

Management of prolonged transition period: A security perspective

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1. Context

Broadly speaking, Nepal has existence of long history of political transitions right after the unification of modern Nepal under the leadership of the King Prithivi Narayan Shah, the Great (Upreti, 2021), which was continued in different regimes such as Shah dynasty, 104 years of the Raja Regime, Post-Rana democratic era, Panchayat regime, multi-party democratic period, to present day.

Though the situation after promulgation of the constitution by the Constituent Assembly and successful elections of three tiers (federal, provincial and local) of the governments is changed, various residual effects and consequences remained and many new complications are arising.

Even if we look the history of only recent past 3 decades, Nepal has passed from the rough and tough security situation posed by armed groups. We have observed up to 139-armed groups active and they were posing security challenges (Upreti, 2009). In addition to the security threats from different bigger and smaller armed groups, ethnic radicalization was another source of insecurity during that time (Upreti, 2014). In many instances, youth wings of political parties created insecurity too.

Even though the armed insurrection led by the Communist Party of Nepal (Maoist) was ended with signing of the Comprehensive Peace Agreement in 21 November 2006, the security threats and uncertainties were not ended. Instead, insecurity prevailed in different modes and scales. Nepali society had experienced insecurity even from the militant groups formed by the political parties (ibid) and posed massive psychological insecurity, which is quite influential in shaping action and behaviour of general people.

Once concept of psychological insecurity was introduced by Maslow and his team (Maslow et., al. 1945), the feeling of safety, freedom from fear & anxiety and anticipated risk or danger (in short psychological fear) became part of security concern (Taormina and Sun 2015). As feeling of security-insecurity is being a psychological in nature, even in the recent past Nepali people feel psychological insecurity from the different protests and coercive political activities.

While taking to psychological insecurity, major concerns were related to a) behaviour of political forces in violating the preventive measure to the COVID pandemics, and b) not respecting the established security provision. The fundamental measures suggested by World Health Organization (WHO) and Ministry of Health and Population to prevent from the COVID pandemics were a) wearing masks, b) maintaining physical (social) distance (of at least 1 or 1.5 meter) and c) washing hands. However, the political forces organized series of huge mass rallies across the country violating these COVID19 protocols. Doctors and public health experts were frequently warning that politicians took great risks by organizing and bringing mass of people to attend the rallies. Following their precedence, ordinary people were observing the COVID protocols. However, they were confused once large-scale mass rallies were organised one after another in different parts of the country. Consequently, whether right or wrong, a general psyche developed from these events that the COVID did not affect thousands of people attending the mass rallies without following any COVID10 protocols (which is also referred as herd immunity) and therefore COVID will not affect us as well even if we violate protocols. Citing this example, I argue that feeling of psychological security-insecurity matters and shapes behaviour of general people because

perception of security and or insecurity is social and behavioural construction. The transitional security therefore needs to view in this context.

One of the major concerns of any prolonged transition is ensuring security because different interests groups use the fluid situation to fulfil their vested political, economic and personal interests. Hence, one of the prime focuses of the management of prolong transition is management of security.

In this paper, I have used ‘prolong transition’ to refer general political ups and downs in managing Nepali politics and their multi-dimensional consequences in society, politics, economy, people’s life & livelihoods and state functioning (including service delivery).

2. Concept

In the context of this paper, conceptually a transition is a period between two political process of democratisation emerged from the political, social, constitutional and contextual changes, where most of the established systems, legal provisions, procedures, norms and institutions are abolished and new arrangements are not yet fully functional or partially operational leading to gap or even vacuum. Hence, this situation is suitable for potential for perceived or actual insecurity, instability, tensions, mistrust, manipulations and horse-trading, mal-governance, violation of laws, and anomalies. The political transition was first theorize from the experiences of Western Europe and Latin America (Acemoglu & Robinson, 2001).

In case of Nepal, defining exact transition period is quite difficult and contested because of the fuzzy boundaries of these changes. However, for the purpose of this paper I have defined the term transition as ‘a period between signing of the CPA and present time’ because of the concept discussed in the preceding paragraph. So all real or perceived insecurities arise from unwanted activities (be they political or otherwise) and associated perceived or actual threats are considered as transitional security issues.

