



Snapshot series 1

Security and justice from a district
perspective

1.3. Jumla

October 2008

About International Alert

International Alert is an independent peacebuilding organisation that has worked for over 20 years to lay the foundations for lasting peace and security in communities affected by violent conflict. Our multifaceted approach focuses both in and across various regions; aiming to shape policies and practices that affect peacebuilding; and helping build skills and capacity through training. Our regional work is based in the African Great Lakes, West Africa, the South Caucasus, Nepal, Sri Lanka and the Philippines. Our thematic projects work at local, regional and international levels, focusing on cross-cutting issues critical to building sustainable peace. These include business and economy, gender, governance, aid, security and justice. We are one of the world's leading peacebuilding NGOs, with an estimated income of £11 million in 2009 and more than 120 staff based in London and our 11 field offices.

Alert has been working in Nepal since 2002. Alert aims to support national and international actors to build the long-term conditions for sustainable peace in Nepal through:

1. Building understanding and awareness around key conditions for peace;
2. Strengthening the capacity and outreach of key peace actors and alliances to engage in peacebuilding; and
3. Enhancing the responsiveness of national and international policy and programming to conditions for peace.

Our three main areas of work are entitled: Equitable Economic Recovery for Peace; Accessible and Accountable Security and Justice; and Strengthening Peacebuilding Practice.

About IfP

The Initiative for Peacebuilding (IfP) is a consortium led by International Alert and funded by the European Commission. IfP draws together the complementary geographic and thematic expertise of 10 civil society organisations (and their networks) with offices across the EU and in conflict-affected countries. Its aim is to develop and harness international knowledge and expertise in the field of conflict prevention and peacebuilding to ensure that all stakeholders, including EU institutions, can access strong independent analysis in order to facilitate better informed and more evidence-based policy decisions.

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International Alert Briefing Paper

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Security and justice from a district perspective

1.3. Jumla

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 level.

In the wake of the Comprehensive Peace Accord (CPA) and the Arms Monitoring Agreement, and in the run up to the Constituent Assembly (CA) elections on 10th April 2008, there have been ongoing discussions in Kathmandu on security and justice issues (sometimes termed security sector reform, or 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 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.

The newly elected CA have committed to convening an Army Integration Special Committee (AISC) and 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 right 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 level, people will be more likely to support processes of change and can help drive through that transformation.

The ‘Snapshot’ briefings are 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.¹ 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/>.

¹ The initiative is informed by, and keeps up-to-date with related work by other organisations, such as the Centre for the Democratic Control of the Armed Forces 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 discussions and interviews in Jumla, the headquarters of Jumla district, and in Chandannath, Depalgaun, Haku, Kudari, Mahalgaun and Rara Village Development Committees (VDCs) and in Nangma in April and October 2008.²

District Context

Jumla is one of five districts in the Karnali zone in the mid-west of Nepal and is the zonal headquarters. It is rated 68th out of 75 districts on the most recent composite poverty index (in 2001) and, until recently, had no road links with the rest of the country. With a tarmac runway, air links to Nepalgunj and Surket, and now a semblance of a road linking it to the western Terai, Jumla district headquarters is an important trading centre for a region with extremely poor access to the rest of the country.

Jumla covers an area of 2,531km² and, according to the 2001 census, has a population of 89,427. It is a largely rural district and, given the terrain, only a small proportion of the land is irrigated and cultivatable. The 30 VDCs are mainly located in the three valleys along the Tila river. Jumla was heavily conflict affected. Two attacks by Maoist forces during the conflict destroyed or displaced the majority of government infrastructure and land seizure was widespread.

Since the signing of the CPA, human security has been improving in the district. Land has apparently started to be given back to those returning to the district – although not their tools and livestock. Elections were reportedly peaceful, free and fair. The CPN-M continue to be the most visible political force in the VDCs outside district headquarters, and the newly elected Constituent Assembly member is a CPN-M representative and the first person to represent Jumla in national-level politics. The CA member's post-election tour of the district in April and his efforts to engage multiple stakeholders was viewed positively at a time when Jumla, and the Karnali region as a whole, seeks to define a better future. However, six months after the election there are fears that Jumla is again going to be forgotten by the rest of the country and will not reap the benefits of a "New Nepal".

