

## FIELD BULLETIN

### 'Local capacities for peace' during May 2012

#### Overview

Nepal experienced significant protests that disrupted normal life across many districts during May 2012 as the nation approached the deadline to adopt a new constitution.<sup>1</sup> In some instances, tensions and protests turned into violence—either through clashes between activists, or between activists and the security services. Overall, the disruption experienced in Nepal during May 2012 remained contained and limited, especially if compared to that experienced during other political upheavals during Nepal's history or instances of political contention and communal violence elsewhere in South Asia. However, while these protests were largely an outcome of contested visions over the nature of federal state restructuring and identity, there was potential for these tensions to transform from a political conflict into communal conflict and even violence. This potential persists as most issues and dynamics remain largely unchanged.

While much attention at the time focused on the causes of contention and violence, there was little examination of what *prevented violence* or, where violence had already occurred, what *prevented violence from becoming worse*. Therefore, this Field Bulletin will examine the experience of local actors in three locations in Nepal—Kailali, Jhapa and Nawalparasi districts—as a means to identify those factors that were seen as having prevented or mitigated violence during May 2012. Though based on a series of interviews with a wide range of local political, government, human rights, development and civil society actors<sup>2</sup>, these findings should not be interpreted as the exhaustive and definitive catalogue of all views and experiences of what happened during May 2012. It is also important to recognise that the severity and dynamics in each of these district cases varies dramatically, making categorical comparisons difficult. The intention is to offer a modest set of concrete examples by which violence was prevented or reduced in Nepal based on a recent instance of political contention.

Given the uncertain direction of Nepal's peace process, this Field Bulletin concludes with some initial recommendations about what practical avenues and 'local capacities for peace' could be further supported in coming months and years to better prevent and mitigate violent confrontation at the local level.

#### Kailali District

During May 2012, the Far Western Region experienced 31 consecutive days of *bandhs*, strikes and protests imposed by multiple groups with conflicting demands over federal restructuring.<sup>3</sup> The primary confrontation was between the 'Undivided Far West' (UFW) movement (demanding a province comprising all nine Far Western districts) and the 'Joint Tharu Struggle Committee' (JTSC) movement (demanding a '*Tharuhat* province' that would separate the *Tarai* districts of Kailali and Kanchanpur from the Far Western hill districts).<sup>4</sup> The month of disruptions severely affected normal life across the region while Kailali District experienced acute confrontations between activists polarized along identity based lines: most Tharus supported the JTSC and a '*Tharuhat* province' while the UFW movement was principally supported by the

<sup>1</sup> For a more in-depth overview of events during May 2012, see: 'Field Bulletin Issue #41 – Confrontation over federalism: emerging dynamics of identity-based conflict and violence' (UN RCHCO, May 2012), available at: <http://un.org.np/node/21019>.

<sup>2</sup> This Field Bulletin was prepared on the basis of RCHCO field reports from May 2012 and subsequent field research in the three case districts carried out from January to April 2013. Interviews were conducted with over 120 individuals from: the National Human Rights Commission; district government; local peace committees and staff; political parties and their sister organizations; identity-based activist groups; human rights groups; journalists; humanitarian and development organizations; the private sector; and community-level, academic and other civil society actors.

<sup>3</sup> The creation of a new constitution, a component of the Comprehensive Peace Agreement, was due to be passed before 28 May 2012. In the end, no new constitution was agreed and the Constituent Assembly was dissolved just before midnight on 27 May.

<sup>4</sup> Other newly emerged groups active at the time were 'Rana Tharu Struggle Committee (demanding Kailali and Kanchanpur to become one province) and the Khaptad Struggle Committee (demanding a province comprising only FWR hill and mountain districts).

Pahadi community. Activists from both sides harassed and challenged each other and there were numbers of small scale clashes with many injured. Kailali District represented the most extreme case of violence experienced in Nepal during the May 2012 disruptions, perhaps as it reflected fault lines between the Tharu and Pahadi communities that are much deeper in this region than elsewhere.<sup>5</sup> However, some leaders from both sides also pledged to keep protests peaceful, avoided inflammatory communal rhetoric and publicly discouraged their groups from engaging in serious violence.

Responses to the situation and events in Kailali during May 2012 were different from the past in at least one crucial way. Civil society and human rights actors were largely not seen as being able to prevent or mitigate violence. While usually the 'first responders' for peace-building in times of crisis in the past, those interviewed felt that civil society actors were largely perceived as biased on the basis of their identity (i.e. either 'pro-Pahadi' or 'pro-Tharu'). In many instances, also, the situation often became too insecure for civil society actors to effectively operate. Interviewees also did not believe that the Local Peace Committee (LPC) was able to prevent or mitigate tension as both LPC members (both from political parties and civil society) were themselves divided over the issue of federal state restructuring—some members supported the UFW movement while others supported the JTSC. The National Human Rights Commission (NHRC) was also seen as having a very limited role in preventing or mitigating violence, as it was eventually being perceived by many actors as not impartial. The NHRC also faced significant resource constraints having only a handful of regional office staff available.

