

International Alert.



Snapshot series 1

Security and justice from a district
perspective

Rasuwa, Nepal

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Understanding conflict. Building peace.

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International Alert Briefing Paper

Snapshot series 1

Security and justice from a district perspective

Rasuwa, Nepal

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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 as 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. Even as the tenure of the CA has been extended by one year from 28th May 2010, giving more time for framing the constitution, the political scene is 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, 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 levels, 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/>.

Introduction

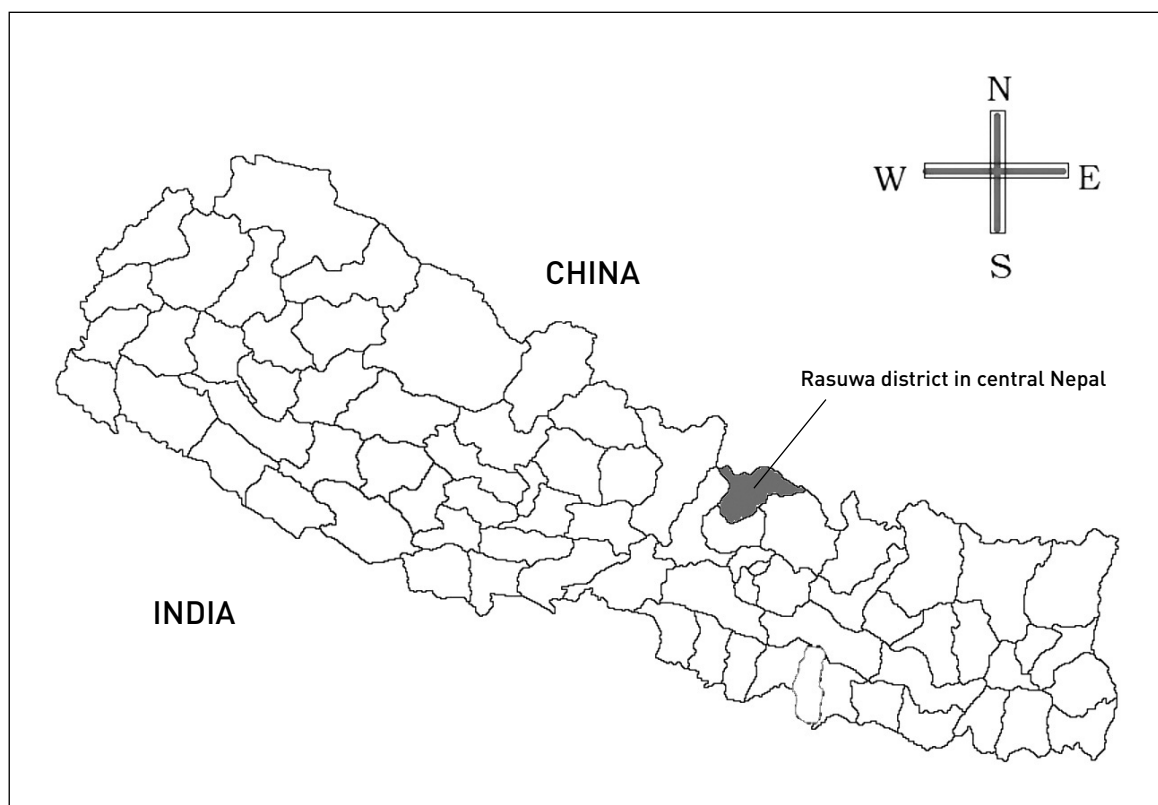
This short briefing is based on discussions and interviews in Dhunchhe, the headquarters of Rasuwa district, and in Chilime Village Development Committee (VDC) during May 2010.²

1 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.

2 The briefing is based on over 20 interviews and community consultations held in Dhunchhe VDC and Chilime VDC. Interviewees included the representatives of the District Administration Office (DAO), Local Development Office (LDO), Women’s Development Office (WDO), police, armed police, chambers of commerce, VDC secretaries, journalists, Local Peace Committee (LPC), women’s groups and non-governmental organisations (NGOs) working in the district.