Economy

The subsistence economy in Jumla is largely based on crop cultivation (rice, barley and millet – depending on the season). A significant source of money for some families is derived from the collection and trade in herbal products, such as yarchagumba.³ Apples have traditionally been a staple crop in Jumla, but their economic potential has never been fully exploited due to the difficulty of reaching markets outside the region. With an eye on the future, some (international) non-governmental organisations (NGOs) have identified apple production

² This briefing is based on over 40 interviews and community consultations in Jumla headquarters and Chandannath, Depalgaun, Haku, Kudari, Mahalgaun and Rara VDCs and in Nangma in April and October 2008. Interviewees included the CDO, LDO, District Women's Development Office, Police, Army, Chambers of Commerce, NGOs working in the district, community organisations formed under the Poverty Alleviation Fund (PAF) and VDC-level Human Rights and Peacebuilding Committees mobilised by the Karnali Integrated Rural Development and Research Center (KIRDARC). For more information on the economic dynamics in Jumla, see: International Alert (forthcoming). *Snapshot series 2. Economic priorities from a district perspective: 2.3. Jumla*. Available at <http://www.international-alert.org/nepal/index.php>.

³ Yarchagumba is a species of parasitic fungus which attacks and grows on caterpillars. It is a prized ingredient in traditional Chinese medicine. However, trade in Yarchagumba has been significantly affected by the Chinese closure of the border prior to the 2008 Olympics and collectors are reportedly now storing it as they are unable to find buyers.

as a good prospect for development. In and around Jumla town, the import of consumable goods, garments and construction materials are sources of higher earnings.

The 232km long Karnali “highway”, which has been open to traffic since May 2007, connects Jumla to Birendrenagar in Surket via Kalikot and Dailekh. While the quality of the road is extremely poor,⁴ particularly through Kalikot, it has had a significant impact on the economy of Jumla and access to services. Goods are more readily available in the bazaar, although global factors and the influence of transport syndicates has meant there has been little drop in prices and even some increases. One of the largest of the increases has been in the cost of cooking oil, which, at the time of initial research in April, had risen from Nepali rupees (NRs) 70 to NRs 115/120 in just a few months.

Road access has also resulted in an increase in the availability of Indian rice, leading to a shift in local preferences for imported rice varieties and a decline in the amount of “native” red rice that is grown and local land that is cultivated. Crop production in recent months has been hit by diminished rainfall and snow melt, and the affordability of imported rice is likely to decline. Poor harvests combined with the Indian government’s ban on rice exports has impacted significantly on food security, with the World Food Programme (WFP) reporting that the majority of households are only food secure for six months of the year, falling to three months for many Dalit households, and are reliant on being able to afford goods in the market for the rest of the year. The availability of goods in the market and the prices have been further affected by the four month closure of the Karnali highway from June 2008 due to landslides, largely caused by the monsoon. The last blockage was finally cleared in mid-October.

Seasonal migration from Jumla to India (mostly to Uttar Pradesh) is substantial between November and January, after the harvest, as there is not enough work available in the district. This can result in 60-70 percent of Dalit and Chhetri men migrating from Jumla, leaving behind the elderly, women and children. In some cases women also leave in search of similar unskilled work. However, with only about NRs 5-6,000 brought back home, this does not significantly increased family incomes, although men do sometimes return with household goods and rice bought cheaply in India. The level and patterns of migration have changed since the end of the conflict as, with the increased stability, migration is predominantly motivated by economic reasons and is seasonal, whereas during the conflict many fled to India to avoid the violence and threats to their family and property.

Governance, Service Delivery and Development

Citizens in the Jumla are vocal about their many concerns and their common desire for a “New Karnali”. However, paradoxically, there seems to be much less expectation amongst the poorest communities that local administration officers will be responsive to their needs and that their performance will significantly improve. There is a common perception that VDC Secretaries, for example, prefer to stay in district headquarters on the pretext of attending trainings and seminars (although a local NGO campaign has limited such events to the last Saturday of every month). Party committees in headquarters are perceived to be the first beneficiaries of initiatives brought to the district, such as solar panels or subsidised seedlings, while the district headquarters officials are seen to be providing weak oversight of local recipients of development finance (one chairman of a trail bridge user group recently disappeared with NRs 400,000). The opening of the road has improved access to basic healthcare and schooling,

⁴ The road has only received a temporary Department of Roads certificate, making it difficult to buy insurance for the vehicles which transport goods and passengers. Vehicle owners are, therefore, taking considerable risks on their investments (48 vehicles plunged off the road in the first year it was open), and so the “closed access” economy is perpetuated.

but maintenance remains a problem – which is not helped by the location of the nearest Department of Roads branch in distant Surkhet.⁵ A wider, safer, black-topped road remains a distant hope for the district.