Interviews with key stakeholders in Kailali did identify a number of important factors that were believed to have helped prevent violence in the district from further escalating:

**'Dialogue' and 'coordination' meetings between activist groups:** There were numerous formal and informal meetings between activist groups in Kailali during May, some hosted by the District Administration Office (DAO). Moreover, while many locally-based political party leaders took sides in the contention over federalism, many did not and made attempts to bring both sides together for dialogue at the local level. While meetings did not achieve any formal agreements or resolve underlying issues, discussions were seen as practical means for key actors to discuss how best to prevent violence. One of the DAO meetings proposed a 'Code of Conduct' that would have committed the groups to vary the venues and timings of demonstration rallies, refrain from inter-communal rhetoric and only carry out peaceful protests. No groups signed the Code of Conduct for varying reasons, but some interviewees felt that the very fact these commitments had been raised helped compel leaders to discourage their activists from engaging in violence.

Many interviewees pointed out 11 May in Dhangadhi (the Kailali District headquarters) as an instance when these basic dialogue and coordination efforts paid-off. Tension in the district reached a peak as the UFW planned a demonstration in the morning at Chauraha in Dhangadhi and JTSC supporters scheduled demonstrations for the same venue in the afternoon. After informal attempts of dialogue by some organizations, the JTSC activists changed the venue of their demonstration to the LN Chowk (near the Kailali District Development Committee office). While there were clashes between JTSC activists and the police later that day and a number of small scale clashes near and outside of Dhangadhi, a direct and full-scale confrontation between UFW and JTSC was avoided that could have resulted in more severe casualties and sparking overt communal confrontation between Pahadis and Tharus in the region.

**Community Service Centers (CSCs):** CSCs in the Hasanpur, Taranagar and Jai areas of Dhangadhi were believed by many interviewees to have discouraged activist groups on both sides from convening youths to engage in violence. CSCs are affiliated with the Community Police Service of the Nepal Police, allowing the police and local communities to work together to control crimes, enhance awareness on various issues, build community infrastructure (such as trails, community buildings, irrigation canal renovations, etc.) and respond to local disasters. There are nine Centers across the Far Western Region and these three in Dhangadhi involve members from both the Tharu and Pahadi communities (mainly retired government employees and social workers).<sup>6</sup> Many interviewees felt that the Hasanpur, Taranagar and Jai areas of Dhangadhi witnessed comparatively fewer clashes and less tension due to the efforts of the CSCs.

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<sup>5</sup> For more detail regarding these dynamics, see 'Field Bulletin Issue #54 – An overview of the history of Tharu mobilization' (UN RCHCO, March 2013), available at: <http://un.org.np/headlines/field-bulletin-54>.

<sup>6</sup> There are 141 Community Police Service Centers across the country. More information on the Community Police Service is available at: <http://www.nepalpolice.gov.np/community-police.html>.

**Professional organizations:** Some professional organizations reacted to the deteriorating situation in an attempt to make a more positive environment. Many interviewees gave the example of the Professional Alliance for Peace and Democracy (PAPAD – an umbrella organization of doctors, engineers, lawyers, journalists and professors) as having undertaken useful actions once the situation deteriorated. This included supporting local organizations to conduct a peace rally in Dhangadhi that was attended by doctors, journalists, social workers and human rights defenders promoting 'harmony'. While such peace and social harmony rallies in some parts of the country were perceived by Janajati activists as promoting 'anti-identity federalism', most interviewees in Dhangadhi noted that this PAPAD rally was seen as a positive response due to the comparatively neutral position of the participants.

**Role of Barghar system and social norms:** May 2012 was a noteworthy instance of significant Tharu political mobilisation through the JTSC, including the widespread involvement of Tharu Barghars and traditional governance practices.<sup>7</sup> While many Barghars formally supported the JTSC and increased its capacity to mobilize activists and grassroots support from the Tharu community, many individual Barghars involved in the movement were noted as specifically discouraging their respective activists from engaging in violence. A human rights activist from the Tharu community claimed that the situation in villages was comparatively better due to the efforts of some Barghars, as well as local teachers and social workers.

**Reciprocal relationship between Tharu and Pahadi communities:** Many interviewees pointed out the important effect that 'reciprocal relationships' established between Pahadi and Tharu communities had on ensuring that the political conflict did not reach down to the communal level. Interviewees believed that there was comparatively less tension in villages (such as Bhajani) where Tharus and Pahadis have been living together for many years regardless of which community forms the majority. Interviewees claimed this was because relations had been built-up for many years, often based on reciprocal household works, neighbours supporting one another in 'shared personal grievances' and supporting each other in ceremonies (e.g. marriages, festivals, *poojas*, etc.). In contrast, some interviewees felt that newly established settlements (where people arrived more recently and had less history of co-existence) and urban centres experienced more tensions as they did not understand the reciprocal relationship between the communities or had not built-up such relationships. While clashes and protests between the communities captured headlines during May, there were examples of inter-community cooperation in the district. When UFW activists set fire to the office of 'Backward Society Education' (BASE – an NGO that works on education, bonded labour, freed *Kamaiyas* and other social welfare issues affecting the Tharu community), the mostly Pahadi neighbours volunteered to control the fire even before authorities arrived. Members from both Tharu and Pahadi communities in the Bhajani and Hasuliya areas have a long history of working together in joint social activities, such as construction of irrigation canals, road repairs and other works requiring labour contributions; these also apparently continued throughout May despite the ongoing disruptions.

