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CONTENTS

Department of Conflict, Peace and Development Studies
Faculty of Humanities and Social Sciences
Tribhuvan University
Kathmandu, Nepal

CONTRIBUTORS

Dev Raj Dahal is a leading Political Scientist in Nepal and is currently Head of the Friedrich-Ebert-Foundation, Nepal Office.

Upali Pannilage is the Head of Department of Sociology, University of Ruhuna, Sri Lanka as well as Program Coordinator of Conflict, Peace and Development Studies Program. He is also a visiting faculty at various universities.

Hem Raj Subedi is a senior Political Scientist and is currently serving as the Program Coordinator at the Department of Conflict, Peace and Development Studies, Tribhuvan University. He is also a visiting Professor at various universities and a practioner and trainer in the field of conflict, peace and development.

Meena Bhatta is a faculty member at the Department of Conflict, Peace and Development Studies, Tribhuvan University.

Rajib Timalsina is a faculty member at the Department of Conflict, Peace and Development Studies, Tribhuvan University.

Pranab Kharel is a Sociologist by training and is currently serving as the Assistant Professor at the Kathmandu School of Law.

Mibit Dahal is a faculty member at the Department of Conflict, Peace and Development Studies.

Chandra D Bhatta is a Political Scientist by training and is currently working for the Friedrich-Ebert-Stiftung, Nepal Office.

Sharada Jnawali possesses key expertise on planning and management of conflict mitigation and peacebuilding projects, training on peace sensitive approach to development, context analysis and project monitoring with over 30 years of development experience.

Roshan Pokharel is a faculty member at the Department of Conflict, Peace and Development Studies, Tribhuvan University.

Nepali Nationalism in the Age of Globalisation

Dev Raj Dahal

Introduction

The rise of modern nation-state has incubated the ideology of civic nationalism. It is based on constitutional and cosmological foundation and, therefore, helps to erode primordial form of consciousness. Democratic constitution unites the general will of all citizens into a sovereign power to abolish the risk of perpetual insecurity, livelihood crisis and scarcity in society fomented by what political realists call irrational human nature, nature of the state based on legitimate monopoly of violence and the state of anarchy that defines the international system. In a state of anarchy people often make a nationalist claim to sovereignty. International anarchy, however, does not "preclude cooperation among the autonomous nation-states; nor does it necessarily mean the absence of shared international norms or explicit rules of international behavior" (Brown, 1992: 17). In the absence of state capacity to regulate and enforce normatively designed social contract, a workable constitution, there is little chance of entrepreneurial growth, social cohesion or even inclusive political development imagined by the ideology of civic nationalism. It makes the subsistence of civil peace difficult.

Civic nationalism, as an inclusive ideology of people of diverse social origins, is the product of modernity and democracy. It liberates polity from the pre-national fretters of feudalism, ethnicity, racialism, regionalism, caste, class and religion and fosters a feeling of common nationality rooted into equal citizenship rights. It also stokes national self-determination of citizen in politics, law-making and development policies against external domination, hegemony, colonialism and imperialism. In the process, civic nationalism transforms "social formations into national formations" (Balibar, 1991: 90) and resolves the problems of collective action.

Since the unification of Nepal under the leadership of King Prithvi Narayan Shaha in 1769 until 1990, Nepali state acted as a natural ally of citizens and assumed the responsibility of a guardian. It helped maintain security, unity and attachment of people to the native land. National consciousness of the Rana oligarchy (1846-1951) which ruled the nation for 104 years cannot be underestimated through it did not separate the public from the private sphere and limited the rights of people. In this sense, Nepal's enormous past is not a drowsy rehearsal of leadership for power only but a history of struggle for national survival and poplar demand for the norm-based tradition of politics. In the early democratic phase of nation-building in Nepal in the 1950s, ancestry, Hindu-Buddhist religions, languages, media, culture, educational institutions, development administration and political parties have fostered the loyalty of people to the state

and constructed their national identity. They were the sources of nationalisation of society, vital assets for social change, economic justice and quality of life. The enlargement of civilisationally rooted human consciousness has, however, moderated the passion for territorialised nationalism defined by the suspicion of outsiders and added enlightened reasons into it. It has enthused in Nepali citizens its ancient native ideal of national solidarity and cooperative action.

The opposition parties, though banned for 30 years during Panchayat rule (1960-1990), had often acted as nationalist forces. Poets, artists, journalists, historians and singers sang the songs of nationalism. The twin-policy of Nepalisation internally and diversification of international relations and exchange externally acted as instruments of nationalism. Now after 1991, following the down fall of Panchayat regime, political parties that introduced democracy in the country began facing performance crisis as they have failed to transform unequal people into equal citizens, internally transformed themselves into a catch-all type and created a gap between their ideological origin and current destination. Globalisation has homogenised the Nepali parties and turned many of them to ethnicity, class, caste, religion and regionalism seeking to expand their partisan support base. It has also built consensus among the leaders of major parties to slash agriculture subsidy and privatise import-substituting and export-promoting public sector industries. These have produced multiple causes of joblessness, migration of youth force, political alienation of radical parties and conflicts and battered the national social and economic base of democracy.

Adoption of self-regulating economy against the constitutional spirit of social justice was geared more toward serving the competitive layer of elites. As a result, diverse social groups of Nepal are now trying to secure themselves into power through extra-constitutional and extra-institutional means. This is deteriorating the capacity of the state to mobilise diverse components especially the connectors of Nepali society for nation-building. Proliferations of parties, deep-rooted factionalism, fissiparous tendencies and leadership cult have exhausted the energy of party organisation, ideology and bottom-up leadership development. Nepali nationalism as a meta-narrative has increasingly come under a microscope, as ethnic and regional forms of nationalism are demanding their own voices and spaces in the national discourse (Shrestha and Dahal, 2008: 1808). This paper explains the ethos of modern state, national interest and national identity, fusion of nation and state, globalisation, national adaptation and draws a brief conclusion.

Ethos of Modern State

Modern nation-state is the "product of four closely interconnected processes of institutional closure, such as a *political one* (democracy tied to national self-determination), *a legal one* (citizenship tied to nationality), *a military one* (universal conscription tied to national citizenship) and a *social one* (the institutions of the welfare state linked to the control of the immigration of foreigners)" (Wimmer, 2002:9). The cosmopolitan requirements have, however, increased the state's institutional opening to international community having many shared institutions,

moral values and norms, commitment to human rights, humanitarian laws, and multilateral, regional and bilateral agreements. Emergence of international regimes, norms and institutions has transformed territorial nation-states into *demos*-based constitutional states with the ability to complement governance effectiveness including its role in the balance of regional and global geopolitical interests.

The state effectiveness rests on the Weberian "legitimate monopoly" on power, sound tax base, loyalty of citizens and international recognition. In this context, constitutional state is expected to enable the governance to realise all the rights of citizens, shift the society from natural will to rational will, set up inclusive measures and defend and rationalise the social contract of family, business, labor-capital and citizenship with the state. The Nepali state and its citizens are also obliged by the norms, rules, values and institutions of regional and international regimes. Now, Nepali state appears weak to implement the legitimate monopoly on power in the entire society and implement all 31 rights of citizens included in the Constitution of Nepal 2015. The contribution of tax to GDP is 14 percent which is insufficient to create a self-sufficient state accountable to citizens and deliver public goods and services at minimal cost to society. An assertion of myriad of subsidiary identities contests national identity of Nepali citizenship while syndicate rule and clientalisation of citizens have weakened the statehood. Growing poverty, external dependence and internal political bickering for power have strained its international effectiveness. An improvement of living conditions of citizens is necessary to rekindle a sense of national pride and appreciate the history of independence without being prejudiced.

Nepali state is an indigenous creation, not a Westphalian one or foreign transplant. It may be territorial but its society is de-territorialised. Nepali people are living in more than 100 countries of the world and retaining Nepali identity though they are citizens of other states. Tourism, commerce, labor migration, Gorkha recruitment and intellectual discourse helped it to assimilate many relevant ideas, technologies and management skills from outside. The internalisation of many universal legal, economic and political concepts have made Nepal extrovert. They have also become game-changers in Nepal. How can Nepal maintain the congruity of Nepali population and national territory? So far it has maintained this congruity through its civilisational values, mixed cultures, non-economic social relations and culture of tolerance which are spiritually binding to individuals.

Historically, Nepal was more a civilisational state spreading its spiritual values of Shivaism, Buddhism and animism, pagoda art and cultural heritage of tolerance than what rightists call "geopolitical buffer" and leftists dub "semi-colonial" country. The Nepali patriots reject both the concepts considering that political acculturation along these lines can cause cultural cringe, conditions its scholars and leaders to inferior strategic thought and succumbs to introvert foreign policy behavior. Nepal's classical treatises have clearly articulated "do not kill any asylum-seekers," and "go to Gorkha if justice is denied" reflecting a cosmopolitan ethos of its civilisational roots and radiation of national confidence in enlightened policies. In the game

of soft-power politics what counts more is the relevance of universal ideas its scholars have produced, not the size of its population, where Nepal is not far behind in this.

National Interests and National Identity

The Constitution of Nepal has underlined Nepali state's collective pursuit of national interests, such as existential interests connected to national survival and security, national independence, sovereignty and territorial integrity; fundamental interests regarding the utilisation of strategic geography, vital natural resources, management of open border, migration and prevention of external manipulation of the irredentist forces of society; significant interests about the country's development, trade and commerce, mobilisation of foreign aid and foreign direct investment in the social interest, good neighborhood policy, build international competitiveness, enhance national acceptability in the comity of nations, independent identity and better international status; and marginal national interests regarding the protection of Nepalese abroad, promotion of tourism, art, culture and civilisation, review of all previous agreements based on mutual interests, equality and promotion of national values. National interest, however, is a dynamic concept. It keeps on changing with changing needs and aspirations of citizens and shifting Spirit of the Age. This means marginal interest sometimes can be connected to existential interest and vice versa. "The patriotic choice—the national interest—has always consisted in crafting domestic policies that best take advantage of globalisation" (Emmott, 2015: 3).

When national consciousness is fairly symbolised in leaders' behavior, civic nationalism holds a strong influence over pre-national identities of people and the state can easily escape from external vulnerability. If it cannot, shifting coalition of internal politics creates fluid boundaries, fluctuates political parties beyond national limits, fractionalises them and even causes splits posing difficulty in the coordination of behavior to national goals and national interests. Such a tendency provokes centrifugal geopolitical forces of society and become a threat to political stability and social peace. Likewise, absolutisation of pre-national class, religion, ethnicity, region and market identities stokes fundamentalism which is a threat to social cohesion, accommodation of minorities and state-building. It undermines the sovereignty of "demos." Internal and external policy equilibrium of Nepalese political parties, private sectors, civil society and diasporas is essential to create middle ground for the settlement of conflicts and encourage centripetal forces of geopolitics. Nepal suffers now from the imbalance in adaptation to internal forces specifically with those related to agitating Madhesis, Tharus and Janajatis in the faultlines of the polity and external adaptation to India following the promulgation of the Constitution of Nepal as the latter is suggesting an "inclusive Nepal" which the Nepalese parties have obliged by amending the constitution.

Before the April quake hit its geopolitical heartland, Kathmandu, and its periphery, Nepal was just recovering from a decade-long People's War which killed 15,000 persons and wounded and displaced many others. The quake too killed 9,000 persons and damaged precious infrastructures and heritage sites that symbolised its history, culture, art and civilisation and a source of tourist

attraction. The Post-Disaster Needs Assessment estimated the cost of rebuilding in tune of $7billion. The unofficial Indian blockade in the pretext of insecurity created by the turmoil of Madhes-based parties which restricted the supply of petroleum products, essential items including medicine and infrastructural goods vital for rebuilding resilient Nepal for almost five months added more costs.

Political wrangling delayed 9 months for the creation of National Reconstruction Authority and expedite repair, recovery and reforms to lubricate its economy and society. A robust economic growth based on the comparative advantages of Himalaya, hill and Tarai regions complementing each other is a necessary condition to retain mass migration of jobless youths in the nation for rebuilding and social resilience. Hostage to the Indian geopolitical interests, Nepalese people were suffocating from deep humanitarian crisis which has consumed its economic growth, increased the scale of poverty, inequality, inflation and delayed rebuilding. The nation has incurred an estimated loss of $5 billion. Long-term solution of this problem requires India to "abide by the rules of engagement with the neighbors" (Chidamaram, 2015) and allow them to decide their internal matters. A critical and scientific inquiry of Nepal's structural context is equally essential to find a viable long-term solution of excessive dependence on a single country, strengthen central institutions to provide leadership in response to national problems and raise people's quality of life.

Fusion of Nation and State

There is a major shift in the concept of nation as it has lost its "original sense, community of origin," and acquired its "modern meaning in the sovereignty of people" (Dieckhoff,271) which is institutionalised in citizenship rights. The *raison d'etat* of the state rests on the "endogeneous and autonomous determination of politics" (Axtmann, 2003: 5). Constitution promotes citizens as co-nationals and mediates popular sovereignty and the state sovereignty. As a result of this nation-centric nationalism is transformed into state-centric democratic public which socialised citizens to become loyal to national constitution and institutions (Dahal, 2010). The democratisation of society enables to transfer the loyalty based on unequal subsidiary identity of the nation of people to equal citizens of a civic statehood. Nation rightly requires the mobilisation of centripetal forces of society, promotion of collective national interest and creation of post-traditional order. It is a must to social and national integration. Political mobilisation along pre-national communal, ethnic, caste, regional and religious lines for the expansion of political constituency can easily undermine the social base of state, open societal fissures and undermine the cohesive base of civic nationalism. The spirit of national political community is shaped by shared values, interests and expectations.

The ruling establishment of Nepal has declared super-structural changes—secular, federal democratic republic and inclusive state. This has decomposed old national form of unity but the new ones are far less institutionalised. As a result, Nepalese are facing societal and geopolitical tensions along the faultlines of strategic geography, society and polity. In a multi-ethnic, multi-

lingual and multi-racial society like Nepal, the state must rediscover the sanity of overlapping values, norms and laws so that democratic polity can mediate their interests, ideologies and identities through constitutional mechanism whereby culture and sub-cultures of society and nation and sub-nations of the state become congruent in a national political community. Nepal's historical policy of unity in diversity and cultural syncretism have fused the nation into the state and built a freedom-loving national character. It fits well with the working of democratic citizenship. In Europe, owing to various nationalist wars leaders and statesmen have adopted rule-governed "constitutional patriotism," a euphemism for civic nationalism so that leadership abide by the moral responsibility to uplift the lives and livelihoods of the poorer nations and people by way of national and international obligations and abjure excessive ethnocentrism.

Globalisation

Globalisation means de-traditionalisation of society, economy, politics and laws. Its processes transcend both culture and territory and dissolve traditional hierarchy of values. It instills an awareness of global connectivity of ideas, goods, money, technology, individuals, societies and nation-states. Globalisation's multi-faceted processes are breaking the boundaries of disciplinary knowledge, institutions and constitutions and have created a post-national order requiring Nepal to reorder its national priorities. The free global movement of capital, goods and people for the last few decades under neo-liberal policies is now restricted especially for the latter two components. "The rules of the game that governs globalisation are unfair; specifically designed to benefit the advanced industrial countries" (Stiglitz, 2006: 9). Its drive by digitised finance, technology, transportation and communication is by no means culturally and ideologically-neutral. They bypass territorial sovereignty of nation-state.

The winner-take-all market-led globalisation has helped Nepal maintain macro-economic stability but posed adverse effects such as glaring contradiction between liberal Constitution of Nepal 1990 and neo-liberal policies, large-scale privatisation of public sphere, weakening of social contract based on welfare state, primacy of symbolic economy, abdication of policy making prerogative by the parliament and huge migration of the nation's youth force abroad for jobs which have weakened the social and economic foundation of Nepali state. It has emasculated the ability of Nepali state to create order in society, fertilise import-substituting productive sectors of economy, resolve the neighbor's security dilemma, foster state-citizenship ties and initiate social change. Globalisation process has globalised Nepal's youth force. The remittance they bring to the nation contributes 30 percent to GDP. The social costs of migration to family, society, economy and polity are enormous. One can, however, see the limits of globalisation. Following 9/11, 2001 event, global financial crisis 2008 owing to regulatory failure, the American withdrawal from the Antiballistic Missiles Treaty in order to strengthen its own defense system, the refusal of US Congress to increase the emerging countries' quotas in the IMF, Russian annexation of Crimea, proxy wars of great powers in the Middle East and their competition for sphere of influence, fragmentation of international institutions, (Solana, 2015: 2-3) and recent terrorist attack in Paris marked the triumph of protectionist policy and the return of crude geopolitics.

The return of geopolitics means that the fundamental choice facing nation-states will be between self-determination and external domination (Fischer, 2015: 2). This return marks the expansion of power and influence by powerful states beyond the rule of law. The concern for physical security has heightened the necessity of the implementation of Faustian Pact, whereby citizens surrender part of their liberties to the state for physical security. This means geopolitics will become a determining factor for trade, finance, aid, transit and cooperation on major international issues and the need for collective security will assume critical dimension in the future. "If the global economy remains on current trajectory, a period of intense volatility could destabilise a number of emerging economics, while undermining development efforts worldwide" (Spence, 2015:1).

