allocation processes. People feel that political parties are able to capture resources both locally and nationally, from securing road-widening contracts for their affiliates to influencing relief distribution to conflict and natural disaster victims. Political parties even strike deals among themselves to share the dividends from such projects. This not only affects development, but also peace processes. Nepal’s Interim Relief Programme, for example, which was designed to provide compensation to conflict victims, was tarnished with accusations of political collusion to secure allocations for party loyalists at the expense of many genuine victims. Many people point to the rapidly changing lifestyles of political leaders as evidence of corruption, comparing them before and after accessing power. However, the Commission for the Investigation of Abuse of Authority (CIAA), a constitutional body for combating corruption, only has a few examples of successfully prosecuting political leaders on charges of corruption. The commission continues to face accusations of only going after ‘small fish’, such as low-level bureaucrats, while sparing the ‘big fish’, such as political leaders and high-level bureaucrats.

Weak accountability is not only institutionalising political interference, however. It is also promoting impunity. This is having direct consequences for peace. As discussed above, it is clear that a major barrier to stronger transitional justice measures is elite political interest and weak accountability to victims. Yuvraj Ghimire, Editor of the Annapurna Post, notes that the problem lies in the “political leadership having realised that the TRC will implicate all the parties, security agencies and ruling elites, not just the rebel parties, so they haven’t made any real effort to address TRC and justice concerns”. Yet, in its current form, the TRC may make matters worse, argues Brad Adams, Asia Director at Human Rights Watch:

“There is no question that the Truth and Reconciliation Commission, if implemented without serious amendments, will entrench a culture of impunity rather than delivering justice. Donors need to unequivocally refuse to participate in any process that strips victims of their rights.”

Debate on and progress towards a wider range of meaningful transitional justice measures have been stifled and reconciliation, healing and reparations for thousands of conflict victims have been held hostage to high-level political interests. The transitional justice process exemplifies the widespread obstruction of justice by political interference across the formal and informal legal systems. In communities, for example, youth cadres are sometimes paid or pressured to intimidate victims, witnesses and justice actors in order to protect political
affiliates accused of crimes. The result is that citizens are not equal or accountable before the law, and a culture of impunity has taken root.

**CHALLENGES FOR IMPROVED ACCOUNTABILITY IN NEPAL**

**The legacy of monarchy**
Some blame the lack of accountability among political and public institutions on Nepal’s evolution from a group of small kingdoms to a modern state. Nepal’s turbulent history involves continuous power struggles between various royal and aristocratic families. Ordinary people were viewed only as subjects to be ruled over. Rulers changed, but none was ever accountable to the people. “We have learned to be a ruler rather than a leader”, one political leader of a newly found party explained. “This concept of ruling others is still imprinted in the minds of present Nepali political leaders and bureaucracy.” Democracy was introduced in 1950 after the fall of the Rana regime, but ended in 1960 with the ushering in of the autocratic Panchayat system by King Mahendra. Democracy was restored in 1990, but was again overturned by a short-lived royal takeover in 2005, which lasted until 2006. The Jana Andolan (People's Uprising) II of 2006 resulted in the restoration of democracy and CA elections. The monarchy was formally abolished in 2008, making Nepal a republic. This historical legacy of absolute rule and personal connections is therefore recent and continues to imbue today’s political culture. The public are not seen as power-holders and their leaders do not feel they are answerable to them. The culture of ‘subjecthood’ over citizenship endures arguably among ordinary people as well as among the leaders, thereby reinforcing it. An understanding of the rights and duties involved in Nepal’s democratic social contract has yet to permeate Nepal’s citizenry and needs to be promoted. Only then will leaders need to move beyond benefiting only their personal constituencies and supporters and trading favours to progress in politics.

**Democratic deficit within political parties**
Nepali political space is filled with radical agendas and messages. However, many demands are developed in relation to other parties’ evolving positions or are rhetoric deployed for political sparring. Demands do not necessarily reflect the positions of constituents seeking change, party members or the wider public. Almost all political parties are deeply centralised, with decision-making limited to a few key leaders. Their positions are therefore not accountable or transparent to the people they represent. The current CA exemplifies this. Interviewees felt that of the 601 parliamentarians, 99% of members are there only to rubber stamp the decisions of 1% of senior leaders. Some CA members reported not understanding where their party positions on the numbers of proposed federal states came from, for instance. Some also felt that disagreement between senior leaders over key leadership positions was the chief stumbling block to consensus on a constitution. While elections are a key mechanism for political party accountability to the public, they do not necessarily inculcate a democratic culture within parties. Women and young politicians across parties report feeling sidelined by their older male counterparts. As CA Member Rabindra Adhikari explained:
“Political parties need to be accountable to their cadres and the state, but in practice very few leaders, typically men from a specific background, take all the decisions. Since these leaders are the main decision-makers, there is no one to question their decisions. There are mechanisms within parties to make everyone more transparent and accountable, but they are ineffective.”

Layers of disenfranchisement
Widespread inequality and discrimination in Nepal reinforces the notion of a stratified society in which leaders are accountable to some populations and not others. Poverty is a major source of exclusion. Almost 25% of the population lives in poverty. This not only affects people’s living standards, but also severely restricts their civic participation and scope to make demands. The poor are in greatest need of state support, yet political leaders are least accountable to the poor because they have the least influence and political connections. Tradition, culture and especially caste and ethnicity are also often cited as reasons for widespread discrimination and disenfranchisement in Nepali society. As discussed above, since the beginning of modern Nepal, ‘higher caste’ hill Brahmins and Chhetris have had dominant access to resources and power, while ‘lower caste’ groups have been deprived. In many areas, higher caste Hindus prohibit Dalits from entering temples or sharing water sources, citing religious practice. The same dynamic plays out in local service provision. Dalits are often treated as second-class citizens when interacting with higher caste bureaucrats. Women are similarly deprived of rights and services, such as property inheritance, based on cultural grounds and patriarchal norms. This discrimination disempowers the affected communities in multiple ways, depriving them of the economic, social and political resources needed to hold leaders to account for their due rights, services and wellbeing.

Corruption and lack of transparency
In 2014, Nepal was ranked 126 out of 175 in Transparency International’s Corruption Perception Index, 10 places down from 2013, indicating a worsening trend. The CIAA received 22,602 corruption complaints in 2014/2015, more than a 100% rise from 2013/2014. While this may reflect an increase in reporting, it also illustrates that corruption is widespread – at both national and local levels. This has a severe impact on local service delivery, with people routinely having to pay bribes for basic state services. Marginalised Nepalis suffer worst, with low literacy levels contributing to a weak grasp of the law as well as the procedures
for seeking information or help. The design, implementation and monitoring of development activities is also frequently affected by corruption and political interference. Public officials collude with political parties in various ways to enable mutual financial benefit from public service contracting and other state-funded processes. This is further advanced by their co-opting (via financial reward or political protection) or threatening of community leaders. While programmes are working to enhance local government transparency measures and public outreach processes, government bodies still largely lack the resources, capacity and willingness to share information transparently and voluntarily with the public. Political interference needs to be tackled by analysing and finding leverage points within the local political economy around public service corruption, while boosting public oversight mechanisms.

The media’s role
Nepal’s mass media (print, broadcast and internet) has a big role to play in promoting democracy and accountability, and raising public awareness of political developments and civic issues. However, it is restricted by various degrees of professionalism, capacity and freedom of expression. Journalists face multiple challenges, including low pay, censorship from politically-aligned media houses, and exposure to threats and insecurity. These pressures can undermine their impartiality and credibility. In addition, the mainstream media is broadly non-inclusive, both in content and journalists’ profiles (journalism remains a largely male- and elite-dominated profession in Nepal), affecting its ability to reflect the voices and concerns of the country’s diverse communities. Corporate influence and the resulting censorship further erodes the media’s impartiality and restricts its role as a watchdog for enhancing accountability.

While there are several key factors undermining accountability in Nepal therefore, political interference is the most prominent and damaging. It has come to characterise governance and service delivery, and could be deemed the main driver for continued exclusion and inequality in the country.

THE NATURE AND IMPACT OF POLITICAL INTERFERENCE

According to research conducted by Alert in Banke and Sunsari districts, political interference in governance is widespread. It functions at various levels in different forms, undermining citizens’ access to justice and security, hampering state–citizen relations and restricting the wellbeing of marginalised populations in particular.

Justice for the powerful
Traditionally, local people prefer to deal with criminal and non-criminal incidents and conflicts within the community by approaching kinship or ethnic group
networks, local community leaders, traditional justice mechanisms and political parties for help and recourse. Formal security providers, in particular the police, are often not their first point of contact, as they can be perceived as more remote and expensive, and less trusted. While informal mechanisms boost access to justice for poor and marginalised Nepalis, they can also be compromised by political interference.

There are different ways in which community members, whether ‘perpetrators’ or ‘victims’ of insecurity, harness political party power to support their case. All of these hinge upon the degree to which the individual has access to wider social, economic and political networks. If the individual or family has access to political capital, they will directly approach their local party representatives or groups, such as politically aligned sister organisations, for help. As a local Sunsari civil society member explained:

“In terms of security and justice, our society is irresponsible. The community moves with the interest ... of its own caste or ethnic group, religion, family and relatives, and doesn’t bother about what is right and what is wrong in terms of the law.”