In the context of post conflict context, transition management is set of procedures, tools and strategies to guide and govern the instable political situation by developing appropriate capacity to deal with or respond to insecurity, political instability, societal tensions, prevalent mistrust, vested interests based manipulations and horse-trading, mal-governance, violation of laws, and other anomalies.

3. Transitional security issues and concerns

Several interrelated security related issues and concerns appear in the situation of transition. Some of the main security issues and concerns are discussed in the following sub-sections:

3.1 Politicization and neutrality dilemma:

Politicization is a major character of transition, especially in post conflict transition in developing countries (Elhawary *et. al.*, 2010). Nepal is precise example of politicization where political interests override standard procedural aspects (for example, dividing constitutional positions among the political parties/leaders, political backup or protection to their supporters ignoring standard set procedures, positive discriminations to their supporters and negative biases towards those who do not belong to their parties (Bhattarai and Wagle, 2010; Gautam, 2015; Ghimire, 2017; Sharma, 2013). This is established

phenomena in Nepal and now became socially accepted political culture. In this situation, it is quite difficult to ensure security alone by security forces.

3.2 Human security at the time of transition:

In addition to the perceived and actual insecurity created by the prolong transition, human security is a major factor determining security situation at the time of transition. Human security is a prime concern in the time of transition, which covers food security, water security, health security, water security, environmental security, social security (Upreti et. al, 2016; Upreti et. al., 2015). Political parties are very selective in interpreting and practicing public security issues. The Human security is very complex and therefore requires comprehensive, coordinated and concerted response strategy, which is difficult to achieve at the time of prolonged political transition.

3.3 Dilemma of law-enforcement agencies:

In the transition period, one of the operational difficulties observed was the dilemma of security forces. In one side, the security forces have the responsibility for law enforcement. On the other hand, they cannot control security insensitive behaviours of very important persons (VIPS). For example, major political parties of Nepal recently organized several mass meetings, rallies^{1,2} and protests³ against the protocol of COVID19⁴. Government authorities and public health experts were repeatedly appealing to stay away from mass gatherings and follow the health protocol of WHO and Ministry of Health and Population as preventive measure from COVID infection⁵. However, neither leaders and supporters of political parties nor people attending the gatherings respected the appeal. Security forces alone cannot control sources of insecurity if key stakeholders (such as political parties, local communities, etc.) do not cooperate.

3.4 Ensuring public security at the time of prolonged transition:

Public security in general deals on protection of people, as well as public and private properties and specific territories. The main aim of public security is to achieve welling of citizens and prosperity of community through ensuring people's feeling of safe and secure (Ebnöther and Fluri 2005). Even though ensuring public security is the primary function of state, achieving it requires concerted action of government, security forces and public (Upreti et., al. 2010). Public safety is also part of public security. One of the main legal instruments for ensuring public security in Nepal is the Public Security Act, 2046 (1989) (with four amendments⁶) which is still narrow in scope, and focuses on control then preventive measures. Hence, collective efforts are required from government, political parties and general public to ensure public security.

3.5 Behavioural effects in prolonged transition:

Public political behaviour directly affects transitional security. According to Ake (1975), political behaviour is an act by members of society that affects distribution of power to make decision for that society. In this context, the power relations shape behaviour of member of society and therefore it is

¹ <https://kathmandupost.com/politics/2020/12/15/congress-holds-mass-rallies-to-proclaim-it-s-back-in-business-but-is-it>

² <https://english.khabarhub.com/2021/21/164512/>

³ <https://thehimalayantimes.com/kathmandu/dahal-nepal-factions-mass-gathering-today-movement-largely-obstructed-in-the-capital>

⁴ <https://kathmandupost.com/valley/2021/02/11/whether-it-s-demonstration-by-oli-or-dahal-it-s-always-citizens-who-suffer>

⁵ <https://myrepublica.nagariknetwork.com/news/local-administration-in-kathmandu-urges-people-not-to-participate-in-rallies-protests/>

⁶ <http://www.lawcommission.gov.np/en/archives/category/documents/prevailing-law/statutes-acts/public-security-act-2046-1989>

ubiquitous in nature, which is clearly observed in Nepal (Upreti et al., 2010). Once, political behaviour starts disobeying standard social norms and procedures of state, problem starts there and it severely affects transitional security and economic aspects of the country.

