

ROLE OF CIVIL SOCIETY & POLITICAL PARTY IN CURRENT NATION/STATE BUILDING PROCESS IN NEPAL

Manish Thapa

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After the two rounds of failed negotiations in 2001 and 2003, the government of Nepal and the Communist Party of Nepal – Maoists (CPN – Maoists) signed a Comprehensive Peace Agreement in November 2006. With the success of people's uprising in April-May 2006, and historic Constituent Assembly election on April 2008, the drivers of peace were stronger and there was a higher level of political will to end the armed conflict. But this seems fading after the recent political deadlock, shifting the political culture from consensus to competition between the key political parties on major issues of constitution making and delay of the entire process. Nepal is again at a very critical juncture: it will either be trapped into a long-term, protracted violent conflict or renewed dialogue between the main relevant political actors in the short-term. However, renewed dialogue will only have chances of success if it leads towards a state/nation – building which addresses the root causes of conflict, and creates a vision for a future Nepal without violent conflict.

This paper will analyze the issues and the challenges impeding the current peace process of Nepal and thus mapping the possible role and responsibility of the political parties and civil society has to play to get out of this chaos and lead the process to the logical end. Finally, this paper aims to outlay political development vis-à-vis conflict in Nepal.

Conceptual Ambiguity: Building Peace, Nations, or States?

Scholars label post-conflict situation or the transition state in at least three different ways: “peace-building,” “nation-building,” or “state-building.” While sometimes these labels reflect the different priorities that intervention seeks to achieve and the research agenda of the investigator, often they signal a conceptual confusion. These terms obscure more than they clarify.

Peacebuilding is the broadest of the three terms as it means many things to many people. It may be a radical change in the system; it may involve major changes structurally, such as a reduction in corruption or more privatization, but does not radically change the previous system or it is more about reconstruction than building totally different.¹ The 1992 report of the then UN Secretary-General Boutros Boutros-Ghali, *An Agenda for Peace*, placed the concept of peacebuilding at the center of the theoretical and practical debate.² The end of the Cold War, and rivalry between East and West, removed the main political obstacle that had previously limited the scope and effectiveness of UN operations, and thus allowed Boutros-Ghali to come forward with the promotion of post conflict peace building as a solution to violence and disintegration. The new environment not only allowed, but also required new and imaginative ways to think about conflicts and their resolution. In Boutros-Ghali's view, peacebuilding involves a wide range of activities, including developing civil society, fostering economic development, protecting human rights, organizing elections, demobilizing soldiers, and reforming the police force. These are just some of the core, short-term tasks that intervention is supposed to achieve.

¹ Luc Reyckler, “Researching Violence Prevention and Peacebuilding,” in *Multidisciplinary Perspectives on Peace & Conflict Research: A View from Europe*, eds. Francisco Ferrandiz & Antonius C. G. M. Robben (Bilbao: University of Deusto, 2007).

² Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peace-making and Peace-keeping* (New York: United Nations, 1992).

In the long-term, intervention is expected to build “peace,” a slippery concept that is very hard to pin down to a few clear indicators.

Boutros-Ghali hoped that peacebuilding would remove the root, or structural causes of violence. He implicitly endorsed an open-ended, “positive” notion of peace. The same notion has been discussed in academic debates since the 1970s, but failed to reach the policymaking community. Johan Galtung was the first researcher to distinguish between the concepts of “positive” and “negative” peace.³ For Galtung, “negative peace” was tantamount to the absence of war, but was not a long-term solution to violence. He maintained that even when the guns fall silent, an unequal distribution of economic, social and political power preserves a condition of latent violence. This type of violence does not involve open warfare but a more subtle situation of exclusion, marginalization and oppression. Yet, instead of defining “positive peace” in truly positive terms, Galtung equated “positive peace” with the absence of structural violence, without describing how such an absence might look. We might live in a condition of “positive peace” and not be aware of it.

Current debates on peacebuilding echo these early discussions.⁴ The literature reflects widely divergent notions of peacebuilding, severely limiting the usefulness of the concept. When can it be said that peace is built? Many scholars perceive peacebuilding as multi-level and multi-sectoral efforts. The conceptual and practical questions raised by peacebuilding have led many scholars to change the very vocabulary of peacebuilding. State-building and nation-building are narrower terms, describing a more limited set of activities focused on building domestic political institutions.⁵ Although these terms are often used interchangeably (alighting a semantic and hardly needed confusion), they should be kept separate. American usage assigns the term “nation” to a variety of phenomena, most of them territorial and political, in contrast to European usage, which employs the word “state” to describe roughly the same concept. But the two terms refer to different phenomena. To put it simply, the “nation” refers to a group perceiving itself as separate and different from other groups because of language, customs, tradition, religion, or race. There is much debate about whether nations have always existed or came into being in their current form in modern times, whether the root of nations lies primarily in ethnicity or in the generating role of the state and citizenship, and whether nations are “found,” or imagined, and constructed.

