



The Strengthening Community Mediation Capacity for Peaceful and Harmonious Society Project

COMCAP Newsletter

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Project Introduction

The Strengthening Community Mediation Capacity for Peaceful and Harmonious Society (COMCAP) Project has been implementing for 3 and 9 months from January 2010 to September 2013 in Sindhuli and Mahottari districts under concerned District Development Committee with the collaboration between Ministry of Local Development, government of Nepal and Technical Assistance of Government of Japan through JICA. The community mediation program has been already been implementing at 10 VDCs of two districts till now and it is planned to extend and implement program in additional 10 VDCs of the same district in 3rd year.

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Community Mediation Orientation Program to community Residence

Welcome speech

With the technical cooperation of JICA Nepal, Ministry of Local Development, Government of Nepal, COMCAP has been implanted since 2010 in Sindhuli district. Till now, COMCAP has tried to resolve simple disputes in the local level by establishing the community mediation center at 5 VDCs. This program is going to be extended to five additional VDCs with this fiscal year.



Mr. Sagar Dhakal
Program Officer
(Socail Development)
DDC, Sindhuli

We see many people in the society have gone to the court for years to solve disputes and have been roaming around and not being satisfied to with the decision. In this situation, COMCAP has established community mediation center at VDC and make responsible to VDC assistant for coordination of the program. Disputant choose trained mediators whom they know well and mediators support to resolve the problems with develop their precious relationship between disputant parties, which is praiseworthy. I am fully convinced that the community mediators will continue their volunteer work in the coordination of VDC even after the phase-out of the Project. I hope that VDC will continue of community mediation, and I wish the success of the Project.

Since January 2010, with the support of government of Japan, Ministry of Local Development, Government of Nepal has been implementing the COMCAP project



Mr. Sailendra Pandey
Program Officer
(Socail Development)

in 5 VDCs of Mahottari and it has been expanded into more 5 VDCs up to the project period. The project has developed skilled mediators at local level by providing mediation trainings. Small disputes of the community have been resolved at local level by the mediators. This process saves time, effort and resources which are supporting to uplift the livelihood condition of community people. We, therefore extend our thankfulness once again to JICA, Nepal hoping continuous support form technical cooperation. This work has shown real support to make peace and prosperity in the society of Mahottari District.



Discussion during advance training



Mediators Participation at Review Meeting

Project Activities

Accomplished Activities during First and Second Year of the Project

Activities	Brief Description	Implementation Date	Output/Results
Baseline assessment and Survey	Conducted baseline assessment and survey to identify the baseline values on dispute and dispute resolution practice at VDC level of Sindhuli and Mahottari district	June 2010 (Jestha, 2067)	Identified the disputes and disputes resolution practice of community at VDC level
Orientation program at center and district level	Organized one day orientation program at center and district	April, May and June 2010	Familiarized about community mediation program and COMCAP
Master Trainer's Training to district trainers	Conducted Master Trainer's Training to 18 district trainers from Sindhuli and Mahottari	3-12 August 2010	Trained 18 district trainer
Centre and district Joint Coordination Committees meeting	Review of progress of COMCAP project	Regular	Knew about progress of the Project by stakeholders
Third country visit program	Visited Indonesia to exchange and learnt about community mediation experience	1-8 September 2010	Exchanged experience about community mediation of 7 government officials
Observation Visit	Visited Tanahu district by VDC secretary and district trainers	14-17 September, 2010	Got the information about community mediation
VDC Orientation and selection of Mediators	Briefed about community mediation and shared about criteria of selection of mediators	From October 2010 to January 2011	Selected 108 community mediators from 27 mediators from each VDC.
Refresher Training to district trainers	Organized refresher training to district trainers to support for facilitation the basic training to mediators	23-25 January 2011	Acquired additional skill of training and learnt more on community mediation by sharing of experience of CM.
Basic community mediation training	Provided basic community mediators to selected community mediators	26 January to 1 March 2011	Trained 104 mediators out of 108 selected mediators.
Social marketing about community mediation	Show the street drama program at Sindhuli madi of Sindhuli district and jaleshowor of Mahottari district	April and May 2011	Community residence were aware about community mediation
Advance training to district trainers	Organized 5 days advance training to district trainers	From 28 November to 2 December 2011	17 district trainers were trained (9 from Sindhuli and 8 from Mahottari)
Advance training to community mediators	Organized 5 days advance training to 4 pilot VDCs which were selected in first year	From 26 December 2011 to 5 January 2012	104 mediators trained on advance training (52 from each districts)
Mid-tem evaluation of COMCAP	Joint team of MoLD and JICA Nepal conducted the Mid-tem evaluation of COMCAP.	From 8 December to 27 December 2011	Recommended on 5 areas for future implementation of COMCAP

