

SDC SWISS AGENCY FOR DEVELOPMENT AND COOPERATION – SOUTH ASIA DIVISION

The Swiss Agency for Development and Cooperation SDC intends to strengthen its engagement in fragile and conflict affected situations. The Swiss Program in Nepal shows how it is possible to “stay engaged” in difficult times for the benefit of the poor and marginalized people by applying a whole of government approach and conflict sensitivity

In Nepal, development services could be delivered by SDC even during the armed conflict between the Maoist rebels and the government of Nepal (since 1996), as well as after the signing of the Comprehensive Peace Accord in 2006 in a transitional context which remained fragile and tense. This has been possible through a combination of conflict sensitive programming, an engagement in human rights promotion and Swiss peace support activities on the diplomatic level.



“Green” bricks, produced with Swiss support

Conflict Sensitive Program Management: Securing development in fragile situations

Progress in Millennium Development Goals achievement has been slowest in fragile and conflict-affected states. These countries account for the majority of the MDG deficit, and generally lag 40 to 60 percent behind other low and middle-income countries in MDG achievement. The goal of SDC’s engagement in these contexts is to combat and overcome the vulnerability of the poor, the marginalized, those affected by violent conflict, and the victims of natural disasters. The poor are in general more likely to be victims of violence and natural disasters. Failure to prevent natural catastrophes and violent conflict, coupled with neglect of their needs in post-crisis situations (peace building etc.) often results in the vulnerable being punished twice over. In the interests of justice, therefore, this group should receive more attention from those global actors that are equipped with the values and the opportunities

needed for difficult contexts, as Switzerland is, because of its neutrality/impartiality and humanitarian tradition.

The risks and the costs of such engagements are in general higher if compared to programs in more stable situations, in terms of security and collaboration efforts. The probability that results are generated as planned tends to be less. But these engagements are justified if there are opportunities for SDC to generate a value-added for a vulnerable population.

The Swiss program in Nepal shows that it is possible to work in a difficult environment and to continue to deliver development results for the poor and discriminated in the relevant working sectors. For instance, between 1999 and 2010, 160 km of rural roads were constructed, which has tripled the income of the families living in the road corridor. From 1991 to 2010 SDC helped to reverse deforestation in 185'000ha of Government managed forests and improved conditions of 135'000 ha of community managed forests. Between 2007-2010, thanks to the construction of 675 trail bridges, 1.9 Mio people got safe river crossing facilities. School attendance increased by 24 % in the bridges areas, visits in health centers by 20%. In agriculture, on the farm level, the productivity of hill maize production between 2008 and 2010 increased by 20%.

Securing such and many more development results in fragile situations is possible if in terms of strategy and operations the “Do no harm” principle is respected. A systematic Conflict Sensitive Program Management approach (CSPM) is the starting point for the whole planning of the country program. “Do no harm” refers to the unintended negative and conflict fuelling side effects of aid that can sometimes be observed. “Conflict sensitivity” refers to the ability of an organization to a) understand the dynamics of the conflict in which it is operating (actors, dynamics, issues at stake etc.), b) understand and regularly review the interaction between the planned interventions and the conflict context (“work in and on the conflict”), and c) act and adapt the interventions upon that understanding, in order to avoid negative impacts and maximize positive impacts on conflict resolution and peace promotion. In addition to the political, economic and social focus, a “conflict lens” is built into all considerations, e.g. in road construction:

How to construct social and green roads in a fragile situation

The roads SDC is constructing in the hills of Nepal to help enabling access of poor and marginalized groups to health services, education, trade etc., are built in a labor intense way to provide income opportunities and

by making use of sustainable and environmentally sound methods ("green roads"). Mr. Aman Jonchhe, infrastructure specialist of SDC Kathmandu, explains that, given the current context in Nepal, the situation is likely to remain fragile and the security situation is expected to change frequently and could be location specific. Safety and security concerns of the staff therefore are top priority. Regular monitoring of the context is required and periodic advice to avoid certain areas. Risk management measures include:

- Continue close monitoring of the "space for development"
- Enhance staff preparedness to tackle security risks, prepare contingency plans to evacuate field staff
- Enhance communication between stakeholders (SDC and project), maintain formal and informal dialogues with all stakeholders (including those outside the mainstream politics) for acceptance
- Negotiate alternative implementation mechanism with Government of Nepal and other donors
- Follow the values and principles of the Basic Operating Guidelines (BOGs, see below).