³ Johan Galtung, “The Approaches to Peace: Peacekeeping, Peacemaking, and Peacebuilding,” in *Peace, War, and Defence: Essays in Peace Research*, ed. Johan Galtung (Copenhagen: Christian Ejlertsen, 1976).

⁴ Ho-Won Jeong, *Peacebuilding in Post conflict Societies: Strategy and Process* (Boulder: Lynne Rienner, 2005); Roland Paris, *At War's End: Building Peace After Civil Conflict* (New York: Cambridge University Press, 2004); Philip G. Roeder and Donald Rothchild, eds., *Sustainable Peace: Power and Democracy After Civil Wars* (Ithaca: Cornell University Press, 2005).

⁵ The literature is vast and growing. Good studies are Simon Chesterman, *You, the People: The United Nations, Transitional Administration and Statebuilding* (New York: Oxford University Press, 2004); Simon Chesterman, Michael Ignatieff and Ramesh Thakur, ed., *Making States Work: State Failure and the Crisis of Governance* (New York: United Nations University Press, 2005); Michael Ignatieff, *Empire Lite: Nation-Building in Bosnia, Kosovo and Afghanistan* (London: Vintage, 2003); Francis Fukuyama, *State Building: Governance and World Order in the Twenty-First Century* (Ithaca: Cornell University Press, 2004); Francis Fukuyama, ed., *Nation-Building: Beyond Afghanistan and Iraq* (Baltimore, Johns Hopkins University Press, 2006).

While the term nation refers to a group, the “state” is the bureaucratic apparatus to govern autonomously the territory where the nation resides. The term nation-state makes sense only in those very limited number of cases when the territory where the nation resides corresponds exactly to that of the state. In most cases, however, such a coincidence does not exist, creating the space for nationalism to arise as a political force. As Ernest Gellner famously put it, nationalism is “primarily a political principle, which holds that the political and the national unit should be congruent.”⁶ Attempts to make the nation and the state coincide can create strong, violent competition among national groups to control the state, or can lead to attempts to leave existing political arrangements and create new institutions. Thus, group competition gives rise to a “stateness problem,” whereby institutions become the heart of groups’ struggle.⁷

So it is proposed that ‘peacebuilding’ process of Nepal should be viewed as a nation/state building process as our process is gearing towards the grand project of nation/state building and hence shadows the entire ‘peacebuilding’ elements engaging in a more constructive conflict of state restructuring.

Structural Realities and Challenges Ahead in Nepalese Peace Process

Nepal is a poor developing country with various social and economic ills. Until about eighteen years ago, the country’s political system was not a multi-party democracy. With 42 percent of its population below the poverty line, Nepal is one of the least developed countries in the world. Close to 87 percent of Nepal’s population lives in rural areas and a majority among them eke out of a meager living from agriculture that has been largely ignored in distribution of state budgets. Nepal ranks among the most unequal societies in the world. More than 44 percent in Nepal own minute plot of land tied in feudal relationship to large landowners who wield oppressive political and economic power over their lives. There are very few rudimentary industries based on agricultural sectors such as processing of agricultural products. Although tourism is an important source of revenue, instability and violence has diminished its share of the GDP over the last ten years. Prospects of foreign trade or foreign direct investments are poor given the small size of the economy, technological backwardness, remoteness and landlocked geographical locations, not to mention, the rise in violent rebellion and rise of left (communists) parties in the recent Constituent Assembly Election.

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.⁸ 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.⁹ This situation has led to numerous challenges on the peace process to bring it to the ‘logical end’. The political

⁶ Ernest Gellner, *Nations and Nationalism*, (Ithaca: Cornell University Press, 1983).

⁷ Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, (Baltimore: Johns Hopkins University Press, 1996), 16–37.

⁸ Dev Raj Dahal’s opening remarks at Seminar titled *Nepal: Building Sustainable Peace* held in Kathmandu jointly organized by National Media Development Center and Friedrich Ebert Stiftung (FES) – Nepal on Sep. 20, 2008.

