Systemic Conflict Transformation to Peacebuilding in Nepal

"A state that rates freedom above the law is renouncing its coercive power. It manifests its readiness for anarchy and thus, in principle, voids itself. It is not possible to place freedom above the law of a state" (Saner, 1967: 30).

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Introduction

Conflict is defined by a situation in which individuals, groups and institutions compete to achieve clashing goals, values and interests. It is essential aspect of human nature. Conflict opens the possibility for new imagination and an orientation to multi-directional change. The shifting nature of conflict, embedded in the context of changing needs, rights, aspirations and relationship of actors, entails systemic awareness, constant learning of the context and finding pathways for its constructive response. Violent conflict, however, destroys the web of human relationships and undermines the nature's capacity for resilience. Therefore, management of direct violence through win-win means, resolution of violence arising out of disharmonious structure and culture through content-oriented method and transformation of root causes of violence are essential techniques to preserve the civility of society, create constitutional order, safeguard the peace-oriented character of human beings' rational nature and achieve a sense of self-worth in peaceful coexistence.

As conflict operates in an open environment, it expands horizontally from national space to geopolitical level and across many generations. Therefore, a practical transformation of conflict into peace needs the engagement of all those affected by it. Pursuing such transformation "promotes developing structures that meet basic human needs (substantive justice) while maximizing the involvement of people in decisions that affect them (procedural justice) (Lederach, 2003:26). In this context, systemic thinking offers critical insights into multiple causes and consequences of conflict, their inter-linkages, underlying interests and crisis-responsive actors. Gestalt theory of psychology argues that "consciousness-based behavior is affected in relation to functional wholes which the organism in question perceives as being part of its total harmonious whole" (Kernan, 1980:47). Lack of systemic awareness and pursuit of selfish interest disrupts the system as a whole. Obviously, there is no linear path to resolve issues like climate change, food insecurity, energy crisis, political conflict, family dispute, energy crisis and nuclear issue. They need systemic measures.

What is a conflict system then? Who belongs to it, who benefits from it and who suffers from it? What are the prime dynamics of fault-line conflicts in Nepal? How mini-conflicts of Nepal are intertwined in fateful ways into bigger latent, **manifest, perceptual, structural and geopolitical** conflict? Do Nepalese political parties and civil society groups constitute the critical mass of constructive change agents of society to moderate the behavior of **conflict drivers, actors and stakeholders** that play on the root causes of conflict or do they essentially constitute a part of conflict amplifier? What are the correct measures to transform the vicious cycle of conflict into a virtual cycle of peacebuilding? Can peace become viable when historical patterns indicate that some actors occupy more space than the population they represent while others are left in a dilemma: negotiate on an unequal grounds or nurse only resentments? Does the Comprehensive Peace Agreement (CPA) represent innovation or symbolize still historically recurrent pattern of power equation where peace is lodged in contesting frame with democracy, human rights, social justice, power-sharing, etc? This paper seeks to explain in brief system model, dynamics of Nepal's conflict, micro and macro components of conflict system, multi-track approaches to peace, areas of conflict transformation, peacebuilding measures and presents a short conclusion.

System Model: The Whole is Greater than the Sum of its Parts

The system functions like a living organ "in terms of connectedness, relationships and context" (Capra, 1996:29). Its stability rests on opponents humanizing each other and coordinating their actions in pursuit of a common goal (Rapoport, 1986:150), values and means. Conflict system consists of opponents who act on their own self-images, visions, interests, capabilities, strategies, identities and environment. All conflict members or opponents are interrelated sub-systems of the larger whole. The properties of the system stand in active interdependence mediated by various interaction patterns—cooperation, competition and conflict-- based on their changing incentives, interests and power differentials. The properties of the sub-systems can be understood only within the context of the larger environment. To be sure, "the keys to war and peace lie more in the structure of the international system than in the nature of the individual states" (Mearsheimer, 1999:108-9).

Change in one realm of power perturbs the other in more than linear cause-effect relationship.[1] Learning about systemic conflict, therefore, brings to light the process of constantly changing structures of relationships among the opponents driven by incompatible visions and dispositions. A sense of belonging to the system habitually encourages them, even the excluded ones, to be governed by the rules of the game oriented towards the rationality of shared goals. Certain reciprocity, hierarchical order, law-based freedom and recognition of identity of each actor can furnish solution to disorder and unpredictability of relationship between opponents. In this context, social struggle of dispossessed can become a "structuring force in the moral development of society" (Honneth, 1995:93) and fulfillment of basic human needs, "perhaps in the need to alleviate fear, since fear is frequently associated with the unknown and is dissipated when the unknown is related to the known" (Rapoport, 1986: 14).

Knowledge about certain rules of the game helps all actors to identify with the system, subject them to larger context, build connection to citizenship and humanity and, consequently, optimize their interests, ideologies and identities and avert conflicts. Friction in the system occurs when one or more actors of the system, such as political party, ethnic, indigenous, class, caste, gender and territorial identities' interests are maximized to the extreme at the cost of others. This means contradictions and conflicts cannot be solved in favor of one or the other side (Capra, 1996:294). Unawareness about the insight of common space and legitimate interest of opponents generates vicious cycles of distrust, resistance and conflicts making difficult for the political system to maintain democratic balance. If the dominant actor is interested only in monopoly of power and resources through negation of the other, consumption and the dissolution of opponents, the prospect for internal social cohesion and peaceful external adaptation of the system becomes hard. Modern democracy requires a concept of loyal opposition so that conflict can be resolved through legitimate compromise. Bert Hellinger, the principal architect of systemic constellation, says, "Our consciousness is purely dialectic." For him, "Freedom means acknowledging that I must face the consequence of my actions" (Hovel, 1999:27).