Although the district development committee attempts to involve all local stakeholders and government agencies in district-level planning, ample cases of lack of coordination and duplication have been found within the government mechanism in the district. Almost every ministry has its line agencies present in the district. However, there are big communication gaps between or among such line agencies, which apparently creates difficulties in the public accessing service delivery that concerns cross-agency coordination and deficiencies in the quality of services. In the post-CPA and CA election context, people have very high expectations of prompt services from the government. Yet, the communication system within or between district and central-level government, as well as poorly available resources, prevent government officials from quickly responding to the needs and expectations of the public. These have, according to many interviewees, become a fundamental source of public frustration towards government officials and the way that service delivery is perceived by the public.

The Security Situation

According to many interviewees, the security situation has been relatively stable since the signing of the CPA. Despite a few scuffles between political party and Young Communist League (YCL) cadre during the elections, no serious incidents occurred. The Deputy Superintendent of Police (DSP) noted that one of the biggest current problems was the politicisation of cases. In the first few months after the April election the security situation was quiet, but now petty squabbles are becoming politicised. If a case is reported to the police, they will gather all the political parties together along with the victim and the culprit and solve the matter. If a person is arrested and they have political connections, then a member of that party will usually plead their case and take responsibility for them and their bail. It was also noted that the completion of the Karnali highway has led to an increased number of road accidents, and there is some concern that there may be potential clashes between locals and new people arriving in the district. According to the local Chambers of Commerce, the situation for businesses had remained much the same, with extortion and “taxing” continuing up until the elections.

Types of Crime

The main crimes that are reported in Jumla relate to drunken fighting and disorder, and domestic violence and alcohol abuse is flagged as a major problem. In an attempt to curb the levels of public disorder, the Chief District Officer (CDO) has banned drinking in public places. However, this does not prevent alcohol abuse at home, something which the Women’s Development Office acknowledges is a major factor in domestic violence. During Alert’s initial research in April 2008, 20 people were being held in prison for offences including theft, murder and rape.

The predominant problems flagged by communities were petty crimes, burglaries and disputes over access to water, which is particularly problematic in Dalit-dominated VDCs where there may only be a couple of tap stands for the whole village. In the event of such incidents, mediation will take place at the community level rather than going to the police.

⁵ A unit office was set up in Jumla while the road was being constructed, but this has subsequently been shut down and requests for maintenance have to go first to Surkhet.

Security Structure

Jumla is the zonal headquarters for the Karnali region, which is made up of five districts.⁶ As a result, there are a higher number of security forces here than in other districts in the region. The regional headquarters for both the Armed Police Force (APF) and the Nepal Army are based here, with 200 army personnel from the 24th Brigade stationed in Jumla headquarters. There is also a battalion of 400 additional army troops whose mandate covers the district alone. Under the terms of the CPA and Arms Management and Monitoring Agreement, army personnel are confined to their barracks and are not involved in any community projects. As in all districts, the CDO in Jumla is responsible for coordinating and responding to security matters, and arranges regular meetings between himself, the APF and police. During the elections, for example, meetings were held daily.

Police Capacities

At the district level, the police are officially the first point of contact for ensuring the security of the people. However, their ability to do so has been affected by their relationships with the public and their lack of resources, which in turn has a knock-on effect on morale and motivation. There are currently nine police posts in Jumla to cover all 30 VDCs. A request for two new posts and an appropriate increase in staffing was submitted to headquarters in Kathmandu early in the year, but the decision is still pending and likely to be hard to get due to budgetary issues. Only one of the current police posts has its own building and all the rest are renting buildings from the community. Only three are accessible by vehicle. Prior to the election, only two posts had radio communication equipment, but they were all equipped during the elections and have been permitted to keep the hardware.

There are 219 police personnel in the district, 60 of which are based in the headquarters and only four of which are women. Roughly 10 to 15 of the police staff are from the district, but they generally try not to have too many based in their home district due to concerns about impartiality. The DSP mentioned that there was a shortage of police and basic recruitment criteria stipulated that recruits must not be politically affiliated.