Globalisation has deconstructed the historical convergence of the Nepali state, economy and citizenship and weakened the constitutional outreach on many transnational issues including climate change. They defy national sovereignty and demands cooperative approach. Economic system alone cannot resolve as it is at "war with many forms of life on earth, including human life" (Klein, 2014: 21). The UN Secretary-General has rightly said, "Developed countries must keep their pledge to provide $100 billion a year by 2020 for climate mitigation and adaptation" (Ki-moon, 2015:14). Despite environmental awareness, developing countries' priority of development may compete with the imperative to stabilise climate change.

Globalisation has also "succeeded in unifying people from around the world against globalisation" (Stiglitz, 2006:7) and introduced social agenda into policy making. The inability of WTO to transcend Doha deadlock, the US led trade projects Trans-Pacific Partnership (TPP) and Transatlantic Trade and Investment Partnership (TTIP) that exclude China, India, Russia and Brazil and the formation of BRICS—Brazil, Russia, India, China and South Africa-- put a question whether it can emerge as a robust pillar of global economic governance. The voice of global public is weak. It seeks to influence power politics through the invocation of participation in decisions by affected people, transparency and accountability. For Nepal, caught in the heartland of Asia, the external balance of power is affecting its internal policy evolution. It is demanding a policy innovation for the safe adaptation of Nepal to the global geo-strategic shift and resolution of the security dilemma of neighbors—India and China—who have emerged as global powerhouses and compelling great powers' geostrategic shift to Asia. In this context, a win-win diplomacy of Nepal requires building trust, partnership and an exercise of a strong political will pertaining to the promotional national interests.

National Adaptation

In the context of convergence of national and international politics, strengthening the ability of centripetal forces of Nepali state is very important to maintain internal cohesion and external adaptation and achieve national goals articulated in the Directive Principles and Policies of the State. Nepal's resilience as one of the oldest states of the world can be attributed to the adoption of correct and contextual policies, not various ideologies. With correct policy it has been able to "ward off, procure from, and otherwise cope with" its external environments (Rosenau, 1980:102).

To be adaptive and functional in the future, Nepali state has to remove many institutional gaps between it and society. Its enlightened national interests have to maintain autonomy of the state from dominant interest groups of society, uphold sufficient capacity to mobilise tax, revenues and human and natural resources, maximise the standards of human rights, democracy and rule of law, entrench in ecology and the general interest of all citizens and muster the legitimacy, resource and recognition of its statehood.

The Constitution of Nepal has, however, expanded citizens' more rights, including group-differentiated ones, set up inclusive commissions and recognised sub-national identity-related ancillary bodies of political parties which, in the long-run, might flag national identity and justify post-modern deconstruction of the cohesive elements of Nepali society that unified all the Nepalese together. A conceptual balance between individual rights, group rights and human rights must be harnessed so that pre-national identity group identity does not delete its historical achievements of peaceful coexistence. Similarly, a coordinating mechanism of multi-level governance needs to be placed for national coherence of major actors and stakeholders.

Now, Nepal is heavily penetrated state and suffering from several institutional gaps: vision gap between the changing regional and global balance of power and native style of statecraft; power gap between juridical international status and actual political capacity for internal social cohesion and system integration; development gap between unequal social classes of society stoking injustice, alienation and conflict; and legitimacy gap between the ability of leaders to govern and their capacity to fulfill legitimate aspiration of citizens for liberty, property, justice, peace and pursuit of happiness enshrined in the Constitution of Nepal. These gaps continue to undermine the impersonality of Nepali state and citizens, exposing the former to the challenges of distributional struggle of left out forces. It is forcing the state to adapt to external prescriptions which are imposing constraints on its parliamentary sovereignty to formulate public policy. In this context, Nepal needs to emphasise that economic growth and development of infrastructure are national priorities and the country would welcome sound investments that would provide concrete results (Khatri, 2016: 8). It has to harness all its potentials-- hydropower, tourism, biodiversity, demographic dividends, high-value crops and many resources offered by its diverse topography. They are useful to acquire national competitiveness and overcome its landlockedness and backwardness.

Conclusion

The new tasks for Nepali leadership in rebuilding virtuous statehood are to put up bridge across the gaps between the state and society, system and life-world, center and periphery, and groups and individuals through healing and reconciling with spiritual, social, economic and political resources of the society. This, however, requires a self-reflective learning of leadership about the wisdom of ordinary folk, public opinion and cultural heritage of the nation's tolerance of diversity nurtured by sages, statesmen and citizens for long. Now, new national identity of Nepalese formulated on the common background condition of equal citizenship, democratic

acculturation and mutual expectation of a shared future has to be strengthened by shoring up the civic and constitutional national spirit and the spirit of international cooperation.

The democratic peace postulated by the comprehensive peace accord and the judgment built on it aim to cease internal and external value conflict, eradicate structural injustice of society and bring inclusive social transformation. Sincere implementation of its peace accord helps begin post-conflict and post-quake rebuilding process and aim to eliminate future source of conflict. This enhances Nepal's internal strength and competitive edge in the global political economy. One can, however, see a disparity between public expectation for post-conflict and post-quake development dividend, leaders promise of a democratic state and the weakness of Nepali authorities to create public order for a bold national unity. Civic nationalism requires to beef up the national integrity system of polity to control corruption, impunity and geopolitical cross-pressures. This means Nepalese leaders must be accountable to politics as a public responsibility and link the society to public sphere for its articulation in policy and public action. Social and national cohesion is possible to achieve by fostering 'active citizenship' aligned with public spirited actors, institutions, networks and movements and build national confidence in reaping benefits from the emerging global public space. Nepal's civil society can contribute to this by serving as a positive zone of public sphere. Only then its socialisation process can lift people to a state of rights and duties bearing citizens.

Building productive relationship of Nepal's cultural industries such as media, civil society, public intellectuals, political parties and intermediary institutions and movements is precisely fashioned to awaken the leaders and citizens to the present human condition of the country defined by the squeezing labor market, informalisation of work and erosion of objective conditions of freedom across various spaces including the global one created by globalisation. Strengthening Nepal's competitive ability is essential to adapt and prosper through production, exchange and circulation diversification. Even diversification of dependence can create scope for autonomous action of state in global political economy. It is possible to overcome post-conflict, post-earthquake and post-constitutional crisis if leadership at the help take right decisions on the basis of national interest and those at the intermediary institutions nurture cross-cutting social capital across various empirical divides of the nation, socialise their constituencies in the virtue of national unity, long-term vision as a common good and make national economy agile and competitive to enable citizens enjoy their constitutional and human rights and duties and balance enlightened nationalism with global rules of governance.

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The Post-conflict Rebuilding Process of Sri Lanka: A Content Analysis of Issues, Challenges and Lessons Learnt

Upali Pannilage

1. Introduction

Conflict in its simplest meaning, is a psychological segregation which causes disharmony; when disharmony comes to mind it causes contention and contention causes psychological distance i.e. feeling of disliking others. Conflict bears no boundaries and is almost ubiquitous; it is present between nations, societies, families and people. Classical definition of conflict is that "It is an intrinsic and inevitable aspect of social change. It is an expression of heterogeneity of interests, values, beliefs that arise as new formations generated by social change which come up against inherited constraints. But the way we deal with conflict is a matter of habit and choice (Miall et al., 1999). There are various types of conflict occurring throughout the world. The two types of conflict are interstate i.e. conflict between the states and intrastate conflict i.e. conflict within the state. In global context most of the conflicts occurring today are intrastate. In intrastate conflict, the conflict is in between the ruling government and the rebel group which can be one or many.

Every academic discipline has its theoretical approach of understanding conflict. Economist is focused on game-theory and decision-making theory, psychologist explores interpersonal conflict, ingroup-outgroup and especially focused on social psychology. Sociologists take status and class conflict as the focal point while political science is basically or exclusively focused or centered on inter-state and intra-state conflict (Cozic, 1994). Fisher (2000) has drawn attention to the process of emerging conflict following a need approach to conflicting situation .Their conception runs as follows: Human beings have got certain basic needs. Conflict is caused by unmet or frustrated basic human need such as, physical, psychological and social. And security, identity, recognition, participation and autonomy are some of the goals that such conflict highlights. Literature reveals that ethnic conflict is a social phenomena which we cannot avoid from our everyday life. Diversity is in high level in the globe and in-group out-group feeling based on ethnicity may produce conflict to solve the social discrimination, injustice and policy biased to some specific ethnic groups. Effective management of any ethnic conflict automatically harmonises the relationship among ethnic conflict and increases the understanding and respect for each other. It is hard to find absolute homogenous nation-state in the world. And this is the reality of our human civilisation.

Further, arguments are driven with the assumption of conflict is essential conditions for developing relationship among individual members or groups of a particular society and if approached constructively, it is instrumental in upgrading the society or the things related to society (Galtung, 2000). Looking at the arm conflict scenario, a major armed conflict is defined as the use of armed force between the military forces of two or more governments, or of one government and at least one organised armed group, resulting in the battle-related deaths of at least 1000 people in any single calendar year and in which the incompatibility concerns control of government and/or territory" (Dwan & Holmqvise, 2005). Moreover, an armed conflict is defined as a contested incompatibility that concerns government or territory or both, where the use of armed force between two parties results in at least 25 battle-related deaths of these two parties, at least one has to be the government of a state. (Wallensteen & Sollenberg, 2005).

Although numbers given here is debated, these definitions have provided simple explanation to understand an armed conflict. In a situation of an armed conflict, human civilisation have been faced brutality, terror, cruel and inhuman incidents rather than, understanding, respecting and helping to each other. Therefore, one can find literature on conflict is more abandoned than the peace. And it simply illustrates that we have done lots of work on conflict and little bit less on peace. Today ethnic conflict has become a universal phenomenon. There is no country in the globe that can boast total immunity to ethnic conflict. This phenomenon is not only the matter of concern for countries with less developed economies but also for the economically developed Western Democracies. They have also been time and again challenged by ethnic conflict to various degrees (Edirippulige, 2004).

2. The Origin and Evolution of the Civil Conflict in Sri Lanka

Scholars have argued that there was no such thing as ethnic conflict in the pre-colonial Sri Lanka as the very notion of ethnic and national conflict is modern phenomena. One could argue that the phenomena of ethnicity and ethno-nationalism have to be understood in the context of colonial super-imposition. The colonial policies such as "divide and rule", measuring of progress on numerical terms that had coupled with Christian missionary campaigns and a plantation driven political economy had made impact on strengthening of ethnic feeling among the people of colonially subjugated Sri Lanka. The colonial policies and religious revival taken under the new opportunities created by colonial governance structures had contributed to the formation of competing socio-political and ethno political groups and particularly, the politicisation of Buddhism (Roper, 2008).

The recorded history of community relations in Sri Lanka reveals that the elite layer of pre-colonial Sri Lanka cannot be regarded either as pure-Sinhalese of pure-Tamils. Some have drawn their attention to the Post Westphalia requirement of having a nation with a history be recognised

as a state and political independence in the International System. Thus, the conflict of Sri Lanka can be identified as arms based war which has underline factors of ethnicity based issues.

There are cluster of arguments on the origin of civil conflict in Sri Lanka.Looking at the global situation, the end of 'Cold War" has marked a turning point in the history of the world as it has contributed to change everything upside down.Before Cold War, Conflicts were mostly international in nature, even though intra-state conflicts and ethnic struggles also have had their life. With the concept of ''New World Order" the international system has been witnessing a paramount proliferation of intra-state conflicts (Uyangoda, 1997). Thus it could be witnessed in the analysis of origin and evolution of the civil conflict in Sri Lanka as it marks a significant nature of a war in the contemporary international system. Chalk (2008) reflects that the insurgency being waged by the Liberation Tigers of Tamil Eelam (LTTE) in the Northern and Eastern Provinces of Sri Lanka represents one of the most intractable ethnic conflicts in the contemporary international system.

According to the basic demography of the country,Sri Lankan people speak 74% Sinhala and 18% Tamil and remaining 8% speak other languages. English is commonly used in government and is spoken competently by about 40% of the population. Sri Lanka has 96% literacy rate and 83% of the total population have secondary education. Historically, the principle ethnic conflict that emerged since the country gained independence from the British colonialism in 1948 which revolves around the Tamil campaign for a separate homeland in the northern and eastern region of the country. On one hand, the origin of conflict in Sri Lanka is rooted from its history as the people fighting for the unnecessary reason as whom first appeared to the island and to whom this island belongs to. According to Chalk (2008) the Sinhalese are mostly concentrated in the southern, western and central parts of Sri Lanka and the Tamil population is located in the drier Northern and Eastern Province of Sri Lanka where there is a split into two distinct groups: The Jaffna Tamils, who are originated as mainly descendants of tribes that first arrived on the island over 1500 years ago and the Indian Tamils, who are originated from the plantation workers brought to the island by the British tea planters during the 19th and 20th centuries. Cultural discrimination against minorities, like inequitable educational opportunities, legal and political constraints on the use and teaching of minority languages, and constraints of religious freedom are one of the sources of internal conflict in Sri Lanka (Uyangoda, 2005). Resettlement work in the eastern province in 1950s and Official Language Act of 1956 were some of issues highlighted early stage of the unrest between the two ethnic communities of Sinhala and Tamil. Central to this agenda was the institutionalisation of Sinhala as the country's official language in 1956 and the standardisation of the education in 1970, which essentially forced the Tamil's to obtain higher university admission marks than Sinhalese. Then after reacting to a series of discriminatory moves that were designed ensure Sinhalese domination of the country's main

educational institutions and bureaucracy, several opposition Tamil groups banded together in 1972 to from Tamil United Form (TUF).

As political elites couldn't succeed in addressing the issues and grievances ,some youths who were to take up arms and to demand strongly an independent Tamil state established a group in 1972 called the Tamil New Tigers which launched its insurgency campaign with the assassination of Alfred Durayappah, the pro-government Mayor of Jaffna in 1975.The Tamil New Tigers changed its name to the Liberation Tigers of Tamil Eelam (LTTE) in 1976 (De Silva & Peiris, 2000). Initially thirty-five militant groups were created. Among them five quickly achieved dominance. Of these five, it was LTTE that gradually emerged as the most powerful force in Jaffna. The group's main objective was the establishment of independent Tamil state, comprising the Northern and Eastern Province of Sri Lanka. In 1984, LTTE female cadre created an all-female unit called the *SuthanthirapParavaikal(*Freedom Birds*)*. This unit was the first group of women to be given military training. The LTTE advocated for equality of women from both male oppression and social repression and this support for equality attracted women to join LTTE. As a result LTTE became first Tamil militant group to recruit women in battlefield.

In 1983, the most gruesome ethnic riots erupted leading to the deaths of hundreds of people especially in and around capital Colombo. The mob violence began as a reaction to the ambush of a Sri Lankan Army patrol in Jaffna by the LTTE, which killed thirteen Army soldiers.There were cycles of conflict, demarcated by a short spell of ceasefires and the cessation of hostilities during closely three decades of civil war. The first phase of the Eelam war began in 1984 and ended in 1987 with the signing of the Indo-Sri Lanka Peace Accord and the arrival of the Indian Peace Keeping Force (IPKF). The second phase of the Eelam war began in after open war between the IPKF and the LTTE flared up. Third phase of Eelam began after the collapse of direct talks with the LTTE in April 1995. In 2002, a fresh initiative for a negotiated settlement was taken and the Ceasefire Agreement (CFA) was signed. As part of the Agreement, a team of International Monitors (Norwegian) came to the Island to monitor the ceasefire. A new crisis leading to the first large-scale fighting since signing of the ceasefire in 2002 occurred when LTTE closed the sluice gates of the Mavil Aru Reservoir denying the water for more than 30,000 civilians in July 2006. Then the war between Sri Lankan government and LTTE again started after the failure of the Norway-Brokered Ceasefire (Mehta, 2010). In January 2008, the Sri Lankan government decided to formally withdraw from the ceasefire agreement. Then isolated battles continued resulting heavy casualties on both sides. The LTTE was eradicated from Eastern province by August, 2007 (Ibid). Land operations commence in the Northern Province in March 2007. On the morning of 19th March, 2009, government forces, claimed to have found the body of LTTE leader military ended a separatist war that had defined Sri Lanka's history over three decades (Ibid).

Thus, The protracted conflict in Sri Lanka resulted into the displacement of thousands of people from their homes, disrupted potentially vibrant economy of Sri Lanka, severely undermined basic norms of human rights and chronically divided a society that initially seemed set to provide the model for Asian ethnic accommodation and development.Morover, the emergence of Tamil Diaspora in which the acts and activities of LTTE were funded/supported by the foreigners and who were settled in USA, Canada, UK , Norway etc could be identified as another aspect of the conflict of Sri Lanka

3. The Post Conflict Sri Lanka

Generally, the post-conflict situation means the situation that occurred after violent conflict has ended. The violent conflict always resulted into economic degradation, destruction of infrastructure and war-torn relationship. So, post-conflict situation is a stage which constitutes economic improvement, reconstruction of infrastructure as well as broken relationships. It also considered as one of the important stage where the peace building activities are carried out. It refers to a situation in which violent conflict has formally ceased. Such situations are commonly marked by a peace agreement and/or intervention by third party under a United Nations (UN)/ internationally recognised mandate. Using the term "post conflict" does not mean that all violent conflict has ended. Although conflict may have officially ceased, some level of violent conflict may well persist (Rausch, 2006). The good examples of post conflict situation can be Nepal's and Sri Lankan Post conflict situation.