⁹ *Ibid.*

leadership in Nepal is forwarding the ambitious designs to structure and restructure the state and its relations and democratize government.

Successful 'peacebuilding' in war-torn countries is said to have involved a triple transition: a security transition from war to peace; a political transition from authoritarianism (or totalitarianism) to a more participatory form of government; and a socio-economic transition, including the rebuilding of economic capacities.¹⁰ Peace is not just the absence of war, but also epitomizes economic prosperity, social harmony, unity, and brotherhood among the multi-ethnic Nepali people. Studies have shown that sustainable peace in post-conflict nations is best achieved through purposeful development and democratization-which requires the recreation of democratic institutions to lead to a more open, participatory, and less tyrannical society. Thus, for the peace-settlement to succeed, Nepal must work on to institutionalize the pillars of democracy: free and fair elections and the rule of law. In weak state like Nepal, democracy and peace can still be achieved and consolidated, but they require both considerable political crafting of democratic institutions and careful international support. A growing number of literatures on peacebuilding and democratic transition in the recent years have highlighted the major structural challenges that need to be overcome in order to successfully consolidate democracy. Looking at the ground reality of Nepal, realizing its structural realities and present political deadlock scenario, Nepal faces major challenges to bring the peace process into a logical end.

Political Realities and Challenges

Nepal witnessed historic achievements in past two years after the April revolution of 2006. With 'unbridled euphoria' and 'deep pessimism', Nepal is able to overcome major political challenges such as end of the 239 years old institution of monarchy and declaration of state to Federal Democratic Republic of Nepal. Similarly, with the roller coaster ride of hope and suspicion, Nepal was able to hold the historic Constituent Assembly Election resulting in one of the most inclusive parliament both in terms of gender as well as ethnic representation. The biggest challenge now is the Constitution Making Process as the New Constitution is seen as panacea and it has become Nepal's great hope.

Even though the election was held in April 2008, it almost took 5 months to form a working government and till date constituent assembly is struggling on finalizing the rules and procedures of the Constituent Assembly. With such inaction and political incompetence, the writing up of the constitution is not in sight in a near future. With the time running out, Nepali people are in suspicion whether the constitution can be written on the stipulated time of two years. The other challenges in the current set up of the Constituent Assembly as none of the political party has a clear majority on it and the advent of the smaller regional-based and ethnic-based political parties. Noted scholar Dev Raj Dahal argues that 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 the CA election. He further divides the actors of the conflict of Nepal into three board category namely *Constitutional Actors*, *Free Riding Actors* and

¹⁰ Joren de Zeeuw, *Building Peace in War-Torn Societies: From Concept to Strategy*, (The Hague: Netherlands Institute of International Relations, 2001).

*Extra Constitutional Actors*¹¹. The Constitutional actors are the major big parties in the CA including NC, CPN-UML, CPN-M and Madhesi Jana Adhikar Forum (MJAF) which have their own vision and formula of transforming Nepal into New Nepal. The Free Riding Actors are the smaller political parties in the CA which have developed a tendency to free-ride to squeeze more concessions than their actual strengths and often switch sides based on their power calculus and competitive opportunities. The Extra Constitutional Actors happen to be more than two-dozen non-state armed groups which 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.¹²

He further argues that there is both vertical and horizontal friction among these actors to a point that they tend to 'agree to disagree than to agree' on major agenda and issues of the constitution writing process. Hence these systemic and sub-systemic conflicts over goals impact each other and create further systemic tensions and stress which can produce a serious deadlock in the constitution making process due to the requirement of CA to settle the issue on the basis of two-third majority. There are two following major political challenges which have to be overcome by these actors in CA:

1. Issue of Integration of PLA and NA

Integration of Maoists combatants into the Nepal Army (NA) has become a contentious issue. This is one of the foremost challenges in the peace process of Nepal. The issue of integration has been a point of debate since the CPN-M has come into the political mainstream. According to the agreement on Monitoring of the Management of Arms and Armies between the Nepal government and the Maoists on December 8, 2006, United Nations Mission in Nepal (UNMIN) has verified 19,602 Maoist combatants. These combatants have been living in seven UNMIN supervised cantonments since November 2007.

