

Nepal: Building Sustainable Peace

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Introduction

The wrenching transition of Nepal's politics is propelled by changing power differentials between different social classes, political parties and public institutions and their contending grievances and actions. This transition is recoding the social and political boundaries, redefining the concept of citizenship and codes of national identity and turning conflict into an open-ended game of heterogeneous actors of multiple sizes, capabilities and perceptions. The open-ended conflict flouts the structural stability and equilibrium of polity as it exchanges inputs and outputs with the domestic and international environment. The crisis-induced transformation has, however, limits as international engagement with Nepal is based on the principles of weak, fragile and soft state incapable of subduing chaos, dispensing justice and creating order to prevent the spill over of conflict into international relations.

The horizontal systemic and vertical sub-systemic conflicts now have become more legitimate with the representation of various sub-systemic groups into political power through Constituent Assembly. Semi-autonomous sub-system such as civil society, professional groups and social movements are increasingly decomposing the party system. The advent of Madhesi parties and CPN (Maoist) marks the decline of old parties but they are not without internal friction. The tension created by multiple goals and orientations of various parties, such as Communist Party of Nepal (Maoist)-led coalition's aim of revolutionary transformation, Nepali Congress's incremental reforms and Rastriya Prajatantra Party-Nepal's conservation of tradition have set the dynamics of politics in Nepal. Hostile engagement of over two dozen extra-constitutional armed actors has added complication to this dynamics. These have prevented the system from achieving the constitutional and political stability and creating a new society based on freedom, equality and transparency of public action.

Actors of Conflict and Peace

Constitutional Actors:

Due to not-too-compatible goals of constitutional actors the coalition government is facing coordination and steering problems towards the attainment of a constitutional state, inclusive development and sustainable peace. The ruling coalition of three main parties—CPN (Maoist), Communist Party of Nepal Unified Marxist-Leninist (CPN-UML) and Madhesi Jana Adhikar Forum (MJAF) and three smaller parties are fighting for status and privileges. The Nepali Congress (NC), frustrated from its failure to form a non-Maoist government and uneasy political maneuver of its former allies, will less likely to encourage the government's expanding clout. The bulk of feedback of media and civil society constituted as a critical mass of change agents is weak. As a result, the penetration of the state in society through disciplinary bodies, intermediary mediating

middle classes, institutions and provisions of service delivery to the public are feeble. The growing contradictions between youth wings of major parties, distributional struggle and insecurity on the ground have a negative effect on political system's adaptation, stability and peaceful future.

The constitutional politics of Nepal at the center sorely lacks a virtuous state ruled by law, realistic vision of the nation's future, economic surplus and social discipline. The lukewarm support of political parties to Common Minimum Program and NC's opposition to it can weaken its implementation given the strong clout of NC in policy executing agencies. Its refusal to join the government with the hope of forestalling what it calls "authoritarian tendencies" and formulation of several pre-conditions are likely to foster counter-mobilization in the future aiming to break the ruling alliance. The cabinet is largely based on the political weight of actors mirrored in the CA rather than bigger frame of freed-up political space and opportunity for all. Structural stability of polity entails coherence between the society and the state and continuous mediation of their interest for development synergy.

Free-Riding Actors:

Most of smaller political parties, except Nepal Workers' and Peasants' Party (NeWPP) have developed a tendency to free-ride to squeeze more concessions than their actual strength and often switch sides based on their power calculus and competitive opportunities. The fractured mandate produced by CA election has, however, created a situation where political actors have shown interest more in absolute gains than win-win outcome for all. The ultimate coordinating organ of sub-systemic actors is the state entrusted with the legitimate exercise of authority. Ironically, none of the actors, such as constitutional, bandwagon, free-riding and movement-oriented are operating along state-determined goals while interacting among them and with the international environment.

The requirement of CA to settle issues on the basis of two-thirds majority might produce a deadlock given the tenacity of political leaders to stick to their positional power. The reaction of the system to demands of general public for security and service delivery, relief to conflict residues, fair working conditions for workers, women and Dalits for social equality and cultural groups for their political representation does not indicate the positive feedback as it is facing the problem of overload. Likewise, growing decoupling of structural components of the state mirrors the dysfunctionality of the system in terms of adjustment and adaptation to environment. It has offered structural alternatives for new spoilers of peace.