District context

Rasuwa district is one of eight districts in the Bagmati zone of the Central Development region. Its district headquarters is Dhunchhe VDC. The district is situated due north of Kathmandu and shares a border with China on its northern side. On its west, south and east are Dhading, Nuwakot and Sindhupalchok districts respectively. The Pasang Lahmu Highway links the district to Kathmandu via Nuwakot. Rasuwa covers an area of 1,544 sq. km, and, according to the 2001 census, has a population of 44,731. Those belonging to the Tamang ethnicity (63.75 percent) are in majority in the district, with Hill Brahmins (15.83 percent), Gurungs (6 percent), Chhetris (3 percent) and other ethnicities comprising the rest of the population.³ According to the 14-state federal structure proposed by the State Restructuring Committee of the CA in 2009, Rasuwa district lies in the proposed Tamsaling state, meaning Tamang state. Rasuwa is administratively divided into 18 VDCs and has only one electoral constituency, currently held by the UCPN-M. The literacy rate in the district is 52 percent among males and 39 percent among females, as per the 2001 census.⁴



The major source of income for most people in the district is agriculture. However, some of the population earn their living from tourism, as the district is home to several tourist attractions, including Langtang National Park and the popular trekking routes of Langtang and Gosainkunda. The national park covers more than half (56 percent) of the total area of the district. The district headquarters Dhunchhe also lies within the buffer zone of the national park.⁵ There is gravelled

³ Government of Nepal, National Planning Commission Secretariat, Central Bureau of Statistics website, 'National census 2001'. Available at <http://www.cbs.gov.np>.

⁴ District Development Plan. 2061/2062 BS (2005 AD). District Development Office, Rasuwa.

⁵ Ibid.

motorable road access to eight VDCs in the district, with ten small markets within the district. There are no major industries in Rasuwa, except one mineral water company called Himalayan Spring Water, which was not in operation at the time of research because of financial disputes between the owners. The district also has the Chilime Hydropower Company plant, which produces 20 megawatts of electricity and is the only hydropower solely owned by Nepali shareholders in the country. The Upper Chilime Hydroelectric Project and Lower Chilime Hydroelectric Project are also in the offing.

VDC secretaries reported that it is difficult to find people aged between 12 and 30 in the villages, particularly girls, because this section of the population tends to migrate to India and beyond for work. Government officials and security forces estimate that more than 50 percent of the district's population is outside of the country for foreign employment. However, occasional clashes between the Young Communist League (YCL) and Youth Force are reported by the police and the community to be one of the threats to safety and security in the district.⁶

The Chinese government provides annual financial support of three million Nepali rupees (US\$42,500) to each of the 14 districts in Nepal bordering China for the development of their VDCs.⁷ Five VDCs in Rasuwa border with China. After recent Nepal–China border security and law enforcement talks, both countries agreed to establish a high-level mechanism to share intelligence to contain anti-China activities in Nepal. These activities mostly relate to Tibetan refugees.⁸ China has been supporting the construction of a 16km-long road linking Syprubesi in Rasuwa with Kyirong county in the Tibet Autonomous Region (TAR) in China. On the Nepal side, a 105km road from Trisuli to Sombdang, the Pasang Lahmu Highway, is being improved with support from the Chinese government.

During the Maoist conflict, 26 people were killed in Rasuwa district, 27 disabled, about 500 displaced and one disappeared – the whereabouts of whom is still unknown.⁹ Prior to the CA elections in April 2008, Rasuwa was seen as a stronghold of the Communist Party of Nepal–United Marxist Leninist (CPN-UML). However, the elections saw the UCPN-M win in its only constituency in the first-past-the-post (FPTP) election system in the district. According to local respondents, it is the UCPN-M that continues to have the strongest reach outside of the district headquarters and dominates political space in the district. The Local Peace Committee (LPC) was observed by the research team to be inactive in the district, though its office is staffed with a secretary, computer operator and office assistant.¹⁰ The Maoist representatives were reported to have been boycotting the LPC meetings since their party left the government in May 2009.

