The Saga of Conflict Transformation and Peace Process in Nepal: A Unique Account

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Abstract

Transforming from conflict to a state of peace has been a global concern in the 21st century. Nepal involved in peace building process in a unique way. Nepal's effort to solve armed conflict has proven to be a unique Nepali model in peace and conflict literature. This paper examines the context of armed conflict and the peace process in the light of managing combatants of the Communist Party of Nepal (Maoist) thereby contributing to the approach of transforming armed conflict into a state of global peace. For this purpose, I have used the meta-analysis to illuminate the situation of transformation from conflict to peace. Additionally, I have reflected on the ideas as a peace and human rights activist in Nepal. The paper concludes that the consensus among the conflicting parties to address the causes of armed conflict with their own ideas can uniquely contribute to conflict transformation and to establish negative peace. The reflection of this paper will pave the way for further research on peace education focusing on positive and negative peace in the post-conflict political context of the country.

Keywords: Conflict Transformation; Peace Process; Combatant; Positive Peace; Negative Peace; Nepal

Introduction

Peace processes are the most discussed, most influential and most widely spread phenomena in present global politics due to conflict and armed conflict imposed by state and non-state parties. It can be watched, listened to and read in various online and printed media. If we watch or listen to the international media such as BBC, CNN, Fox News and Al Jazeera they have been airing and broadcasting news related to ongoing, interrupted or completed peace processes. Similar types of news and articles written by International Alert, International Crisis Group, Human Rights Watch, and some other mainstream international and national organizations can be found on their online portals and printed forms. Some regional and local level organizations working on advocacy, human rights and conflict transformation have also been talking about ongoing or interrupted peace processes. The armed conflict and peace process of Nepal, Sri Lanka, Afghanistan, Iraq,

Iran, Israel, Syria, Northern Ireland, Colombia, Sudan and Guatemala are also widely discussed. Every month, some peace process or negotiation is being launched or re-launched, or collapsed or re-collapsed. For example, the US war against the Taliban in Afghanistan began soon after the 9/11 attack in 2001. Sixteen years on, however, the security situation is getting worse in Afghanistan by the day. If we look at the last decade alone, we can see tough wars in the Middle East, Arab countries, Israel and Palestine forging the two state solutions. Egypt, Yemen, and Nigeria are also in the middle of conflict and peace. We have witnessed recent tension between India and Pakistan, India and China and the current deadly Syrian civil war thus far. Nepal's peace process is crucial for conflict and peace studies.

Very few scholars have given attention to answer what actually peace processes are. The phrase "peace process" is used and abused since it lacks an acceptable definition. If we see conflict transformation and peace building literature, the above question is seldom mentioned. Scholars might have a solid understanding of a peace process, so they do not even think about defining it (Selby, 2008). Therefore, the peace processes are confusing phrases even for conflict and peace practitioners and their audience.

With this background, this article makes an argument on the conflict transformation and peace process in Nepal. Nepal's peace process fundamentally focused on five major aspects. Firstly, the Seven Party Alliance (SPA) and the CPN (Maoist) had committed themselves to work together in an interim legislative parliament and government. They made a commitment on incorporating the aspiration of the united people's movement, political consensus and culture of cooperation as part of power sharing and consensus. The power sharing and consensus culture were supported to hold the Constituent Assembly (CA) election and they had also made a commitment to accepting the result of the CA election. Secondly, the commitment made by the CPN (Maoist) to transform their armed movement into a peaceful movement forced them to confirm the multiparty norms and respect the rule of law. They had to make a commitment to allow the other political parties to carry on political activities, create an environment for the displaced people to return home, and had to return land and property unjustly seized. Thirdly, the transformation of the security sector through integration and rehabilitation of Ex-Maoist combatants and the preparation of an action plan for the democratisation of the Nepalese army, determining appropriate size, developing international inclusive characters and training values of democracy and human rights. Fourthly, the commitment of political, economic and social transformation was a commitment made by the political parties. The CPA accords set out an ambiguous and radical agenda, which included land reforms and anti-corruption measures as well as a general goal of economic security of a backward community. Lastly, the peace process made a commitment to address the needs of victims of the conflict and build a rule of law by ending impunity.

The political parties made a commitment to investigate the faith of disappeared, to compensate victims of the conflict, to enable the displaced people to return, to establish a comprehensive Truth Commission, and to act against those who are responsible for major human rights violation. Thus, Nepal's peace process and conflict transformation fundamentally focused on transitional power sharing, democratic transformation, and security sector reform, addressing the cause of conflict and ending impunity. However, this article is not looking at all the aspects mentioned above. It rather discusses conflict transformation and peace process. Mainly, the paper addresses the question- how has the peace process been evolved in Nepal for transformation?

Context and Consequences of Nepal's Armed Conflict

Nepal was traditionally ruled by monarchy until the early 1990s. The king's direct rule was ended and changed to a ceremonial role after the successful popular people's movement led by the political parties. After a successful people's movement, a multiparty democracy was restored in 1991. The social structure of Nepal is made up by castes, creeds and other hierarchies that show Nepal's real socio, economic and political picture. After the restoration of multiparty democracy, the suppressed people joined the social and political organization and raised their voices collectively. It increased the expectation of people, especially those who did not get an opportunity to participate and to enjoy their rights in the socio-economic and political arena for a long time. They wanted to participate in a wider political and social sector to fulfil their expectations on social progress and greater equality. However, it was difficult for the bottom, poor, and excluded people to get easy access in a changing socio-economic and political context. After the restoration of democracy, a positive indicator could be seen in the economic sector, but the change did not reach out to the poor. Thus, the deep rooted socio-economic condition was favourable to launch armed conflict in Nepal (Office of the United Nations High Commissioner for Human Rights [OHCHR], 2012). With this backdrop, the CPN (Maoist) took it as an opportunity to meet their political goals on the foundation of longstanding grievances of the Nepali people.