Systemic conflict transformation aims to cope with the conflict beyond the suspension of the spiral of violence while looking at the **excluded elements** in the social, economic and political system where conflict is embedded. It also opens each actor to **contextual connection** and limits the exercise of its free will. In this sense, system approach offers a new space for all through inclusion,

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[1] "Conflict transformation is a generic, comprehensive concept referring to actions that seek to alter the various characteristics and manifestations of conflict by addressing the root causes of a particular conflict over the long-term with the aim to transform negative ways of dealing with conflict into positive constructive ways. The concept of conflict transformation stresses *structural, behavioral* and *attitudinal* aspects of conflict. It refers to both the process and the structure of moving towards just peace" (Fischer and Ropers, 2004: 13).

reconciliation, cooperation and peace and seeks to bridge the divides created by geography, ethnicity, economic status and technology. Of course, haves cannot afford the suffering of have-nots for long in the same system without dispensing certain accepted standards of justice to them. The mediation of gaps in society through intermediary institutions including civil society helps the survival, evolution, maintenance and even peaceful change of the system through public opinion and electoral means. What makes non-violent conflict transformation possible is **awareness about the overlapping interest** of actual, potential and left out actors and finding common ground to attain it. "The teaching of system dynamics—and therefore socialization into cosmology that carries it—would aim to secure a broad social consensus" (Bloomfield,1986:197) for stable peace.

Cartesian thinking reduces a complex conflict into sub-systemic conflicts to know its prime dynamics and applies the power of scientific reason to solve them. The belief in the power of reason which science produced has set the modern age apart from the classical period of human history. But most of the branches of science and social science, such as physics, biology, economics, political science, sociology, etc see conflict from their narrow disciplinary lenses and fail to understand how sub-systemic conflict actors are related to the larger conflict system, causes a gyration of perception and misperception and action and reaction, influence each other's behavior and fundamentally shape the outcome. The renewed failure of rational knowledge to solve multi-layered conflicts has opened the minds of statesmen and social scientists to alternative systemic, non-linear and non-violent theory of peace, negotiation, use of emotional intelligence and political action. "In a constellation, the systemic information is consciously activated" (Horn and Brick, 2005: 18). And orientation on the feelings of others is the basis of the one's own actions (Simon, 2004: 41). Rational actors mutually learn each other's interest, perception and worldview and discover the path to tackle structural injustice that feeds the source of conflict by mobilizing knowledge, experience and resources from its history and cultures, shore up the source of healing from within the system and build hope for peace.

Post-Cartesian thinking, entrenched in the systemic life sciences, views conflict as an open system having a life-cycle of its own. Its components significantly interact within the fluid environmental boundaries that provide the conflict necessary impulse, stimuli and resilience and disturb the natural unity of the wholeness. This framework integrates individual conflicts into a unified systemic design by using the familiar notions—drivers, actors and stakeholders of conflict, causes, effects, feedbacks and environmental stimuli in response to internal dynamics and external circumstances. Mutual learning fosters socialized behavior among all actors including the hidden one, with tolerance to the opposing views and resort to resolution in common ground. Systemic constellation, as a part of therapeutic system, applies inter-subjective insights to know the formation, order and history of escalation (both vertical and horizontal) of conflict and its impact on each other. It also establishes ordering rules for the mitigation of cooperative, competitive and adversarial relations between various individuals, groups and systemic actors by broadening the view on conflict elements, revealing the emotional dimensions and focusing on thinking, feeling and experiencing, not theorizing about one's own and other's constellation. Of course, theorizing cannot be ruled out in the long run as it an essential component of knowledge building process.

Democratic system provides feedback loops where opponents communicate to each other to clarify their misunderstanding for the rational formulation of conflict and make it amenable to transformation while authoritarian and majoritarian do not offer the option of compromise (Meyer, 2007:10-11). If the sub-systemic ties are disentangled from its systemic conscience, every segment sets off cascading effects requiring a new balancing parameter and socialization of citizens and leaders to behave in conformity with constitutional norms. Dissatisfaction of actors arising out of new rule, power, rights, technology and values often generates a tension and deviation from collective goal of negotiated peace while political stalemate opens the space for spoilers, such as

armed groups, free riders and anti-systemic forces, who often act opportunistically to vitiate the relationship between opponents, foster economy of violence and reap benefits from all sides. In such a condition, the intermediary institutions like civil society, private sectors and eminent persons, can act as entry points, leverage for conflict transformation and bring diverse actors into a common ground for legitimate interest representation, coordination of goals and means and elicit their accountability to peace process. A civilized society is based on a "social contract," a workable constitution whereby citizens sacrifice parts of their liberty in exchange for their security and public goods provided by the state. Knowledge about certain common interest of opponents in the social contract can reduce the intensity of conflict. But peace as a process requires a series of step-by-step confidence-building measures (Sachs, 2013:44).

