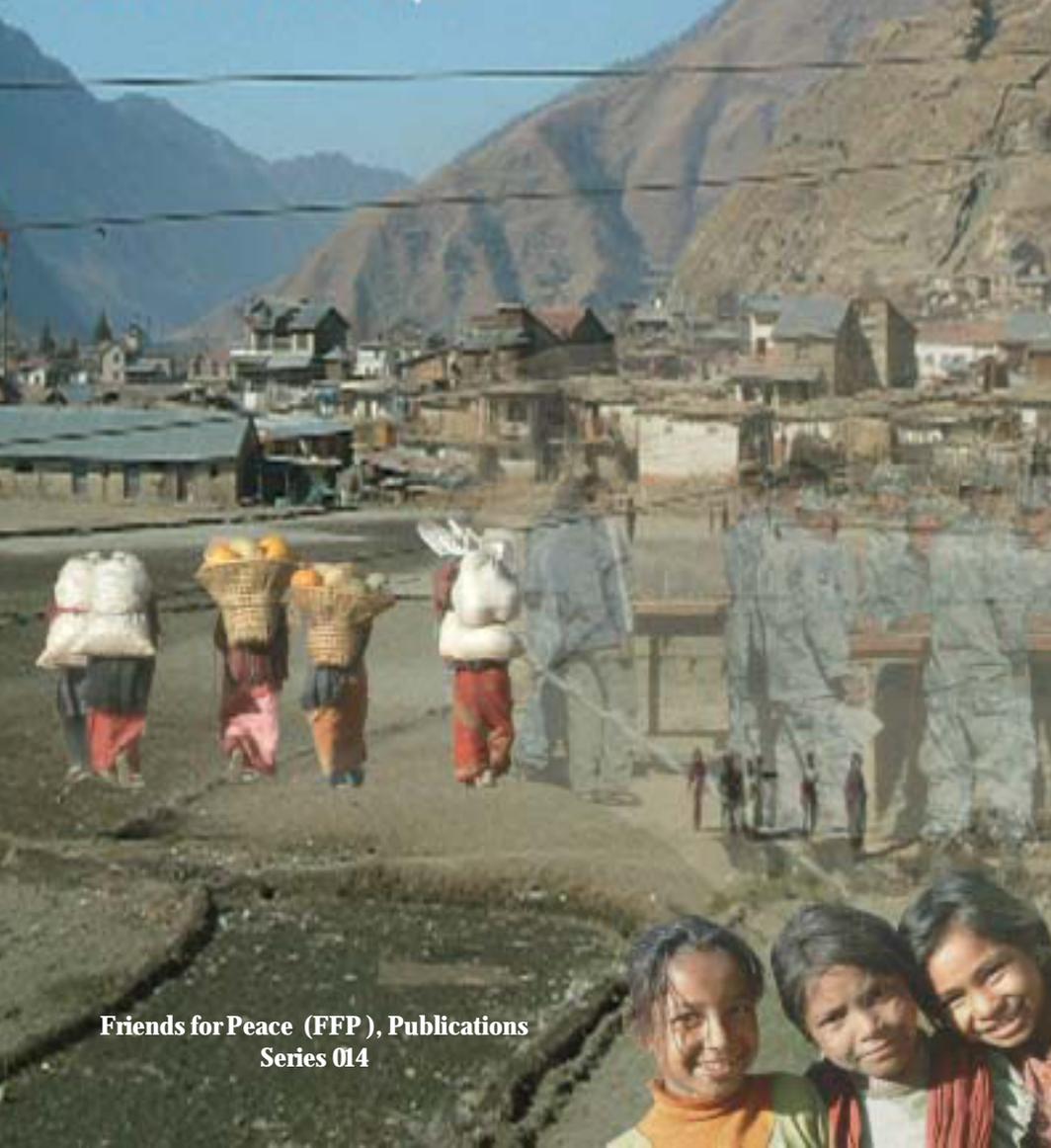


International Alert.



# Nepal at a Crossroads:

The Nexus between Human Security and Renewed Conflict in Rural Nepal



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# **Nepal at a Crossroads:**

**Nepal at a Crossroads: The Nexus between Human Security and Renewed Conflict in Rural Nepal**

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## Foreword

Security in a universal sense is the basic need for safety against multifarious threats that challenge people's right to human security. Devoid of real or perceived security, a human becomes traumatised and ceases to function normally and rationally.

Nobel laureate economist Amartya Sen is of the opinion that “human freedom is both the primary end and the principle means of development.”<sup>1</sup> He further goes on to explore the roles and inter-connections between economic opportunities, political freedoms, governmental accountability and physical security, as a nexus to enhance the freedoms of individuals. Without the implementation of a proper paradigm of security arrangement, freedom cannot be imagined.

Security requires the sustainable pursuit of not only the individual's physical and property safety, but also the psychological, political, economic, socio-cultural and environmental dimensions to this safety. Ensuring these basic elements of human security is a responsibility for all citizens of a polity.

The essence of comprehensive security, which means the inextricable nexus between domestic well-being and international relations, should be inspired from the vision of a well-defined and organised community security in the promotion of peace and progress of a nation.

We take this opportunity to share with you the findings of a research conducted by FFP in collaboration with IA on “The Nexus between Human Security and Renewed Conflict in Rural Nepal.”

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<sup>1</sup> Sen Amartya. 1999. Development as freedom. New Delhi: Oxford University Press.

The research was carried out in four key districts: Morang, Makawanpur, Jumla and Kailali, focusing primarily on the security situation of communities outside the Kathmandu valley. The inquiry explores the feasibility of instituting appropriate and inclusive mechanisms at VDC or DDC level with a view to help resolve local-level conflicts before they conflagrate into wider conflicts that endanger the current peace process in Nepal.

Over recent months, the culture of anarchy in Nepal is rising as diverse groups and forums choose violent means to force the government to meet their demands. The secessionist tendency of some ethnic organizations has further aggravated the existing security situation of the country. The most seriously affected area is the Terai belt. In this region there are very serious, yet little understood, issues concerning community security. These issues need to be brought to attention and taken into consideration at the national level.

Opportunist unlawful gangs as well as other sections of society have taken advantage of the attenuated powers of the state security forces that have been reduced to mere “spectators” in a worsening law and order situation, enabling extra-state forces to fill this vacuum. This is particularly the case in the rural areas. This has clearly revealed the need for law and order reform measures throughout Nepal.

FFP and IA have been playing a significant role in facilitating research and dialogue on the issue of “Community Security.” Moreover, the output from this work is expected to make a valuable contribution in drawing attention to local perceptions on community security and alerting the government and other national and international stakeholders to the possibility of holding free and fair Constituent Assembly Election.

A massive security reform is the need of the hour without which the security scene may remain as ruptured as it is today. If we, at FFP and IA, have contributed in a small way to reform and bolster our security system, we will have made a small step towards building a sustainable peace process.

D B Gurung  
Executive Director  
Friends for Peace (FFP)

September 2007

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Our sincere gratitude goes also to FFP's Chairperson Mr Laxman Prasad Aryal together with all FFP Board Members and Advisors for their constant guidance and support, as well as to Vice Chairperson Dr Meena Acharya, Secretary General Mr Gauri Pradhan and Board Members Mr Vijay Kant Karna and Mr Narayan Gurung for travelling to the districts where the research was being conducted.

Similarly, we express our sincere thanks to the offices of the NGO Federation of Nepal in Morang, Makawanpur and Kailali and to the Karnali Integrated Rural Development and Research Centre (KIRDARC) in Jumla for their warm hospitality and support to our research at the district level through helping to organise district level interaction programmes and sharing a wealth of information and resources with us.

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It is impossible to mention the name of each and every person who provided us with their valuable inputs in helping us accomplish our activities. However, we dedicate our final, and most important, words of appreciation to the people who selflessly gave their time and shared their experiences with us. Without their vital input this research would not have been possible.

## Acronyms and Abbreviations

ANWO(R)	All Nepal Women's Organisation (Revolutionary)
BOGs	Basic Operating Guidelines
CA	Constituent Assembly
CDO	Chief District Officer
CPA	Comprehensive Peace Accord
CPN (M)	Communist Party of Nepal (Maoist)
CPN (UML)	Communist Party of Nepal (Unified Marxist - Leninist)
DDC	District Development Committee
DDR	Disarmament, Demobilisation and Reintegration
EPA	Eight Party Alliance
FFP	Friends for Peace
GDP	Gross Domestic Product
IA	International Alert
IDPs	Internally Displaced Persons
ILO	International Labour Organisation
JTMM	Janatantrik Terai Mukti Morcha
KIRDARC	Karnali Integrated Rural Development and Research Centre
LDO	Local Development Officer
MPRF	Madhesi People's Rights Forum
NC-D	Nepali Congress - Democratic
NHRC	National Human Rights Commission
OCHA	Office of the Commissioner for Humanitarian Affairs
PLA	People's Liberation Army
PWR	Participatory Well-being Ranking
SALW	Small Arms and Light Weapons
SPA	Seven Party Alliance
SSR	Security Sector Reform
UNMIN	United Nations Mission in Nepal
VDC	Village Development Committee
WDO	Women Development Office(r)

# Executive Summary and Recommendations

## Executive Summary

One key weakness of the current peace process in Nepal is the failure to address diverse and complex security needs at the *local* level, while focusing instead on the issues of national security over community security, and physical security over human security. The peace process has therefore failed to address a fundamental underlying cause of the conflict - the ingrained culture of exclusivity that characterises every arena of public life in Nepal and which perpetuates the insecurity of many vulnerable and marginalised groups. Instead, a struggle for power at the expense of the needs of the majority of the population has generated the conditions within which long-standing grievances have festered threatening to re-emerge in ever more aggressive forms. The most immediate example of this issue is the emergence of violent conflict in the Terai region. Notwithstanding the serious conflict in the Terai, the potential for communal violence throughout Nepal among marginalized caste, ethnic, linguistic and regional groups and communities remains high in the post-settlement context. Further, the complex and diverse economic, political and social dimensions to security cut across ethnic, caste, class and gender lines in Nepal and the inter-linkages are currently little understood. Thus, the provision of local security is one of the main requirements for a peaceful society and sustained social and economic development.

In recognition of this urgent need for an understanding of community security needs and perceptions, Friends for Peace and International Alert undertook research in Morang, Makawanpur, Kailali and Jumla to assess the existing community security situation, people's perceptions towards it and prospects for the future. The research was based on individual and group interviews and

wider community interactions and was led by the communities themselves. Community security is therefore defined in this document as a holistic concept that encompasses not only physical security but *inter alia* access to resources, equitable rights to economic and socio-political inclusion and freedom from intimidation, discrimination, extortion and domestic violence.

There are four key thematic areas in the analysis of community security that emerged from this research:

- **The positive and negative role played by State and Extra-state actors in providing security for communities:**

There has been a gradual improvement in the security situation in the villages, since the Comprehensive Peace Accord (CPA) was signed between the rebels and the SPA Government on 21 November, 2006. However, where the police have not been able to return to the villages and the 'Maoist People's Government' has been dismantled, there is a considerable security vacuum at the community level of which criminal gangs and illegitimate forces have been able to take undue advantage. Further, the erosion of the credibility of the security forces among the local people during the past ten years has posed a major impediment to re-establishing state security mechanisms in the villages.

Despite the dissolution of the Maoist People's Government at all levels, many Maoist-affiliated 'People's Courts' are still in operation, partly due to their rapid justice delivery mechanism, and partly due to the government judiciary mechanism being inaccessible and inefficient. With the Maoists retaining considerable power in the villages, where state judicial mechanisms have rarely been able to reach, many still take recourse to the People's Court as their port of

call for justice. The fact that many VDC Secretaries have been unable to return to their stations of duty has further served to detach the people from the government influences.