In post conflict setting, public security is considered in the context of the protection of group and individual well-being and an end to human rights violation by the state. International observers can monitor the control of abusive force, and police training includes an emphasis on human rights. The incapacity of a government to ensure civilian security invites international assistance in the establishment of professional police and judicial system. Institutional reform in the security sector along with the protection of citizen is an essential component of creating an environment conductive to a sustainable process of democratisation and development (Jeong 2006). Maintaining cessation of all violent conflict is the foundation for a peaceful transition to a creation of a new government, economic development and social reconstruction. One of the most urgent tasks in the initial stage of peace-building in Sri Lanka was to prevent a resurgence of violence and provide public security so that basic societal function can be protected.

It refers to a situation in which violent conflict has formally ceased. Such situations are commonly marked by a peace agreement and/or intervention by third party under a United Nations (UN)/ internationally recognised mandate. Even though the Sri Lankan government addressed immediate issues and related negative consequences after the dramatic military collapse of the LTTE fairly satisfactorily withoutmaking room for 'complex emergencies',the transition from conflict to post-conflict societyhas proved to be a long and complex process which must be

carried out with a clear political vision as to the direction of post-conflict Sri Lankan society. It is the manner in which the government uses the political space created by the demise of the LTTE to initiate broader wider-deck structural reforms to facilitate the transition from conflict to post-conflict society that makes the military defeat of the LTTE a real turning point the post-war reconciliation, rehabilitation and rebuilding that cover the political, economical,social, administrative and educational sphere are to make way for this transition. It requires a going beyond approach to address the immediate priorities and proceeding with a systematic approach and abroader vision towards the Sri Lankan state and citizenry (Keerawella, 2013).

3.1 The Peace Building Process in Post Conflict Sri Lankan Society
After the end of three decades of civil war (Armed conflict), Sri Lanka entered into a post-conflict situation. The majour challenge in the post conflict society were to build peace and harmony. The government of Sri Lanka implemented several strategies and programmes to build the peace in post conflict Sri Lanka. Although, some non governmental organisation too implemented programmes towards this aim, only the efforts of government has been discussed in this section of the paper.

3.1.1 National Framework Proposal for Reintegration of Ex-combatant in Sri Lanka
In order to strengthenthe peace process in the country , the government of Sri Lanka identified three areas of interventions on reinsertion, social reintegration and economic development which represented respective components of the National Framework Proposal. Consultations were held with the Ministry of Defense, Public Security, Law and Order and the Commissioner General of Rehabilitation to develop the respective components on disarmament and demobilisation and rehabilitation (Ministry of Disaster and Human Rights, 2009). As a part of process inputs were obtained from leaders and representatives of Tamil Political groups and several ex-combatantsas well. The purpose of this forum was to make process inclusive, meaningful and responsive to the actual needs of the target groups of beneficiaries such as former member of terrorist groups, other paramilitary groups, and auxiliary forces. If the reintegration programs are to be sustained and successful in longer-term they must be integrated with supported by, an area based approach to post-conflict reconstruction, social and economic development.

In line with the state's policies, the National Framework Proposal proposed two avenues to achieve reintegration process:

1. Equip the target group with the social education and skills required for civilian life and provide them the space to interact with members of different ethnic groups, with a view to transforming pre-existing relationship. Re-educating both combatants and their communities lies at the heart of reintegration programming, as it helps both groups anticipate and, thereby better deal with, they may potentially encounter. Thus, the reconciliation programs shall be made as participatory as possible as and provide the necessary psychosocial counseling that will be critical to their well-being.

2. Identify suitable vocational and technical training, employment, and income-generating activities in the community based reconstruction programs in the North and East. Partnerships will be forged with Government, private sector and civil society institutions and enterprises to identify the employment and training opportunities, both locally and internationally, once rehabilitation phase is completed.

Therefore following continuum of interventions were proposed:

- **Firstly,** the process began with the disarmament and demobilisation component, whereby ex-combatants would be formally disarmed and discharged from armed groups.

- **Secondly,** following their period of rehabilitation, ex-combatants and their families will be given reinsertion assistance to help them to cover their basic needs, such as transitional safety allowances, food, clothing, and health services.

- **Thirdly,** the reintegration process commenced once the reinsertion stage was complete and comprised of social reintegration and economic reintegration. Social reintegration included the enhancement of social skills for civilian life strengthening community services, ceremonies of reconciliation, providing psychosocial support and information and sensitisation campaigns. The economic reintegration component has been based on both the short and long-term development plans for the war affected provinces of the island and thus feeds into the overall plans for economic revitalisation of these areas.

- **Finally,** there are so many cross-cutting issues that would be addressed throughout the entire duration of the process. These comprise of psychosocial well-being, transitional justice, education, information and counseling services, and issues related to gender, children and the disabled.

3.1.2 Social Reintegration of Ex-combatants in Sri Lanka

Social reintegration and economic reintegration are closely interlinked and finding suitable employments fulfils certain social needs such as self-esteem. The key aim of social reintegration is to create a safe, secure, vibrant and cohesive environment for civilian life. Language especially promoting the use of English, is a key aspect of social reintegration. Community participation in social activities is part of the formula to achieve social reconstruction in post conflict Sri Lanka.

Participation entails effective two-way communication including information campaigns for ex-combatants and host communities. If educational level of most ex-combatants are found to be fairly limited, training that focuses mainly on practical knowledge and marketable skills are likely to prove to be the most effective. If training is required to facilitate micro-business creation, familiarity with basic knowledge of product costing and other business management

practices will be needed. Here vocational training centers may have to focus on product-oriented training with the goal of creating viable network of micro and cottage industries.

Music, art, drama, and sport also serve as outlets for healing and understanding. Likewise, cultural activities and sport play a huge role in social reintegration. Since ex-combatants were young, the healing process is critical to long-term rehabilitation. Though augmented by identity and belonging, self-worth truly manifests itself when an individual feels they are contributing to the society in some way. And this is a place where economic reintegration efforts work hand in hand with social reintegration efforts to create a comprehensive solution.

As a means of attaining the goals of social reintegration, the following interventions were proposed:

1. Community level sensitisation and confidence building programs.

2. Psychosocial rehabilitation to overcome the psychological trauma of war, family health and sanitation.

3. Awareness of civic rights and responsibilities through targeted media campaign.

4. Conflict analysis and reconciliation activities in areas of real or potential tension to develop concrete interventions to diffuse potential conflict.

5. Communities activities (cultural, religious, sporting events or rehabilitation work projects) promoting social cohesion and helping to rebuild social capital.

6. Community level support programs where integrated persons can go for assistance in case of need (for instance, it is quite unlikely that a one-off program can find solutions to psychological problems in the long-term. At least some persons may need continued psychological counseling/other types of support).

3.1.3 Economic Reintegration of Ex-combatants in Sri Lanka

The goal of economic reintegration efforts was to ensure that ex-combatants gain access to productive livelihoods and income generating activities. For successful economic reintegration program, several integrated actions were identified. These include:

1. Profiling the target population of ex-combatants in terms of age, gender, education, skills levels, entrepreneurial ability, aspirations, disabilities and other special considerations-health, mobility (e.g. young mothers).

2. An assessment of the economic environment in terms of the demand for labor, business opportunities and the availability of land and credit,

3. Connecting assistance to ongoing area-based development efforts.

In short, the essential elements of an economic integration program involve assistance in the form of access to productive assets, training and employment, information services and the involvement of the private sector in reintegration programs. Common economic reintegration programs include educational and professional training, public employment, encouragement of private initiatives through skill development and micro-credit support.

The overall objective was to ensure that ex-combatants attain financial independence through involvement in productive activities. Ex-combatants were encouraged to engage in employment-intensive works linked to the overall reconstruction and infrastructural development plans. Employment opportunities for ex-combatants in the formal and informal sectors was based on an informed analysis of the economic and development needs of the country and especially of the local economy in which reintegration is to take place. Despite the absence of detailed analysis of the local economic conditions in Northern and Eastern Provinces, a general assessment of likely areas of economic opportunity and growth in a post- conflict environment suggests that economic activitise heavily weighted towards agricultururral and livestock, fisheries, construction activities, micro business and tourism. Thus the key areas of activity identified that can potentially generate direct employment opportunities included those areas.

3.1.4 Disarmament, Demobilisation and Reintegration

Disarmament, Demobilisation and Reintegration (DDR) has served in international peacebuilding for many years. The process of DDR is, however, a real-life issue after any armed conflict, and has been addressed by states all over the world in their post war situation. There is still no overall consensus among scholars and practitioners about what DDR is meant to achieve or how it is best implemented and evaluated. Thus, it is very much important to understand the concept of DDR. DDR seeks to create security and stability in post-conflict environments,and to start recovery and development, by getting the former combatantsto comprehensively disarm and providing them with opportunities for sustainablesocial and economic reintegration into civilian life[1]. Main objectives of DDR are to disarm, demobilise and reintegrate former combatants. The main actors are predominantly external military experts in disarmament and demobilisation,and development experts for reintegration.

In Sri Lanka, the DDR process were implemented in collaboration with several stakeholders which include:

- Ministry of Disaster Management and Human Rights: They are the designer of policy framework.

- Ministry of Defense.

1 United Nations, *The Operational Guide to the Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS),* 2006, p. 24.

- Ministry of Justice.

- International LabourOrganisation (ILO).

- International Organisation for Migration (IOM) as the main funding organisation for rehabilitation and reintegration programs.

- National Non GovernmentOrgsnisations

  In the process, the captured and surendered LTTE members were categorised in two main groups as the hard core cardres and soft core cardres. The hard core were kept and rehabilitated directly under the Ministry of Depence, while the soft core were rehabilitated in rehabilitation camps.

3.1.5 Performance-2010, Ministry of Rehabilitation and Prison Reforms

According to the performance report published by the Ministry of Rehabilitation and Prison Reforms, the Bureau of the Commissioner General of Rehabilitation, the rehabilitation programs were launched for the Minor Trainees in 2010. There were 594 minor who were surrendered/ taken into custody after the humanitarian operations in the year 2009 rehabilitated under this bureau. Among them 363 boys and 231 were girls. Arrangements have been made to provide the necessities for these minor fighters to improve their school education and vocational training by the Bureau of Commissioner Rehabilitation. For the school education, there were 273 children (boys 154 and girls 119) and were provided facilities at Hindu College *Ratmalana*, as residential students. And for the vocational training there were 321 trainees (boys 209 and girls 112) had been directed to the Child Protection Rehabilitation center at *Poonthottam* residential student.

The minor detainees below 18 years old had been directed to Hindu College of *Ratmalana* by the bureau of Commissioner General Rehabilitation for school education. They were graded according to their ages and provided them environment to make ready for the tests of scholl level examinatins. Besides education they were also directed towards the extracurricular activities like scouting, cricket and divisional competitions. The necessary vocational training was provided to direct them various types of employments, utilising their knowledge that obtained through vocational courses.

Reintegration programs often focuses predominantly on economic terms such as, providing food, allowances and skills training and is less focused on social, psycho-social, political and cultural reintegration. Social and cultural reintegration plays crucial role on an ex-combatant life as it helps ex-combatants to start a new life by giving social backing, raising awareness,

providing economic support, psychological trauma counseling, and increases cultural harmony and togetherness.

3.1.6 *NegenahiraNavodaya* (Eastern Reawaikening) and *UthuruWasanthaya* (Northern Spring)

The *NegenahiraNavodaya* (Eastern Reawaikening) and *UthuruWasanthaya*(Northern Spring) are the two main development programmes implemented by the Government of Sri lanka in conflict affected regios as their main strategies in post conflict rebuilding process. The *NegenahiraNavodaya*was as an accelerated three year project for restoring normalcy in the Eastern province soon after the LTTE was defeated in the area. This project was incorporated in 'the Ten Year Horizon Development Framework 2006-2016 for Sri Lanka', which was presented as the government's main policy plan "*Mahinda Chinchanaya* and was directly supervised by President's office and the Ministry of Nation Building and Estate Infrastructure Development, The immediate areas of focus of this programmeinclude agriculture and irrigation, roads, power & energy, livelihood support, fisheries and livestock development, education, civil administration, health and sanitation.Thisprogramme is an integral part of the National Development Plan, including mega infrastructure projects which are aimed mainly at improving connectivity with other regions.[2]

Similarly, "*UthuruWasanthaya*", programmewas initiated while the government forces were advancing in the Northern war front. The three main aspects of security, resettlement and infrastructure were taken as key themes in *UthuruWasanthaya* as well. A number of development programmes of different nature have been implemented under this programme in order to make the people in the North experience the same benefits enjoyed by the people in other regions of the island. Accordingly, the people in the North are resettled within a peaceful and a developing environment. The development of infrastructure, expansion of Health Service, providing water supply facilities and the fulfillment of the electricity requirement of the Northern people were conducted under the "*UthuruWasanthaya*" Programme. Furthermore, the government has been able to develop agriculture and fisheries as well as to combine the Southern development with the North under the "*UthuruWasanthaya*" Programme while securing the right to education of the children of the North, upgrading education facilities of the Northern Province and developing common amenities.[3]

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2 http://www.priu.gov.lk/news_update/Current_Affairs/ca200803/20080313nagenahira_navodaya.htm

3 http://www.development.lk/Project_news-2a--60.html

4. Issues of Post Conflict Scenario in Sri Lanka

The immediate issues of post war situation in Sri Lanka was accommodating and ensuring the welfare of nearly 300,000 Internally Displaced Persons (IDPs), Undertaking demining and the reconstruction of infrastructure and facilities, Resettling the IDPs, Rehabilitating nearly 12,000 ex-LTTE cadres and, Reintegrating them into society. The long term issues were building trust amoung and between the community and establishing sustainable peace and harmony in the society.

4.1 The Civil Military Relations in Post War

The image of militarised governance even after the end of the war could be seen as an issue where civilians were totally not free from the appearance of a militarised environment. Following the 2010 national elections in Sri Lanka we could witness that the government was built around a dominant party, consist of a mixture of authoritarian and democratic elements, where formal democratic processes such as periodic elections combine with a strong incumbent party to limit the organisational capacity of the political opposition. As some scholars identify the characteristics of a 'hybrid regime' could be seen the new government elcted in 2010 and a distinctive feature of this new political culture is the organisational cohesiveness of party and state institutions that provides significant informal advantages to the dominant political party, enabling it to reach deep into both the civil society and political economy (Levitsky & Way, 2002).

The militarisation in the post-civil war era has seen a blurring of civil–military role, leading to the transformation of civil–military relations. The recent military takeover of land in the Northern Province is indicative of 'why the military-civilian relationship is problematic' (Perera, 2013). This shows the extent to which the military has been given a free hand in many areas of national life, such as fixing roads and remodeling cities, so much so that the public space is now military space[4] .There is no doubt that the military establishment has taken centre stage as the new power elite, and sought to exploit the civilian authorities with whom the former has entered into a coalition. The time-honoured democratic practices associated with the civilian control of the military are no longer operative. Rather, the military has assumed a key role in the making and implementation of national policy in many areas including education, foreign relations and development. Furthermore, one of the main reasons for the spreading of 'military influence is indoctrination' as 'leadership training for university students run by the army inside military camps[5]'.

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4 *Economist* (2013, 23–29 March).*Politics in Sri Lanka–military muscling*.

5 Ibid

4.2 Consolidating Power and the Devolution of Power

Constitutional changes of the post war era pointing the issue of the devolution of power in the post war situation in Sri Lanka is one of the key factors. The most significant change of the constitution through 18th Amendment is that it has removed the constitutional constraints on executive powers by (i) removing the two-term limit on the tenure of the President and (ii) bringing every arm of the public service, the police and the judiciary under the control of the executive authority. At the same time, the amendment makes the President nominally accountable to Parliament by allowing him to attend Parliament. In addition, with this amendment, the Electoral Bribery and National Police Commission were also brought directly under the control of the President. The passing of the 18th Amendment, one of the first major decisions made, was made possible only after the government secured a two-third majority by successfully negotiating the cross-over support of some members of the opponent.

On the other hand, the devolution of power through 13th Amendment created issue in post war scenario in the country as the power devolution was again centarlised to the President of the country.Many have been suggesting that only a full implementation of the provisions of the 13th Amendment to the Constitution with additional measures to make the devolution more effective, was the most feasible way of meeting the aspirations of the minority (Tamils) communities. The true implications of the various provisions of the 13thAmendment and the Provincial Councils Act by its creators to make it appear that power has in fact been devolved to the Provincial Councils.

Recently in the year 2015, after the present government came in to the power,they have introduced 19th amendment to the Constitution of Sri Lanka which limits the executive power of the President and have given considerable authority to the Parliament. Meantime, the new government has established the Office for National Unity and Reconciliation (ONUR) to lead, facilitate, support and coordinate matters related to national unity and reconciliation in Sri Lanka. The overall vision of the ONUR is a strong, stable, progressive, inclusive and peace-loving nation where all Sri Lankans co-exist in harmony and unity, while diversity and national identity is respected and celebrated with a guarantee of equal opportunity in economic, social, cultural and political spheres for every citizen. The programmes that implements by the ONUR is include followings:

- Language Access Initiative – identifying gaps and recommending solutions to facilitate bilingual service provision in public institutions
- Resettlement of Displaced – return of lands, properties and resettlement of eligible families

- Psycho-Social Counseling Support – facilitation of setting up a psycho social support task force to implement counseling services

- Arts and Culture for Awareness – working with visual and performance artists to implement programmes focused on national unity and reconciliation

- Student Interactions – working with schools to implement a series of projects to interactively engage students in respecting diversity of the Sri Lankans

- Policymaker Dialogues – an interactive session for the newly elected Members of Parliament on "Using Parliamentary Mechanisms for Promoting National Unity and Reconciliation"

- Livelihood Development – Livelihood and economic opportunities projects with a special focus on for Female Headed Households and War Widows

- Inter Agency Coordination – a committee set up to coordinate affairs related to ONUR's mandate for effectiveness and synergies[6]

However, grievances of the minorities are still remained as there is no significant changes in the devolution of administrative power or impact on the lives of affected people in terms of equal and fare consideration of their living.