Smooth integration of these combatants could also be affected by the Nepal Army's minimum prescribed academic qualifications for eligibility for enrolment. The Nepal Army also holds the view that the lack of conventional training of Maoist combatants would have a serious effect on its professional standards. The Maoists argue that soldiers should possess military skills rather than academic qualifications, and are claiming equal positions in all ranks and file of the NA. The Maoists' insistence on military skills and not education as the criterion is likely to create problems especially when it comes to promotions. This will especially be problematic while integrating middle level officers of the People's Liberation Army (PLA). Treating academically under-qualified 'commanders' of the PLA at par with well-trained officers of the NA could create resentment among existing NA officers. Since the NA and PLA have different doctrines, organisational structures, and widely divergent political backgrounds, integration is likely to be a tortuous process.

The other problem associated with the integration is the growing number of the military force when we are also talking about security sector reform. During the decade of conflict, the ranks

¹¹ Dev Raj Dahal, 2008.

¹² *Ibid.*

of NA more than doubled from some 46,000 to 96,000. With the integration of some of the Maoist combatants, Nepal army will have well over 100,000 personnel. In addition, there is a sizeable police force and armed police force. The major role of the military in today's Nepal can only be to help keep internal law and order, provide VIP security, protect sensitive installations and to suppress internal rebellions and terrorism. Nepal cannot really rely on its army to protect itself from any foreign aggression, as resolution of any conflict with our mighty neighbours is only conceivable through peaceful diplomacy. At best, NA can undertake routine border patrol and provide a temporary deterrence against any foreign invasion, but for that alone there is no need to have 100,000+army, costing over \$100 million a year.¹³

Politically, the integration is also seen as biggest challenges to get into the consensus as apart from CPN-M, none of the political parties have favoured the full integration of the PLA into NA as their logic is that political indoctrinated forces cannot be integrated into the National Army as it may lead to destabilization of the country. Rationally also, a politically indoctrinated force within a traditional and politically neutral NA would surely be self-defeating and demoralizing.

2. *Issue of Federalism*

The interim constitution of Nepal has declared Nepal to be the federal democratic republic, and has left it open to the constituent assembly to decide on the modality of the federal states. Though Nepal is in the process of demarcation of the federation but this grand project may witness major challenges such as presence of the large number of ethnic communities and its skewed distribution throughout the country. Of the 100 ethnic/caste groups identified in the 2001 census there were only six that exceeds 5 percent or more of the national population and total of just 18 groups has a population size greater than 1 percent.¹⁴ This skewed population and distribution may cause major challenges in demarcation of federal states based on the ethnic or linguistic lines. To deteriorate the challenge further, none of the major political parties except CPN-M has put forward a clear proposal for the delineation of federal structures either based on ethnic, linguistic, natural resources or geographical lines. This lack of vision and inaction of the political parties may further create a situation of stalemate during the constitution drafting process.

Even though, there was a high spirit towards the devolution of central power into federal structures, now this grand project of federation have been diminishing its spirit. Noted scholar Saubhagya Shah argues political parties who were the greatest proponent of the grand project of federalism now seems mum to its debate. He further asserts that:

‘After the collapse of the royal government in 2006, political parties that have hitherto remained wedded to the idea of the unitary state also embraced federalism as part of the new state restructuring project. Rather than genuine conviction or even conversion to the idea, the shift appears to have been occasioned by the fear that not doing so would cost

¹³ Kul Chandra Gautam, *Future of NA & integration of Maoist PLA*, (A.O 2nd November 2008 at http://kulgautam.org/home/index.php?option=com_content&task=view&id=210&Itemid=9).

¹⁴ Pitamber Sharma, *Unravelling the Mosaic: Spatial Aspects of Ethnicity in Nepal*, (Kathmandu, Himal Books, 2008).

dearly at the CA polls. The populist expediency has come to expose itself in recent months once the actual constitution writing approaches near. Both in rhetoric and posture, the major political parties that was just a few short months ago triumphantly claiming federalism now appear to be more circumspect on the issue. Even if not rejecting the whole idea, the earlier promises of federal local autonomy and self-determination are now gradually being scaled back to administrative notions of decentralization and devolution of powers. Some quarters have begun to warn the threat of national disintegration from federal project.¹⁵

Shah further asserts that now the political leadership is skeptic of federation project due to the potential loss of political power which is clearly visible during the outcome of CA election and the rise of two Terai-based political parties namely Madhesi Jana Adhikar Forum (MJAF) and Terai-Madhes Loktrantik Party (TMLP) into political mainstream. Similarly the federal structures will question the legitimacy of the national parties like NC, CPN-UML and CPN-M and it will also erode the old political power and privileges if the federal structures will be delineated based on ethnicity, language and region. It is therefore likely that the mainstream political parties will seek to dilute or backtrack on both the content and form of such federal structures.¹⁶