Bert Hellinger has set a convincing theoretical and practical insight to the tenet of systemic conflict transformation what he calls "systemic constellation." This approach considers that **whole is more important than the sum of its parts—the sub-systems**. The systemic rationality jettisons the exclusive application of linear, technical, rational and analytical thinking as they have misconstrued human nature, the boundaries of human system and its symbiotic ties with the various constituent entities and all other living species. For example, the sharp deterioration of ecosystem marks the collapse of life-support measures. In this context, conflict can be looked as an integrated whole rather than separate set of parts. Systemic constellation breaks the disciplinary boundaries and aims to unify rational, spiritual and scientific sources of knowledge for conflict transformation.

To Hellinger, the **visualization of actors into systemic ties** can help to recover the healing, feeling and wholeness and consciously activate systemic conscience and information for healing and peacebuilding. Systemic connection allows collective creativity and communication of its members, in relation to each other and across conflict fault-lines, by securing a common space in democracy. This belief holds that peace in one sphere largely depends on peace in the overall environment. Constellation of citizens has a special kind of life of its own for bonding the connectors with entire spectrum which is helpful to bring a sense of order and social peace. "Cultural sensitivity in peace building and conflict transformation is, therefore, crucial not only with respect to the content of a project and the methods used but also in terms of the patterns of thought it is based on" (Korppen, 2011:78).

Similarly, **systemic constellation also transcends the dark side of Hobbesian state of nature operating at three levels**—individual (evil human nature), nature of nation-state (rooted on the Weberian legitimate monopoly of violence and often creating security dilemma for others) and the nature of international system (essentially anarchic owing to a lack of global sovereign to formulate and enforce rule of law) as causes of conflict. Realists find a fundamental identity among these three actors, articulate that moral ideas such as democracy, human rights, social justice and international law have no application so long as realities of human nature remain unchanged and deem that the causes of conflict can be solved through the application of reasonable balance of power, creation of stake of all actors in this balance institutionalized through the Constitution and producing disincentives for **free-riders**, militancy of youth and armed non-state actors acting on their selfish interests upsetting social peace.

In contrast, systemic constellation creatively recasts the relationships of individual, nation-state and international system in a dynamic but peaceful interdependence. It evokes feeling and experience among all the relevant actors—from interpersonal relations to global system-- by Acknowledging What Is, again to use the term of Hellinger (Hovel,1999). Conflict at the interpersonal level and between ecological, social, economic and political systems follows the same patterns. Acknowledgement of the ground reality is the fundamental principle of systemic balance because it opens the actors to new perspectives on the conflict system to learn and move towards building a cycle of peace ranging from early warning, planning, intervention, monitoring and evaluation.

Systemic constellation approach for mediation is sustainable in the sense that it outlasts its members. The power of belonging to the system also puts a "more positive spin in what connected humans can do" (Christakis and Fowler, 2010:287).

Dynamics of Nepal's Conflict

A decade-long insurrection started on February 13, 1996 by the Communist Party of Nepal-Maoist (now it is called UCPN-Maoist) with its 40-point grievances related to basic needs, national independence and substantive democracy against the Nepali state has transformed the properties of the state, polity, society, political parties and economy. People's War gradually escalated as the state began to retreat than respond to the root causes of conflict.[2] The triangular fight between the state represented by then King Gyanendra, street agitation occupied by Seven-Party Alliance (SPA) and rebellion by UCPN (Maoist) left political power in virtual stasis while the tools and technology of fights were gradually escalated. The first act of transformation occurred when SPA[3] and UCPN (Maoist) signed 12-point agreement in November 2005 in New Delhi, India, which committed them to roll back King Gyanendra's regime through 2006 April mass movement to restore peace, democracy, human rights and social justice. The mass movement approach has became the only alternative in Nepal because of the frustration with constant deadlock on earlier peace talks, absence of negotiation, lack of effective back channel communication between the King Gyanendra, UCPN (Maoist) and SPA and the utilization of a viable diplomatic alternative until Dr. Karan Singh, special envoy of the Indian Prime Minister, visited Nepal during the climax of the April 2006 movement and facilitated direct communication among the actors of the conflict system. The mass movement thus provided effective entry point for India, the UN and civil society organizations for the transformation of macro conflict in Nepal. International development cooperation and their mediation efforts have played only a supportive, rather than a key role, in this transformation. It was mainly occupied with the protection of human rights and democracy, Peace and Conflict Impact Assessment (PCIA), do-no-harm, local capacity for mediation, civil peace works, humanitarian supplies, food-for-work, relief support, monitoring and analyzing conflict, etc.

The mode of transition of King's power to 8-party alliance of SPA and Maoist (SPAM) sought to resolve certain types of conflict between the SPA and UCPN (Maoist) by compromising their values, interests, positions and relationships. But, it has opened another set of ethno-territorial, communal and cultural conflicts located inside and outside the 8-party alliance over distributional, representational and identity questions of women, Dalits, Madheis, Janajatis, Aadabasis and backward communities. Maoist entry into the government transformed state-centric conflict into society-centric as the new fault-lines have been opened around the restructuring the state along federal lines, proportional election system, party registration, Interim Constitution 2007, ethno-regional autonomy and self-determination, power balance in the Interim Constitution, participation in the Comprehensive peace Agreement 2006, etc. The SPA comprised the centrist, regional, moderate left and radical left parties. The short-term benefit for the SPAM was power-sharing while long-term price to be paid is an obvious ideological, interest-based and identity-related contradiction

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[2] Studies point out that root causes of the conflict were neglect of mid-hills, ideological deviation of mainstream parties, rural-urban disparity, growing poverty and social inequality, weak governance and erosion of state's power in security, rule of law and delivery of basic public goods.