In the context of armed conflict and civil war, literatures often refer either state failure or political stability and instability (Zartman, 1995; Cojanu and Popescu, 2007; Margolis 2010). They highlights that the situation of instability comes when the state structures are not able to properly perform the functions assigned to them (Zartman, 1995; Cojanu and Popescu, 2007). However, the situation of Nepal is not state failure. Instead, Nepal's situation is the selective political obstructions in proper functioning of some of the responsibilities of security and other structures. Theoretically, it can be argued that political stability has been achieved in Nepal once the new constitution is in place, federal political structure and majority government are functioning in the country. Economic sector is operational. Nevertheless, the political situation is not permitting to reach this conclusion because political stability has to ensure the economic growth.

In this context, Mădălina (2015) has analysed the influence of political behaviour in stability and economic growth in Romania and concluded that political stability is a pre-condition for sustainable economic growth of the country. This applies everywhere. Hence, if Nepal is not able to achieve political stability, for which security is a precondition, achieving economic growth and graduating from least developed country will be affected.

3.6 Security governance, transition and modernization of security:

In dealing of security at the time of prolong transition; strengthening of security institutions is important. Strengthening security institutions means improving security governance, modernizing and professionalizing security forces, increasing transparency and accountability, developing capacity of security intuitions and enhancing people-security forces relations (Upreti 2010; Bhattarai and Wagle, 2010; Upreti, 2012). Various legal and policy frameworks are available to strengthening security institutions.

3.7 Adequacy and or deficiency in managing transitional security:

Adequacy and or deficiency in policy, strategy, legal provisions, financial and hum resources matters in achieving transitional security. Adequate legal arrangements, conducive policies, availability of financial and competent human resources are some important conditions for effectiveness of security providers and ensuring security service at the time of prolonged transition. Similarly, attitude and behaviour of the security providers and security beneficiaries collectively determines the effectiveness of managing security. These all factors have contributed to manage the transitional security.

3.8 Role of media and sense of responsibility:

Role of media is crucial in shaping sense of security or insecurity and it is even truer in transition (Ghimire and Upreti, 2011). Experiences from different context show that the effects of audio-visual media is higher in creating security and or insecurity compared to print media and most influential is the social media. Wrong use of social media can be disastrous. Mass exodus of North Indian population form Bangalore and inflamed sentiments of people against killing of militant Burhan Wani in Kashmir were

clear example of how danger is the role of media in propagation of wrong information and or dissemination of malicious information by social media⁷.

3.9 External support in transition:

One of the important lessons to learn is to adopt very cautious approach on external support in post conflict transition. The examples of two West African cases – Sierra Leone and Nigeria’s oil-rich Niger Delta clearly demonstrate that externally supported reconstruction projects bring so many global hegemonic discourses and creates complications (Arowosegbe, 2011). Likewise, the work of Robert Muggah provides an analysis external interventions in post conflict security context of Afghanistan, Timor Leste, Sudan, Uganda, Colombia and Haiti by focusing on disarmament, demobilization and reintegration (DDR), and security-sector reform (SSR) from which it can be generalized that the international aid in post conflict security context are conventional in their approaches and therefore not only ineffective but also not able to address the transitional security challenges (Muggah, 2008). Hence, Nepal needs a very cautious approach while accepting international support in security sector.

3.10 Public Security Management in post-conflict transition:

As country is still affected by the shadow of the armed conflict and its consequences, public security management is a concern of Nepali people. Some of the main issues in managing security are enforcement of laws, administration of justice and maintenance of public order, properly handling the shared function between federal, provincial and local levels (federal security structures to enforce federal laws, provincial security structures to enforce state laws, etc.) dealing with diversity within unity framework, exercising democratic values and norms, concerted action to achieve win-win outcomes in contested issues, promoting local solutions for local problems.

3.11 Strengthening operational security in post- conflict transition:

One of the most important issues is to strengthen operational security and inter-institutional coordination, which is often neglected in the context of post conflict transition (Arowosegbe, 2011). Management of post conflict transition is not only complex but also requires knowledge, resources and commitments (Upreti, 2012 and 2009). In one side, state itself is weak because of the armed insurgency and on the other side, it has to provide security to people in a situation when every powerful actors want to benefit from fluid situation of prolong transition.