Caste, ethnic and kinship networks facilitate political access. Community members understand that being followers and members of political parties may bolster their chance of future benefits, including help with resolving possible conflicts or disputes. Many community leaders dispensing justice have direct connections with political parties and can be influenced by these connections. A lawyer in Banke district stated:

“Local political representatives are using the name of political parties to help their relatives, friends and/or community supporters. They create pressure within the local-level justice processes.”

If an individual or family has limited or no access to community or political power, they are more likely to struggle to solve their problem. Socially, politically and economically marginalised people are also more likely to experience pressure and interference in their cases, especially if the disputant or perpetrator has greater access to power networks. In Sunsari and Banke districts, those less able to call upon their networks – political or otherwise – to resolve their disputes tended to be from Madhesi, Muslim and Dalit communities. “The general public have the concept that power can give access to everything,” says the secretary of a political party in Banke. “Due to this, the powerless are not getting justice.”

**Gendered justice**

Women are also less likely to get support from ‘multi-identity’ community leaders (those who perform multiple functions, e.g. a community leader who is also a representative of a political party). The majority of community leaders are male and
tend not to be sympathetic to the gender issues facing female community members. They are also more exposed to social or political pressure from perpetrators or their associates to drop disputes, especially when taking a case to the community or police. Bribing and threatening victims are reported ways of ensuring a case is halted or that the perpetrators are not incriminated, or, if arrested, are released. The impact of this on victims and their families can be considerable and include direct physical violence and having to leave their homes.

In one community in Sunsari district, a local women’s safe house reported several incidences of political leaders mobilising on behalf of male perpetrators and threatening or bribing the victim, her family and the safe house in order to block case proceedings. One female official from the Women and Children’s Office in the district spoke in detail of her experience of threats from the political supporters of perpetrators of violence against women and girls. Female paralegal members described similar threats and intimidation.

**Criminalisation of politics**

Political interference is not just limited to local security and justice processes. There is also the tendency of political actors to engage in criminal and illicit activities to increase or maintain political power and space, and for close protectionist relationships between organised criminals and political elites to be used to shield criminal activities and facilitate impunity. Political party elites, youth gangs, criminal networks and private contractors have reportedly created strong relationships, with a view to facilitating mutual economic and political benefit. In the words of one journalist, “every political party owns a criminal gang”. Others interviewed emphasised the importance of these relationships in generating votes for political parties. As an NGO representative in Nepalgunj in Banke district explained: “It is seen that one criminal equals a hundred votes, whereas one member of the public only equals one vote.” Such relationships are safeguarded by political party leaderships and become more visible when criminal activities are investigated by the security sector, and party leaders intervene on their behalf. It is little surprise, therefore, that communities across Nepal and the media talk about the ‘politicisation of crime’ and ‘criminalisation of politics’, and the topic featured prominently in consultations for this research. While this issue is highly sensitive, it should be recognised and dealt with.

A well-known individual who now runs a large criminal network in the Terai was described by one respondent as progressing from being a youth gang member in his early years to being recruited by a major political party in order to mobilise his youth group. He was reported to now act as district chief of the party youth wing. His members are protected by the party and in return they provide security for politicians and manpower for protests and strikes. The local civil society respondent further described this individual’s engagement in appointing
contractors of his choice and collecting money and commission on development works. This reveals how blurred and porous the line is between political youth groups, sister organisations and criminal networks. It is difficult, therefore, to separate the party-affiliated youth groups that carry weapons and engage in criminal acts and the more autonomous organised crime groups that are harnessed by political parties to engage in illicit activities.

Many organised groups, often armed, operate in Sunsari and Banke districts and across the Terai. They have expanded to the rural areas under political protection. These groups are involved in trafficking of people and goods, such as drugs and arms, as well as collecting ‘donations’ from the private sector and commissions from development contractors. Private sector and civil society members interviewed noted how criminal gangs are closely engaged in district development tendering processes with contractors and political parties. As one party representative in Banke explained:

“Whenever there is a call for a tender, organised groups carrying weapons are found to be active. These groups are mobilised through political protection. After 2046 BS [1990 AD], the corrupt leaders who are used to getting extra income through tenders now receive income by mobilising the criminals themselves.”

Businesspeople corroborated this, explaining further the collaborative activities of criminal networks and political parties, and how deals are struck:

“[Political parties] are concerned about how to bring [criminal] gang leaders into their party … they lure the head of criminal groups into joining the party and supporting him economically. Criminals are given attractive posts in the party.”

Consultations with the private sector highlighted that businesses think the police are at best unable and at worst unwilling to act to stop such organised crime. Interviewees also revealed that security sector personnel are sometimes party to such activities and are known to receive bribes not to pursue cases – colloquially referred to as ‘the briefcase culture’ in Banke. Fear of criminal or political reprisals, and the consequent low morale, have reportedly undermined the security sector’s resilience to this interference. Police officers, for example, may face being transferred if they attempt to investigate more systematic illicit activities. In fact, political party protection of criminal networks was reported by almost every group of respondents in Banke and Sunsari districts, in particular journalists, but also political parties themselves. As one member of the big four parties opined: “the police are sincere, but due to the orders given by the higher authorities, they cannot work.”
**CASE STUDY 1: POLITICAL INTERFERENCE, COMMUNITY PRESSURE AND POLICE BEHAVIOUR**

Sushma*, a 14-year-old girl with learning difficulties, was raped in May 2011 in a rural area of Sunsari district in southern Nepal. Sushma reported the rape to her family. Her mother, Sabita, called a traditional community meeting to decide what to do. The accused, Prabin, said that because of his connections he was not worried of Sabita reporting the case to the police. Sabita did register the case, but the police failed to interview Prabin or collect evidence. Locals blamed the lack of response by the police on Prabin’s family connections with a local politician, who had influence over the police.

The case was taken on by women’s rights activists from the nearby city of Itahari and the local paralegal committee, who successfully pressed the police to process the case, review Sushma’s medical report and arrest the accused. Prabin was sentenced to imprisonment in Eastern Regional Jail, Jhumka in June 2011.

Following his imprisonment, Prabin was reported to have mobilised family members, neighbours and local political leaders to pressurise the police en masse at the local police post to ensure his release. Sushma’s family reported being verbally slandered, physically assaulted and harassed, including their house being broken into and Sushma’s mother Sabita being accused of extramarital relations. This culminated in Sabita being detained by police for two days and the family being ejected from their home. Prabin’s political affiliates and community supporters said that the victim’s house would only be returned when he was released.

Despite reporting the harassment and threats, police were reluctant to intervene and for one month Sushma and her family were left homeless. Even with interventions from the local paralegal committee, the police reportedly advised the family to give in to the demands of the perpetrator’s political supporters and family.

Ultimately, those threatening the family agreed to remove the padlock from the door without Sushma and Sabita giving in to the pressure. However, the family felt unsafe and unable to return to their home. They sold their house and assets and moved away.

* All names have been changed.
CASE STUDY 2: PRIVATE SECTOR ACTION

There is a growing understanding among the private sector that weak law and order and a lack of public security are among the biggest challenges to economic recovery, investment, growth and private sector development in Nepal. Criminality, forced donations, militant labour unions, smuggling, labour unrest, strikes and shutdowns can all increase the costs of doing business, stifle investment and production, limit access to raw materials, prevent goods going to market and undermine investor confidence. Nonetheless, experience shows that the private sector can play a meaningful and significant role in addressing local public security issues.

In 2012/13, International Alert together with the National Business Initiative (NBI) delivered a series of trainings for local and national private sector representatives on developing an advocacy strategy to raise nationwide awareness of the issue of forced donations in the run-up to the CA elections in November 2013. As a result of these efforts, and with continuing support from Alert and NBI, the private sector both at the local and national level came together for the first time to advocate jointly around a single issue of forced donation.

In early 2013, following a number of threats and retaliatory attacks against businesses that refused to make forced donations to various groups, the FNCCI and NBI engaged in a series of dialogues with the government to discuss a potential solution to the issue. Private sector leaders met with the prime minister, the Election Commission of Nepal (ECN) and security providers to discuss the impact that forced donations have on the private sector and economic growth. They also held press conferences to demand an end to the practice of forced donations, released statements and letters to the press, held interviews on local and national radio, television and in the newspapers, and conducted meetings and consultations with political party leaders.

NBI has also developed a Code of Conduct for Ethical Business, which outlines principles the business community should follow to reduce their responsibility in encouraging the practice of forced donations. Following the NBI’s engagement with the ECN and the political parties, the major parties committed to these principles during the second CA elections as the official mode of receiving donations and for the use of banking systems for all party transactions. This needs to be further institutionalised, however, through documented and disclosed party financial regulation, which is the responsibility of the ECN.

In addition, NBI, representing the private sector, was accepted by the ECN as an official election observer for the 2013 CA elections. A team of 215 NBI members observed the election in 21 districts, covering 76 constituencies and 360 polling stations. This has shown the private sector’s shared sense of responsibility for supporting democracy and peace in Nepal.
CASE STUDY 3: MANAGEMENT OF COMMUNITY FORESTS

Over 18,000 national forests in Nepal are managed by community forest user groups (CFUGs). The aim of these groups is to mobilise, conserve and manage forest resources in a sustainable way. The groups are therefore responsible for planning how community forests are used, including collecting, selling and distributing forest products among users. CFUGs spend a quarter of their income on forest management and around a third on supporting livelihoods for the local poor and marginalised people.