- **The plurality of needs and experiences that exist regarding community security at the micro and meso levels in Nepal:**

A key finding of this research was the diversity of people's experiences and perspectives regarding community security. The debate over the security issues, including Security Sector Reform (SSR), in Nepal has so far been focused on macro level security and has overlooked basic human security and failed to consider the diversity of security threats to the people, resulting in a lack of understanding of what 'peace' and 'security' mean to different groups of society. There is a common perception among the marginalized and vulnerable groups that the security has improved for the 'elites' only. There are still multiple forms of discrimination and marginalized groups have been unable to reap any dividends from the peace process thus far. The failure of successive governments to address issues of particular concern to indigenous and marginalized groups has left people feeling that they have little alternative to radical solutions.

The diversity of perceptions of security is illustrated by the fact that whilst male members of the community tend to view security on a physical level, equating their own security with national level security, women tended to view security on a much more human level, related with food security, access to resources, protection from domestic violence and security of their family.

- **The fear of the re-emergence of conflict:**

Many stakeholders believe that there is a chance of the re-

emergence of conflict, due to a growing mistrust and suspicion at the local level, arising from long standing grievances (pre-existing the ten-year conflict), and more immediate flashpoints such as the activities of the political parties, questions over reintegration and the upcoming election of members to the Constituent Assembly. The suspicion is not only limited to the activities of the local/national stakeholders but also the activities of international actors. There is a lack of cooperation among political parties, especially between the CPN (M) and the members of Seven Party Alliance (SPA). The reintegration and reconciliation of IDPs with their communities upon their return back to their villages of origin is potentially difficult in such an environment. This is further aggravated by the absence of elected local government and weak state security mechanisms in the locality. The emergence of the YCL as a force of considerable influence is also providing space for new conflicts. The lack of vision among major political actors in acting to incorporate the grievances of different stakeholders in the peace process has sparked new rounds of violence in many parts of the country. The criminal activity growing in the border areas and the fresh violence unleashed by different groups in the plain areas dubbed as the "Terai Tinderbox" are serious threats to community security in that region.

- **The need for an inclusive, locally owned community security mechanism:**

The majority of the people interviewed during the research felt that the present situation of conflict had arisen owing to a long-term policy of exclusion pursued by the power elites. Any kind of security mechanism, therefore, needs to be inclusive, creating a feeling of ownership among all stakeholders. Furthermore, the perception of the local communities was that

any future community security mechanisms could be effective only if they possessed preventive rather than curative capabilities.

## Recomendations

### *Peace Committees*

Potentially an important means for addressing and preventing tension and dispute at the local level are the proposed Peace Committees. However, they are unlikely to be successful (and even risk being harmful) unless measures are taken to ensure that they meet the real needs of rural communities. This report therefore puts forward the following recommendations for Peace Committees:

- Peace Committees need to be **active at the local level**, i.e. they need to have outreach beyond the district centre in order that they are accessible to the majority of the population and focus on **human security** rather than purely state security and state security mechanisms.
- Peace Committees need to **recognise and learn from past and existing mechanisms** for community security and local governance. This includes indigenous mechanisms, the mechanisms and systems of the Maoist 'People's Government', and existing state security provisions. In order for this to be done successfully, further research is needed into the successes and shortcomings of these mechanisms, in particular indigenous mechanisms and their peacebuilding potential, around which little comprehensive research exists.
- Peace Committees need to be **locally owned and inclusive** if they are to be sustainable. They must take into account the diversity of community security needs at the local level, including the

particular and diverse needs of women and vulnerable and marginalised groups. These groups must be included in any future community security mechanism in substantial numbers – only then can there be a real understanding of the needs of local people and effective means for addressing these needs. This would mean that community security mechanisms would differ slightly in structure and approach from place to place, rather than adopting a one-size-fits-all methodology imposed by Kathmandu.

- Peace Committees need to **include representatives of the security forces and political parties**. This will increase the accountability of these particular groups and give the security forces in particular a forum within which they can both regain lost credibility and address past mistakes.
- Peace Committees need to represent a **preventative rather than curative** mechanism, aiming to address disputes and tensions at the grassroots level, before these issues evolve into and fuel wider conflicts.

### **Political Parties**

All stakeholders agreed that for any future security mechanism to be successful it needed to include political parties active at the local level. However, it was also generally agreed that political parties need to make significant changes in their own behaviour and approach at both national and local levels, that over ten years of democracy had seen little improvement in the lives of many as political parties concerned themselves largely with power-grabbing and petty interests at the centre, at the expense of the needs of the majority of the population. This report therefore puts forward the following recommendations for political parties:

- Members of the power-sharing Eight Party Alliance (EPA) need

to turn their attention to the needs of those at the **grassroots level**. This requires **moving beyond the blame culture** which characterises many parties at the local level and making **visible and significant changes** in policy and attitude at both local and national levels to ensure that these needs are taken into account and addressed effectively and efficiently.

- Political parties need to address the issue of **inclusion**. Whereas parties have been forced to put forward candidates from diverse ethnicities and both genders at the national level, at the local level parties remain exclusive and unrepresentative of the constituency which they claim to represent. Failure to address this issue means that parties have failed to internalise key issues, thereby creating space for the emergence of factions and groups adopting extreme methods for getting their voices heard.
- Political parties, as the grassroots representatives of the democratic system, need to **cooperate** and present a united front regarding issues pertaining to the common interest of their constituents, such as community security and the reestablishment of the police posts.

### Security Forces

Common throughout the research was the perception at the district level that the security forces have suffered a significant loss of credibility in recent years. The police are struggling to regain this credibility in the current context as they lack a mandate through which to do so, are lacking in human resources and have in some cases been reduced to 'spectators' in matters of local security.<sup>2</sup> Addressing the need for, and advancing recommendations for, Security Sector Reform (SSR) is beyond the scope of this research, however, for the police to effectively engage in, and address, matters of community security,

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<sup>2</sup> Interview, Morang, November, 2007

this report puts forward the following recommendations:

- The **mandate** of the Nepal Police be made broader, to allow for **public-relations** exercises, and to allow the police to become a **preventative force** regarding community security, addressing grassroots level disputes through inclusive dialogue and information gathering, before these small disputes feed larger conflicts.
- As with the political parties, the government itself needs to adopt **recruitment** and personnel-development policies which facilitate the **inclusion** of marginalised groups, thereby making sure that the diversity of Nepal's population and the diversity of needs and experiences are represented within all state governance and security mechanisms. Only then will these forces be able to address the security needs of grassroots and marginalised communities effectively.

### Development Sector

Last but not least, this research has uncovered issues of importance to be taken into account in development programming. In all districts, development organisations were active at the local level, often undertaking tasks, such as the rehabilitation of IDPs which would normally have been the responsibility of local government. It is therefore vital that the following issues are taken into account by those responsible for development programming:

- The need for **conflict-sensitive inclusion policies**, i.e. policies which aim to include those belonging to marginalised and vulnerable groups (in recognition of the multiple and diverse forms of marginalisation) but also take into account local sensitivities in this regard and do not include one group at the exclusion (real or perceived) of another. This requires careful attention to helping to create and enabling environment through

which the needs of marginalised groups can be understood and addressed throughout the community.

- Growing **mistrust and insecurity** at the local level. This is particularly the case in the Terai region and mistrust extends also to international actors, including INGOs. There is a need now more than ever for development programming to be **conflict-sensitive and understanding of conflict dynamics** and insecurity at the local level.
- The **plurality of experiences, needs and values** existing within Nepali society, and within particular groups, for example the diversity of experiences within and between different groups of women. In adopting inclusive policies this plurality must be recognised, in particular the existence of elites within marginalised groups, so that development programmes may address the truly marginalised and understand the diversity of needs and experiences at the local level.
- The **plurality of experiences, needs and perceptions** existing within and **between districts**, for example the significant differences in perceptions of security between an area with a cantonment nearby and one without. There can be no one-size-fits-all approach for each project area.
- The **high expectations** which people have regarding the peace process. With the success of the People's Movement 2006 and the subsequent signing of the CPA, many had high expectations of peace dividends in the post-settlement context. These dividends however have failed to emerge, resulting in frustration and apathy around the nascent peace process. Expectations also extend to renewed development activity in the rural areas. These expectations therefore must be understood and taken into account when initiating development programmes.



## CHAPTER

# Introduction



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### ***1.1. The Current Context and Relevance of the Research in Nepal***

The provision of security is one of the main requirements for a peaceful society and sustained social and economic development. This is particularly important in ‘fragile’ societies, such as Nepal, that are prone to, or emerging from, conflict. In post-settlement countries, sources of insecurity for the general population are substantial. These sources of insecurity in Nepal are diverse, with security itself meaning various different things to many different people. Community security therefore is a holistic concept that encompasses not only physical security but *also* access to resources, equitable rights to economic and socio-political inclusion and freedom from intimidation, discrimination, extortion and domestic violence. These complex and diverse economic, political and social dimensions to security cut across ethnic, caste, class and gender lines in Nepal and remain little understood.

Approaches to security often focus on security at the national

level, and therefore fail to address the diversity of security needs and experiences at the more local, *community* level. In Nepal's current post-settlement context, it is clear that the security situation remains highly complex. Improvements in overall security at the national level are not necessarily reflected in the realities and perceptions at the community level where a wide range of issues continue to impact on the lives of the Nepali people. Therefore, it is necessary to develop a nuanced understanding among all societal and state actors of what people perceive personal security to encompass. Without a true understanding of perceived or actual community security needs and their causes, any local, national or international attempt to address insecurity is unlikely to be successful and may even potentially be harmful.

In recognition of this urgent need for an understanding of community security needs and perceptions, Friends for Peace and International Alert undertook a series of community security researches in Morang, Makawanpur, Jumla and Kailali districts. These researches were based on individual and group interviews and wider community interactions and led by the communities themselves.

There are four key thematic areas in the analysis of community security that emerged from this interactive research:

- The positive and negative role played by State and Extra-state actors in providing security for communities in the study areas
- The great plurality of needs and experiences that exist regarding community security at the micro and meso levels in Nepal
- The fear among communities of (re)emerging local-level conflict over long standing grievances (pre-existing the ten-year conflict), and more immediate flashpoints such as the activities

of the political parties, questions over reintegration and the upcoming Constituent Assembly election

- The need for an inclusive, locally owned security mechanism that is preventive rather than curative in order to address local disputes before they escalate into wider conflict (and thus undermining the fragile peace process in Nepal)

Therefore this report aims to address community security in Nepal through a multitude of lenses. In doing so, it will first explore the current situation of community security in Nepal before going on to outline past and current state and extra-state provisions for community security and justice and their effectiveness within the current context. It then looks at the diversity of needs and experiences regarding community security, including the particular experiences of marginalised and excluded groups. Finally, the report examines the dynamics of local conflicts and the role of stakeholders in meeting community security needs and reducing the risk of (renewed) local conflict.

## *1.2 Community Security in Nepal – A Contextual Analysis*

With the signing of the Comprehensive Peace Accord (CPA) between the Government of Nepal and the Communist Party of Nepal – Maoist (CPN (M)) on 21 November 2006, Nepal has entered a ‘post-settlement’ phase<sup>3</sup>. However the roots and legacy of the conflict, which lasted over a decade and claimed the lives of over 13,000 Nepali people,<sup>4</sup> have yet to be fully addressed and relations between the political parties remain uneasy. In accordance with steps outlined in the CPA, the registration and monitoring process of combatants of both sides is currently underway,

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<sup>3</sup> With the causes of the conflict still remaining, the current context in Nepal cannot be termed post-conflict.

<sup>4</sup> INSEC 2007. Human Rights Year Book 2007. Kathmandu: Informal Sector Service Centre.

led by the UN Mission in Nepal (UNMIN). The CPA also outlines steps for the reestablishment of police posts in conflict-affected areas and the return of local governance systems and personnel to the rural areas, a process which is underway, although hindered in some places by continued Maoist presence and the emergence of armed splinter groups. The issues surrounding this process will be explored in detail below.