4.3 Building Long Term and Sustainable Peace

Galtung (1969) has explained two concepts on peace that is positive peace and negative peace Positive peace denotes the simultaneous presence of many desirable states of mind and society, such as harmony, justice and equity etc. Negative peace has historically denoted the absence of war and other forms wide scale violent human conflict. When we analyse the experiences of Sri Lanka, it is obvious that the Sri Lankan society is experiencing negative peace since the end of the civil war in the year 2009. There are no bomb blasts, violence and any kinds of war. So there is a peace in surface level.

The purpose of post-conflict peace building is to prevent violent conflict from reemerging and rebuild the capabilities of a society to resolve conflict without fighting. Therefore, the essence of post-conflict peace-building is that of a political undertaking, even if it comprises activities which transcend the political domain, like development cooperation, humanitarian assistance, protection of human rights and institution building. Post-conflict peace building approach adops variety of preventive measures and applies to situations where the worst has already happened,

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6 For more details visit http://onur.gov.lk/

leaving behind trauma to heal, minefields to clear, former combatants to disarm and refugees to repatriate and reintegrate.

In modern, multidimensional operation, post conflict peace building has a crucial strategic importance. The theme of "peace building" was popularised by Boutros Boutros-Ghali's (1992) *An Agenda for Peace*. According to this document, the objective of peace building is broad and includes removing "underlying economic, social, cultural and humanitarian problems" and facilitating "the transformation of deficient national structures and capabilities". In addition, conflict is considered a linear process, linking peace building with the post-conflict period, and including the processes of conflict prevention, peacemaking and peacekeeping. Therefore, peace building is understood as "post-conflict peace building", as the peace building process would only be implemented after all the other conflict processes had been executed.

The Organisation for Economic Cooperation and Development (OECD) has defined the statebuiding as a purposeful action to develop the capacity, institution and legitimacy of the state in relation to an effective political process for negotiating the mutual demands between the state and societal groups. It further says that legitimacy will be a principal outcome for the effectiveness of such a process over time, although legitimacy may also be embedded in historical identities and institutions. Together, capacity and resources, institutions, legitimacy and an effective political process combine to produce resilience. Successful statebuilding will almost be the product of domestic action, but it can be significantly enabled by well-targeted and responsive international assistance. So as per this definition state building and peacebuilding have almost same phenomenon and gradual process which takes time.[7]

Barnett & Zurcher (2009) has mentioned that peacebuilding is statebuilding. Ultimately, peacebuilding aims at building: human security, a concept which includes democratic governance, human rights, rule of law, sustainable development, equitable access to resources, and environmental security. This multidimensional and highly intrusive undertaking involves a reconstruction of politics, economics, culture, and society, leaving no stone unturned. Standing behind peacebuilding is statebuilding.[8] According to Paris (2008), peacebuilding is action undertaken at the end of a civil conflict to consolidate peace and prevent a recurrence of fighting. He further defines peacebuilding as nothing less than an enormous experiment in social

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7 OECD/DAC Report on Concepts and Dilemmas of state building in fragile situation: From fragile to Resilience, Journal on Development, 2008, volume 9, No3, p. 14

8 The Dilemmas of Statebuilding: Conforming the Contradictions of Postwar Peace Operations, Routledge, 2009, pp.25-6

engineering aimed at creating the domestic conditions for durable peace within countries just emerging from civil wars.

A perusal of the literature reveals that, generally, the terms peacebuilding is defined and used interchangeably with state building. Taking into consideration the disagreement on a precise definition of peace building, as the discussion above reveals, it was be to the benefit of the study to move away from this environment. In addition, because the study dealt specifically with the transformation of war economies, the term "post-conflict reconstruction" more adequately reflects this practice. This is not to conclude that the term only refers to the economic dimensions of rebuilding a country after conflict, as has sometimes been incorrectly assumed. Rather, it reinforces the notion that one of the key areas of post-conflict reconstruction is the socio-economic rehabilitation of a country, a process that must be executed in direct coordination with other dimensions of post-conflict rebuilding.

5. Conclusion

The armed conflictin Sri Lanka may have formally ended, but its root causes still remain in the society. In the end, lie in wait for the background of the prospect of restoring democratic institutions and processes, there remain some stimulating questions regarding the peace process and reconciliation following the end of hostilities. The analysis shows that the government and other actors in post conflict peace building process targeting on the ground level situations such as infrastructure rebuilding, however, what the country needs is that moving forward with a approach of addreesing the ground level issues. Thus, peace building in Sri Lanka should go beyond addressing the issues from obvious to the non obvious level in which it should accept the fact that Sri Lanka is multi ethnic communuty. The provision of being multi ethnic should remind the political authority of the country that policies should address needs of all people with better understanding of peace building. Thus, having a very comprehensive approach in post war peace building is necessary with an administrative system that provides decision making power to the local communities.

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Building Resilience: Communitarian Approach to Post Disaster Recovery

Hem Raj Subedi, Meena Bhatta and RajibTimalsina

Introduction

Post-disaster reconstruction is a complex process that requires the involvement of multiple actors, needs a significant amount of resources, and a wide array of skills. The traditional approach to post-disaster reconstruction primarily focuses on factors external to disaster and communities pays little attention to the way in which social relationships within the community may drive or inhibit the process of rebuilding. But many a time when it comes to managing such situation, the involvement of humanitarian organisations alone is not sufficient for effective relief. The engagement of local communities is vital in meeting the needs and requirements of the affected people mostly because communities in post-disaster situation are in need of necessities which can be matched with the diversity of expertise ranging from managing supplies, to crisis mapping , fundraising and reconstruction among others that local communities can posses. A community-driven approach to disaster management, therefore, is a vision to have a shared collective future. When community members engage themselves in the reconstruction initiatives, it not just gives them a sense of ownership but also helps to prioritise the tasks taken up during reconstruction.

This paper contains eight sections including introduction. It does a situation overview to provide a brief context to the disaster. There is then a section on methodology and limitations elaborating a theoretical approach. Another section provides first-hand observation notes focusing on the communitarian approach to post-disaster recovery. Inferences follow next on the basis of data analysed and finally, the paper concludes with suggestions as the way-forward.

Situation Overview

During the last few decades, governance and development has adopted a 'kamchalau' ("make do with what you have") mode rather than following a planned approach.Out of many existing issues -- the political scenario and the recent migration trends in and out of the country have impacted by leaps and bound. The Comprehensive Peace Accord (CPA) was signed between the Government of Nepal (GoN) and the then rebels, Communist Party of Nepal (Maoist), in November 2006. Several initiatives to support the peace process were initiated and many have been relatively successful, though seldom within the intended timeframe. Few aspects were always neglected. The election of local body is one of them. The first Constituent Assembly was

dissolved without adopting a new constitution and thereby creating political chaos. Based on the interim provision, the Second Constituent Assembly was formed, but that also failed to meet the promise to promulgate constitution within one year. Confrontations and fragmentations were observed both in the Constituent Assembly and outside the assembly. Various groups in line with caste/ethnicity, region, class, religion and other social elements expressed their interests during this period and still is part of national as well as regional politics. Village and municipal councils are run by bureaucrats over the last 18 years since the last local election was held. Another bitter reality is that a single village secretary sometimes has to look after two or more local bodies due to delays in fulfilling vacant positions by the government.

The second alarming factor is related to the recent migration trend. The population in the urban areas has been constantly going up during and after the decade -long armed conflict. The trend of foreign migration has almost emptied the young population from the villages in last one decade. Crowding in the cities is leading to unplanned settlements and unbalanced migration trend has resulted in a difficult situation to manage the local government in many areas.

In such a context, a 7.8 magnitude earthquake that struck Nepal on 25 April 2015 followed by numerous aftershocks left thousands dead and injured and loss of properties worth millions. The earthquake also destroyed some of the most important cultural heritage of Nepal. The government report shows that over 35 of the 75 districts have been affected in the Central and Western Regions including the Kathmandu Valley and 14 of these districts have been identified as 'priority affected districts' depending upon the severity of the damage. Reportedly, Gorkha, Dhading, Sindhupalchok, Rasuwa, Nuwakot, Bhaktapur, Kathmandu, Lalitpur are the districts highly affected. As of 31 May, the Home Ministry reported a total of 8,693 deaths, 22,221 people injured and over 505,000 homes fully destroyed and another 275,000 partially destroyed. The earthquake also ravaged more than 70 percent of the cultural heritages of Nepal listed in the UNESCO heritage site. In addition, the official estimates put forth by the World Health Organisation show that 8.1 million people out of a population of 28 million have been affected by the earthquake, amongst which 1.7 million are children. Nepal's Ministry of Education estimates that 23,644 classrooms have been damaged or destroyed, and an additional 10,922 classrooms have received minor damages in the heavily affected districts alone. For a country like Nepal, even before the earthquake an alarming number of issues posed a challenge , issues such as political rifts , slow economic progress, poverty, unemployment, energy crunch, among others, but now the task of rebuilding turns out to be herculean. The country now faces another major setback in its development trajectory and what is needed at this hour of crisis is a good leadership, and, above all the collective strength of common people.

However, the way the young Nepalese took up the task of reaching out to the victims speaks a lot about the concern they have shown towards their society, projecting a sense of organic 'community

resilience'. While majority of the people remained outside houses for days, survivor individuals and organisations took charge and . They worked day and night to offer whatever support they could. Some crowd-sourced funds for immediate relief or transported relief materials to the affected areas, while others took up the task of setting up platforms for disseminating crucial information outside the traditional modes of communication, and a significant number of youths collaborated with government authorities.

Methodology and Limitation

Authors have used an eclectic approach to analyse first-hand data gathered from observation between April and September 2015. Observations, interviews and consultations with local people including individuals working in various community based organisation who were active in recovery process after the disaster were main source for primary information. Secondary data is also used where necessary. The theoretical framework of Mitchell and Hariss (2012) on 'Resilience as Risk Management Approach' was used to develop analytical framework for discussion. The authors have limited the study to a communitarian approach for recovery in post-disaster phase. For the purpose of this study we have limited the definition of resilience to the ability of a system and its component to anticipate, absorb, accommodate, or recover from the effects of a shock or stress in a timely and efficient manner. This concept of resilience is used in the context of the recent natural disaster that grappled the nation on 25th April 2015 and how the common people emerged resilient. The approach to resilience presented here considers resilience as a process of managing change and eventually thriving (Davies, 1993; Manyena, 2006) in the context of dynamic systems; termed by some as 'bounce forward ability' (Manyena et al., 2011).

Theoretical Approach

There is a lack of precision on what exactly it mean by resilience. If an area is resilient ,it might mean that there is something positive to which it might return , but this can not always be the case. Resilience can be positive in some circumstances, and it can also impede the kind of deep social change that communities sometimes need to go through. Resilience moreover can be better conceptualised as an ability or process than as an outcome (Brown and Kulig, 1996/97; Pfefferbaum et al., 2005) as it involves learning, adaptation, anticipation and improvement in the basic structures, actors and functions. The focus on resilience as a process draws attention to the notion of resilient systems: resilience is not a state but a dynamic set of conditions, as embodied within a system. According to Mitchell and Harris (2012), effective management of risks is very important to build resilience in the community. In the context of managing risks, building and strengthening resilience involves establishing systems that incorporate the range of risk management options. Two main risk management options for natural disaster risks include 'Being better prepared' and 'Responding and recovering effectively'. The variable to be considered for 'Being better prepared' is establishment of an early warning mechanism, preparation and

training of evacuation and basic first-aid training. Similarly, rapid cash-transfers for recovery, rapid shelter provision and risk assessments in reconstruction are three major variables for 'Responding and recovering effectively' risk management option (Mitchell & Harris, 2012: 4). Resilience can also be better conceptualised as adaptability than as stability (Handmer and Dovers 1996; Waller 2001). In fact, in some circumstances, stability (or failure to change) could point to lack of resilience. The resilience of systems, for example, depends upon one component of the system being able to change or adapt in response to changes in other components; and thus the system would fail to function if that component remained stable (Adger, 2000; Klein et al., 2003).Adaptability also takes different forms. ''Engineering resilience'' makes a system return to one pre-designed state or function after a disturbance, whereas ''ecological resilience'' allows for many possible desirable states that match the environment (Gunderson, 2000). The second type of resilience is probably the relevant one for human communities, organisations, and societies.

Resilience and Beyond: The Emergence of a 'New Island of Civility' in Post-Quake Nepal

With thousands of lives lost, properties worth millions destroyed, and infrastructures and cultural heritages of historical and importance ravaged, Nepalese people are still struggling to deal with the consequences of the disaster. Given the scale of the damage, the reconstruction works have become an uphill battle mainly because we lack adequate resources, however, there are enough grounds for us to counter this claim, primarily because despite all these losses, pains, and tragic outcomes, people at large believed that the societal resiliency that has been observed could be the strength that can truly help to reconstruct Nepal. Research shows an upsurge in the community-led initiatives for post-disaster management. Therefore this 'togetherness' should be seen as an opportunity to rebuild a more resilient Nepal in the future. In fact, it was fascinating to see the upsurge of new community organisations and individuals voluntarily taking the lead role to rebuild Nepal while the political parties were still in deep slumber and have no idea as what is to be done and how.

This new mass composed of 'self-directed citizenry' is different from their conventional counterparts who were largely confined to politicised mass mobilisation and have no sense of altruism. What is more interesting though is that the rise of this new 'island of civility' in the wake of crisis has brought a new kind of 'people's activism' which is uniting Nepali society despite various artificially created differences based-on caste, class, and ethnicity in the past by the political parties, the civil society and to some extent donors as well. The community based disaster responders are apolitical in nature and are found to have been adopting a secular approach while dealing with the problems.

These lots can certainly be trusted to rebuild Nepal through the way in which they took up the task of reaching out to the victims, be it in the case of supplying immediate relief materials or raising

money from friends and families far and distant. The origin of this new sense of voluntarism among the Nepalese shows that they largely value the society they belong to, thus projecting a sense of organic 'community resilience'. Through this new strength of community engagement, one can certainly come up with 'alternative approaches of development' in its true sense of the term. We could come across ample reasons to believe that if this collective strength of the common people is harnessed properly, Nepal will not be far away in addressing various problems ranging from development to democracy building that it faces today.

Following the recent natural disaster, it was fascinating to see the outpouring of citizen mobilisation and the emergence of new organisations. It was amazing to see the resilient Nepali people coming together in times of need. What made this phenomenon even more interesting is the spontaneous, self-driven nature of their emergence. People formed groups mostly in an *ad hoc* manner to help the needy. A surge in different forms of volunteer driven groups, such as community-based groups or groups of professional volunteers was observed. They heavily coordinated among friends and in collaboration with other existing groups to provide a whole range of support. Some started help desks, created databases of casualties and collected donations. Most of these initiatives focused on supplying immediate relief materials and managing disaster related information (damage assessment, crisis mapping etc.). Most individuals who started with a team of two or three were soon joined by others and subsequently reached team sizes of 20-30 members and beyond. Social media played an important role for connecting volunteers into teams, and helped the teams to collaborate. Most used Facebook groups, Viber groups and Twitter for this. To most of the people who sprang out of their own will, what drove them was the pure emotional drive underpinned by a sense of bond, resilience and responsibility. People and organisations carrying out immediate relief were frequently organised by tech savvy, philanthropic, new civic leadership. Many were filling the voids in formally established state mechanisms.

> *I am proud to be a part of a generation that took the initiative at such a catastrophic time and helped people they had never met and never known. The spirit of camaraderie in Nepal is so strong." – Abhishek Mishra, Sustainable Shelter Project*

Having done their part for immediate relief, many young people believe that social work does not have to be temporary. As they have discovered their own strengths and capabilities when facing a national crisis, they are now actively searching for possible ways of engagement not only in reconstruction and rebuilding, but also for long-term social and economic development in Nepal. The alternative leaders engaged in various post-disaster activities have proven that community resilience is inclusive and covers issues such as food, shelter, education, health, production and security. Rebuilding of basic services, setting up disaster-resilient infrastructures and revival of

the economy should be done hand in hand with an active, participatory society. This way, we can "build back better" and achieve long-term goals for Nepal's society.

Inferences by the Authors

Based on the observations and field discussions, authors have inferred a few points to be considered in analysing the available information.