Representatives of women's groups

Mr Jonchhe stresses *additional working principles* which are key for success in road construction: The project maintains a *proactive communication* with all the stakeholders through formal or informal dialogues (also with the insurgents at times of violent conflict). At times of conflict, *visibility* can be maintained: The 'Swiss' brand name is considered an asset because of its image of impartiality; therefore the project focuses on activities with a direct, visible, and rapid developmental and employment impact (for example: construction of infrastructure and income restoration, rather than conducting workshops). *Transparency* in implementation is an important risk-mitigation strategy. The project maintains a very high level of transparency at all levels of implementation. Regular public audits and hearings are organized at the work sites that especially clarify issues related with funds and its distribution.

Central to working in conflict affected areas is to follow *implementation approaches that address the causes of the conflict, such as* continuing poverty and social exclusion; lack of rural facilities, infrastructure, services, opportunities; lack of participation and accountability in

resource use; diversion of resources away from the poor. The road project contributes to tackle these with its principles of implementation: employing local unskilled labor instead of using huge construction equipment ("bulldozer roads") - Applying design and construction methods that protect the physical environment ("green roads") - Incorporating local interests in works planning, design and implementation - Ensuring an inclusive workforce, in construction but also within the project's human resource. An overarching principle Mr Jonchhe stresses is the *focus on state-building* as the central objective: A stronger state helps against the fragile situation. The roads are therefore built through the local state structure as much as possible.

Staying Engaged in Troubled Times

SDC has been engaged for Nepal's development since 50 years. The democratic movements helped to widen development opportunities since 1990 in the sense of a broad understanding of development with not only an economic, but also a social and a political dimension. When the armed conflict in Nepal intensified in 2001, SDC decided to stay engaged with the development program, by adapting its strategies to the changed ground realities. SDC continued working in the traditional sectors of forestry, infrastructure, vocational training, agriculture and health but adapted the way of working by introducing Conflict Sensitive Program Management (CSPM), as shown above in the road program. This approach is also implemented by the Swiss NGOs working in Nepal.

The CSPM is not so much about *what* you do as a development actor, but more on *how* you work. In Nepal, in the days of open conflict, an ongoing shared analysis of the conflict situation was a crucial pre-requisite for this strategy. Similarly important is today the analysis of the fragile context and the peace process. This is achieved, amongst other means, through early warning instruments, local risks assessments and the cluster approach (concentrating programs in particular areas). Within the framework of CSPM, SDC developed and exercised a number of tools and strategies. For example, the internal context monitoring instrument called "MERV" is strictly applied. The district staff's Local Risk Assessment exercise, as well as Monthly Coordination Meetings are important instruments. By systematically reinforcing the synergies between projects, by mainstreaming gender equality and acknowledging the psycho-social effects of the armed conflict on the population in the project areas, SDC has been able to protect and enhance the space for development and stay engaged in a meaningful way throughout the difficult years of war and political transformation.

Hearing the Public

Transparency, accountability, inclusion and impartiality are key values of conflict sensitivity. In the districts of concentrated Swiss activities, "cluster districts", the Swiss program supported the involvement of the population, particularly marginalized women and men, to participate in planning and implementation of projects. Local ownership was strengthened not only through the people's involvement in user committees and forums

for decision making but also through efforts to minimize corruption and other malpractices. During Public Hearing and Public Audits the general public can express their concerns and put forward their issues to the authorities. These events have contributed substantially to better transparency and effectiveness in the delivery of services and to development activities in general.