The other challenge is the rationality of federal structures in Nepal and its economic viability. How can a developing country like Nepal sustain the federal structures as delineating federation means creating more bureaucratic structures such as federal court system, federal governments, federal parliament, federal security apparatus etc within federal governance. The important source of revenue of running these federal structures is the income generated through taxes. In a country like Nepal where there is a limited tax nets and lack of resources to generate such tax based revenue, rationality of such federal structures might be in question. Secondly, in a highly diverse society like Nepal, it needs a political culture of tolerance and accommodation. Thus, there needs a political leadership of wisdom and courage: not a leadership like Milosevic who divided in Yugoslavia but a leadership like Ghandi, Nehru or Mandela who build the spirit of national sharing. Looking at the present political leadership in Nepal, this seems lacking.

Socio-Economic Challenge

The insurgency has affected every Nepali's life. Unfortunately, much of the discourse on the conflict in Nepal is concentrated on political aspects while very little attention has been given to the socio-economic aspect of this conflict. Ten years of insurgency have weakened the Nepali state and society in numerous ways. It was the Maoist who brought the ceremonial army out of the barrack to become active countrywide for the first time in the modern era (for 235 years Nepal Army were never mobilized against citizens in the history of Nepal). The rebellion has retarded the economy and hit development activities.

¹⁵ Saubhagya Shah, *Conflict Transformation and Democratic Consolidation: A Nepali 'Post Conflict'*, paper presented at seminar titled 'Nepal: Building Sustainable Peace' organized by National Media Development Center and Friedrich-Ebert Stiftung at Kathmandu on Sep, 20, 2008.

¹⁶ *Ibid.*

The impact on the economy has been significantly declining and development activities were at standstill. Over 15,000 Nepalese have lost their lives since violence began in 1996. During the insurgency human rights violations reached dangerous proportions with both, the rebels and security forces, reported to have engaged in various forms of atrocities such as torture, kidnapping and summary executions.¹⁷ For a least developed country (LDC) like Nepal with a per capita income of around US \$ 290 (2006) and more than 42 per cent of people living below the poverty line¹⁸, the cost of the conflict in terms of destruction of infrastructure, decline in economic growth as well as delivery of even the basic services to the most needy became devastating.

The prolonged conflicts have a tendency to create dynamics of various actors own vested interests which thrive on violence and hence further fuel the conflict while ordinary people are overwhelmed by a sense of apathy, indifference and helplessness. We need to break this deadlock but the question is how? Can conflict be resolved by force or dialogue? Yet, how to convince those who are used to monopoly over power to share it without the use of violence? How to contain those who are bent on violence, without the use of the force? These are the complex questions. Only a leadership of wisdom and understanding will be able to address them. The leadership dilemma and trauma of the people are complicated by force of globalization and accelerated by the dynamics of time and technology. Emanuel Kant, one of the world's greatest thinkers, in his treatise "Perpetual Peace" asserted, "*No treaty of peace shall be held valid in which there is tacitly reserved matter for a future war.*" Accordingly, unless the root causes of the conflict are addressed and the Maoists democratized, long-term sustainable peace in Nepal cannot be achieved and conflict may very well reignite. For instance, relapse into armed conflict after peace negotiations occurred in several other conflict-torn states such as Sri Lanka, Cambodia, Liberia, and Angola to name a few. In the meantime, Nepal falls deeper into quagmire of conflict and chaos in which Nepalese only suffer.¹⁹

There are various challenges ahead in front of us for confronting these monumental challenges. A decade of lost educational opportunities, the disintegration of communities and families, and widespread unemployment all place a tremendous burden on the local, national and international communities. A state needs to be reconstructed, and this applies not only to its socio-economic infrastructure, but also to its human capital, distressed physically and emotionally from war.²⁰

3. *Reconciliation and Rule of Law*

Reconciliation in conflict-affected countries often takes the form of either repairing once existing relations now strained due to the events surrounding the conflict or the forging of new relations

¹⁷ Amnesty International Report that Nepal has the highest number of disappearance in the world. Amnesty International Annual Report 2004. www.amnesty.org.

¹⁸ The World Bank (WB), *Nepal at Glance*. Kathmandu: The World Bank Report, 2005, pp. 2.