Upcomming Project Activities

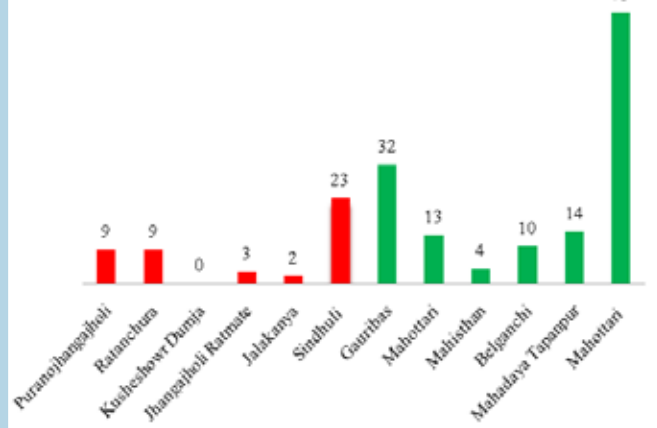
Activities	Brief Description	Implementation Date	Expected output
Selection of 5/5 VDCs of two districts and organize orientation program	Select the VDCs with the consultation of DDC and orient about COMCAP and community mediation	Chitra 2068	10 new VDCs will be selected and will be known about COMCAP and community mediation
Selection of community mediators and basic community mediation training	27 mediators from each VDC will select and will provide 8 days training.	Baishak 2069	270 mediators from 10 VDCs and 10 VDC assistant will be trained
Advance training to mediators	5 days advance training will prove to mediators who have already got basic training.	Baishak 2069	Will be trained 16 VDC community mediators
Observation visit to VDC secretary and assistant	Visit program to 10 VDC's secretary and assistant.		Will get the information about community mediation
Monitoring and evaluation	Regular monitoring and evaluation will do.	Continuous/regular	Will measure the expected output and outcome of the COMCAP.

Number of Disputes Resolved in Sindhuli and Mahottari District

District	VDCs	Number of disputes registered	Number of disputes resolved	Number of disputes under process
Sindhuli	Puranojhangajholi	13	9	4
	Ratanchura	13	9	4
	Kusheshowr Dumja	2	0	1
	Jhangajholi Ratmate	6	3	1
	Jalakanya	4	2	2
Sindhuli Total		38	23	12
Mahottari	Gauribas	32	28	4
	Mahottari	13	12	1
	Mahisthan	4	4	0
	Belganchi	10	8	2
	Mahadaya Tapanpur	14	7	7
Mahottari Total		73	59	14
Grand Total		111	82	26



Number of Disputes Resolved up to December 2011



Types of disputes registered in VDCs

District	VDC	Sindhuli					Mahottari				
		Purano jhangajholi	Ratanchura	Kusheshowr Dumja	Jhangajholi Ratmate	Jalakanya	Gauribas	Mahottari	Mahisthan	Belganchi	Mahadaya Tapanpur
Property		1	-	-	-	-	11	-	-	3	2
Family		1	-	-	-	-	3	5	-	1	-
Lending Money		1	3	-	-	-	3	2	2	3	3
Bitting		3	-	-	1	1	3	2	-	1	1
Scolding		2	5	-	1	-	4	3	2	-	1
Crop damage		1	-	-	1	-	3	-	-	1	2
Water Tap distribution		-	1	-	-	1	-	-	-	-	-
Thief		-	-	-	-	-	2	3	-	1	-
Damage and destroy		-	-	-	-	-	-	-	-	-	-
Boundaries		-	-	-	-	-	3	-	-	-	5
Total		9	9	-	3	2	32	15	4	10	14

Mediation Program Support to Office Work



Mr. Balkrishna Pradhan
Secretary Belganchi
Mahottari

Community Mediation Program had been implementing in Belganchi VDC, Mhaottari with the collaboration of JICA and Government of Nepal, for last one year. After establishment of community mediation center eight disputants have been resolved. Before implement this program, I had to listen different disputes and do all the administrative activities. I barely had a time in that time for administrative work. After this program has implemented, I have got chance to involve in development activities in the village since everything will be done by local mediators. Some would will and lose in the process but the losers would overlook us. Now-a-days, I give endorsement to local mediators if such disputes come. They supported to resolve the problems satisfactory by facilitating to disputant parties. Consequently, both parties don't look at negative to the VDC. In one hand they have got relief for going to court for small disputes and on the other hand, women, poor indigenous, back warded, untouchable and marginalized citizen have got justice in local level that has saved time. If this program was not implemented, thousand of rupees would be spend for different 8 disputes. We, therefore need the community mediation program same like how community mediation program has helped poor and VDC.