Diversity of staff

Another key element of conflict-sensitive program management is recruitment and staff policy. SDC's conflict sensitive program management recognizes that one of the most effective ways of understanding the aspirations of its beneficiaries – who are suffering from caste, gender, ethnicity, religion, language, and region-based discrimination – lies in SDC's ability to integrate into its own staff people from all social groups, particularly members of discriminated groups. A SDC staff composition survey of 2005 revealed a very high representation of men from non-discriminated groups in its workforce. Subsequently, SDC introduced the Policy on Workforce Diversity. The representation of women and members from discriminated groups in the SDC coordination office and in the field has been steadily increased through diversity-sensitive affirmative action.

Cooperate with other donors

In 2003, ten donors formulated the 14-point "Basic Operating Guidelines" (BOGs) declaring their commitment to poverty reduction, impartiality, transparency, accountability, inclusion, and human rights - a line in the sand setting minimum conditions for development aid, and a basis for dialogue with militarized local authorities and the Maoists. Given the still volatile and conflictual context in the post agreement phase, the BOGs are still of crucial importance and the signatories meet every six weeks under the co-chairship of the UN Resident Coordinator and the Swiss Ambassador.

Cooperation among donors also extends to providing financial support to the peace process. The Nepal Peace Trust Fund (NPTF) is a multi donor instrument implemented by the Government of Nepal, demonstrating that in fragile and conflict affected situations, pooled funding can be successful. NPTF provides reparations

and compensations, and funds activities such as maintenance of Maoist cantonments, rehabilitation of ex combatants, reconstruction and support to Local Peace Committees. The Donor Group of NPTF is chaired by Switzerland. Depending on progress, the fund may also be used to support transitional justice mechanisms.



Landless farmer, Jhapa, Nepal

Engagement in Human Rights

Lack of respect of HR, discrimination and exclusion, lack of rule and law, accountability and entrenched culture of impunity are part of the root causes of the conflict in Nepal. In line with the Comprehensive Peace Accord, Switzerland promotes the fundamental values of rights, equity, democracy, security and justice, including transitional justice/"dealing with the past" (Truth and Reconciliation Commission and Disappearances Commission) and equitable development focusing on the poor and discriminated and disadvantaged.

During the armed conflict and in the current fragile situation, Switzerland supported and continues to support human rights protection in Nepal. One result was the establishment of a mission, which Switzerland strongly facilitated, of the UN Office of the High Commissioner for Human Rights. SDC also supports the National Human Rights Commission, and the NGO Advocacy Forum. SDC also participates in the Rights Democracy and Inclusion Fund – a joint donor fund with the aim to support governance system characterized by democratic norms, respect for HR and social inclusion of all groups. There is also cooperation of the Swiss Embassy to the Joint Strategy of the international community against impunity: with the aim to strengthen the peace process, to eradicate impunity, providing justice for the victims of HR violations and creating an environment in which the rule of law prevails. The HR based approach is applied, which means: integrating outcomes for rights holders and duty bearers into projects, i.e. strengthening the voice of right holders and their access to public goods and basic social services and strengthening the duty bearers for service delivery and accountability, thus contributing to local state building.

Whole of government approach

Development actors alone cannot support conflict transformation with sufficient success. A joint strategy of diplomatic and development actors is required. In 2003, Switzerland - Political Division IV, Human Security, PD IV - started a persistent, cautious dialogue with

Appeal of UN, Donors and the Association of International NGOs in Nepal
Donors, the UN and the Association of International NGOs in Nepal (AIN) are committed to impartiality, accountability, transparency and inclusion in our development cooperation as expressed in the Basic Operating Guidelines which we have signed. In that same spirit, we also appeal to political parties and other stakeholders and groups to respect these principles in our common endeavour to advance development in Nepal.
We are particularly concerned when our staff and projects face challenges, such as pressure to provide donations, and financial or in-kind assistance, as well as undue interference in tendering processes.
We, therefore, invite the Government, the political parties and other groups and stakeholders to uphold the principles of the Basic Operating Guidelines so that development activities continue to support the improvement of the livelihoods of the people in rural Nepal.
Basic Operating Guidelines agreed to by Undersigned Agencies in Nepal
Based on principles agreed internationally and in Nepal, we the undersigned have adopted the following Basic Operating Guidelines for all development and, if necessary, humanitarian assistance in Nepal.
1. We are in Nepal to contribute to improvements in the quality of life of the people of Nepal. Our assistance focuses on reducing poverty, meeting basic needs and enabling communities to become self-sufficient.
2. We work through the freely expressed wishes of local communities, and we respect the dignity of people, their culture, religion and customs.
3. We provide assistance to the poor and marginalized people of Nepal, regardless of where they live and who they are. Priorities for assistance are based on need alone, and not on any political, ethnic or religious agenda.
4. We ensure that our assistance is transparent and we involve poor people and their communities in the planning, management and implementation of programmes. We are accountable to those whom we seek to assist and to those providing the resources.

