Conflict, Transition, and Challenges to Nepal’s Peace Process

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Discussion Paper

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NCCR North-South
Kathmandu, Nepal
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Dedicated to those millions of Nepalis who are optimistically waiting for peace, stability and security in the country
Nepal's peace process is at crossroad. The decade-long armed conflict was negotiated with the signing of the Comprehensive Peace Agreement (CPA) in November 2006. However, the major provisions of the agreement are not implemented. Most of them have even come to be the source of contentions.

The CPA has made promises to respect the mandates of people's movements and struggles since 1951 for democracy, peace, stability, and progress. It also pledges reaffirmation of the commitments made in the 12-point agreement reached between the Seven Party Alliance (SPA) and the Maoists in November 2005. It further calls for a progressive restructuring of the state to address the centuries old class, caste, ethnicity, regional, and gender discriminations. Likewise, respecting the principles of competitive multiparty democratic system, rule of law, civil liberties and fundamental human rights (Universal Declaration of Human Rights 1948 and other international humanitarian laws and values and principles on human rights) and ensuring press freedom were also engraved in the CPA.

Laudable promises were made about ensuring democracy, peace, prosperity, progressive social and economic change, and maintaining integrity and sovereignty of the country. The CPA also made promises for progressive political system, democratic restructuring of the state and social, economic and cultural transformation of the society through the new constitution. This paper broadly analyses existing procedural, structural, and psycho-social challenges of the Nepal's peace process. Then it presents how some of the important issues missed in the Comprehensive Peace Agreement are hindering the ongoing process. In the later section, the paper suggests some ways-out for moving ahead from the current complications.

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Bishnu Raj Upreti, PhD
Anita Ghimire, PhD
January 2012
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface and acknowledgement</td>
<td>i</td>
</tr>
<tr>
<td>Acronyms and abbreviations</td>
<td>vi</td>
</tr>
<tr>
<td>1. Introduction</td>
<td>1</td>
</tr>
<tr>
<td>2. A brief account of Nepal's peace process</td>
<td>3</td>
</tr>
<tr>
<td>3. Conceptual framework</td>
<td>5</td>
</tr>
<tr>
<td>3.1 The concept of 'peace'</td>
<td>5</td>
</tr>
<tr>
<td>3.2 The concept of 'transition'</td>
<td>5</td>
</tr>
<tr>
<td>3.3 The objectives of the paper</td>
<td>6</td>
</tr>
<tr>
<td>4. Challenges to Nepal's peace process</td>
<td>7</td>
</tr>
<tr>
<td>4.1 The procedural, structural, and psycho-social challenges in the light of the CPA</td>
<td>7</td>
</tr>
<tr>
<td>4.1.1 Failure in making a new constitution</td>
<td>7</td>
</tr>
<tr>
<td>4.1.2 Mistrust, suspicion, expectations, and frustrations</td>
<td>8</td>
</tr>
<tr>
<td>4.1.3 Existing struggle in power sharing arrangements</td>
<td>10</td>
</tr>
<tr>
<td>4.1.4 Neutrality and non-interference</td>
<td>10</td>
</tr>
<tr>
<td>4.1.5 Unmonitored peace process</td>
<td>10</td>
</tr>
<tr>
<td>4.1.6 Implementation of past understandings and agreements</td>
<td>11</td>
</tr>
<tr>
<td>4.1.7 Unaddressed issues of the past conflict</td>
<td>11</td>
</tr>
<tr>
<td>4.1.8 Lack of transitional security</td>
<td>13</td>
</tr>
<tr>
<td>4.2 Burning issues not covered in the CPA</td>
<td>16</td>
</tr>
<tr>
<td>4.2.1 Proliferation of SALW and criminalisation of society</td>
<td>17</td>
</tr>
<tr>
<td>4.2.2 Issue of evolutionary and revolutionary change</td>
<td>18</td>
</tr>
</tbody>
</table>
4.2.3 External interference in the framing of the constitution and management of transition................................. 18

4.2.4 Institutionalisation of changes through new constitution...... 19

5. Moving ahead .............................................................................21

5.1 Restructuring of security sector and improving security governance

5.2 Rule of law, dealing with the past.................................................. 23

5.2.1 Reconciliation, rehabilitation, recovery, and reconstruction.... 24

5.2.2 Reparation .................................................................................... 26

5.3 Effective service delivery and ensuring peace dividends ............ 26

5.4 Initiating economic growth .............................................................. 27

5.5 Operationalising federal structures and governing systems ......... 28

5.6 Political party building ................................................................ 28

5.7 Monitoring of the peace process ..................................................... 28

5.8 Dealing with external interference in constructive way ............... 30

6. Conclusions ..................................................................................31

References ........................................................................................ 33

About the authors............................................................................ 35
List of Photos

Photo 1: A government office destroyed by the rebels ................................. 1
Photo 2: Verification process of the Maoist combatants............................... 3
Photo 3: Researchers and political leaders debating on land reform issues.... 9
Photo 4: Researchers presenting their findings ........................................ 17
Photo 5: Researchers, State Minister for Tourism, Swiss Ambassador,
         tourism entrepreneurs, and policy-makers discussing
         tourism as potential sector for economic growth and peace........... 27
Photo 6: Then Prime Minister Madhav Kumar Nepal, Swiss diplomats
         and facilitators of peace process in Nepal.................................... 29
List of Figures

Figure 1: Sources of transitional insecurity ............................................. 13
Figure 2: Overview of security sector restructuring ............................... 22
Figure 3: Components for dealing with the past ..................................... 24

List of Tables

Table 1: Militant groups formed by the political parties .......................... 17
Table 2: Top ten absentees for whole 3-year period ............................... 19
### Acronyms and abbreviations

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA</td>
<td>Constituent Assembly</td>
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<tr>
<td>CIA</td>
<td>Conflict Impact Assessment</td>
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<td>CPA</td>
<td>Comprehensive Peace Agreement</td>
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<tr>
<td>CPN (M)</td>
<td>Communist Party of Nepal (Maoist)</td>
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<tr>
<td>UCPN (M)</td>
<td>United Communist Party of Nepal (Maoist)</td>
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<tr>
<td>CPN (UML)</td>
<td>Communist Party of Nepal (United Marxist-Leninist)</td>
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<tr>
<td>DFID</td>
<td>Department for International Development</td>
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<tr>
<td>IPU</td>
<td>Inter-Parliamentary Union</td>
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<td>JTMM</td>
<td>Janatantrik Terai Mukti Morcha</td>
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<tr>
<td>LPC</td>
<td>Local Peace Committee</td>
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<tr>
<td>MJF</td>
<td>Madhesi Janaadhikar Forum</td>
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<tr>
<td>MPRF (D)</td>
<td>Madhesi People's Right Front (Democratic)</td>
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<tr>
<td>MRB</td>
<td>Madhesi Rakshya Bahini</td>
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<tr>
<td>NCCR</td>
<td>National Centre of Competence in Research</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<tr>
<td>NHRC</td>
<td>National Human Rights Commission</td>
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<tr>
<td>NMCCCCC</td>
<td>National Monitoring Committee on Code of Conduct for Ceasefire</td>
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<tr>
<td>NPRC</td>
<td>National Peace and Rehabilitation Commission</td>
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<tr>
<td>NPTF</td>
<td>Nepal Peace Trust Fund</td>
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<tr>
<td>OCHA</td>
<td>Office for the Co-ordination of Humanitarian Affairs</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Cooperation and Development</td>
</tr>
<tr>
<td>PCIA</td>
<td>Peace and Conflict Impact Assessment</td>
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<tr>
<td>RCO</td>
<td>Regional Coordination Office</td>
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<tr>
<td>SALW</td>
<td>Small Arms and Light Weapon</td>
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<tr>
<td>SPA</td>
<td>Seven Party Alliance</td>
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<tr>
<td>SRC</td>
<td>State Restructuring Committee</td>
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<tr>
<td>TRC</td>
<td>Truth and Reconciliation Commission</td>
</tr>
<tr>
<td>UCPN-M</td>
<td>United Communist Party of Nepal-Maoist</td>
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<tr>
<td>UNMIN</td>
<td>United Nations Mission in Nepal</td>
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<tr>
<td>VDC</td>
<td>Village Development Committee</td>
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<tr>
<td>YCL</td>
<td>Young Communist League</td>
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<tr>
<td>YF</td>
<td>Youth Force</td>
</tr>
</tbody>
</table>
The initial periods after protracted conflicts are found to be very critical for a country to regain its peace and stability. There are very pessimistic figures about such countries' regaining peace once there is conflict. It is assessed that on an average 50 per cent of the states that gained peace after conflict return to conflict. Among them 39 per cent run the risk that peace will collapse within the first five years and 32 per cent do so that it will collapse in the next five years (Samuels 2006). The CPA in November 2006 formally ended a-decade-long armed conflict. Henceforth, Nepal is within that most-critical five years after the conflict phase. No doubt, it is in crucial transition from war to peace. Several smaller conflicts, most of them having their roots entangled and woven amongst the Maoist conflict, have made these years even more complex.

