

# **Seminar Report on Security through State People Partnership**

**Supported by:**

Friedrich Ebert-Stiftung-Nepal

**By:**

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## **Introduction**

Former Police Council Nepal (FoPCON) and Peace and Development Studies (PeDS) have jointly organized one day *“National Seminar on Strengthening Community Security through State People Partnership,”* on April 20, 2013 (*Baishak 7, 2070*), Friday, in Kathmandu, Nepal. This is the continuous process of support to the organization by Friedrich Ebert Stiftung (FES)-Nepal.

The seminar was divided into two folds; inauguration and paper presentation along with floor discussions and recommendations. Participants were: professors, high ranking civilian officials (retired and serving) from Nepal Army (NA), Nepal Police (NP), Armed Police Force (APF), National Investigation Department (NID-Intelligence Service), National Women Commission Nepal (NWCN), National Judicial Academy (NJA), Local Development Training Academy including various officials of the government of Nepal. Also presented in the seminar were members of non- governmental organizations (NGOs), community police service centres, journalists, academicians, institutions along with concerned stake holders of the society. Altogether 123 participants attended the programme.

## **Opening Ceremony:**

Chief Guest of the Opening Ceremony was Honorable Kashi Raj Dahal, Chairperson Administrative Court, Nepal and Chaired by Mr. Chinta Bahadur Basnet, SP (Retd)- Nepal Police, Former Joint Secretary of Government of Nepal and Chairperson FoPCON. Mr. Sadananda Kurmi, SSP (Retd.-Nepal Police) and General Secretary of FoPCON, welcomed the dignitaries and participants with objective highlights of the programme. He thanked FES-Nepal in supporting to organize annually seminars of this kind and is hopeful of having such collaboration in future too.

Dr. Chandra Dev Bhatta, Programme Manager of FES-Nepal, Scholar in Governance, welcomed the participants on behalf of FES. He emphasized the contemporary overwhelming influence of non-

state actors in the state- security affairs and policy which has led to political instability in the country. He also pointed that without economic democracy and development, a state cannot fully function. In our context because of political instability and leadership, foreign economic dependency is increasing by 65 per cent. Hence, to strengthen the community security, members of political parties and civil societies including the state actors should work in partnership for preserving national interest and national security. Finally Dr. Bhatta extended thanks to the organizer and the participants of the programme ensuring with future collaboration.

Mr. Dhurba Bahadur Pradhan, IGP (Retd.-Nepal Police), shared the past experiences of establishing phase of the community policing in Nepal. Almost three decades ago, Nepal Police studied the community policing system of Japan, Singapore, Malaysia and Thailand then after introduced neighborhood watch schemes as a community policing in early phase. Police at that time used door to door visit programme. He also highlighted the challenges and importance of community policing during the establishing phase. After the political change in 1990, police initiated Police-People Partnership (PPP) programme. He emphasized the need of national policy guidelines to strengthen community security through community policing system. At present, this system is practiced in many parts of the country.

Mr. Haribabu Chaudhary, Former Chief of National Investigation Department (NID), highlighted the contemporary transitional security problems of Nepal. He further mentioned that Nepal Police including other security agencies should try to gain public trust and this could be achieved through community policing schemes. He also referred though security agencies have been performing commendable job even then it is not recognized due to bias attitude of the political leaders towards the security agencies. This is also a very important issue that needs to be looked after by the political and security leaders.

Mr. Shailendra Kumar Shrestha, IGP (Retd.-Armed Police Force-Nepal), spoke the importance of changing context of security dimensions from state centric to people centric. Therefore, state-people relationship should be maintained in such a manner by keeping people in forefront with preserving national security and interest.

Mr. Thakur Mohan Shrestha, AIGP (Armed Police Force-Nepal), mentioned then Home Minister, Sir Robert Peel, UK in bringing out the concept of community policing in 1829 as a people police partnership. He also highlighted community policing philosophy as a problem solving, people centered and pro-poor model of policing. Therefore, Mr. Shrestha stated that community policing is an integral part of the modern security, it should be given priority by the state in establishing and strengthening.