**Common cultural factors and experiences:** Some examples of common cultural factors were also highlighted as mechanisms that might have indirectly contributed to maintain harmony in parts of the district during May 2012. These included the Bheda Baba temple in Urma VDC, which is a common place of worship for both communities. Importantly, while the priest and Chairperson of the temple are Tharu, people from the Pahadi community equally participate in the activities of the temple. Similarly, Tharu, Rana Tharu and Pahadi communities across the district celebrate common festivals together (e.g. Holi, Maghi, Tihar and Banadevi festival), serving as a potential basis for common experiences that can promote harmony and build confidence between the communities.

However, some interviewees have also indicated that the severe tension and higher level of violence experienced in Kailali (when compared to elsewhere in the country) was a result of a more 'vertical' relationship between the two communities; a relationship characterised by a history of Pahadi migration to the Far Western *Tarai* that resulted in systematic Tharu exploitation, bonded labour and landlessness.<sup>8</sup>

## Nawalparasi District

On 8 May 2012, a clash erupted between JTSC and National Integrity and Ethnic Goodwill Society (NIEGS) activists in Danda, Nawalparasi District. The clash occurred when NIEGS activists were traveling by bus to

<sup>7</sup> Barghars are traditional Tharu leaders. For more information about the Barghar system, see 'Field Bulletin Issue #12 – The Barghar System and Traditional Governance among Tharus' (UN RCHCO, July 2011), available at: <http://un.org.np/node/14940>.

<sup>8</sup> Again, for more detailed examination of these dynamics, see UN RCHCO 'Field Bulletin Issue #54'.

Butwal to attend a mass gathering in the Lumbini Zone on the day the JTSC was enforcing a *bandh*. The clash was seen as a confrontation between the Tharu community (supporting the JTSC) and the so-called 'high-caste' community (supporting the NIEGS). The clash led to the vandalism of a Tharu Museum and the property of Tharu activists. Reacting to subsequent clashes between JTSC and NIEGS activists in Kawasoti (three kilometers from Danda) on 9 May, the Nepal Police fired live rounds and rubber bullets, injuring more than a dozen Tharu activists and leading to one death. Following these incidents, a dialogue was initiated between the JTSC and NIEGS by the DAO. In the end, the contending groups negotiated a joint request for the government to provide compensation for destroyed property and casualties, as well as provide free treatment to the injured. Interviewees in Nawalparasi noted that these clashes were not followed by any further violence between the JTSC and NIEGS.

Many interviewees believed that the events resulted from underlying tensions between the Tharu, Madheshi and Magar and the so-called 'high-caste' communities in the district. They believed there was a history of a 'cold war' between Tharus and so-called 'high-caste' communities in Danda and neighboring areas along East-West Highway that results from contention over the ownership of land on which the Tharu Museum, the Nepal Midpoint Memorial Community Hospital and a local Community Forest User Group are located. The clashes and the vandalizing of the Museum was seen by some interviewees as part of this protracted conflict. Therefore, even before the political events of May 2012, the relationship between the Tharu and so-called 'high-caste' communities was already seen as characterized by tension and frustration.

Interviews with key stakeholders in Nawalparasi identified a number of important factors that were believed to have helped prevent violence from further escalating in the district:

**Role of district authorities – dialogue:** Importantly, district authorities did not only respond to the situation with security measures. Interviewees believed that the Chief District Officer (CDO) and the Superintendent of Police (SP) were quick to mobilize a diverse set of locally available negotiators after the clashes. The CDO and SP invited an inclusive 'dialogue team' comprising human rights defenders, journalists, LPC members and leaders from the conflicting communities not directly engaged in the protests to accompany them to the incident locations and assist facilitating dialogue and negotiation between the conflicting groups. The inclusive dialogue team was believed to have helped build the confidence of the conflicting groups in the negotiations. Although JTSC leaders believed that government authorities were not impartial (on the basis of identity), they were seen to believe that Tharu and Madheshi members of the dialogue team would play an impartial role and provide unbiased judgment.

**Local Peace Committee:** After the clash, the district LPC released a press statement requesting actors to refrain from further violence and maintain peace and harmony. The statement further requested the DAO to punish violators and compensate the loss of property and human casualties. Some LPC members (though not formally in their capacity as LPC members) participated in the dialogue team accompanying the CDO and SP to Danda. The accompanying LPC members were believed to have helped district authorities by engaging the conflicting groups in dialogue and promoting the need to solve problems through dialogue and negotiation.