Being informed of the consequences of armed conflict is crucial for a better understanding of a peace process. Before beginning the armed conflict, the Communist Party of Nepal (Maoist), CPN (Maoist) leaders and cadres were underground. Senior leaders of the CPN (Maoist) did not appear in the public. However, the CPN (Maoist) formed the United People's Front of Nepal, a legal front of the CPN (Maoist), to continue a peaceful movement. The legal front submitted a forty-point charter of demand incorporating socio-economic and political issues. It was submitted to the government of Nepal to be addressed by giving a deadline until 17 February 1996. Afterward, the 40-point demand charter, which was directly linked to peoples' lives drew the attention of some people and they joined the CPN (Maoist). Four days before the deadline expired, the CPN (Maoist) attacked at 3 police posts in Rukum and one police post in Sindhuli and looted a

bank in Gorkha on 13 February 1996 (Shrestha, 2004). Prior to submitting the 40- point charter of demand, the government started operation Romio Kilo Sera 2 in the western hills of Nepal, where the Maoists claimed their strongholds. During these operations, thousands of people were killed, went missing, or were abducted, and it adversely affected the economy of Nepal. Lawoti and Pahari (2010) mentioned that a major cost of the armed conflict was the gross violation of human rights by both state and CPN (Maoist). The report of OHCHR (2012) noticed that between1996 to 2006 more than 13,000 people were killed and 1,300 went missing. A Human Rights Year Book published by the Informal Sector Service Center (INSEC, 2007) stated that the State was responsible for nearly 8,000 or 63 percent of those killed in the insurgency while the CPN (Maoist) killed nearly 5,000 people or 37 percent. The CPN (Maoist) and Nepali State employed different forms of violent methods beyond killing. On the one side, to escalate the armed conflict the CPN (Maoist) recruited, trained and mobilized the combatants across the country. It increased its influence and narrowed down the presence of opponents in rural areas and later even in the towns (Gautam, 2015). On the other side, the CPN (Maoist) also lost senior leaders, the genuine cadres, and combatants during the armed conflict. We know that the armed conflict lasted for 10 years. The CPN (Maoist) armed conflict affected National politics, and as a result, many governments were formed and collapsed. Both state and non-state armed forces played a crucial role in conflict transformation.

Maoist Ex-combatants' Role in Conflict and Peace

The discussion on peace process and conflict transformation will not be completed without taking about the CPN (Maoist) combatants' account in Nepal. The CPN (Maoist) combatants were in the frontline to perform violent activities to terrorise and weaken the government's grip on the people (Adhikari, 2014). Both the CPN (Maoist) and the State used their armed forces in the armed conflict. However, both State and the CPN (Maoist) were not able to defeat each other. However, a tough war had been fought by both the CPN (Maoist) combatants and the Royal Nepalese Army (RNA). The combatants raided police posts and army camps across the country even in the district and zone headquarters. They looted arms, ammunition, and cash from banks (Adhikari, 2014). During the dismantling process of the State in the rural areas, the combatants killed, injured and made people disappear (Shrestha, 2004). It created the environment to expand the CPN (Maoist) presence in the rural areas. At the peak of the armed conflict, the CPN (Maoist) formed an army with three divisions and nine brigades (OHCHR, 2012). They acquired modern weapons such as sub-machine guns, rocket launchers, and mortars. However, the estimate of the combatants' size varied. In early 2005 the CPN (Maoist) claimed to have 10,000 combatants. The RNA estimate also supported this claim (International Crisis Group, 2005). Whatever the number of the combatants, they themselves suffered from the conflict and victimised the general people in large numbers. The above-mentioned consequences left a

negative impact on the society when the conflicting parties failed to transform the conflict through peaceful means (Galtung, 1996). They had many dialogues and meetings during the period and, concluded on addressing the problem through peaceful means and initiated the peace process. The combatant's motivation to end the armed conflict and on-board the peace process was exhausted by fighting with the security forces, losses and injuries of many comrades and difficulties in managing arms and armies. Besides that, a pressure created by the citizens, increased support and upraising of the peaceful movement both at the national and the international level. Moreover, for the combatants, the phrase "Peace" did not become only a matter of social or economic welfare or the establishment of equality and a political system, it rather became important to end violence and stop hostility.

Peace Process

In Galtung's (1996) terms, the peace process is not only to address the "negative peace". It does not only mean to identify the peace with the absence of war or armed conflict. It indicates to establish "positive peace" through addressing the root causes of conflict. It focuses on the prerequisites and criteria for a sustainable peace, including respect for universal declaration of human rights. It means, it has only recently become naturalised as a way of making peace. Peace process discourse is a modern phenomenon at the local and in the global context (Selby, 2008). At the local level, the peace process gave emphasis to a settlement on the political process through implementing the agreements inked between the conflicting parties. It was a crucial aspect of Nepal's peace process to implement the agreement and to end the CPN (Maoist) armed conflict through controlling the arms and management of armies. Similarly, restoring the power taken by the king to create a democratic environment was another aspect of Nepal's peace process. It created a positive environment to address the causes of armed conflict. In Nepal's case, the term peace process has been used after the 12-point understanding on 22 November 2005. The extent of progress from negative peace to positive peace depends on the implementation of agreements with their content. The peace process content of Nepal was largely discussed with national and international players, seeking support for its implementation.