However, while the initiatives set out in the CPA are aimed at establishing a degree of security and stability, failure to recognise and address effectively the underlying causes of the conflict may lead to a renewed escalation of conflict and to continuing insecurity at both the national and local levels. In particular, these initiatives have failed to address diverse and complex security needs at the *local* level, instead focussing on issues of national security over community security, and physical security over human security. One fundamental underlying cause of the conflict which the nascent peace process has so far failed to address is the ingrained culture of exclusivity that characterises every arena of public life in Nepal and which perpetuates the insecurity of many vulnerable and marginalised groups. Instead, a struggle for power at the expense of the needs of the majority of the population has generated the conditions within which long-standing grievances have festered and begin to re-emerge in ever-more aggressive forms. The above factors combined mean that the potential for communal violence among marginalised caste, ethnic, linguistic and regional groups and communities remains high in the post-settlement context.

The progress of the peace process in Nepal thus far has naturally raised the expectations of the Nepali people for rapid peace dividends. Managing these expectations in the coming months and years will present an enormous challenge for all involved in the

peace process. High expectations have also been placed upon the UNMIN monitoring mission which so far have proved difficult to meet. Sporadic incidents during the registration and monitoring process (which began on 15 January 2007) indicate that there is little trust, between the conflicting parties and within communities themselves, that either side will respect strict arms control. Furthermore, rhetoric at the national level regarding the inclusion and empowerment of marginalised groups has so far failed to satisfy many and marginalised communities have yet to receive dividends from the peace process. This has resulted in frustration among such groups and has allowed for the emergence of groups offering radical alternative means of enacting socio-political transformation.

The movement of large numbers of Maoist combatants from rural villages into the cantonments and the withdrawal of the Nepal Army back into the barracks post-CPA has left behind a considerable security vacuum. Lacking a clear mandate in the provision of security, the police force (who now have full responsibility for local security) are struggling to fill this vacuum. Local governance mechanisms have also been striving to fill the vacuum left by the dismantling of parallel Maoist 'People's Government' structures. This security and governance void has resulted in the emergence of splinter groups and criminal gangs who are able to take advantage of the current, fragile, stage of the peace process and the lack of effective security mechanisms at the local level.

In this context, organisations offering radical solutions to long-standing grievances have gained support. Breakaway factions of the Maoist party, criminal gangs (Indian and Nepali), radical new groups, many arranged along ethnic lines, are able to take advantage of weak state provision for law and order to emerge as significant threats to peace and security in Nepal. The fact that the

nationally agreed arms control measures do not take into account the control of militia forces and their weapons is also enabling such groups to flourish.

As the peacebuilding process in Nepal moves forward, IDPs, economic migrants and ex-combatants, among others, are beginning to return to their place of origin or move to new communities. Many have high expectations of being compensated or receiving benefit packages from the Government and the international community. However, these returnees not only place huge pressure on the host communities they settle in but also face significant challenges themselves. Communities need to deal with a changed dynamic and returnees are faced with (re) establishing a life and livelihood.

In such situations actual and perceived levels of security within communities can deteriorate rapidly, especially with the emergence of splinter groups. If the need for socioeconomic reintegration and reconciliation at the community level is not addressed it is unlikely that returnees will be able to reintegrate themselves in ways conducive to sustainable peace; and tensions may rise to the detriment of the overall peace process. Unless there is a clear understanding of the nuanced security issues experienced at the community level, and there are institutions in place to manage tensions, actual and perceived levels of security and trust within communities can deteriorate rapidly and local level conflict can re-emerge.

A leitmotif emerged in all the districts covered in this research and among varied groups of stakeholders, in the form of a serious concern regarding the potential for acts of revenge and retaliation for abuses committed during conflict at the local level. There was a general feeling that the national level rhetoric of concilia-

tion and cooperation failed to address the experiences and concerns of those at the grassroots who had suffered most during the conflict. The reintegration of returnees is a particular issue of concern in this regard and will be discussed in further detail in this report. The Maoist's failure to return land and property despite promises from the leadership is fuelling anger and frustration among displaced people. Victims of conflict from both sides have received little in the way of compensation or rehabilitation support from the government. Political parties are struggling to find areas of consensus on which they can work together to encourage sustainable peace and continued Maoist acts of criminality and violence at the local level threaten to undermine what little cooperation exists among the eight main political parties. Frustration and mistrust continue to run high in the districts as the peace process begins to fail in meeting the high expectations placed upon it.

The issue of localised revenge is much more multifaceted and complex than simply a reaction to abuses committed during war. Many emergent 'revenge' conflicts are retaliations against the generations of exclusion and oppression - social, political and economic - that constitute a fundamental cause of repeated conflict in Nepal. It should be noted that grievances coming to the fore in recent months far outlast the ten year conflict. Recent violence in the Terai region demonstrates that the causes of the conflict there still remain unaddressed and until they are, frustrations and mistrust manifested in localised conflicts threaten to escalate and return the entire country back to civil war.

In recognition of the fragility of Nepal's peace process and the need for community mechanisms to be in place to address issues of contention as they arise, the newly-formed Ministry of Peace and Reconstruction (MoPR) proposes to establish 'Peace Com-

mittees' across all 75 districts in Nepal.<sup>5</sup> The Ministry itself recognises that these committees, if they are to be effective, will need to be inclusive and locally-owned. However, a lack of understanding of the diversity of experiences at the local level and the particular issues facing vulnerable and marginalised groups, threatens to undermine good intentions.

The voices and experiences of those living outside the capital cannot be underestimated at this critical juncture in Nepal when elites in Kathmandu and other urban centres struggle to connect national level debate with the realities of rural communities. Past efforts to find lasting solutions to the conflict have suffered from the exclusion of local voices, with disenfranchised groups such as women, Dalits (lower caste groups) and ethnic minorities (Janajati) marginalised by elite political and civil society leaders. The creation of avenues for dialogue and discussion among marginalised groups, and between them and those that claim to represent them, is therefore vital. In a country where 86 percent of the population live in rural areas, the establishment of local level mechanisms and processes that will help manage existing disputes and prevent emerging ones in an inclusive and participatory manner is essential.

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<sup>5</sup> The Ministry of Peace and Reconstruction (MoPR) was able to broker 8-party consensus on the establishment of these Peace Committees but the modalities of the role and responsibilities of these committees are still vague.

## 1.3 Methodology

### *1.3.1 Rationale of the Research*

This project was conceptualised in mid 2006 in response to the growing recognition that the peace process could potentially be derailed over issues of security such as arms control, militia and criminal activities and disillusionment regarding the dividends that the peace process would bring to people in communities throughout Nepal. It was observed that there were very serious, yet little understood issues of community security that needed to be brought to attention and taken into consideration at the national level.

The research methodology was largely field-based and qualitative. Substantive information was an integral part of the research methodology; in the belief that dialogue and the development of sustainable community security mechanisms need to be built upon a comprehensive and nuanced understanding of community needs. Information was provided by communities themselves in facilitated interactions and meetings with key stakeholders and guided by semi-structured questionnaires. The emphasis in this methodology was not on research conducted by the outsiders but instead local people assessing their own needs and concerns for sustainable peace at the community level. This avoids the risks of misinterpretation and distortion by outsiders viewing the issues from their own perspective. Research teams consisted of one researcher from FFP, one researcher from IA and one local facilitator in each district.

Four research locations were selected from across the country, in an effort to gain an understanding of the diversity of community security issues across Nepal. Morang, Makawanpur, Jumla and Kailali districts were chosen from the Eastern, Central, Mid-Western and Far-Western development regions (see Map One). Due to

resource and time constraints, and the need to engage with key stakeholders such as political party leaders and government and security force representatives, research was undertaken in and around the district centre. During a ten-day period in the district, the research teams met with and interviewed key stakeholders. Preliminary findings of the research were then shared among all stakeholders at a large interaction held at the end of the research period in each district. Presentation of findings then formed a base for further discussion around community security needs and experiences among those present. These local-level discussions were then brought to the national level with findings shared and debated with both national and international stakeholders.

**The map below shows the Districts Selected for Community Security Research**



**Map One :** *District sites (Morang, Makawanpur, Jumla and Kailali) shaded.*

### ***1.3.2 Selection of the Districts***

#### **Morang**

Morang is located in the eastern Nepal. Its district headquarters, Biratnagar, is the largest urban centre in eastern Nepal and the second-largest city in the country. It is also an important regional centre for politics, trade, industry and education. Morang's proximity to Nepal's open border with India has made it vulnerable to cross-border illegal activities such as trafficking, smuggling, and cross-border crime. Although less affected by the Maoist insurgency until its latter years, Morang, with its sizeable Madhesi population, currently finds itself in the midst of the Terai unrest.

### **Makawanpur**

Makawanpur is situated in the inner Terai region of central Nepal. Developed into an industrial centre during the Panchayat regime<sup>6</sup>, the district headquarters Hetauda remains an important transit centre, linking the hill region with the Terai belt. Makawanpur was also a major corridor for the smuggling of SALW from the markets of Bihar and Uttar Pradesh in India to the central districts, with rebels using the banks of the Kamala River as a preferred route.

### **Kailali**

Located in the far-western Terai region, Kailali was highly affected during the Maoist insurgency. It is a largely rural district with a majority of Tharu population (a highly marginalised indigenous caste). Furthermore Kailali lies in one of the poorest regions of Nepal. The district capital, Dhangadi, is located close to the Indian border and cross border smuggling and illegal activity continues today.

### **Jumla**

Jumla lies in the Karnali region in the mid-west of Nepal. Until very recently Jumla had no road links, but remained an important centre due to its air links to the economic hubs Nepalgunj and Surkhet. Home to the regional headquarters of the Nepal Army and the Armed Police Force, the district headquarters of Jumla was a key target for Maoist rebels during the conflict and was attacked twice, destroying or displacing the majority of government infrastructure. With the majority of its population classed as 'food-insecure', Jumla has received large amounts of foreign aid in the past. However, this aid has been donated in the form of

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<sup>6</sup> It is an autocratic political system imposed by the late King Mahendra in 1960 with the help of a military-backed bloodless coup. Under this system, all political parties were declared illegal and the Royal family was above the constitution.

rice or other grains flown in from Kathmandu which are substituted for traditionally grown cereals. Unfortunately development aid in this region has sometimes been ill-considered focusing on quick-fix food aid at the expense of a longer-term investment in improving transport links with the rest of the country and agricultural extension schemes that would help restore traditional agriculture cropping skills.<sup>7</sup>

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<sup>7</sup> “Don’t Kill the Karnali Region with your Aid,” Jivan Bahadur Shahi (Nepali Times, Issue no. 260; 12/08/2005 – 18/08/2005).



## CHAPTER

# 2 State and Extra-State Provisions in Community Security

### **2.1 Overview**

Ten years of violent conflict means that many people in Nepal's rural areas now understand the provision of security to be the preserve of armies with guns. Where once communities had a credible and effective indigenous governance systems through which disputes could be resolved and issues affecting the security of the community addressed, these indigenous systems were largely replaced by parallel Maoist mechanisms during the conflict<sup>8</sup>. It is also widely acknowledged that conflict has increased the impunity of the security forces; often rendering them unaccountable to the people they are supposed to protect. In the current context, the police recognise the need to engage with local

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<sup>8</sup> During previous FFP-IA research into the local peace agendas of people in the districts (see *Voices from the Villages: People's Agendas for Peace*: FFP, forthcoming November 2007), a significant number of respondents referred to indigenous governance mechanisms as effective forums within which disputes could be resolved non-violently. The Tharu community in Kailali for example cited their Bhalamansa/Khyala system as a means of community dispute resolution. However, in many villages this system had become defunct when replaced with a parallel Maoist system.

communities in order to repair their tarnished image but concurrently, they lack a clear mandate to do so.

The exclusion that pervades all arenas of Nepali society applies to the provision of community security also - grassroots communities and those belonging to vulnerable and marginalised groups have little say in issues of their own human security. A key consequence of this exclusion is the failure of security mechanisms to take into account the needs of these excluded groups, thereby rendering themselves ineffective. In all of the research locations activists representing different groups of women and lower caste communities highlighted the exclusion of these particular groups as a serious obstacle to sustainable peace in Nepal. Conversely, it was felt that the inclusion of marginalised groups, in particular women - who tend to view their security on a much more fundamental, human level - in dialogue on community security can play a vital role in contributing to the effectiveness and sustainability of a future local security mechanism.