Each CFUG is managed and operated by an executive committee, which is made up of members of the local community (the size of each committee varies according to the number of member households). According to government guidelines, executive committees must ensure a proportional representation of the different castes, class, communities and ethnicities in their local community, including the poor and Dalits; in addition, at least half should be women. Furthermore, where the board chairperson is male, then the secretary – another powerful position – must be female, and vice versa. At least one woman must also be among the committee’s financial signatories. Committee members are preferably agreed by consensus, or otherwise elected – most CFUGs interviewed preferred consensus because they feel it is more collaborative.

Executive committees meet once a month, or as required, to review actions and discuss plans, and are supported by sub-committees made up of a wider group of community members. At least once a year, all members of CFUGs meet for a general assembly to share and approve executive committee decisions. One woman and one man from each household are required to participate. Participants can question the policies, decisions and even leadership of the committee. For example, an emergency general assembly meeting in Rajapur, Bardiya district changed the entire CFUG leadership for failing to ensure optimum transparency.

Every CFUG visited for this research have a noticeboard where they post the latest information, news and updates. Records of every meeting and decision, including attendance sheets and financial reports, are maintained and made available. They also ask local radio stations and newspapers to communicate information on CFUG activities.

"There used to be a time when the government officials neglected female participation by stating that female representatives were too shy to come forward and that they didn’t understand how the system worked. But now, as the President of FECOFUN Bardiya, I can undoubtedly say things have changed: if the female population gets a chance, they are more than able to perform their roles well. They are capable of holding different level positions from President to General Secretary. This transformation has been brought about by the efforts of Community Forest Groups."
CFUG members organise self-analyses of their governance performance around four criteria: transparency, participation, accountability and predictability. Members rank the CFUG on each category and identify which areas need improvement. At the end of the year, financial auditing is carried out by a licensed external auditor. This is supported by social auditing processes, which include public hearing programmes. All financial and programme auditing reports are shared and approved in public hearings and comments are generally included in the audits. The final audit report is then shared with all the main regulating bodies. These processes have made people more aware of their rights and duties.

“There are definitely some things that other institutions can learn from our forest group community. We follow the constitution of our CFUG, make annual plans through people’s participation, share information using noticeboards, media, etc. and conduct external financial auditing as well as good governance analysis of our own performances. Likewise, we see other agencies are dominated by men, but our group has 50% women participation and one key position is held by a woman.”

LATAN THARU, CHAIRPERSON, LALJIPUR CFUG, BARDIYA DISTRICT

The group also convenes to decide on how to share CFUG dividends. Each CFUG uses a poverty ranking index to annually measure the relative poverty of each household. Thirty-five percent of CFUG income is then shared among the most vulnerable. Additional support could include income generation activities, trainings and educational loans.

“We all are freed kamaiyas [bonded labourers]. So we used to think we are all the same: poor. Then after conducting the ranking, we realised even though we all are poor there are differences between us as well. There are families who are even poorer than some and some are better off than the rest. This ranking helped us to realise who to support first to help them out of extreme poverty.”

FOREST USER, LALJHUNDI CFUG, BARDIYA DISTRICT

Many CFUG members also benefit from personal development opportunities, such as training, visits and community work, or simply through the skills developed by participating in the group. Members cite an increased ability to talk to others, understand issues, participate in decision-making and leadership as key skills developed.
One female member of Laljhundi CFUG outlined:

“I was a bonded labourer (kamaiya) and never got an opportunity to study. I used to be scared of other people and couldn’t talk in public. I was shy with little hope for a brighter future. But being part of this CFUG has helped me develop my personal skills, learn new things and build confidence to talk to others. Now I can talk to strangers like you and the community sees me as a leader. I am very proud to be involved in the CFUG and feel we have achieved a lot.”

Corruption and politics have unfortunately seeped into CFUGs, however, some of which are in cahoots with smugglers, political parties and the local administration. This resulted in the decimation of more than 30,000 hectares of forests in 2010 alone. As one district forest officer noted:

“CFUG size and resources are directly proportionate to the chances of outside interference, mismanagement and corruption.”

Most CFUGs acknowledge that political interference and corruption are key challenges to their governance. Some are developing measures to address this interference. Many believe that community participation is the best way to achieve this. As one CFUG member stated:

“When these political parties try to make their interest above our common interest by interfering, such issues are raised at the general assembly meeting, which provides a perfect avenue to counter such interference. They have to justify and satisfy the majority of the members, which is not possible, as people are more aware and conscious of right and wrong.”

Manjhundi CFUG in Bardiya district has divided its 254-hectare forest into 20 local areas. Each area has its own committee, formed by consensus or otherwise election. This local committee is then responsible for ensuring liaison with the central executive committee to manage local issues and priorities. One representative is also nominated by each area to be on the executive committee, with five additional positions selected by all the household members. This system has helped to ensure the participation of each area and in doing so to reduce the level, and mitigate the impact, of political interference.

While far from perfect, therefore, CFUGs show how community-driven resource management processes, bolstered by good government guidelines, are helping to not only support improved participation and accountability, but also more broadly to establish the building blocks for democracy and peace. The experiences and innovation contained within these structures provide solid lessons for wider programming to strengthen the ‘social contract’ in Nepal.
**CASE STUDY 4: THE RIGHT TO INFORMATION**

The right to information (RTI) is the right to access information held by public authorities and is widely recognised as a fundamental human right. It is also vital for any robust democracy and a key tool for holding government to account.

The Right to Information Act (2007) in Nepal guarantees and protects the right of citizens to access information relating to them or on matters “of public importance”. One of the most effective ways to combat poor governance is by using such information to hold public institutions to account. The public has a right to know, for example, how much a local road cost taxpayers to build, how the contracting process was conducted, and whether the works have been implemented well or poorly. As such, freedom of information is a central component of a transparent, effective and equitable state, and an open, responsible society.

**STRENGTHS**

Countering corruption

Often, knowledge of the workings of public institutions, especially decision-making processes and financial expenses, is limited to a few elites in Nepal. The public rarely has the opportunity to scrutinise the actions of public bodies and civil servants. Corruption is therefore a major problem in Nepal – as Raju Shrestha, an RTI activist in Morang district, explains (see left).

Using RTI, any citizen can demand information on any state action or expense, including accessing decision minutes and certified copies of invoices and bills. The right of the population to access this information puts pressure on public institutions to be more transparent and accountable in decision-making and to avoid corruption. When applied, RTI can therefore be a powerful tool. An RTI case filed by an activist in Dhankuta district, for example, revealed arbitrary decision-making processes and gross financial misconduct at a community school. Similarly, the use of RTI forced the government to publish the names of business entities who evaded tax using fake VAT invoices.97

Supporting public participation and improved state–citizen relations

RTI informs the public about initiatives taking place in their local area and helps them to participate in the process of designing, implementing and monitoring projects. This contributes to greater public ownership and increased...
participation. Many government offices have started conducting public hearings or social auditing to improve the voluntary sharing of information. Such meetings provide opportunities for people to question or criticise work being planned or implemented, and for public institutions to respond and explain, resulting in improved trust between the state and its citizens.

**CHALLENGES**

Although RTI is considered a right in Nepal, in reality it is only used by a few informed citizens and activists. Twenty years of advocacy for RTI and seven years of practice have yet to enable the average citizen to use RTI.

**Lack of public ownership and participation**
Most people are not aware of RTI as a right or tool, and its scope for empowering citizens. Even if someone is aware of RTI, the general perception is that it is a time-consuming, complex process with no clear result. There is a need to raise public awareness in new, effective ways to enable the practice of RTI to take root and begin to create more accountable local governance.

**Capacity and availability of resources**
The Right to Information Act (2007) requires all public agencies to appoint a public information officer who is responsible for providing the information requested. However, most information officers have not received any formal training or orientation on RTI and its use. There is also weak human resourcing for RTI response, as well as poor coordination between departments. Often, people feel the information officer role is an added responsibility that is irrelevant, or the person responsible gives up due to the lack of cooperation from other departments.

Moreover, the majority of government offices do not have proper data documentation and storing systems in place. Often, records are filed in paper and kept in a storeroom. When someone requests information, it therefore becomes difficult to find the record.

**Attitude and willingness of public institutions**
There is a lack of understanding of the importance of RTI among state institutions and many public officers believe it is unfairly used to hinder their work. “It is an added hassle for us,” claimed an information officer in Dhankuta district.

---

**RTI filing process**

- Submit a written RTI application to the relevant information officer.
- The requested information or reason for rejecting the request should be given within 15 days.
- If no response is received, file another application to the head of the relevant office within seven days, explaining the previous application.
- If unsatisfied with the decision of the head of office, file an appeal with the Nepal Information Commission within 35 days of the decision.
- There is no fee for filing an application, but certain fees apply for receiving the information.
“We need to invest lot of time running after different departments for collecting information, but we have our work as well. So what should be our priority.”

The embedded hierarchy in Nepali society is another challenge for RTI. The majority of government offices have appointed an information officer of ‘lower social status’, which has created barriers to them being able to collect information from ‘higher status’ or more senior people. The attitude of the head of the respective office being approached for information is also crucial in deciding whether RTI is respected. As an information officer in Biratnagar, Morang district, explained:

“If the head of office is responsive to RTI, he can order each department to coordinate with the information officer. Without his clear instructions and order, other departments do not even care about our request.”