First of all, relief workers' did not have enough understanding of the political, social, cultural context where they are working. Thier initiatives were largely found to be based on rushed judgment and were confined mostly to delivering relief quickly. This very tendency brought about various unfavorable results. The unmanaged distribution of relief materials brought about conflicting situation in many places. Many a times it also appeared that relief workers were not aware that there was armed conflict and absence of elected local government. Second there were equity issues in relief delivery. Vulnerable and traditionally excluded groups (e.g. 'lower' caste; women and girls, ethnic, religious and sexual and gender minorities) are at risk of not being included in support. Highly affected areas have a majority of Tamang Hill-ethnic people. Most of them are below the poverty line and now, hardly hit by earthquake. Many of the people under this group complaint of being left out in the relief distribution process. Third, settlement and structures of building are unfavorable in villages. Nepali houses are generally made of mud, stone and bricks in villages. Houses are likely to be collapsed fully in villages even by small magnitude of earthquake. This was one of the major factors that led to the alarming death toll in the outskirts of the capital. Fourth, the government data shows large numbers of female deaths. This might be because most of females in Nepal keep themselves busy in household works and live inside house most of the time. Fifth is the weak coordination of government agencies with others. Many goods and people started to come at the international airport where there was poor coordination. Sixth, absence of Local Government and political leadership: Actually, political party may get more benefit by showing their presence among the affected people in this difficult time. But our political parties missed this opportunity. Local political leaders did not come forward for relief and recovery for many days, creating trouble in identifying the needy people. Seventh, NGO workers and relief volunteers as well as bureaucrats were often from outside of the districts and with inadequate information on the areas. Most of the relief workers found it difficult to address the needs and often were blamed by the locals for being biased. Eight, workload for the local government officials: At one side, there is absence of local elected body at the ground, and at another side, most of the villages in the affected regions are facing the absence of government officials. A VDC is supposed to be led by the VDC-secretary. Most of the VDC-secretary positions lie vacant and one VDC-secretary often has to look after 2-3 villages which directly affects the pace of the relief and recovery process. Ninth, the absence of youth and labour force in villages. Most of the youths from Nepali villages are working in the gulf countries. Most of these villages seek help labour force to assist in cleaning the debris, making

temporary shelters, taking care of children, old-aged people and vulnerable women. Many old-aged people were themselves trying to make shelters and also worked in their field as this season is the main agricultural season to plant major hill crops. Tenth, we saw few villages with flood of volunteers and relief organisations whereas some villages are still waiting for relief and support. Many organisations feel comfortable to work in those areas where they already working or they have easy access or at least they have some contact point. So, the villages with having active social leaders or active person with communication advantage are in a better position than other areas. We heard many organisation already talking about difficult for the intervention because of the new place and strange people for them. Eleventh, different villages have different needs. During our visit, we saw most of the relief workers going in the area with some packets of rice, beaten rice, lentils, mineral waters, tarpaulins etc. But not all the villages are equally in need of same stuffs. Some villages have enough food availability. Though few houses have lost food storage in debris, other villagers are supporting them. So, these villages don't require food support but support to shelters. Some villages have better access to local resources which can be used for local shelters. And some villages have to be replaced. So, the relief workers first need to assess the actual needs of the area. Twelfth, lack of proper communication. The proper communication between demand and supply side is very important. Some villages were overwhelmed by volunteers and support groups and thus are left untouched by relief work because of the proper communication and contact person. One village was found full of people who don't know what to do and whom to contact. They were waiting for support. No one was there to assess their needs and communicate about them to concerned authority. So, the risk of miscommunication or lack of communication about the demand side is high and at the same side, the feedback and monitoring/evaluation was lacking in immediate response. Hopefully, this condition gets improved in coming days. Thirteenth, no proper monitoring for the foods and goods received during disaster time. Everybody seemed in rush. During observation, many foods and goods received in relief materials are found to be expired very soon or already expired. Fourteen, creating dependency. We observed many people waiting whole day for relief at the VDC secretaries' office and at the same time, it was time to work in the field and garden their crops. And they were getting very little support and are not satisfied with the relief support. If we don't help them to figure out the local resources for their livelihood, we are creating dependency. We don't know the answer until when others come to support with relief and aid. Fifteen, newer migration trend during disaster: we were surprised to see new migration trends. All the news channels were reporting that almost a million people left Kathmandu because of the vulnerability and many people from vulnerable areas are travelling outside of the earthquake affected regions. But surprisingly, some people/families were found coming to the quake affected region in search of support and relief from rural/underprivileged areas. As we know, 12 districts were hard hit by the quake. Besides this there are many families which are vulnerable and living in a very difficult situation. Two squatter families from Rukum and Surkhet, travelled from Mid-Western region to Kathmandu in search of relief when they heard the news that organisations were providing

food, shelter and other support. Sixteenth observation is about the weak the government which raises the issue of sustainability. Many organisations and civil society are blaming government for being weak. Many organisations are found to start supporting through their own channel. It is very important to respond quickly at an early stage. It is appropriate until it is the case of immediate relief support. But in long run, a weak and distrustful government bodies would only help to increase the risk of creating a parallel government so harmful for the sustainability of the interventions.

Way Forward

Every post-disaster situation is unique and differs from one place to another and therefore it is important to understand the local context vis-à-vis culture, geography, society, political behavior, and economy to develop an appropriate recovery and reconstruction strategy. One of the major challenges for any country that has undergone disaster faces while adopting post disaster recovery and reconstruction is how to transform immediate relief efforts into long-term developmental strategy. Engagement with communities through various actors, most notably with local people would certainly ensure sustainability of the efforts undertaken and fine tune developmental goals objectively. Equally important would be how to take both public-private partnership and international community's efforts on board for the purpose of rebuilding. Amidst all the task of recovery and reconstruction what is also important is to strike a balance between local dynamics of culture and power relationship on which the societies are built, community spirit remains intact and people's aspirations are fulfilled in time. Having said all this, however, the extant state of affairs certainly raises some fundamental questions such as: First: how to keep the existing community spirit alive and mobilise it for the purpose of reconstruction activities; Second, how best can international community help to reconstruct Nepal and maintain community resiliency at the same time; Third and perhaps the most important one is can these groups of 'island of civility' be trusted enough to take up broader responsibilities in shaping Nepal's political future and civil society?

As we saw many small and individual agencies running for the relief work, those initiatives are supporting immediate needs of the country to some extent but also creating some troubles. Most of these interventions are insufficient to fulfill the needs of a single society as well. And we can see a lot of overlapping in the interventions. That is obvious in this abnormal condition and difficult situation. But now, for further process, we think there should be more systematic and conflict sensitive response.

First of all, the interventions from the aid agencies should not undermine the government efforts rather it should collaborate with government efforts. So, the immediate response of aid agencies should be to help government forward a proper reconstruction plan. For this, they should provide technical skills they have. Then, with the proper plan, there may be several ways to implement it. For

example, aid agencies can use government channel ensuring the accountability and transparency of the process. Another option, aid agencies and government can build a collaborative channel to intervene in the intended way. If some aid agencies want to work on their own, this can be done. But the coordination should be taken up by government nodal agency. Here we would like to suggest to the aid agency to adopt one or few villages and intervene in that area with the standard plan already set completely so that other aid agencies and government interventions can focus on other areas. By adopting a village, aid agency will get freedom to work independently and at the same time the presence of government nodal agency in that area will give ownership to the government as well as it will reduce the burden of government and government could mobilise the resources to other areas. This will not only reduce the chance of overlapping but also help government to become strong. It should be kept in mind that, proper involvement of government agencies is required to ensure the sustainability and positive impact of intervention.

Conclusion

Spontaneous reaction for recovery at the individual and communal level showed the example that 'social capital' which is major component of communitarian approach binds us together in terms of information and connections. Social connections therefore play a critical role in driving the recovery process in disaster struck communities. Local institutions and social networks provide the basis for both local and international action in response to increasing vulnerability. As per the observed trends in disaster recovery, we can come to a conclusion that people in need of resources go to formal service providers, such as government welfare agencies, only as a last resort. Instead, many people prefer to use their friends, family, and network connections for support during crises. The importance of of social networks lies in the recovery process. therefore have greater role to play in broader processes of adaptation and resilience. Moving beyond "brick and mortar" approaches to recovery, the ties between residents may serve as a critical engine during what may be a long and difficult recovery process. Rather than merely responding to disasters as they occur in the future, visionary decision makers should move to embrace a social-capital based system to policy making.

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Building Resilient Society through Civic Education

Pranab Kharel

Introduction

The devastating earthquake in April this year not only destroyed lives and houses, it also threw open many cleavages in the society. Beginning with family, the earthquake highlighted the increase in breakdown of the family which is ever getting nuclear. High dependence on remittance for survival put into question not just the economy but the whole social structure which is suffering from the absence of able bodied adults.

Moreover, the earthquake brought to bare a dark side of Nepali society—increased dependency on handouts for survival—instead of gathering momentum for rebuilding one's life, community and society. Further, the situation has been exacerbated by the ongoing unofficial blockade imposed by the Indian state on Nepal following the promulgation of the constitution in September this year[1]. The events that unfolded have further highlighted Nepal's increased and monopolised dependence on India for everyday life.

This paper will therefore examine what is the reason behind the absence or willingness of the resilience among the Nepalis which used to be their hallmark. Further, the paper also will probe into the need for rejuvenating civic education as part and parcel of creating active citizenship. In bringing the aforementioned dimension to fore, paper will deal with the concept of social capital as argued by Robert Putnam.

In addition the paper will also link the idea of banking concept of education of Paulo Freire. Further, the paper also seeks to examine the importance of civic education in citizenship as argued by Dev Raj Dahal and the crisis of value system especially the contrast and the lack of compatibility of eastern and western value system as mentioned by Prayag Raj Sharma. Addition to these, the paper will point out some empirical experiences with regard to resilience and civic education.

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1 The author wishes to use the term blockade even though there are disagreements over the usage of the term

Civic Education: Contradictory Approach

Citizenship has been the modern way of exercising power through checks and balances which seek to rid people of their primordial identities and create autonomous and responsible member of a political community. But there are many ways in which this process can be attained. As Dahal argues the primary concern of civic education is to create civic culture committed to broaden and deepen democracy in public and private life of citizen (Dahal, 2002).

First is the process of socialisation. In this too, there are various agencies that contribute. Among the primary agencies include family, peer group and school and secondary ones include state and market which will also be taken up here. First, the role of family and school. Nepali society generally has two kinds of family structure—joint and nuclear. But owing to the changes in the social, political, and economic sphere nuclear family and that too philiocentric (child centric) are increasingly in vogue. The opening up of the society in the post-1990 which led to aggressive market driven ideology as the guiding force of the polity has resulted in breakdown of structure in family, which in turn has incorporated market mechanism in itself for survival.

Families no longer remain the site of production, consumption and distribution which is evident from the fact that agriculture as culture has been done away with as Nepalis rely more on imported items including staples such as rice and other every day items. Families under pressure from market take pride in flashing items bought (often imported) from the shopping malls. From the above arguments it is clear that the market and family has had close relationship. This relationship is further aided by the state which riles on market fundamentalism.

Promotion of import and aggressive privatisation has been the hallmark of the state after 1990 which has only gathered pace after the declaration of the republic in 2008. The state, which has been captured by the comprador class, is promoting passive citizenship in two ways. Firstly it is in conjunction with the market forces to sap any critical outlook of the member of its political community and convert them into consumers. Secondly, the ever narrowing access to the state which has only grown with the republican set up runs the risk of state functioning only for kleptocrats. As for the school education, it has become an effective tool for furthering both vertical (caste and gender) and horizontal (class) differences in the society. The school education itself has been creating 'different citizens'. Those having access to private education are considered lucky for they tend to acquire skills which enhances their life chances. On the other hand those at the government school often lag behind as the schools are not just poorly equipped but they also reflect the ideological positioning of the state which is to promote crony capitalism.

Furthermore schools are sites which operate with the banking concept of education. This system argues that the students are depositories of concepts which teachers are the depositors (Freire, 2005). The students become passive recipient of the ideas being implanted by the teachers. The critical faculty of students which is important for them to become active citizens is never enhanced by this method. In fact, those who advocate banking approach fail to perceive that the ideas being deposited in the students contain contradiction about reality (ibid). Students often get confused in the pedagogy being offered as it tends to be focused on rote learning rather than creative thinking. Memorising and reproducing it is the way of being 'good student. Such teaching learning process are detrimental for creating critical citizens. In fact such methods do very little in altering the social reality and often contribute towards maintaining the status quo.

In addition to these the higher education has been market-driven rather than being national goal oriented. Courses on offer clearlya reflect market values, which may not necessarily be incorrect, but don't create a link between what is being discussed in the class and the idea of nation building. Thus, the entire approach to civic education needs to be re-examined in order to ensure there is a balance between individual pursuit and collective goods. Importance of family, community, and society are increasingly eroding.

Importance of Social Ccapital: Vital for Resilience

Robert Putnam defines social capital as features of social organisations such network, norm, and social trust that facilitate coordination and cooperation for mutual benefit (Putnam, 1995). Nepali society has had a history of cooperation among which has ushered mutual benefits as suggested by Putnam. In fact Putnam points out the importance of family and community in garnering social capital (ibid).

Traditional institution such as Parma has played an important role in fostering community relation and that of family. Parma is a form of voluntary labour exchange among the hill caste group members during the agricultural season. In this form of labour exchange members from the kin group along with villagers participate and it is a reciprocal system.

Such institutions had been pivotal in fostering unity among the community and family members as this would ensure greater trust among fellow members and in turn create interdependence and resilience. Kith and kin become the central agency of operation. Therefore, one would cherish having extended kin group as it would play vital role in supplying labour with whom one enjoys comfort.

But with the adoption of neo-liberal philosophy in the post-1990, one of the first entities to be commoditised was land. With land up for sale, there was tectonic shift in the cultural structure of Nepal. It no longer remained the only source for survival. People started to sell ancestral lands and set up business, buy houses in cities or in the district headquarters. Agriculture has continued to be on decline as employer. This commoditised approach to land meant people were increasingly moving away the culture it had generated. New means of livelihood was being explored in the area of secondary and tertiary sectors of economy such as service. This in turn created new networks which were not just based on ascribed status such as caste but also on the basis of achieved status.

People have started to form new source of trust based on professional relation and not exclusively on caste or religious membership. This in turn has given rise to networks that hold exchange value dear. But how far has it generated resilience? This is a question that needs probing. Changes in the family structure, economic set up and the cultural production which ensues such alterations point out to the weakened sense of resilience. In the aftermath of the April earthquake, the class distinction was visible even though everyone was on the street. People in the upper echelon of the society were 'camping out' in their tents while others were finding it difficult to fend for them.

This situation is to do with the fact that Nepalis, especially metropolis dwellers, have come up with 'citadel' culture in reference to the housing boom. Residents in such complexes have turned into denizens who have created their own world aloof from what goes around. A generation earlier residing in the urban centers had a strong sense of community which were fostered by communal activities such as studying in same school/college—unlike the distinction of private and government/community owned. Even the places frequented for shopping or recreation were same say corner shop or down town or *hatt bazaar*—weekly markets. Denizens of metropolis instead prefer to send their children to English-speaking school which gives them access to global education. Hence the priorities and ambitions have become global with little consideration for the local. Supermarkets have emerged as the new community market—which is formed and determined by the access to money either cash or plastic (ATM, credit cards) instead of kin or community relation.

Members of such setting, especially children, are cut off from the surrounding. In fact the residents of metropolis are generally connected well with the larger globe as they have kith and kins living abroad than the setting of their country. But, there is a stark characteristic of these 'citadel denizens'. They are found to have prospered by selling ancestral land. Therefore, the traditional resilience found in Nepali society was largely to do with the associational life and

culture created around land. In contemporary times it is the trust based on exchange value which is market driven that seem to frame the resilience albeit shaky. This is a feature not just confined to the metropolis. But are parts of the places oriented towards cities.

Increased outbound migration of Nepalis able bodied youths have added to fostering the metropolis culture in the rural areas. The remittance received is being used in buying consumer items along with being invested in educating children. But the preference is being given to the English-medium school fuelling inland migration to cities or such oriented areas.

A critical examination of the alteration with regard to land and subsequent cultural formation is important to understand the idea of structural changes, resilience adopted there in. As argued by Chaitanya Mishra[2], in the aftermath of restoration of the democracy in 1990, people increasingly moved away from agriculture. For instance a father belonging to the so-called upper-caste may have been engaged in agriculture but the openness of the 1990s sends his son to study in city or Capital Kathmandu. The son in turn starts to interact in a more heterogeneous environment interacting with members from different caste, gender and class group.

He also tends to cross the commensual and marriage rules by consuming buffalo meat or marrying someone from the so-called lower caste group. The sacred thread or his upper caste status is confined to ritualistic values. Instead what counts for his upward mobility is his access to modern education and the capitals associated in that regard. All these point to the dilution of his caste, religious and communal identity which in turn has weakened his links to the land. Therefore, the ties associated with resilience for a father and his son varies in both forms and substance.

Importance of Active Citizenship: Role of Civic Education and Challenges

The change in the socio-cultural relationship experienced by the Nepali society after the opening up of the polity in the 1990s brought into question the new citizenship—social contract—being forged between the state and the citizens. The 1990 constitution played a pivotal role in broadening the idea of citizenship and converting the subject into citizen.

Importantly, the polity in the 1990s saw an addition of a key actor—the civil society which in principle played a role in bridging the relation between the state and market. The civil society also called as third sector took upon itself the role of educating the citizens about their rights. The entire development discourse was shaped by the right-based approach. This has to be viewed

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2 Mishra makes these arguments in *Badlido Nepali Samaj* edited by Rajendra Maharjan

in historical context wherein the party-less Panchayat system provided for very limited and controlled space for any civic activity. In the right-based approach the veiled idea seem to be to uphold western values as the leading light in overcoming issues of developing countries. This in fact has created contradiction which was aptly put by Prayag Raj Sharma as "the chemistry of Eastern values and Western lifestyle never makes a good combination," (Sharma 2006). The mismatch of this approach has been felt in creating citizenship. In fact, the civic education imparted is considered as the process of creating modern citizen. But unilateral focus on western value system as modern eclipses the reality.