Extra-Constitutional Actors:

The over two-dozen non-state armed groups are acting as extra-constitutional actor of Nepalese politics. But, they are no monoliths based on collective self-defense and common political strategies. All of them have their own interests and agendas and are motivated by multiple senses— ideology, identity, greed, emancipation and loot and often

fight against each other for individual supremacy. There is a fragmentation of concern of dominant actors over this issue especially those of Madhesi parties and toleration of the non-resolution of conflict by ruling classes. As a result, like in a non-cooperative game, these armed actors chose their extra-constitutional option independent of the choices of other dominant constitutional actors. They know no laws of the state and, consequently, perturbing the systemic principles of constitution, institutions and social discipline. It has cascading effects across the nation's geopolitics. The political class constituted by CA has neither demonstrated political will nor sufficient authority to discipline the deviant sub-systemic actors and defend the reasons of the state through the convergence of politics, diplomacy and peace dividends.

Macro-Micro Links

The sub-systemic and systemic conflicts impact on each other at various levels and influence each other's goals and behavior producing a systemic tension and stress. In Nepal, micro sub-systemic actors of conflict are conditioned by the requirement of macro system—national, regional and global—as they constitute a larger environment and provide legitimacy and support to the activities of sub-systemic actors at the vertical levels. Preoccupation of Track I actors with their own power consideration has induced the Track II actors to act in a subordinated manner rather than strengthen alternative opportunities for peace. This has weakened the ability of Track II actors' propensity to bring human rights principles and democratic values, build a community and enlist its members' belonging to the political system.

Track I actors have also accorded the primacy of party than the nation-state reflecting a game of non-cooperation on a number of geopolitical issues, such as security deficit, weak service delivery, law and order problem in Tarai, Bhutanese refugees, Tibetan protest, etc. having their potential for regional and global infection. This unconsciousness about the state and people has powerful influence on their feeling, thinking and actions. Rational actors calculate the trade offs between short-term and long-term payoffs and even provide proper incentives and opportunities to the actors of various tracks for cooperation and conflict resolution. Track II actors' inability to institutionalize their role in peace process other than "agitators, facilitators, observers and monitors" and failure to articulate the value concerns of social movement have created a gap in the mediation of perspectives and positions. The new social movement is flourishing outside the framework of mainstream parties and the state. Strong redistribution struggle waged on populist politics is re-politicizing the welfare issues and challenging the boundary of disciplinary knowledge, constitution, institution and division of labor for a system based on rational choice.

Unfortunately, the Track II critical mass of change agents are divided along partisan lines and creating the deficit of necessary resources for revolutionary change. Unless Track I leaders have the ability to understand the "systemic ties" of all actors they will not think in terms of what they have in common and make political power accountable to the people. There is a need of national think tank to synthesize the contesting visions of all

groups into a single national vision to be underlined in the new constitution and create a climate for collective action. Track III local peace committees, informal institutions, community organizations, socially-embedded NGOs and civil society might be able to settle mini disputes, not the meta-structural contradictions of society arising out of poverty, inequality and exclusion as they are the product of the unjust structure of national, regional and international system.

Tangled issues

Issues of Conflict

The Comprehensive Peace Agreement (CPA) refers conflict management through social, economic, cultural and political transformation. But, the educational, economic, technological, organizational and leadership preconditions to sustain this transformation is feeble. It stipulates the "management, adjustment and rehabilitation" of the United Mission in Nepal (UNMIN)-verified and monitored 19,602 Maoist People's Liberation Army (PLA) as decided by the interim constitution and special committee. The CPN (Maoist) thinks that only the integration of combatants into NA is a key to the resolution of conflict in Nepal while other political parties fear its consequence to national security and instead prefer their integration in industrial security, border security force, forest guards, recruiting some women combatants in the UN Peace Keeping operation, etc. Similarly, the interim constitution's promises to fulfill all social rights to the people as per laws but non-formulation laws have made Nepalese politics aspiration-fuelled. One can also find the ambiguous use of federalism with restructuring, autonomy and self-determination. Despite government's promise, 20 officially listed ethnic groups are not represented in the CA. Maoist's ethno-territorial federalism rooted beyond class politics clashes with MJAF's demand for a single Madhesh state and Tharus' opposition to it. The concept has made the political context more complex and implementation of collective choice about establishing the institutional pillars of peace complicated.

Weak Accountability to Commitment

The "accountability commitment" of ruling parties in enforcing various agreements from 12-point, CPA, interim constitution to 23-point accord for the coordination of goals and means and shape the desirable behavioral outcome of actors has marked a doubt on the credibility of leaders. Following CA elections, the political class shifted its position from principle-based conflict resolution to interest-based one. A zero-sum game is a risky strategy for the constitution-making as the loser will have no stake on public order to be created through constitution. Rational actors easily understand each other's "common interest," calculate the costs and benefits and discover compromise formula.