RTI has considerable scope for delivering greater transparency and social justice in service delivery in Nepal, thereby reducing grievances that can lead to conflict.

* Name has been changed.
Every year, the Nepal government provides fertilisers to farmers at subsidised rates through local cooperatives. However, in the spring of 2013, farmers of Telia and Tankhua village district committees in Dhankuta district did not receive their subsidised fertilisers on time. When they enquired with the responsible cooperative, they were told to wait. Since planting season was ending soon, they had to buy fertilisers from local businesses at expensive rates, paying almost double the regular price.

After learning about RTI from some activists, villagers sent an application to the District Agriculture Development Office and Agricultural Equipment Corporation in Dhankuta, seeking information about the status of their fertilisers. They learned that the fertilisers had already been provided to the cooperative. The agencies even provided a list of farmers who were meant to receive the fertilisers, including many people who had not received them in reality. The farmers then found out that the chairperson of the cooperative had actually sold the subsidised fertilisers to businesspeople, who in turn sold the fertiliser to the farmers for a higher price.

This year, the farmers received the fertilisers on time and at the regular subsidised rate of 1,250 rupees (around £8) per packet. “If the villages hadn’t used RTI, we wouldn’t be aware of such practices and maybe such a case could have been repeated this year too,” said Lok Bahadur Shrestha, Information Officer at the Agricultural Equipment Corporation. “RTI is a strong tool to promote transparency and accountability.”

However, the weak and problematic implementation of good laws and policies such as RTI poses a serious challenge to their effectiveness. For example, there are problems on the state information ‘supply side’ around record keeping, government officials’ understanding of the process and their willingness to provide information. On the information ‘demand side’, problems include the public not knowing about RTI or being confident and capable enough to use it. However, RTI outreach initiatives and activist support in filing cases and getting results are lighting the way. These initiatives should be strengthened and expanded in order to help realise the potential role that RTI can play in empowering citizens and encouraging more responsive service delivery in the country.
SEXUAL AND GENDER-BASED VIOLENCE

SGBV is a global epidemic that kills, tortures and maims its victims. The majority of victims of SGBV tend to be women and girls, but it can also be targeted at sexual and gender minorities (SGM) or ‘third gender’ persons, and men and boys. Women and girls in particular are exposed to a variety of forms of violence, including physical, sexual, psychological/emotional and structural. They are victimised at various levels in society, including personal, family, societal, cultural, institutional and legal.

The Nepal Demographic and Health Survey 2011 showed that 4.6% of girls aged 15–19 reported experiencing sexual violence. In addition, more than one in five women aged 15–49 reported experiencing physical violence at some point since the age of 15, and 9% of them had been physically assaulted in the last year. Another report revealed that almost half of women (48%) had experienced violence at some point in their lives, and 28% had experienced violence in the past 12 months. Although accurate statistics are difficult to acquire due to low reporting and other challenges, 3,216 cases of SGBV were recorded by the police’s Women and Children Cell in 2012–2013. It is not surprising, therefore, that women consider rape (including marital rape) and other types of sexual and domestic violence as the biggest threat to their security, and it is among the top five security threats nationally.

Yet, SGBV not only negatively affects victims at a personal level; it also causes damage at the family, community and society levels. For example, the impacts it has on victims’ psychosocial wellbeing means that it constitutes a public health problem. In addition, the culture of shame associated with SGBV can negatively influence power dynamics and the participation of women and SGM victims in governance processes, undermine social cohesion, restrict their economic capacities and undermine development on many fronts. SGBV therefore wholly undermines positive peace in the country.

The vulnerability of women, girls, men, boys and third gender persons to SGBV, as well as their access to justice, depends on a range of different factors, including age, socio-economic class/caste, location (urban/rural), disability, sexual orientation and marital status. These variables, and the vulnerability they engender, are directly linked to widespread cultural and institutional exclusionary attitudes and practices.

The government has passed a series of positive policies, acts and conventions to criminalise SGBV and promote non-discrimination and gender equality in Nepal. However, a number of factors have prevented these measures from being successfully implemented: the low level of awareness of SGBV, the patriarchal social structure (see below), the inaccessibility and expensiveness of security and justice processes, which often bars victims from seeking legal recourse, and the slow integration of such policies by government institutions.
CASE STUDY 5: RAJKUMARI’S STORY

In April 2013, 58-year-old Rajkumari Rana (pictured right) from Kailali district was tortured, beaten and force-fed human faeces by her neighbours for allegedly practising ‘witchcraft’. This was the second time she had been attacked in two years. Unlike the previous attack, this time the media reported the story. NGOs and community-based organisations provided support and her family decided to launch a legal battle for justice. Her son, Bal Bahadur, said:

“We were worried about the expense involving the legal case and it might come to a point that we have to sell our land; maybe even that will not be enough. We didn’t know what kind of trouble awaited us. Even so, we made up our minds to take this case to court because we couldn’t keep quiet anymore.”

Eventually, the state took up the case, covering all related costs as it was a criminal case. Civil society provided Rajkumari with psychosocial and legal counselling as well as medical support, and campaigned for justice. As a result, those responsible were sentenced to one year in prison. However, two years on from the incident, Rajkumari is still suffering.

“My eyes have become bad; I can’t see clearly. My blood pressure is high. I am sick and I can’t talk much,” she said. Her husband, Nahara, aged 64, added: “It’s all because of those attacks. They had even shaved her head and tied her to the tree for more than six hours. She never fully came out of that trauma.”

Her son is hopeful of more support:

“I even met Home Minister Bamdev Gautam in Kathmandu. Many NGOs gave us support in different forms – financial, legal, medical, etc. Many journalists came to report on her story and as a result, people in the village are more aware of such cases. I haven’t heard anyone being called a witch after the attack on my mother. Maybe there will be more support for her in future.”
CHALLENGES FOR ELIMINATING SGBV

Discriminatory social norms
Much of what shapes an individual is the culture that she or he is born into and lives through, acquiring cultural values, attitudes and behaviours. Culture therefore plays an important role in the views of gender roles as well as sexual violence.

Nepal has a predominantly patriarchal society built on unequal gender relations, which has been a key factor in legitimising violence against women, girls and third gender persons. Deep-rooted patriarchal attitudes view men as superior to women, hence women are treated as second-class citizens from birth. The Nepali proverb ‘Raising a girl is like taking care of someone else’s garden’ reflects the view that a daughter is someone else’s property. Women are also perceived as being weak and incapable of defending themselves, and hence should be protected at all costs. In Nepal, women are therefore not considered the rightful owners of their parental and other properties – men are.

While the interim and draft constitutions grant women the right to own land, female-owned land and house ownership remains under 20%. This perpetuates the economic dependency of women on men (be they fathers, brothers or husbands) and diminishes perceptions of women’s status. As Kalawati Nepali (pictured far left), an SGBV victim in Kailali district, explained:

“Everybody said I had no right to ask for property because as a woman I don’t have any rights, especially over my husband’s property. Even some women from the village women’s group said I should stop the foolishness of demanding my property rights because there is no such thing and I should try to reconcile with my in-laws. But I would have trouble raising my daughter on my own without any kind of support from the family. After receiving legal counselling and knowing the process and procedures, I am now more than determined to claim my rights and ensure a better future for my daughter.”

Patriarchal attitudes not only severely restrict women’s and girls’ access to opportunities outside the house, but also legitimise violence against them. In addition, practices based on cultural and traditional beliefs that may be physically or psychologically harmful to women (such as Chhaupadi, Deuki and Jhuma) still remain an issue in some communities.

Preventing SGBV will therefore require changes in the way in which ideas of masculinity (understood as superior) and femininity (understood as subordinate) are created and perpetuated by society, from the household to social institutions such as schools and justice institutions. Such efforts could include, for example, highlighting the role of mothers in raising boys who do or do not see domestic violence as acceptable,
or highlighting the not in-frequent cases of abuse of wives by mothers-in-law, who derive their position of authority by virtue of their relation to their sons.

**Power dynamics of masculinity**

In all societies, there are multiple ideas about what it means to be a man, which are often highly contested. In Nepal, dominant notions of masculinity often revolve around stereotypes relating to physical appearance, the ability to handle family responsibilities and sexual prowess. Masculinity is further linked to the ownership of household assets, decision-making and the exercise of authority.

It is often defined in contrast to femininity, which has the effect of restricting the participation and engagement of women and girls in decision-making or accessing opportunities such as education. It can also result in discrimination or violence against SGM, men and boys (particularly from marginalised groups) and differently abled individuals.

**Sexual violence as a taboo**

The societal stigma surrounding sexual violence and the culture of silence that this produces is the biggest challenge to assessing the problem of SGBV in Nepal. This makes it difficult to document, report and fully understand SGBV without the risk of causing harm to the victims. SGBV is still perceived by most people in Nepal as a ‘family issue’ and not as a widespread public security, public health and development problem that impacts on women’s ability to participate in the society and economy. Domestic violence largely remains behind closed doors and is viewed as a private family matter, particularly in rural areas, with the victim’s economic dependence on the abuser often preventing them from seeking justice. Open discussion about rape and other forms of sexual violence are generally taboo, leaving victims alone, with little recourse to support.112

**Economic dependency**

Because of economic, geographic and social barriers, many citizens lack access to state security and justice mechanisms. This is particularly so for women and those belonging to marginalised and vulnerable groups, who lack the resources, literacy and networks to even approach formal mechanisms. Single women,113 including child widows, are particularly susceptible to emotional and physical abuse because of cultural superstitions and their being perceived as dependents and easy targets due to lacking the protection of a man. This economic dependency is intrinsically linked to gendered patterns of land ownership, leading to precarious situations where victims depend on the perpetrator for survival and see no alternative to continuing to suffer the violence. This is particularly the case with domestic violence (including dowry-related violence) or the abuse of marginalised women by wealthier individuals such as employers, managers or landowners. This
dependency not only fuels the cycle of violence but also impacts on the physical, mental and social ability of victims to seek justice. As Kalawati Nepali and Nirjala Lohar from Kailali district explain:

“Sometimes it is difficult for us to travel to district headquarters to go to court or come to organisations that provide support, as we don’t have jobs. Sometimes when a case becomes delayed, we even have to spend the night. But we are from a poor background ..., and the process is expensive for us.”