¹⁹ Manish Thapa, "Maoist Insurgency in Nepal: Context, Cost and Consequences," in *Afro-Asian Conflicts: Changing Contours, Costs and Consequences*, eds. Seema Shekhawat & Debidatta aurobinda Mahapatra (New Delhi: New Century Publication, 2008).

²⁰ Manish Thapa, "The Role of Young People in Conflict Prevention and Peace Building: A Case Study of Nepal" in *Young People, Education & Sustainable Development: Exploring Principles, Perspectives & Praxis*, eds. Philip Molo Osano & Peter Blaze Corcoran (Netherlands: Wageningen Academic Press – forthcoming).

between old antagonists. The emphasis on creating new relationships and mending old ones centers reconciliation processes in any peacebuilding strategy. Nepal's 11 year long battle for political identity and social injustice devoured 15,000 lives, hundreds injured and thousands disappeared. And everyone who has been a victim has essentially pointed out the need for justice to strengthen rule of law. The victims in Nepal though have stressed the need for punishment or prosecution but within the purview of social justice. Realizing the need, the Comprehensive Peace Accord agreed by the Government of Nepal and the Communist Party of Nepal (Maoist) on 21 November 2006 provided for the establishment of a Truth and Reconciliation Commission (TRC). The agreement calls for the establishment of a high-level TRC to investigate serious human rights violations committed during the conflict and to promote reconciliation in society, but the agreement does not mention a timeline.

In May 2007 the Ministry of Peace and Reconstruction formed a Working Group mandated to draft legislation necessary to establish a TRC. A bill made for making provisions relating to TRC Bill were finalized in July. Similarly in June 2007 the Government of Nepal established a High Level Commission of Inquiry on Disappeared Persons (HLCIDP or Commission on Disappeared Persons), to investigate into enforced disappearances committed in Nepal between 13 February 1996 and 21 November 2006.

The draft bill, however, is seriously flawed. The bill fails to reflect the international standards adopted in 2005 by the United Nations on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law. These standards, known as the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights, are based on international legal obligations, including Nepal's specific treaty obligations. Similarly, the commission's proposed mandate would not address serious violations of international humanitarian law. The draft bill also fails to clarify that the terms "gross violation of human rights" and "crimes against humanity" must be defined and applied in a manner that meets international standards. In the draft bill, amnesties could be granted even for gross human rights violations if these acts had a political motivation, if the perpetrator made an application indicating regret, or if victims and perpetrators agree to a reconciliation process. Such a mechanism could result in protection from criminal prosecution for even the gravest of crimes.

Now the bill has been widely criticized by all sections of professionals: the lawyers, human rights activities and International Human Rights Organizations. The provisions, which prevent prosecution for these offences are inconsistent with Nepal's obligations to international law. It has also been claimed that the bill being heavily influenced by the South Africa-style truth commission has raised debate on "peace versus justice". On the one hand, the failure to prosecute human rights violations will create culture of impunity that leads to further human rights abuses and on the other hand it will also undermine the establishment of rule of law and the consolidation of democratic governance.

Thus, in order to maintain the rule of law and to bridge the divide between the people, truth and reconciliation commission can really play an important role but we have to be very careful so that the wounds of the victims are healed properly.

4. Economic Reality

Violent conflict and economic prosperity are opposing forces. A decade of armed conflict in Nepal has retarded economic development by depriving displaced populations of property and belongings, destroying livelihoods and physical infrastructure, disrupting markets, inhibiting investment opportunities, traumatising and maiming people and thus incapacitating their productivity, and diverting scarce resources to military expenditure, and so on. Thus, Nation/state building requires huge financial resources. Unless and until the state can sustain its peace process economically, there is no guarantee that the peace process is healthy. Mere dependence on the donors also doesn't guarantee the success of the process. There are many cases where the external assistance can be "redundant, harmful, or squandered". For example the summary of the role of the Bretton Woods institutions in peacebuilding written 2000 concludes: IFI efficacy cannot make a peace process, but IFI inefficacy can break one."²¹

Contrary to expectations of an economic revival in the wake of the historic political breakthrough in April 2006 to end the decade-long Maoist insurgency, economic growth slowed in FY2007 & FY 2008 owing mainly to renewed political unrest. The political transition is complex and remains the key risk to growth and development prospects. The further political culture of divide and rule is impeding the social and economic transformation and in the delivery of a tangible peace dividend in Nepal. The Maoists government presented a 3.5-billion-dollar Fiscal Budget for 2008-09.²² It is a highly ambitious budget as there is an increment of amount to 39.7% over the previous year to fulfill the heightened aspirations of the people following the establishment of republic. But looking at revenue generation of the government, it seems almost impossible to fulfill them and the government has to be dependent on the donors who are definitely not comfortable (and on wait and watch mood) with the fact that leftists force is ruling Nepal and especially Maoists party heading the government. Beside the regular business of state running, additional resources are needed for reconstruction and nation/state restructuring. Thus, from the economic health of the nation, the prospect of peace looks slim as Nepal is not in a position of finance its peace solely on its own without the support from the international community.

