



NEPAL : Security and Post Accord Democratization

Introduction:

The objective of this essay is to offer a brief analysis on certain security challenges that are being faced by the tiny Himalayan nation since its transition from centuries old monarchy to multi - party democracy. The issues discussed in this piece generate lasting challenges to the country's national security, attributable to the procedural errors that took place in its post accord transition. Therefore, "consensus politics "among main political actors is indispensable to overcome such intensifying dangers that might worsen the existing condition of "state failure" in Nepal.

Background:

Nepal is one of the least developed countries in Asia, which is the home for more than hundred ethnic and caste groups. Given that this little country is sandwiched in between India and China, it considered as a highly strategic location in contemporary geopolitical map. In recent past, the country turned into a republic with bringing down the centuries old Monarchy through people's movement for democracy. Main political parties provided the leadership for people's movement, which eventually set the scene for signing of a "Comprehensive Peace Agreement (CPA)" between the rebellious Nepal Maoists and the government of Nepal.

Following the CPA in 2006, many expected Nepal to accomplish a number of goals through its democratization process on a par with the instantaneous objective of writing its republic constitution. This new political transformation incorporates proper DDR (Disarmament, Demobilization and Reintegration) process to rehabilitate Maoist ex- combatants, wide-ranging security sector reforms in the country, establishing proper transitional justice mechanisms, economic development and political stability. Even though there were several achievements made pertaining to some of these expectations, most of them still remain as major issues in its transition to democracy. Nepal's constant failure to have consensus among main political parties in order to implement an acceptable re- integration arrangement for Maoist ex combatants and manufacture a strong transitional justice system has jeopardized the entire security sector reforms and the effective law enforcement of the country, since the inception of its peace process (Upreti 2010).

The post CPA scenario has been vital in transforming the country's multi party politics into an added competitiveness. Timely consensus among main political parties to overthrow the traditional monarchy was replaced by more intensified competitiveness among major political parties for power and dominance during the post accord era of politics (Markus 2009). This nature of competitive politics inside of a weak republic system, which does not hold well-built democratic institutions, granted the delivery toward numerous armed and unarmed political groups. On the other hand, it further produced a fertile play ground for greed based groups to engage in criminal activities with the intention of fulfilling their economically viable desires inside of this lawless state of affairs. Still, whether the motivations behind these criminal and political groups were greed or grievances; most of the groups share a common phenomenon in achieving their objectives; which is "armed violence". Particularly, in similar to the violent nature of criminal gangs under such conditions, many political parties had formed their own armed outfits in order to compete within a situation where no rules of the game were formed under democratic values and conditions.

Nepal's geographical location and the topography provided continuous immunity to armed violence during past two decades. Rugged mountainous terrain endowed safe heavens for the Maoist rebellions during the civil war. All through the last four years of post accord period, hundreds of armed groups emerged in Nepal in the face of criminal and political. This time the open border with India fuels many political armed groups and criminal outfits, more than ever in the Tarai region¹ of Nepal. Easy exchange and the accessibility to small arms across the open border uphold the survival of such groups.

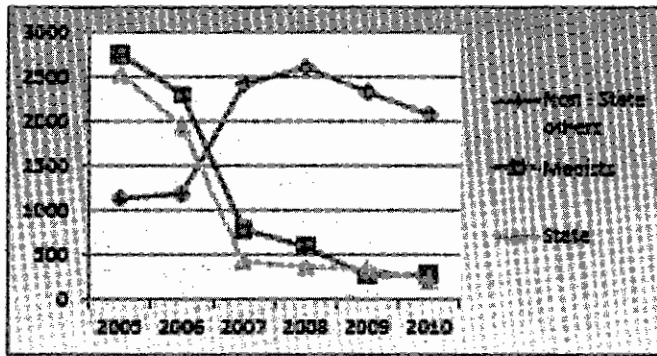
¹ Nepal consists with three geographical belts as Tarai, Hills and Mountain. Tarai region considered as the Plain or the flat region of the country, which is close to the Indian border.



Armed Groups, Criminal Gangs & Human Rights:

Unlike other peace processes, Nepal post accord period exhibits a substantial increase of non state actors perpetrating violent atrocities based on political and criminal motives. According to the writer's independent inquiry pertaining to political and criminal armed outfits in Nepal, there are 176 identified groups in Nepal that conduct armed violence for various reasons. Among them, more than 100 groups have emerged after the comprehensive peace agreement in 2006. Besides, the Nepali government has categorized 70 criminal outfits in Nepal that are completely driven out of criminal interests; and frequently operating in the geographical region of Tarai2.

Nepal's account of human rights incidents since 2005 is a paramount display of comprehending massive non state violence during the post accord period.



