

IFP SECURITY CLUSTER

RUKUM

# SECURITY AND JUSTICE FROM A DISTRICT PERSPECTIVE

Ratna Shrestha and Nicola Williams

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SECURITY AND JUSTICE FROM A  
DISTRICT PERSPECTIVE

RUKUM

## AUTHOR PROFILES

### **Ratna Shrestha**

Ratna Shrestha is Assistant Programme Officer on International Alert's security and justice strand of work. In addition to Rukum, Ratna has undertaken security and justice research in districts as diverse as Kailali, Jumla, Solukhumbu and Sunsari. Ratna has a Post-graduate Diploma in Women's Studies.

### **Nicola Williams**

Nicola Williams is an Intern working with the International Alert Nepal Programme. Previously she worked for the Red Cross and has written news stories for the United Nations News Centre. Nicola's qualifications include a Bachelor of Communications, a Post-graduate Diploma of Journalism and she will shortly graduate with a Masters of Social Science (International Development) from the Royal Melbourne Institute of Technology.

# CONTENTS

|   |    |
|---|----|
| Acronyms  | 6  |
| Background  | 7  |
| Introduction  | 8  |
| District Context  | 9  |
| Security Situation  | 11 |
| Types of Crime  | 11 |
| Women and Security  | 11 |
| Returned Disqualified Combatants                                  | 12 |
| Security Providers  | 12 |
| Public Perceptions of Police                                      | 13 |
| Justice Provision   | 14 |
| The Formal Justice System   | 14 |
| The Informal Justice System                                       | 14 |
| Implications for Policymakers, Local Government and Civil Society | 15 |

## ACRONYMS

|                |   |
|----------------|---|
| <b>APF</b>     | Armed Police Force                                    |
| <b>CA</b>      | Constituent Assembly                                  |
| <b>CDO</b>     | Chief District Officer                                |
| <b>CPA</b>     | Comprehensive Peace Accord                            |
| <b>CPN-M</b>   | Communist Party of Nepal-Maoist                       |
| <b>CPN-UML</b> | Communist Party of Nepal-Unified Marxist Leninist     |
| <b>DCAF</b>    | Centre for the Democratic Control of the Armed Forces |
| <b>DSP</b>     | Deputy Superintendent of Police                       |
| <b>FNJ</b>     | Federation of Nepalese Journalists                    |
| <b>FPTP</b>    | First-Past-The-Post                                   |
| <b>GBV</b>     | Gender-based violence                                 |
| <b>IFP</b>     | Initiative for Peacebuilding                          |
| <b>ICRC</b>    | International Committee of the Red Cross              |
| <b>LPC</b>     | Local Peace Committee                                 |
| <b>NC</b>      | Nepali Congress                                       |
| <b>NRs</b>     | Nepali Rupees   |
| <b>PLA</b>     | People's Liberation Army                              |
| <b>SSR</b>     | Security sector reform                                |
| <b>UCPN-M</b>  | United Communist Party of Nepal-Maoist                |
| <b>UNMIN</b>   | UN Mission in Nepal                                   |
| <b>USIP</b>    | US Institute of Peace                                 |
| <b>VDC</b>     | Village Development Committee                         |
| <b>WDO</b>     | Women's Development Officer                           |

## BACKGROUND

The accessible and accountable provision of security and justice is one of the main requirements for a peaceful society and sustained social and economic development. Security provision and access to justice are regarded as essential public services, are fundamental building blocks in promoting good governance, and are critical for the creation of a secure environment at both the local and national levels.

In the wake of the Comprehensive Peace Accord (CPA) and the Constituent Assembly (CA) elections in 2008, there have been ongoing discussions in Kathmandu on security and justice issues (sometimes termed security sector reform (SSR)). These discussions have covered issues such as police effectiveness, civilian oversight of the army and the legal framework of the security sector as a whole. More contentious questions have concerned the “right” size of the Nepal Army, the integration of the People’s Liberation Army (PLA) into the Nepal Army, and how to engage with the increasing number of militant youth groups. With the deadline for completion of the constitution extended, the political scene remains one of deadlock between the coalition government and the Unified Communist Party of Nepal-Maoist (UCPN-M) over a solution to the “integration” issue in particular.