The following section will focus upon the role that state and extra-state forces currently play in the provision of community security and justice. This will include the role of the Maoists as well as state security forces and the role of local and national government in providing security at the community level. This chapter will also discuss the ways in which communities are able to negotiate parallel and conflicting systems to their minimum disadvantage.

### ***2.2 State and Extra-State Security Provisions***

The CPA outlines steps for the dismantling of parallel Maoist 'People's Governments' at the local level and the corresponding reestablishment of police posts. The army having returned to the barracks, the overall responsibility for local security has been returned to the Chief District Officer (CDO), to be en-

forced by the Nepal Police. In accordance with the steps set out in the CPA, the process of reestablishing police posts was underway in each district with varying degrees of success. District police authorities have attempted to bring together the Chief District Officer, Local Development Officer and political parties to help facilitate the process.

The majority of respondents felt that they had seen an improvement in the overall security situation since the declaration of ceasefire and the signing of the CPA. However the powers of the security forces have been seriously attenuated by the ten year conflict and credibility and morale are low. There is a conspicuous lack of political party cooperation, with representatives of the security forces feeling that political parties were using them as ‘pawns’ in their struggle to regain power and influence at the local level. Community members in Jumla were particularly unhappy about the reestablishment of police posts in their area. Across the research locations it was apparent that activities of the police and security forces during conflict had resulted in a loss of credibility and public mistrust. Calls for an ‘improved moral character’ for the police force were common.

Senior police officers expressed frustration at their perceived powerlessness in the face of increasing militia activity and criminality resulting from the security vacuum at the local level.<sup>9</sup> It was felt

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<sup>9</sup> The lack of ability of local security forces and governance to engage effectively on matters of security was highlighted in a UN OHCHR investigative report into the killings of 28 people after violent clashes between cadres attending mass meetings of the CPN-M and the Madhesi People’s Rights Forum in Gaur. The report concluded that although the CDO and SP had had prior warning that violence was likely to erupt during the meetings (which were being held in close proximity to each other), both “failed to take even minimum action both to prevent the violence which had been anticipated, failed to intervene once the violence started and made no attempt to arrest anyone during the violence”, thereby contributing to the fact that so many were killed and injured. (OHCHR, April 2007).

that the role of the police force in local security had been reduced to that of a mere 'spectator' post-peace agreement.<sup>10</sup> All senior officers of the police force felt that their force lacked a mandate to play a proactive role in providing security or even to make efforts in rebuilding public relations at the local level. The upcoming Constituent Assembly election later this year was a major issue of concern for senior police officers, with many unsure of the ability of their forces to ensure a safe and fair election process in their district.

While the overall security situation is said to have improved there have been suggestions that the situation at the community level has deteriorated since the signing of the CPA. The Maoist leadership have claimed that this has been a result of their People's Governments no longer functioning in the villages. In all the districts covered by this research, the dismantling of parallel Maoist structures in accordance with the CPA has left behind a considerable vacuum in community security which the government has failed in addressing efficiently. The result has been an increase in crime at the local level as criminal gangs, emergent militias and political factions move in to take advantage of the weakened government mechanisms. In Kailali and Morang, the open border with India was a serious problem in this regard. The cross-border smuggling of timber, vehicles and synthetic drugs was perceived to be on the increase in these districts. In Jumla, the dismantling of parallel Maoist governments had a particularly negative impact upon women. During the insurgency, the villages of Jumla district had been declared 'dry zones' by the Maoist administration and, as such, the production, sale and purchase of alcohol was forbidden. This had a direct impact upon levels of domestic violence at the time. However, with the withdrawal of Maoist

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<sup>10</sup> Interview, Morang, November 2007.

governance structures alcohol is once more freely available and rates of domestic violence in rural households are on the increase.

Despite assurances to the contrary, parallel Maoist structures are still in place in some areas. In Kailali many stakeholders claimed that the Maoist cadres were complicit in the smuggling of vehicles from India to Nepal, where they were then issued with the number plates of the 'People's Government', thereby bypassing the government customs and excise mechanisms. At the time of research in Makawanpur district, the rapid emergence of the Young Communist League (YCL) failed to go unnoticed by other stakeholders. While district level CPN (M) leaders claimed to be filling a much needed gap in community security, civil society leaders and representatives of other political parties feared the motivation behind the setting-up of the YCL.<sup>11</sup> Although reports of YCL involvement in acts of violence and intimidation in Makawanpur district were yet to be received, their very presence and growing numbers lead many stakeholders to cite the growth as a potential threat to security in the locality. In all districts, Maoist representatives felt that their own militias were best able to maintain peace and security in the villages and many continued to do so, with support and cooperation of villagers.

The continuing influence of Maoist cadres at the local level presents a significant challenge to the reestablishment and contin-

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<sup>11</sup> It should be noted that the YCL is not a new phenomenon. The CPN (M) Central Committee Meeting in Bhaktapur decided to reestablish this organisation in December 2006. The media and the SPA has roundly condemned YCL activities and suspect the YCL of putting the Maoists back on a war-footing, as well as committing violent atrocities and extortion. However, while the establishment of parallel structures in the current context risks embedding alternative law, order and justice mechanisms; there is little doubt that the YCL is providing some security and justice that the state is currently unable to provide to its citizens.

ued operation of police posts. This was in particular a problem in Jumla, where junior officers sent to re-open police posts faced Maoist threats and villagers were often unwilling to let office space to the police force, for fear of Maoist reprisals. In one particular village, villagers had travelled to the district headquarters to present a written petition to the Chief District Officer. The petition was against the reestablishment of a police post in their village and cited the past misconduct of police personnel. This particular issue was solved through dialogue and the sending of a joint Maoist - police team to the village in question to assure the community of the positive role the police intended to play in the area. In Kailali, the Maoists wielded considerable influence, even within the district headquarters, to the extent that police officers were unwilling to comment on matters of local security in public, for fear of invoking Maoist anger.

### ***2.3 State and Extra-State Judicial Provisions***

The state judicial courts in all districts under research were overwhelmed by past cases that were not processed in the conflict period. During the conflict, local cases (such as land disputes, divorce etc) in most areas were taken to the local 'People's Court'. Most of the cases the courts are currently hearing are 'the people vs. the people' rather than 'the state vs. the people' as the public are reluctant to bring cases against the state or the Maoists for fear of reprisals should conflict reignite. However, it is commonly acknowledged that the Maoist 'People's Courts' are still operating informally in some areas. In Makawanpur, members of the Maoist women's wing, the All Nepal Women's Organisation-Revolutionary (ANWO (R)) openly admitted that they were still approached by women asking them to address cases of domestic violence and violence against women. Local women in this district preferred the Maoist brand of instant justice (in this case public humiliation) over the inefficient and inaccessible govern-

ment judiciary system.

In all districts, although some parallel systems had been dismantled, it was felt that because government systems were slow or unable to take their place the Maoists systems still had a role to play. Furthermore, this situation was compounded by the fact that the Maoists were unable (or unwilling) to give up the considerable power that they wielded in the rural areas and were struggling to get to grips with their new role as part of the government system rather than an alternative to it. With the Maoists retaining considerable power in rural areas, where state judicial mechanisms have rarely been able to wield any influence, many still turn to the local CPN (M) judicial mechanism as their first port of call for justice. It is in these areas that the Maoist People's Governments have almost exclusively replaced indigenous mechanisms for dispute resolution.<sup>12</sup>

## ***2.4 The Role of Local Government in Providing Security***

There was general concern among the majority of the stakeholders in all the districts under study about the non-existence of elected local governments. However, respondents agreed that basic public services such as the vital registration system and the recommendation for citizenship certificates had resumed after the government authorised Village Development Committee (VDC) secretaries to discharge functions previously executed by the elected office bearers of the VDCs.

However, in the absence of elected representatives, the local level

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<sup>12</sup>In Kailali, for example, the indigenous Khyala system of many Tharu communities has been replaced by alternative Maoist mechanisms of local governance in the rural areas. For more information on indigenous dispute resolution mechanisms and their importance in local communities see *Voices from the Villages: People's Agendas for Peace*, FFP (forthcoming November 2007).

governance mechanisms of the state (especially VDCs) remain unaccountable and ineffective, with many VDC secretaries yet to return to their posts full-time. This is a particular issue in more remote districts, where even before the conflict, government officials were reluctant to stay at their remote outposts and often returned to the district headquarters for the majority of the month. During the research period in Jumla, training was being organised for VDC secretaries with regard to orienting them to update voters' lists. However, none of them had returned to their respective VDCs to resume their jobs except those whose offices were located very near to the district headquarters.

Respondents in Kailali district expressed serious concerns about the absence of legitimate local bodies and the existence of parallel governments at the district and the VDC levels. One district level CPN (UML) leader said that there were several motor vehicles plying the roads in the Far-Western Region with number plates issued by the Maoist 'People's Government'. The tendency to opt for the registration with the Maoist government was due to the fact that people could purchase these vehicles at a much cheaper price than if they registered them with the state government. There were similar concerns in Morang, where, at the time of research, local government bodies outside of urban areas had yet to become fully functional. There was concern throughout the districts under research that non-elected local government mechanisms would lack local-ownership and therefore be ineffective, leaving space for the continued presence of parallel structures.

There is also a post-CPA friction, between the role of the CDO as the 'last word' on security at the district level, and the role of the security forces. During conflict the security forces had a high level of autonomy to act upon security issues as they saw fit. District Security Committees were headed by the most senior

member of the security forces in a particular district, with the CDO being forced to follow the instruction of the army. In most districts the CDO was forced to take shelter in local army barracks after nightfall for fear of Maoist attack. Post-CPA these roles have been reversed, the CDO now chairs the security committee and security forces are unable to act upon matters of security without clearance from the CDO first. In many cases this has caused tension between the CDO and senior security force members, who feel uncomfortable taking orders from the civilian CDO, and has undermined the efficiency and authority of local administration when dealing with local security issues.

Regarding the reestablishment of police posts, at the time of research in Makawanpur district, 22 police posts have been reestablished with the district administration and the Maoists working in tandem in this process. As there are no cantonments in the district, Maoist presence is limited to political cadres and the police have regained responsibility for maintaining law and order in Makawanpur. Levels of cooperation between the police and Maoist cadres are relatively high in this district. However, though the police posts are already taking the responsibility of maintaining law and order, they are understrength, consisting of only 5-6 police personnel per post – concerning stakeholders that such small teams would be ineffective in maintaining security during future elections.

At the time of research in Morang, the government and CPN (M) had reached a tentative understanding and some police posts were being reestablished. In Kailali, about 90 percent police posts were reestablished because of easier accessibility to all locations in the district.

### *2.5 The Role of the National Government in Community Security*

The consideration of local experiences and needs regarding community security is essential as the government, led by the Ministry of Peace and Reconstruction, makes plans to implement 'Peace Committees' in all 75 districts across Nepal. The Ministry itself recognises that these committees, if they are to be effective, will need to be inclusive.<sup>13</sup> However, a lack of understanding of the diversity of experiences at the local level and the particular issues facing vulnerable and marginalised groups, threatens to undermine good intentions.

With a kaleidoscope of different issues that can fuel conflict at the local level all respondents felt it imperative that such a mechanism constitute a locally owned and inclusive forum, within which all sectors of society and state can come together to contest their ideas non-violently in a safe dialogue space. It was felt that such a mechanism would be largely preventive rather than curative, in that they would seek to address community disputes before violence is identified as a first or only option.

With the exception of stakeholders in Jumla, there was a general consensus that the restoration of police posts is an essential prerequisite for the establishment of an effective community security mechanism. In Jumla, the behaviour of the police during conflict has resulted in their lack of legitimacy and credibility in the eyes of local people and reluctance on the part of communities to accept the police force back into their villages. In all four districts the police themselves and the district administration felt that the existing government security mechanism – in particular the police and judiciary – needed strengthening before any alternative form of community security mechanism could be established.

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<sup>13</sup> Interview, Ministry of Peace and Reconstruction, May 2007.