Main actors and their participation in Human Rights violations since 2005³

2 Adhikari, R. Saroj. List of outfits that are criminal in Nepal, Sep 09, 2005

3 See: INSEC Human Rights Year Books from 2007 to 2010 (Kathmandu) <http://www.inseconline.org/>

As this graph illustrates, there has been a complete shift in key human rights violators after the peace accord. The Maoist and the state's massive participation in human rights violations were replaced by various multiple actors. In consequence of the rapid proliferation of non state actors in Nepal, most of the perpetrators of violent activities remain unidentified in many cases. However, though human rights violations perpetrated by the Maoists seem less during the post accord period, their proxy groups like "Youth Communist League (YCL)" has been allegedly responsible for various conducts of human rights violations in this particular period.

The crucial question here is why such a large number of political and criminal armed groups emerged in Nepal after the peace accord? It is essential to identify with what conditions provided a prolific foundation for such actors to emerge violently.

Constituent Assembly Election as a procedural oversight:

As a significant juncture in Nepal peace process, the 2008 constituent assembly election signified a historical landmark in Nepal's politics, which brought former belligerent party the Nepal Maoists as the largest political party in the country. In addition, it set the scene for Nepal to become a republic with putting an end to the monarchic system and forming the interim governing body with a mandate of drafting the country's new democratic constitution. However, in spite of the inability of the assembly to draft a new constitution on time via consensus among various political parties, the transitional government has also not been able to dispose proper security sector reforms within the country.

Past experiences of earlier peace processes exhibit that such reforms better be conducted before moving toward post war elections. Security sector reforms through successful DDR efforts guarantee security for all political parties both within and after the electoral process. Moreover, such successful reforms are vital in preventing the recurrence of successive violence after elections. There are numerous examples related to peace processes such as in Namibia, El Salvador and Mozambique, where efforts of demobilization and security sector reforms were strengthened before moving in the direction of post conflict elections (Jeong 2006). However, when it comes to the case of Nepal, this prerequisite was poorly dealt with prior to the post war election. It is true that the Maoist ex combatants had to submit themselves in the course of an encampment process under the supervision of United Nations



before the election. Yet they were not successfully re-integrated into the society or integrated into the security sector successfully. Furthermore, there were many suspicions on whether Maoists have completely handed over their all weapons during this process. Additionally, there was no proper country wide disarmament program took place in an attempt to accumulate and dispose illicit weapons prior to the election. Besides, the Maoists went for election with their own substitute non-state group called "Youth Communist League (YCL)", which is presently experiencing serious allegations for committing armed violence throughout the country against their political opponents.

The first ever post-war election in Nepal was held with many suspicions and with a mixture of violent incidents among main political parties. However, the Nepal Maoists won the majority of the seats in the constituent assembly without having a well disbandment of their ex-combatants and disengaging with their potential to commit armed violence. Such conditions led the other parties toward the formation of their own armed wings or youth wings in order to contend with Maoists. Additionally, the election victory of the Maoists with several armed outfits changed the political culture of the country, as many political parties consequently preferred having their own armed outfits in order to have a strong influence within the political domain. Moreover, the inability within the constituent assembly to form a single coalition government and the incongruity between top level civil-military leaderships to reach consensus pertaining to the re-integration of the Maoist ex-combatants had driven the country towards a protracted political crisis. Apart from such a chaotic situation, the lack of proper transitional justice mechanisms provided grounding for various greed-based groups to engage in armed violence in fulfilling their various needs and interests.

If Nepal had undergone through proper security sector reforms before the post-war election, then the situation would have been different from the present. That might not have created serious suspicion among political parties and would have prevented such groups' association with armed violence. In addition, the integration of Maoist ex-combatants into the security sector would have helped in strengthening the border security, where illicit trades of small arms and unlawful activities would have been controlled.

Conclusion:

Therefore, it is clear that the post accord period means not the end of war or conflict. It seldom averts political violence and other forms of small scale violence, even if a CPA authorizes new institutions or changes to the transitional governance of a country (Siobhan 2006). One of the reasons for such state of affairs is the lack of understanding among policymakers on what procedural measures are needed to be designed first within a peace process. For any post-war society, it is important that it does not immediately rush into post-war elections or any political solutions before making necessary security guarantees through DDR and proper security sector reforms.

As the case of Nepal illustrates, it is apparent that there was a serious procedural error when transitioning the country into a democracy. The constituent assembly election could have been conducted subsequent to successful reforming of the country's security sector through effective DDR measures. That would have prevented the county relapsing into a situation of "state failure" with having multiple actors dealing with criminal and political violence. Thus, to prevent further complications as such, it is imperative that major political parties adhere to consensus politics until they successfully address these new "post accord security challenges".

7 References:

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H.M. Nuwan Herath
Lecturer (Probationary) in Sociology
Department of Social Sciences
The General Sir John Kotelawala Defence University