Success Story: DAHA & JHANDA

Mahottrai distirct, Tapanpur VDC is famous for different castes religious and culture where mostly Yadav, Kalawar, Sha,mandal and muslim community

lives. It is natural to have dispute because of cultural differences."DAHA" is one of the most important Muslim festivals celebrated in the memory of religious spirit Mohammad.

According to Muslim calendar, the festival is celebrated in every three years. Likewise, "JHANDA" is one of the most important festivals of Hindu celebrated in the month of Mangsir or Poush. Both festivals are celebrated in the same place, According to calendar, "DAHA" festival has fallen at the same time of JHANDA in this year. Both Hindu and Muslim started quarreling demanding to

celebrate their respective festival in this assigned place and have a dispute. Both communities were called for a meeting for the resolve. It lengthened for two days but there was no conclusion. Mr. Maulabis from Muslim community and mediator from Hindu placed with their communities not to disrupt the situation and sat for discussion in separate room. The discussion was made regarding their religion and culture. Both initiatives fold each other how to celebrate DAHA and JHANDA. The Head of Hindu said that DAHA is celebrated in fixed time and JHANDA is celebrated in the same month, which can be shifted without differing month. The head and initiatives of Muslim requested to shift JHANDA to the heads and mediators of Hindu. After they knew, Hindu and Muslim agreed to celebrate DAHA first and promise to help to both communities each other to celebrate the festival. With the help of mediator a big issues had resolved.



Disputes Resolution Strategies and Win-Win Situation

There are various strategies to resolve the disputes. Based on the consequences of dispute resolution, strategies can be seen in following ways:



Mr. Mukesh Tamang

Win-Lose Strategy

According to this strategy, the dispute comes to ending points in the condition of winning or losing. A win-Lose condition seems to appear if both parties have strong sense of winning or in the condition of one party being liberal, generous or inferior. Such strategy is applied if both parties do not consent completely or in transitory period. There are high chances of having dispute in future as both parties do not completely consent.

District Trainer, Community Mediation Program (COMCAP) - Sindhuli

Lose-Lose Strategy

Sometimes, both parties remain idle ignoring debatable issues. In the typical circumstances of ignoring the issue, both party will experience lose-lose strategy. They have to abandon something to come into consensus of they have to leave the position. Even in this case, it is certain that both of the parties do not win. This strategy is applied when they have to do important agreement with the next party of they have to consent for temporary period or they have very limited time. Both parties cannot be satisfied while giving solution.

Win-Win Strategy

According with this strategy, the dispute is deeply analyzed from both or intact perspectives and decision is taken only with Win-Win situation. While resolving the problem, the alternative options are dogged out based on the interest of disputant parties through the facilitation with follow the impartiality and equality. Reconciliation, is there done by decision with realization by both of the parties possessing winning regarding dispute. By reconciliation strategy, both of the parties feel comfortable and winner and dispute is resolved permanently. This is the best and ideal strategy to resolve the disputes.

Conclusion

The disputes consist of jurisdiction under Local Self Government Act 2055 resolved according to Win-Win strategy with trained community mediators. In the project implemented VDCs, the disputed people, families, neighbor have take help of trained community mediators and establish peace and harmonious society.

An analysis on objective, effectiveness and significance of Community Mediation Program

Dispute is a continuous process of the society without which no society is possible to form. It is a condition of an active revolt between two or more than two individuals or groups. There are many examples of dispute which have brought positive changes, if it is managed on time. Where there is dispute there come the issues of for and against. It never ends when one party feels winning and next party feels losing while solving the problem. The basic fundamental issue to solve controversial is to make both parties satisfy. Both parties feel the experience of winners if both of them are satisfied. So, community mediation is therefore needed to manage disputes.



Mr. Aalok Karna
District Trainer, Community Mediation Program (COMCAP)- Mahottari

Community mediation is a scientific form of Panchaiti system an old and traditional system of Nepal. The importance of community mediation is increasing in developing countries like Nepal. The significance of this program is justified looking after the condition of worst political situation of the country and sometimes getting rebukes, threats and punishment in establishing peace. Even then, they spend minimum a week of time going to the court and returning from there. If such persons are given justice in the village, the time and effort is saved and increased the access of justice. Community mediation rehabilitates the worse relation of parties, instead of blaming others and giving penalty. There are lots of example can be seen solving their problems in agreement, help and co-ordination after maintaining good relation. It helps to build civilized society and believes to feel the sentiments of peace and prosperity even to the future generation. The main important aspect of this program is to maintain secrecy and assist to access justice.