[3] SPA consists of Nepali Congress (NC), Nepali Congress (Democratic), Communist Party of Nepal Unified Marxist-Leninist, Nepal Sadbhavana Party (NSP-Anand Devi), Nepal Workers and Peasants' Party (NeWPP), United People's Front (UPF) and United Left Front. The political understanding with the CPN (Maoist) was reaffirmed on March 19, 2006 which reiterated commitment to implement its provisions, such as *loktantra* (democratic republic), peace, prosperity, progressive thinking and national independence through political movement.

in their ideals and behavior as it made all parties catch-all type and stoked intra-party factionalism and split. It also generated tension on the validity of procedurally correct conflict transformation through understanding and coordination of goals and means based on various agreements. There were no constitutional constraints on the powers of SPAM as it jointly negated any semblance of dissident voice and weakened the spirit of constitutionalism considering itself the catalyst for social transformation.

What satisfied the SPA is the acceptance of power-mediation approach and construction of a democratic alternative to the monarchy. But, dissatisfied with the current status quo, political minorities, ethnic and indigenous groups, pro-monarch and Hindu forces have opened another line of struggle aiming to alter the unstable political equation led respectively by various prime ministers - NC President G. P. Koirala, Maoist Chairman Puspa Kamal Dahal, CPN-UML leader Madhav K. Nepal and its President Jhala Nath Khanal, again Maoist Vice-Chairman Dr. Baburam Bhattarai and Chief Justice of Supreme Court Khil Raj Regmi now in consecutive order and sought to push the condition of no-war-no-peace into un-peaceful relationships by provoking historical prejudice, memories, expectation and reporting of the evaluation of each other in the media. The emergence of UCPN (Maoist) as a dominant party in the Constituent Assembly election of April 2008 but short of requisite majority to form its own government shifted the game of consensus to majoritarian one.

The high political dynamics sustained by greed for power and unfulfilled grievances, mistrust, polarization and protracted political transition has led to the collapse of 601-member Constituent Assembly elected without producing a new constitution even after four years of political drill and set up a techno-bureaucratic interim election government under Chief Justice of Supreme Court as an exit option. It has opened a new bargaining environment for numerous actors such as 33-party alliance of CPN (Maoist), a coalition of 12-armed groups, caucus politics and social movements exerting pressure for the fulfillment of their demands which might affect the "election environment" for second CA elections in November 19, 2013. The CPN (Maoist) led 33-party alliance has requested President Ram Baran Yadav to organize a "roundtable dialogue of all stakeholders" for the formation of political government; otherwise, threatened to disrupt the elections. The state of Nepal is too weak to contain large-scale violence unless it is enabled to acquire "legitimate monopoly on power," perform basic governance functions, enforce the rules of the game and renew the legitimacy and authority of political leadership through new national and local elections. In multi-cultural societies like Nepal it is only the discursive, rather than enforced or hegemonic, consensus on political order that can provide a vision for a shared future. It is because discourse is an inclusive transformation process which persuades the participants to accommodate each other's perspective, interest, ideology and identity and create long-term prospect of peace.

Macro and Micro Components of Conflict System
National boundaries separate national and external actors with their own set of images, interests and values and the freedom of the nation is determined by its competitive capabilities to pursue national goals. The excessive dependence of Nepali state on international system for its survival, development and recognition, hyper integration of its internally fragmented market forces into global political economy and excessive reliance of civil society groups for external funding, philosophy and solidarity rather than the native ones have pushed Nepal into a phase of post-state constellation than nationalism-- the underlying principle of nation-state and its national ideology of democracy. Internalization of international regime norms, including those of environment, human rights, democracy, international law, etc and globalization of economy and denationalization of societal forces have further made national boundaries flexible for "outsiders" and weakened the historical coexistence of the Nepali state, society, economy and citizenship within the same national system of governance. Due to extreme dependence of the Nepalese government on soft power of

knowledge, power and legitimacy, the external geopolitical stimulus remains a powerful element for the explicit ordering of internal priorities and coupling the laws, interests, issues and policy agenda of major drivers of conflict with the national actors' conflict history, interests, ideology and structural causes. This condition has also made external milieu crucial in determining the national politics, laws, development policy and political decisions as well as muddle through the new loop of governance without government (Habermas, 2006:177). As a result, the external drivers of conflict and peace have decisively shaped the conflict dynamics in Nepal through resource, recognition, legitimacy and power support to their local actors of conflict system and exerted pressure for geopolitical compromise of its foreign policy rather than creating a response to peace building imperatives.

Multi-Track Approaches to Peace
As Nepal's conflict is systemic and multi-dimensional, linear approach would be futile to foster the connectors of society and peacebuilding. One can see centrifugal forces operating through multi-tracks as many actors often played the role of game changer of Nepali politics with risks strewn on the path to peace and constitution. Obviously, it is easy in Nepal because the politics of Nepal is extremely columanized and fragmented (each political party has its own human rights, trade union, women's organization, student union, civil society, etc having links with like-minded regional and global forces) along partisan lines. The fragmentation and columanization of public political sphere form various sub-systemic conflict cycles that are linked with the perception, attitude and behavior of actors of macro-conflict system (Track I). Obviously, macro conflict actors are governed by their own power calculus, historical memories, images, stereotypes, coalitions, contextual learning capacities and leadership styles. They also form perception based on their own interests and circulate down to Track II and Track III micro level actors for socialization, mobilization, support and collective action of cadres and supporters against their rivals. This articulation works in a mutually reinforcing way as external drivers of the conflict provide their proxy actors necessary material support, advice, strategy, stimuli and inspiration for initiatives. The problem, therefore, is how to transform this conflict cycles and counter cycles played out on the "root causes" into a synergy of peaceful cooperation. To be sure, understanding of the relationship among drivers, actors and stakeholders of conflict through conflict mapping is helpful to discover the underlying identity of position, interest and goals and define the role of leadership in oligopoly of power, bargaining, coalition and mutual adjustments.