**Inclusive 'Accountability Watch Committee':** Human rights activists already had a well established alliance in the district known as the 'Accountability Watch Committee' (AWC – which reflects a national level mechanism) comprising members from various human rights organizations and from across multiple communities, including so-called 'high-caste', Magar, Tharu and Madheshi members.<sup>9</sup> This team worked together during unrest and confrontation in Nawalparasi to ensure balanced reporting of incidents. The AWC also participated in the dialogue team that accompanied the CDO and SP to Danda and independently observed the incident locations. This diverse team of activists was believed by interviewees to have cautiously documented various incidents, reaching consensus within the team to make sure that its reports were not provocative to any side or community. Overall, during the month of May, the diverse faces of the AWC were seen by interviewees as 'harbingers of hope amongst the aggressive people demonstrating in the streets'.

Since May, AWC members reported that they have organized workshops and presented their incident reports in order to raise awareness about what happened and the negative consequences of the May disruptions.<sup>10</sup>

<sup>9</sup> The AWC included the Madhesh Human Rights Home (MAHURI Home), Informal Sector Service Centre (INSEC), Institute of Human Rights Communication Nepal (IHRICON), Bkulp, Human Rights Organization (HRO), Woman Human Rights District Network (WHRDN) and others.

<sup>10</sup> These workshops were held in Parasi on 30 July 2012 with 68 participants, in Basa on 23 November 2012 with 71 participants and in Danda on 18 February 2013 with 52 participants.

Workshop participants included political party representatives, identity-based group leaders, community leaders, youth, district authorities, civil society members and journalists. AWC members noted that workshop participants regretted the losses suffered in May and expressed their commitment to settle differences through dialogue and negotiation in the future.

**National Human Rights Commission:** Due to resource constraints, the NHRC could not deploy immediately to the incident locations. However, from its regional office in Butwal (Rupandehi District) and working to prevent further violence, NHRC staff quickly established phone contact with and collected information from the leaders of the conflicting groups, local human rights defenders and media. In the aftermath of the clash, NHRC staff visited the incident locations, monitored the situation, interviewed activists from both sides, listened to their concerns and requested them to be mindful of human rights violations while carrying out their protest programmes. The NHRC team also collaborated with the AWC to monitor the situation and report incidents.

**Political and community affiliations as connectors:** In many cases, contending Tharu and NIEGS activists and leaders were the members of the same political parties or community-based groups (e.g. the Nepal Midpoint Memorial Community Hospital, a local FM radio station, School Management Committees, etc.). For example, a JTSC leader and a NIEGS leader were members in the same political party district committee. Such leaders were seen to have been under competing pressures that partly promoted confrontation but also mitigated it. On the one hand, such leaders would naturally gain support in their communities if they were seen to take an active role in promoting their 'identity interests' (as well as risked criticism from their community if they did do so). However, these leaders were also believed to have exercised caution about going too far and allowing inter-communal confrontation to escalate as they also depended on other communities for their support base in the political party and wider mainstream politics.

In Nawalparasi, common affiliations were seen to have played an important part in efforts to avoid potential clashes in the first place (through coordination of protest by the opposed groups) but then also to bring actors together when the clash occurred. JTSC and the NIEGS leaders were well aware of their simultaneous protest scheduled for 8 May. As activists from the two opposing groups knew one another through common parties and other affiliations, they agreed in advance that the JTSC would allow vehicles with NIEGS banners to ply on the road despite the JTSC *bandh*. The agreement was largely followed and some buses were allowed freedom of movement. However, it was only when leaders failed to properly control their activists at a crucial point that the initial clash occurred. Leaders reported that, despite resistance from their 'unruly cadres', they immediately contacted opposing groups after the clashes in order to prevent further provocation and violence.

**Traditional inter-communal bonds and mixed settlements:** Many of the interviewees noted that the Tharu, Madheshi, Janajati and so-called 'high-caste' communities have lived in mixed settlements for years. By living in mixed society, they were familiar with each other's cultures and customs and had many opportunities to participate in each other's festivals and celebrations. For example, so-called 'high-caste' people participate in the celebration of the Tharu festival of Maghi and Tharu people are invited in the festivals celebrated by the so-called 'high-caste' communities. Both celebrate festivals such as Holi, Tihar, New Year, and others. These festival celebration exchanges have continued in Nawalparasi despite the events in Danda. Interviewees also noted instances of inter-communal support. The Chhetri Samaj Nepal (CSN) district president recounted that the CSN organized a Mahayagya (religious festival) in Kawasoti to raise funds for establishing a "Senior Citizen Home". In the festival, Tharu, Janajati and so-called 'high-caste' communities showed their solidarity by participating in the programme and giving donations. Likewise, the Tharu Welfare Council district president highlighted how people from both the communities jointly organized a Gayatri Mahayagya (religious celebration) in a village temple in Makar during April 2013 to raise funds to build a 'Village House'. Importantly, both Tharu and so-called 'high-caste' interviewees felt that living in mixed communities is better than living in isolation as they provide space and opportunities to learn from each other.