There is a need for creating civic education based on certain values that kept the society intact for a long time. The present transition of Nepal requires value system which ensures order and change go together. In this, the idea of community, importance of family and kin network and interdependence needs to be prioritised. The Interim Constitution of 2007 and Constitution of Nepal 2015 added a very important dimension to the idea of citizenship. Both these constitutions laid the foundation for ushering in a republican setup whose precursor can be considered the changes in the society after 1990. Republican spirit requires that citizen be considered as supreme source of legitimacy and they be made responsible actors.

However, ever since the establishment of the republic, the democratic space has been shrinking and partycracy has been a substitute for democracy. The failure of parties to strengthen the local government is a clear sign in that regard. Association to a particular party has been easy way to garner access to state resource and that has increasingly being anachronistic and narrowing the power base. This phenomenon is also visible in every public institutions including school committee, community centers where political affiliations hold sway rather than the merit. It has only exacerbated the idea that party card holdership trumps citizenship.

Party mechanism and adhoc bureaucratic system has come to replace robust local government contributing to the erosion of democratic space. In all of this the idea of active citizenship through deliberative democracy has been sidelined. Civic education has been crucial in creating the robust grass root democracy. But the Nepali experience of the last three decade point out that such citizenship has been on decline despite opening up of the polity. The third sector, which has played important role in creating the awareness of the rights of the citizens, did so in a unilateral manner. The entire socialisation paid little attention to the idea of duties. In fact, one of the crucial dimensions of that discourse was on the issue of ethnicity. In line with the global discourse on ethnicity, Nepal too witnessed the burst of ethnicity discourse, whereby ethnic activism asserted itself and questioned some of the hitherto-sacrosanct basis of Nepali state—the Hindu religion, Nepali language and daura suruwal.

The assertion of ethnic identity followed by Maoist-led civil war fueled the identity discourse. In fact, the demos and ethnos dichotomy was played out. Nepali state to an extent was responsible for this. For instance, the Supreme Court had invalidated the demand for usage of Newari and Maithali in the local governance at Kathmandu and Rajbiraj municipalities. Such events only rigidified the position of ethnic politics. Such anachronism by the Nepali state has found ultimate expression in the Constitution of Nepal 2015wherein there are seven commissions dealing various identity groups furthering the ideas of ethnos over demos. The constitution validates ones primordial identity as the basis of citizenship. In such a situation the need for a robust civic education only grows in order to create a resilient society which creates active citizens. Such citizenship should transcend primordial identities in order to formulate robust citizens who interact as fellow members of a larger political community enriching their resilience.

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Sharing the Dividend: Policy Practice in Nepal's Community Forest

Mibit Dahal

Community Forestry in Nepal is amongst the successful programs of Nepal Government. Nepal has been implementing community forestry program for the last three decades. Community Forestry program is recognised as a strategy to improve the condition of forests and to satisfy the household needs of forest products in the rural areas. Community Forestry involves handing over the rights to use and manage the forests to local people, who have traditionally used the forests and are willing to accept management responsibilities (Gautam; 2005). Since the inception of the concept of Community Forest, at least the volume of decrease in de-forestation has dropped from geometric progression to nearly stable condition. This can be traced by the data of area of land covered by forest comparing then and now. The annual growth rate of forest from 1990/91 to 2000/01 was 0.06% and the total forest coverage region occupies 39.6% (5.83 million hectars) (MSFP; NA). The important concept brought by Community Forest is partnership between local people and forest and partnership of local people and government.

It involves local people in the management of forest resources, which are at least partly intended for their use. It is based on the notion that appropriate involvement by local people in forest management enhances the sustainable use of forest resources (Gilmour and Fisher; 1991). The basic objective of community forestry programs is to increase community involvement in the management and ownership of forest resources. The underlying principle of community forestry program is that the program is of the people, carried out by the people themselves, for the benefit of the community as a whole. Implementing community forest program under the provision of Forest Act 1993 and Forest Regulation 1995 has become a landmark in the history of forest management and development. Community Forestry is a participatory approach in forest management under which the authority for the protection and management of local forests is handed over to the community to manage as common property by groups of rural people (*ibid*).

It is widely recognised that local communities have historically played an instrumental role in forest management as an indispensable common property. The dependent relation of tribal and indigenous communities with the forest proposes profound relation between them. The concept of

community or social forestry crystallised somewhat in the late 1970s with the release of landmark FAO publication 'Forestry for local community Development'. It has defined Community Forest as "…..any situation which intimately involves local people in forestry activity". Hobley (1996) presents the typology of change in the concept and philosophy of forestry for local community development since the1970s. The concept of community forest was incorporated in Nepal's National Forestry Plan of 1976. Further modification of these plans and legislations made it possible for the development of community forestry in Nepal (Maskey; 1999). Efforts on protection and conservation of forest resources were started, after the establishment of District Forest Offices in 74 districts in 1993.

This study was done at surrounding of Basanta Community Forest in Tilakpur VDC, one of the VDCs of Nawalparasi district. Nawalparasi district is adjacent district of Chitwan district demarked by *Narayani River*. Nawalparasi district is divided into two parts by the hill locally known as '*Daunne Dada*', eastern part is *Nawalpur* and western part is *Parasi* area. These two areas when joined became Nawalparasi, before it was known as '*Palhi Jharkhanda*'. The ninety-nine kilometers national East-West highway divides the district into region either having high density of forest or having less density of forest. Tilakpur is one of the V.D.Cs of Nawalparasi district having very good biodiversity. *Tharus,* one of the indigenous groups, do have profound role in improving the condition of Basanta Community Forest through different locally initiated programs as Vulture Conservation Program. During the time we reached there, the whole communities at Tilakpur were at celebration of Vulture Conservation Week which was observed by then Forest and Resource Minister Mr. Sharad Singh Bhandari. This further lifted the spirit of local people in conserving the forest and the resources.

Even though there seemed to be perfect participation of total community during that time, I was interested to know whether there exists any discrimination between the user groups of the community forest. The discrimination I was more interested to look at was the degree of involvement of group in policy making and practice. Also, it was important to highlight some aspect of livelihood condition of the people living in this area. This was important for the study as the total population composition of Tilakpur VDC were distinctly able to be tagged into three groups. These groups were indigenous residents (*Tharu and Madhesi*), early migrants (now mostly assimilated with the indigenous groups in terms of settlement) and late or recent migrants. In order to do so, interviews were taken with the forest users, district forest officer, political leaders, teachers, professionals and businessmen within and out of the VDC area. Also observation was done to identify the practice of the community forest.

"People's Participation in Planning" Model and Functionalism Theory

This is an analytical research model adopted from "People in Planning" in forest use. FAO elaborates that planning is more than a logical sequence of technical steps, that planning involves getting people to work together towards common goals (FAO; 1989: 17-19). In this model, FAO identifies three broad categories of people involved in planning. The first category is that of the land users. These are the people using and living in the planning area. They may constitute farmers, herdsmen, state organisations and other people directly using the land and the people who depend on the products and who are affected by the use of the land. The second category is that of the planning team. An essential feature in features-use planning is the treatment of land and land-use as a whole. This involves crossing boundaries between several established disciplines (natural resources, engineering, and agriculture, environmental and social sciences). The third category is that of decision makers. The decision-maker may be one person e.g. a village head, district officer or minister; or a board. The decision-makers overall responsibility is to guide the planning team on key issues and goals, and finally choose the best land-use from amongst the available options.

In Nepal, the government, through its institutions performs the dual role of planning and decision-making. It is charged with policy formulation. The policy formulation process on the other hand requires involvement of all those affected by such policy. In practice this may not be the real picture.

The "People in Planning" model emphasises the need for involvement of local communities affected by the plan. The model stipulates that the experience and determination of local people in dealing with their environment is often neglected yet it is an important resource; that people will grasp development opportunities they themselves have helped to plan more readily than any that are imposed on them. The People in Planning approach would avoid the tragedy of the commons which would lead to what Ogoro (1999) refers to as the 'tragedy of the Commoners'.

Functionalism theory states that institutions of society exist to perform certain functions to meet the various needs of its members or to maintain the social system. The recognition of function as a school of thought was promulgated by two prominent anthropologists in Great Britain, namely: Bronislaw Malinowski (1960) and Radcliffe-Brown (1948)(Levinson & Ember; 1996).

Malinowski's functionalism begins with the idea of needs – the psychological needs of man as an animal – and has a table of "impulses" (eg. hunger, thirst) for which "acts" (eating, drinking) can lead to "satisfaction". To meet these needs, humans create social institutions, which are

"the real isolate of cultural analysis". Each institution has personnel, a charter, a set of norms or rules, activities, material apparatus (technology) and a function. There are also culturally derived needs and finally four basic "instrumental needs" – economics, social control, education and political organisation for which institutional devices are necessary. The focus of Radcliff-Brown's attention was on social structure. A society is a system of relationships maintaining itself through cybernetics feed-back. Institutions are orderly sets of relationships whose function is to maintain the society as a system.

As is evident, the "people in planning" model, pursue functionality. This is from the point of view that every individual or institution has a role in the conservation of forest resources if equity in the entitlements to forest resources is to be realised and desired forest resources sustained in the present and in the future. The functionality can only be best captured at the policy formulation and implementation stage.

Population Composition

The population of Tilakpur VDC is 7674 (1520 household, male 3597 and female 4077) (Nepal Government; 2011). These populations are categorised as native dwellers, early settlers, and late migrants. The early migrants or settlers were those who had migrated immediately after the malaria was abolished from *Terai* and late migrants are the settlers on or after the initiation of Peace process. The population of Tilakpur VDC majorly can be classified into two: Migrants and Natives. This omits the chances of data error created by differentiating the migrants as early or late migrants. This classification can though be clearly seen but is hard to track as population other than native dwellers believes themselves as early settlers.

The estimated percent of locals or the natives is 80 percent and that of migrants is only 20 percent. The migrants are from the nearby *Chure* range of hills and nearby VDCs. The estimated travel period of the migrants is five years. The natives are the indigenous people of the *Terai* belt like Tharus, Madhesi etc. the flow of migrants is heavy due to the long insurgency and the forth generations are still there despite the peace and return of their parents to their original place.

From the angle of forest users, the entire population for our purpose can be divided into three categories. Among them, around 42 percent of the populations are general user of the community forest, 38 percent are policy making users and remaining 20 percent population are policy maker population. Most of the people living nearby the community forest are very much dependent on that forest but the policy makers tend to throw away their reach to the policy making process. Majority of the user (around 40%) are not involved in policy decision. This omits any chances of

betterment of policy structure. Though, all the policy makers do believe that policy development is democratic process and involves all the users. But ensuring involvement of all the users is still in question. These forty percent of the total users are closely dependent on the forest resources. The dependency may be for the timber, fodder, and various others. The involvement on conservation of the community forest from this group is highest. Of total, thirty eight percent of the users are involved in policy making and they are partially involved in decision making. Due to this group, the interests of general users are secured. They try to influence the overall policy making process by bringing the user favorable policy. Remaining twenty percent are core group in policy making but are least dependent on the forest resources. They represent people closely related to political affiliation and other apolitical people but ranked higher in social stratum. District Forest Office believes that the control and regulation of policy making process is influenced by the legal framework and the user intention. Having strict and concrete framework of legal text, the only space for policy influence is through the thin line of users' interest. How well and how strongly the policy is influenced can be viewed from the segregation of the overall population living around the forest.

Castro's point seems to be non-functional in case of Nepal. His argument- the local communities have often perceived government's forest management policies negatively, as being against their interests, and have therefore been indifferent to government-led conservation initiatives (Castro; 1995) seems to be off track as government initiatives in Nepal is welcomed than opposed. Due to this, the aspect of forest conversation is very well defined and properly participated by the overall population.

The influence in policy making may be due to the illicit benefit that can be drawn. Baraza's view lies in accordance and explains that – "Penalties for infringing forest related Acts are usually very mild in comparison to the potential gains from illegal forest activities. The presidential decrees, which have been intended to stop fragrant breaches of the forest policy, are often not backed up by legislation, and are thus, in practice, difficult to enforce (Baraza; 1999)". Also inadequate recognition of the indigenous community makes it difficult to adequately address the use of forest resources. Banuri et al.'s analysis seems more rational from user and policy makers. He argues that more than two million indigenous people (4 percent of world's population) representing 5,000 of the world's 6000 cultures live in environments ranging from the polar to tropical forests and rain forests (Banuri et al.; 1993). Long-term survival of forests and their roles therein is thus dependent on carefully formulated policies that take into consideration the views, needs and aspirations of the forest-adjacent communities, i.e. user groups (*ibid*). Thus, the recognition of underlying structures of the indigenous communities help the legislatures defines the actual use of the natural resources, particularly forest. These structures are the parameters

of any "organic" social block. It relates both human and the social setting. It's the continuous and regular interaction of the human and the social settings that create layers of structure within these social setting and human mind. Both the structures are linked and fusion of these creates the whole. Each indigenous composes a unique identity within themselves. These identities have the basic of the structure. They do have complex structures within themselves. These structures sometimes are related with nature, land, social members and even their belief systems. Due to this, these communities do have strong bond between them and thus differs from other groups (Dahal; 2015). So, defining a group also preserves their cultural heritage and the natural heritage associated with them.

Community Forest User Groups today are taken as the primary and the first user of the resources of the forest. They have been long identified but are now made more appropriately legal towards the forest, the society they live upon and the government regulations that regulate the forest. The Master Plan for the Forestry Sector 1989, the Forest Act of 1993, Forest Regulations of 1995, the Operational Guidelines of 1995 and the Tenth Five Year Plan (2002-2007) provide the current legal and operational framework of Nepal's community forestry. These instruments have legitimised the concept of the Community Forest User Group as an independent, autonomous and self-governing institution responsible to protect, manage and use any patch of national forest with a defined forest boundary and user group members (CFD; 2002, DOF; 2002). FUGs are to be formed democratically and registered at the District Forest Office (DFO), with a Community Forest User Groups Constitution, which defines the rights of the users to a particular forest.

Also, the provisions of ILO 169 do stress the importance of forest users and the importance of local or native users. According to the provision of ILO 169 (1989), "indigenous people (IP) are more dependent on natural recourses, therefore impact of their enclosure and degradation is massive in the forest resources. Also, the discrimination among the users of the community forest is not only due to their low reach to the political system but also due to the division of social system".

At the 1992 United Nations Conference on Environment and Development (UNCED), the role of traditional and other local communities in management of natural resources was mentioned in several conference documents. Principle 22 of the Rio Declaration affirms the "vital role" of these communities "in environmental management and development". However it provides no guidance on how to ensure effective participation.

Article 8(j) of the Convention on Biodiversity, requires parties to "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional

lifestyles relevant for the conservation and sustainable use of biodiversity". This language appears to provide a framework for international legal protection for certain types of local community forest management systems. However, this sector is made "subject to legislation", a qualification which potentially vitiates its effectiveness. Chapter 32 of Agenda 21 guidelines for realising sustainable development at the international, national and local levels is directed at the interests of "farmers" which the document identifies as "all people who derive their livelihood from activities such as farming, fishing, and forest harvesting". It calls upon national governments to give effective land tenure to these groups and notes that the absence of legislation to indicate land rights "has been an obstacle in taking action against land degradation in many farming communities". However Agenda 21 is not a legally binding document.

The Desertification Convention recognises the rights and interests of community-based resource users as well as participation of these groups as essential for sustainable natural resource management and development. Article 10 of this convention calls for national action programs that delineate the respective roles of governments, local communities and other land-users and which "provide for effective participation at the local, national and regional levels" in policy planning and implementation

Users and Policy Making

It was equally important to identify the relation between the user and the policy builders. Here we are basically talking about the local level policy that is formulated by local users in accordance with the Forest Act and the Forest Regulations. As discussed above, the user are divided into three, one the pure user who are the only general member of the user, the second one who are both user of the community forest and are involved in the policy making and the third one who are not much dependent on the forest resources but are only related to the policy making process. The policy makers on the social frame are on one of the spheres and the general users are on the other spheres, and the intersection portion of the spheres are the users who are both mostly dependent on the use of forest resources and also are involved in the policy making process. So their own relation can be counted as:

- the native user or the general user,

- the policy maker native user and

- the policy makers.

Who can be the policy discriminators? After viewing the above categorisation the policy makers who are not totally dependent on the resources for their survival can be suspected as the policy

discriminators. But in case of Basanta community forest, since the population of policy makers are not much, they don't have profound role in influencing the policy much. During the policy formulation process different population do have different roles to play. During a particular policy formulation process the general users are passive and least busy in the whole formulation process. Policy making users are active and so are policy makers. The general users are least attracted at the whole process as they are informed about the process through local news papers, radios (FMs), Mass Shouting (*Jhyali Pitnu*). Whereas policy maker users and policy makers are either informed directly through the use of mobile phones or letters are sent to their respective houses. According to the user committee, during the initial years of community forest all the populations were called through door to door information. But less attracted to day long process many backed in later days. These were then transliterated as entry only for the interested. Being a primary user, they always believe that the forest resources will always be available for them, which in fact is true. As the formulation process completes, general users are notified about the policy through common circular and through group meeting. Any changes to policy quickly attract many users and seek explanation from the executive community. Since the number of user outcaste the non-users, the process is less affected by many users remaining unattended. But these general users do have a role to play after the policy are formed or amended. These users spread the new policy practice to all mostly by meeting all the members of the community and even post the news in local walls or boards.