3.12 Deficiency in shared responsibility in managing transition:

It is observed that some of the major issues and concerns related to managing security during the prolong transition are mainly operational and they are relate to effective coordination and collaboration between different agencies working in ensuring security, proper coordination across the three tiers of government (both horizontal and vertical coordination), lack of required resource allocation. Hence, any state passing through prolonged transition have to allocate required resources (policy, law, capable human resources) which is often difficult and marginalized.

4. Security decision in managing transition:

⁷ See details in <https://www.objectiveias.in/role-of-social-media-in-internal-security/>

Making decision in managing transition is quite important and this can be explained by the following quadrant:

		<i>Urgency</i>	
		Urgent (focus on actions to be performed immediately and if not contained it will create complexity)	Not urgent (the activities to be closely watch but no immediate action is needed)
	Important (focus on the outcomes and contributions to mission, values and priority goals)	Urgent and important: This is the most important and most urgent and therefore get first priority. In this quadrant security, actors and transition managers have to concentrate their efforts with priority and resources.	Not urgent but important: therefore security and transition managers and decision makers have to take action to control from escalation, even if they are not immediate threats
	Not important (watch closely but do not keep in priority for immediate action)	Urgent and not important: Security actions have to be accomplished urgently but it is not so important so the security decision makers have to accomplish these activities immediately with low priority.	Not urgent and not important: The security decision makers can wait to see how context develops but no need to take immediate action. Only essential to be vigilant and alert but no immediate action needed.

Source: Adapted from Covey, S. (1989), *The Seven Habits of Highly Effective People: Powerful lessons in personal change*. New York: Simon and Schuster.

In the situation of transition, the security decision makers have to assess the degree of importance and urgency and make decision accordingly.

5. Existing security mechanisms and practices

The existing security management in dealing with the prolong transition is guided by combination of different legal, political, security, economic mechanisms. The legal framework provides basis for ensuring security by mobilising state security forces. Some example of the legal arrangements⁸ are the Constitution of Nepal, Army Act 2063 (2006) (with different amendments), National Security Policy 2075; Police Act 2012 (1955) (with different amendments) and Police Regulation, 2049 (1992), मुलुकी अपराध संहिता २०७४, सु शासनतथा व्यवस्थापन) संचालन ऐन २०६४ (with different amendments); Armed Police Force Act 2058 (2001) (with different amendments) and Armed Police Force Regulation, 2060 (2003), Nepal Special Service Act 2042 (1985) (with different amendments), Public Security Act 2046 (1989) (with different amendments); The Privacy Act, 2075 (2018); The Espionage Act, 2018 (1962) (with different amendments); Nepal Special Service Act, 2042 (1985) (with different amendments); Offence Against State And Punishment Act, 2046 (1989) (with different amendments); The Essential Goods Control (Empowerment) Act, 2017 (1961) (with different amendments); The Essential Services Mobilization Act, 2014 (1957) (with different amendments); The State Cases Act, 2049 (1992) (with different amendments); Some Public (Offences And Penalties) Act, 2027 (1970) (with different amendments), and many more. State security forces are guided by the state's legal arrangements.

⁸ Compiled from a) <http://www.lawcommission.gov.np>; and b) <https://www.dcaf.ch/security-sector-legislation-federal-democratic-republic-nepal>

Other related acts and regulations shaping the management of transitional security are the Extradition Act, 2055 (1989) (with different amendments); The Immigration Act, 2049 (1992) (with different amendments) and the Immigration Regulation, 2051 (1994), the Passport Act, 2024 (1997) (with different amendments) and the Passport Regulations, 2059; (2003); Explosive Substance Act, 2018 (1961) (with different amendments); Arms and Ammunition Act, 2019 (1963) (with different amendments) and Arms and Ammunition Regulation, 1972

Further political commitments and contradictions from different political parties and actors, availability of security forces and their capabilities, economic interests of various groups and actors are other importance factors affecting transitional security. Within the above-described context, efforts have been made in dealing with current transition.