At this stage, the country is moving from war to peace. Sometimes, it is difficult to decide which particular incident can be categorised into movement towards war or peace. So, this concept of movement from war to peace is very hazy by and large.

Making this post-conflict transition successful and achieving stability and peace after a long period of armed conflict is a very sensitive and demanding task. Several other emerging smaller conflicts and the lack of consensus on mode of federalism make this task complicated. This process requires a firm commitment among actors to incorporate

Photo 1: A government office destroyed by the rebels in Rolpa district in far-western Nepal.
Source: Bishnu Raj Upreti
the good values and beliefs of the past, restoration of sustainable peace and harmony, a culture of collective responsibility and concerted action and ability to develop appropriate approaches and procedures. Such transformation requires changes in the attitudes, behaviours, perspectives, thinking, and actions of all the key actors. Obviously, as for Nepal, the political leadership, bureaucracy, judiciary, security forces, and social elites are such influential figures. As per the demand of the situation, they need justifiable amendments in their individual being and their organisational structures, procedures, and modes of representation. Furthermore, the experience of war is internalised differently by different generations. This calls for change that is based on collaboration between the old and new structures and compromise the accommodation of each other. Further, this makes the process even more critical.

However, Nepal is looking for a radical transformation. Taking the current attitude into account, behaviour, thinking and working style of the key decision makers, structural impediments and the effects of war on psyche of the general people, achieving such a transformation seems a far cry. Definitely, extricating this intricate knot of inconveniences is an extremely complicated task. This is at current the major challenge to ending conflict, achieving peace, and managing transition successfully. From the perspective of the engagement, this requires an analysis of the existing situation- both structural and procedural complexities in the national level and also an analysis of the present psyche of the general people. It is difficult to make an effective strategy for successful transition without analysis of an overall condition. However, there is very little reflection on these challenges. This paper aims to discuss the major challenges in process and structure towards achieving the lasting peace and suggest some possible measures to find ways through it. The objective of this paper is to analyse the current socio-political dynamics in relation to peace process, managing transition, and restoring peace and stability as well as recommend some possible measures for addressing these challenges. Before doing so, we provide here a quick reflection of Nepal’s peace process in the present situation.

***
The decade-long Maoist conflict reached a peaceful conclusion after the signing of the peace accord in November 2006. Since then, as jointly envisioned by the Maoists and then opposing political parties, several processes are undergoing towards designing a modern, equitable, inclusive, and prosperous ‘Nepal’. The past five years have been a phase of transition towards the required changes and have been far from easy and smooth.

On the one hand, this transition period gives abundant opportunities for the much-awaited transformation where every citizen feels proud. In fact, the whole sentiment of the Maoist conflict was engineered on such premises. An architect of the conflict, Baburam Bhattarai, observes, “At some stage of development of society the production relations block the development of the productive forces and this leads to constraints and distortion in society. It then becomes necessary to smash the old production relations and to develop new production relations in their place to remove prevailing distortion and obstacles and to develop new productive forces” (Bhattarai 2003, pp 118-119). Later, the CPA was signed on the consensus that these would be the foremost agenda of the political parties.

On the other hand, transition is a very complex and critical process where researchers, politicians, practitioners, and the general people hold different perceptions creating their different meaning of this phase and the modality of intervention, thus, leading to division on perception. The complexity subsists because it calls for addressing both the root causes and the effects of conflict.
At the heart of conflict was the issue of who owns resources and who has the power over the state (Upreti 2011). The conflict reached a conclusion because the peace agreement called for a revision in the then existing power structures of the state. However, the power structure that has been engraved in every strata of society for the last 240 years cannot be radically changed in a span of certain years. So, the precise political process opens the door to other solutions.

Undoubtedly, post-war societies face more challenges than those that have not experienced war. Nepal's peace process is now facing severe challenges at different levels in the society. Such challenges are mainly centred on two aspects: challenges in the structural and procedural aspects and challenges in the psychological aspect of the stakeholders. However, these two aspects are much related. Additionally, these are sometimes the cause or effect of one another. Thus, through discussion, it is very difficult to separate the two. However, in this paper we try to make a general category of the two aspects and discuss it.

Initially, Nepal had fared well in its process of peacemaking. Many countries such as Rwanda, Iraq, and Afghanistan have faced conflicts in bringing the warring parties to an agreement. They either made a military victory over the warring party or an outside intervention was used as the most fundamental power for that purpose. Unlike theirs, peace process in Nepal is basically home-grown. It was neither initiated out of a clear military victory of a warring party over the other nor by a direct external military intervention. The parties in conflict, after the signing of the CPA, must have been responsible to take the process to a fruitful conclusion and act as guardians over it. This is because in the CPA they have vowed to take moral and legal responsibilities in implementing, monitoring, and co-ordinating the peace building efforts. However, the initial spirit of cooperation and coordination has slowly withered with time and several lacunae have surfaced or remained yet to be filled in the first place. Peace agreements are often the starting point of the peace processes rather than an end of the war.

***
Before taking the readers further, we feel that it is important to describe the two aspects that this paper is based on: the concept of ‘peace’ and ‘transition’ as used by this paper and the structure of this paper.

3.1 The concept of ‘peace’

Peace refers to a state of social, psychological, physical, and spiritual wellbeing of an individual and society as whole. However, in Nepal’s context, where society was badly affected from the decade-long armed conflict, peace is a state when there is restoration of normal relations among people and institutions directly and/or indirectly affected by the armed conflict. It includes addressing the root causes of conflict such as social exclusion, marginalisation, deprivation, mal-governance, social disharmony, and ethnic tension. It also aims at achieving social, psychological, mental, physical, and spiritual wellbeing of the people. For that reason, achieving stability and peace in Nepal requires appropriate process that deals with the past and envisions better future by generating hope and aspirations among people. In this regard, ‘transition from war to peace’ refers to strategies and actions to be undertaken to institutionalise the achievements made so far. It is possible through the implementation of provisions of peace agreement towards achieving normalcy and stability.

3.2 The concept of ‘transition’

In general, post-conflict period refers to the duration between signing of the peace agreement and complete implementation of the provisions stated there that brings societal normalcy.

This paper assumes that the transition period is the period for the institutionalisation of the achievements made since the signing of the peace process. Hence, it analyses the present situation in light of achievement accomplished so far, the tasks left incomplete vis-à-vis the further goal and challenges towards its achievement.
3.3 The objectives of the paper

Based on its objectives, this paper discusses the challenges of the transition period. There are roughly two components. They are:

1. The procedural, structural and psycho-social challenges in light of the CPA, and

2. The burning issues not covered in the CPA.

The next section discusses some viable ways forward based on the authors’ research in the field. The final section is the conclusion section.