Political party representatives admitted that a fierce power struggle exists between their local level cadres and the cadres of the CPN (M), despite cooperation and understanding among their leaders at the national level. They stressed the need for establishing a mechanism including all parties to effectively understand and address cases of insecurity and violence caused by inter-party rivalry.

Maoist respondents felt that the general security situation was well within control and was unsatisfactory only in the Terai region. Most were reluctant to see any kind of community owned security mechanism in the district and felt that such a mechanism could not be effective in the absence of a 'central level' security mechanism. At the time of research in Makawanpur, the YCL was beginning to emerge as an alternative security force at the local level, with Maoist respondents claiming that its creation marked an attempt to address the security vacuum at the local level. Maoist leaders in Morang, however, were in support of a locally-owned security mechanism and recognised the benefits in terms of government accountability and improved cooperation between political parties that it could bring. In Morang, it was observed that there was a degree of cooperation between Maoist leaders, civil society and the CDO who was helping to facilitate decision-making on issues such as the reestablishment of police posts and reintegration issues.

A locally-owned community security mechanism could play an important role in increasing the accountability of local security forces and helping the police regain lost credibility and rebuild strong relationships with local people. The involvement of the security forces (the police in particular) in any future community security mechanism will be essential if they are to regain this lost credibility and rebuild strong relationships with local communi-

ties. However, policy makers responsible for the implementation of the Peace Committees currently do not envisage any pro-active role for the police in these mechanisms. It is felt that, in the absence of any police reform process, that their involvement would be too sensitive in the current context.<sup>14</sup>

Respondents from among the seven political parties admitted that there was fierce struggle for power between their local cadres and the cadres of the CPN (M) despite understanding and cooperation among their leaders at the central level. They stressed on the need to establish an all party mechanism to look into such cases of insecurity and violence caused by inter-political party rivalry. Discussions with political party representatives in all districts highlighted the rivalry between political parties as a potential obstacle to the effectiveness of a local community security mechanism. Even in Makawanpur, a district which prides itself on high levels of cooperation between political parties, levels of cooperation and understanding between the CPN (M) and the other seven political parties were often low.<sup>15</sup>

In all the four districts, the existing local bodies were seen as important instruments for the provision and enforcement of community security and the need to evolve a link between them and any future community security mechanism to avoid duplication was stressed repeatedly.

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<sup>14</sup> Ibid

<sup>15</sup> At the time of research in Makawanpur, many women's wings of the political parties cited the refusal of the Maoist women's wing (ANWO-R) to involve in joint celebrations for International Women's Day as an example of the uncooperative nature of the CPN (M).

## *2.6 Community Negotiation in Community Security*

This report thus far has looked at the weakness of government structures in addressing community security and the continued existence of parallel Maoist mechanisms. Local communities have either found themselves trapped between two parallel systems or having to negotiate a post-CPA security vacuum at the local level. However, the following section, with the use of case studies, will outline ways in which many ordinary rural people have managed to negotiate their own security within a security vacuum or between parallel systems. On a basic level, these measures may be defined as coping strategies, but, evidence from district research suggests that the ways people have managed to negotiate dual governance systems is far more sophisticated than reactive coping measures.

### Case Study One – Negotiating for Justice in Jumla

A woman in Jumla runs a small stall. One evening, working alone, she closed the stall and went to a neighbour's house to eat. While she was away, two soldiers vandalised her stall and stole 10,000 rupees.

After speaking to eyewitnesses, the women realised that the two soldiers were known to her, being regulars at her stall. The next morning, with the help of a local hotel-owner (also a soldier), she went to the army barracks and confronted the two men. They acknowledged the vandalism but claimed that they had not taken the money. She then went to the local police station to file a written complaint but was turned away, being told that the police were powerless to bring charges against army personnel.

When she was returning from the police station, she encountered the station manager of a local radio station and related her story, requesting that the station report it through the evening news programme. However, the journalist wanted to take the story to the CDO first. The CDO agreed to take action against the perpetrators. They also visited the army Colonel, who called the two soldiers into his office to confront them. The woman and the journalist were asked to return the next day. When they arrived, the Colonel made the two soldiers return the 10,000 rupees they had taken and apologise for their behaviour.

Had this incident occurred before the ceasefire and signing of the CPA, the journalist and woman would most likely have faced punishment for levelling 'false charges' against the security personnel. Despite the lack of forums for justice and an ineffective local security force (the police refused to entertain a complaint against the army), the post-settlement context has created a modicum of space within which local people are able to negotiate justice for themselves.

### Case Study Two – Negotiating Community Security on the Nepal-India Border<sup>16</sup>

The east of Nepal (Terai region) shares a long open border with India. In 2005, the developing sex trade in a Nepali border town to India was flourishing under the control of local elites. Most people in this area did not approve of the industry and approached the local Maoist leaders to help them close down the business. In this instance, the Maoists and local communities were able to cooperate together to peacefully pressurise the local elites to end the sex industry in this area.

There are various permutations regarding the modalities of how local communities can negotiate to live within a parallel governance system. Another example of this from the eastern Terai also relates to seeking better local security mechanisms in regard to the problems posed by the open border to India. In the border areas cross-border raids and daylight robberies committed by Indian dacoits were severely imperiling local people's lives. Local communities judged that the Maoist forces could not provide them protection from this growing problem. Therefore local communities entered into negotiations with both the local Maoist forces and the security forces to seek a solution. The result of these negotiations was a request presented to the Maoists to allow the government security forces to set up a base camp in the area. Surprisingly, the Maoists granted this request and a limited measure of protection was provided to the communities from the government security forces.

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<sup>16</sup> This community research was conducted by Friends for Peace (FFP) in 2005. The research was conducted with the objective of understanding community peace agendas in the districts outside the Kathmandu Valley.



## CHAPTER

# 3

## The Plurality of Needs and Experiences in Community Security

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### *3.1 Overview*

A key finding of the research was the diversity of people's experiences and perspectives regarding community security. These experiences differ among ethnic groups, castes, class, region and gender. However, discussion and dialogue regarding security in Nepal has so far been focused on national security and has therefore overlooked basic human security and failed to consider the diversity of security threats to people, resulting in a lack of understanding of what 'peace' and 'security' mean to different groups. The findings of this research suggest that while the security situation in Nepal has improved in the broader context, human security, particularly for vulnerable and marginalised groups, has not improved to the same extent.

### *3.2 Marginalised Groups and Community Security*

Among those belonging to vulnerable and marginalised groups (for example, women, Dalits, Janajati, Madhesis and economically marginalised groups) there was a common perception that

the security situation had improved only for the 'strong' (i.e. those with economic and/or political power). Despite being disproportionately affected by the conflict, many marginalised groups have been unable to reap any dividends from the peace process thus far and are therefore reluctant to describe the current context as 'peaceful' or claim that their security has improved since the signing of the CPA. Among such marginalised communities, the phrase 'murda shanti' (peace of the graveyard) was often used to describe the current situation in Nepal as it relates to them.

The research highlighted the multiple forms of discrimination experienced by vulnerable groups. Freed-Kamaiya women in Kailali, for example, face discrimination on the basis of ethnicity and economic status as well as gender. Kamaiyas were bonded labourers, belonging to the Tharu ethnic group, who worked on the land of rich landowners largely in the western, mid- and far-western Terai regions until they were freed with a government proclamation in 2000. Promised compensation and rehabilitation packages have failed to emerge and many Kamaiyas have been freed into a life of poverty and landlessness, with most freed-Kamaiya families experiencing food insecurity.

Madhesi Dalits in Morang and Kailali, just as the Pahadi Dalits, felt particularly insecure, being excluded on the basis of ethnicity, as well as on the basis of caste. It was felt that upper caste discrimination against Dalits was still rife in all districts, with Dalits facing 'punishment' for refusing to remove carcasses from public places and being denied access to public drinking water facilities or places of worship.

In Makawanpur the Chepang community, which number between 17,000 and 22,000 in this district,<sup>17</sup> are still entirely dependent upon food and materials gathered from the forest for three months

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<sup>17</sup> According to the 2001 census, the total Chepang population in Nepal is 62,200. However, the Nepal Chepang Association claims this figure to be around 80,000. In Makawanpur district the figures from respective sources are approximately 17,000 and 22,000.

of the year. Many Chepang families are facing forced displacement from ancestral land to make way for limestone quarrying to feed the growing demand for cement from Kathmandu and other urban areas. Protests organised by the Chepang community to campaign against, and draw attention to, their marginalisation and exclusion have faced obstruction from Maoist cadres.

There was a strong awareness among many vulnerable and marginalised groups in the districts covered that despite the strong discourse on inclusion occurring at the national level, this was purely rhetoric which had failed to evolve into action. In Makawanpur, one respondent (a female member of the Dalit community) explained that previously the Maoist 'People's Court' had looked after cases of caste and gender discrimination and taken appropriate action against the perpetrators. However, since the dissolution of the parallel Maoist structures, vulnerable groups found themselves with little recourse to justice as government agencies and the security forces struggled to regain legitimacy.

Indigenous and marginalised groups expressed strong resentment against what they term 'elite supremacy' in political and economic spheres. These respondents in particular believed that the key underlying cause of Nepal's conflict was economic, ethnic and political exclusion and that the country could never attain durable peace unless the aspirations of Nepal's numerous marginalised groups for fair representation and equal access to resources was assured through state restructuring. Throughout the course of this research the call for state restructuring along federal lines as a means of addressing issues of ethnic exclusion was strong and promoted in extremely virulent form by pro-Madhesi groups in the Terai and some ethnic groups in the hill regions. The failure of successive governments to address issues of particular concern to indigenous and marginalised groups has left people

feeling that they have little alternative to radical solutions.

### *3.2.1 Women and Community Security*

The particular community security experiences and needs of women need to be taken into account at this point. It is widely acknowledged that men and women are affected by conflict differently and differ in their expectations of peace dividends. Of key importance is the recognition that women (like men) do not comprise one homogenous group, they differ in their experiences and needs according to factors such as caste, ethnicity, economic background, educational background, geographical location and so on. The failure of government policy-makers and development agencies to recognise the heterogeneity of women in Nepal has resulted in policies and systems that are ineffective in tackling issues pertinent to women belonging to marginalised groups. Nepalese women are represented in policy-making and development programming by a Kathmandu-based elite, comprised primarily of upper-caste, upper-class women NGO leaders and politicians, who often fail to take into account the heterogeneity of women's lived experiences in Nepal. The result is that the diverse voices of women from grassroots and marginalised<sup>18</sup> communities are seldom recognised in policy-making processes, leading to ineffective policies that (inadvertently) perpetuate their exclusion. For example, while theoretically a step in the right direction for women's rights, the Property Rights Bill 2001 failed to take into account existing indigenous provisions for women's access to property and therefore may well be more detrimental in the long run for many indigenous women in Nepal.<sup>19</sup> Even if the current peace process in Nepal superficially includes women (e.g. ensuring that one-third of parliamentarians are women), the lack of plurality in how

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<sup>18</sup> In the Nepali context the marginalisation of women can be understood as occurring along the following fault lines: ethnic identity; caste; political affiliation; religion; economic background; marital status and geographical location.

<sup>19</sup> Tamang, 2002; 166-167.

women and gender is viewed will undermine chances for sustainable peace and development.

Despite this diversity, there was a general consensus among different groups of women that they face specific threats to their security. While male respondents tended to view security on a physical level and expected national military solutions, women tended to view security on a much more human level, related with food security, access to resources, freedom from domestic violence and the security of their family. Domestic violence was a recurrent issue in all the districts covered, and a particular problem for women in Jumla district, where violence against women is linked closely to alcohol abuse. The reestablishment of the police posts in this district was of particular concern to women, who suffered sexual harassment and abuse at the hands of the security forces during the conflict.<sup>20</sup> Many women who were raped during conflict (an atrocity which occurred in all the districts under study) have since given birth to children whose father has not been identified. These women and their children face insecurity on a daily basis and have little recourse to justice in the current context.