Honorable Ms. Sheikh Chandtara, Chairperson, National Women Commission, Nepal, highlighted the important role of community policing in minimizing/solving the problems of crime/violence against women and children. She also recommended Nepal Police to develop woman friendly policing. The lengthy process of court procedures should be addressed by creating a Fast Track Court procedure while dealing the issues of women victims. She also mentioned the difficulties in getting citizenship especially by single women that has to be addressed by the state.

#### **Paper Presentation and Discussion:**

There were four sessions in the seminar. **First and second session** were **Chaired** by **Honorable Kashi Raj Dahal**, Chairman, Administrative Court, Nepal.

#### **First Session:**

Dr. Chuda Bahadur Shrestha, SSP (Retd-Nepal Police), presented a paper on "***Community Policing Philosophy as an instrument of state people partnership.***" He talked about the multi complex and multi-facets police work and the importance of community policing to fulfill all these objectives and people's expectations through police public partnership. Dr. Shrestha informed that in community policing, police acts as a coordinator in the community for community safety and security.

He further stated that in many developed countries, Community Policing has been the first major reform and proactive approach adopted ever since police organizations embraced scientific management principles more than half a century ago. It is a new philosophy or working style of policing, which interacts with the local state security actors and local bodies/communities. This broadens the police mission and encourages police officers to explore creative solutions, including crime prevention, fear of crime, disorder, and neighborhood decay. This approach has been applied by United Nations in various conflict affected countries. Community Policing approach is a mandatory for police who work in UN mission.

Dr. Shrestha further described the purpose and method of establishing community policing, essential tools, strategies for community safety, crime prevention and victim support/assistance with some examples of the world. He also highlighted the history of community policing in Nepal and the contribution of different police personnel during their tenure.

Lastly, he concluded the paper with the conclusion that all members of Nepal police are civilian police with few specialized in armed background. History shows that community members of different part the country had supported police by contributing land, involved in constructing police posts and extended their support in preventing and detecting crime, maintaining law and order with the hope of life and property security. In later phase due to the change in the global political social

environment as well as population growth and urbanization, modern and transnational organized crime rate increased issues of law and order became complex and difficult to the security agencies. Hence police including other state security agencies needs public participation. Thus community policing approach was introduced worldwide and replicated to Nepal. At present non of the police organization can achieve/fulfill their task without community participation. Government needs to adopt this approach in its policy guidelines with amendments of police laws and regulations. In brief this philosophy is based on citizen participation, problem solving activities with changed management in police organization. *(Full text of this paper is in Annex –I)*

### **Second session**

Mr. Ram Bahadur Hayou, Inspector (Retd.), Chairperson, Community Police Service Centre, Sindhuli, presented paper on "**Sindhuli as a model of community policing (Police-People Partnership, PPP) ensuring Community Security.**" He started his paper with Sindhuli District background and the history of establishment of Community Police Service Centre (CPCS) during the Maoist Insurgency period 2060, Bhadra 12, (2003 August 29) with the guidance and supervision of Dr. Chuda Bahadur Shrestha then SSP and District Police Chief DSP Ajay Bhattarai. He said that during the establishing phase, people were not aware of the importance and philosophy of community policing service centre. With having orientation programme on the subject, an Ad hoc committee of 25 members comprising of six journalists, intellectuals and other stakeholders was formed in the chairmanship of Mr. Ram Bahadur Hayou. The main objectives and the goal of the CPCS is to establish and strengthen the mutual relationship between citizen and police, establish rapport between general public, community and the police administration in partnership with community members. He highlighted the major activities and achievements of community centre. He mentioned that community people have directly benefitted through successful settlement of 30-32 types and thousands of disputes through community mediation. Among them, 193 cases related to women violence have been solved with some rehabilitation programme. The centre has received 1449 cases out of them 1364 were solved through mediation and remaining 85 cases are in judicial process in between 2003- 2012.

### **Floor Discussion:**

Altogether 9 people shared their views and put forwarded their queries. Among them, Mr. Narayan Sharma Acharya, DIGP (Retd.-Nepal Police) shared his view on perception between public and police. He suggested that there must be a mechanism of building a brotherly relationship between public and police with evaluation, support and problem solving system.