Impunity and political interference
Institutions delivering local security and justice are frequently subject to corruption and outside interference. Research by Alert in the Terai (Banke and Sunsari districts) revealed that political interference was “the key spoiler for peace and development ... undermining both public security and rule of law”. The research found that many security and justice institutions allow outside pressures or affiliations to prejudice the outcomes of dispute resolution processes, leading to impunity and a lack of trust in formal security and justice providers.

While stigma and shame are still an issue, one of the main reasons why women do not report cases of SGBV is a lack of confidence in the justice system. In a recent survey by the International Commission of Jurists, an INGO, more than 96% of 2,000 women surveyed in Nepal said they had never sought help from the formal justice sector, largely due to fear of reprisals and a lack of trust in the outcome. Most justice institutions, especially in the formal sector, are male dominated, including the legal and police staff. This may discourage survivors from answering deeply personal questions about a traumatic crime such as rape in front of a public court. Many women also opt not to report cases because of fear of being ostracised and shamed by their communities, which often blame the victim for the abuse they have suffered. Others fear reprisals or are simply deterred by the general climate of indifference towards violence against women in society. As Nirajala Lohar, a victim in Kailali district, explained:

“When I reported the case of my husband and his new wife physically and mentally abusing me, the police even suggested my husband to take me home, treat me well for a couple of days, then he can start beating me again.”

Such impunity weakens the foundation of societies, prolongs instability and injustice, and continues to expose women to the threat of violence. Accountability on the part of the state and society for crimes against women is not just about punishing perpetrators; it is also about establishing the rule of law and a just social and political order where such violence is viewed as illegitimate and prevented.
Peace audit Nepal

ADDRESSING SGBV: ANALYSING DIFFERENT TYPES OF INTERVENTION

There have been numerous attempts to tackle and raise awareness of violence against women and girls in Nepal. This has focused on four main areas: social, economic and political empowerment; changing social norms; working with men and boys on gender equality issues and behaviour change; and building the institutional capacity of referral and response services.

Social, economic and political empowerment

Analysis shows that social empowerment projects are often built around establishing and developing the capacity of women’s groups and networks. These groups have been able to provide much needed psychosocial support to women, especially to survivors of violence. Women are able to find solidarity among other women and break their silence, first within the group and then publicly, about their personal challenges and situations. Women’s groups have also created spaces for sharing their experiences and problems. This is particularly important in rural areas, where access to information may be limited.

Economic empowerment projects include training, forming savings and credit groups, or providing seed funding. Successes cited include economically empowering women, connecting them to employment opportunities, supporting small businesses and engaging women in entrepreneur groups. However, detailed numbers demonstrating the impact of this work are lacking and it is unclear if these projects could be scaled-up. Furthermore, the link between improvements in women’s and girls’ economic status and their protection from violence is not necessarily direct or causal. Economic empowerment needs to be coupled with wider support focused on longer-term social change.

Political empowerment projects are typically built around the idea of enhancing the capacity of, and links between, women and girls and championing the causes of women. However, any support given to women in accessing state services needs to be inclusive, so as to avoid only politically empowered and affiliated women capturing the space and resources.
CASE STUDY 6: SAMJHANA’S STORY

In 2001, at the age of 16, Samjhana Nepali* (pictured right) joined the Maoist revolution to fight for the equal rights of women. During the war, she fell in love with another combatant of a ‘higher caste’ and they married in 2003. After the war ended in 2006, they went to live in her husband’s house. However, his family ostracised her for belonging to a lower caste. Her husband sided with his family and began to physically assault Samjhana.

“They wouldn’t even acknowledge their grandchild or support raising him. This hatred towards me was translated into violence. My mother-in-law used to beat me severely. My brother-in-law also tried to beat me. I was scared for my life all the time.”

After two years of living in fear with the family, Samjhana and her husband decided to begin a new life with their son in a different place, but things did not improve. Her husband continued to beat and mentally abuse her and restricted her from joining village meetings or events.

“During the Myagdi attack in 2004, I got hit by a bullet but I survived. But the constant beating by my husband sometimes made me feel like my bones and flesh had separated. Once he even tried to kill me by strangling me. Then the women’s group intervened and I was rescued. I now have many medical conditions, such as kidney stones, a hole in my intestine and arthritis. The impact of war and my husband’s beatings have made me like this.”

The women’s group tried to reconcile the dispute with support from the police, holding a dialogue with Samjhana’s husband and counselling him. Samjhana’s husband asked for forgiveness. Now he is working in India, but Samjhana wonders if he has really changed. She also received medical and psychosocial counselling from an Alert-led project funded by UN Women, for which she is thankful.

“Counselling helped me a lot. I felt there was someone who listened to my problems and offered me a way out. It also helped me to get in touch with other organisations that helped me medically. I now feel I should stand up against violence.”

Samjhana’s independence is still compromised by her lack of education and skills, however, and she does not have access to adequate employment. She works in a low-paid job in a plastics factory and suffers from poor health. This is undermining her dream of educating her son.

* All names have been changed.
“The Maoists gave us arms and told us this would win us women's empowerment. I felt empowered holding a gun and was convinced it would bring social change. Now I think if I had stayed in school at least I would be educated like my other friends who hold better paying jobs. For me, better employment or skill-based training that would secure me a well-paid job would be very helpful. Such [empowerment] programmes should also consider including these aspects.”
Changing social norms

Projects aimed at changing social norms include raising awareness on women’s rights and gender equality using media and information, education and communication materials. The success of individual campaigns has been difficult to quantify, but changing social norms requires sustained, long-term efforts that usually go beyond the scope of a single intervention. Those implementing the projects have recognised that incremental success can be brought about through the direct engagement of key opinion makers in target communities. The emerging key components essential for an effective awareness-raising campaign aimed at changing social norms around violence against women and girls are: effective messages; strategic messengers; appropriate dissemination methods; and sustained engagement to embed the message over time.

Working with men and boys

Projects working with men and boys on gender equality issues and behaviour change include initiatives that encourage young people, men and boys to support and promote gender equality and speak out against SGBV. They also include encouraging ‘champions’ such as male politicians, policy/decision-makers, community and religious leaders to speak out against violence against women and girls. There is wide recognition that women’s empowerment projects need to involve men and boys, as working with women alone is unlikely to change gender relations. This requires working with all genders to change social norms and end discriminatory structures. So far, however, there has been insufficient engagement of men and boys in such projects, and a ‘role model men’ approach needs to be carefully tailored to avoid creating new (if less violent) forms of patriarchy. There is also a dearth of documentation on the impact of this approach.

**Box 5**

**Reshaping Attitudes through Empathy**

CARE Nepal has achieved some real transformation of gender roles in its ‘MenEngage’ approach to women’s empowerment. One man, named Mohan, in Kapilvastu district found the project to be “an eye-opener”. After comparing his workload to his wife’s, Mohan realised that his wife did much more work than him, so he started helping with domestic chores. This brought the couple much closer together. Through communication and mutual support, they came to value each other and live more happily.

Other men initially questioned Mohan’s masculinity for doing ‘women’s work’, but he did not give up. Soon enough people started copying him, because they wanted the same happiness and good relations with their wives. The men started telling others about this approach to inspire them to do the same. They do not talk about gender structures or masculinities, but highlight that ‘we are equal, not different’.

Previously, Mohan felt pressured into the role of patriarch and strong decision-maker; to exert power and control, which caused him stress and created distance between him and his wife. “Now we have a much closer relationship and are happier.”
**Building institutional capacity**

Projects supporting institutional capacity for referral and response services include: building strong referral mechanisms; supporting local women’s groups/networks; and increasing the institutional capacity of health, legal, police and court services – including paralegal committees and GBV-watch groups, as well as informal justice mechanisms. Although there are certain government referral services available at the district and national level, such as the Gender Empowerment and Coordination Unit at the Office of the Prime Minister, the District Gender Empowerment and Coordination Committee, and one-stop crisis centres, Alert was not able to collect any evidence that reviews the effectiveness of efforts to increase the capacity of such government services or referral networks (due to a lack of existing evaluations). However, community-based service providers seem to be most effective, as they understand the local context, stakeholders and local community needs. That being said, the legitimacy of these organisations is crucial to their effectiveness and checks need to be put in place to ensure they do not replicate discriminatory practices. Moreover, their work needs to be accompanied by awareness-raising activities that engage leaders as well as the wider community in the project.