The political parties through the CA have committed to addressing many of these issues. However, for improvements in security and justice to be sustained in the long term, any changes in this sector need to be considered and discussed both at national and local levels across Nepal. On the one hand, institutions and processes in Kathmandu will benefit from more information about security challenges and needs at the local level. On the other hand, people in districts will gain from having better access to information about Kathmandu policy and programming discussions. Equipped with a better understanding of the kind of pressures and limitations placed on security and justice personnel at the local and national levels, people will be more likely to support processes of change and can help drive through that transformation.

This briefing is one of a series of “snapshots” forming part of a longer-term initiative by International Alert to help address the current gaps in knowledge and understanding between those actors at the district level and those in Kathmandu.<sup>1</sup> Nepali versions of the briefings are also available. For more information, see the contact details at the end of this report.

This briefing paper forms part of the EU-funded Initiative for Peacebuilding (IfP). For more information, see <http://www.initiativeforpeacebuilding.eu/>.

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<sup>1</sup> The briefing papers are coordinated with and fed into related work undertaken by other organisations, such as the Centre for the Democratic Control of the Armed Forces (DCAF) and its Nepali partner, the National Peace Campaign, as well as the United States Institute of Peace (USIP), Saferworld and others.

## INTRODUCTION

This short briefing is based on research conducted in Rukum District in April 2010. Methodologies used include semi-structured interviews and focus group discussions.<sup>2</sup>

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<sup>2</sup> This briefing is based on interviews with the Chief District Officer (CDO), Women's Development Officer (WDO), Village Development Committee (VDC) Secretaries, member of the district Bar Association, chairpersons and members of the Local Peace Committee (LPC), Nepal Police including the Deputy Superintendent of Police (DSP), police constable and the female police cell, a Nepal Army colonel, local FM stations reporters, Federation of Nepalese Journalists (FNJ) members, party members of UCPN-M, party members of Nepali Congress (NC), party members of Communist Party of Nepal-Unified Marxist Leninist (CPN-UML), teachers from VDC school and local community members.



## DISTRICT CONTEXT

Rukum is one of five districts in the Rapti Zone in the mid-west region of Nepal. The district covers an area of 2, 877 square kilometres with a population of 215,270.<sup>3</sup> The other four districts in the zone are Salyan, Rolpa, Pyuthan and Dang. Musikot is the district headquarters and, although there is no municipality, there are 43 VDCs across the district. Road connections to Rukum are available from Dang via Salyan and Jajarkot. While these have been available for five to six years, the roads have only been open for the past two years due to blockages, a result of strikes and landslides.



Source: [http://commons.wikimedia.org/wiki/File:Rukum\\_district\\_location.png](http://commons.wikimedia.org/wiki/File:Rukum_district_location.png)

According to the proposed 14-state federal structure, as delineated by the State Restructuring Committee of the CA in 2009, Rukum is to be located in the Magarat State. In terms of its caste-ethnicity make-up, Rukum is diverse with its population including Thakuris, Brahmins, Chhetris and Magars.

Agriculture is the mainstay of the economy with a variety of apple, goat, potato and herbal product farming. With approximately one person per household employed abroad, another significant economic stream in the district includes remittances from migrant workers. In terms of education institutions, the district offers primary- to higher-degree-level education; in the headquarters alone there are 20 schools, which comprise government and private institutions, two colleges at the 10+2 level and one master's degree-level college.

The Maoists launched their "People's War" against the government in 1996 from the hilly mid-western districts of Rukum and Rolpa, and these districts remained their stronghold throughout the 10-year civil war (1996–2006). According to data collected by the LPC, the total number of people killed in Rukum during the conflict was 685. Additionally, 612 people were displaced from 164 households from the district according to the LPC. Among the displaced, people from 98 households have returned home and are living normal lives; people from 66 households did not return either due to the fact that they were able to secure a better standard of life in the areas that they fled to, or due to the failure of the UCPN-M to return seized lands.

In the 2008 CA elections, the two constituencies in the district were won by the Communist Party of Nepal-Maoist (CPN-M) in the First-Past-The-Post (FPTP) election system. Altogether there are five Maoist party members from Rukum in the CA and no representatives of the district from any other political party.

The multi-party LPC is functional in Rukum and has been successful in determining the number of conflict-affected victims across the region.<sup>4</sup> The committee has been able to deliver Nepali Rupees (NRs) 100,000 to 44 family members of victims, and has recently received approval from the Ministry of Peace and Reconstruction for NRs 600, 000 to conduct activities targeting conflict-affected families. The committee itself is made up of 33 percent women and the chairmanship is on a rotation basis so every party gets a chance to lead the committee. In recent times, however, Maoist party members have started boycotting the meetings of the committee stating that they have been instructed to do so by central-level committee members.