6. Challenges

Some of the major challenges identified at the time of prolonged transition are:

- 1) Residual effects of insurgency
- 2) Complication in implementing federal system and associated complications (Inter-provincial allocation of resources, managing unrealistic expectation of the radicalised society)
- 3) Political manipulations of structural cause of conflict as means to achieve political interests
- 4) Growing unconventional security issues such as recent air pollution⁹, climate change, pandemics, disasters, etc. and food, water, health security issues, migration, poverty-inequalities, etc.
- 5) Domination of narrow political interests over national interests and priorities
- 6) Penetration of external vested interests through different means (youth radicalization, funding for extremists, etc.)
- 7) Potential risks of geographical (e.g., Terai-Madesh) and ethnic radicalization (e.g., intolerances and hate against particular group), and extremism
- 8) Possibility of politicization of religion and religious extremism
- 9) Negative media/social media effects (unfounded allegations and disinformation, misleading general public)
- 10) Growing geo-strategic concerns and regional tensions
- 11) Potential for external manipulation and radicalization of federalization issues (e.g., borders, natural resources, concurrent rights, etc.)
- 12) Intra and inter party tensions, splitting of political parties and associated consequences
- 13) Politicization of human rights issues + selective interests of international actors
- 14) Effects of changing global demographic dynamics: world's population – reach 8 billion by 2030, more than 9 billion in 2050 (Pakistan may grow to 349 million, up 134 percent in 2050. In Afghans close to 75 million in 2050; India's population will reach 1.6 billion by 2050) → effects in neighboring countries including Nepal
- 15) Abuse of feeling of injustice and civil unrest: structural inequalities, unemployed frustrated youth and their manipulation from ill intended actors,
- 16) Geo-strategic dynamics and interests of international actors (e.g., Indo-China tension, Indo-Pacific Strategy, BRI, etc.),

⁹ <https://kathmandupost.com/national/2021/03/29/government-decides-to-shut-schools-for-four-days-as-air-pollution-reaches-hazardous-levels>

- 17) Guided emotion (people/activists) v/s perceived threats (security apparatus),
- 18) Public trust v/s mistrust
- 19) Transitional Justice (prosecution v/s reconciliation)
- 20) Freedom of expression v/s sense of responsibility

7. Conclusions

When we discuss Management of prolonged transition period from the security perspective, so many interrelated concepts are often referred such as political development (including party building), democratization (including democratization of political parties), state building (including post-conflict reconstruction and peacebuilding), institutional innovations and responsive public polices, effective resource mobilization, good governance and so on. They are easily said than done. Translation of these concepts need political commitment and bureaucratic efficiency.

Responding to with prolong transition is a complex phenomenon and requires concerted and coordinated actions from all key actors with ability to devise right response strategies. One of the main concerns in transition is to properly handle vested interests of international actors, which are often contested and controversial but influential.

Domestic tension in capturing power, resources and position is another unavoidable security management concern at the time of prolong transition.

8. Ways forward

Following points could make the basis for ways forward:

- Consensus in the agenda of national interests, security and foreign policy concerns
- Strengthen capacity of security forces for maintaining public security
- Strengthen rule of law, legitimacy and public ownership
- Proper analysis of actors, their strengths & weaknesses, networks, behaviour, and strategies, content (issues and concerns), context (internal, external) and forge appropriate response strategic options to achieve desired result,
- actors, context and challenges to forge the right strategy,
- Appropriate handling of pervasive mistrust and hypersensitivity about the perceived security threats (sensitizing, engagement and collaboration); civil-security relations.
- Strengthen intelligence and security analysis by acquiring right information from right sources at right time,
- Balancing between transparency and confidentiality while managing prolong transition.
- Invest in developing competent human resources to deal with transitional challenges by strengthening National Defense University, government policy think tank like PRI, IFA, etc.
- Strengthen and modernize security organizations and equip them with most latest technologies
- Enhance the effectiveness of public service delivery that will ultimately strengthen state-people relationship.

- Effectively implement National Security Policy and Foreign Policy (mutual respect for each other's territorial integrity and sovereignty; non-interference in each other's internal affairs; respect for mutual equality; non-aggression and the peaceful settlement of disputes; cooperation for mutual benefit; abiding faith in the Charter of the United Nations; and value of world peace).
- Multi-track approach to deal with complex transitional security issues
- Capacity matters: conflict analysis, military, intelligence, civic engagement, communication (IT), coalition building, coordination for unified action; creating enable environment,
- Forge right strategy to deal with the role of media (spreading of sensational news with commercial motivation or sponsored political interests; disseminate sensational and escalatory, incomplete, biased or misleading news),
- Prevent politicization of state structures (especially security structures) for vested interests and weakening of the institutions working for national interests.

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