***
Below, we analyse the unfinished tasks and their impacts that are pivotal for furthering the transitional period towards achieving peace and stability and their impacts. Simultaneously, we also discuss how each of these steps could possibly be accomplished.

4.1 The procedural, structural, and psycho-social challenges in light of the CPA

In case of Nepal, in procedure, institutionalisation of the peace process is achieved through drafting of the Interim Constitution. It must contain the provisions articulated in the CPA (such as state restructuring, economic prosperity, human rights, etc.) and other agreements thereafter. So, we ought to understand the situation in light of the CPA. The section below discusses unfinished tasks and the situation in light of the CPA.

4.1.1 Failure in making a new constitution

The CA has failed again and again\(^1\) to accomplish the constitution making task. Many important, yet, potentially contentious issues, such as defining the state governing systems, federal structures (boundaries, names, levels, etc.), inclusive mechanisms and electoral systems, maintaining judicial autonomy are major hurdles to proceed. The Interim Constitution demands consensus, or at least a two-third majority, to decide on each article. If the current political mistrust among the major political parties continues, it will definitely affect the decision-making process. This has posed serious question on whether it will be able to bring a publicly-owned constitution even within the extended time. Thus, developing consensus on constitution-making is becoming a huge challenge.

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\(^1\) The original lifespan of the CA was two years but it was extended 3 times to make 4 years term but with much of contention and negotiation.
Mistrust of the general people towards the political system is one of the most worrying psychological phenomena in Nepal. It hinders smooth transition, if left unaddressed. With the change of each form of governing system, this mistrust has been escalating since the post-Rana period multiparty regime.

Trust plays a vital role in politics. Politics basically operates on trust as people trust their elected representatives to represent their interests. One of the fundamental criteria used to measure trustworthiness is to match what one says with what one does. People trust those who do as they say. Hence, maintaining integrity in this respect is a must in developing their trust. However, politicians are prone to making hollow promises and often commit to things they cannot deliver. Such promises are blown especially around elections and burst to nothing consequently. The most prominent example is their failure to deliver a new constitution in the stipulated time. All three major political parties and the regional parties from the Terai-Madhes had committed in their election manifestos to bring the new constitution within two years. But they failed to fulfil their promise.

Growing mistrust is also a war weariness symptom in Nepal. People had many expectations from the newly established democracy after the Panchayat system. After the political change of 1990 to January 2005, politicians were not able to govern the country as per the aspirations of the people. As expected by the people, each changing regime was unable to improve living conditions, restore peace, control corruption, address exclusion and discrimination. Later, the Maoist promised to deliver all these. So, people from all walks of life supported the Maoist conflict and it gained the momentum. After the then king started direct rule on 1 February 2005, the political leaders publicly acknowledged their mistakes and promised not to repeat them in future. In the 12-point understanding reached between the SPA and the CPN (M), point 7 states: “The seven political parties, undertaking self-evaluation, have expressed commitment not to repeat the mistakes of the past which were committed while in parliament and in government”. But, again, mistrust and suspicion in politics and society are still mounting. The situation requires the politicians to start the process of restoring dignity and rebuild the trust of the people.

However, there is another face of the coin which is also equally critical. This transition has brought certain issues that are conflicting with the sentiment of democratisation. For example, there are high hopes which have been surged among the people. They want these hopes to be materialised immediately by the states. They are waiting for immediate changes in services and infrastructures and expecting inclusion, democracy and equity and participation in every aspect. There is a growing tendency in people on demanding and expecting
everything to be fulfilled by
the state within the transition
period. Such actions have been
creating enormous difficulty to
manage the transition.

In the present situation
of resource scarcity and
fragmented society, the ever-
expanding public expectations
need to be tackled carefully.
Theoretical discussions are
made on whether those are
imperative to empower the
elite actors like the state or the
local people and seek inclusion
and participation in everything.
It is a common case in many
countries such as Kosovo,
Afghanistan and Congo that
have had similar situations.
Several modalities have been
prescribed; unfortunately, none of them have been able to bear much fruit.
As Jarstad and Sisk (2008) observe, in most cases of transitions, democracy
and peace always do not move forward hand in hand. Peace processes are
sometimes threatened by democratisation process. Furthermore, there are
some issues where it is not possible to include all non-elite actors like the
local people in decision-making processes at this initial stage and fulfil their
demands. Additionally, some discussions need to be done separately at the
level of the elite actors like the state. For Nepal too, this issue is growing very
critical. In the name of seeking democracy and freedom, several interest-groups
are making radical demands to the government. For example, their demands
like proportional representation of Madhesi in Nepal Army immediately (It
takes 5-10 years to make it proportional but Madhesi leaders are asking to
include ten thousands Madhesi in army immediately). This situation is further
adding complex outlook to the already complicated transition.

In a haste of responding to these situations, the government made several
promises and agreements with different interest-groups (Badi women, Terai
groups, Chure-Bhavar, etc.), but they were not implemented immediately
and have been left out in the long run. It is practically difficult to fulfil such
expectations immediately. Consequently, these groups have developed a deep
mistrust in the government. The concerned groups now resort to strikes,
blockades, and some even go for violent activities to get their demands
fulfilled. This compounds the situation as daily livelihoods of ordinary people
are affected. Then these people also feel betrayed by the politicians.
Similarly, a radical change in the existing socio-economic structure of the country can also cause trouble from feudal forces who may not favour such change. They may try to obstruct the transformation process altogether if a safe-landing that addresses their concern is not provided. Thus a process that justly addresses their concern has to be envisioned in the peace process itself.

4.1.3 Existing struggle in power sharing arrangements

The political climate since May 2009 [when UCPN (M)-led coalition government ousted from the power] has been filled with conflicts and tensions among the major political parties. This has consequently affected the relationship among the parties and posed threats to the coalition. The principles of the coalition culture and collaboration are not a priority. Several issues that are not covered by the previous peace related agreements are emerging.

4.1.4 Neutrality and non-interference

One of the existing challenges in Nepal is politicisation and political interference in the governing system. The implementation of peace agreements requires neutrality and non-politicisation. So, based on past experiences, a strong mechanism needs to be devised. This mechanism should bring bureaucratic, political, judicial, and security reforms. It plays significant role to maintain neutrality and minimise political interference in governance and development. Indubitably, it will be feasible only after the new constitution is in place. Therefore, a transitional arrangement to ensure neutrality and non-interference, such as a governing oversight mechanism, is essential until the implementation of a new constitution.

4.1.5 Unmonitored peace process

Post-conflict stability largely depends upon proper monitoring and coordination. Hence, the government needs to develop human resources and allocate financial resources to monitor and coordinate peace-related activities. Special attention should be given to the monitoring of post-conflict activities. It is also important to be aware of the risk of elite capture on resources allocated to post-conflict peace activities. Similarly including special groups (youth, children, girls, and women) who have experienced different forms of abuses and who are isolated from their families and/or communities due to the conflict are not to be ignored. It is also important to monitor whether or not the compensation package is addressing the needs of the people wounded or disabled by the conflict. The CPA had provisioned such a monitoring structure. However, it stopped operating once the NMCCCC (National Monitoring Committee on Code of Conduct for Ceasefire) became dysfunctional. Hence, one of the major reasons for the disruption of the peace process is the lack of
proper autonomous, independent, and competent Peace Process Monitoring Committee.

4.1.6 Implementation of past understandings and agreements

Making Nepal’s peace process successful requires the collective efforts of political parties, civil society, and bureaucracy. Security organisations and international community can also play a vital role in this process. It is equally important to review past achievements and problems, focusing on processes, mechanisms, and outcomes. They must respect the spirit of various agreements in doing so. Avoiding blames and moving forward with new commitments, necessary institutional arrangements, and appropriate processes and procedures may ensure a smooth transition from war to peace and address all the grievances of the people.