⁶ The YCL is the youth wing of the UCPN-M, while the Youth Force is the youth wing of the CPN-UML.

⁷ The others are Taplejung, Sankhuwasabha, Solukhumbhu, Dolakha, Sindhupalchok, Gorkha, Manang, Mustang, Dolpa, Mugu, Humla, Bajhang and Darchula. Author interviews, several traders and security personnel in the district, May 2010. For further analytical discussion, see D. P. Bhattarai. *Nepal at the first and second cross-roads: opportunities for a win/win in the new development context*. Kathmandu, Nepal: Institute of Foreign Affairs. p.4. Available at <http://www.ifa.org.np/pdf/new1.pdf>.

⁸ For more information, see 'Kathmandu, Beijing to bolster info sharing', *The Kathmandu Post*, 28th July 2010. Available at <http://www.ekantipur.com/2010/07/28/top-story/kathmandu-beijing-to-bolster-info-sharing/319328/>.

⁹ Interview, DAO, Rasuwa.

¹⁰ Local peace committees (LPCs) are the local representative body of the Ministry of Peace and Reconstruction. Their mandate includes assisting in the local-level implementation of the Comprehensive Peace Accord (CPA) and to monitor the implementation of the ministry's relief and reconstruction programmes.

Security situation

The security situation in Rasuwa district was fair in comparison to many other districts, particularly those in the Terai.¹¹ This was attributed to a number of factors, such as the small population and there being the national park in the district. Border-related security issues were also not reported to be severe because of the national park. Only occasional *bandhas* (strikes) were reported to have taken place in the district. There are only petty cases reported in the office of the chief district officer (CDO), which are reported to be resolved within one to two days. Most of the respondents felt that the biggest threat to the provision of security and justice in the district was political party “interference” in cases brought to the police and judiciary. There were no reported cases of land capture by political parties, either outstanding from the Maoist conflict or following the signing of the CPA.

Types of crime

The main types of crime reported by local police and administration officials in the district were civil crimes, which included disputes between neighbours and crimes related to the theft and export of natural resources from the national park. Occasional fighting between the youth wings of UCPN-M and CPN-UML parties was reported. There was some concern expressed relating to the security of tourists on the trekking routes. At the time of the research, a 23-year-old woman who had been trekking alone had been missing for 20 days. The coordination between the security forces (police and army) in the search for the missing person was observed to be good.¹²

Women and security

Unlike other districts covered in Alert research, in Rasuwa domestic violence was reported as being less common. Respondents attributed this to the customs and practices of the dominant Tamang community, which are less patriarchal in nature compared to the customs of ethnicities found in hill and Terai regions (such as Brahmin, Chhetri or Tharu communities). High female out-migration was reported to be causing security concerns in Rasuwa district. Girls as young as 12 years old were reported to be applying for passports, prompting concerns at the lack of systems to monitor the safety of these migrants once they left the country. Women and girls from the Tamang community in particular were considered to be vulnerable to being trafficked to brothels in India and beyond, due to poor levels of education within this community.¹³

The need for a separate women’s cell of the Nepal Police was voiced by one of the policewomen interviewed. However, there was a women’s unit in the district police office which was headed by a male assistant sub-inspector (ASI). The highest ranking female police officer in the district is a *hawaldar* (head constable); all others are *jawan* (constable). Women police in the district were living outside of the police-quarters in a rented house, some with their families.

The jari system is still prevalent in the district, which is the practice of marrying someone else’s wife.¹⁴ In the jari practice it was reported to be common in the district for a wife to elope

11 For more information, see Alert’s district snapshots on security and justice from a district perspective on Bara, Dang, Jumla, Kailali, Morang and Rukum.