Beside these challenges, the global economic meltdown and prediction of the global economic recession has added more pressure to this situation. This will put more pressure on economic health of Nepal. Even though there are no direct impacts on our economy in short-run, we cannot escape from the global reality in a long run. It is projected that the impact of this projected economic recession will have more pressure on the developing countries like Nepal who are highly dependent on the west on everything. Hence, it seems that the our grand project of nation/state building is on peril due to our economic incompetence to sustaining our peace process and it is highly dependent on the support of international community.

CSOs/Political Parties and Government in Nation/State Building Process

²¹ Jonathan Stevenson, *Preventing Conflict: The Role of the Bretton Woods Institutions*, Aldelphi Paper No. 336 (London: IISS, 2000), p. 68.

²² Calculation based on the budget speech delivered by Finance Minister Dr. Baburam Bhattarai on Nepal Television.

Violent conflict in Nepal is a multi-faceted phenomenon underpinned by a multilayered, multi-dimensional history of interwoven grievances, discrimination and inequity involving multiple and often fluid formations of actors with diverse agendas and goals. Thus there are immense challenges on our nation/state building process. Without the culture of cooperation and consensus, peace seems to be fading away. The major actors of the peace process in Nepal, political leadership, civil society actors and government have a burden on their shoulder to drive it to the logical end. Here are some of the ways forward to these major actors which can turn the wheel around and lead the process on a positive direction.

Civil Society & their role in the Nation/State Building

Nepalese civil society²³ originated and revived as a part of democratic movements, which has been mainly engaged on high political issues even after the dawn of multiparty system in 1990. The civil society in Nepal has played an important role during the April Revolution of 2006. Explicit credit was given to the civil society of Nepal for infusing the listless two-year-old agitation of the political parties with new vitality and bringing it to a decisive conclusion. In some of the stronger assertions of its role in the regime change, even the party leadership became marginal and irrelevant to the centrality of the civil society grassroots.²⁴ But these days civil society in Nepal have lost its presence on voicing the concern of Nepalese people rather it has been acting as a political mouth-piece to further legitimize the political propaganda. This is the most serious concern and gruesome sign for the prospect of peace in Nepal.

In the midst of these challenges, civil society of Nepal should be geared towards advocacy and means for restoring and sustaining democracy, peace and social justice and structural transformation of the public political sphere and unjust relationships. It should play a crucial role in mediating between the needs of special interests and those of the common good between political and economic sectors for the welfare of the majority of citizens, who are poor, powerless, deprived, and, due to the decade-old conflict, alienated from the mainstream democratic and development process.²⁵ Looking at the immense challenges that have been listed above, civil society seems to have a special role in contributing its unique role in overcoming it. For example, civil society should act as a gate-keeper on each and every action of the political leadership and government rather than serving its own vested interest. They should be the voice of the poor, marginalized and disadvantaged and serve their best interest rather than becoming political party's mouth-piece. It should educate and advocate the rational nation/state building

²³ The theoretical debate on defining civil society is beyond the scope of this paper. For more debate and conceptualization of civil society please refer Dev Raj Dahal, *Civil Society in Nepal: Opening the Ground for Questions*, (Kathmandu: Center for Development & Governance, 2001), Dev Raj Dahal, *Civil Society Groups in Nepal: Their Roles in Conflict & Peacebuilding*, (Kathmandu: Support for Peace & Development Initiatives – UNDP, 2006).

²⁴ Saubhagya Shah, *Civil Society in Uncivil Places: Soft State & Regime Change in Nepal*, (Washington DC: East West Center Policy Paper 48, 2008).

²⁵ Manish Thapa, "Nepal: Ministry of Peace & Reconstruction – A Foundation of Peace, in *Joint Action for Prevention: Civil Society, Government Cooperation on Conflict Prevention and Peacebuilding*, eds. Paul Van Tongeren & Christine van Empel (The Netherlands: European Center for Conflict Prevention – Issue Paper 4, 2007).

process which is achievable and at the same time socio-economically sustainable rather than prescribing an unaccountable and state disintegrating formula.