In Jumla, unlike in many other districts in Nepal, police posts are not graded as “A”, “B” or “C” (according to the number and rank of personnel based there), but rather police staff are shared equally throughout the district. Police posts do not have the authority to mete out punishment, but can mediate at the VDC level before referring a matter to district headquarters as a last resort. Because mountain districts are seen as hardship postings, DSP posts are for one year only, compared to two-year positions in Terai districts. Serving in a hardship posting also earns the incumbent points toward a promotion. This system not only has the potential to affect the motivation of postholders, but also means that the regular turn-over results in a lack of consistency and is not conducive to relationship-building at the community level.

Public Perceptions of Police

The police are seen as a last resort, because they can allegedly be brutal and progress is seen as being very slow, if indeed any action is taken at all. Complaints about police violence can be filed at the CDO’s office, but it is doubtful that community members would take such action. Reluctance to go to the police also stems from concerns about the administrative burden should a case be referred to district headquarters and a fear of exacerbating a situation. Furthermore, for those living in more remote VDCs, the nearest police post may be a considerable distance away. Nevertheless, police behaviour is believed to have improved and an effort is being made to offer a helpful community service. However, there remains a substantial legacy of mistrust that will need to be overcome to maximise the potential for effective security provision.

⁶ Dolpa, Humla, Jumla, Kalikot and Mugu.

Access to Justice

The Formal Justice System

The caseload in Jumla is minimal and even though there is a district court, it is rarely busy. The judge is only present intermittently and the time taken for a case to be heard can be considerable. According to the CDO, there were two people being held in prison who had waited for over two years for their cases to be heard. While serious cases are decided by the court, the CDO's office is able to deal with less serious cases, such as public issues. Cases filed with the CDO at the time of writing included three public issues cases (e.g. drunkenness, fighting, etc.) and two weapons misuse issues (e.g. guns, circuit bombs, use of khukuri knives, etc). The latter two cases consisted of: a family reporting that another family had threatened them with a circuit bomb and an ex-combatant who tried to carry a circuit bomb onto a plane. Land issues are dealt with by the Land Reform Office, which is a line agency and thus comes under the control of the Ministry of Land Reform, rather than the CDO.

Maoist Justice Systems

The Maoist parallel governance and justice structures which were established during the conflict have officially been dismantled. One of the alleged side effects of this has been a rise in domestic violence, because the Maoist enforced "dry zones" have been abolished and alcohol is now freely available; rates of domestic violence are believed to be on the increase.

Informal Access to Justice

In the majority of cases, communities mediate and solve their own disputes. However, when it comes to more serious issues, they are more likely to lack access to opportunities for recourse. An example of this is the practice of money lending at exorbitant rates of interest, particularly to poor Dalit families who lack collateral. The rates of interest that are charged are illegal, but to get round this money lenders simply increase the value of the loan shown in the agreement letter while, in practice, giving less actual money to the borrower. Hence, someone may sign an agreement for a loan of NRs 25,000, only receive NRs 20,000, but be liable for interest on the value of the loan on paper – NRs 25,000. Loans must be paid back within six months or borrowers lose their land. While the majority of people are aware that this practice is illegal, they are too afraid of the consequences of complaining, fearing that people may stop lending them money altogether.

Implications for Policy-Makers, Local Government and Civil Society

The post-election political situation ensures that any discussion about justice and security sector reform (JSSR) is surrounded by suspicion and highly sensitive. However, while recognising these sensitivities, it is vital that local voices are heard in the high-level discussions that are being conducted in Kathmandu. Debate about the future of the PLA and the question of their integration into the Nepal Army may have paralysed one area of action, but this does not mean that initiatives at the local level cannot at least be explored. Failure to do so risks alienating those who are the supposed beneficiaries of security and justice services, the people of Nepal. Based on the research in Jumla, specific district and regional activities could include:

- Strengthening communication channels between local police and communities, and between local police and national decision-makers;
- Increasing understanding of what local dispute resolution mechanisms are still used, how they could be linked to police activities, and how they could be supported and/or support the work of Local Peace Councils and other mechanisms;
- Facilitating increased interaction between the police and the public, so that both sides are more aware of each others' demands and limitations;⁷
- Keeping people up-to-date with relevant national-level debates and discussions; and
- Exploring how local development planning and the allocation of District Development Committee (DDC) and VDC funds may impact on (in)security.

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⁷ USIP have started to engage in work designed to address this issue, but this has currently been limited to district headquarters. See for example, K. Cochran-Budhathoki and C. Rausch, 'Nepal in Transition: Developing Security and Rule of Law Strategies', *United States Institute of Peace Briefing*, May 2007. Available at http://www.usip.org/pubs/usipeace_briefings/2007/0514_nepal_transition.html.

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