So far, the political parties have been able to partially fulfil the promises they made in the various agreements and understandings. One of the most contentious issues is related to the Clause 5.2.4 of the CPA. It states that both parties agree to form a National Peace and Rehabilitation Commission (NPRC) to initiate the process of rehabilitation and provide relief support to the victims of conflict and normalise the difficult situation created due to armed conflict. Another contentious issue is concerned with the Clause 5.2.5. It says that both parties agree to form a high level Truth and Reconciliation Commission (TRC) on mutual understanding to investigate gross violations and crime against humanity during the conflict to create a situation of reconciliation in society. Likewise, the CPA Clause 7.5.5 deals on seizure of private property. It states that both parties have agreed not to seize anyone’s private property illegally. However, this issue of seizure and return of confiscated property is a perennial source of tension between political parties that has not been resolved yet.

4.1.7 Unaddressed issues of the past conflict

The present transition period is the most important period to address the mishaps of conflict in a constructive manner. This is an important phase to initiate the process of ‘dealing with the past’. The term ‘dealing with the past’ refers to how societies address the legacies of past human rights abuses, mass atrocities, and other forms of social traumas and the effects of war/conflict in order to build more democratic, just, and peaceful future. Addressing impunity, giving justice, reconciliation, reintegration, and rehabilitation are important components of it. Reconciliation is a process of searching for justice, healing, forgiveness, a pattern of cooperation and coexistence, as well as understanding the needs, fears, and aspirations of past antagonists.

Justice and reconciliation are both fundamental elements for peace building. However, the languages they have are often found to be incompatible to each other when in practice (Hartzell 1999). Peace building is ascertained with these two major aspects. One hand holds the need to deal with those accused of past human rights abuses and wrongdoers and thus seeks justice for the
victims; while the other hand holds the need for overcoming or transforming the enmities and building bridges among those victims and their perpetrators. As Hartzell (1999) observes this issue of amnesty or reconciliation is ‘one of the most troubling quandaries’ for peace-builders. In the context of Nepal, this is the most crucial issue. For example, there is a delicate situation, in reconciling people who were victims of the Maoists and the former Maoist cadres who committed such atrocities in the village level. Reconciliation is possible only if justice is done to the victims and survivors at the local level. Similarly, repatriation of the people displaced by conflict, their reintegration with people, who forced them to be displaced are now occupying their houses and properties, will be very critical. It is important that these issues be tackled conscientiously. It is equally important to support conflict victims and survivors to claim their rights to compensation, restitution, and rehabilitation. Similarly, it is necessary to address the structural causes of conflict within a framework of dealing with the past.

Building positive relations among people who were humiliated during the conflict is essential and the focus should be on building positive relations within a community. The state is taking a blanket approach to compensate every wrong doing with monetary compensation. Such monetary compensation cannot provide justice in all cases. This trend of adopting short term pragmatism would hamper long term peace and stability.

Secondly and more importantly, alleged perpetrators and human rights abusers are strong actors in the post-conflict government. So, they are either included in the negotiations or are able to influence the decisions as the state elites are supporting them. The state has not been able to curb crime, violence, and intimidation. Human rights abuses, forceful closures, and damage to property are still an everyday reality in Nepal. Sad is the fact that the perpetrators are never brought to justice. If the bureaucracy, security, and political forces are not accountable, the transition becomes more complicated and peace and democracy are more than difficult to achieve. Such conditions boost up a culture of impunity in future, create hopelessness and helplessness among people and, thus, threaten a sustainable peace.

The contemporary discussions in Nepal are centred on legal justice. In addition to legal justice, however, there is a need for other kinds of transitional justice like rectifying justice, symbolic justice and social and economic justice. There is so far no official or public process to address the issues of such justice. However, some people need a certain period to internalise and undergo a structural change. Needless to say, they should also be accommodated fairly. Randomly dividing community into certain groups like, Pahadi, Madhesi, rich (“Samanti”), poor or showing anger and sentiments upon a certain group is itself a latent conflict. The transition period should be able to build an environment of fairness, understanding, and clarity among the radically opposing groups.
4.1.8 Lack of transitional security

Global experiences show that transitional security is one of the prime concerns in countries that have experienced civil war and violent armed conflict. Nepal is no exception. Achieving stability, peace, and democracy requires vision, commitments, and right institutional arrangements on security in this transitional period. Based on extensive research on the issues of managing post-conflict transitions and achieving peace, the authors argue that, first and foremost, important factor is to respect ‘rule of law’. It ensures respecting human rights, exercising democratic practices, and effective implementation of development agendas. However, in Nepal, transitional security is deteriorating day-by-day. The main sources of insecurity in Nepal at present are given below.

![Diagram of Sources of transitional insecurity]

The radicalisation of society and the use of violence (e.g., forceful closures and bandhs, strikes, damaging public and private properties, and so forth) to fulfil their demands are becoming regular phenomena. For example, only in a single month (in August 2007), 19 different groups\(^2\) had called 55 bandhs and blockades in Nepal. General strikes, closures (which are sometimes even indefinite) and blockades are routinely observed across the country. Often,

\(^2\) The groups calling bandhs and blockade were businesspeople, CPN (M) affiliated organisations, JTMM (JS), Limbuwan-related parties, Chure-Bhabar Ekata Samaj, Madhesi People’s Right Forum, Madhesi Revolutionary Front, Madhesi Tiger, conflict victims, local communities, different wings of major seven parties, independent student groups, transport unions, dalit and janajati organisations, Tamang Autonomous Region Democratic Front, United Tharu National Liberation Front and other groups (see OCHA report of August 2007 for detail).
small disputes take a violent turn like blazing vehicles, smashing or destroying public and private properties, humiliating travellers. Violent clashes between the wings of various political parties are frequent. They further create insecurity and development challenges.

Similarly, most of the major political parties have created coercive youth forces in the name of providing security. The Young Communist League\(^3\) (YCL), Youth Force (YF), and Madhes Rakshya Bahini (MRB) are very few examples of the militarised youth organisations. Such coercive mobilisation of the youths by political parties has also infested the state with insecurity and violence thereby obstructing development.

Mostly, the political parties have created these petty interested groups in the name of democratisation process. Quite ironically and irritatingly, their actions have been wrongly justified as necessary to provide security to people in case the state fails to do so. But at the heart of this militarisation are vested interests of several groups who are represented in the state. They are using development as means of resource capture where local parties' cadres divide the local financial resources for their personal and/or partisan benefits. This creates parallel structures and violates rules of law. Here, the state as an elite actor ought to be empowered as a legislative authority to deal with the situations. Only the legally defined institution of the state has the mandate to use coercive force. Other organisations operating parallel without any legal mandate consequently weaken the state security apparatus and ultimately create chaos.

The criminalisation of politics and politicisation of crime is becoming a common thing in Nepal. Criminals are politically protected and used for the political parties' benefit. Transitional security always suffers from such political protection to criminals. The mobilisation of criminals for political purpose and at the same time political interests in protecting them for a specific political party's purpose have jeopardised transitional security. Similarly, the practice of silencing weak victims by threatening makes the system weak. Most often, taking undue advantages from transitional tension are the interests of powerful groups in Nepal. Direct or indirect engagement of powerful elites in extra-legal activities worsens security problems. Further, impunity is a serious problem in transition. For example, 'No legal action' against those held guilty by the Mallik Commission and Rayamajhi Commission is a glaring example of how Nepalese politicians deal with the impunity. Without addressing it, improving security is next to impossible.