Livelihood Status

Some recent studies have indicated that the physical condition of community forests (i.e. degraded at the time of hand over) has generally improved (see Malla 1992 & 1997; Branney & Dev; 1993, Jackson & Ingles; 1994). But there is a lack of evidences showing clear and consistent contributions to local livelihoods. Rather, there is a growing body of documented evidences indicating that in several instances, households, especially the poorer ones, have been forced to have reduced access to benefits from forests as a result of implementation of community forest policy in the field (see Neupane; 2000, Malla; 2000, Paudel; 1999 and Maharjan; 1998). In this, the intention was to look over the conditions of the forest as well as the improvement of the livelihood status of the people. Now they have shown that there is no significant improvement in the livelihood even though the concept of the community forest exists there. According to the researchers the total contribution versus the consequences due to the community forest has now been more difficult and complex due to the policy formulation process.

According to them the community forest is not only the source of livelihood but is also the part of their tradition and culture which they have nowadays barred from the regular activities.

The accessibility is not usual as compared to the previous but the regular availability of some resources like fire wood and the feeding leaves for the cattle's is better as compared to others. Even though this has been the trend of practice, community forest is majorly focused on the economic activities which they perform on sale of forest timber. And many believe that the policy influencing is due to these economic activities. Most of the migrants due to the lack of land are either performing their business in that area or are conducting the farming activities that have the capacity to purchase the land. The migrants who have set up their business there have started owning the land and building the houses over there and hence gaining the status of locals. In case of policy practiced by the population of Basant community forest, the drastic changes or decrease in the livelihood has not been experienced. Rather due to proper management of the forest by all the concerned groups the people are benefitted and are really enjoying the living conditions over there.

Joshi points out optimistic thought through trend analysis -"by the year 2012 (2070 BS) most of the potential community forest will be managed by the users. Most of the communities will be organised. Most of the cities will be full of timber produced by community forest user groups. Many community forest user groups will be running forest-based industries and enterprises. This will develop not only economic and living standards of rural communities, but also support the government by generating huge financial support to the treasury. The market may become a problem but not the raw material. The training programs and network programs should be strengthened regularly. As the result, the community forestry program will be leading to develop the economy of the country. Necessary changes in community forestry will prove positive and productive support for community forestry. It is necessary to increase trained field staff to support the continuously increasing community forest user groups before they deviate from the basic concept and problems of bigger dimension may arise" (Joshi; 1997).

Conclusion

There is no policy discrimination towards any of the users, in any forms and in any mode. It is due to the active participation of the users of the forest and the people living in the surrounding area, the policies that are formulated are user friendly and efficient to their living. Most of the policy formulators are themselves users hence they make the policy according to the need and requirement of the circumstances. In any case there happens to be policy shortfalls, these are repaired by further amended by adding touch of need from the overall users. This is also due to high level of participatory behavior of the users. There is no any impact of policy on the livelihood of the user of Basant Community Forest. Since the track of previous livelihood condition cannot be traced and due to other economic up-liftment opportunities, living conditions have significantly

improved. The increase in land prices, urbanisation, industrialisation, foreign employment opportunities may be the other economic activities that may have improved the economic conditions. The overall track of the forest users is very difficult due to the undistinguishable area of the forest. The area of the forest are not very distinct and even in some of the forest there is dispute regarding the boarder of the forest, so the exact population of the forest user isn't identified. But in local terms the amalgamation of need of general users are overshadowing the dispute of boundaries between the community forests. The living conditions are definable in two broad ways from the view point of migrants and the locals. Due to the migrants and the increase in the population can be one of the factors which hinder the exact finding. But, it can be concluded that the level of policy discrimination seems to be low, if it were to be quantified almost near to ninety-five percent, but the real problem lies with the generalisation of this finding. The big question here is- are all community forest free from such differences?

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Why Nepal is and will not be a failed state?
Communities as a Source of State Resiliency in Nepal

Chandra D. Bhatta

Introduction

The history of 'Nepal' can be traced back to the ancient times of *Vedic* period (1500 BC to 500 BC) albeit in different names[1]. *Foreign Policy Magazine* (2012) indicated that Nepal as a state is most likely to fail. In 2013, it signaled alarming indicators of state failure. A story was published in *the New York Times* in June 2012 which stated "Nepal on the brink of collapse". In similar ways, many other organisations and individual experts in recent times have explained the situation of Nepal from various perspectives such as weak, fragile, and failed state.

In relations to the above, such perspectives might have come up based on three primary characterisation of failed state identified by Noam Chomsky – inability or unwillingness to protect citizens from violence and destruction, tendency to regard themselves as beyond the reach of domestic and international law and hence free to carry out aggression and violence, and 'democratic deficit'. In this context, the state of affairs in Nepal may not be congruent to the above characterisations. There are some symptoms of failed, failing or weak state and at the same time there are also symptoms of state resiliency. In fact, the later outweighs the former. In following such argument, what is important to know, therefore, is that what factors have brought one of the oldest State, in the world to come to such level of realities, and second of what really lets day to day life seemingly running as usual in Nepal, and thirdly what maintains the social cohesion and social peace? In the second level, how have all those impacted upon the state building and peace building processes? Based on my own reflection and experience on working in this field these two terminologies[2] have come into the broader discussion after the political change of 2006. I have had the opportunity to be involved in scores of seminars, discussions, conferences, and workshops organised in national, regional, and local levels have given the strength of understanding such debates and put them under the theoretical context I had given above.

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1 The country used to be known as 'Satyawati' in 'Satyayug', 'Tapoban' in'Tretayug', 'Muktisopan' in Dwaparyug and 'Nepal' in 'Kaliyoug'.

2 Terminologies here refer to state building and peacebuilding.

This paper tries to answer some of these questions by taking communities as the unit of analysis. We argue how communities have become places of collective existence who share common values in many ways – despite their heterogeneous composition – and use internal spiritual resources to heal the wounds of violent conflict. Nepal's case shows communitarian approaches working above all sorts of primordial considerations, lineages, groups, castes, classes, ethnicities, religions, and regionalisms. In this context, the communitarian approach can enlighten us to know as how collective life continues to manifest its relevance amid many differences across parties and civil society groups. This paper also makes a critique on the role of modern civil society organisations (CSOs)[3] and the social scientists who are constantly engaged in re-tribalising the society[4] and weakening the civic spirit necessary for sustaining a functional constitutional state.

Interface between Ideologies and Faith

The first assertion is that State did not collapse[5], it simply could not uphold its authority effectively in society. The ineffectiveness has been weakened giving rise to question in governance and thus leading to more involvement by the non-state agencies with higher maneuverability to the external actors and their financers into the internal affairs of the country at large. And subsequently, non state actors are invisibly aligned to corporate interests organised social classes, political parties and their fraternities, and external aid agencies as well (Bhatta 2013). The relations existing between and amongst such entities have many explanations, but the most plausible and concurrent ones are: first, differences in understanding the very concept of the state and second is the existence of high-level of political ideologies across the political spectrum. To begin with first – state, in fact, has been taken as an 'object' of social, economic, and political exploitation by the elites of various types to fulfill their vested interests. For example, those who come from the leftist school of thought have always treated the state as "class" because of their Marxist belief and are always in conflict with the state, society, and the values it has inherited – no matter whether they are in the governmental power or not. Liberal democrats, for their part, appears to have been treating the state as a 'machine' to serve their interests (partisan and personal) while neo-liberals have different take on the state – who rather prefer farewell to the very idea of the state. The urban-based civil society members and media, for their part, have treated the state as a 'medium' through which they can fulfill their interests. Such approaches in understanding the state coupled up with the forces of globalisation, ideologically-laden political parties, civil

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3 Modern CSOs are defined as those ones who are primarily thrive on foreign funding, philosophy, right-based in nature and do not necessarily appreciate the local values/traditions

4 Villagers do not understand development jargons and consider social scientists like parrot who lack reflection on human condition like priests and guided by the textual knowledge than contextual understanding.

5 There is a saying that for any tree to collapse its roots has to be dried up but that has not been the case. The roots of Nepali state are very strong.

society groups, and the market, in the long-run, have certainly caused systematic institutional decay of the state institutions.

To begin with second, the modern political process took off in Nepal in 1950 with the installation of democracy. Democracy, however, was immediately taken over by the two prominent ideologies: liberalism and communism. Right from the beginning, there has been constant struggle between these two forces – liberal versus communists represented by Marxist-Leninist-Maoist ideology and the struggle reached its peak during 1990s. Over the years, these ideologies have certainly challenged the very existence of Nepal's indigenous cultural values based-on faith, and the process of *Sanskritisation*[6]. More importantly, non-commitment on ideologies from the part of political leaders (on which they purport to believe in) have certainly become the source of political instability giving birth to surfeit numbers of political leaders of various colours who merely use ideology in their struggle for power but no to create national consensus required for peace and development. Two examples can be cited here: first their preference remained as how to deconstruct its uninterrupted history of national sovereignty[7] and second is the absence of cultural and historical sensitivity in some political parties and their leaders. The ideologies have triumphed over the mind of political leaders to such an extent that they have forgotten the fact that they, too, have to appreciate national sovereignty and have a role to protect cultural sanctity of their own state. Political leaders' mere attempt to assert victory over people or allure them through various kinds of material 'isms' and 'hedonism' which have nearly fractured the indivisibility of communities into different parts and, in many cases, has become a source of conflict.

Similarly, the sociological analysis of Nepali society by native and foreign scholars also remained primarily on negatively portraying the state, society, and its values. Their focus merely was to expose fault-lines for their own benefits, serving as power-fixers and consultants without any reference to democratic values and norms as opposed to the basic values and the strength of Nepali society that historically supported state-society closures. Many of them, in contrast, have adopted group analysis, such as youth, caste, class, gender, ethnicity etc., which simply attempts to promote limited interest of small groups with localised identity, not the national one. Approaches of this kind have created apparent differences in society and divided the normative whole *(Brahma)* into many empirical components. Only the path of synthetic analysis based-on service, welfare, and spirituality can inspire many entities to move ahead in unions (Ranganathananda 2013). With the arrival of new ideas such as secularism, republicanism,

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6 This is a process by which lower caste of society adopts the values and rituals of higher castes of society and Nepalisation – the use of Nepali language as *lingua franca*.

7 The communist political parties of Nepal have never appreciated its independence. They still treat Nepal as a semi-feudal and semi-colonial state and have reduced history to the 10 years of people's insurgency and 19 days of people's movement.

and federalism after 2006 – Nepal's political process has become more complicated. There are predominantly two schools of thought running across various quarters of society. One school of thought argues that the new values of secularism, republicanism, and federalism adopted by the post-2006 regimes can and should become the foundation of the state. While the sizeable number of people (whose number is increasing in geometric progression)[8] argue that these new values have become part of the problem as they run opposition to local culture, values, practices, and self-rule that integrates society. What this ignores is that the first school of thought views the nation and nationalism as largely particularising elements, that is, both are tied to a particular place, experience, people, ecology, and culture. In contrast, secularism, republicanism, and federalism are universal political ideals usually connected to the Enlightenment rationality and science freed from any specific locale or cultural identity. The ambiguity of this cultural relationship between the new values and the nation can have serious consequences as experienced by numerous countries across the world. Many people are worried that the arrival of new values means the systematic defeat of *Dharma* as in the West the success of science has meant to defeat of its opponent religion (Shah 2008). Amidst this, what went wrong in Nepal is while the interim constitution has declared Nepal as a secular state, but the political parties – particularly those whose major demand was to have secular state –are hell-bent on having ethnic federalism. It appears that secularism, republicanism, and federalism are used to homogenise the diversity of Nepali society and parties are seeking social engineering for consensus and common view yet formulating contradicting viewpoint for a social contract – a new constitution. The formation of Muslim Commission, Ethnic Commission, and other commissions also detest the very idea of secularism. Political leaders' action and behavior run opposition to the very idea of secularism. Such action should be seen as the reflection of people's desire or their own intention. Divine presentation of political leaders who do not hesitate to wear the garlands more than their own weight manifests that they are the new God in secular Nepal. Such behavior affronts the concept of popular sovereignty and citizenship. The tension between universal ideals of citizenship and localised subsequently have become disruptive in the political process (Ibid) and militarising the society rather than advancing the democratisation process.

Civil Society Perspectives

A great deal of attention was given to the modern civil society organisations both by the state and international community in recent times. All these modern CSOs and activists are lump into one big tent as good doers. However, there has been a great deal of tension between modern CSOs and their behavior towards traditional practices/values of Nepali society. Such tension arose partly because the modern CSOs does not appreciate the extant values on which the state and societies are built-upon. In fact their actions do not really match with the expectations put

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8 The role of the RPP-N and the voting pattern in the recently concluded CA election should be taken as the classic example to this end. In the recently concluded election many people living in the urban centres voted for RPP-N – the party that demands for referendum on secularism.

on them[9]**.** In recent times many of them have compartmentalised Nepali society as 'modern' and 'pre-modern'. Those who subscribe their values are termed as civilised and others are pre-modern or uncivilised for that matter. Many of them see Nepal's culture, values, history, knowledge, and traditional practices that have kept Nepali society together for such a long period of time as the sources of backwardness. Only material achievement/prosperity, which is never ending process and major source of mental tension, is seen as development by them – not the spiritual one – which is means and end in itself. Many of these organisataions, whose resources and philosophy comes from the outside world, would not adopt the approaches that develop certain *sanskar* and *sanskriti* in society. Scholars argue that material embededness has forced many modern CSOs to become right-based as opposed to duty-bound, monetised as opposed to voluntary spirit in service, and donor dependent rather than becoming self-reliant /content. These agencies are also blamed for being historically and culturally insensitive, weakening of state institutions and division of people along various fault lines. Their contribution towards regime change is noteworthy but not towards statebuilding and peacebuilding. The frequent regime changes have not necessarily provided conditions for peace in society and the reasons behind this are well explained in *Sanatan Dharma* – which is neither new nor old. In *Sanatana Dharma*, the concept of 'transient' or 'impermanence' or literally called '*Anitya*'; is described and conceptualised as change. However, the change is the permanent condition formed after the old is perished. Therefore change described in the *Vedic* tradition is one that is justified as having resilient character embedded in the concept of change[10]. This has not been manifested in the recent change. The change, in turn, has resulted in a trust deficit between CSOs, the state and the broader Nepali society.

Those CSOs who promoted the idea of modernity have impacted on the extant political process and have direct bearing on eroding the core values of society. Under the garb of modernity and post-modernity championed by these organisations in tandem with left political parties – many traditions (custom) have become anathema (*Kuruti and Kusanskar*) and *Dharmic* activities mere myth and symbol of backwardness and ignorance. Many of them argue that only modernity can provide solution to the problem of poverty and ignorance. Cuing from Einstein, there are other sets of scholars who argue that extant poverty is the creation of modernity lacking ethical contents

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9   To illustrate such claim one can cite nature of the public sphere generated by the modern CSOs and the political parties which is regimented whereas the cultural public sphere is common and everybody has access to it. In the recently published article in the Kathmandu Post (31st March, 2014) one keen observer of Nepali society Gérard Toffin explain*s* the true nature of Nepali civil society. For detail see http://www.ekantipur.com/2014/03/31/oped/crucible-of-civil-society/387523.html.

10 Naresh Rimal. 2013.*Regime shift and alteration in social cohesiveness,* paper presented in a seminar organised by Friedirch-Ebert-Stiftung Nepal Office and Martyr Memorial Foundation. (*Anitya*) can be simply translated as a 'change' or more specifically the character of the change which is 'impermanent' and 'transient' in nature. However, in living with the concept of 'Anitya', conditions the human thought provide the resilience reverting back from 'disorder' to 'order'.

and one cannot seek a solution within it. There are post-modernists who do not necessarily recognise the both – modern and local values. On the contrary, they attempt to construct the culture of their own imagination. Gandhi offered a clear riposte to modernity and and he would have done same to post-modernity if he was alive today. For him, the modern ideals are immoral, irreligious and leave no time for contemplation (Rajhuramraju 2006).

All these ideals of modernity and post-modernity for many scholars, Gandhi in the East and Jurgen Habermas in the West, is that they have not only subjugated non-Western societies but also subjugated the Western societies. In other words, modernity per se factors have brought forth the process of colonisation both within and outside the Western society (Ibid). The absence of cultural self-respect among these groups has resulted serious crisis in faith. Religion is based-on 'faith' (*Shradha)* and its literal meaning in Greek is to 're-link' but the same in recent time has been instrumentalised to such an extent that generated crisis on *Shradha* in some sections of society.

Many factors could be held responsible including the new ideals. The basis for their attack rests on mysticism that exists in religion – either Western or Eastern. For them, Hinduism as a religion is based-on mysticism. Responding to such arguments, Fritzof Capra (1975) states that everything should not be looked from the scientific approach. There are scholars who opine that neither the new values nor the science can teach morality which promotes civic political culture required for democracy and peacebuilding (Ranganathananda 2013). Morality comes from religious education which can inculcate the culture of morality[11]. The discussion in this section raises a fundamental question: can non-state agencies contribute in building the state when they have their own multiple interests and their philosophy contradicts with local community built on spirituality and centuries of adaptation and re-adaptation experience with nature and diverse culture. The answer certainly is not in the existing situation. Non-state agencies which are rooted in local values are the real stakeholders and they can become both the stake-builders as well as the stake-holders.

Dharma as a Mediating Factor

Nepal has undergone prolonged political instability of various nature (regime, legislative, executive, and cabinet)[12]. Such instabilities are closely related to the power struggle among successive ruling elites which certainly have brought some sort of erosion on the Weberian

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11 This, perhaps, could be the reason, among others, why most of the state constitution put emphasis in-cluding the German, on compulsory education on school curriculum.