However, in the case of Nepal, the phrase 'peace process' is not just a nice sounding rhetoric, it indicates something more substantial. However, there are many ups and downs in the peace process due to invested interest among the political parties. However, it was largely internally driven. The leaders of major political parties expressed that Nepal's peace process is two steps forward and one step backward. They made an ambiguous plan and expressed commitment for the implementation, but they failed in implementing the agreement and went backward one step. The present peace processes are distinct from traditional peace-making practices. Here, I would like to argue this in two ways. In the established way of making a peace process, one side uses power, which plays as a key role to defeat another side when claiming victory. If this situation happened, the imposition of

peace terms could be taken by the victorious power (Selby, 2008). In contrast, in a modern peace process, the conflicting parties come together at a formally equal footing. It is a form of peace without victorious power. In the context of the Nepal, during the peace process, the CPN (Maoist) accepted multiparty democracy, human rights and the rule of law, and the seven parties' alliance agreed to hold the Constituent Assembly (CA). They also agreed on election and progressive restructuring of the State. This agreement respects the presence and sense of both sides. During the peace process, 24 agreements were made including more than 150 conditions in Nepal (Mishra, 2012). The major aspect of the peace process is discussed below.

Twelve-Point Understanding Between Seven Parties Alliance and CPN (Maoist)

The 12-point understanding between the Seven Parties' Alliance (SPA) and the CPN (Maoist) was finalised by the leadership of both parties on 22 November 2005. The aim of this was to fight against the king's moves and peaceful transformation of the 10-year long CPN (Maoist) armed conflict. Further, it had the aim of restoring a multiparty democracy and the rights of the people. When the 12- point understanding took place, the struggle between monarchy and democracy ran for a long time in Nepal but then reached its climax. Both parties wanted to resolve the 10-year long armed conflict through a forward-looking socio-political and economic window. However, the king also wanted to solve the armed conflict through taking power back from the people. Consequently, the king dismissed the elected government in 2005, and seized the power from the people. Unfortunately, the method proved to be wrong. It was only possible to resolve the problems related to class, caste and gender through intensive reform in the country rather than the king abducting political power. Further, it was possible by bringing the monarchy to an end, peaceful transformation of the 10- year long armed conflict, and establishing a democracy that ensures the human rights of the people.

It is necessary to mention the fact that when the CPN (Maoist) submitted their 40-point demand to the government, Sher Bahadur Deuba from Nepali Congress (NC) was the prime minister. When he failed to address the demand submitted to him then the CPN (Maoist) started the armed conflict against the government. Instead of fulfilling the demands, the government strategically suppressed the CPN (Maoist) by their full capacity, but failed. The King, who had appointed Sher Bahadur Dauba as prime minister, dismissed him from the position blaming him to be "incompetent" in resolving the CPN (Maoist) armed conflict. After this political consequence, major democratic political parties such as Nepali Congress and CPN (UML) and CPN (Maoist) made an alliance to fight against the monarch.

In contrast, the NC lead government declared the CPN (Maoist) as terrorists; and in return the CPN (Maoist) killed, made individuals disappear, and tortured the supporter, cadres, and leaders of the NC and the CPN (UML). Therefore, the relation between the CPN (Maoist) and two major political parties was soured. When the king dismissed the

prime minister from the post and pushed or cornered other political parties, they obliged and came together. It was a negative move of the King, but it became a good example of togetherness of Nepal's political parties for conflict transformation, mobilizing political forces which had not been in the government, to bring down the King's rule. Further, the Maoist, NC, CPN (UML) and other political parties came together even with past sour relations. The 12-point agreement and Comprehensive Peace Accord (CPA) influenced a peaceful demonstration against the King.

Comprehensive Peace Accord

The CPA was signed on 21 November 2006 between the CPN (Maoist) and the government. It laid out certain provisions to bring the conflict to an end. The accord was a comprehensive document because it incorporated the wider concerns and respected the people's mandate for democracy, peace and progress, which was expressed since long back. The CPA was a main document for conflict transformation and peace process, which paved the way for post-conflict peace building. It created the foundation and environment through formally binding the seven party alliances and the CPN (Maoist) for the peace process. The objectives of the accord were to have a political, economic, and social transformation and conflict management, management of arms and armies, declaration and continuation of the ceasefire, ending of conflict, respect of human rights; establish an implementation mechanism including for monitoring of the accord (Engelund, 2006). After signing it, people hoped that not only peace would be restored but the country would also move ahead on the path of prosperity. It paved the way for People's Movement Second to bringing down the king's rule. It culminated in the surrendering of the sovereignty and the seized power of the state by the king to the people on 24 April 2006. The king resolved Parliament and handed over power to the people. Nepal's case may be one example of the conflict transformation through making alliances even in the environment of sour relations between the political forces to down an autocratic regime. Then, the CPN (Maoist) and the government both declared a ceasefire to create a favourable environment for change. Further, this accord contributed to paving the way by providing the political players with a space for communication and education on international cooperation, conflict transformation, arbitration and conflict management (Galtung, 1996). At times, the major concern was the management of arms and armies of the Maoist combatants.

