

Brief Overview of Political Dispute Resolution at the Local Level in Nepal
December 30, 2010

I. Introduction and Executive Summary

This document summarizes Carter Center observations to date on methods of political dispute resolution at the district and village level as well as the role of political parties more broadly in local-level conflict resolution. It also provides a brief overview of findings on non-political disputes and conflict resolution mechanisms.¹ Specific examples are provided wherever possible in order to illustrate broader findings. The report is intended to serve as a brief overview and background document for individuals or organizations seeking to better understand current practices on political and non-political dispute resolution at the local level.

Main Findings:

1. Serious political disputes, such as clashes between political party cadres, are most often handled directly between the political parties involved, and sometimes in all-party meetings. They are less frequently handled through the judicial system or Local Peace Committees (LPCs).
2. Budget and development-related disputes are typically handled through the all-party mechanisms of the District Development Committees (DDC) and Village Development Committees (VDC).
3. In a minority of districts visited, LPCs have helped to address a small number of disputes. With few exceptions, these LPCs have so far limited themselves to serious political disputes and have not been involved in wider efforts to address local conflicts.
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II. Methodology

Between July and September 2010, Carter Center observers visited fifteen districts (two mountain, seven hill, six Tarai) with a focus on sources of local disputes and the methods of their resolution. Observers spoke with citizens, political party members, government and security officials, and civil society representatives. This report also draws on interviews conducted by observers since June 2009, when the Center began its current project to observe the peace process and constitutional process.

III. General Findings

- 1. Serious political disputes, such as clashes between political party cadres, are most often handled directly between the political parties involved, and sometimes in all-party meetings. They are less frequently handled through the judicial system or Local Peace Committees.**

Political disputes and clashes, including those that result in injuries, are most often resolved between the involved political parties directly, rather than in all-

at the district and VDC levels. In the absence of local elected bodies, district and VDC all-party mechanisms chaired by the Local Development Officer (LDO) and VDC secretary, respectively, manage local development expenditures.² Political parties compete for influence in these bodies, as well as for control of users committees, which manage specific projects. Sources of tension range from disagreements over budget allocations to allegations of corruption or misappropriation of funds. The stakes for parties can be high; numerous government, political party, and civil society interlocutors have noted to Carter Center observers that local development spending is a major source of political

Political parties, through the all-party mechanisms, are the main actors that determine how local development funds are allocated and, likewise, are the major actors in resolving any disputes. Failure of political parties to reach consensus on local budget issues can lead to delays in the release of funds for development works, sometimes for many months; as a VDC secretary in Sunsari told observers,

3. In a minority of districts visited, Local Peace Committees (LPCs) have helped to address a small number of disputes. With few exceptions, these LPCs have so far limited themselves to serious political disputes and have not been involved in wider efforts to address local conflicts.

In a minority of districts visited, LPCs have helped to address a small number of disputes, mostly conflicts between political parties. In Surkhet, the LPC became involved following a clash between UML and UCPN(M) cadres in April 2010, in which senior district leaders of both parties were injured.

incident and in handling a small number of less serious disputes. In Dhankuta, several interlocutors praised the LPC's efforts to address disputes among political parties related to users committees for development projects, appointment of teachers, and school management committees—all areas that are common sources of partisan disputes. However, Carter Center observers have found that only in very few cases have LPCs worked to address the broad range of disputes faced by citizens. Rather, reflecting the strong role of political parties on the committees,³ they have focused almost exclusively on handling political or politicized disputes.

VDC-level LPCs have been formed in many districts. So far, they appear to be largely inactive, having received little in the way of instructions, training, or funding from the national or district levels. Nearly all district-level LPCs that received funding from the Ministry of Peace and Reconstruction included a request for mediation training for their members, reportedly on the suggestion of the Ministry. An LPC coordinator in the Far West believed that district-level LPC members are meant to help train VDC members in conflict mediation, and the Ministry has reaffirmed its position⁴ that addressing local-level conflict is the core of the LPC mandate.

However, instead of a focus on conflict resolution, the main focus of most LPCs has been soliciting and reviewing applications for interim relief from conflict victims. Relatively few political party interlocutors at the local level acknowledge the LPCs as having importance beyond this task. The

example, in one Far Western district, the LPC coordinator and secretary both noted that conflicts in the district were being handled by other mechanisms, and that there was no need for the LPC to become involved. In other districts, partisan disputes within the LPC have limited its ability to function overall, and especially as a dispute resolution body.

4. no longer exist. However, some interlocutors have raised concerns that UCPN(M) cadres continue to have an outsize role in dispute resolution in certain areas.

Although there have been isolated reports in the national media about alleged UCPN(M) parallel justice mechanisms, and Maoist leaders have sometimes threatened to re-establish parallel structures, Carter Center longer operative, including in Maoist strongholds. For example, all interlocutors interviewed by Carter were operating in the district.