The hope of a durable peace in Nepal has often been defied by missing deadlines in the implementation of all mutually signed agreements and initiatives from CA election to the establishment of various institutional pillars of reconciliation and peace. All the agreements of the past were condition-based. NC wanted the dismantling of paramilitary

structure of the Maoist-affiliated Young Communist League (YCL), returning seized property to the rightful owners and bringing the Maoist cantonment under government's control. CPN (Maoist) wanted regular payment to PLA in cantonment, integration of PLA into Nepal Army, disclosure of the whereabouts of those disappeared Maoists and relief to conflict victims. But, due to the history of betrayal and distrust many of the conditions remain unmet. On the contrary, it only shifted the contents of debate and hardened the positional differences of actors. Internal division within each party has deflected the possibility to overcome all group considerations for a coherent national action.

Shift from Consensus to competition

In an usual jockeying for power, the coalition politics of Nepal's political classes has moved from consensus since 2005, concertation in 2006 movement, balance of interests in sharing power thereafter, chaotic period following CA election to competition now following the election of President and Vice-President. Competitive politics is the form of behavior in which NC and CPN (Maoist) have pursued dissimilar goals and competed for the government's leadership. The earlier coalition of NC, CPN-UML and MJAF elected the president, vice-president and chairman of CA while the latter two formed new coalition with the CPN (Maoist) to elect CPN (Maoist) chairman as prime minister assuming that they will better bargain with CPN (Maoist) than the NC on key ministerial positions. For CPN-UML and MJAF, defection offered an option to bargain for better payoffs. Both parties view that they are successful to modify the Maoist's long-term goal of a People's Republic for democratic republic. The ability of leadership to cohabit with any political combination indicates that the actors do not demonstrate the clash of values.

Nepalese politicians communicate to the public about the need for consensus but privately maneuver to seek an asymmetric balance between give and take. For them, winning is connected to personal payoff than collective rationality. Compromise involves a balance of competing interest and results in a mutually acceptable resolution. Any conceptualization of a culture of consensus requires political parties of Nepal to adopt a: common process of goal formulation based on new mandate of people; common process of political socialization about the goals by political parties, media and civil society; collective will-formation to the choice; coordination of the means through common minimum program acceptable to all sides; cooperative distribution of the outcome of coalition politics to all-- actual, potential and left out section of society -- to create their shared stake in the survival and maintenance of the political system; stabilization of behavioral expectations of actors; and adoption of a culture of mutual accountability. These conditions help to put a tab on the behavior of free-riding tendency of constitutional actors who often prefer to occupy role in both government and opposition to undermine the resiliency of the democratic equilibrium maintained through legitimate dissent. In other words, all political conflicts of Nepal can be resolved not by shelving the bundling of issues but by a coherent conceptual scheme reflecting the sovereign will of all people in state-building, social contract and fulfilling governance goals.

Conclusion

Sustainable conflict resolution can only be founded in an inter-subjective framework that includes "the other" and shapes the emergence of a shared community. It requires finding optimal space for all the actors of conflict system—actual, potential and left out—and establishing a dynamic balance of their interests in the political system. In such a balance, all horizontal and vertical actors become aware of their systemic ties and take each other's perspective into account in socialization, decision-making and collective action. Relative satisfaction of each guarantees the commitment and increases the stake of all in it. The absolutization of particular interest, in contrast, generates continual state of tension and makes clear communication, confidence building and conflict resolution difficult. Only the collective awareness of the overlapping interest can open the multiple actors to reflection, learning and resolution based on the golden mean and facilitate the attainment of a state of dynamic balance of opposed parts by treating all actors equal by virtue of belonging to same humanity.

Transformation of unequal mini-identities of people into a meta-identity of equal citizens and human beings is a viable mode of settling the question of loyalty and resolution of identity-based conflict. Likewise, reconciliation of various doctrinal beliefs is a matter of rational adjustment to new reality. It is, however, essential to link the drivers, actors and stakeholders of the conflict system into a rational framework and muster necessary resources for joint development projects for nation-building. The Peace Ministry instead of serving as distributors of project must act as a national think tank and catalyst to open the drivers, actors and stakeholders of conflict to new concepts, technology and changing context and build their capacity for learning and responsible action. Sustainable peace in Nepal requires representational base, accountability patterns, leadership abilities and multi-sectoral and multi-track initiatives for transitional justice to affirm the values of positive peace and define the means whereby it is secured.