As macro actors of conflict system in Nepal are transactional driven by the calculation of power and resource they will not change their behavior by pious messages of democracy, human rights, social justice and peace. Either there should be huge costs for non-cooperating actors, effective deterrence as a balancing factor or sufficient incentives of peace dividends for them so that they can participate in the regulation of violence in the process of state-formation, party institutionalization and peace building process. This requires transformational leadership to harness a strong zeal of good governance. The history of Nepal reveals that third party action has played an effective role to unfreeze the relationships of key actors. For example, India played the role of a mediator in 1950 between Ranas, the King and Nepali Congress, in 1989 it imposed blockade and supported the agitation of NC and United Left Front for the dissolution of Panchayat; and now in 2005, played a catalytic role from the day of the signing of 12-point agreement to the CPA though the latter process failed to create an inclusive political order through the promulgation of a new constitution and smooth integration and rehabilitation of Maoist ex-combatants as pro-CPN (Maoist) component is outside this DDR process. Its strategy to create Tarai as a "buffer zone" through One Madhesh, One Pradesh not only suffered but also stoked the Chinese fear of its security in Tibet where a larger number of global actors aligned with various forces of Nepal are engaged in free-Tibet activities and opening the scope for the self-immolation of Tibetans. A study revealed that while

donors facilitated dialogues to solve contentious issues, supported the marginalized groups through capacity building measures and provided technical expertise, they also contributed to secretive nature of bargaining by establishing various dialogue mechanisms outside the CA structure and failed to reach the top leaders. Donor engagement also bolstered divisions between different groups and positions, e.g. by supporting different caucuses and approaching the issue of federalism in varying ways" (d.i.e., 2013:4).

The UN Mission in Nepal (UNMIN) has contributed to strategic coordination among the veto powers at the Security Council, monitoring human rights, management of arms and armies of both sides, lending political, electoral and constitutional assistance and the implementation of CPA. The UNMIN and UNOHCHR too had to leave prematurely without fulfilling their entire mission due to their alleged meddling with armed non-state actors and engagement in the geopolitics of Tarai and Tibet. The Track II level civil society groups have given support to the social and political movement, observation of peace talks, ceasefire monitoring and lobbied for the speedy signing and implementation of CPA and the Interim Constitution. The capacity of civil society to generate high societal demands, however, does not match with the ability of the state to fulfill. This has eroded the power of incumbent leadership to govern—make public policies, implement them, resolve distributional conflicts and prevent the activation of evolving international doctrine of the "responsibility to protect."

Since Nepal's conflict is multi-layered a similar approach is required to solve the security, political, economic and social issues and nurture a culture of compromise, alley basic fears and frustrations of weaker actors, expand trust and confidence building measures and enlarge the possibilities for civil coexistence. In Nepal, while Track I national level actors often link peace with power-sharing at front stage, Track II civil society actors do not have high leverage and capacity to moderate the behavior of decision-makers from the backstage as they are seen habit-driven lacking social learning about the decentralization of violence though they are acting as good interlocutors between various project-related groups, second layers of politicians and international community. Only Track III actors are engaged in countless mediation and reconciliation measures in everyday life of citizens through various measures—Local Peace Committees, local elders, NGOs, alternative dispute resolution system, community mediation, traditional means, all-party committees and even formal process of court system.

Areas of Transformation

Following the success of the April 2006 mass movement, transformation occurred in five domains of national life. The new political equation in Nepal is setting the old rule vanishing without gluing the new ones owing to a lack of educational, economic, technological, organizational and leadership conditions of modernity although the articulation of transformation agenda rooted in the CPA has aimed to encourage the establishment of a peaceful, democratic, inclusive and just Nepal for all nepali citizens in the future.

Discourse Transformation—The April movement has linked the Nepalese to the universal features of democracy (prajatantra), human rights, social justice and peace. But, dominant political actors of Nepal are projecting various relative concepts, such as democratic city-state (nagar rajya), folk democracy (loktantra) of grassroots organizations, federal folk republic (sanghiya loktantrik ganatantra), new people's democracy (naya janatantra) of the Chinese variety, inclusive democracy (samabesi prajatantra) as articulated by ecologists, radical left and anarchists, a nativist alternative (gana rajya) rooted in Hindu epics and federal democratic republic (sanghiya ganarajya) of Leninist variety into the public political sphere. Different concepts of democracy, socialism, development and peace have supplied corresponding media, political parties, intelligentsia and civil society

socialization for the perpetuation of value conflict in Nepal. Modern democracy requires the connection of citizenship with the nation-state, not a pre-political state of nature where each political party, individual and civil society defines democracy in its own way and emasculates the sovereign power of citizens for national determination of politics, law and public policies. The anti-state discourses of class, human rights, ethnicity, religion and territoriality and their contesting visions of national identity have opened new sources of conflict without solving the old festering sores emerged as taproots of conflict. This trend indicates that modern politics in Nepal has not outgrown its pre-modern political culture of negation of minorities, opposition, local self-governance and checks and balances of power and maintenance of culture of impunity for powerful sections of society as the power is still understood in terms of legitimacy of violence and peace is one of the options in the incessant drive for power.

