Community Mediation in Nepal

Since 2001, The Asia Foundation has worked intensively in the development and implementation of facilitated, interest-based mediation and is currently a recognized leader in community mediation in Nepal. The Foundation promotes community mediation as a means to improve access to justice at the local level and establish a culture of conflict resolution within communities.

**COMMUNITY MEDIATION IN NEPAL**

Mediation as an alternative dispute resolution (ADR) mechanism is gaining prominence in Nepal. Nepal’s citizens face both a weak and inaccessible formal justice system and inadequate means of resolving local disputes. Mediation is able to fill this void in judicial assistance by providing immediate, affordable, and locally accessible dispute resolution services. Mediation in Nepal offers a space to resolve interpersonal and collective disputes, which transforms adversarial tensions into cordial relationships based on mutual respect.

Furthermore, this approach builds in problem-solving skills and strengthens peoples’ capacity to analyze situations, consider the perspectives of others, and make effective decisions independently. A significant outcome of the mediation program has been the active participation of women and members of marginalized communities, both as beneficiaries and providers of mediation services. As a result, they are now well respected in their communities and serve as active citizens by taking leadership roles in other local development activities.

**THE ASIA FOUNDATION PROGRAM**

The Asia Foundation initiated its community mediation program in early 2002 by supporting the Ministry of Local Development to introduce and pilot community-based dispute resolution. The Hewlett Foundation and The Asia Foundation funded these initial activities in three districts, which were later expanded to eight additional districts with funding from the U.S. Agency for International Development. Since 2005, the McConnell Foundation’s support has further deepened the practice of community mediation.

The main objectives of the Foundation’s mediation program are:

- Strengthening the ability of mediators to transform conflict
- Increasing public awareness and official support of community mediation
- Establishing a professional organization of mediators to institutionalize the peace and conflict transformation process
- Fostering a strengthened and sustainable community mediation program

Through its project, the Foundation continuously helps to make the practice of mediation more culturally relevant and appropriate at the village level. For example, original mediation training materials have been rewritten based on real-life practices, mediation training approaches have been redeveloped to encourage local participation,

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and experienced Nepali mediators have expanded the practice of mediation across the country. Currently, 4,200 community mediators are offering dispute resolution services in 134 Village Development Committees and municipalities in the project districts. As of September 2013, the Foundation and its local partners have received over 22,400 mediation cases and have achieved a resolution rate of more than 85 percent. These figures, are a strong indicator of the program’s success as a culturally acceptable and effective means of dispute resolution.

The community mediation program has moved beyond dispute settlement to increasing social harmony through improved respect, communication, and cooperation between caste, class, and gender relations. It has also improved local governance through enhanced engagement between communities and local government bodies.

In light of the emerging need and increasing complexity in the nature and type of disputes being encountered by community mediators, the Foundation is also scaling up the practice of community mediation to mediate complex multi-stakeholder conflicts, environment, natural resource management, social justice, identity, and policy.

**AT THE NATIONAL LEVEL**

The Asia Foundation has supported policy engagement on mediation at different levels. First, it has successfully convened a multi-donor working group that supports the promotion and coordination of community mediation efforts. This group helps foster a common understanding about the legal dimensions and technical approaches to mediation and other ADR activities.

Second, the Foundation, in cooperation with other like-minded partner organizations, tirelessly lobbied the Nepali government to enact the 2010 Mediation Act, which recognizes the validity and importance of community mediation within the Nepali context. The Foundation and its partners have also been involved in drafting mediation regulations and the National Plan of Action on mediation in partnership with the Supreme Court and the Ministry of Law and Justice.

And finally, the Foundation supported the institutional-level mediator network, Community Mediators’ Society, which will serve as a nodal agency in disseminating information, institutionalizing the culture of dispute resolution, promoting peace and harmony in Nepali communities, and in protecting, promoting, and uniting the rights and interests of community mediators. The network, with current membership of over 2,500 mediators, provides a platform for amplifying the voices of practitioners in policy.

“I had thought that mediators would not listen to a minority dalit woman like me and I might not get justice, but my fears turned out to be unfounded.”

— Shanti Devi Pariyar, Service User

“The mediation training not only gave me confidence, but also changed my whole attitude towards myself and other people, because today I feel I also have the potential to contribute to the society.”

— Januka Surkhali, Women Mediator and Trainer

In Nepal, The Asia Foundation’s programs are also funded by the Australian, British, Danish, and Swiss governments.