<sup>3</sup> The population is as of 2009 and was released in a report by UN OCHA. For more information please visit <http://www.un.org.np/ocha-situation-updates/2009/2009-07-16-Situation-Update-MWR-FWR-Diarrhoea-Outbreak-16-July-2009.pdf> (accessed 5th May 2010).

<sup>4</sup> LPCs are the local representative body of the Ministry of Peace and Reconstruction. Their mandate includes assisting in the local-level implementation of the CPA and to monitor the implementation of the Ministry's relief and reconstruction programmes.

While the district has recovered economically since the war and people perceive security to have increased since the signing of the CPA, the ongoing effects of the conflict still permeate the lives of the local populace. Examples of this can be seen in the anomaly of 40 suicides committed in the past year and political cleavages between groups causing violent incidents, such as a recent clash between CPN-UML supporters when the latter tried to organise a district general assembly, triggering a clash between political groups armed with *khukuris*.<sup>5</sup>

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5 *Khukuri*: The long curved knife traditionally carried by Gurkha soldiers.

## SECURITY SITUATION

Although the majority of those interviewed, particularly community respondents, perceive the security situation to have improved since the end of the conflict, there are others for whom safety of life and property is still a concern. After 10 years of civil war, in which Maoist parallel governance mechanisms were in place in the vast majority of the district, political space appears to continue to be dominated by the UCPN-M party, with little room for opposition. This in part accounts for a relatively quiet security scenario, in comparison to more politically diverse districts. Clashes between political parties and their youth wings are infrequent; however, perceptions of security were polarised by political associations, with the supporters of non-Maoist political parties reporting feeling more insecure. At the time of research, students affiliated to the UCPN-M prevented a CPN-UML mass meeting taking place on the grounds of a school. This led to violent clashes between UML and Maoist cadre, and the CDO and LPC had to be called in to mediate.

Likewise, journalists in the region reported receiving threatening calls from Maoist party members if they were seen to be reporting news that was “against” the party. It was suggested that people have not fully recovered from the fear of past conflicts and still suspect each other, and, in particular at the village level, people reported fear of speaking against the UCPN-M.

The Nepal Police reported an increase in cases of crime; however, it was not clear whether this was an increase in cases overall, or in cases reported to the police. Public perceptions of the ability of the Nepal Police to subsequently provide a means to justice following the reporting of a crime remain low. Unlike parts of the heavily populated central and eastern Terai which share an open border with India, respondents in Rukum reported little to no activity of armed groups.

## TYPES OF CRIME

The types of crime reported by local police include rape, domestic violence, theft, looting, land disputes, political clashes and disputes over natural resources, specifically herbal products such as *Yarchagumba* in the region.<sup>6</sup> While an increase in domestic-violence cases had been reported to police, it was stated that it is more often dealt with through informal justice mechanisms. The issue of illegal polygamy<sup>7</sup> was also raised, and it was suggested that women in the region are aware of their legal rights and those who find themselves in a polygamous marriage that is not legal seek the assistance of a paralegal committee, or the *Loktantrik Mahila Sangh* (Democratic Women’s Network).<sup>8</sup>

## WOMEN AND SECURITY

Gender-based violence (GBV), particularly domestic violence, was reported to be prevalent across the district according to civil society groups and security providers. The number of domestic-violence cases reported to

6 *Yarchagumba* is a rare, parasitic fungus found in the Himalaya at altitudes of 3000-5000m. It is used in medicine and is believed to be an aphrodisiac. For many in the western mountain region of Nepal, collecting *Yarchagumba* is a lucrative source of income.

7 Polygamy is legal in Nepal if the first wife is unable to have children after 10 years of marriage. Following this period, a man may legally marry a second wife.

8 The Democratic Women’s Network (*Loktantrik Mahila Sangh*) comprises female members of the NC and CPN-UML and is a district-level network set up in response to the prime minister’s announcement of 2010 as the Domestic Violence-Free Year. The Democratic Women’s Network supports female victims of domestic violence by accompanying them to police stations to put pressure on the police to respond to the case.

police has increased. Civil society organisations attributed this to a rise in awareness of women's rights, but not specifically awareness of the Domestic Violence Act, 2009. The increased uptake of alcohol across the region was considered to have increased women's insecurity, with reports of many domestic-violence cases occurring when the perpetrator was inebriated.