The first 4 of 14 points of the Basic Operation Guidelines BOGs

Local Peace Committees can increase the "space for development"

- The Comprehensive Peace Agreement (CPA) stipulates, as part of the peace architecture, the creation of a Local Peace Committee (LPC) in each of the 75 districts of Nepal, to function under the Ministry for Peace and Reconstruction. The LPCs include representatives from the political parties but also from the relevant civil society groups, the discriminated and marginalized groups (low casts, Dalits, women etc.). The LPCs are like the district wheel of the peace vehicle, to help the implementation of the CPA on the local level. They are meant for the transition period to help stabilizing the volatile political situation in the districts.
- They also play a role in the fact finding with regard to the war victims and mediate conflicts, on land issues, und internally displaced people, on cast issues etc. They are not meant to substitute the local government bodies. It was difficult to bring the LPCs to life (mainly because of the disagreements in the capital Kathmandu), and many of the LPCs are not functioning very well. But there are examples of good functioning LPCs which show the potential of these bodies.
- As Mr. Tshewang Ngudup, the security specialist within the Embassy of Switzerland in Kathmandu explains, the LPC in Khotang is one of them. Khotang is a district in the east of Nepal where SDC moved in as a focus district two years ago. The following are the features which describe how an LPC can really full fill its function for the peace process as well as for the development.
- The Local Peace Committee in Khotang was formed with consensus and without confrontations as compared to many other districts.
- There is good political understanding between the political parties in the district, irrespective of national political dynamics.
- As required by the guidelines for LPCs, the Coordinator for the LPC rotates amongst the representatives of political parties in the LPC
- The Coordinators have proven themselves as taking their duty responsibly and not just as representative of a political party.
- -Khotang LPC has organized a conflict mediation facilitator training to Village Development Committee level LCP members
- LPC is to publish a district profile of the conflict victims.

the State and the Maoists (considered a 'terrorist organization' by some countries at that time). These efforts continued during the authoritarian Royal regime (2005–2006), earning Switzerland the reputation of being an impartial and independent interlocutor and defender of human rights. The Swiss engagement is defined by the *Swiss Cooperation Strategy for Nepal 2009-2012*, which was jointly designed by SDC and the

Directorate of Political Affairs. Two strategic goals, in line with the post agreement period in Nepal, guide the whole program (sectors are implemented accordingly) 1) *Consolidation of the Peace Process and State Building*: 2) *Contribution to Inclusive, Connected Local Development* - The Federal Department of Defense, Civil Protection and Sport contributed to the Swiss engagement through deployments to the United Nations political Mission (UNMIN), adding up the FDFA programs to a "whole of government" approach. Switzerland, represented by the Embassy in Kathmandu in which SDC is integrated, applies its different instruments in Nepal according to the "3C-Principle": *coherent, coordinated and complementary*.

On the political level, through discreet mediation activities between the parties to the conflict, and technical support to the constitution making process, Switzerland (PD IV) supports the implementation of the peace agreement of 2006 which foresees the transformation of Nepal from a Monarchy (with a centralized regime and without much inclusion of lower casts and of various groups like the Madheshi in the south of Nepal, the Terai) into a Federal, Democratic and Republican State. The implementation of this reform would definitely enhance development chances drastically, once the current transition period with all its uncertainty could be overcome. - The Swiss engagement in Nepal shows that with adequate methods and an approach of collaboration between development and diplomacy, the achievement of development results for the people in fragile and conflict affected situations is possible.



Transparency: Public Audit Chincu

Links:

SDC Nepal: <http://www.swiss-cooperation.admin.ch/nepal/>

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