Agreement on the Monitoring of the Management of Arms and Armies

The agreement on Monitoring of the Management of Arms and Armies (AMMAA) was signed on 8 December 2006. The agreement was signed in the presence of Ian Martin who was the personal representative of the Secretary-General of the United Nations (UN). He was designated to observe and facilitate the peace process. The basic task of the government and the CPN (Maoist) was the Monitoring of the Nepalese Army (NA) and

the People Liberation Army (PLA). Under the agreement, the CPN (Maoist) combatants were to be placed in 28 cantonments sites; seven main sites and 21 satellite sites by late November 2006. In the seven main sites, the weapons were stored. Through this agreement, the CPN (Maoist) and the NA were ready to disarm and demobilise their forces and the stored arms in the camps. It paved the way towards the absence of war and violence in the society (Galtung, 1996).

Out of 32,250 total registered CPN (Maoist) combatants, the United Nations Mission in Nepal (UNMIN) verified about 19,602 as ex-combatants comprising 15,756 men and 3,846 women (Mishra, 2012). In February 2012, almost after a year later of the verification completion, the cantonments were finally closed and over 3,000 weapons were taken over by the Nepalese Army (Mishra, 2012). For those who wanted to voluntarily retire, the government allocated from 5 hundred thousand to 8 hundred thousand Nepalese rupees based on their position in the CPN (Maoist) (Simkhada, 2013). The voluntary retirement package was a new practice even for the international community. It had never been practised elsewhere before in the management of ex-combatants. However, the amount which was provided to the combatants was not sufficient and was provided without any business plan and skill development training to use that money. There was a chance to be misused. Besides that, the government provided the amount, and combatants accepted it as part of the Disarmament, Demobilization, and Reintegration (DDR).

Disarmament, Demobilization, and Reintegration of Ex-combatants

DDR is an important concern within peace literature focusing on the post-conflict peacebuilding. The end of war does not necessarily mean a return to peace. The organization of a ceasefire or peace agreement, or even the implementation of processes such as DDR or weapons reduction, does not necessarily guarantee improvement of safety of civilians or ex-combatants (Muggah, 2006). DDR covers three-dimensional process that addresses security concerns, create and/or transform institutions and structures for political settlement as well as transformation and promotion of socio-economic development and growth (Hanggi, 2005). Peace processes basically address the concerns of combatants' DDR. However, there are many issues yet to be addressed after the reintegration of the ex-combatants into the society. DDR is crucial for the successful peace process and to establish peace in a war-torn society. The successful DDR of ex-combatants after violent conflict represents the benchmark for any peace building process (Salomons, 2006).

Hitchcock (2004) argued that four main factors are essential for a DDR process to be successful. First, there must be a strong political will by the warring parties to abide by the peace agreement. In Nepal's context, the political parties expressed their political will, but they were not strict on their agreement. They spoke and acted against the peace agreement if any of the points were against their interest. Secondly, security arrangements that regulated the violence between the warring parties had to be developed. It was developed

by forming a committee and the recommendation of the committee was heard to some extent by both the parties. This helped to create a sense of trust between the antagonists. It is extremely important because the warring parties often feel vulnerable and insecure when they begin handing in their weapons and disbanding their military units. Thirdly, the DDR process should be addressed as early as possible in the peace negotiations to increase the transparency of the process. However, the DDR process was delayed due to various reasons.

Nepal's DDR process took a long-time due to some political and technical reasons. However, the issues of ex-combatants who reintegrated into the community remain the same. They had livelihood and unemployment problems. Their socio-economic status was not good since they left the society because they were involved in the political activities. However, it was important that all players were involved in the DDR process. The major political parties, government, civil society organization and the international community had a level of consensus to address the problems faced by the ex-combatants. When the combatants joined the CPN (Maoist) they had one type of problem; while they camped in the cantonment they faced another type of difficulty. When the time came to be discharged from the cantonment, they had three options to choose from. One was voluntary retirement, the second was integration in Nepalese army and the third one was rehabilitation. Those who chose the voluntary retirement they had been reintegrated into the society with some gratitude. The government had provided gratuity depending on the portfolio of the ex-combatants, thoughthere was a debate in allowance. In the end, it was accepted by both parties. However, it was difficult to make the process transparent, and the involvement of all the participants in the process.

In the context of Nepal, the DDR process was fundamentally not transparent, and was concluded without taking consultation of the concerned stakeholders, even the ex-combatants and the key leader of the CPN (Maoist) party. The issues of corruption in the cantonment are still hotly debated in national politics. The Commission for the Investigation of Abuse of Authority (CIAA) has declared that the authority has begun to investigate the cantonment expenditure and the results are yet to come by. When the CPN (Maoist) party decided to hand over the cantonments to NA on 3 April 2012, internal conflict aroused in the CPN (Maoist). Consequently, the CPN (Maoist) party split. There was a political disagreement among the CPN (Maoist) leaders regarding the handover of weapons, and dissolving the cantonments. In spite of the disagreement, ex-combatants were discharged, integrated into security forces, and reintegrated into the society. The future of those who were integrated into security forces are probably safe and secure but the reintegrated combatants in the community are at a crossroad, and they are still facing problems (Gautam, 2015). However, the international community has been supporting the reintegrated ex-combatants by organizing the various activities at the local level.