Mr. Ramesh Raj Mishra, member of community policing, Sanepa briefed about the centre and some challenges facing in community service centre. According to him, some senior police officers do not give importance to the police, working in community service centres hence, he suggested recognizing identity of the community members and police staff working in the service centres by the Senior Police Officials including Police Headquarters.

Mr. Bishnu Nischal, Journalist, suggested the organizers that since the role of community policing is at large in community safety and security, so that high number of security personnel need to participate in such kind of seminars.

Mr. Ganesh Shrestha, (former Joint Secretary, Government of Nepal), shared the role of state as parents and people as its children, so to restore community peace there must be connectedness in harmonious manner.

Mr. Jit Bahadur Rai, Inspector (Retd-Nepal Police), acknowledged the importance of community policing in the society but since the pyramid shows the political force at the top and the people value at the bottom, the system is not working. Therefore, this should be upside down in strengthening community security matters. He also suggested every individual to be positive and law abiding citizen.

Mr. Ratindra Khatri, Col. (Retd-Nepal Army), put forward his views by saying that though international community have given importance to community policing, Nepal still needs to work on it even though the concept of community policing was there since 30 years. According to him, work of community policing is highly appreciable during the time of crisis management and conflict situation. Mr. Khatri further suggested that community policing service centres could be an important place for creating awareness and training in risk and disaster management.

Similarly, Ms. Sita Devi Ghimire, single woman (Valley President Amar Prahari Pariwar), shared the situation of single women and the challenges they face.

Mr. Ashok Karki, General Secretary, Community Policing Centre, Baneswar highlighted the work and its achievements of the centre. The centre is able to address 4000 to 5000 social cases reported which is mostly solved in community since its establishment. He mentioned that Community Policing Centre, Baneswar, have able to detect some of the heinous crime cases in apprehending criminals to bring into by the people support.

\*Mr. Karki was awarded by letter of appreciation in the seminar.

Mr. Kham Ghale, SP (Retd-Nepal Police), put forward his view on how community policing is regarded as key component and is strengthened even in India. He said that community policing should be promoted in managing crime and restoring security. He cited the incident of US-Boston Marathon Bomb blast Monday, April 16, 2013 where he said that community members were very much supportive to the police and community CCTV scanning helped to study the probable body language of the suspects finally making it easier to detect the perpetrators. Therefore, he advised the need of CCTV installation in most of the urban cities.

Mr. Pradeep Shrestha DSP, Community Safety and Security Division of Nepal Police Headquarters, CID Department, emphasizes the need of research based policing and independent Police Service Commission or Public Service Commission for the purpose of selection, promotion and performance evaluation of the police staffs.

Ms. Sheikh Chandtara, Chairperson, National Women Commission, Nepal highlighted the importance of community policing and stressed that there should be a community policing centre established all over Nepal so as to make easier access to the women victims to report. She also advised that the community elected chairperson of the community service centre must be neutral, independent and impartial while performing his/her responsibilities. Furthermore Ms. Chandtara assured that National Women Commission will join hands to work with the victims of conflict especially the single women (Amar Prahari Pariwar).

Paper presenter Dr. Chuda Bahadur Shrestha and Mr. Ram Bahadur Hayou responded to the remarks and Chairperson, Honorable Kashi Raj Dahal, Chairperson Administrative Court of Nepal concluded the session with the following remarks. He stated that Nepal is becoming a weak state with absence of local government due to the decade long armed conflict and political instability. In this situation, Nepal Police and other security organizations should work in line in building trust and respect of the people in course of their daily responsibilities. Community policing could be one of the main philosophies to bridge the gap between law enforcement agencies and the people. He also highlighted some of the best examples of other countries like America, Switzerland and South Korea. Examples cited in the papers presented have clearly stated how community policing with the participation of community members have /can resolve local disputes and violence. Therefore, community policing could be an important tool for maintaining peace, order and security at the local level.