\(^3\) When the UCPN (M) leader, Pushpa Kamal Dahal ‘Prachanda’, was selected as the first elected Prime Minister of the Federal Democratic Republic of Nepal (second communist prime minister after the late Manamohan Adhikari), the UCPN (M) declared that they would demilitarise the YCL. This provision came as a result of the Seven-Point Agreement reached between three major parties on the formation of a coalition government. However, it is yet to be seen how the UCPN (M) will fulfil this promise.
Table 1: Militant groups formed by the political parties

<table>
<thead>
<tr>
<th>S.N.</th>
<th>Youth Organisations</th>
<th>Mother Organisations</th>
<th>Geographical Influence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Young Communist League (YCL)</td>
<td>UCPN (M)</td>
<td>All over the country</td>
</tr>
<tr>
<td>2.</td>
<td>Youth Force (YF)</td>
<td>CPN (UML)</td>
<td>All over the country</td>
</tr>
<tr>
<td>3.</td>
<td>Madhesi Youth Force</td>
<td>Madhesi Janaadhikar Forum (MJF)</td>
<td>Eastern, Central, and Mid Western Terai regions</td>
</tr>
<tr>
<td>4.</td>
<td>Chure Bhawar Shanti Sena</td>
<td>Chure Bhawar Ekta Samaj Party</td>
<td>Central and Mid Western regions</td>
</tr>
<tr>
<td>5.</td>
<td>Security Brigade (Rakshya Bahini)</td>
<td>Nepal Sadbhawana Party (Rajendra Mahato)</td>
<td>Central and Mid Western regions</td>
</tr>
<tr>
<td>6.</td>
<td>Madhesi Commando</td>
<td>Nepal Sadbhawana Party</td>
<td>Central and Mid Western regions</td>
</tr>
<tr>
<td>7.</td>
<td>Terai Madhes Sewa Surakshya Sangh</td>
<td>Terai Madhes Loktantrik Party</td>
<td>Mid Western and Western regions</td>
</tr>
<tr>
<td>8.</td>
<td>All Nepal Democratic Youth Organisation</td>
<td>Rastriya Janamorch Party</td>
<td>Mid Western and Western regions</td>
</tr>
<tr>
<td>9.</td>
<td>Tharu Sena</td>
<td>Tharuhat Swayatta Parishad</td>
<td>Certain Districts of Mid Western and Western regions (for e.g., Dang, Kapilbastu, and Bardiya)</td>
</tr>
<tr>
<td>10.</td>
<td>OBC Regiment</td>
<td>Pichhada Varga Mahasangh</td>
<td>Central Terai region</td>
</tr>
<tr>
<td>11.</td>
<td>Limbuwan Volunteers and Limbuwan Liberation Army</td>
<td>Sanghiya Loktantrik Rastriya Manch/Limbuwan Rajya Parishad</td>
<td>Eastern region</td>
</tr>
<tr>
<td>12.</td>
<td>Kirat Limbuwan Volunteers</td>
<td>Pallo Kirat Limbuwan Rastriya Manch</td>
<td>Eastern region</td>
</tr>
<tr>
<td>13.</td>
<td>Janasurakshya Bal</td>
<td>CPN-Maoists</td>
<td>Some districts</td>
</tr>
<tr>
<td>14.</td>
<td>Madhesi Raksha Bahini</td>
<td>Sadbhawana Party</td>
<td>Some of the Terai districts</td>
</tr>
<tr>
<td>15.</td>
<td>Khas Society Group</td>
<td>Khas-Chhetri Unity Society</td>
<td>All over the country</td>
</tr>
</tbody>
</table>

Source: Luitel et al. (2010)

The government is not able to provide security to frontline development workers in the high risk areas. Three bomb blasts in Kathmandu on 2nd September 2007, Kapilvastu Massacre of 16th September 2007, murder of Khyati Shrestha and Vivek Luitel, murder of media entrepreneur Jamim Shah, kidnap and assassination of journalists and businesspersons scoff at the country’s security situation dejectedly. Severe clash in Kapilvastu district on 16th September 2007 took the lives of more than two dozens people. Many people are still unaccounted and more than five thousands people are displaced. This quickly spread to neighbouring districts and almost turned into communal

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4 For example, assassination of frontline government staff and local level politicians of mainly hill-origin in Terai by different armed groups is growing and the state is not able to ensure security and safety. Within six months (March to July 2007), more than seven people were assassinated by different armed groups (the people killed were Ram Brikshya Yadav, VDC secretary by Cobra Group; Basudev Paudel (trainer) by JTMM-Coit Group, Nava Raj Bista (engineer), Purna Singh Pradhan (overseer) Arun Prasad Jaiswal (fireman) and Ram Hari Pokharel (VDC secretary) by JTMM-Jwala Singh Group.

5 On Sunday, the 2nd of September 2007 at 16:15 hours, three bombs were blasted at crowded public places of Sundhara, Balaju and Tripureshwor where two school children and one ordinary woman were killed wounding more than 26 people including a two-year child. The so-called People’s Army and Terai Army took its responsibility.
and religious riots. Directly affecting the development, series of killings, bomb blasts in temples and churches, kidnappings, attacks, lootings, extortions, strikes, and blockades have fostered fear and helplessness in the country.

Similarly, since 2007 the Terai region has become increasingly insecure and violent particularly after the promulgation of the Interim Constitution. This is mainly because it did not address the issues of proportional representation election system and federal state structure – an issue raised by Madhesi people. The Nepal Police at that time had declared eight districts namely Bara, Parsa, Rautahat, Mahottari, Dhanusha, Sarlahi, Siraha, and Saptari as ‘highly sensitive’ and other 13 Terai districts namely Jhapa, Morang, Sunsari, Makwanpur, Chitwan, Nawalparasi, Rupandehi, Kapilbastu, Dang, Banke, Bardiya, Kailali, and Kanchanpur as ‘sensitive’ areas. Later in 2009, the Home Ministry brought ‘Special Security Programme’ to tackle the lawlessness and violence but it did not succeed to achieve its highly publicised objective due to lack of co-operation from political parties. It would be very difficult to smoothly implement any development programmes in a country if security situation is not improved.

Alternatively, illegal activities across border are rampant. Open border has eased illegal arms traders and smugglers. This has greatly contributed to organise and expand several militant and fringe groups. Most of them have no political base, popular support, and clear organisational structures. As a result, they do not fall under the category of political force.

### 4.2 Burning issues not covered in the CPA

Post-conflict peace building is full of complications and limitations. Hence, all issues and complexities that could arise later cannot be foreseen and addressed in the CPA itself. The CPA should be taken as a preliminary point of the process and not an end to it. There is a need to consider that several issues not covered in the CPA and other understanding were sure to arise and they should be taken and solved as a part of the peace building process. This includes issues related to political difficulties and resource constraints and the possible reluctance by parties in implementing agreements when it is against their benefit. Though the need to come to a peace agreement was a win-win

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6 Though the Nepal Police categorised the Kapilvastu District in second category of high risk area, the killings and violence erupted in different villages of Kapilvastu district on 16 September 2007. Violence erupted once Abdul Mohit Khan (the member of Loktantrik Madhesi Morcha and leader of Village Defence Committee, which was formed by the then Royal Nepal Army to fight against the UCPN (Maoist) during time of the active war in 2004-2005) was killed by unidentified people. Immediately after the killing of Mr. Khan, his supporters started to indiscriminately attack people and burn their houses. More than two dozen people were killed, many more are still missing and more than five thousand people are displaced. One of the main causes of the Kapilvastu massacre was the arms provided by military to Village Defence Committee to fight against the rebels. The arms were not returned even after signing of the CPA, despite the repeated urge from human rights activists, researchers and local leaders.
situation for all parties at the time, the implementations of agreements later created several instances where there were no clear win-win situations.

The new problems and challenges have emerged since the signing of CPA and are not covered by the agreement. Due to this, several important issues like restitution of property, reintegration of Maoist combatants, etc. could not be resolved.