Despite the exclusion and marginalization of many groups of women from socio-political and economic arenas in Nepal, women's groups and NGOs remained active at the community level throughout the conflict and village level 'mothers' groups' have often evolved into forums for dispute resolution, particularly regarding issues of gender-based violence. Such groups provide an essential local resource for peacebuilding (similar to indigenous mechanisms) and should not be overlooked in policy-making regarding community security. There was general consen-

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<sup>20</sup> This harassment continued to such an extent that the women in one village wrote a letter of complaint which they delivered to the District Police Chief and the Chief of the Army. (Interview, Jumla, January 2007)

sus among all female respondents that any future mechanism for community security could only be effective if diverse groups of women are included and local ownership is achieved.

One positive effect of the Maoist insurgency is that many of these marginalised groups now feel that they have a greater awareness of their rights along with the ability to stand up and demand equality. However, they are obstructed in this regard by the lack of access to forums in which to get their voices heard. It is this exclusion from arenas of dialogue and decision making that has increased the appeal of alternative forms of redress as well as violent protest and militia groups. As has already been discussed, the Maoist women's wing in Makawanpur district is still approached by women demanding instant retribution for cases of domestic violence. There is a general feeling at the local level that national level rhetoric remains rhetoric and fails to evolve into action. Many marginalised groups participated in great numbers in the People's Movement 2006 and as such have high expectations of peace dividends. The failure of the peace process to fulfill these expectations is likely to lead to increased levels of anger and frustration among these groups and ultimately may pave the way for a return to conflict. As some female respondents in Makawanpur stated, "If we do not get the rights we fought for, we will take up arms again."<sup>21</sup>

### *3.3 The Role of Development Organisations in Community Security*

During the ten-year long conflict in Nepal, development organisations struggled to find sufficient development space to implement projects and often found themselves negotiating a dual governance system.<sup>22</sup> In difficult circumstances, measures were

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<sup>21</sup> Interview with female Maoist cadres in Makawanpur district, March 2007.

adopted to ensure some code of conduct to be observed by all development organisations. This was enshrined in the international donor community's Basic Operating Guidelines (BOGs).

In the post-settlement context in Nepal, development agencies face new challenges in regard to playing a positive role in enhancing community security in the areas in which projects are implemented. In this respect, it is possible to analyse both the provision for physical security and needs related more generally to human security such as better and more equitable access to resources. In regard to what could be considered as 'hard security', the clear starting point for many donor and development agencies is Security Sector Reform (SSR). This is a long term process and there is little doubt from all stakeholders (interviewed at all levels) that SSR will be an important element in transforming the security forces to ensure that they have a well-understood mandate for maintaining law and order and the requisite training to begin to regain trust within communities throughout Nepal. To a large extent, this process of policy and practical reform will be driven from a national level. However, while many people throughout the districts called for such reform, they placed equal, if not higher, stress on development agencies providing for their broader human security needs. In this context, development aid needs to contend with meeting two goals. The first of these is to provide rapid relief to ensure that communities throughout Nepal begin to feel the tangible dividends of the peace process, thus maintaining a belief in the positive changes wrought by the CPA. Equally important is that development organisations ensure that development brings benefits to marginalised groups while at the same time ensuring that the targeting of certain communities does

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<sup>22</sup> See "The Contestation for Rural Government in Nepal: The Realpolitik of Negotiating Dual Governance," (Dr Natalie Hicks, Bielefeld & University of Colombo Press, November 2007 (forthcoming))

not create tension in the wider community, potentially fanning the flames of renewed conflict, which many of the respondents throughout the districts perceived to be a key problem in community security at this current time.

Ultimately the goal of providing aid while ensuring community security rests with coordination and capacity building with local government institutions. At this time, capacity in most VDCs does not exist to provide this coordination and as the case study below illustrates, aid has the potential to become a divisive issue in the fragile transitory period of Nepal at this time.

### Case Study Three - Political Coercion over Development Aid Distribution in Jumla

This case study illustrates the nexus between international development aid, political self-interest and the role of local communities in community development initiatives aimed at providing greater insecurity to impoverished communities.

The Women Development Office (WDO) in Jumla was implementing a poverty alleviation pilot project funded by Asian Development Bank. The Women Development Office was tasked with selecting three of the poorest VDCs for the pilot project. They had already chosen two VDCs and Talion VDC was supposed to be the third one. According to the policy of the Women's Development Division in Kathmandu, they could choose only 64 households from one ward of the VDC. According to the guidelines, they could only enter to the next ward if there were less than the required number of households belonging to the poorest of the poor as defined by the Participatory Well-being Ranking (PWR). Based on this criterion, the WDO selected Ward No. 4 for the pilot project as it was inhabited by a large number of Dalit households (104) of which 46 belonged to the poorest of the poor. However, the selection of the ward was totally rejected by the Maoists. One Maoist leader observed, "I myself and my party reject your selection of the ward and we believe there is serious conspiracy in selecting the ward". So he wanted to change the project site. The rest of the villagers did not agree with him and they said that there is no conspiracy at all. However, he remained implacable. The villagers asked him to disclose the "conspiracy" so that they could learn about the reality but he was unwilling to do so. His position isolated him from the entire villagers. Despite this, he was dominating the process alone because the villagers were afraid of confronting him.

Finally, when the Women Development Officer threatened to pull the project out of the VDC, if he kept opposing, he agreed to start from Ward No. 4 with the condition that the programme would cover a specific number of households from Ward No. 5 and 6 also.

One noticeable point about this meeting was that when the local leaders from other political parties spoke, the Maoist cadre told them “Do not teach me political and development philosophies, I know every thing. I have worked among the villagers and I know who is poor and who is not.” He even asked other political party leaders why they needed to speak at all. When some ordinary villagers tried to speak against him, he virtually shouted and asked them to keep quiet.

Later, it became evident why the Maoist cadre was rejecting Ward No. 4 and was so vehemently advocating for Ward No. 5. This was because Ward No. 4 was considered as the stronghold of CPN (UML) and Ward No. 5 was the ward where he came from.





## CHAPTER

# 4

## Reducing the Risk of Newly Emerging Conflicts

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### *4.1 Mutual Suspicion and Growing Mistrust*

A leitmotif emerging in all research locations was community fears regarding the emergence of new disputes and conflicts. Like many transitional societies, the post-settlement context in Nepal is characterized by mutual suspicion and mistrust among and between stakeholders. There is a growing dislocation between the national command and the local cadres of many political groups. There is also concern among stakeholders, in particular the security forces and the political parties, about the potential for violence and unrest in the run-up to the Constituent Assembly election planned for the future date and the ability of the police force to deal with issues arising at this time. The common perception that Maoist cadres are still in possession of weapons and that these have been hidden in and around the villages perpetuates the environment of mistrust.<sup>23</sup> This was a particular fear in Kailali, where the exist-

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<sup>23</sup> Respondents in Morang, Jumla and Kailali placed the amount of weapons hidden at around 40 percent of total Maoist weapons. Respondents in Kailali and Jumla claimed that Maoists had handed in only home-made weapons for registration by the UN, while other, more modern, weapons had been hidden. Many stakeholders cited Maoist cadres threatening to take up arms again as evidence that they still had access to weapons.

ence of a Maoist cantonment further perpetuates and exacerbates an atmosphere of suspicion in this area. Stakeholders in all districts also expressed concern over the hidden agendas of political parties and the impact that power-grabbing at the expense of the needs of the people could have on the future of the peace process at the local level.

The suspicion and mistrust so evident in the districts also extends towards international actors involved in the peace process, even I/NGOs do not escape suspicion. The fear of international spoilers is particularly marked in the Terai districts where many fear interference by, *inter alia*, Indian actors (criminal groups, Indian Maoists and other interested parties) may jeopardize the fragile peace process in that region. The atmosphere of suspicion is pronounced in this region, which is currently witnessing the emergence of many long-standing grievances surrounding the marginalization and exclusion of minority and Madhesi groups, manifested in growing support for radical splinter groups and the continuation of violence in this region.

It is within this context that IDPs and long-term economic migrants are hoping to return to their native communities, or resettle in new ones. The above factors combine to make this process extremely difficult in the current situation, particularly in the Terai region where many *Pahadi* (people of hill origin) families continue to be displaced due to the ethnic conflict there.<sup>24</sup> Consideration of the role that each stakeholder plays in perpetuating insecurity and the potential roles that can be played in building sustainable community security are outlined in the following sections:

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<sup>24</sup> *Pahadi* is the term used for describing people originating from upland areas. This term is used in contrast to *Madhesi*, which denotes Nepali citizens of Indian origin.

## *4.2 The Role of Political Parties*

The Maoists gained much support in the rural areas during their 10 year insurgency, commanding control of over two-thirds of the country by the end of the conflict in 2006. Government agencies, security forces and political parties remained confined to key urban areas and district headquarters during the latter stages of the war, unable to operate in the majority of the country's rural communities. Local governance mechanisms such as the Village Development Committees (VDCs) were replaced by alternative Maoist structures, and, in the absence of any political party activity, Maoist hegemony prevailed in the villages. As mentioned previously, the situation has improved following the signing of the CPA and security infrastructure is returning slowly to rural communities. The situation regarding political parties however is somewhat different, with many struggling to regain political space in the villages.

In all districts there was an evident lack of cooperation between the seven political parties and the CPN (M), with the latter clearly reluctant to let go of their considerable power and influence in the villages. Tales of Maoist obstruction to the activities of other parties are commonplace, with the predicted confrontations occurring when previously displaced political party cadres attempted to return to their villages. Many political party leaders concurred that the Maoist cadres were struggling to adapt to the democratic system and conceded that it would take time and patience on their part before this would happen. Nevertheless, the post-settlement context in Nepal has seen the (re) emergence of a 'culture of blame' within and between parties, with many finding the CPN (M) a convenient target on which to lay the blame for the various shortcomings of the peace process. Most, if not all, political parties remain exclusive and have failed to internalize key issues and hopes of their constituents regarding a 'New

Nepal'. This presents a significant obstacle to the establishment of sustainable peace in Nepal, and, in the Terai region in particular, has facilitated the emergence of political party factions promoting ethnic nationalism and violent forms of protest which further threatens stability in this area.<sup>25</sup>

The one exception to this rule however was Makawanpur district. The Maoist and the political parties here have good cooperation among themselves and with the police and administration. Regular security meetings are held by the CDO and are attended by the Maoists. A likely reason for the greater levels of cooperation in Makawanpur is that this district was relatively less affected by insurgency up until the latter stages of the conflict when the Maoists adopted a policy to encircle the Kathmandu Valley. Being a strategically important industrial centre through which the vital transport artery to the country's capital also runs, it was heavily protected by security forces making it difficult for the Maoists to operate without the risk of incurring heavy losses. As a result, they had no other options than to try to further their organisational work in tacit collaboration with other political parties. This culture of cooperation and collaboration has remained in the post-settlement context.

In varying degrees in the target districts, a growing dislocation between the national command and the local cadres of many political groups, and the Maoists in particular, was observed. Through the reported obstructive behaviour regarding the reestablishment of police posts in some areas, the hiding of weapons and their reluctance to share power in the villages, local Maoist cadres display a significant element of mistrust in the national level peace-

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<sup>25</sup> The lack of cooperation of political parties as an obstacle to peace is covered in more depth in a FFP publication *Voices from the Villages : People's Agendas for Peace* (forthcoming November 2007).

process. The discretionary power which local level cadres had over their activities in the districts during the conflict was removed with the signing of the CPA, creating resentment and frustration among the lower rank and file and prompting them to make their presence felt even at the cost of disobeying their party leadership. In Morang district, there was a certain frustration expressed by the security forces that it was unclear which Maoists cadres were in positions of leadership and they felt certain *modus vivendi* reached between one cadre could and would be repealed or disowned by another cadre of a different rank. Clearly this was creating a situation of confusion. The Maoists, on the other hand, claim that reports that there is dislocation among their ranks is simply anti-Maoist propaganda designed to undermine the Party.<sup>26</sup>

Now a legitimate political force, the Maoists have rapidly moved their cadres into district headquarters and other urban areas, in an attempt to influence (and occasionally interfere with) state governance installations. These cadres struggle to convert a life fighting 'the system' with their more recent role as a part of the democratic polity they once tried to destroy. Many cadres feel that the current laws as enshrined within the constitution are irrelevant to them – a common excuse for unlawful behaviour is that they will only begin to obey the law when a new constitution is promulgated through a Constituent Assembly.<sup>27</sup> Stakeholders throughout the districts under study expressed the recurrent problem of bringing local-level Maoist cadres within the democratic mainstream. In Kailali and Makawanpur, it was felt by leaders of the other political parties that the Maoist cadres had little understanding about democracy and development procedures. Political parties were willing to cooperate to educate Maoists on

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<sup>26</sup> Interview with a YCL leader, Kathmandu, June 2007.