In cases of domestic violence, police regularly viewed the matter as a private issue and therefore demonstrated a reluctance to get involved. Victims were consequently often sent back to their homes, increasing the likelihood of their re-victimisation. Likewise, a lack of shelters or safe houses for female victims of GBV was also stated by participants as an issue associated with the cyclical patterns of violence in communities.

With the year 2010 declared as the Domestic Violence-Free Year, the prime minister has instructed every district to form a committee and monitor the activities against domestic violence happening in the districts. As a result, a District Source Committee has been formed under the chairmanship of the CDO and the coordination of the WDO. The benefits of this mechanism are yet to be seen. However, a recent development is that the WDO is now invited to every committee at district level. Any planning related to women has to be drafted in the district then the WDO will be consulted to make sure the planning is gender sensitive and responsive to the needs of women. This is in recognition that the WDO has stronger grassroots outreach and understanding of the needs of local women than other parts of the district bureaucracy.

Outside the formal security providers, at the village level matters of GBV are frequently handled through informal justice mechanisms such as *Khachara*<sup>9</sup> and, in some VDCs where paralegal committees are established, this option is drawn upon. According to local women's rights groups, re-victimisation is often seen at the village level even after incidents were reported to formal security providers or informal justice bodies. Other forms of GBV at the village level include the practice of *Tani Bivaha*.<sup>10</sup>

Many rape cases today are still resolved within the village itself because of the cultural status issue that an unmarried girl who has been raped is not considered eligible for future marriage. When filing a case at the police station, rape victims are often accompanied by either female family members or a neighbour. If there are no women police to assist females reporting incidents of GBV, the male police officers often request the assistance of their wives to help in offering support and uncovering the details of the crime. In some rape cases, victims withdraw the filed case because they reportedly receive money from the perpetrator.

## RETURNED DISQUALIFIED COMBATANTS

As the heartland of the Maoist conflict, many of those who joined the Maoist Army as combatants were from Rukum District. With the signing of the CPA, 23,000 Maoist PLA combatants were cantoned, awaiting a political agreement on their future. Following a verification process led by the UN Mission in Nepal (UNMIN), 4,008 combatants were "disqualified" on the basis that they were underage at the time of the signing of the CPA, or that they had joined the Maoist Army after the May 2006 cut-off date. "Disqualified" ex-combatants were formally discharged in January and February 2010. Following this process, approximately 15 ex-combatants are reported to have returned to Rukum.<sup>11</sup> To the knowledge of community stakeholders, ex-combatants have not engaged in political activity upon their return and are working mostly in the agricultural sector. There is no reported spike in violence since their arrival back in Rukum. Many more ex-combatants from Rukum are believed to have located to Kathmandu and urban centres in the Terai in search of work, rather than returning home to farming in Rukum.

## SECURITY PROVIDERS

With the Nepal Army confined to barracks and no presence of the Armed Police Force (APF) in Rukum, the Nepal Police are responsible for the provision of security on a day-to-day basis. In the district of 43 VDCs, there

9 *Khachara*: A traditional and informal justice mechanism made up of village elders. This type of mechanism in some villages is developing into a multiparty committee.

10 *Tani Bivaha*: A tradition of marriage whereby the male abducts the female, forcing her into the marriage.

11 International Alert and Shanti Malika Interview, District Administration Office, Rukum, April 2010.

are 26 area police posts which have been re-established since the CPA in 2006. Only two of these posts have female police. In the VDC Sola Bhang, economic activity is on the increase and therefore two temporary posts will also be established in this location in the near future.

**Total Nepal Police:** 552

**Female police:** 18

**Police to civilian average ratio:** 1:390

Source: Zonal police office

The total number of police personnel is 552, of which 18 are female and make up the women's police cell. This group assists female community members by providing personal support to women reporting sensitive cases of GBV. The women's police cell members hold mostly junior positions, which limits the group's capacity for substantial involvement in wider security provision or investigation.

Similar to other districts in Nepal, the police in Rukum are lacking in capacity in terms of number of personnel, particularly female police officers, and operationally in terms of the number of vehicles, buildings and facilities for staff.

