

Fifth Monthly Forum

POST-DISASTER CONFLICT RESOLUTION MECHANISM

EVENT REPORT

KATHMANDU, 31 October 2017: South Asia Watch on Trade, Economics and Environment (SAWTEE) organized a discussion program titled *'Post-Earthquake Conflict Resolution'*, here, today. During the interaction, legal and conflict-mediation experts stressed on the need of judicious settlement mechanism in Nepal in order to resolve the conflicts arising after disaster and during the reconstruction phase.

This is fifth such discussion forum organized by SAWTEE under the project *'Initiating dialogue on Post Disaster Reconstruction Experience'* undertaken with support from The Asia Foundation (TAF). Themes such as "Nepal Post Disaster Reconstruction Experience: Current Status and Lessons learnt", "Migration and Labour Dynamics in Post Disaster Nepal", "Expenditure Analysis and Tracking of Post-Earthquake reconstruction programmes" and "Rebuilding Safer Urban Spaces" have already been covered in similar previous events.

Making a presentation on the topic, Mr. Mohan Das Manandhar, Executive Director, Niti Foundation, pointed out that the earthquake-affected areas have seen number of conflicts related to loss of livelihood; unequal distribution of aid; issues related to ownership of land; migration and the resultant resource crunch; struggle arising from scarcity of drinking water and irrigation resources.

He said that cases of domestic violence have increased in the earthquake affected areas, which is also a part of increased conflict. However, the nature of these conflicts is not only issue-based, he explained, adding that these are the manifestations brought by the existing institutions such as caste, religion, identity and resultant access to resources.

Thus, existing legal and alternate dispute settlement mechanism needs to be strengthened adequately to address the conflicts arising during disasters. This opinion was seconded by Dr. Ram Krishna Timalsena, Executive Director, National Law College and former Registrar, Supreme Court of Nepal. Dr. Timalsena called attention to the different nature of conflicts during post-disaster period.

During reconstruction there should be provisions such as free legal aid to the victims in need, prioritised handling of disaster related cases at the court, but such mechanism is not present in the present legal framework.

Moreover, lack of redressal mechanism is also stifling the conflict resolution, he added, citing that if a chief district office refuses compensation to the victims under certain conditions, the victims do not have any access to redressal.

Mr. Ajay Dixit, executive director, I-SET Nepal pointed out the social and political forces that contributes to escalation and de-escalation of conflicts in such times.

Moreover, the lack of institutional memory and ineffective information sharing has further stifled the discourse related to disaster and recovery.

Ms. Preeti Thapa, senior program officer, The Asia Foundation emphasised that if the systemic roots of these conflicts are not addressed then mediations will only be episodic.

Mr. Madhav Prasad Poudel, Chairperson, Nepal Law Commission, said that many laws are in existence but weak in implementation, so it is as good as non-existent. Therefore, it is better provisions addressing mediation and conflict resolution are included in the existing disaster management laws.

Some 30 participants from various organizations, including research institutions, experts, activists and development partners, participated in the event.