In the same tone, many interviewees felt that the general community feeling was that there has been a strong history of inter-communal harmony for years and the May 2012 disruptions were caused by 'power hungry leaders' seeking to advance their 'petty interests'. Some interviewees believed that these common understandings stopped many people from 'going to fight with each other'. Importantly, some interviewees also felt that relations between communities are much more 'horizontal' in Nawalparasi than elsewhere (such as Kailali). Tharus were seen to be more empowered and are better represented in parties in Nawalparasi and that there is more of a culture of dialogue. Some interviewees also felt that that leaders from both sides also felt pressure not to be seen as and stigmatized as the community that provoked communal conflict.

## Jhapa District

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Identity-based organizations, various interest groups and political parties organized numerous protest programmes and *bandhs* in Jhapa District during May 2012. There are at least three identity-based movements with contending federal claims for Jhapa: the Limbu (demanding a Limbuwan province comprising the nine districts to the east of Arun River), the Tharuwan-Kochila (groups, such as the 'Eastern Tharuwan Kochila State Joint Council', are demanding a province in the Eastern *Tarai*) and the Madheshi (demanding a larger Madheshi province (or two) comprising all *Tarai* districts). In opposition to these contending identity-based demands are groups advocating for a non-ethnic 'Greater Morang' and for a 'Birat State' (both including Jhapa). While couched in terms of 'economic viability' and the need to prevent 'social disharmony', such movements in the region are perceived by Limbu, Madheshi and Tharuwan-Kochila activists as a means by so-called 'high-caste' communities to safeguard their interests against so-called 'ethnic federalism'.

Though there were some reports of communal tension in a few areas, the situation remained largely under control in the wider Eastern Region and in Jhapa District. A minor clash of activists from Nepal Federation of Indigenous Nationalities (NEFIN) and JTSC with locals (reportedly Brahmins and Chhetris) took place in Biratnagar on 22 May during the enforcement of a NEFIN and JTSC *bandh*. A large number of police was deployed to prevent further violence. A clash was also seen as imminent in Surunga VDC of Jhapa District when local residents (reportedly Brahmins and Chhetris) barred Limbuwan cadres from enforcing a *bandh*.

Most interviewees in Jhapa were not aware of any major role played by the LPC during May 2012. The district LPC secretariat is based in Chandragdhi (the district headquarters) and away from the urban and semi-urban centers along the East-West Highway where most protests and demonstrations took place. It was also related that, while political party members of the LPC attended dialogue meetings facilitated by the DAO to maintain law and order, the LPC and the LPC secretariat were not involved in any official capacity. An interviewed LPC secretariat staff member felt that political party members of the LPC only occasionally use the secretariat for holding meetings and prefer to work directly with the DAO in times of crisis.

Interviews with key stakeholder in Jhapa identified a number of important factors that were believed to have helped prevent tensions in the district from escalating into outright violence:

**Shared experiences of previous political violence:** The Eastern Region witnessed violence during the Madheshi and Limbuwan movements of 2007-08 before the 2008 Constituent Assembly (CA) elections. In the opinion of a local journalist who has followed ethnic movements in the region since 2007, most established identity-based groups and political actors have realized that fuelling ethnic violence does not always result in electoral gains, particularly in districts with diverse demographics (such as Jhapa). He gave the failure of radical Limbuwan groups to win seats in the 2008 CA elections as an example; he believed that their seemingly radical ethnic politics alienated people (and votes) from other communities. Some interviewees noted that many Limbu groups had substantially 'toned down' their rhetoric over the last five years and that they have tried to include people from other communities in their parties. A DAO staff member noted that the discourse around federalism over the last five years had also helped in improve understanding of the various positions of different groups among a wide range of actors, which has reduced the scope of contention and misrepresentation between actors and therefore reduced the potential for violent conflict.

**'Demographic deterrence':** A local human rights defender also conveyed that, in Jhapa, leaders from the Limbuwan, Brahmin and Chhetri communities understand that they are scattered across the district and each community has varying demographically 'strong' and 'weak' pockets. This means that each community is relatively vulnerable to violence from the others: it was assumed that violence perpetrated against any one community would be quickly met with reprisal violence against one of the attacking community's 'weak pockets'. Though this dynamic cannot necessarily be seen as a strategy for establishing a positive peace, this demographic deterrence may be an important factor as to why there was almost no violence in Jhapa during May 2012. However, it may be a hazardous strategy to rely upon this dynamic in the long-run, as any new demographic changes that threaten to upset the existing balance may prompt any one side to take pre-emptive actions. In short, 'mutually assured destruction' is not a sustainable basis for peace-building.