Actor transformation— The conflict-generated force has suspended the monarchy as a separate autonomous unit and finally abolished it by the first meeting of CA in 2008. The UCPN (Maoist) has emerged as a new legitimate actor while over two dozen regional parties have emerged in Tarai. The SPAM components have been catapulted into governmental power. But, Rastriya Prajatantra Party (RPP)-Nepal, Rastriya Janashakti Party (RJP), and other smaller parties feeling denial of even a chunk of space in the system view that the actor transformation has zero-sum outcome for them as there is no hope of a win-win solution of conflict based on democratic principles and reconciliation. This means Nepal's peace process has been negatively defined, largely in the self-interest of incumbent actors rather than seeking negotiated solution for the relative satisfaction of all, establishment of gender, social and intergenerational justice in politics and entrenching democratic values in the institutions in society. Other sub-systemic actors--civil society, some trade unions, ethnic groups, Madhesis, armed non-state actors etc who in the past had acted as a critical mass of the change agents of society now expressed discontent against the Interim Constitution 2007 for its missing democratic essence of constitutionalism and its negation of opposition and micro minorities. Those alienated from power are looking for a space in peace building and governance and condemn the ruling five-party coalition of now considering their monopolist and clientalist orientation a threat to democratic peace.

The refusal of NC, CPN-UML, UCPN (Maoist) and United Democratic Madhesi Front (UDMF) to acknowledge the systemic ties with a myriad of opposition forces for long has created spoilers of peace in the future like in the 1950s, 1980s and 1990s and trod the nation along the historic trap of alienating "The Other." This cannot moralize the relations between the opponents for the transformation of conflict as CPN (Maoist) have opposed the syndicate rule of now five forces and their understanding for a techno-bureaucratic government, second CA election and amendment of 25 articles of Interim Constitution to legitimize these measures. Likewise, a high level of personal trust between key leaders of the parliamentary parties and the UCPN (Maoist) with opposing institutional logics, ideologies, interests and positions on a number of vital issues, informs an impending conflict if these institutional gaps are further widened. Many factions of the leadership within NC and CPN-UML, Madhesi parties and Nepal Federation of Indigenous Peoples and Nationalities (NFIPN) are facing inter-generational and distributional conflicts within their organizational structures while UCPN (Maoist) is getting heat from the powerful self-assertion of its disjointed wing-- CPN (Maoist) led by Mohan Baidya who still harbors a dream of revolutionary transformation. These and other sets of actors are seeking process transformation through the negotiation of a new social contract. Proliferation of game players has equally incubated the number of spoilers of peace and free-riders of politics turning political transition multidimensional and complex. Civil society and attentive public can encourage politically significant groups and parties to

create an election-friendly environment for inclusive election to garner broad legitimacy for constitution drafting process.

Issue transformation— Series of pacts from 12-point to CPA have transformed triangular conflict into bipolar ones and created a "common ground" between the SPA and UCPN (Maoist) on many issues such as election for CA, Interim Constitution, Interim Parliament, Interim Government, demobilization of rebel forces, Security Sector Reforms (SSR) of Nepal Army and peace building. The rehabilitation and reintegration of ex-Maoist combatants are completed. But, it has yet to be seen how the conflict residues— refugees, displacements, trauma, fears, hatreds, agonies and feeling of revenge nourished by victims of conflict are reconciled through the provisions of transitional justice and peace dividends in the future. National Human Rights Commission of Nepal (NHRC) blames the incumbent classes for their gross failure to provide compensation for the victims of deadly conflict, prepare favorable environment for them to return to their homes, return property seized by Maoists during conflict to the rightful owners, provide information on disappeared persons and abolish a culture of impunity. The struggle for social justice and transformation of conflicts are intrinsically linked to transitional justice and, consequently, more consistent law-enforcement for outrageous crimes. The institutional mechanism of transitional justice stipulated in CPA such as Truth and Reconciliation Commission and Disappeared Persons Commission have yet to be set up. CPN (Maoist) leader Mohan Baidya has refused to return the property seized during Maoists People's War to rightful owners until a viable alternative is offered to the dispossessed and submitted 70-point charter of demand to Prime Minister Dr. Babu Ram Bhattarai, adding 30 more grievances to 40-point demands submitted to the then Prime Minister of Nepali Congress Sher B. Deuba by Dr. Baburam Bhattarai, on the eve of People's War in 1996. Other issues that require settlement are form of governance, federalism, election system, pluralism, independence of judiciary, Constitutional Court, etc.

Rule transformation— The Interim Constitution 2007 has replaced the Constitution of the Kingdom of Nepal 1990 and new rules are created for elections, party registration, Prime Minister assuming new head of the state and government, subordination of judiciary to the executive, gender equality, social security for labor and formulation of entitlements laws for the group representation and rights for Dalits, Madhesis, indigenous people, ethnic groups, women and people of far-western region, etc. through their representation in political power and governing institutions of the state. This has also created deep cleavages in the existing system as constitution, politics, peace and development became essence of differentiation, not national unity. This altered the pattern of behavior and interaction between the parliamentary parties and UCPN (Maoist). The central problem of political stability of democratic regime in Nepal lies in organizing mutual benefits to all citizens irrespective of their social, economic and political affiliations and international legitimacy of their efforts rather than distribution of patronage to party cadres and clients. But, many political actors have developed the temptation to free-ride, evade responsibility, take steps opportunistically and occupy the space of both the government and the opposition. These trends led the amendment of Interim Constitution more than dozens of times which have defied the possibility of transformation from patrimonial governance to a rule of law. It pivoted future politics in a game between those who claim for more democracy and those who fear from the consequences of radicalization of politics.