4.2.1 Proliferation of SALW and criminalisation of society

The proliferation of Small Arms and Light Weapons (SALWs) is another challenge. Undoubtedly, the illicit trade and use of SALW not only intensifies civil wars and armed conflicts, but also creates insecurity and severely hinders post-peace agreement, reconciliation, and reconstruction efforts. In Nepal, it is extremely difficult to find out the actual number and types of SALW illegally produced, traded, and used in different parts of the country. However, the proliferation of SALW in Nepal is one of the major security challenges (Upreti and Nepali 2006). In Nepal, the proliferation of SALW owes not just to the 10 years of armed conflict and consequent implications, but also to rampant poverty, chronic unemployment and the open border with India. So, the state should urgently respond to the small arms flow seriously. The government needs to play a lead role to combat the illegal proliferation of small arms. This campaign succeeds only if the political parties, civil society, experts, the international community, and citizens as a whole support it actively.

Organised crime and insecurity related to extortion, abduction, robbery, looting, narcotics smuggling, human trafficking, bootlegging, and the hunting and smuggling of rare animals (e.g., musk deer, tiger bones, etc.) are increasing. Furthermore, coercive youth mobilisation is complicating the security challenges. Addressing these phenomena is the collective responsibility of the government, political parties, security actors, civil society, academicians, the media, and the community.

4.2.2 Issue of evolutionary and revolutionary change

Another most pressing challenge is the difference in outlook towards change among the stakeholders. Researchers and practitioners are divided in their approaches towards change. Some favour a gradual evolutionary change starting from and incorporating the premises set in the past. The
other group opts for a radical and revolutionary change. The latter wants to start change by dismantling all the legacies of the past and blurring the mutual boundaries set in-between. Thus, these groups operate in their own modalities and never acknowledge others or the contexts.

Moreover, there are no mutual points of understanding or forums which encourage positive discussions on negative and positive aspects of each approach so as to reach a fruitful understanding among such polarised elite actors.

**4.2.3 External interference in the framing of the constitution and management of transition**

The influences of powerful countries are stronger in the countries suffering from conflict, instability, and in those who are dependent on external support and resources. Nepal represents an example of how external interests are prevailing in political, social, and economic spheres. It is working in the prickly cushion offered in the name of support to various activities like federalisation, constitution-making, peace process, integration, and rehabilitation of ex-combatants, human rights, social justices, minority rights, security sector reform, economic reform, bureaucratic reform and legal reform. Moreover, it is also receiving donations in the name of institutional development, economic reform and development policy formulation. The decision-makers in the political and bureaucratic levels are responsible for making way to these external interferences.

Several constitutions have been proposed by different interest-based organisations from the donor-funded money. Large portion of time of the Constituent Assembly (CA) members are consumed by the foreign tours and trainings, attending meetings and workshops in Nepal and aboard, writing papers, and inaugurating events of the NGOs funded by donors. Most of the (if not all) activities are stealing precious time of the CA members to write constitution. Even it has been observed that the CA members had attended the numerous but repetitive workshops and meetings organised by NGOs and funded by donors leaving the important meetings of the CA. It is very hard to comprehend how constitution-making is supported by such activities of CA members and NGOs. Such interferences are nearly paralysing the transition and constitution-making process in Nepal.

**4.2.4 Institutionalisation of changes through new constitution**

Nepal has to institutionalise the changes achieved from the decade-long armed conflict, the people's movement 2006, the Terai-Madhes movement 2007 and the CA in the past decade by promulgating the new constitution. However, the constitution making is not much in priority in the activities of political
leaders. For example, most of the political leaders are found not respecting CA meetings. Due to that those political leaders have a very poor attendance in the CA meetings. It is observed from Table 2.

Table 2: Top ten absentees for whole 3-year period

<table>
<thead>
<tr>
<th>S.N</th>
<th>Name</th>
<th>Political parties</th>
<th>Attendance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sher Bahadur Deuba</td>
<td>Nepali Congress Party</td>
<td>2.75</td>
</tr>
<tr>
<td>2</td>
<td>Pushpa Kamal Dahal</td>
<td>UCPN(M)</td>
<td>7.34</td>
</tr>
<tr>
<td>3</td>
<td>Bijay Kumar Gachhadar</td>
<td>MPRF (D)</td>
<td>10.09</td>
</tr>
<tr>
<td>4</td>
<td>Rajendra Mahato</td>
<td>Sadbhawana</td>
<td>11.93</td>
</tr>
<tr>
<td>5</td>
<td>Sharat Singh Bhandari</td>
<td>MPRF</td>
<td>15.53</td>
</tr>
<tr>
<td>6</td>
<td>Krishna Bahadur Mahara</td>
<td>UCPN(M)</td>
<td>16.51</td>
</tr>
<tr>
<td>7</td>
<td>Khovari Ray</td>
<td>Sadbhawana</td>
<td>17.43</td>
</tr>
<tr>
<td>8</td>
<td>Saroj Kumar Yadav</td>
<td>Sadbhawana</td>
<td>17.43</td>
</tr>
<tr>
<td>9</td>
<td>Upendra Yadav</td>
<td>MPRF</td>
<td>18.35</td>
</tr>
<tr>
<td>10</td>
<td>Ram Bahadur Thapa 'Badal'</td>
<td>UCPN(M)</td>
<td>20.18</td>
</tr>
</tbody>
</table>

Source: Martin Chautari (2011, p 7)

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In light of the above issues and challenges, the following section discusses some possible way-outs for moving the transition period towards a smooth conclusion.

5.1 Restructuring of security sector and improving security governance

One of the fundamental obstacles to restructuring of security sector and improving of security governance is the misunderstanding or partial understanding or lack of understanding about the security sector restructuring and their politicisation. For the five years, Nepal's peace process have faced a severe challenge due to its slow and muddled progress in addressing integration and rehabilitation of the Maoist ex-combatants and democratisation of state security forces, despite the provisions of CPA and the Interim Constitution.

Clause 4.7 of Section 4 of the CPA mentions the democratisation of the Nepal Army stating:

*The cabinet will control, mobilise and manage the Nepal Army as per the new Military Act. The interim cabinet will prepare and implement the detailed action plan of democratisation of the Nepali Army by taking suggestions from the concerned committee of the interim parliament. This includes works like determination of the right number of the Nepali Army, preparing the democratic structure reflecting the national and inclusive character, and train them on democratic principles and human rights values.*

Article 144 (3 and 4) of the Interim Constitution contains similar provisions. Hence, the new political context has clearly envisioned a restructuring of the army. Clause 4.4 of the CPA states, “[The] interim cabinet shall form a special committee to carry out monitoring, integration, and rehabilitation of the Maoist combatants.”

Conversely, neither the CPA nor the Interim Constitution has visualised the need for a comprehensive restructuring of the security sector. It could include, for example, developing a national security policy (by complementing
international relations, defence policy, and economic policy; establishing a powerful national security council), reforming intelligence and restructuring the army, police and other security apparatus. Isolated efforts to restructure one component of the security sector alone cannot produce the expected results. A holistic approach is required.

Maoist ex-combatants’ integration and rehabilitation and the democratisation of the Nepal Army are crucial, yet progress in these areas is extremely slow. Despite these arrangements, the political differences on the issue have halted the process.

For example, it has taken much time for the political parties to agree on the integration and rehabilitation of the ex-combatants and only since November 2011 onward this process is moving ahead under the Special Committee. The process of identification of ex-combatants for regrouping into those willing to go for integration into NA, voluntary retirement and the rehabilitation has been completed. However, the daunting task of reintegrating and rehabilitating them still remains a major challenge.

Besides security aspects, restructuring the security sector also affects social, political, economic, international, and developmental issues. Security sector restructuring or transformation has to address policy and law, international relations and structural and oversight issues set within standard democratic principles and values (Upreti 2009; DFID 2002). Figure 2 gives an overview of the process of security sector restructuring.
The fundamental principles of security governance are civilian control and parliamentary oversight of security apparatus; right sizing and modernisation of security forces; respect for the rule of law; and facilitating the transition from war to peace within a broader national security policy (Upreti 2006; OECD 2004; DFID 2002).