The Nepal Army is confined to the barracks in Rukum and does not have a mandate to interfere in the security issues of the district. There are 849 army personnel in Rukum, of which only one is female. The army's role is limited to reporting on the security situation of the district and being mobilised in support of public welfare needs such as running health camps and assisting in disaster management. In 2009 army personnel were mobilised for controlling the outbreak of diarrhoea which led to several deaths in the region. Recently they were given training on public health and human rights by the International Committee of the Red Cross (ICRC).

## PUBLIC PERCEPTIONS OF POLICE

Most of the respondents consulted during the research viewed the police as the legitimate authority for security, yet some placed little faith in their ability to carry out effective investigations and thereby provide access to justice. During the conflict period, community members would often go straight to the Maoist people's court when seeking justice. In the post-conflict period, there has been a shift in behaviour and people now go directly to the police to report cases of crime and security threats. In this sense, the social contract between the police and community members appears to be improving. Even so, people perceive that the police are not politically impartial and are more sympathetic to those supported by the UCPN-M, due to the relative power of this party in the region.

Women's networks were reported to be having a positive impact on women's access to security and justice, with the police responding quickly to the needs of those who were affiliated with women's organisations. For women who are not affiliated to such networks, it was reported that they were treated as less of a priority. In the handling of domestic-violence cases, police regularly involve members of the Democratic Women's Network. In some instances, the cases are immediately referred to this group, while in others they are called upon to participate in decisions around justice.

# JUSTICE PROVISION

## THE FORMAL JUSTICE SYSTEM

During the conflict, around 30 legal cases were reported to the District court per year, a low figure due to the fact that many cases were handled by the parallel Maoist “People’s Courts” and there was no judge present in the district for the majority of the conflict duration. Most recently, an increase has occurred in cases being filed with the District court, with 138 civil cases and 129 criminal cases filed in the past six months.<sup>12</sup> Respondents at the District court attribute this to the fact that there is now greater awareness that many cases, such as divorce and land transactions, can only be legitimised by formal state mechanisms. The staff capacity of the District court is 21 people, two of which are females who serve in low-ranking positions. There is one judge who covers both Rukum and Humla District courts.

## THE INFORMAL JUSTICE SYSTEM

In many VDCs, there are trained paralegal committees which handle small disputes, especially domestic violence. If issues cannot be resolved by the paralegal committee, the case is handed over to the police. Paralegal committees have also been involved in advocating against the practice of *Tani Bivaha* and raising awareness of the legalities around polygamy.

*Kachaharis* are another informal justice provider made up of village elders and respected community members. This group deals with small disputes, including domestic-violence cases. In some VDCs, the *Kachahari* has been reformed into a multiparty committee, consisting of party representatives from all parties, rather than village elders and respected community members.

Although Maoist People’s Courts have been formally dismantled following the signing of the CPA, as the largest and most powerful party in the district, some still approach the Maoist party to solve disputes. Even where a case goes through formal channels, many feel the need to gain the support of the Maoist party in order to be able to win their case.

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<sup>12</sup> International Alert and Shanti Malika interview, Rukum District Court, April 2010

## IMPLICATIONS FOR POLICYMAKERS, LOCAL GOVERNMENT AND CIVIL SOCIETY

As the integration of former Maoist combatants remains unresolved, SSR debates continue to be viewed through the prism of reintegration and rehabilitation issues. However, the particularly fragile political context in Nepal and the gridlock on this topic should not overshadow the need for district-level inputs into national-level policymaking on security and justice services. Based on the local research, specific activities in Rukum could include the following:

- Strengthening formal sector responses to GBV, including gender training for all levels of Nepal Police in Rukum, support to improved police infrastructure such as separate quarters for female police officers, supporting strengthened and formalised coordination mechanisms between the women's police cell, WDO and civil society groups, and supporting the establishment and upkeep of safe-houses for victims of GBV.
- Strengthening communication channels between local police and communities, and between local communities and national decision-makers. Suggestions include the use of local media to generate wider awareness of policy discussions and changes and school/community liaison schemes to raise awareness of the role of the Nepal Police.
- Increasing understanding of local dispute-resolution mechanisms that are still used and how they could be supported by and/or support the work of the Nepal Police and other state security and justice bodies and mechanisms.

## INITIATIVE FOR PEACEBUILDING

c/o International Alert  
205 Rue Belliard, B-1040 Brussels Tel: +32 (0) 2 234 5792 Fax: +32 (0) 2 234 5799  
ifp@international-alert.org www.initiativeforpeacebuilding.eu



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