Structural transformation — The CPA spells to rectify structural injustice by restructuring the state and inclusive measures for class, gender, ethnicity, region, minorities and people of remote region. The beginning of the inclusion of social, cultural and economic diversity in the structure of governance now have induced structural transformation of public political sphere making it

cacophonous than organizationally coherent as many of reforms are far from consolidated. The critical question is how to stabilize this sphere when transformation suitable to civic culture goes fundamentally amiss. The nation's historical identity rooted into Hindu religion, Nepali language, monarchy and unitary Hindu state has gone deep-seated structural transformation with the declaration of secular, federal, democratic republic. In the face of a lack of devolution of power at the grassroots level, the emerging competing claims of diverse groups will likely to leave the nation vulnerable to Hobbesian clash of cultures if preventive and remedial actions are not taken. The government's decision to cancel the anniversary of national unification day has already fed into the Nepali citizens a deep sense of self-doubt. Erosion of national identity of citizenship has accelerated the social movements of subsidiary identities—women, Dalits, Madhesi, Janajatis, Aadibasis, labor, backward groups, etc who find that structural forces often made them losers of political game and, therefore, sought peacebuilding as a process of systemic change to help create a new reality .

Similarly, there is no convergence of a civilizational process between the habit-driven old political parties and strategy and ideology-driven UCPN (Maoist) on their short-term tactical and long-term strategic interests and goals to reduce the possibility of violence arising out of their mismatched interests and increase the possibilities for a shared vision of sustainable peace. The partners of parliamentary parties also engage in competitive bargaining, threat, bluff and often resort to opposing collective action. Locked into their own histories and socio-economic characteristics, the leaders of parliamentary parties are inclined to achieve only a power transition from the King to it while previous ruling coalition of UCPN (Maoist)and United Democratic Madhesi Front (UDMF) sought structurally-embedded revolutionary transformation including restructuring of the remaining last two state-bearing institutions—the Court and the Nepal Army to the extent of marking a geostrategic shift of its heartland and historically existing balanced foreign policy. The unresolved issue of federalism is tied to name, number and boundaries of provinces, determination of single ethnic-identity or multi-ethnic provinces, self-determination, demand of indigenous Tharu for prior use rights on land, river and forest, pre-emptory rights demanded by dominant ethnic groups to have all executive posts for two electoral terms, One Madhes, One Province, etc. The widening gap between the opponents might paralyze the possibilities for cooperative action in the future if "common policies" for governance are not evolved to commit them to a common practice and shape their coherent behavior.

Peace Building

The concept "peacebuilding" was defended by former UN Secretary-General Boutros Boutros-Ghali in 1992 to identify and support structures of peace, prevent the society's descent into civil wars, stabilize the political situation and support the capacity of war-torn society to manage its own conflicts. In 2005 a Peacebuilding Commission (PC) within the Secretariat has been set up with a standing fund of $250 million to finance peacebuilding in conflicting zones. Nepal's peacebuilding process is hamstrung by protracted political transition, division of the critical masses of change agents of society and lack of constitutional and peace-promoting behaviors of actors. Post-conflict period is a phase of reducing the scale of violence, creation of constitutional order and peace building. Army Integration Special Committee has accomplished integration and rehabilitation of ex-Maoist combatants. Out of a total of 19,602 ex-combatants residing in cantonments, 15,585 took voluntary retirement, 1,462 opted for integration in security agencies out of which 1,421 completed their training. The under-aged 4,006 disqualified combatants were discharged.

Nepali government has taken up, inter alia, three institutional initiatives: set up of Ministry of Peace and Reconstruction, Nepal Peace Trust Fund (NPTF) and Local Peace Committees. The NPTF is a platform for harnessing government of Nepal's funds and the contribution of eight other partners, namely Denmark, European Union, Finland, Germany, Norway, Switzerland, United Kingdom and

United States of America in the implementation of the provisions of Comprehensive Peace Agreement. It is mandated to run until January 2016 while Local Peace Committee will work until the promulgation of new constitution. Nepal has also adopted a National Action Plan on women, peace and security. Adopted on 17 February and based on UN Security Council resolutions 1325 and 1820, the Plan is developed through a collaborative process with the government, civil society and development partners.