Group discussion during Advance Training

Community mediation: Alternative for Peace

Same like in other community, major and minor disputes happen Purano Jhanagajholi VDC of Sindhuli. Mostly, disputes took place in ward no 8 and 9 of the VDC. After the implantation of



Ms. Janaki Sunuwar,
Community Mediator,
Purano Jhangaholi 8,
Sindhuli

community mediation, minor disputes are being solved with the facilitation of community mediations.

After success to mediate small disputes, I have felt my responsibility to contribute for establishing peace. Previously, I used to feel difficult to mediate but now-a-days, it has been habituated to facilitate to fill justice to both parties which has encouraged me and make confident to facilitate. Before working as a mediators community people did not come to ask, but after training disputant parties come to ask and share their problems openly, which encouraged me and I am felling that I am able to get their faith. Disputant parties praise about mediator's behaviors and impartiality of the mediations process. One of the couple praised openheartedly by making their relation prosperous which was not suited previously. The community people are aware about community mediation and they prefer to go to community mediation center if they have small disputes. Police have also acknowledged to the disputant parties to go to community mediation center first and then only to police if there comes any sort of controversial issues. The disputes which could not resolve by the traditional system also come for mediation. The new Win-Win strategy has assisted actually to resolve the problems and has become inspiring strategy to move ahead in the days to come in future, with the support of political leaders and elite persons of community.

Pride of Being Mediator !

I, Maya Pariyar, Local residence of Gauribas-1, Mahottari am very proud of being a mediator of community mediation which was implementing with the collaboration of



Maya Pariyar
Community Mediator,
Gauribas-1, Mahottari

JICA and Government of Nepal. Before being mediator, people would know one giving identity of my husband and I had bane identity of my own. I was living my suffocative life. People would go to the head of the village if they had disputes and had to wait for hours. They did not have time and we would be sent back calling the next day. We had no right to give decision of Dalit women. After the implementation of community mediation, I am well known as a mediator and people come to me if they have problems. I have involved solving six disputes (formally and informally) in my village. I am inspired getting chance of being a mediator. I will be working in the same field and try to give justice to just less people in the society.



Discussing during Training

Success Story

Community Mediation Center Wins Locals Community People Faith

SIDS Nepal an old social NGO of Sindhuli district had moved a head to implement pure drinking water project in Ratanchra VDC-9, Sindhuli district to facilitate 96 houses. This project has preceded forming user committee to move ahead construction work. But 15 families from the same ward dissatisfied, thinking that the project ignored them and were not benefitted by the water pipes. They said "It will be near and easy to fetch water from local stream" they damaged to supply water from water tank for only those 15 families and informed that they would not hiel the project it the projenct didi not fulfill their demand. The user committee propsed to supply water providing one water tap to each seven houses with out any bias and denied to make separate water tank.

The debate came its extreme phase. The demand seemed rater since they dad to walk up and down in spreading families, however two taps in fifteen houses seemed appropriate in quantity the committee also could not do any things more except money and work assisted the project. Because of extreme dispute, the project was about to stop. In one hand, the consumer committee was worried in case the project is dismissed and itself because of the failure, and on the other hand 15 houses were not pleased saying that the project did not help them. Despite the trial of village heads also, the meeting did not succeed. Finally, both parties came to community mediators and asked for help

I coordinated both the parties. That was group dispute. We therefore requested the representatives of disputed team to come to the CMC. In that meeting, the chairperson, Consumer Committee along with two other stakeholders, representatives of SIDS, Sindhuli was invited. I was selected as a mediator of first disputed party (15 houses), Mr. Bhim Bahadur Shrestha from second disputed party and Sabitra Verma from the side of VDC. We three mediators mediated

the disputed team according to our step wise plan. We discussed deeply regarding the subject matter. According to the wish of first disputed team, the agreement came after user committee accepted to add one water tap in total 20 water taps and the first team will be given three water taps altogether for 15 houses. They also agreed to help to the project. The agreement was made easily because all the mediators have divided their work properly according to pre plan, collecting direct information of disputed areas and both the parties including stakeholders are hurry up to solve the problems. In the mediation session, tresurer, SIDS Gopal Poudel said, " I did not think these, mediators solve the dispute but you, all became success. The way of resolving the dispute is very good." After the resolution, the relation of disputed teams has been improved. In the dispute of president, Drinking Water Consumer Committee and president, Forest Consumer Committee, the president, WCC said, " If this dispute was solved with the help of CMP, there would not form any grouping and tension." Like this way, the CMC, Ratanchura VDC has won the trust of local villagers because of solving the disputed issues.



Dor Bahadur Taman
Community Mediator
Ratanchura-9,
Sindhuli



Discussing during observation tour