



## UNITED STATES INSTITUTE OF PEACE

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### **Nepal in Transition: Developing Security & Rule of Law Strategies USIP Interactive Program Kathmandu, Nepal February 20 – 23, 2007**

**During discussions between USIP and Nepalese civil society and police, some of the following challenges/obstacles and solutions for security and the rule of law in Nepal were identified:**

#### *Ongoing Violence*

- Although Nepal is in the post-conflict and transitional phase, conflict and violence continue throughout the country,
  - There are splinter groups and others carrying out violent activities, including some abductions and extortion;
- The comprehensive peace agreement and ceasefire code of conduct should be followed and implemented to the fullest extent.

#### *Changing Context*

- While there is some commitment to addressing security and the rule of law, it has not translated into effective implementation;
- Decision-makers, to provide a more secure future for Nepal, should consider security and the rule of law under the new and changing context;
- A national strategy and vision are absent, but are necessary for developing appropriate security and rule of law strategies for the new context of Nepal;
- Former combatants must be part of the nation building process in Nepal. Therefore, a program that reintegrates them as vital parts of society and is part of a holistic plan for the nation must be developed;
- Civil Society should be committed to and participate in developing and implementing the plan to combat serious crimes;
- The rule of law should prevail and applied equally and without allowing any group or individual to act with impunity. The rule of law must be carried out without facing undue political pressure or other interference.

#### *Providing Security*

- There are resource constraints for providing security and upholding the rule of law;
- In order to provide more appropriate and immediate security and rule of law, more authority should be provided to field commanders;

- The needs of the security sector should be identified, including information on the organizational challenges, and how reforms can be implemented as needed;
- Civil society should advocate for a police institution that is free from undue interference and a lengthy administrative process;
- In providing security and upholding the rule of law, the police should be able to take appropriate and proportional actions against any person carrying a weapon.

#### *Judicial and Legal System*

- The judicial system needs to be strengthened and reformed as necessary, as it is a supporting mechanism for security and the rule of law;
- There are outdated or weak laws. Existing laws need to be reformed, and new laws need to be introduced to address crimes such as kidnapping and hooliganism.

#### *Transforming Society*

- There is a continuing culture of impunity in nearly every sector of society that must be addressed;
- Avenues of dialogue should be pursued before holding public demonstrations or protests;
- Regardless of who is responsible, any unrest or loss of life and property is a loss for all of Nepali society, and is a loss for each political party;
- Public education should be carried out so that all understand the practices of policing and providing security under a democracy;
- All are equal before the law and the rule of law and security must be carried out under that fundamental premise;
- Civil society must educate the public on security and rule of law issues;
- To strengthen and support the police in their efforts to uphold the rule of law, a joint police/civil society coordination committee could be formed, especially at the local level. This will assist in developing communication and addressing issues or concerns more efficiently and constructively.