Role of the United Nations Mission in Nepal (UNMIN) and International Support

The UNMIN played the significant role in the peace process of Nepal. They played the role to fulfil the peace process commitments, to hold the CA election, DDR, and to facilitate to provide the relief to the armed conflict victims. They provided support to find the missing, and people who were abducted, rehabilitation of displaced people, and to end the impunity and reconciliation of the people. Further, they provided technical support to integrate and for the return of ex-combatants into the Nepalese' army and in the community respectively. However, during the period, both the NC and the CPN (Maoist) raised the question about the role of the UNMIN to keep the CPN (UML) at the middle of negotiations.

On the one side, Nepali Congress accused the UNMIN for supporting and working in favour of the CPN (Maoist). They accused the UNMIN of never talking about the victims made by the CPN (Maoist). On the other side, when the UNMIN began to verify the ex-combatants, they found minors and combatants, who were recruited later in the cantonments. In the first cantonment (Chulachuli), the UNMIN found 40 percent of combatants were disqualified. Then the CPN (Maoist) publicly criticised the UNMIN for questioning the mandate given to them. In contrast, the other political parties and the general people criticised the UNMIN's role when the Shaktikhor speech of Puspa Kamal Dahal (Prachanda), Chairperson of CPN (Maoist), leaked and exposed the reality of CPN (Maoist) combatants' number to be just around seven to eight thousand (nkplus, 2010). However, ex-combatants were verified to be a total of 19,602 by the UNMIN. The UNMIN accomplished its task as per the mandate. However, it was under the criticism from major political parties due to national and international interest. With this backdrop, the government decided not to extend the contract of the UNMIN. Then, the UNMIN left Nepal on 15 January 2011 without completing the peace process (Mishra, 2012). The government of Nepal completed the rest of the work for the peace process in absence of the UNMIN. Nepal's peace process began before the involvement of the international community, and it ended after the UNMIN left.

International contributors invested interest in Nepal's peace process. They tried to influence the process. There was no other international player to influence Nepal's peace process more than India. The role of India was aggressive. It was clear that when the government and the CPN (Maoist) were seeking support from the UN to conclude the peace process; the Indian government did not like it. The Indian government objected when the UN showed interest in facilitation and mediation. When the government did not extend the contract of the UNMIN, for various reasons, it became a subject of public concern pointing to the Indian influence. If we see the historical role, perhaps being suspicious of India, the rise and fall of the CPN (Maoist) armed conflict can be seen. India had double standards in the case of armed conflict in Nepal. They supported Nepal's government. They also supported the CPN (Maoist) during the war period but it depended on the issues and loyalty

of both the parties. People know very well that the CPN (Maoist) were using Indian land to obtain weapons, organisational support, and resources from there; they had easy access to India and strong ties with the Indian ultra-leftist groups (Upreti, 2006). The USA was another main international player in Nepal's conflict. The USA was more consistent in its approach towards dealing with the CPN (Maoist) probably through the use of power. The United Kingdom (UK) was another ambiguous player in Nepal's conflict because of its double standards, as it said one thing and did another (Upreti, 2006). The UK said that the Nepalese conflict should be settled through political dialogue, but they continued to support arms and the army's support to the government. It had a negative impact on establishing positive peace. It does not mean that the USA and the UK did not support the development effort of Nepal. The question is- why they are more interested in arms and armies despite being democratic countries.

If we see other countries such as Denmark, Switzerland, Norway, Germany, Finland and Australia, their approaches seem to settle the conflict by peaceful means. That's why they were more interested in rural development and humanitarian aid rather than investing in military expenditure. Non-governmental organisations including human rights and peace building organisations (national and international) played a crucial role on settling the conflict. The United Nations, the European Union, Amnesty International, Human Rights Watch and other organizations had supported the peace process through various ways. Some provided funds for development, some for humanitarian support and some had high-level visits to make the government and the CPN (Maoist) accountable. During the peace process, the international community's financial, technical and moral support paved the way for conflict transformation and to end the CPN (Maoist) armed conflict.

Role of Civil Society

The role of civil society including professional organisations such as Federation of Nepalese Journalist and Nepal Bar Association was crucial in creating a peace process, to put pressure on the seven parties' alliances, the CPN (Maoist) and the government to bring them together (Wanis-St John & Kew, 2008). In Nepal, the role played by the civil society during the 10-year armed conflict, people's movement and management of CPN (Maoists) arms and armies was appreciated. They created the environment conducive to bridging the gap between the conflicting parties and initiating the dialogue. Moreover, they helped to restore the reputation of seven parties' alliances, soften the CPN (Maoist) and then for the government to be open for peace. During the conflict period, the civil society played the role to educate both the parties on human rights and humanitarian laws and to respect the rights to life and mobility of the people. On the one hand, they organised interactions, workshops, conferences and training and on the other, they published posters and pamphlets for awareness rising on human rights and conflict transformation. They also played a role in protecting the lives of captured, arrested, abducted and disappeared

cadres, leaders and people in conflict, making the conflicting parties more responsible on human rights and humanitarian laws through issuing a press statement and organising peace rally. In the post-conflict environment, the civil society has been continuing their role to make the government responsible on the agreements made during the peace process such as formation of Truth and Reconciliation Commission, Commission on Investigation on Disappearance Person and reparation of armed conflict. After the formation of the commission, the civil society is creating pressure for the justice of victims, and to bring the perpetrators under the law. Beyond that they are creating pressure and making a favourable environment for the implementation of the new constitution.