12 Interviews, army and security forces, May 2010.

13 Alert and Shanti Malika interview, security providers and women’s rights NGO representatives, May 2010.

14 The punishment paid for such an act is called “jari”.

with another man, who then has to pay around 140,000–180,000 rupees as compensation for “taking” his wife.¹⁵ Disputes around these kinds of cases are taken to the Women’s Development Office (WDO).¹⁶ However, the WDO was reported to be inactive in the district and the women’s development officer was absent from the district for the last three months. This is in contrast to the findings from another hill district, Rukum, where the WDO was reported to be very active.¹⁷

Economy and security

Overland trade between China and Nepal is currently only operating via Sindhupalchok district. The research team observed Chinese workers working on the Syprubesi-Kyirong road project and a number of vehicles with Chinese number plates on the under-construction road. The business people interviewed also mentioned that there is already an increased movement of people between the countries via this route. It was reported in a daily newspaper that China is expanding its engagement with Nepal by building what is being described as the biggest land port connecting it with the wider South Asian region. Responding to this, a senior Nepali government official was quoted as saying: ‘Our government sincerely urges China to consider further extend and upgrade (sic) the existing linkages up to the border of Nepal. An expanded and enhanced connectivity between the two countries also open[s] the avenues for Nepal being a transit country between the two giant economies, China and India.’¹⁸

Once the infrastructure is built as planned, this route via Rasuwa will support more than two-thirds of the overland trade between the two countries and beyond. Representatives of the business community mentioned that the current overland trade with China via this route is almost nil compared to the only other route via Sindhupalchok. In recognition of a likely increase in security threats as the movement of people and goods increases, the local business community and local police pointed to the need for an increase in the number of general, armed and traffic police in the district.

Security provision

At the time of the research, 242 police personnel were deployed to the district police office, approximately nine of whom were women. Altogether there are 11 police posts in the district, with approximately 20 personnel stationed in each post. There are only sub (*chauki*) and no area police posts (*ilakas*) in the district. District police personnel interviewed felt that, due to increasing tourist numbers in Syprubesi VDC and the higher populations in some of the southern VDCs like Kalikasthan, *ilakas* were more necessary in those areas.

There is a newly set-up armed police force platoon in the district at Dhunchhe, which accounts for 48 armed police personnel, including a deputy superintendent of police (DSP) and a police inspector. This platoon was established in January 2010. In contrast to some other parts of the country, the police in Rasuwa do not perceive themselves as ill-equipped to respond to the level of need in the district.¹⁹ This may be attributed to the adequate police-to-civilian ratio and the better security situation in the district.

15 Alert and Shanti Malika interviews, local community and women’s group, May 2010.

16 The WDO is the local representative body of the Ministry of Women, Children and Social Welfare. The WDO implements programmes to raise the awareness and income-generating capacity of women, as well as providing advice and support to women in need. The DAO is the local representative body of the Ministry of Home Affairs. It is responsible for overseeing the provision of security and justice in the district, amongst other things.

17 For more information, see Alert’s snapshot on security and justice from a district perspective on Rukum district.

18 ‘China-Nepal cooperation looks up’, *The Himalayan Times*, 19th July 2010.

Available at <http://www.thehimalayantimes.com/fullNews.php?headline=China-Nepal+cooperation+looks+up&NewsID=250172>.

19 For more information, see Alert’s snapshots on security and justice from a district perspective on Jumla, Kailali, Morang, Bara, Dang and Rukum.

There is an army battalion with around 800 personnel in the district whose responsibility is primarily to protect the Langtang National Park and to assist in disaster relief and undertake development work, such as road construction. There are nine staff in the district from the National Investigation Department, headed by an Inspector housed within the CDO office.²⁰ Intelligence personnel interviewed for this research revealed that collecting intelligence information was difficult in some cases because they cannot understand or communicate in the Tamang language.²¹

There were 11 prisoners in the district jail at the time of research. The jail visited by the research team was spacious and clean, with proper toilets and water facilities. No complaints were heard from the prisoners interviewed. A coordination mechanism between the different security agencies, coordinated by the CDO, was reported to be in place and functioning effectively.