**Culture of 'working together':** A Jhapa District Development Committee (DDC) official claimed that ethnic

parties (such as the different factions of Federal Limbuwan state Council (FLSC)) have been included in district planning mechanisms (such as the erstwhile 'all party mechanism'), whether on a formal or informal basis. By having worked with other political actors on developmental issues, a culture of 'working together' has built-up amongst leaders. Some groups have also increasingly realised that if they want to bring development benefits to their constituencies, they must abandon the 'politics of isolation'. In contrast, the DDC official also noted that more newly formed or newly active identity-based organizations do not have as deep a political history and experience and, as a result, are 'more radical' and engage in more 'radical mobilizations' against other identity groups. Nevertheless, he was hopeful that, over a period of time, these groups would also begin to enter the political mainstream and engage in more constructive politics. These views were also supported by a district level member of a newly active national identity based group who felt that political parties, state authorities and international development partners have not cared to listen to their grievances. In response, he felt that his organisation has actively engaged in radical rhetoric in order to draw attention.

**Role of district authorities – dialogue and deterrence:** When directly asked about the role of district authorities to manage political tensions in May 2012, DAO staff were clear that they felt they had no formal mandate to facilitate dialogue on political issues or to attempt to resolve the issues *per se*. However, many interviewees noted that district officials did actively organize meetings and negotiations between agitating groups in order to avoid violence during political programmes. These meetings focused on practical measures to coordinate the scheduling and location of protests in order to avoid clashes and simultaneous activities of contending groups or other activities that may escalate political tensions. As an example, the FLSC and Brahmin Samaj Nepal were persuaded to organize their protests at different locations in Birtamod on 24 May in order to pre-empt feared potential clashes. Many interviewees also felt that adequate police deployments during protest programmes deterred activists from engaging in violent clashes.

**Role of NHRC and other human rights organizations:** Though constrained by resources (like limited vehicles and staff), the NHRC was seen to have actively monitored the situation, made their presence visible during protest programmes and listened to the concerns of different activist groups. District authorities also noted that the NHRC and other human rights organizations facilitated dialogue in different places between activist groups. The NHRC regional office was believed to have built good relationships amongst actors by working with different stakeholders (including activist groups) for years and it has followed-up on many cases of detention and excesses by security forces in the past. Many interviewees considered the NHRC an impartial entity even though they raised doubts about its efficiency and access to adequate resources to conduct its work. In the initial weeks of protests, local human rights defenders were not seen to have been very active. However, after pro-active engagement by NHRC, human rights defenders began to more actively monitor protests from the second week of May. A local police officer in Damak believed that the presence of human rights defenders in 'blue jackets' during protests helped maintain law and order as the visibility of human rights defenders deterred protesters from encouraging violence. Many human rights defenders (who are engaged with some development and awareness raising campaigns through NGOs) based in Damak and Birtamod of Jhapa had experience of working with different identity groups in the past as well, which increased their acceptability amongst different communities. In general, human rights organizations in Jhapa and the Eastern Region were believed by interviewees to be relatively more inclusive than elsewhere in Nepal.

## Bolstering local capacities for peace

These district cases suggest that certain 'local capacities for peace' could be further bolstered in order to prevent confrontation and violence—it is suggested that these could be categorized as i.) institutions and systems and ii.) interests, attitudes and practices shared between conflicting communities and actors.<sup>11</sup>

### **Institutions and systems**

Three state bodies were highlighted in all the three district cases as institutions and systems that deserve further examination as mechanisms for potentially

"Meeting in Naivasha, Kenya, in 2010, representatives from fourteen African countries agreed on a **definition of infrastructures for peace**, or the 'dynamic network of interdependent structures, mechanisms, resources, values, and skills which, through dialogue and consultation, contribute to conflict prevention and peace-building in a society.'"

From: [Kumar and De la Haye 'Hybrid Peacemaking: Building National "Infrastructures for Peace" in Global Governance: A Review of Multilateralism and International Organizations \(Jan-Mar 2012, Vol. 18, No. 1\).](#)

<sup>11</sup> Local capacities for peace could also be considered in Do-No-Harm practice as 'connectors' under five key categories: i.) systems/institutions; ii.) values/interests; iii.) attitudes/actions; iv.) symbols/occasions; and v.) common experiences.

preventing violence:

- **The DAO (and the CDO in particular) played a central role in all three district cases.** The role of district authorities to maintain law and order was apparent, primarily through policing responses. DAOs also generally played a central role in dialogue efforts, though they used varying methods (formal and informal meetings, basic coordination and actual dialogue attempting to resolve contentious issues, working behind closed doors and sometimes accompanied by 'impartial' outsiders, etc.). The role of district authorities seemed strongest and most credible when it was accompanied by an inclusive set of representatives from non-state actors (such as the AWC in Nawalparasi). Looking to prevent and mitigate potentially similar disruptions and conflicts in the future, it would be useful to explore whether investments could be made into improving the mediation/dialogue capacities of senior district officials and police, as well as whether there is a need to learn from good practices in May 2012 and apply these to developing guidelines on how district authorities could manage local conflicts and potential violence beyond 'law and order' approaches. It may also be useful to examine and learn lessons from policing responses to outbreaks of violence during May 2012 in order to revisit security guidelines and protocols (such as for the appropriate use of force) so that there can be improved responses to potential future similar disruptive situations.
- **LPCs were not directly used as a mechanism to prevent violence in the above district cases.** This was sometimes because of low capacity, but seemed mostly because the role of LPCs was effectively subordinate to that of the district authorities—local inter-group dialogue was mainly convened around DAOs. The effectiveness and engagement of LPCs was also perhaps undermined by the fact that the specific mandate of LPCs was not generally understood by many local actors. It is notable that LPC members were often called into dialogue processes, but it is unclear whether this was in their capacity as LPC members *per se* or because they already had high social and political standing in their own personal right. Moreover, deeper and more sustainable inter-communal social 'bridge-building' was seen as largely based on a series of local practices embedded in the communities themselves and were not noted as being generated through LPCs. There is also the possibility that LPCs, seen as mostly comprised of or controlled by mainstream political parties, may not be perceived as a relevant mechanism (or perhaps even as an exclusionary mechanism) by identity-based activist groups that feel they are kept out of LPC membership. While the above findings are based on limited observations in only three districts around events during May 2012, they have some resonance with the findings of a number of deeper and more comprehensive assessments carried out on LPCs.<sup>12</sup>
- **The NHRC also was seen as having mixed ability to prevent and respond to violence in the above three district situations.** While interviewees believed that the limited resources of its regional offices were a major constraint on the NHRC, many also felt that it was perceived by some identity activist groups as favouring certain communities (due to its staff composition) over others—this was particularly the case in Kailali. Where the NHRC fared best on the ground, such as in Jhapa, it was on the basis that it was seen as being diverse enough to have established strong relationships with all communities. The experience in Jhapa also demonstrated how the NHRC (especially when in conjunction with vibrant human rights defenders networks) can be a very effective means for preventing violence or the escalation of violence through independent monitoring and by instigating inter-group dialogue. The future effectiveness of the NHRC as a local conflict and violence prevention mechanism could be enhanced by providing adequate resources for the NHRC, but also by ensuring that its workforce reflects the diversity of the society it is serving.

Beyond these, a number of other innovative institutions and systems seemed to have an important role for preventing and/or reducing violence:

- The '**Accountability Watch Committee**' in Nawalparasi dramatically increased the acceptability of the CDO's dialogue team amongst the conflicting groups, acting as a confidence building mechanism due to its diversity and its independent monitoring role. Importantly, the AWC carried out follow-up awareness

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<sup>12</sup> For deeper analysis of LPCs, see: 'Local Peace Committee Functioning Has Improved, But Overall Effectiveness Remains Unclear' (The Carter Center, 10 May 2011), available at: <http://www.cartercenter.org/resources/pdfs/news/pr/nepal-LocalPeaceCommittees-update-051011-ENG.pdf>; and, Vidyadhar Mallik, 'Local and community governance for peace and development in Nepal' (German Development Institute, 2013), available at: [http://www.die-gdi.de/CMS-Homepage/openwebcms3.nsf/\(ynDK\\_contentByKey\)/ANES-973994?Open](http://www.die-gdi.de/CMS-Homepage/openwebcms3.nsf/(ynDK_contentByKey)/ANES-973994?Open).

activities in the district that may help build foundations for more constructive local dialogue and the prevention of future violence. This model might be examined more thoroughly as it could offer lessons for adjustment and replication elsewhere in Nepal.

- There is some evidence to suggest that **Community Service Centers** could be used to prevent the mobilisation of children and youth to participate in political disruptions and violence. Lessons could be learned from Kailali and applied through the 141 CSCs located across the country, or be used by other types of community centres.
- Though perhaps indirect, the impact of **professional organizations** using community mobilisation to promote local harmony should not be underestimated. However, it is also imperative to evaluate the integrity of such initiatives, as many such self-professed 'social harmony' marches and programmes during May 2012 were often perceived as being 'anti-ethnic federalism'.
- While many Tharu Barghars were directly aligned with the JTSC, the moderating effect of some Barghars demonstrates that **traditional systems of social governance** could be important means for moderating community behavior and establishing social norms to prevent violence. Again, in supporting such traditional systems, the challenge would be to do so in a manner that is not perceived to benefit any particular communities over others.
- International development partners adhering to principles of **conflict sensitivity**—while this did not have any outright peace-building effect in itself, this '**do no harm**' approach ensured that, for the most part, development partners avoided making matters worse.