The main objective of the civil society was to support the agenda of the political parties; to transform the armed conflict into peace; and create a positive environment for democracy. They aimed to create space for conflicting parties for dialogue so that they could make common understanding to work together. They had also created the national and international environment to support the people's movement. Nationally, there was a lack of public support to the political parties due to their poor performance in the past. The civil society revived their power providing the public debate and space in the changing context. Similarly, they lobbied for the international community to support the Nepalese political and social movement. The role played by the civil society was spontaneous and vibrant. Because of the civil society's role during the 10-year long armed conflict and people's movement, it created moral pressure on the major political parties. The government allocated 48 people to represent in the parliament from CSOs (Mishra, 2012). It was a shame that later the political parties appointed their own cadres for the allocated seats.

Constituent Assembly Election and Promulgation of the New Constitution

Constituent Assembly (CA) election was a major part of the peace process to transform the conflict into peace. In a short period, Nepal conducted two CA elections. The first CA election was held on 10 April 2008, but the first CA failed to promulgate the constitution and it was dissolved on 28 May 2012. The people were angry with the political parties because they did not perform well and were unable to perform the political course which was agreed on 12 points understanding and Comprehensive Peace Accord. Superficially, the reason behind dissolving the CA was contentious issues of major political parties on state restructuring, the forms of government, electoral system and other disputed subject matters. It demolished the Nepali people pathetically. In this situation too, Nepali people stayed calm and waited for the decision of the government and the political parties. Nonetheless, the government declared the second CA election to meet the expectation of the people and the commitment made by the political parties to give the constitution through CA. The second CA election was held on 19 November 2013. In this election, the power dynamics of the political parties changed and the CPN (Maoist) became the third one from the first

position in the first CA election. NC became the largest one with a few seat gaps with CPN (UML). This CA promulgated the Constitution of Nepal on 20 September 2015 with an overwhelming two-third majority of the CA.

The dedication of the political parties, government, and the CA members to promulgate the constitution through the CA was appreciated because they did it even by conducting the CA election the second time. However, it demanded time, energy and money of the nation and its people. During the first and second CA periods, some national and international players played a negative role to defunct the CA in fulfilling their vested interest. Ironically, it can be said that after the promulgation of the constitution by two-third majority, political stability is becoming a mirage for Nepal. There is still reservation and dissatisfaction of Madhesh based parties and indigenous groups in the new constitution. The Madhesh based parties and some indigenous groups are playing a role in constructing and crippling the government and creating pressure from the street, hoping to amend the constitution as per their political game. However, there is doubt whether the demand represents the real socio-economic demand of million poor people and the ex-combatants or not.

Sustainable Development and Peace Process

Sustainable development is a theoretical construct that peace process can contribute at different level. Sustainability within the timeframe of human life may be difficult but it is not impossible to achieve. It is a continuous process. Therefore, using the notion of sustainability as a prescription of all solution to all global problems is fraught with peril. Most global problems cannot be solved globally because they are global symptoms of local problems with roots in reductionist thinking that goes back to the scientific revolution and the beginnings of industrialism (Hawken, 1993). However, the above-mentioned reality does not diminish the importance of sustainable development. Many aspects of the notion of sustainability have problem solving implications for many countries. To my concern, sustainability is about resources, management policies, energy, social concerns, planning, economics, environmental impacts, construction practices, and much more. To respond the agenda requires institutions to rethink on the basic processes, with the potential of yielding fresh and creative solutions to current problems.

Peace is a precondition for sustainable development. Nepal's peace process contributed to sustainable development through signing the comprehensive peace agreement and other subsequent agreements. If we recall the causes of Nepal's armed conflict, we remember the economic disparity, social discrimination and political exclusion of the people. More specifically, the causes were poverty, gender discrimination, disparity, inequality and many more. It has direct link with the sustainable development goals. Nepal's peace process might have linked with the 17 sustainable development goals proposed by the United Nations. However, here I will discuss peace process implication on poverty, gender

equality, decent work and economic growth, and peace, justice and strong institutions development.

As to end poverty, proper distribution of the resources is important. Working together among the major forces and massive investment in the poor can contribute to poverty reduction. During the peace process, the major political forces, especially the SPA and the CPN (Maoist) worked together in an interim legislative parliament and government as per the aspiration of the people on power sharing and consensus. Therefore, they ran the government with mutual understanding until the promulgation of the constitutions. The power sharing and consensus culture supported to hold the CA election, federal, provincial and local elections in the country. The elections helped in bringing about political stability in the country. The political stability could also support to end gender inequality and economic disparity.

Gender equality has been a relevant issuein Nepal during the last decade. For instance, there are increases in the access of women to political positions. Thus, gender equality is one of the major aspects for the sustainable development. During the peace process, the issues of gender equality were highly discussed. With that discussion, some advances in the pursuit of this objective have been achieved. As a result, it has been incorporated in Nepal's constitution. Nepal's constitution ensured 33 percentage women's participation at all level of state mechanisms. When this provision became binding, the participation of women increased at all levels including legislative parliament, judiciary and the government. For example, the President of the country is a woman, and the chairperson of the Constitution Assembly, and Chief Justice of the Supreme Court were the women. If we see the recent result of local level election, a significant number of women have been elected. The participation of women in the political institutions is insufficient if decent work and economic growth agenda were left.

Decent work and economic growth have a significant role in the sustainable development. The work conditions in the world are going better since the beginning of the 90´s with lower levels of poverty and higher level of education. For instance, the middle class is now in more than 34% of the total jobs, an increase of almost three times (UN, 2016). However, the financial crisis of 2008 still prevails nowadays. The pressure for providing decent work conditions and opportunities is still high.