Thus, the Nepalese civil society has to invent a language and revive its image to communicate the problems people faced and outline a number of overlapping programs people had to contend with and exert pressure on all the actors to end the conflict. There is a need for the civil society to influence state policy making and to help shape public opinion in order to articulate the collective and rational proposal. This is an essential element for pro-people public policies as well as to trigger the dialectics of social transformation during the transition phase. It should provide the critical spark and energy to the ongoing chaotic political development by encouraging the consensus/cooperation based politics than competition. It should mediate the cessation of armed conflict waged by more than 25 extra constitutional actors and emerge as a vital force in post-conflict recovery as it has that potential to promote reconciliation, serve as a corrective to political and military elites, as well as enhance local ownership and foster democracy.

It should also re-orient the bottom-up approach to peacebuilding by creating an inclusive multi-party dialogue to address all stakeholders' concerns, and institutionalize government peace structures such as Local Peace Committee (LPC), which is a space for the traditional authorities (elders, religious leaders), women's organizations, youths, local institutions and professional associations to enhance their role in the promotion of grassroots peacebuilding activities through means of street plays, round table forums and implementation of peace education in local schools to bring people together to address ways to overcome significant obstacles to peace and allow exchange across ethnic and geographic lines. Such activities will help the grassroots people to have ownership in the entire peace process.

Political Parties & their role in Nation/State Building

The political culture of Nepal has always been a major challenge for the democratic consolidation process in Nepal. This is also a major obstacle in the current transition process of Nepal. There was once a hope for a renewed political culture of consensus and cooperation which faded after the CA election, turning into a bitterly competition over power. As noted by Dev Raj Dahal, the tension created by multiple goals and orientations of various political parties both in left and right spectrum, such as CPN-M led coalition's aim of revolutionary transformation, NC's incremental reform and RPP-Nepal's conservation of tradition and in addition to over 25 extra-constitutional actors have complicated the dynamics of the politics, which is preventing the achievement of constitutional and political stability in Nepal.²⁶ This is the reason why there is an extreme division on fundamental issues such as federalism, integration, etc. There is a rise in the hypocritical culture where political parties and its leadership are raising conflicting elucidation of the solution to issues of the constitution making including federalism, integration issues etc. based on their political gains and advantages. Such behaviour will surely lead Nepal to a failed state as it is already under the category of failing state or weak state.

²⁶ Dev Raj Dahal, 2008.

Thus there should be a political culture of cooperation and consensus on fundamental issue of constitution making as this is the most important act of grand project of nation/state building. As Dev Raj Dahal suggest, ‘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 of political parties, media and civil society; collective will formulation 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 a culture of mutual accountability.’ Dahal further suggests that ‘all political conflicts of Nepal can be resolved not by shelving the bundling issues but by a coherent conceptual scheme reflecting the sovereign will of all people in state-building, social contract and fulfilling governance goals.’²⁷

Conclusion

There is no denying the fact that the decade of armed conflict in Nepal after all is indicative of some underlying flaws in the historical structuring of institutions and allocation of political, economic and social resources in Nepal. It is possible and often necessary to find a silver lining in every problem and the armed conflict too brings its own share of opportunities for Nepal and Nepalese. It has advanced a historic challenge to Nepali society, state and its custodians to dare and repair some fundamental flaws in the nature and functioning of the nation and state. In the course of attending to the crisis induced by the insurgency the leaders are presented with a landmark opportunity to re-evaluate and redesign all aspects of politics, governance, and democracy and to introduce structural reforms in the management of the state.

Prof. John Paul Lederach always stresses that there is a need to build peace from the bottom-up, the top-down and the middle-out.²⁸ The bottom up refers to the engagement of society and grassroots people. Top-down refers to the political engagement across all else – left and right and middle-out refers to the civil society, academia, media etc which can bridge the top-down and bottom up engagement. Thus the need of an hour is to foster cooperation and compromise and reduce polarisation and divisions at all the levels, if we wish for a logical end of our peace/nation/state building process of Nepal. Politicians and power centres may have to sacrifice a few things in the short run, but all Nepalese stand to gain much from a renewed, stable and strengthened democracy in long run.

²⁷ *Ibid.*

²⁸ Based on my personal conversation with Prof. John Paul Lederach.