<sup>27</sup> Interview, Morang, November, 2006.

procedures but felt that Maoist arrogance was a barrier and that the latter were using this lack of understanding as an excuse for bad behaviour. It is unlikely that current levels of patience shown towards the Maoists by the other political parties will last much longer as tempers begin to fray and often violent clashes between cadres of rival political parties increase. However, despite Maoist difficulties in adjusting to the democratic system, many cadres interviewed during the course of the research said that they saw the Interim Constitution an opportunity for a New Nepal and were reluctant to 'go back to the jungle' at any point in the future. There were isolated cases where the Maoist cadres threatened to take up arms again if necessary such as women ex-combatants in Makawanpur who threatened a 'return to war' if gender inequality was not effectively addressed under the interim and subsequent parliaments.<sup>28</sup> However, based on dialogue with Maoist cadres, it can be concluded that such statements are intended as tools for alerting the government and other political parties to grievances and potential grievances, rather than revealing a real desire to resort back to violence.

As previously mentioned, efforts are underway at the district level to link up the roles of the CDO, Police Chiefs, VDC Secretaries and political parties in the process of reestablishing police posts. However, there is a conspicuous lack of cooperation from the political parties and it is unclear as to why this is. The Maoists allege that the political parties are more interested in reestablishing the police posts for their own safety rather than for that of the general public, an allegation which is given some substance by the lack of cooperation of political parties in this regard, observed throughout the research process. This issue opens up the Pandora's Box of political party hidden agendas, power grabbing and the ubiquitous ego of the political elite (largely male), all of which

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<sup>28</sup> Interview Makawanpur, March, 2007.

are obstructive to ensuring community security and embedding the peace process at a local level. Throughout the 'democratic experiment' in Nepal thus far, the political arena has been characterised by petty self-interest, at both local and national levels, rather than visionary leadership and a real desire for change. Unless political parties make efforts to repair their image within rural communities (and signs suggest that they are failing to do this in the post-CPA period) it is unlikely that they will be able to address grievances and play an effective role in the peacebuilding process.

### *4.3 Economic Conflicts*

It was observed by the vast majority of people in the target districts that a sustained lack of economic opportunities was a root cause of conflict and insecurity in Nepal. Indeed the frustration of youth in particular regarding lack of employment provided a fertile ground for Maoist and YCL recruitment. Lack of employment and under-employment also provides the opportunity for people to take to the streets in protest and perpetrate acts of violence as a means to draw attention to their frustrations. This is a longstanding problem of human insecurity in Nepal that reaches beyond the life span of the ten-year civil war in Nepal. However, the example of the People's Movement 2006 and the subsequent attenuated law and order situation has provided a model by which people now express their grievances through violent rather than non-violent

The emergence of violence and conflict related to economic issues is not confined to inequitable opportunities. A serious emergent issue imperilling security in the industrial areas of the Terai, notably Morang and Parsa are the activities of trade unions. All trade unions have political affiliations and competition between different unions is often a proxy for political party in-fighting with

the battle ground being factories in Nepal. The newest union established in April 2006 by the CPN (M), 'All Nepal Federation of Trade Unions', is considered to have particularly heavy handed tactics in recruiting workers and aggressively demanding concessions from employers.<sup>29</sup> According to a recent report by the International Labour Organisation (ILO), "there is a danger that this campaign of strikes and competition between rival trade unions, will intensify. It might therefore be no exaggeration to suggest that Nepal is in the process of moving from an armed conflict to an industrial relations conflict."<sup>30</sup> In Morang, it was observed that the (young) leaders of the All Nepal Federation of Trade Unions had a deep mistrust for the security forces and local government officials. It is in this air of mistrust that mutual suspicion can easily erupt into local-level conflict.

#### ***4.4 Reintegration of IDPs, Ex-combatants and Returnees***

In the current context, the gradual return to villages of IDPs, ex-combatants and other returnees (e.g. migrant workers who fled to India to escape the conflict) has far-reaching implications for community security. Returning IDPs and ex-combatants are likely to have experienced deep psychological trauma which may affect their ability to reintegrate peacefully back into communities. Furthermore, communities may find difficulty in accepting back those that fled during conflict and those that became part of the violence and bloodshed. It is for these reasons that the return of

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<sup>29</sup> There are currently three other trade unions in Nepal that are registered as national unions in accordance with the labour legislation. They are: Nepal Trade Union Congress (NTUC); General Federation of Nepalese Trade Unions (GEFONT); and Democratic Confederation of Nepalese Trade Unions (DECONT). There are several other trade unions in the country which are not registered as national trade unions.

<sup>30</sup> The lack of cooperation of political parties as an obstacle to peace is covered in more depth in a forthcoming FFP publication *Voices from the Villages : People's Agendas for Peace* (forthcoming November 2007).

IDPs, ex-combatants and other returnees is a particular issue and one which demands particular attention during the current context in Nepal. With most ex-combatants remaining in cantonments to await the opportunity of being assimilated into the Nepal Army, few, so far, have returned home. The following section therefore will focus primarily upon the return of IDPs, as a key issue of concern emerging throughout the research.

**Table One: Comparative Data of Internally Displaced Persons**

District	Caritas <sup>31</sup>	INSEC <sup>32</sup>	State <sup>33</sup>
Jumla	1500 – 2000	3861	488
Kailali	4000 – 5000	3023	282
Makawanpur	300 – 450	28	28
Morang	5000 – 6000	182	47
<b>National Total</b>	<b>212,985 – 272,600</b>	<b>50,356</b>	<b>38,000</b>
Source: Internal Displacement Monitoring Centre <sup>34</sup>			

The political changes of the past months have brought many posi-

<sup>31</sup> Caritas data from August 2006. These figures are from a study into the number of IDPs displaced to district centres only, it excludes IDPs displaced to other urban areas.

<sup>32</sup> INSEC data from January 2005. Figures are compiled by INSEC district representatives and 5 regional INSEC offices.

<sup>33</sup> Government data is dated 15/07/2005, as such it is data from the previous government. The current Government of Nepal does not have any data on numbers of IDPs, rather it relies upon data collected by I/NGOs. Government estimates of IDPs are considerably lower than those of other agencies as the previous government defined IDPs only as those displaced by Maoists and closely linked to the state.

<sup>34</sup> [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/49E98C81942B55C12571FE004D8821?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/49E98C81942B55C12571FE004D8821?OpenDocument) (accessed, 17 July 2007)

tive developments in the situation of IDPs in Nepal. The twelve point agreement between the Seven-Party Alliance (SPA) and the CPN (M) as well as the Comprehensive Peace Accord (CPA) between the Nepal Government and the CPN (M) has special clauses that intend to deal with the problem faced by the IDPs in the country. There is a general belief among many within the security and policy-making arenas that the problem of IDPs will be solved automatically as the peace process moves forward. However, the multiple and diverse obstacles to the safe and peaceful return of IDPs highlight the need for all those involved in the peace process to pay particular attention to the problem of IDPs, especially at the micro and meso levels.

With the signing of the Comprehensive Peace Accord, the return of some IDPs to their native places has already started in many districts. However, many are still in district centres, unable to return to their villages. Information gathered during research tells us that many of those still facing obstacles to their reintegration are mostly large landowners and political party cadres displaced by the Maoists; this was particularly the case in the Terai districts of Kailali and Morang. Many have lost their homes and land, and those whose homes have been returned are empty of all household items and fields barren. Without basic tools, utensils or a harvest to sustain them for the coming year, these IDPs are unable to return home. Those who are yet to return are receiving little of the financial or logistic support that they need. One IDP in Makawanpur for example, injured during conflict and unable to work, receives a basic food ration but nothing for the expensive medicines he is required to take every day.<sup>35</sup>

Those who have returned to the villages are in some cases con-

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<sup>35</sup> Interview, Makawanpur, March, 2007

sidered by their neighbours as returned criminals. Returning political party cadres still face harassment and threats from Maoist cadres in many places. Former neighbours may have caused or supported their displacement. Many returnees have suffered a loss of social respect and have difficulties reintegrating themselves with the people who were not displaced. The perceptions (real or false) of those who remained in the villages during conflict regarding those that left further complicate the successful reintegration of IDPs. HimRights, an NGO working with displaced families in Hetauda, Makawanpur district explained that a common perception among local people is that IDPs are now enjoying financial support and benefits while those who stayed in the village throughout the conflict get nothing.<sup>36</sup> There is no local mechanism to facilitate the reconciliation process among villagers and therefore no means for addressing these perceptions and disputes.

In Morang, a local coalition of government representatives, OCHA staff and representatives of civil society and IDP groups were successful in gaining Maoist cooperation for the reintegration of IDPs through the submission of a '5-Point Demand' to the Maoist leadership.<sup>37</sup> The government has recently drafted and endorsed a National IDP Policy, designed to address the problem of IDPs, however, without any local mechanism for implementation it is unlikely to be successful. Furthermore, local government bureaucracy and political leadership do not possess the knowledge needed to engage in issues facing IDPs. There is an urgent need to prepare and distribute Information, Education and Communication (IEC) materials on IDPs and orientation and training to returnees as well as those involved in facilitating their safe return. Returning IDPs are not currently receiving the financial or logis-

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<sup>36</sup> Interview, Makawanpur, March, 2007

<sup>37</sup> Interview, Morang, November, 2007

tic support they need for their return. Although the Government has announced that IDPs need to register themselves at the District Administration Office in order to qualify for the Rs 5000 per family as support for their return, many have failed to come forward due to fear of reprisals and a disbelief that the current 'peace' will sustain. There is no proper mechanism to monitor the IDPs who have received financial support from the government to confirm whether they have really returned home or not. The responsibility for acquiring information about IDPs and supporting and monitoring their return has fallen largely upon the shoulders of I/NGOs. In Makawanpur district, HimRights have taken responsibility for acquiring information on the government aid distributed and confirming the IDPs' safe return to their respective villages. Similarly, in Jumla, the Karnali Integrated Rural Development and Research Centre (KIRDARC) is facilitating the return of IDPs in coordination with the district administration. Many I/NGO representatives involved in the mapping and reintegration of displaced people believe that 'official' figures of IDPs may represent only a fraction of those displaced as many have fled to India and are yet to return.

In Jumla, there were estimated to be around 98 IDP families in the district. In the Karnali region as a whole it was estimated that 13,000 people have been displaced. Many of these have now returned home, although unofficially as they do not want their names taken off the IDP list. If they are on the IDP list they will qualify for the resettlement package which they desperately need to restock their homes and replant their land. Currently the District Food Management Committee is providing food for the IDPs. The CDO provides information and is responsible for the logistics. The Local Development Officer (LDO) allocates quotas for food grains. In the absence of a functioning District Development Committee, the LDO acts as the head of the DDC. It seems that this

will be a major challenge in both getting people to go home and also in identifying the IDPs.

In Jumla there was a serious confrontation between the villagers of one village (including a local political party leader) and the Maoists. The conflict culminated in the whole village being evicted by the Maoists and displaced to Surkhet, a contiguous district to Jumla. After the ceasefire, most of these people have returned to their village, however, senior political party cadres are still taking refuge in the district headquarters. So far, there is no serious problem regarding their security, however, there is a fear of tension flaring up between Maoists and IDPs in the near future, particularly those IDPs that were displaced due to their political affiliations. A similar sentiment was also expressed by the district coordinators of KIRDARC from Mugu, Humla, and Kalikot. They said that they have already witnessed such incidents in villages in their respective districts.