There are countless NGOs, civil society, mediation and community groups engaged in various aspects of peacebuilding. But, the issues of conflict residues remain as the government failed to constitute Truth and Reconciliation and Disappeared Persons Commissions. In this context, Nepal's peace can be regarded as a cold peace as CPN (Maoist) submitted 70 grievances to the Maoist led government, 30 points more than when People's war started. Peacebuilding requires both resolving the underlying root causes of conflict, controlling excessively utilitarian passion and strategies of top leaders, creating conditions to mitigate its future source by improving the existing stock of vertical and horizontal social capital and rebuilding institutions and relationship of society to subdue chaos. There are basically five different, but inter-connected phases of peacebuilding underlined below:

- First, immediate post-conflict intervention through ceasefire, easing tensions, comprehensive peace agreement, monitoring of human rights abuses, increasing peace indicators and humanitarian assistance to conflict-affected and needy citizens;
- Second, transitional peacebuiling through election of Constituent Assembly and promulgation of a new constitution, institutional basis of new government, building national security, human security and formulation of a power-sharing design based on the culture of constitutionalism;
- Third, reconstructive peacebuilding through demobilization, disarmament and reintegration (DDR) of rebel combatants and security sector reforms (SSR) of state security forces, war crime tribunals, reestablishment of law, justice and police, converting spoilers, non-state armed actors and criminals into law-abiding citizens and building damaged infrastructure, services, amenities and social relationships that have been lost in the war, devising governance, democratic rules and institutions and distribution of peace dividends;
- Fourth, transformative peacebuilding to address root causes of conflict, nullify the future sources of violence by building state institutions through inclusive politics, reclaiming national sovereignty and unity and expanding the diminutive development space inflicted by the conflict and begin the process of social and economic recovery through state-civil society-private sector coherence shored up and legitimized by the cooperation of international community;
- Fifth, reconciliatory peacebuilding by healing the social wounds of trauma and war, dealing with perpetrators, compensating victims and rebuilding broken relationships of social classes among themselves and with the state through joint development projects and shifting economy of violence to economy of peace—production, exchange, distribution and circulation to meet livelihood requirements and creation of participatory opportunities.

Non-implementation of many of the provisions of comprehensive peace has obstructed the peacebuilding efforts and reduction of the legitimacy of violence in Nepalese society through normative strategies by "directing the comprehensive security mechanism and rising the social costs of violence and thereby control (minimize) the experience of violence in social and political relations" (Marshall, 1997: 31). Political conflicts often change the function of institutions and rules, system of representation and sharing of resources to uproot the taproots of conflicts marking the transition of society from violence to peace. Nepal has also adopted movement approach for conflict

transformation, adopted inclusive mode of politics, federalism, secularism, republicanism, group rights, proportional election system, etc but the infrastructures of democracy, such as political parties, civil society, media, etc have yet to adopt democracy in their inner lives to perform in peacebuilding process. The inclusion of underlying diversity of belief, behavior and relations of various actors and their vital interest and stakes in the systemic framework of peacebuilding evoke a synergy for healing and justice to constructive changes for state-society synergy. The universalizing concepts of development, democracy based on principle of affected and peace have made solution of many of the problems transnational, not just national and, therefore, in the dawn of post-national condition the transformation of conflict into peacebuilding requires a mechanism of cooperative action through multi-level governance. Meeting the national challenges and universal causality demand the adaptation of the nation to the environmental condition without undermining the nation's internal cohesion and stability and promotion of enlightened national interests.

Conclusion
Sustaining the transformation--from keeping a peace to building a stable society-- requires widely acceptable constitution, economic opportunities and democratic institution-building so that even the excluded ones have an open access to political system and peace dividends. A modern state cannot be created when power brokers and patrons arbitrate the application of rules and project politics in a contradictory code— friend and opponent rather than ascertaining the systemic ties of all societal actors and repairing the normative order where rules of the game are agreed. A political culture of this sort can create the space for legitimate dissent which is so essential for a democratic balance, early warning of the conflict flash points and dynamic resiliency of democracy. When political leaders are comfortable with weak institutions and fear the development of depersonalized institutions, rules and processes, it is hard to address the root causes of the conflict, create joint development projects and generate sufficient political will in the democratic transition towards a constitutional state, democratic polity, transformational leadership and the electoral legitimacy for governance evolving from local level.

Peace can come only from a negotiated contract that binds all sides—actual, potential and left out actors--in a rational, discursive and non-violent democratic framework. Systemic constellation helps to know the changing passion, interests and positions of conflict actors and their legitimate demands and incentives for predictable game playing. A power balancing strategy can restrain the excessive accumulation of power by elites across political spectrum but such a conflict transformation approach failed in the 1950, 1960, 1980, 1990 and 2005 as powerful actors monopolized the game rendering potential and left our actors non-stakeholders of political system. There is a need to prevent the instrumentalization of multiple identities of citizens such as class, ethnicity, caste, gender, religion or region against the national identity of citizenship through a moral compass of civic education and decrease the velocity of violence unleashed by market and dialectical materialism.

Solution of conflict can be sought by putting each of the actors including the hidden ones into right space, sequencing their order of succession based on merit and representational strength, adopting non-violent communication and restoring the appropriate systemic ties through a process of bridging legitimate demands, needs and rights for freedom, empowerment and incentives for undertaking peaceful initiatives for social and system integration. This can arrest the ongoing drift of Nepali politics from national course of action and create constitutional moment through perspective transformation into "we" to meet the standards of fairness and justice. External intervention by invitation has divided the Nepalese leaders along geopolitical lines, polarizing the Nepalese society and decomposing the state institutions by making condition fertile for militant politics, corruption, extortion and illegitimate opportunities hindering the economy of peace. Positive change in the

constellation of conflict actors leads to a corresponding change in the feeling, perception and action. This is essential to the evolution of common interests among adversaries and defining their shared future embedded on ecological, gender, social and inter-generational justice. Systemic constellation tends to establish a culture of peace with integrative experiences of inclusion, feeling, emotional intelligence, experience, fairness and hope for better future.

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