Overall, there is still a dearth of reliable evidence on what has worked best and why. Monitoring and evaluation have been patchy among governmental and non-governmental implementers. Secondly, the evidence available indicates that a combination of different types of intervention is necessary to truly reduce and prevent violence against women and girls. Approaches should also allow sufficient time and flexibility to achieve their goals. This will require stronger coordination among implementers and more strategic project design that looks beyond addressing the symptoms and instead looks at the root causes of the problem.
CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

The principle conclusion emerging from this audit is that peace in Nepal is not complete. There remains a long and rocky road to travel towards creating a genuinely positive peace in the country. Peacebuilding remains central to Nepal’s recovery and development. Yet, in order for this to succeed, efforts must be peace-sensitive, prioritising the ‘do no harm’ principle to avoid exacerbating cleavages in society. They must respond to opportunities to address the drivers of conflict and to support peace, wherever possible. This will require appropriate flexibility, resourcing, expertise, time and political will from the government, donors and implementing partners.

In the short term, CPA priorities need to be realised in a way that balances quality with timeliness. A constitution that prioritises public over elite political interests needs to be agreed and implemented. The process for doing this is as important as the substance. People must be properly engaged and their concerns managed; otherwise, any agreed draft risks being rejected by a particular interest group or the wider population. A more meaningful and comprehensive approach to transitional justice is also required. While the CPA stipulated that the TRC and COIDP are the principle instruments for delivering transitional justice, their scope is limited (focusing on truth and prosecutions) and they can be held hostage by political interests. Reparations, reconciliation and recovery require support from complementary and more broadly applied measures in order for the processes to respond to the outstanding needs of victims and society. These should draw on existing community-based capacity and approaches to justice and reconciliation. Progress on land reform is also needed to stem the flow of land conflicts, especially since these may be worsened by internal displacement or other impacts of the April and May 2015 earthquakes. While this is highly politically sensitive and may need to be sequenced around other political milestones, it should not be indefinitely postponed. The risks of doing so are likely to outweigh the gains.

The earthquake response has demonstrated the capacity of Nepali society, including youth, the private sector, professional sectors and ordinary communities, for civic mobilisation. This energy, and the popular wish to ‘build back better’ in Nepal, needs to be harnessed towards enhancing peace. Building back better applies as much to socio-political domains as it does to physical infrastructure. It includes empowering traditionally marginalised groups, enhancing popular participation in decision-making and promoting civic oversight of state processes. While recovery programming needs to work through and strengthen the state, civil society must take the initiative to be involved, to ensure quality, transparency
and equity. This may be through playing a monitoring role, helping vulnerable people to access state support, providing psychosocial services, or helping connect government and people to maximise the effectiveness of earthquake response and recovery and to minimise grievances. Overall, recovery efforts offer significant peacebuilding opportunities, but also conflict risks if designed and implemented poorly. Humanitarian and development actors need to be sensitised to these opportunities and risks, and supported to respond to them.

In the medium term, any new drivers of conflict and peace opportunities emerging from the earthquake need nimble responses. Increasing socio-political fissures along ethnic, caste and religious lines need to be reduced through dialogue and social cohesion efforts. The energy of young people frustrated by joblessness, as well as the remittances and (upon their return) skills of migrants, need to be harnessed through innovative wealth- and job-creation initiatives. Such initiatives should be especially targeted at poor and vulnerable communities, such as those in the Far Western region and those districts that were hardest hit by the earthquake.

In the long term, structural conflict causes must be addressed. While reversing historical structural exclusion may take generations, there must be clear and consistent progress in delivering peace dividends to frustrated populations such as women and marginalised communities, and in reducing grievances. Their greater inclusion in socio-political and economic processes is also critical from a development perspective. Traditionally excluded groups must be supported not only to take advantage of the mandated quotas but also to play meaningful decision-making roles. Institutions that have been the preserves of elites and that shape public thinking and policy, such as the media and the judiciary, must be diversified.

Within this overarching framework, specific findings and recommendations emerge on the ‘lynchpin’ issues of accountability and SGBV for policy-makers and practitioners in Nepal.

**BOOSTING ACCOUNTABILITY**

Inadequate accountability permeates most institutions in Nepal, including central and local state bodies, political parties and CSOs. At the root of the challenge is the damage that skewed accountability and attendant political interference and corruption cause to the country’s social contract. Citizens experience injustice and discrimination at the hands of public institutions. This erodes their confidence in the state and their leaders, but also perpetuates historical grievances among the ‘losers’ in the prevailing system of political patronage and ‘elite extraction’, which previously led to civil conflict.
For better accountability and positive peace, political interference and corruption need to be addressed. This will require sustained efforts at all levels, from national to grassroots. It will also require a mix of incentives and sanctions to change individual and institutional behaviour. Given the scale of the challenge, strategic entry points need to be sought, likely focusing on concrete issues that matter to people, such as natural resource management and SGBV. Influential champions for accountability need to be identified and supported. Work is needed both on the ‘demand’ (civic) and ‘supply’ (government and political leaders) sides of accountability. New approaches and resources are needed to empower institutions such as the media, the private sector and public constituencies to play stronger roles in the checks and balances in the system. State bodies and political parties also need to be incentivised to boost their transparency and accountability to the public and then supported in finding ways to do so. Improving accountability will take a long time but building on what is working will enable incremental progress. Finally, accountability is a priority cross-cutting issue in Nepal. All peacebuilding, humanitarian and development activities – including the responses to the recent earthquakes – can build in accountability, for example through boosting participation in policy consultations or involving civil society in project oversight mechanisms.

At community level

- **Build on what is working from the bottom up**: Further analysis of community accountability success stories is needed and support should be tailored towards growing and replicating what is already working. Certain CFUGs exemplify this. While grappling with challenges of political interference, they are innovating and finding relevant ways to reduce the space for corruption and grow the space for stronger inclusion. CFUGs also demonstrate institutional mechanisms for community participation and democratic accountability, such as elections, consensus-based decision-making and frequent public reporting with space for frank question-and-answer sessions.

- **Improve community uptake of existing accountability tools**: Where accountability mechanisms and tools already exist, such as RTI or public hearings, communities need to be educated and supported to engage in them. Activists and champions within local communities can, with the right support, play catalytic roles to bring these tools into everyday use for people seeking information or facing injustices. Local efforts must also be made to move beyond self-appointed community representatives to include the most marginalised (e.g. young people, women, ethnic and religious minorities, and ‘lower’ caste groups) in genuinely inclusive community discussions and public outreach and oversight processes.

- **Instilling concepts of citizenship**: In the long term, transforming communities’ understanding of the social contract, moving away from ‘subject-hood’ and towards citizenship, will be essential for building a culture of accountability and transforming the relationship between the people and their government in Nepal. Grassroots civic education programmes tailored to local cultures and needs are needed to develop this mindset among communities. Engaging local...
religious, traditional and community leaders in these processes would help to embed and sustain the ideas. Connecting citizen-led earthquake response initiatives to government recovery support could harness this energy towards greater civic oversight and accountability of the state.

At programme level

- **Factor in the politics:** Given the reality and extent of political interference in Nepal, a political economy analysis should be integrated into designing and planning all humanitarian, peace and development programming. Interventions must take account of existing incentives, whether individual or institutional, and find opportunities to reduce impunity and foster more transparency. Statebuilding interventions not taking account of the prevailing political economy of institutions will miss the point and risk sustaining the existing culture, which prioritises the needs and benefits of the elites.

- **Work with new partners:** Engaging new partners and constituencies, such as technology companies and other businesses, will inject innovation into accountability programming. Tapping into their interest in reducing the burden of corruption (even though there are other interests in sustaining it) can render business leaders powerful partners for improving accountability. Harnessing the growth in the market for smartphones across Nepal, especially among young people, and developing apps linked to earthquake recovery, local governance or broader public information processes, could inject new life into public outreach and social accountability.

- **Democratise political and public institutions:** Young people, women and other traditionally marginalised representatives within political parties can, with support, work to democratise their parties. Many are frustrated by the prevailing culture of top-down, male, elite dominated decision-making. There are also many positive examples of cross-party collaboration on issues of common interest which can be capitalised upon to foster issue-based politics. This idea applies to wider institutions too. Women, young people, Dalits, Janajatis (indigenous people) and SGM working within key sectors such as the media, judiciary, police and academia can be helped to call for changes from the inside and to assume leadership positions to model change.

At policy level

- **Understand corruption better:** There should be analysis of the forms and dynamics of local corruption, political interference and discrimination in state service provision and political party operations. This work could explore which forms of corruption and discrimination are experienced the most by local people – including in which public bodies or processes it is most pernicious. It could investigate how corruption is experienced differently by women, Dalits and ethnic and religious minorities, and what the incentives for change might be. It could also identify what forms of corruption are most pervasive within political parties and how this affects their decision-
making and accountability. Attention should also be paid to the nature of the political–criminal nexus and the role of illicit economic activities in political party funding. Such analysis would fill existing knowledge gaps and provide an evidence base for tailored anti-corruption policies and approaches.

- **Cultivate influential champions:** Generating discussion, both public and closed door, about the extent and nature of political interference and elite capture of resources in Nepal is necessary to raise the debate. This will require Nepali civil society and international donors and partners to all take bolder stances on issues of political interference in earthquake recovery, governance, peacebuilding and development. Initiatives are also needed to cultivate champions of accountability across different spheres, including politics, the private sector, civil service, media and law. Champions should be supported to lead processes to promote accountability to wider, influential constituencies that can campaign or undertake collaborative initiatives to achieve concrete changes.