### ***Shared interests, attitudes and practices***

While institutions and systems are more tangible and easily identifiable, the district cases examined above also point to significant shared interests, attitudes and practices that prevented and/or reduced violence:

- Convening '**dialogue**' and '**coordination**' meetings between activist groups (usually centred on the DAO) were the most prevalent means used to prevent local tensions and confrontation from escalating. While they can be effective, they need to be managed carefully. In some cases, the effectiveness of such meetings was reduced by perceptions of biased facilitation or the fact that facilitators were empowered only to better coordinate groups so that they did not have clashing protests. However, in many instances, even such basic coordination prevented potential cases of serious violence from occurring. Importantly, even when dialogue efforts were not seen to have delivered outputs, such as **codes of conduct**, they can still have the effect of establishing some basic normative standards of behavior.
- Particularly at the local level, political actors (even those in conflict) are seemingly very well interlinked. Sometimes they are members of the same community committees or organizations and even members the same political parties. The experiences in May 2012 demonstrated that such **common political, social and community affiliations can serve as connectors** between what might otherwise be conflicting actors. Such common affiliations could be sought out in the future and emphasised as part of confidence building and dialogue promotion efforts.
- Turning a 'divider' into a 'connector', there is some evidence that **previous experiences of political violence have deterred some actors from returning to violence**. The recognition that basic political objectives have not been achieved because of the use of violence resonates in some areas of Nepal. Awareness around the lessons from and impacts of previous experiences of political violence could be scaled-up, influencing the strategies and tactics of political actors and promoting non-violent means for achieving political and other interests.
- Above all, a somewhat silent and invisible set of local capacities for peace persisted throughout May 2012—these are the multifarious **common cultural practices, inter-community bonds and reciprocal relations** that make up the fabric of Nepal's diverse society. While these are stronger in some areas (such as rural, mixed settlements) than others (such as urban, new or non-mixed settlements), these dynamics likely persist in some form in all communities across Nepal. Importantly, these are not created overnight or necessarily strengthened by external interventions. It takes time to build-up layers of practice, create and deepen relationships and share experiences that generate common interests and agendas. Inappropriate support or intrusions by outside actors (however well intentioned) could upset

fine balances, alter relationships and power structures and otherwise corrupt what were self-sustaining practices. While it is recommended that greater attention and assistance is paid towards common cultural practices, inter-community bonds and reciprocal relations as locally inherent local capacities for peace (rather than creating or imposing new capacities), this needs to be done with sensitivity to avoid undermining the sustainability of these capacities that already exist.

## Conclusion

Overall, while the situation appeared very volatile in many parts of Nepal during May 2012, there were a significant number of local capacities working to stabilise the situation, reduce tensions and prevent violence. Many other local capacities for peace potentially exist that were not highlighted in this Field Bulletin— thus deeper research across a wider number of districts should be undertaken. It is crucial that these capacities are better understood and better supported by development partners in the months and years ahead.

In the short-term, arrangements to hold elections as a means to put the constitution making process back on track remain uncertain. The path to elections will be challenging (both politically and technically) and will likely face resistance from a number of actors who feel excluded from or disadvantaged by the process. The elections may also become a virtual referendum on federalism, which could provoke significant identity-based disruption and potential violence as it did during May 2012. In the longer-term, Nepal may experience even more profound contention as it begins to face the most fundamental and divisive aspects of the peace process so far: state restructuring, transitional justice, impunity, inclusion and land reform.

Strong, vibrant and diverse local capacities for peace will aid Nepal in weathering short-term volatility and lower the risks of further violence that might otherwise undermine the peace process; but they will also be the foundation upon which a transformed Nepal and a positive and sustained peace will be determined.

### **Appropriate behaviour of development partners**

Though not a local capacity for peace, development partners in situations of local tension need to integrate '**conflict sensitivity**' into their decisions and behaviors. Development partners need to avoid implicit ethical messages that might be perceived as supporting different groups and avoid implementing any activities that might be seen as benefiting one side or community over others. While these actions may not prevent violence per se, they ensure that actions by external development partners at least '**do no harm**' and do not make 'bad situations' worse.

For more information, go to:

- [Collaboration for Development Action](#)
- [Conflict Sensitivity Consortium](#)

### **Looking deeper into local capacities for peace**

*While there is no unified theory on 'local capacities for peace', various concepts and approaches persist. Links to suggested references and resources for these include:*

- [International Civil Society Network on Infrastructures for Peace](#)
- [Barbara Unger, Stina Lundström, Katrin Planta and Beatrix Austin \(eds.\). Peace Infrastructures – Assessing Concept and Practice. Berghof Handbook Dialogue Series No. 10. \(Berghof Foundation, Berlin\)](#)
- [Andries Odendaal, 'An Architecture For Building Peace At The Local Level: A Comparative Study Of Local Peace Committees - A Discussion Paper' \(UNDP, December 2010\)](#)
- [Chetan Kumar, 'Building National "Infrastructures for Peace": UN Assistance for Internally Negotiated Solutions to Violent Conflict', in Peacemaking: From Practice to Theory, Volume 1, Nan, Mampilly, and Bartoli eds \(Praeger 2011\)](#)

**Disclaimer:** This field bulletin is prepared following a series of brief field studies. The information presented in this field bulletin does not imply official endorsement or acceptance by the United Nations. Although the RCHCO aims to confirm all information independently, occasional factual inaccuracies can occur.

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