Public perceptions of police

Most of the respondents interviewed opined that the police were not taking their own initiative in controlling crime. Furthermore, when local people bring a suspected criminal into custody, it is generally felt that the police are influenced by political parties and therefore often let the suspect go free without questioning them. A senior representative of the CPN-UML cited the example of an assault by a Maoist of an ASI who went to arrest a Maoist cadre accused of committing a crime. The person who assaulted the ASI is reported to be free and no action was taken against him. This claim was verified through interviews with civil society and senior government representatives.²² Journalists reported that respect for, and trust in, the police has decreased because of their vulnerability to interference from political parties and the impunity that this brings for the politically affiliated.

Civil society respondents felt that more proactive policing, which would involve police coming out of police posts to build trust with local people and understand local needs, would go some way towards addressing negative perceptions of the police force. In addition, in contrast to the police's own perceptions about their capacities, civil society respondents felt that the numbers of police should be increased. Women's organisations and the police personnel themselves both pointed to the need for an increase in the number of women police in higher-ranking positions in the district.

Police capacities and perceptions of their own role

From discussions with a variety of police personnel, ranging from DSP to ASI level, it was apparent that the police are aware that negative public perceptions exist and that this has a strong impact on levels of morale within the service. This is despite the fact that they feel they are well equipped to do their job. Instead, this may again be a reflection of the language barriers and lack of contact between police and community members. Armed police personnel also pointed out the problem in communicating with their Chinese counterparts due to the language barriers – the Nepal Police do not have Chinese-speaking officers and vice versa.

Police in Rasuwa were reported to be conducting community outreach programmes, including awareness-raising on issues such as health and safety in remote VDCs. However, the programmes were reported to be sporadic rather than regular.

²⁰ The National Investigation Department comes under the direct supervision of the Ministry of Home Affairs, and works closely with the Nepal Police.

²¹ Alert and Shanti Malika interviews, army and intelligence personnel, May 2010.

²² Alert and Shanti Malika interview, May 2010.

Justice provision

The formal justice system

Rasuwa district court is located in Dhunchhe, the district headquarters. The presiding judge divides his time between Dhading and Rasuwa districts, and there are seven staff on the payroll.

As of April 2010, there were 14 cases to be decided in total in the Rasuwa district court, compared to 600 cases in Dang and 267 cases filed in six months in Rukum.²³ Six cases out of a total of 14 had been carried forward from the previous year in Rasuwa and were all related

Police numbers in Rasuwa district

Total Nepal Police: 233

Traffic police: 9

Female police: 9

Police-to-civilian ratio: 1:230

Source: District Police Office, Rasuwa

to disputes of ownership of the Himalayan Spring Water company. No case was pending for more than two years. Of the remaining cases, three related to divorce, two were “special cases”,²⁴ two more related to conspiracy and one to polygamy.²⁵ When compared to case density, there are four times fewer cases in court than in the neighbouring districts. The populations in Rasuwa, Dang and Rukum are 44,731, 521,528 and 215,270 respectively.²⁶ This equates to 3,195 people per case in Rasuwa, compared to

869 and 806 for Dang and Rukum respectively.

Police were reported to be settling petty neighbourhood disputes informally, without these needing to be taken to court. However, the shortage of police and judicial personnel speaking local languages (Tamang in this case) was considered to limit the access of certain ethnic and linguistic groups to state justice bodies in Rasuwa. Because of the lower number of cases and small population of the district, there is no district bar association. The lawyers of Dhading district are associated with the bar association of Nuwakot district. This is similar to the case with journalists in the district, who are affiliated with the Federation of Nepalese Journalists (FNJ) of Nuwakot district, which has a quota provisioned for journalists from Rasuwa district.

