

Terms of Reference of Local Peace Committees

Realizing the spirit and essence of the Comprehensive Peace Accord in the context of having completed the Constituent Assembly election to resolve the decade long conflict in the country;

To create an environment conducive for a just system in a transitional period through restoration of sustainable peace by resolving the remnants of conflict at the local level and systematically promoting the processes of peace and reconstruction through mutual goodwill and unity;

To address the concerns and complaints of local stakeholders for democratic values and beliefs and a sustainable peace;

It has thus been decided to constitute Local Peace Committees, which shall, *ipso facto*, be dissolved after the enforcement of the new constitution to be framed by the Constituent Assembly, with wide participation of the people so that implementation of the Comprehensive Peace Accord, subsequent treaties and other agreements and understandings including Madhesh movement are monitored at the local level.

1. Title and Commencement :

1.1 These Term of References shall be cited as “the Terms of Reference of Local Peace Committees, 2009 (2065)”.

1.2 These Terms of Reference shall come into effect immediately.

2. Definition:

Unless the subject or the context otherwise requires, in these Terms of Reference:

- 2.1 “Ministry” means the Ministry of Peace and Reconstruction.
- 2.2 “Committee” means Local Peace Committees to be constituted in each district under these Terms of Reference.
- 2.3 “Terms of Reference” means Terms of Reference of Local Peace Committees
- 2.4 “Transitional Period” means the time period until the new constitution is promulgated.

3. Formation of Local Peace Committees :

- 3.1 In order to form the Committees, the Chief District Officer of the pertinent district will organize a consultation meeting of political parties having representation in the Constituent Assembly and active in the district, representatives of the conflict-affected parties; and individuals and civil society members who have significantly contributed for promotion of peace or have experience in this area, ensuring proper representation of different communities, including women, Dalit, indigenous/ nationalities, Muslims, Madhesis, oppressed, neglected and backward areas, minorities and representatives of different areas of commerce and industry.
- 3.2 From the consultation meeting conducted in accordance with Section 3.1, a Local Peace Committee will be constituted under these Terms of Reference with a maximum of 23 members. At least one third of the total membership of the Local Peace Committee shall be women. The constitution of the Committee will be as follows:
 - (a) Maximum of twelve persons with one person each

- from the district working committee of the political parties having representation in the Constituent Assembly -Members
- (b) Four persons from the civil society, local organizations and human rights activists who have contributed to the promotion of peace -Members
- (c) Four persons representing various conflict affected parties -Members
- (d) One person representing the Chamber of Commerce and Industries -Member
- (e) Two persons from amongst the communities of indigenous/ nationalities, *Madhesis*, *Dalits*, Muslims, etc. who are not represented under clauses (a), (b), and (c) hereinabove -Members

3.3 The Local Peace Committee, if it deems necessary, may constitute Village Development Committee (VDC)/Municipality level Peace Committee with a maximum of nine members. The Village Development Committee (VDC) Secretary or the Executive Officer of the Municipality will function as the Secretary of such Municipality or Village Development Committee level Peace Committee respectively. For the operation of such Peace Committees, resources of the respective Municipality or Village Development Committee will be mobilized.

3.4 The Committee may, if necessary, invite representatives of the District Administrative Office, District Development Committee, District Police Office, and other district-level offices as observers.

- 3.5 Following the formation of the Committee, the Committee shall, on the basis of consensus, select a Coordinator from amongst its members for every six months on a rotation basis.
- 3.6 In order to make its activities systematic, the Committee shall create a Local Peace Secretariat having a maximum of nine individuals from amongst the Committee members, including two at least two women, with the involvement of, *inter alia*, the major political parties.
- 3.7 The Local Peace Secretariat will work under the direction of, and in close coordination with the Committee. Every single activity carried out by such Secretariat shall be reported to the Committee.
- 3.8 The Committee may, if it deems necessary, invite institutions and individuals working at the local level to participate in the Committee meetings as observers.
- 3.9 An officer deputed by the Ministry will function as the Secretary of the Committee.
- 3.10 The Local Peace Committee may form thematic sub-committees as necessary.

4. Duties and Responsibilities of the Local Peace Committees:

- 4.1 To assist in the strong implementation of the Comprehensive Peace Accord, keeping in mind Nepal's transitional period by promoting the

peace building process and also by facilitating the peace promotion and peace building and conflict transformation process at the local level until the new constitutional system is in place.

- 4.2 To monitor the implementation of the Ministry's relief and reconstruction programs.
- 4.3 To render necessary support to the Task force constituted by the Government of Nepal for the collection of the data on conflict affected individuals, families, and structures.
- 4.4 To facilitate constructive conflict transformation processes in situations of debilitating political or social conflict.
- 4.5 To work on reconciliation, healing and trust-building.
- 4.6 To continuously monitor the political and social developments at the local level and to try best to diffuse the tension by using conflict resolution processes if there is a political deadlock or potentiality of violence.
- 4.7 To disseminate information to members and the public on issues that affect national or local peace processes.

5. Working Procedures of Local Peace Committees:

- 5.1 In addition to performing its activities, the Committee will create common agreement to implement the strategies of peace building processes.