### **Third Session:**

**Third session was Chaired** by Ms. **Shova Basnet**, Community Mediator's Society, Chairperson, Nepal. Paper presenter, Mr. Nahakul Subedi, Joint Register and Member Secretary of Mediation Committee- Supreme Court, Nepal, presented a paper on "***Community Mediation as an easy mechanism of justice, peace and community security.***"

Mr. Subedi, in his paper stated community mediation in the context of justice delivery, dispute resolution system in Nepal, revitalization process and legal framework of mediation, its importance, court related mediation including community mediation system of other countries. He also talked about community mediation and the community security. In his paper he highlighted the importance of equal access to justice to all individuals of the country. Obstacle in access to justice is a key challenge in many underdeveloped countries and also marginalized citizens are frustrated with the formal justice system. He also highlighted that in the broader framework of justice system alternative dispute resolution mechanism have emerged globally. Formal systems of dispute resolution in Nepal are; courts, quasi judicial bodies and tribunals where as informal system of dispute resolution is community based informal mechanism. He further stated that Nepal has the early history of informal mechanism of dispute resolution practiced as *panchayati* (traditional community mediation) of *panch-bhaladmi*. Legal frame of mediation starts from *Muluki Ain* (Civil Code) as a *Milapatra* (reconciliation) between disputing parties even in the cases registered in the court. Furthermore, Supreme Court rules 2007 (2063) along with other subordinate Court's rule 2004 (2060) has the provision to refer the case to mediation centre if there is possibilities of mediation between parties. Similarly, Mr. Subedi also pointed out the provision of Local Self Government Act, Section 33 and 101 in regard of introducing alternative dispute resolution.

Mr. Subedi briefed about the existing state of mediation in Nepal since 2004 (2060). According to him, **court related mediation**; national wide there are 92 mediation centres in all tires of courts where 5000 people were trained in mediation, out of them 2074 mediators have registered in courts. 1377 cases were settled through mediation out of 7650 referral cases. Similarly, community mediation 2004 (2060), 31 districts have be covered with 4800 people trained with 20 core trainer. Almost 22000 cases settled which approximately 85% success in total. He also provided some of the successful example data of community mediation of Bangladesh, China, India, Sri- Lanka, Japan and USA.

Finally he concluded his presentation mentioning community mediation as ensuring access to justice, to increase social harmony and community security. (*Full text of this paper is in Annex –III*)

#### **Floor discussion:**

Mr. Ganesh Kumar Shrestha, Former Joint Secretary, Government of Nepal, remarked that justice without the family peace and harmony cannot be imagined therefore; love and respect should be worked on while mediating disputes. He also asked that if disputes are not settled through community mediation what would be the other alternatives.

Ram Bahadur Hayou, Chairperson of Sindhuli Community Service Centre, responded that the cases after being mediated and solved through community mediation did not approached for further legal proceedings. This means 99 per cent of disputant parties are satisfied with community mediation.

Narayan Sharma Acharya, DIGP (Retd.), Nepal Police, asked what could be the strategies to mediate if the cases are between rich and poor people.

Col. Ratinder Khatri, (Retd.) Nepal Army, suggested that community mediation is required between the members of law enforcement agencies and the member of political parties especially during the conflict and post conflict period.

Paper presenter, Mr. Nahakul Subedi responded the remarks and also stated that informal justice system such as community mediation will create an environment of speedy delivery of formal justice in cost effective manner. He also notified that he will incorporate former security members in community mediation training in future if referred by Former Police Council.

Chairperson of the session **Ms. Shova Basnet**, Chairperson Community Mediator's Society, Nepal highlighted that though community mediation should be extended in all 75 districts it has reached only 31 districts since 2007 (2063). Ms. Basnet further stated that community mediation have been able to provide social justice as an alternative tool. She informed that her organization have been providing trainings to the political leaders as well as community mediators. The organization clearly advises political leaders not to influence in the community mediation process.