Under the Local Self Government Act, VDCs have arbitration powers. However, in the absence of any elected VDCs, VDC secretaries are now expected to play a mediation role in village-level disputes. Yet, arbitration is often a low priority due to the burden of administrative duties. Furthermore, VDC secretaries reported that they have not been able to play this role, as most of them remain in the district headquarters. Although they are supposed to be based in VDCs, secretaries felt that they are more accessible to people being based in the district headquarters, as this is the centre of all administrative and legal work. This will, however, inevitably exclude the most marginalised from accessing their services.

The informal justice system

At the local level, local elders were reported to be settling petty cases, such as disputes between neighbours. This can be regarded as an informal continuation of the traditional indigenous system of dispute resolution in the Tamang community. The traditional voluntary local governance system

²³ For more information on Dang, see Alert's snapshot on security and justice from a district perspective on Dang.

²⁴ “Special cases” are cases which do not fall into already defined categories and are therefore termed as special cases by the judicial system in Nepal. The nature of these cases was not disclosed.

²⁵ Alert and Shanti Malika interview, district court clerk, May 2010.

²⁶ Government of Nepal, National Planning Commission Secretariat, Central Bureau of Statistics website, ‘National census 2001’. Available at <http://www.cbs.gov.np>.

of the Tamang community has six types of societal leaders: Tamba, Ganba, Bonbo, Labonbo, Lama and Choho. These leaders have different roles to play in the system. Out of these six leaders, Choho's role is to look into cases and dispense justice to maintain peace, security and wellbeing in society.²⁷ As the clan leader, the Choho are first selected by community members but later continue with hereditary succession. They play multiple roles, including that of the administrator, judiciary and spiritual leader. For his voluntary services, the community members give gifts of alcohol and the head of sacrificed animals.²⁸ These traditional mechanisms were not in practice in the Dhunchhe and the Chilime VDCs where the research team visited. These indigenous practices were reported to be still in place in the remote areas in the district, unaffected by modernisation and relatively homogeneously populated by Tamangs.

27 For more information, see Nepal Federation of Indigenous Nationalities (NEFIN), 'Nepal: Introduction to Tamang', TelegraphNepal.com. Available at http://news.telegraphnepal.com/news_det.php?news_id=1642&PHPSESSID=7b7601841df0dccb774aa9b9b1907a55.

28 From a paper presented by K. B. Bhattachan (2002). *Traditional local governance in Nepal*. Paper presented in a national seminar on 'Strengthening decentralization and good governance in Nepal', organised by the Political Science Association of Nepal (POLSAN) and Friedrich-Ebert-Stiftung (FES), Kathmandu, Nepal, 21st April 2002. Available at http://www.nepaldemocracy.org/institutions/traditional_local-governance.htm.

Implications for policymakers, local government and civil society

When discussions take place in Kathmandu regarding issues such as police, judicial and wider SSR, it is essential that local voices are heard and taken into account. It is also important to explore what activities and issues can be addressed in the interim and longer term in different district and regional contexts. Based on this local research and recommendations from local stakeholders, specific activities in Rasuwa district should include:

- Putting into place monitoring mechanisms to track the situation and the whereabouts of women and children migrating from the district overseas;
- Establishing a women's police cell, staffed by higher-ranking female police, to deal with issues relating to women's security;
- Reassessing the numbers and levels of police personnel and posts required, taking into account increased population size and the opening of the new road link to China;
- Ensuring that the district police office and relevant police posts are staffed with personnel who can understand and communicate firstly in Tamang, for community policing and collecting intelligence information, and secondly in Chinese, for communicating and negotiating with security personnel on the Chinese side; and
- Designing and broadcasting radio programmes aimed at raising awareness, by providing information on issues such as gender-based violence and trafficking.

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