- **Help key CPA processes to be transformative:** The constitution-making and transitional justice processes are cornerstones of the peace process. So too would land reform be if it were to move forward. These processes have the capacity to set the terms of Nepal’s peace, not only in what they do, but also how they do it. However, all are currently perpetuating the tradition of elite interests trumping public interests, so they are failing to transform the political settlement and social contract. They may even undermine peace. Where possible (acknowledging unpredictable timelines), both need to be supported to reach out to the population to be more consultative, genuinely inclusive and responsive to citizens’ needs, especially the most marginalised. Furthermore, measures are needed to manage public expectations of what such processes can deliver and to mitigate the inevitable conflicts that both will generate.

- **Combat elite capture of resources:** Humanitarian initiatives (especially in terms of earthquake recovery) and development approaches need to be designed with a peace lens. If they are subject to elite capture and corruption, and if planning and implementation are not sensitively designed to engage and benefit local communities equitably, then projects can stall or do harm by fuelling historic grievances related to inequality. Specialist technical advice can enable the integration of do no harm measures and peacebuilding components. Fostering inclusive livelihoods and growth, with concerted support to the most marginalised, will also empower poor, disenfranchised citizens to engage in governance processes, whether in earthquake recovery or wider development, while in the long term sustainably funding capable, responsive services and institutions.
COMBATING SEXUAL AND GENDER-BASED VIOLENCE

SGBV can be considered an epidemic in Nepal that requires urgent, multifaceted and sustained attention. Interventions need to take account of lessons learned to date about what works and what does not. Leaving men out of programming aimed at tackling violence against women and girls, for instance, tends to undermine its effectiveness. It is clear that both the causes and consequences of SGBV need to be addressed. Programming to address the causes must engage with deep-rooted cultural norms. Attitude changes at the personal, community and societal levels need strategic and sustained engagement over the long term, which should be factored in right from the start. Engagement must also address structural inequalities between men and women in numerous domains, including legal rights, economic opportunities, and education and health access.

Addressing the consequences of SGBV requires holistic victim support and needs to take account of SGBV victims' realities and the existing capacity of support services. Programmes should seek to lower socio-economic and practical barriers to accessing services for the most vulnerable SGBV survivors, and they should draw on and strengthen both formal and informal service providers. People already use informal justice systems to a large extent, but the systems need to be made more responsive to SGBV and better connected to the formal justice system, especially to enable criminal referrals. Police and court staff need to be trained to properly deal with SGBV cases, and measures such as continuous hearing of cases institutionalised. This will reduce impunity and contribute to prevention. Community capacities, whether peer, religious, traditional or other, can also provide strong psychological, moral and practical support to victims, empowering them to access wider state services as needed.

At community level

- **Raise awareness of SGBV strategically:** There is a need to enhance communities’ understanding of SGBV and its impact. Coordinated, tailored communication should target communities, from key individuals to mass audiences, to shift attitudes. Strategic messengers should be engaged in this process, including young people and those in positions of power – from religious leaders to police. Door-to-door campaigns involving local leaders can enable direct interaction to educate people, while mass communication through radio or theatre could sensitise people and trigger reflection. Messages that are non-confrontational are more likely to engage men and boys as ‘change makers’.

- **Engage men and boys for a cultural shift:** The traditionally patriarchal system, still widely accepted in Nepal, is often cited as a main cause of violence against women and girls, and men and boys remain the main perpetrators of this violence. If men and boys can be engaged in understanding how their largely unquestioned and even unstated conceptions of masculinity lead to violence against women and girls, and if they can be engaged in an ethical
discussion about the consequences, then they may feel encouraged to take a second look at masculine identity. This can be one of the first steps in reducing the acceptability of violence against women and girls, and is thus a crucial step towards reducing the incidence of violence. Similarly, cultivating understanding among men and boys of the broader pressures and burdens faced by women, such as through facilitating both sexes to analyse and compare their respective 24-hour activity clocks, can create empathy among men and lead to more support for women.

- **Facilitate dialogue at the family and community level**: Much of the decision-making that affects women happens within the family. Involving family members in discussions on violence against women and girls could be an effective way of raising awareness, changing behaviours within families and empowering women to bring about change in their home. However, care must be taken to avoid direct confrontation, which can have negative results. Dialogue at community level allows people to reflect on the challenges that SGBV poses for local peace, stability and development, to establish it as a concern to all.

- **Work with local groups, networks and community leaders and institutions**: Traditional, religious and other community leaders are key opinion shapers and moral guides. They have the power to facilitate or block social change. Undermining these individuals and groups by excluding them from (for example, solely state-based) interventions excludes potential change makers, and can undermine an intervention’s effectiveness. Effecting social change around gender norms requires local legitimacy, so interventions will need to win local leaders’ support.

**At programme level**

- **Design practical interventions focused on the most vulnerable**: Programmes focused on improving the situation for victims of SGBV should include measures to help the most vulnerable (such as Dalits, girls, widows, people with disabilities and those living remotely), who have comparatively fewer support channels. Practical information, such as where to seek help, and enhancing the capacity of support workers and their accessibility to vulnerable survivors could be more important than focusing on information about rights and international conventions. More broadly, attending local activities and interactions could increase the mobility and empowerment of women in their day-to-day lives, as their families become used to them leaving the house.

- **Work with informal and formal justice actors**: Most Nepalis do not use the formal justice system. While the formal system needs to be supported and strengthened, it is crucial to also work with the informal system to build in ‘gender-sensitivity’, human rights concepts and a better understanding of the law among informal justice providers – including traditional, religious and community leaders, and community mediators and paralegals. It is also important to link the formal and informal systems, particularly to enable referrals of SGBV cases to the formal system for prosecution. This will bridge
the disconnect between formal and informal justice as well as help to shift prevailing perceptions of SGBV as a domestic issue towards it being seen as a criminal offence.

- **Recognise and address the root causes of SGBV**: Failing to recognise and address the root causes of SGBV can lead implementers astray. For example, higher alcohol consumption tends to correlate with greater instances of domestic violence. The proposed solution could centre on the restriction of alcohol. However, this only tackles a superficial factor that may be a driver of the violence but is itself also a symptom of deeper problems, such as joblessness and related depression or frustration. Recognising this is key to finding long-term ways of bringing about social change.

- **Coordinate and integrate different types of intervention and different levels**: Interventions by government and civil society are more effective when linked up. For instance: working with the media for broad-based sensitisation can and should be complemented by direct engagement of individuals, families and communities; working with women needs to be complemented by also working with men; and projects to promote ideas of justice and prevent violence should be complemented by economic and political initiatives to tackle other systemic aspects of female disempowerment. For example, economic dependence on abusive families can prevent women survivors from reporting abuse and seeking justice. Alternative livelihoods and support mechanisms can empower women to escape abusive situations. Women’s improved participation in family or community decision-making can reduce power asymmetries between men and women.

**At policy level**

- **Enhance the evidence base for action**: There is a need to improve data collection, gender disaggregation and accessibility of data on SGBV cases, associated factors and responses. The impact of policies and programmes requires more systematic outcome-oriented monitoring and evaluation. Despite some large-scale efforts to address SGBV against women and girls in Nepal, their outcomes are not well understood, hampering the development of robust theories of change. Periodic integrated studies of the combined effectiveness of the range of government, multilateral and civil society responses would provide the necessary benchmarking and learning to address gaps, enhance synergies and make concerted change.

- **Improve capacity and accessibility of state services**: A widespread lack of trust in government-provided services, mostly due to their poor quality or inaccessibility, reduces their potential impact. Awareness-raising about available services and support to overcome barriers to access (such as local transport funds for victims to travel to district headquarters, where services are concentrated) should therefore be coupled with efforts to ensure high-quality government services. The latter could come in the form of improved incentives for relevant officials to follow rules and procedures and more strategic capacity development – including accompaniment and oversight
that builds in service users’ feedback – for public servants on the correct procedures. This is particularly key in the justice and psychosocial care sectors.