In the context of Nepal, the challenge indeed is not just to provide those jobs, but to provide jobs that are more connected with the new challenges and tasks of our society. The new challenges evolved from high expectation and demand of those who were involved, directly or indirectly, in the ten year long armed conflict. It demanded the jobs for a more sustainable and fair society, where all without distinction have the chance to make the best. It seems difficult for the conflict affected people. In the post-conflict Nepal, the task of economic growth is tremendous because it is a clear driver of our economic system.

Peace, justice and strong institutions are the fundamental pillars to establish a prosperous society. Those pillars are important as under them is where the modern concept of society is built (UNDP, 2016). However, the present reality is different. The increasing numbers of non-democratic countries and the radicalisation of the political parties have further worsened the situation. Further, the growing levels of corruption both at private and public sector is a challenge for sustainable development (Transparency International, 2017). For that, it is important to promote peace, justice and strong institutions as essentials for a more sustainable development path. These three aspects normally separated the countries between the conflict and non-conflict ones. The absence of any of those three pillars is what promotes the generation of violent conflicts, as the most recent one in Syria since 2011.

When the SPA and the CPN (Maoist) agreed to transform the armed conflict through peaceful transformation, the country created a space for economic growth. Further, some land owner got their land, which was unjustly seized by the conflicting parties. The national and international financial institutions showed their interest in investing in the country after signing the CPA because it created the peaceful environment. If we look at the justice part, the agreement created an environment for the displaced people to return home. Further, during the peace process, conflicting parties made a commitment to address the needs of the conflict victims and build the rule of law by ending impunity. To end the impunity and to address conflict related issues, the government formed the Truth and Reconciliation Commission (TRC), and the Commission on Investigation of Enforced Disappeared Persons. Both the commissions have been working at their capacity. However, the outcomes of the commissions are not satisfactory due to political and technical reasons. As part of the strong institutional development, transformation of the security sector through integration and rehabilitation of ex-combatants was crucial. It would help to make the security sector inclusive in line with the international inclusive characters, human rights and democratic norms and values. The CPA set out an ambiguous and radical agenda, which included progressive land reforms and state restructuring. The accord set out general goal of economic security of a backward community. If we look at the political parties' recent election manifestos, they clearly show the ambitious plan for the country, which ultimately support the notion of sustainable development.

Analysing the above discussed varied aspects, I am optimistic about the sustainable development in Nepal. After 10 years of armed conflict, the coming generations are going to be the ones who are going to have the chance to grow in a Nepal that lives in peace.

Theoretical Underpinning

A prominent founder of peace academia and founding editor of the Journal of Peace Research, Johan Galtung (1996) came up with two typologies of peace- "positive peace" and "negative peace". He took "negative peace" as the absence of violence, absence of war, and "positive peace" as the integration of human society. He also introduced typologies

of violence: direct, structural and cultural. As to him, negative peace is the absence of organized direct violence (e.g. people being killed) whereas positive peace is the absence of structural and cultural violence, and prevalence of justice, harmony and equality. Then, Galtung himself and many other writers and institutions have used these typologies of peace to gauge peace at societal, national and international levels. However, in this paper, my attempt was to assess the peace process of Nepal in line with Galtung's typologies of peace. For this purpose, I explored the importance of twelve points understanding, CPA, AMMAA, DDR, role of UNMIN and international players and the role of civil society. Further, I highlightedthe role of CA election and promulgation of the new constitution in conflict transformation.

A concept of peace comprises the absence of violence between states in general and the absence of the killing of human beings. Most of the literature on conflict transformation and peace have discussed more on the negative side of the armed conflict. However, John Galtung's concepts of "negative peace" and "positive peace" critically analyse the situation of negative peace, creating condition for a positive peace and violence. The phrase "negative peace" is mostly dominated by one nation or the United Nations. They have been equipped with massive power and readiness to use it. If a collective effort is made by the member state, it can be used for integration or to establish positive peace. Galtung (1996) believes that this method is not going to work without general and complete disarmament. Positive peace, on the other hand, basically includes plans and programs that support in improving human understanding using various means such as communication, peace education, international cooperation, mediation, conflict management and so on.

Galtung (1996) said that to transform the armed conflict or for absence of violence the role of military should be changed and should be given new task bringing the government closer to the people to establish negative peace. The Twelve- point Understanding between seven parties' alliances and the CPN (Maoist) was crucial to end the political deadlock in Nepal. The understanding created a foundation to end the 10-year long armed conflict and brought together the conflicting parties offering a peaceful role. The peaceful role, at that time, for CPA and CPN (Maoist) was to fight against the King's rule and restore the abducted power of people by the king. The understanding set the new political environment and fostered the ways for restoring multiparty democracy and people's rights bringing democratic forces closer to people. The understanding was a foundation of peace process to look at restructuring of prevailing socio-political and economic standpoints.

An idea of Galtung (1996) on peace is the absence of organized collective violence between the major human groups, particularly nations. It is also between classes, racial and ethnic groups. He refers this type of peace as negative peace. Looking at the idea, CPA was crucial for the political-economic-social transformation via addressing the causes and consequences of the armed conflict. This agreement could stop the collective violence between the major political forces and ethnic groups. It has helped to stop, to some extent,

the violence between social groups. Further, this accord contributed to pave the way through providing the space for stakeholders to have dialogue for the implementation of the agreement.