#### **Fourth Session**

**Fourth session** was **Chaired** by Mr. **Rajuman Singh Malla**, Secretary, the Prime Minister and Council of Ministers Office, Government of Nepal. Paper presenter, Ms. Manu Humagai, Member, National Women Commission, Nepal, presented a paper on "***State People Partnership (SPP) in Preventing Violence/Crime against Women and Children.***"

Ms. Humagai briefly explained the situation of women and children from the historical perspective to the contemporary problems they have been facing in Nepal. She also mentioned the cases of gender based violence and heinous crime such as sexual abuse, murder, burn, etc. by their own family members. Some of the recent examples Ms. Humagai cited are; Gita Koirala murdered and burned by her husband Ranjan Koirala serving DIGP, APF. Similarly, 15 years old, Brinda Thakur and 18 years old Shiva Hasimi was live burned by their parents with the support of other family members. She mentioned a data of 250,000 Nepalese women and children sold in the Indian brothels citing one of the Indian newspaper ***Outlook 1998***. Witchcraft is another type of heinous



crime that Nepali women are facing. Ms. Humagai also mentioned the occurrence of 2433 cases of gender based violence (rape, domestic violence, sexual abuses, witchcraft etc.) in 2012. According to her, the causative factors of violence against women and children are; political, economic, socio-cultural and religious, illiteracy, gender based discriminatory laws and policies, insecure working place, foreign employment, etc.

Ms. Humagai has highlighted state and non-state actors for preventing and controlling the gender based violence. She further suggested that concerned Ministries/Departments of Government of Nepal, Women Commission, Police and other law enforcement agencies should extend partnership with civil society for the purpose of preparing strategy plan in control of women violence.

Ms. Humagai concluded her paper with the recommendation that state actors from central to local level, leaders of political parties and the community members should work in collaboration for the formulation of national policy to implementation to control and prevent gender based violence/crime.

#### **Floor discussion**

Mr. Shyam Nepal, DIGP (Retd.), Nepal Police, asked if National Women Commission have any policy that addresses the problems of 1495 single women (widow of Nepal Police, victims of armed conflict).

Ms. Omu Tempa Lama, First Women Elected President of then District Panchayat (District Development Committee, Makwanpur), educationalist and social worker, advised that there must be an opportunity and access to women in National Policy Level including the female minister in the concerned ministry and departments.

Mr. Ganesh Kumar Shrestha, Joint Secretary (Retd.), Government of Nepal, suggested that there must be moral education to the children and family peace.

Mr. Laxmi Prasad Bhandari, Former Principal of Higher Secondary School, suggested there must be family mediation programme in minimizing gender based violence.

Col. Ratindra Khatri (Retd.) Nepal Army, cited the situation of gender based violence/crime of conflict affected countries of Haiti and Nepal. According to him, Haiti is female dominated country whereas Nepal is male dominated but in both the countries, female are victims of violence and crime, so he asked what could be the reason?

Mr. Jaya Narayan Mandal, Advocate and Lecturer of Kathmandu School of Law, pointed out that there must be balanced between and rights and responsibilities of the people, from the family, school, community and the nation that promotes social harmony, peace and security.

Ms. Manu Humagai, responded the queries from the floor. Chairperson, Mr. Rajuman Singh Malla concluded the session with the remarks. He drew attention by saying that in South Asia, more than 40-70% cases are related to gender based violence such as domestic violence, selective abortion, witchcraft, etc. Therefore, he suggested the need of collaborative coordination in framing national policy, strategies and implementation action plan to address among the state and non state actors. There must be a system of having moral education to the male and access to health, education and property to the female. He concluded his remarks by emphasizing on preventive rather than curative measures in reducing gender based violence.

Finally, Mr. Rajuman Singh Malla, on behalf of the organizer, Former Police Council Nepal and Peace and Development Studies facilitated Senior Nepal Police Officer Dr. Megh Bahadur Khatri, DSP and Dr. Tapan Kumar Dahal, Inspector, National Police Academy on completion of Ph.D. during their active police service. Finally, Mr. Chinta Bahadur Basnet, Former Joint Secretary and SP (Retd.) GoN and and Chairperson of Former Police Council Nepal extended vote of thanks to FES-Nepal, paper presenters, session chairpersons, participants and Nepal Law College for making success of the one day National Seminar.

**Conclusion:**

This is the first seminar that tried to incorporate concerned Ministries of Government of Nepal, judiciary, law enforcement agencies, Nepal National Women Council, Community Policing Centers and citizens in one platform where participants realized the importance of community policing in Nepal. This seminar also benefitted the concerned organizations, serving and former security members along with part participants for future collaboration in working for community safety and security.