Overall, Nepal has made great progress towards peace since signing the CPA in 2006. Significant political changes have been made, transforming the laws, rights and system of governance in the country, creating a more equitable, democratic framework. However, the changes are yet to come to life for ordinary people. There remains a disconnect between policy and the daily experiences of the majority of the population, particularly women and girls, Dalits, Janajatis, religious minorities and other historically marginalised people. Inequality remains one of the fundamental characteristics of Nepali society and politics. The deep-rooted challenges of political interference, elite extraction and the weak accountability of leaders to citizens, in addition to the endemic and normalised prevalence of SGBV, perpetuate widespread structural and physical violence. Progress now needs to be made towards transforming these aspects of the political and social culture, in order for conflict risks to diminish and positive peace to extend to all Nepalis.
# Chapter Six

## The Audit

### Peace Prospects Will

<table>
<thead>
<tr>
<th>IMPROVE IF</th>
<th>WEAKEN IF</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACCOUNTABILITY</strong></td>
<td><strong>ACCOUNTABILITY</strong></td>
</tr>
<tr>
<td><strong>PEACE PROCESS</strong></td>
<td><strong>PEACE PROCESS</strong></td>
</tr>
<tr>
<td>A constitution that takes account of citizens’ needs over party political interests is promulgated swiftly by consensus, and strong public outreach and dialogue accompanies its finalisation and implementation; transitional justice measures respond to victims’ needs for reparations and reconciliation as well as truth and justice; land reform is moved forward to clarify legal and policy frameworks for land ownership, tenure, access and use.</td>
<td>Constitutional deadlock continues, and deepening polarisation undermines stability and stalls elections; transitional justice lacks a victim-centric focus and is delayed or undermined by political interests, leaving victims aggrieved while entrenching impunity; land reform remains hostage to political sensitivities and legal and bureaucratic ambiguity fuels further land conflict.</td>
</tr>
<tr>
<td><strong>POLITICS</strong></td>
<td><strong>POLITICS</strong></td>
</tr>
<tr>
<td>Political interference is reduced in state service provision and humanitarian and development processes.</td>
<td>Political interference continues in core state services such as security and justice provision, earthquake recovery (especially compensation schemes) and development projects (such as infrastructure), allowing corruption, discrimination, patronage, impunity and elite resource capture to erode state–citizen relations and the social contract.</td>
</tr>
<tr>
<td><strong>PARTICIPATION</strong></td>
<td><strong>PARTICIPATION</strong></td>
</tr>
<tr>
<td>Public accountability is increased through meaningful civic oversight of humanitarian, governance and development processes using tools such as public hearings, social audits, inclusive dialogue and RTI provision. At the same time, state capacity to engage in inclusive public outreach is boosted.</td>
<td>Checks and balances holding the state, political leaders and other power-holders to account are not supported, causing state responsiveness to degrade and the space for corruption to increase, fueling elite capture of resources; the failure to address corruption further corrodes public trust and state–citizen relations.</td>
</tr>
<tr>
<td>INSTITUTIONS</td>
<td>Democratic values, norms, mechanisms and checks are installed within state and public institutions such as political parties, the civil service, judiciary and the media, enabling them to be inclusive, representative and accountable to their constituencies.</td>
</tr>
<tr>
<td>PREVENTION</td>
<td>SGBV is prevented through better public understanding of the issue and dialogue at family and community levels on its impact and strategies for prevention. Moreover, strategic engagement of men and boys enables positive changes in gender norms and treatment of women and girls.</td>
</tr>
<tr>
<td>RESPONSE</td>
<td>Informal justice actors such as traditional, religious and community leaders, paralegals and community mediators are supported to integrate gender-sensitivity and human rights principles and to better understand Nepali law, enabling SGBV case referral to police. State bodies including police, women and children offices and courts improve their responsiveness to SGBV victims, and victims are helped to access legal, medical, financial and psychosocial support – especially remote, poor and marginalised victims.</td>
</tr>
<tr>
<td>LEARNING</td>
<td>Coordinated, participatory evidence collection processes develop, whereby SGBV interventions are mapped, linked and their impact analysed, identifying lessons and gaps to inform prevention and response strategies.</td>
</tr>
</tbody>
</table>
ENDNOTES


2. C. Onslow, Case study on gender equality and statebuilding in Nepal, Kathmandu: International Alert, 2012, unpublished. Carried out in 2013–14, the research aimed to identify specific interventions and factors that have been effective in reducing and preventing GBV, in order to distil good practice. It analysed the project evaluations of 19 institutions working on GBV in Nepal and collected primary data through key informant interviews and focus group discussions in Dhankuta, Parsa and Banke districts. C. Onslow, Political interference in security and justice sectors Nepal, Kathmandu: International Alert, 2012, unpublished. The research was commissioned by the UK Department for International Development (DFID) and shared with other NGOs, but was not published.

3. Carried out in 2011–12, the research explored how and why political interference in public security and justice provision impacts on state–citizen relations and, consequently, the conditions of peace in Nepal. It focused on Sunsari and Banke districts. The research was commissioned by DFID and shared with other NGOs, but was not published.


7. Brahmins represent the priestly caste of Nepali society, and Chhetris, or Kshatriyas as they are called in Hinduism, were the ruling-warrior caste. Brahmins and Chhetris control the majority of Nepal’s social and political resources, as they were the traditional ruling caste of Nepal.


10. The government’s National Dalit Commission defines the Dalits as a defined community deprived from full participation in social, economic, educational, political and religious spheres, and from human dignity and social justice, due to caste-based discrimination and the concept of ‘untouchability’. Based on an unofficial translation. Original Nepali definition available at http://nrc.gov.np/wp/cms/4


15. Local decision-making bodies include the VDC and municipal councils at the lowest administrative level, and the District Development Committee (DDC) at the district headquarter level.


18. Ibid.


22. As per the National Youth Policy, the standard Nepali definition of youth is aged 15–40.


24. Ibid.


30. Around 385 firms produced fake VAT invoices in a multi-billion rupee fraud against the state. The government tried to classify the names of the taxpayers, but RTI activists and media exposure forced the government to release the names, resulting in increased scrutiny. See: S. Thapa, Corruption in Nepal – VAT fraud, CNN iReport, 1 June 2011, http://ireport.cnn.com/docs/DOC-616262
31. The media exposed corrupt practices in medical institutions receiving accreditation to teach medical studies even though they do not have the structures, resources and capacity to do so. The situation was blamed on political links and corruption. See: A. Upadhyay, A dark chapter, The Kathmandu Post, 26 January 2014, http://www.ekantipur.com/the-kathmandu-post/2014/01/26/related_articles/a-dark-chapter/258564.html
32. The successful lobbying for a Domestic Violence Act by a collective of NGOs is demonstrative of the success that is possible when NGOs work together.
39. Ibid.
57. Other acts include: the Sexual Harassment in the Workplace Act (2010); and the National Action Plan on Gender Equality and Empowerment of Women for the Implementation of the Beijing Declaration (2005).
60. Notable exceptions include formal land transfers and divorce.


81. Ibid.

82. Employees were screened annually to select them for government jobs and were exploited through different systems such as Salami (salute), Najarana, Darsan Bhet and Pan Phul, in which they had to give money or resources to officials. Employees with doubtful loyalty were generally kept in a reserve pool known as Jageda.


85. Interview with Yuvraj Ghimire, Editor, Annapurna Post, Kathmandu, 5 September 2014


88. CPI is a ranking of countries according to the extent to which public sector corruption is believed to exist in them. It uses research, expert assessments and opinion surveys to rank countries on a scale of zero to 10, with zero indicating high levels of corruption and 10 indicating low levels. The country ranked number one is considered the least corrupt and the country ranked highest is the most corrupt. See: http://www.transparency.org/cpi2014/results


91. Political interference by political representatives or supporters, who do not possess the legal authority to make and enforce decisions on public processes, to change and control such decisions or processes for their benefit.

93. The local management of forests has been formalised through a series of government measures, including: Amendment to Forest Act (1978); Decentralization Act (1982); Master Plan for the Forestry Sector (1988); Forest Act (1993); and Forest Regulations (1995).


99. This can include sexual coercion, mutilations or forcing men to witness or act out sexual abuse on others. There is little numerical information available about SGBV against men and boys in Nepal, but it has been widely documented in other countries. See: C. Watson, Preventing and responding to sexual and domestic violence against men: A guidance note for security sector institutions, Geneva: DCAF, 2014, http://www.dcaf.ch/Publications/Preventing-and-Responding-to-Sexual-and-Domestic-Violence-against-Men-A-Guidance-Note-for-Security-Sector-Institutions


102. Ibid., p.233


107. This stems from girls traditionally ‘leaving’ their own family and moving in with their husband’s family upon marriage.

108. According to the 2011 census. See: Central Bureau of Statistics, Government of Nepal, 2012, Op. cit. This is partly due to women generally having less access to the economic resources required to purchase land and to inheritance traditions favouring male heirs, although this varies strongly between different socio-economic groups.

109. Chhaupadi also known as chhue, bahirhunu, chaujadi, chaukulla and chaukudi is a long-held and widespread practice in the Far Western and Mid-Western regions of Nepal among all castes and groups of Hindus. According to the practice, women are considered ‘impure’ during their menstruation cycle and are separated from others in many spheres of normal, daily life. This can lead to negative psychological, security and health consequences. See: UN Resident and Humanitarian Coordinator’s Office (RCHCO) Nepal, Field bulletin: Chaukudi in the Far-West, 1, Kathmandu, 2011, http://un.org.np/field-bulletin/rchco-field-bulletin-chaukudi-far-west-issue-1

110. Deuki is a traditional custom in the Mahakali and Seti zones of Nepal. Deuki is a girl offered to the deities as a sacrifice for good health, to bear a son or for other wishes. The Deuki is either one’s own daughter or a girl ‘purchased’ from a poor family. Girls offered as a Deuki are required to spend their time caring for the temple and have to live on whatever cash or food is given as a puja offering. They are forbidden from marrying.

111. Similar to the Deuki system, the Jhuma system, which is prevalent in Sherpa communities in eastern Nepal, is when the second of three or more daughters (and often children born from illicit relationships) is given to serve a gumba (monastery). They are also forbidden from marrying.


113. Due to the significant social stigma attached to widowhood in Nepal, organisations working with widows prefer to use the term ‘single women’ to break the associated social taboos and prescriptions, such as the wearing of certain colours and exclusion from ceremonies and celebrations.


115. Find out more at: http://www.icj.org/about/


117. An example of this is the REFLECT Centres supported by Care Nepal under Sakcham II, as described by a Care staff member on 27 November 2013.

118. Consultation workshop in Nepalgunj, Banke district.