Apart from the traditional security system, Nepal requires a long-term perspective on the development of a comprehensive security system. It should incorporate a human security approach by ensuring social security (health, education, drinking water etc.), economic security (employment, poverty reduction, etc.) and national security (the army, police, and the intelligence). Nepal needs to consider non-conventional security issues such as environmental security, energy security, and information security as well.

The conventional state-centric approach to security operation is narrow. It ignores modern notions of security that relate to a holistic framework with a broader concept of human security encompassing the right to live a dignified life (Upreti 2006; Upreti 2004). Hence, democratic governance is the central element of security sector restructuring (Upreti 2009; Aditya et al. 2006; Kumar and Sharma 2005). This issue has not been adequately addressed in case of Nepal.

All of the components depicted in Figure 2 are interrelated and complementary, and therefore, reforming one while leaving others unchanged is not rational to meet the requirements of modernisation, professionalisation and democratisation of security components. A holistic approach to restructuring of security systems is indispensable for durable peace and democracy in Nepal. The successful restructuring of security sector depends upon internalisation this urgency. The politicisation of security system is always a risk in a transitional situation. The elements of security system must operate according to professional norms and their legally defined mandate. Otherwise, combating insecurity and achieving stability and democracy is impossible. One of the main challenges at present is to maintain the neutrality of security forces and make them accountable. This spirit must come both from the security forces and the politicians. The Nepalese people expect security agencies to be accountable, transparent, effective, efficient, and to ensure peace dividends. For all of these, Nepal needs security sector reform.

5.2 Rule of law and dealing with the past

Criminalisation of politics and politicisation of crimes are threatening transition and security. One of the main ways of establishing rule of law and addressing violence, crime and insecurity is to strengthen the police force. Strengthening the police force means making police well-equipped (providing the required equipment), resourceful (physical facilities), and professional (competency, commitment, dynamism, ethics, knowledge, skills, information, etc.). Besides, maintaining neutrality (operation based on professional code of ethics, not
in the interests of some particular groups) and accountability to people also come under it.

With the exception of these, tackling new and emerging challenges requires full support and cooperation from communities as well. Collaboration among security forces, local politicians, community members, media, and intellectuals provide strong foundation for achieving transitional security. The present situation demands new arrangements since the existing agreements and understandings are not enough to tackle newly emerging challenges.

‘Dealing with the past’ basically focuses on addressing the legacies of armed conflict and moves individuals and society ahead by evaluating the past. The following figure brings interrelated components to be dealt with while dealing with the past.

![Diagram showing components for dealing with the past](image-url)

**Figure 3: Components for dealing with the past. Source: DFAE/Swisspeace 2006 (inspired by the principles of Joinet)**

5.2.1 Reconciliation, rehabilitation, recovery, and reconstruction-

A solid understanding to deal with bitter experiences of the past and build a new relationship based on trust, accommodation and respect is important for
reconciliation. Reconciliation should occur not only among political parties or group levels and the state, but also among the people. For Nepal, the CPA speaks of reconciliation and reintegration in its several sections. Among them Clause 5.2.4 mentions the formation of “Nepal Peace and Rehabilitation Commission” (NPRC) “to initiate process of rehabilitation and provide relief support to people victimised by conflict and normalise the difficult situation created due to armed conflict”. Similarly, Clause 5.2.5 proposes a high level TRC “to conduct investigation about those who were involved in gross violation of human rights at the time of conflict and those who committed crimes against humanity, and to create the situation of reconciliation in the society”. Likewise, Clause 8.2 states that NPRC shall be set up as needed to make the campaign for peace successful. It adds, “The composition and working procedures of the Commission shall be determined by the interim Council of Ministers”.

Researches from Rwanda have revealed a fact that fulfilling people’s material needs are first priorities to enable them to reconcile (Lambourne 2004). In post-conflict situation, the need to reconstruct their lives and property and feel secure about their basic needs should be the first emphasis. If their needs are fulfilled they feel more comfortable to be reconciled. Thus, economic recovery of conflict-affected people, reconstruction of damaged infrastructure, and construction of new development infrastructure are at the foundation of stability, peace, and democracy. Post-conflict reconstruction provides employment opportunities for people and helps their economic recovery and ability to rehabilitate into society.

Human beings have certain psycho-social needs which are central and fundamental to their survival. Reconciliation process addresses these needs to a large extent. The process and modalities of social and psychological reconciliation and reconstruction should fulfil these needs. Lambourne (2004) shows that the mechanism built upon local norms, values customs, and beliefs can forward such process very effectively. So, the reconciliation process should take into account such norms and cultural behaviours of the people.

Reintegration is a complex psychological, social, political, and economic process. It aims at mainstreaming the demobilised soldiers or ex-combatants and their families and other conflict victims as active members of either their old communities or new communities where they become a part of. This helps them to become active producers in civilian life.

Successful reconciliation and reintegration requires different institutional arrangements and regulatory provisions. For example, the TRC requires separate acts and regulations. They have to be promulgated at the central level. Similarly, legislation is required to address the problems of disappearance, torture and the provision of compensation, and so forth. It is the responsibility of the central level (the government and parliament) to make such arrangements.
5.2.2 Reparation

Reparation is a fundamental component of a successful peace process. It provides a physical and psychological starting point for moving ahead. Rehabilitation, compensation, restitution, the creation of memorials, public apologies by wrongdoers, and commemoration are some of the important elements of any effective reparation package. During reparation and compensation, there is a high possibility of misuse of resources or politicisation of the process. Therefore, a comprehensibly legal and monitoring mechanism should be formed encompassing conflict victims, civil society, political parties, and government officials. Afterwards, this mechanism has to allocate and supervise huge sum of resources. The reparation package should concentrate on rapid restoration of essential services to assist conflict victims alongside ensuring their safety and security. It should have provisions to help conflict victims rehabilitate in their previous houses and communities, if they desire so.

5.3 Effective service delivery and peace dividends

Durable peace is possible only when citizens' voices are included up to the possible extent in decision-making processes, have access to resources and rights, and receive peace dividends. Peace dividends are direct and indirect benefits available to people as the outcomes of peace agreement. The peace building strategy has to focus on strengthening governance and empowering poor and disadvantaged citizens. Hence, the peace process strategy needs to be embedded into development planning and implementation. The activities of Nepal Peace Trust Fund (NPTF) have to ensure peace dividends to, genuinely, conflict affected people, the poor and the needy.

Development programmes and projects have great potential for delivering such peace dividends. But, it is important to be aware of the risk of elite capture of resources allocated to post-conflict activities. So far, the elites of peace process have been enjoying the peace dividends. So, for ordinary citizens peace dividends have been an illusion. The development strategy must tie up with the peace process to deliver peace dividends to the poor and needy as part of peace building at the local level. This process must follow the principles of equitable access, participation, representation, and benefit sharing.

Post-conflict development interventions have to incorporate the concerns and issues of marginalised, poor, and socially excluded groups in a regular project cycle (planning, implementation, and evaluation). It helps to ensure the fruits of development reach these target groups and that 'do no harm' since 'do good' principles are applied. Interventions have to be built on Peace and Conflict Impact Assessment (PCIA) to ensure the maximisation of development for peace. Equal attention is necessary that such interventions do not inadvertently cause conflict. Focus on rural reconstruction and rehabilitation
(both physical and psychological) is needed. Thus, it can promote equity-based livelihood means and wellbeing for poor, marginalised, and conflict affected people. The restoration of basic infrastructures and social capital, public services, and community-based services should be a priority of post-conflict development interventions. Employment and income generation opportunities that are enhanced by rural roads, community water supply and sanitation, community development, institutional capacity building, and empowerment of socially excluded and marginalised sections of society may contribute to peace building and stability.

Especial care is needed while designing, implementing, monitoring, and evaluating post-conflict development projects. Conflict Analysis, Conflict Impact Assessment (CIA), the Peace and Conflict Impact Assessment (PCIA), conflict sensitive project management, and conflict risks assessment can be some of the useful tools and techniques for that purpose.