According to Caritas data, there were between 5,000-6,000 IDPs displaced from Morang and an estimated 10,000 IDPs have come to Biratnagar from surrounding hill areas namely Terhathum, Sankhuwasabha, Dhankuta, Bhojpur, Okhaldhunga. Some of them had brought assets and money with them to support their family while the majority are living either as dependents or are surviving by doing odd jobs. Though the local government (the CDO and the DDC) offices provide some emergency relief to the IDPs, the major burden of supporting them has been taken by NGOs such as Nepal Jaycees and Red Cross. After the ceasefire and subsequent Comprehensive Peace Accord, some IDPs are already returning to their homes while others are planning to return. However, there are also cases where those who had returned home were again forced to leave their place owing to threats to their security.

According to Caritas data, between 300-450 people were displaced

from Makawanpur district. There were around 21 families registered in the district administration, with most of these having already returned to their homes. However, local government officers lack any information regarding IDPs not registered with the administration. All the 21 families, most of whom were middleclass landowners or senior political party cadres, have received government support of Rs 5000 each.

Those IDPs who face some of the most serious security issues are members of the Seven Party Alliance whose rehabilitation is delayed by fear and mistrust of Maoist cadres in the villages. Many of the political party leaders were categorised by the Maoists as “Third Category IDPs” (so-called enemies of the people and the CPN (M)) and continue to be unwelcome in their native villages.

#### ***4.5 Mechanisms to Address Emergent Local-Level Conflicts***

Previous research by International Alert and Friends for Peace highlights the importance of indigenous governance mechanisms in solving disputes and assuaging tensions within rural communities.<sup>38</sup> The Tharu community in Kailali for example have a well-developed and largely democratic indigenous local governance mechanism called the Khyala system.<sup>39</sup> During the current research, a representative from the Chepang community referred to their own indigenous dispute resolution mechanisms as being more effective than any state mechanism, as it is locally owned and easily accessible to the whole community.<sup>40</sup>

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<sup>38</sup> *Voices from the Villages: People's Agendas for Peace, FFP* (forthcoming November 2007).

<sup>39</sup> *ibid*

<sup>40</sup> Chepang communities are often located in remote settlements and therefore lack access to many state justice and security mechanisms. For them, as for many marginalised communities, indigenous governance mechanisms are essential for the peaceful coexistence of the community.

The vast majority of respondents throughout the course of this research called for the need for any future community security mechanism to be locally owned, inclusive and to take existing provisions for community security into account. This highlights the need for the existence of indigenous mechanisms to be taken into account. However, little research exists around the conflict/dispute resolution and peacebuilding potential of existing indigenous governance mechanisms in Nepal. A more systematic analysis of existing indigenous systems for local security and governance is required in order to encourage more flexible and constructive external interventions in local peacebuilding. Whilst it is recognised that indigenous mechanisms are often far from perfect, it must also be recognised that all such systems are incomplete and that policy makers need to employ the resources of a variety of actors and a variety of systems when formulating local peacebuilding policy.

### ***4.6 The Nepal-India Border and the 'Terai Tinderbox'***

Throughout the research it was apparent that security needs differed vastly from district to district and group to group. However, most striking was the particular situation of the Terai region. Nepal shares an open border of approximately 1750 kilometres with India. Given the current, fragile, context in Nepal, the porosity of the border has severe implications for community security in the Terai region in particular.

In both the Terai districts under study, Kailali and Morang, the increase in cross-border criminality in the post-settlement context was perceived as a key threat to community security. The open border combined with conditions of unrest and insecurity in many of the Terai districts creates the ideal conditions under which criminal gangs and splinter groups are able to smuggle arms from India into Nepal. In both Morang and Kailali stakeholders

felt that the open border made their respective districts extremely vulnerable in this respect and fears regarding emergent splinter groups and criminal gangs ran high. A further problem is the smuggling of goods and produce, such as the accusation in Kailali that the Maoists are complicit in the smuggling of Indian vehicles across the border into Nepal where they are then registered with the Maoist 'People's Government', thereby avoiding heavy government import taxes. There are fears that the involvement of the Maoists, as well as organised criminal gangs and splinter groups in cross-border smuggling, could be generating large amounts of revenue with which these groups can purchase arms, resulting in a more violent and bloody conflict in the future.

The security vacuum in these districts, coupled with the failure of mainstream political parties to address the needs of marginalised ethnic groups have given rise to numerous emergent splinter groups and groups claiming to represent the needs and concerns of those of Madhesi origin. The Terai region contains a vast diversity of ethnic groups, many having migrated from India or the hills to the Terai's fertile plains. Dominant in many Terai districts are Madhesis, people from the plains who are thought to have migrated to Nepal from India. Madhesis make up approximately one fourth (25.57%) of the population of Nepal,<sup>41</sup> yet have been excluded and marginalised from socio-political arenas. Tensions that have simmered for decades in the Terai region.<sup>42</sup> Generations of mass migration of Pahadis (hill people) to the southern plains, coupled with the exploitation and marginalisation of poor and minorities in the Madhes by high caste people has cre-

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<sup>41</sup> Generally, the term 'Madhesi' encompasses both Hindus and Muslims, and, in many definitions, the indigenous Tharu ethnic groups. For further information on this issue see '*Nepal's Troubled Terai Region*', Crisis Group Asia Report No136 (9<sup>th</sup> July 2007).

<sup>42</sup> Commentators warned of future trouble in the Terai as early as 2003, see for example, C.K. Lal "The Terai Cauldron", *Nepali Times*, Issue 134, 28/02/2003.

ated increasing tensions. However, the Terai violence has already fallen into an ethnic form and there has been increasing tension between the Madhesi and Pahadi groups. Existing security mechanisms are failing to cope with increasing ethnic tensions in this area and emerging factions and militias provide a fertile recruitment ground for large numbers of frustrated and disaffected youth.

### *4.7 Role of the Proposed Local Peace Committees in Meeting Community Security Needs*

A key objective of this research is built around informing national policy-makers of the experiences and perceptions of those at the local level. This is particularly important in the current context as the Ministry of Peace and Reconstruction prepares to establish 'Peace Committees' in all 75 districts. A key aim of this research project therefore was to understand local perceptions on the ability of a locally-owned community security mechanism to act as a conflict prevention measure in support of sustainable conditions for peace and development.

Among the stakeholders in each district there was general consensus around the potential of a fully-inclusive, locally owned community security mechanism to help build sustainable peace in the districts. The specific areas in which such a mechanism would be effective are outlined below:

- Ensuring accountability of the security forces.<sup>43</sup>
- Assisting the dismantling of parallel Maoist governance mechanisms and filling the security vacuum at the local level.
- Creating a safe dialogue space within which common and diverse experiences can be shared, disputes can be resolved non-violently and fear and mistrust can be addressed.
- Bringing political parties together, making them account able

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<sup>43</sup> It should be noted however that the Ministry of Peace and Reconstruction at present does not envision the inclusion of the police forces in the Peace Committees.

to their constituents and encouraging cooperation to ensure community security and an atmosphere for safe and fair elections.

- Ensuring local ownership over security issues.
- Providing a safe, inclusive forum for dialogue to address issues of caste and ethnic discrimination and exclusion and emerging tensions in the Terai region in particular.
- Providing a mechanism to address issues arising during the return of IDPs as well as economic migrants and ex-combatants.

With a kaleidoscope of different issues fuelling conflict at the local level, all respondents felt it imperative that any community security mechanism constituted a locally owned and inclusive forum within which all stakeholders could come together to contest their ideas non-violently in a safe dialogue space. The majority of respondents in all the districts covered ascribed the causes of the ten year conflict in Nepal to widespread economic inequality, social injustice and exclusion. It was felt that such a mechanism would be largely preventive rather than curative, in that they would seek to address community disputes as and when they arise, before violence is identified as the first or only option for their resolution.





## CHAPTER

## Conclusions

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# 5

A state's provision for security is a fundamental requirement in ensuring the safety of its citizens from threats of all kinds, including freedom from internal subversion, and constraints of political, economic and social values that are essential to quality life. Therefore, in a fragile state like Nepal, the issue of security must be made the cornerstone of the state's agenda. Moreover, at this juncture when the country is going through the throes of a post-settlement transition, the issue of security is of paramount concern to ensure a peaceful transformation towards collective well-being and a peaceful and prosperous society.

The ten-year long Maoist insurgency shook the foundations of Nepal's socioeconomic and political structure. With the emergence of the CPN (M) as a power potent enough to destabilise the state security mechanism, the country experienced a decade of dual governance, with the state controlling the urban areas and the Maoists controlling the country's rural areas.

The successful *Jana Andolan* that took place in April 2006 and the subsequent signing of the Comprehensive Peace Accord (CPA) pulled the

country out of the spiral of conflict and put it on to the road towards peace. Contrary to high expectations, however, the post-settlement transition period has seen little improvement in the security situation of many of the country's population. Those belonging to vulnerable and marginalised groups in particular felt that there had been no difference in their security situation, remaining disproportionately vulnerable to poverty and exploitation, with the current government perceived as failing to redress quickly enough the decades of exclusion that these groups have suffered.

The withdrawal of state security forces from rural areas into the barracks, coupled with the confinement of Maoist combatants to cantonments and the dismantling of the Maoist People's Government has created a significant security vacuum in the rural areas. Taking advantage of this fragile security situation is a growing range of non-state actors, including criminal gangs and militia factions. This has created a sense of insecurity among the Neppeople. State security agencies, having lost credibility during the 10 years of conflict, are finding it hard to win back the support of the people.

A key finding of this research was the multiple ways in which stakeholders and community members viewed their own security and the threats to it. Women, for example, were much more likely to view security from a much broader standpoint (encompassing food security, freedom from domestic violence and the security of their family) than their male counterparts. Furthermore, the multiple threats and forms of discrimination that women (along with other similarly marginalised groups) face must be taken into account. For example, a *Dalit* woman suffers two folds: first, for being a woman and second for being an untouchable, according to the Hindu caste hierarchy. Such social attitudes form a serious threat to multiple vulnerable and marginalised groups.

The security vacuum existing at the local level has created conditions which may enable the (re)emergence of new and old conflicts. The Terai has been particularly affected in this regard, as

numerous ethnic minority and Madhesi groups fight for space and recognition in the transitional context. The open border which the Terai shares with India threatens further insecurity in this area with criminal gangs and splinter groups taking advantage of the current level of insecurity in smuggling weapons and goods across the border.<sup>44</sup> High levels of fear and mistrust exist at the local level. A common perception that the local stakeholders share is that the Maoists are hiding weapons in anticipation of a reemergence of conflict and fear of potential conflict-related acts of revenge runs high. Insecurity in the current context has serious negative implications for social integration and harmony in Nepali society, especially, as issues of reconciliation and the rehabilitation of IDPs come to the forefront of the peacebuilding debate at the national level.

Despite the fragility of the peace process and continued violent conflict in the Terai, there still exists the potential for a lasting and sustainable peace in Nepal. To this end, rural communities urgently need locally-owned and inclusive mechanisms to act as safe dialogue forums to address local level disputes and issues of security. The proposed Peace Committees could prove highly effective mechanisms in this regard, provided powers at the national level act quickly in recognising the diverse and particular community security needs of those at the local level and the need for such mechanisms to be inclusive of all stakeholders and owned by, rather than imposed upon, local communities.

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<sup>44</sup> It should also be noted that the Hawala system of border-trade corruption is rising along the Nepal-India border. This has significant implications for regional security with money suspected of being siphoned off into terrorist organisations in countries such as Pakistan. The Hawala system is an informal money transfer mechanism based upon a network of money brokers located primarily in the Middle East, Africa and Asia. Once a fully-fledged money market instrument, today the Hawala system is used mostly for migrant worker remittances and is controlled by various mafias. After the 11 September attacks on New York city, the Hawala system has come under increasing suspicion as a form of money laundering and terrorist funding

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