A notion of Galtung on non-military defense is the crux to transform the armed forces into civilian life. The AMMAA was crucial to observe and facilitate the peace process. The agreement clearly mentioned the task of the committee for the monitoring of NA and PLA. After the agreement, the CPN (Maoist) combatants were demobilised and camped in the cantonment. This agreement created an environment to disarm and demobilise their forces and to store arms in the camps. It fostered the ways for absence of war and violence in the society (Galtung, 1996).

A conception of Galtung (1996) on peace also refers to internal state of a human being, the person who is at peace within himself. So, the politics of DDR is a concern of ending efforts to achieve political goals through violent means. After the DDR, the combatants entered mainstream politics at different levels individually as voters or political leaders or representatives of their small-larger group. It created a safe environment addressing the security and safety concerns raised by the community people, keeping the ex-combatants in the cantonments. It transformed their violent mentality into the state of peace, psychologically.

Another concept of peace is supposed to be synonym for all other good things in the world community, particularly cooperation and integration between human groups, with less emphasis on the absence of violence (Galtung, 1996). He refers to it as a positive peace. In Nepal's peace process, UNMIN and the international actor's role was historic. Firstly, they gave a hand to fulfilling the peace process commitments, supported the CA election, facilitated in the DDR process and provided support to the armed conflict victims. Secondly, they supported to find out the missing and abducted people and provided technical support in the integration and reintegration process. It means international cooperation and supports to diverse groups was necessary for political participation and integration of the combatants in social activities to meet the positive peace in future.

Talking about negative and positive peace, Galtung also mocked peace studies as health studies and he used some medical terminology such as diagnosis, prognosis and therapy. In Nepal's peace process, civil society made recommendations to the conflicting parties to work along that line. Here, the diagnosis involves analysis of violence and their conditions. Prognosis involves checking the system's ability for self-restoration followed by therapy. The role of civil society was crucial in Nepal's peace process in terms of creating the environment at the national and international levels to end the armed conflict and to facilitate the peace process through analysing, checking the systemic faults and prescribing the remedy. At the national level, they analyse the violence and its condition, and created pressure to the SPA and the CPN (Maoist) to come to a common place for conflict transformation. It revived the lost trust of the people on political parties and created

pressure on the king to rethink on his move through checking the fault of the system.

As per Galtung, negative peace has an effect of denying people's important rights such as economic wellbeing, political participation, social and cultural equality. Further, he talks about personal fulfilment such as existence of hunger, political repression and psychological alienation. After the promulgation of the new constitution, political, social, economic and cultural rights are incorporated in the constitution. It documented all the achievement since long time back and paved the way for the Nepali people to claim their rights and celebrate the achievements. It institutionalised the changes made by the people. After the promulgation of a new constitution, the saga of Nepal's peace process completed despite some controversy and unhappiness of ethnic groups. However, based on the above discussion and the peace typology used by Galtung, my conclusion is that Nepal is in negative peace. The dream of positive peace is far sighted because there is more work to be done to achieve it. As narrated by Galtung, there should be some values at the national and international levels such as presence of cooperation, freedom from fear, freedom from want, economic growth and development, absence of exploitation, equality, justice, freedom of action, pluralism and dynamism for positive peace. To fulfil the dream of positive peace, a genuine and legitimate government, active participation of all Nepali citizens, rational and constructive support from peace loving international players are crucial.

Conclusion

The peace process of Nepal is unique in spite of many ups and downs. Firstly, it was planned, initiated and implemented by the leadership of domestic political forces. Later, when the internal peace process took a shape, international support, especially the UN, came in. The political parties and the government managed almost all the tasks of conflict transformation internally through various consultation, meetings, and interactions at their own capacity, even sometimes deciding at the eleventh hour. The CPN (Maoist), and the Seven Party Alliances and civil society were collectively involved in the peace processes. Many external players wanted to lead the negotiation of the armed conflict and the peace process from quite an early stage, but each such initiation failed. The farewell of the CPN (Maoist) combatants with voluntary retirement package was a new concept. It was hard to find this type of example of working together, taking equal responsibility to transform the conflict into a state of peace in other countries or situations.

The CPN (Maoists), who were declared to be terrorists by the then government became flexible on some issues to establish peace and continue the peace process. The seven parties' alliances also became flexible on their positions for peace. In case of the cantonment handover to the NA, the CPN (Maoist) made a bold decision in spite of the heavy pressure and dissatisfaction within the party. However, Nepal missed a major opportunity for providing a wide range of activities to create gainful employment and income for several thousand ex-combatants as part of their rehabilitation into civilian

life (Gautam, 2015). Further, Nepal's peace process is unique in terms of socio-political dynamics and it has been concluded after the promulgation of a new constitution, but socio-economic issues of ex-combatants and million poor people are at a crossroad. The country still needs to work to maintain negative peace and has to work to nourish its institutional capacity for achieving positive peace. It is possible only after transforming the prevailing negative peace into positive peace.

Conflict transformation is possible even in the difficult situation if conflicting parties are committed to addressing the causes of armed conflict and eager to conclude the peace process through peaceful means. The process should be assessed thoroughly, and the agreements should be implemented with priority. However, there may be hurdles during implementation. The leading role of internal political parties and home-grown ideas could conclude the peace process rather than depending on the international community. The commitment to grasp the historical opportunities to restructuring the country, ways of transforming the armed conflict, establishing negative peace and the dream of positive peace of the Nepali people can be good examples to learn for other countries who are, internally and externally, still fighting.

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