- 5.2 All the decisions of the Committee will be made by consensus. If consensus cannot be reached, decision will have to be made on the basis of the majority of the total members present.
- 5.3 The Committee may use the services of the local or national-level facilitators, if necessary. Such facilitators must conduct their activities within the limits of the scope of work as determined by the Committee and remaining fully accountable to the Committee.
- 5.4 The Local Peace Committees may establish close working relationships with national or international monitors in order to prevent violence and/or respond to potential crisis situations in a timely manner.
- 5.5 The Committee and local bodies (District Development Committee, Municipality or Village Development Committee) may exchange cooperation to resolute the conflict at the local level. For such, the Committee may play the role of a facilitator.
- 5.6 If in cases of issues being considered by the Committee, the obstacles remain even after the Committee's attempts, the Committee may forward such issues to the Peace and Rehabilitation Consultative Committee for consultation. The Consultative Committee may, if it deems necessary, attempt to end the dispute by also requesting advice of national level entities.

6. Rights of the Local Peace Committees:

6.1 The Committee may play the role of a mediator and facilitator to facilitate discussion among conflicting parties to minimize the conflict at the local level.

Provided, the Committee shall not have the right to judicial arbitration.

6.2 The Committee shall not have the right to make decisions that otherwise affect the decisions of the local bodies.

6.3 The Committee may request for necessary assistance on any issue related to conflict prevention from the government offices, nongovernmental organizations or civil society or necessary individuals and other organizations.

Provided, no financial assistance shall fall under such assistance.

6.4 The Committee may ask from the government offices in the district reports on the situation of implementation of the Comprehensive Peace Accord, subsequent treaties, and other agreements and understandings including Madhesh agreement and progress of the relevant activities conducted. Such entities shall be required to furnish such information to the Committee on time.

6.5 The police and other security agencies may, in relation to prevent from possible violent situations or to contain such events, co-work with Local

Peace Committees without otherwise affecting the observance of their main responsibilities.

6.6 The Committee will play the role of the coordinator at the district level for the activities to be carried out in relation to delivering the peace process to its logical end, including the framing of the new constitution.

6.7 The Committees will have full autonomy and right to work under the framework of the Comprehensive Peace Accord and subsequent treaties, understandings, and agreements.

7. Functions, Duties and Rights of the Secretary of Local Peace Committees:

7.1 To monitor the relief and reconstruction works related to the Ministry, and submit a report thereof to the Ministry;

7.2 To get the release of the funds as authorized by the Ministry and expend, keep accounts, have accounts audited, and create a list of arrears and settle them in accordance with the existing laws;

7.3 To manage staff according to the number of employees and budget approved by the Ministry;

7.4 To send periodic progress and financial reports to the Ministry and related entities and to disseminate it on the notice board of the office.

7.5 To make arrangement for the Citizen's Charter.

8: Functions, Duties and Rights of the Ministry of Peace and Reconstruction :

- 8.1 The Ministry of Peace and Reconstruction will be responsible for assisting in the formation of the Committees.
- 8.2 The Ministry will establish office of the Committee in each district and thereby determine the expenses necessary for conducting their activities and request release of the funds from the Ministry of Finance. The funds so requested will be disbursed by the Ministry of Finance in the name of the Ministry.
- 8.3 The Ministry shall, with the agreement of the Ministry of Finance, receive and mobilize financial, material, and other support from donor countries and organizations interested in supporting Local Peace Committees.
- 8.4 The Ministry will depute a gazetted class three officer of the Nepal Administrative Service as the Office Secretary of the Committee. In case of non-availability of such officers from within the Civil Service, the Ministry may designate someone by hiring on a contractual basis.
- 8.5 The Committee, with a prior approval from the Ministry, can appoint one Office Assistant at the level of non-gazetted class one and one Office Helper on a contractual basis, if necessary. The individuals thus appointed on contract must be the residents of the concerned district.

8.6 The Ministry will provide the materials and resources needed by the Committee. The Ministry will also provide the services of skilled facilitators, trainers, and conciliators to the possible extent, if requested by the Committee.

8.7 The Committees will be accountable to the Ministry on administrative matters.

8.8 The Ministry frame a set of necessary directives relating to the implementation of these Terms of Reference.

9. Directive Principles of Implementation:

9.1 The establishment of Local Peace Committees will take place only after a thorough consultation process at the local level and after sufficient consensus has been secured.

9.2 The principle of local ownership and inclusive participation has to characterize the process of establishing a Local Peace Committee and its functioning.

9.3 Since the foundation of the Local Peace Committee is the values and beliefs included in the agreements and understandings including Comprehensive Peace Accord, subsequent treaties and other agreements and understandings including Madhesh movement, the principle of working in line with the spirit of those agreements shall be adopted.

10. Repeal and Savings:

10.1. The Terms of References for Local Peace Committees as approved by the Government of Nepal (Council of Ministers) on 2064 Bhadra 2 (August 19, 2007) and on 2065 Asoj 30 (October 16, 2008) are hereby repealed; and in place of the repealed Terms of References, it has been decided to reconstitute the Local Peace Committees under these Terms of Reference.