In remote hill and mountain areas, where state presence is especially thin, police often rely on citizens and local political party members to assist with investigations and, sometimes, to locate and apprehend suspects. Maoist strength in these remote locations means that their cadres often have a role mixed. Sometimes this assistance is welcomed by the police and is not considered to be political interference in police work; district and VDC-level officials in several Mid-Western districts have said that the assistance of political parties in regards to investigations and locating suspects is useful because of sparse police resources. In a few areas, however, especially those that are considered Maoist strongholds, interlocutors have raised concerns that UCPN(M) cadres continue to have an outsize role in dispute resolution; for example, police in a remote area of a Far Western district complained that Maoists sometimes hampered investigations, and that Maoist cadres are reportedly involved in

5. Although political parties often assist cadres involved in personal disputes, they do not generally appear to have a major role in resolving most disputes between citizens.

Political party cadres involved in personal disputes often approach their party for assistance. As a -political cases if their cadres and sympathizers documented a case in which a street vendor affiliated to a UCPN(M) union came under pressure from a neighboring shopkeeper to move her stall. A union representative mediated the case and facilitated a settlement between the shopkeeper and the street vendor. Although the street vendor was satisfied, the during the mediation process. Similarly, personal disputes between people of different party affiliations can become politicized when disputants mobilize their fellow party members to intervene. For example, in the Far Western Region, a reportedly personal dispute between two individuals, one associated with the NC and the other with the UCPN(M), became political when the Maoist member called other local Maoists to the police station, where discussions were ongoing.

When asked by Carter Center observers, few politically unaffiliated citizens at the VDC level cited political parties as a means of conflict resolution.⁵ More frequently, local party representatives are

⁵ Polling data from Interdisciplinary Analysts and Saferworld publ

litical youth groups. Additionally, though 67 percent of respondents reported having heard of political youth groups as a type of justice and

called upon to help mediate disputes in their capacity as prominent citizens. Often, small disputes between citizens are resolved through the mediation of a council of prominent local residents (see Section 7, below); party representatives are frequently among the more prominent citizens, along with s, party youth wings reportedly play a larger role in dispute resolution, including for example the Limbuwan Volunteers and YCL in Jhapa and the YCL in some areas of Baitadi and Jajarkot.

6. At the VDC and district level, police and courts often encourage disputants to pursue mediation rather than legal action in

Police and courts frequently encourage disputants to resolve cases privately. This is both to reduce the workload on the administration as well as out of a belief that locally mediated results are preferable to

and the backlog of cases makes timely resolution of many disputes unfeasible. Some Nepalis also hesitate to approach the legal system because they believe that the police and courts are biased toward the wealthy.⁶

In some civil cases, encouragement to avoid judicial processes is institutionalized. For example, the cases are often asked to try to resolve their disputes with the assistance of these government-sponsored informal mechanisms rather than proceed with the court case. Several civil society and government officials in Kanchanpur reported that this mechanism can resolve cases amicably and lessen the personal tensions that can accompany litigation. Lawyers and officials in some districts also noted that numerous antiquated Panchayat-era laws, which sometimes contradict both one another and more recent legislation, are still on the books, and can make it difficult to pursu84(m)-2(o124(e)3F3 11.52 Tf6m(t)-2(. c)7(c)-3(a)

kidnapping, as well as certain civil matters such as divorce, are handled largely by the police or courts, a wide range of other offenses and disputes are resolved partly or primarily through informal means. Interviewees listed domestic disputes and domestic violence, petty theft, road accidents, land boundary disputes, and alcohol-fueled fights as common sources of disputes that are often handled at least partly through informal mediation.

Observers found a variety of informal conflict resolution mechanisms used in villages and municipalities. Among the most common model of conflict resolution at the VDC-level is a panel of 5-

and either mediate or adjudicate the dispute. Panel membership is often ad hoc; the same citizens do not necessarily hear every dispute. In addition to prominent citizens, in some VDCs the leaders of youth clubs, mothers groups, microcredit or savings organizations, and other community-based organizations are called upon to assist in mediating disputes. Observers also noted NGO-

councils or leaders, such as the Tharu *badghar*. Police and local government officers also frequently participate in or facilitate mediation on an informal basis.

The specific mix of actors involved in mediation varies according to the preference of the individuals involved, the type of conflict, the cultural and institutional resources locally available, and local norms. Disputants often have some discretion over who will mediate the cases, and certain organizations are more likely to mediate certain kinds of disputes. For example, in Surkhet, some mothers groups offer mediation of family disputes, and district Chambers of Commerce and Industry help resolve some disputes between businesses. In VDCs where a police post is established, the police may be the first group approached by disputants and they may also play an important role in mediation, even when no case is formally filed.

IV. Conclusion

Carter Center observers have documented a variety of mechanisms by which parties and citizens address political and non-political disputes. The functioning of these mechanisms can vary by district according to local institutions, politics, and cultures. Deeper understanding of the sources of local conflicts and the methods of their resolution can assist administrators, police, and civil society in reducing the frequency of disputes and more effectively supporting the formal and informal institutions that manage them. The Center hopes that this brief report will encourage further investigation on these issues and build on the positive work already being done by a number of other organizations.

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