Successful development in a fragile environment partly depends on well-sequenced and coherent progress across the political, security, economic and administrative domains (OECD 2006). Truly, it takes many years for a country to regain normalcy. Keeping this reality in mind, the state needs to set longer time horizons. Besides, it should lower expectations among the general people alongside injecting the sense of responsibility in them to take the country into a safe landing from this conflict.

5.4 Initiating economic growth

Initiating economic growth is a part of transitional security in a non-traditional security sense. Stability and democracy are possible only when the country is economically strong and people have employment opportunities. Hence, achieving economic stability must be a common agenda of all major political parties.

The mobilisation of locally available resources (knowledge, skills, tools, and techniques) is essential during the post-conflict transition. In some societies, various traditional institutions, arrangements, and associations are very active and helpful in post-conflict transition. The transition period should include

Photo 5: Researchers, State Minister for Tourism, Swiss Ambassador, tourism entrepreneurs, and policy-makers discussing tourism as potential sector for economic growth and peace promotion. The interaction was organised by Trekking Agents’ Association of Nepal-Pokhara Chapter in coordination with NCCR North-South. Source: SAs RCO.
such aspects in its development activities. Similarly, development activities should be made an important aspect of post-conflict peace-building plan. This initiates economic growth and gives sustainable employment opportunities for people.

5.5 Operationalising federal structures and governing systems

So far, the debates on federalism have been mainly superficial, ethnic-centric, and expert-promoted. Finalising federal structures and governing systems have got less attention. However, the debate has provided important clues and issues for the CA to work on. After four years of demand and opposition to creation of the constitutionally provisioned State Restructuring Committee (SRC), it has been created in November 2011, but its ability to deliver the result in a most controversial issue is still to see. If it was established immediately after the signing of the CPA as per the provisions of the Interim Constitution and the CPA, it would have greatly helped the CA to finalise federal structures. In the current debate, certain ethnic groups or geographical groups have proposed very diverse and opposite ideas as to the form of the federal system. Now, it is high time to move the federal debate from narrow, ethnic focused and politically constrained to a broader, need-based and collective approach.

5.6 Political party building

The political parties are the leading force in nation building and establishing democracy. Obviously, the destiny of this country depends on their governing style. Democratisation of political parties is a must at present scenario. Thus, it promotes internal democracy and develops the younger leaders multiplying the possibility for successful transformation. The practices of exclusion and under recognition in the political process are the outcome of a feudal mindset. The political parties require intimate engagement and dialogue-cum-practice within themselves to change such attitudes.

5.7 Monitoring of the peace process

A successful peace process needs technical expertise to provide necessary skills, knowledge, and procedures (Upreti 2008a and 2008b). Therefore, a strong team of technical experts can be important in areas such as the management process, negotiation, reconciliation, investigation, federation formation, psycho-social counselling, and so forth. The TRC and the NPRC as structures can play active role for this. They should be strengthened to monitor accountability mechanisms, consideration of issues of social and economic justice, corruption, and failure of elite actors to act responsibly. A monitoring structure was provided for in the CPA; however, it has not been operational since the NMCCCC became dysfunctional.
Some of the main reasons for the ineffective implementation of past agreements are complications, vagueness, and content of the agreements that is too general. Hence, a systematic review of past agreements and understandings in terms of content, process, and structures is required. It eases the effective implementation of more operational and realistic arrangements. A high-level mechanism (similar to that of the earlier SPA) may be needed to oversee the implementation of the peace agreement.

Making the peace process successful requires parties to do more than signing the CPA. They must abide by the agreements made which requires an effective monitoring mechanism. It would be responsible for monitoring all agreements and understandings reached among the parties. A specialised body at the highest level is also essential. It can supervise and address any issues or obstacles that arise while implementing the CPA. This body should represent civil society, the government, and political parties. However, it needs to work closely with the United Nations Mission in Nepal (UNMIN), the National Human Rights Commission (NHRC) and local human rights and civil society groups. In the past, the NMCCCC was monitoring the peace process. It was quite important to independently monitor contested issues such as violations of the code of conduct by either side. Sadly, it failed as the understandings dwindled.

Local Peace Committees (LPCs) offer suitable platforms for building trust and cooperation at the local level. So, strengthening the LPCs and actively engaging them in dealing with conflict transformation and peace building is also necessary. Further, the LPCs have to strengthen local mechanisms to mitigate conflict and work on accepting others identity, diversity, and the sharing of resources.
5.8 Dealing with external interference in constructive way

The way political leaders are dealing with the external interests has been strangling the country with external interference more severely than ever. The international forces like diplomatic community, development aid agencies, private investors, international non-governmental agencies, foreign dignitaries and politicians, missionaries, and others have been influencing the peace process in Nepal. So, respecting minimum diplomatic norms while dealing with them could solve half of the problems related to external interferences. Tragic but true, Nepal survives on external support. It cannot isolate itself totally skipping the international interests. However, a big majority of Nepalese are destined to live in the mercy of foreign forces. This merely strengthens the dependency which is not a good sign. They should rather draw a border line for what to do and what not to do in relations with national interests. It is recommended to follow a system such as meeting foreign actors through the appointment with Ministry of Foreign Affairs, maintaining a protocol, and directing to the concerned authority. Apart from these, obtaining feedback, advices, and analysis from the experts (on international relations, diplomacy, ex-ambassadors, ex-foreign relation officials, etc.) would be better.

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Nepal is in an important phase of transition. The ongoing peace process is at a critical stage struggling through unprecedented challenges. Nepalis are waiting for the transformation of centralised, exclusionary, and ineffective state into a modern, prosperous, and inclusive nation. The current political situation of the country can be a great prospect for such changes. But, this is possible only with the rational combination of political-bureaucratic-security reform and economic growth. At present, there are challenges in the structural, operational, procedural level of the governing structures and psychological aspects of the governed people.

In the structural level there are challenges of continued impunity, human rights violations, loss of infrastructure and services, loss of opportunities for economic productivity etc. Such ill-practices have resulted into the loss of hope for future, insecurity, crime, culture of violent or regressive means like killings, blockades, and demonstrations to resolve conflict or have ones demand fulfilled. On the state level, there are tensions among the key actors in the peace process fundamentally on power sharing issues. It is reprehensible to internalise the bitter reality that at the heart of all negotiations and conflicts lays the interest for power holding.

More to the point, there are challenges at the operational and procedural levels, too. Lack of consensus, disagreement on key issues, lack of vision on procedures, and outcomes of important processes of transition and delay in decision-making have been major hindrances. Crucial steps towards development have been impeded by decisions not being translated into action, disagreement on processes, rules, and very often power sharing arrangements from micro community level to the national level.

There are effects of war in the non-structural aspects of the society and even in lives of general people. Everyday life is infested with hatred, doomed with pessimism, glowing in mistrust, and survived with indifference. The mandate for transformation as given by the People’s movement shows that Nepalese people simply want to see Nepal peaceful, prosperous, politically stable, socially just, and environmentally sustainable where even biodiversity and the ecology are taken care of. In such a stage, departing from war-time issues, and
addressing the problems created by the past exclusionary structure and power relations is vitally important. Simultaneously, we must develop and promote the values of peace, non-violence, and co-existence to transform the psyche of the general people successfully. However, due to structural challenges, these issues remain unaddressed.

Leading the peace process to the right direction and accomplishing state restructuring, political stability, and a new and publicly owned constitution are not possible by one-sided efforts. It is neither single-handedly possible nor single-mindedly viable. So, it requires the collective efforts of politicians, security forces and civil society practitioners and academicians from their respected spheres. We must review and revise peace related agreements and understandings made in the past. Alongside, new agreements should be produced that provide concrete content, processes, and structures. Similarly, the political forces of Nepal have yet to fully realise the need for, and importance of, inclusion, recognising the rights of people, sharing resources, promoting young leadership, power sharing/transformation, social justice, and change.

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