12 Not a single parliament here has lived out its full term, no elected Prime Minister of Nepal has ever been able to complete his tenure, no cabinet in the nation's political history has survived long enough to oversee the implementation of its policy and planning.

capacity of Nepali state. There were at least four momentous upheavals at the top level between 1770-1951[13]. The elite power structure has remained unchanged even after the introduction of a democratic regime in 1951. Until 1950 it was a country ruled by the Rana oligarchy, the 1950s saw a flurry of democratic activities, between 1960 and 1990 - the monarchical regime kept democracy at bay and treated political opposition as state treason and anti-national by banning political parties. Contemporary political change since 2006 brought fundamental structural changes, but failed to provide political stability and social mobility of under classes. One of the example of such failure is the conflict existing in the *Terai* (low lying areas of Nepal) and in smaller cases in many other parts of the country.

Unlike in the modern times in most of the post-conflict societies transition in Nepal is largely peaceful although there are some genuine problem with the values of peace. Life in Nepal is largely subsistence oriented and non-monetised. The economic activities are taking place on their own pace – which is largely informal and private – which can also be taken as the symbol of resilient society. It is also not automated society driven by machine and money as in many modern societies[14]. The society, economy, and polity as a whole has remained informal, governed by the norms set-up by the traditions[15] *(Chalan)* whose basis can be found in the *Dharma*. *Dharma* is normally translated as religion in English, but such a translation does not do justice. The notion of *Dharma* implies the performance of virtues based on institutional duties. The word *Dharma* does not necessarily represents Hinduism as a religion. It is about one's moral duty toward family, society, community, the state and the cosmological order. Dharma is not 'absolute' concept as law, it's contextual as described in the *Mahabharat's*[16] *'Shanti Parba'* as *'Apad Dharma', 'Raj Dharma'* and *'Moksha Dharma*[17]*'* (Rimal 2013). So, by referring to *Dharma* one may not be referring to any particular religion, but moral obligation and duties bestowed upon him/her. The basis of such feeling, however, certainly emanates from the *Sanatan Parampara*[18]. The roots of such *Paramparas* can be found in the *Vedic* literature that advocate for all encompassing

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13 In 1806, the Thapa family attained a virtual monopoly on political power; in 1846, the Rana family reached a similar position; in 1885 power shifted into the hands of the Shamsher branch of Rana family; and in 1934 the A class Rana group of the Shamsher Ranas came at the top.

14 Although products brought about by the modern technology are available everywhere but they have simplified the lifestyle in the rural Nepal but not necessarily machinised.

15 One such tradition is that people from all communities – whether Hindus or non-Hindus – perform *Kulpuja* every year.

16   *Mahabharat* is the oldest epic and the religious text of Hinduism

17   Naresh Rimal, 2013. *Regime shift and alteration in social cohesiveness,* paper presented in a seminar organised by Martyr Memorial Foundation and Friedrich-Ebert-Stiftung, Nepal Office.

18 Sanatan Paramparas (neither new nor old) are the mixture of *chalan* and *dharma (tradition and dharma)* and many times traditions are above the dharma and in that sense *Chalan* defines *dharma*

(inclusive) *Dharma*. The norms of Nepali society have been shaped by such *Paramparas* which has been later denoted as Hinduism.

The philosophy of *Dharma* does not make any discrimination against any individuals, groups or religion[19]. In similar ways, Buddhism also has been well accepted by Nepal's Hindu rulers and made it part and parcel of their day to day life. Same thing with other religions such as Christianity and Islam – though they have very short history in Nepal. This diversity has been the biggest democratic indicators of the Nepali state over the years where each community has coexisted peacefully. The rural life is deeply imbued with the metaphysical roots of culture while some section of urban life is completely soaked by the alchemy of modernity and post-modernity.

The governance and the guiding principles of the state, before the arrival of the modern political system, was regulated through the unwritten scripts of society based-on certain traditions/values. Unlike the Weberian concept of state which is largely based on the legitimate monopoly on violence, the state in the *Vedic* period (down to 600 BC) had a duty to maintain peace, order, security and justice in society and in post-*Vedic* period the duty of the state was to promote *Dharma, Artha, Kama*, and *Moksha* (duty, wealth, work, and Enlightenment). These ideas included the all-round moral and material progress of the individual and society. This trend continued until the sub-continent adopted the modern governance systems. Such historical approaches have shaped the notion of delivering justice on the basis of *Paap* (sin) and *Punya* (good deed) *or Satya* (truth) and *Asatya* (untruth) till today[20]. Under such condition, it is not really a matter of concern for the large number of people – who live in the rural Nepal – whether the constitution is written or not[21]. The moral codes govern their private and public life.

People, at large, are forming their own committees to address the residue of the conflict and searching for unifying factors. One such classic initiative taken by the people is to celebrate the national unification day, which was cancelled just a few years ago, in various parts of the country[22]. Interestingly, there has been a little genuine effort – both from the part of internal and external agencies – to heal the wound of insurgency. Agencies (internal and external) and political parties, for their part, are found to have been pitting one community/group against

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19 See Srimad Bhagwat Gita.

20 Ranas who ruled Nepal for more than 104 years had always upheld dharma while delivering justice. Even before that there has been a saying that if the justice is denied goes to Gorkha (Nepal).

21 During the recent electoral campaign the major demand from the part of the people was not constitution. They argued that our forefathers did not have constitution but they have strong state but with the constitution in place, we have become weakest state in the world. Their major demand was development that can alone restore the real sovereignty of the state.

22 This unification day was cancelled by the post-2006 government citing the unifier of modern Nepal as the expansionist, and coloniser.

another to expand their political constituencies. While the artificially manufactured identities on the basis of ethnicity and regionalism have not really been owned by the people, there are donors and political parties who are still advocating such empirical identities rather than harnessing the connectors of society for strengthening the base of civil society for peacebuilding. Majority of Nepalese are convinced that such identities are mere social creation of new political ideals which counter to the norms of democracy. In fact, the recently emerged idea of a nation (ethnicities) and the region appears to have weakened the concept of the state and created confusion as where would the loyalty of people lay. The basis of unity should be looked into the shared historical past (the state) and its cultural mixing, which would alone give the idea as what values Nepal stand for – the idea of Nepaliness.

Edward Shills maintained that civility is the most fundamental concept for understanding as how societies are shaped and organised. And every society has very distinctive rules of etiquette and standards of behavior that set the tone of public life (Pye 1999). The strong sense of civility integrates society together. In the context of Nepal, the source of such civility emanates from spirituality which brings people into a common platform. And this spirituality is built on common cultural traits based-on *Dharma* and *Sanskriti* (cultural values) which acted as the bridging factors across the empirical divides. This sense of civility has united Nepali society from its total break-down even during/after the insurgency. Indeed, this has provided opportunity for reconciliation whereas the same cannot be found with the various new-found ideologies that are driven by the notions of dialectics or market materialism. For a broader Nepali society *Bhagwan* (the Nepali equivalent translation of God) exists everywhere, that is, in each and every material and living species (there is a saying that *debvata* (demigod) exists in each and every stone of the country. This makes Nepal – a unique *Deva Bhumi* (abode of gods and goddess). By and large, the unity of Nepali state rests on common culture derived from *Dharma* and the common history of state formation – as both have become the source of interconnection among people[23]. Even Prithvi Narayan Shah, who unified modern Nepal never imposed any particular religious values. For him, Nepal was *Char Jat Chhatish Barna Ko Sajha Fulbari* (a common garden of four castes and 36 colours). He asked people to adopt their own *Dharma* which they have been practicing (Stiller 1968) while he himself adopted the cultural values of the new state – the Nepal. Likewise, Ranas gave autonomy to the local courts, and promoted local culture which provided resiliency of multicultural traditions in society. This practice has been continued by the Shahs through local *Panchayats and bhadrabhaladamis* but with the arrival of multiparty regime native cultural autonomy is suffocating under the hegemony of modern and post-modern chaos and the modern system has failed to deliver democratic and peace dividends to the ordinary people.

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23   Many Nepalese believe that both the project of secularisation and federalism were imposed from outside and are deeply shattering Nepali society.

Cultural Initiative for Peacebuilding

While political parties are ideologically projecting their influence over people but their success is meager. It is mainly due to the general peoples' way of thinking guided by age-long spiritual activities they 'live' and 'conduct' following traditional path[24]. Political parties used ideologies for more than half-a century, but it has not really provided any solution to the political/ economic problems of the country. Such ideologies have neither glued the society, nor promoted nationalism[25]. In contrary, there is a growing realisation that one can find neither material nor spiritual satisfaction from these ideologies. Ten years of Maoist insurgency have compelled people to jump on to the conclusion that such ideologies are merely being instrumentalised benefiting higher-up political leaders[26].It has de-linked the people from real life of politics and policy-making. For all these reasons ideologies do not seem to provide answer to the human condition. Deep-rooted family based on the joint family system has become the realm of social security followed by the circle of acquaintances. Civility based on *Dharma* has always contributed in linking the people together. Even in the absence of state institutions these elements have played a crucial role in many areas including peacebuilding.

Similarly, in recent times, spiritual activities have increased throughout country[27]. Such activities are aiming to reform *Dharma* and culture and make both more acceptable and accessible to restore their lost glory[28]. In many cases such activities are also directed in reforming some of the social practices alleged to have come from Hinduism[29]. One such malpractice is the case of

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24 Irrespective of the political ideology they follow – communism or liberalism.

25 Marxist-Leninist-Maoist Political parties have always parroted Nepali nationalism that never reflected in their action. Also, they have never appreciated the historical sovereignty and independence of Nepali state. Their commitment to democracy is always questionable.

26 Conversation with Lekhnath Neupane, former student leader of the Maoist Party - now affiliated with CPN (M). Neither developmental activities were satisfactory nor nationalism strengthened.

27 The performance of various types of religious activities has gone up particularly after 2006. This has primarily increased because with the growing proselytising activities in the country people at large felt threatened of losing their identity and as an endeavour to protect this identity such activities have gone up.

28 Dahal believes that the knowledge that used to be processed through the regular interaction between the hermeneutic knowledge of *Rishis* (sage) followed by empirical knowledge of *Jogis* (hermit), textual knowledge of *Pundit*, and ritual knowledge of *Purohit (priest)* was more secular and holistic and it has created a harmonious relationship between the society and the state. With the discontinuation of such practice and *Purhotis* on the driving seat of knowledge, who have become the self-declared interpreter of the *Dharmasastra,* it has created various hierarchies in societies and blocked social mobility of under classes of society.

29 Many blame Manus law for such a state of affairs but *Manusmiriti* explicitly says that *Dharmasastra* and the *Dharmic* practices have to be changed with the spirit of the age. Sadly, this change was not allowed by the British rulers in India. The mainstream Vedic literature does not make any discrimination on any ground against any religion/individual/sex.

Dalits – who are not allowed to enter in the temples and take part in social activities though they come from the same race and religion. Like the *Purohits* (priest – who mainly perform rituals), social scientists, too, have failed both in reforming the *Dharma* and also learning from its true essence[30]. This realisation can well be witnessed both in the public sphere as well as in the mainstream academic writings. The debate in Nepal, these days, is centred around on the issues as how best to push the state building process ahead without damaging the cultural and religious identity of the Nepali state. One can find many centripetal forces that have played crucial role in holding Nepali society together such as:

- The wide existence of traditional (organic) civil society organisations: the fact that there may be civil society groups that are so buried away in rural hinterlands are neither recognised nor their importance realised by the international and academic community and policy circles and others but their contribution in holding the society together is great.

- Nepali society is highly spiritual (Bhatta 2014) and the springboard of spiritualism is strongly rooted in metaphysics and sees reality of local life in interconnection. Even the hard-core communist leaders[31] have now given up their ideas against *Sanatan Dharma* and regularly visit temples perform *the Puja* (worship) etc. The tendency to perform *Dharma Yajna* for peace and reconciliation project in various parts of the country is the classic examples[32].

- Deep-rooted value and cultural richness which is dynamic and complex, but not necessarily complicated. The cultural capital is operating at the highest level, even above the religion and has become the source of social cohesion and unity[33]. Existence of mixed-society (communities) that are built on shared values and interests [overlapping interests/values/ identities] and driven by the notion of charity and voluntarism. Religious tolerance, diverse cultures and festivals work as uniting factors /inclusive religion[34]. The social structure, which has largely been portrayed otherwise by the social scientists, is also very helpful as one helps

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30 Sovereignty of the knowledge was hijacked by those who remained closer to the power centres by aligning with it. *Purohits* alignment with internal-power structure and social scientists alignment with both internal and external power structure for their own benefit have become major obstacles to improve necessary improvements in the social practices (which does not necessarily are dictated or explained in *dharmasastra*). Compared to the *Purohits*, social scientists were alienated from the society to such an extent that they lost complete faith of people on their knowledge.

31 There are varieties of communists in Nepal . some believe and abided by constitutional and cultural values while others are revolutionary in nature and hate cultural values and existing social contract.

32 From Mohan Chandra Adhikari to Prachanda, Dr Baburam Bhattarai, and other leaders have realised that its only the spirituality that can provide solace to them.

33 *Chalan* (tradtion) and *Dharama* has played crucial role towards such trend.

34 Upnashids advocate absolute and unqualified equality of all human beings. They teach us *aham brahmasi tat tvam asi* – I am *Brahma* so are you. Each individual is therefore *Brahma*.

the other in various means[35]. Such communities are diverse not monolithic and this diversity has provided an opportunity to prosper together and also state resiliency. Same thing goes with cultural framework as well since communities participate and observe in each other's culture. Some Muslims also celebrate *Tihar* and *Dashain* so are the Buddhists. The *Chhath* Festival, which used to be celebrated only in Terai is now being celebrated even in the hilly areas. Both Hindu and Buddhist celebrate each-others festival and visit temples/Stupas[36]. The festival of colours *(Holi)* is another classic example that brings diverse communities together. There are many such festivals which are well accepted in Nepali society like the Christmas (as a part of culture whether one is Christian or not), whichever religious background they come from.

- Pockets of homogeneous or heterogeneous **c**ommunities which are interdependent with each other for their livelihood, existence. Likewise, there is a great deal of organic connection between villages and cities (rural areas and urban centres). People who live in the cities visit their native villages regularly to celebrate festivals, cultural traditions, etc. Those who live in the urban centres and are well-off transfer money to the rural areas for various purposes from constructing temples to build roads and ashrams for old-age people. Such approaches have continued to upkeep the ancient Nepali values despite massive penetration from modernity per se factors. In many cases, such traditions were brought to the cities as well.

- Nepali society is larger than Nepali state which has spread its culture in more than 132 countries around the world who deeply practices and promote Nepali cultural values.

- Self-governing system of communities [not dependent to the outside world as well as to the state mechanism but dependent on local values]. Communities (not necessarily the society which, to some extent, looks reductionist in approach) form the basis of soft power. Community members support each other from cradle to the grave and the culture of 'giving' and helping each other (through lending money, by working in the agricultural field either through *Parma* or through *Shramadan* – voluntary work), and engage in constructing/building local facilities even without the assistance of government or donor for that reason. In many such activities, rich people invest through capital, whereas poor-people invest through labour. The unique economic and social complementarities have provided sustainability in the absence of state institutions. Even in terms of development only the community led-approach has succeeded and are found sustainable due to ownership from the local community but not completely donor led projects. These approaches have made them self-reliant in many ways.

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35 The caste ordering system also does not see each other as enemy. By contrast, they help each other. The caste dynamics is changing as there are frequent cases of cross-caste marriages.

36 Buddha Purnima is widely celebrated by Hindus

Lessons for Statebuilding/Peacebuilding

There is very little attempt on the part of external actors to improve state-society relations and restore capacity of the Nepali state for governance and serve public goals. The exogenous forces have badly divided Nepali society along various faults-lines such as ethnic, religious, and regional. Such conflicts are likely to lead towards progressive dilution of sovereignty, national identities and the state institutions (Bhatta 2013, 169-188). Donors can positively contribute towards statebuilding when their actions are based on an understanding of the prevailing patterns of legitimacy which comes from various traditions. They can do harm to the state-building when these patterns of legitimacy are poorly understood or ignored. Nepal's experience also informs that only inclusive approach can contribute towards statebuilding and peacebuilding processes. If the external initiative focuses on particular groups/caste/region/religion/culture – it is bound to fail and create more problems. The consequences of not understanding the shape of a political settlement can lead donors often unknowingly to do harm to state-building and this is what exactly has been happening in Nepal (Ibid). Donors self-perception as a giver like the government rather than being partner in development and traditions as obstacles to modernisation and development has created some sort of misunderstanding between the donors and receipent. Respecting each other can enable to contextualise statebuilding/peacebuilding.

The Role of International Community/Donors

When it comes to the point of international community, the first question that arises into the minds of many Nepali is: whether there exist international communities that can truly help Nepal to come out of this dilemma? The answer, perhaps, is no. The international community has melted away and is divided for its own interests. This has happened primarily because of Nepal's geostrategic locations. Geopolitical interests stand as major obstacles for the international community to have a common voice in Nepal on statebuilding/peacebuilding.

Nepal needs science, reason, and development[37] and outside economic assistance. It also cannot afford to remain aloof from the universal values such as democracy, governance, and human rights but the challenge is how to strike a balance between local values and the universal vales. The spiritual values that are derived from the *Vedas* and *Upanishads* certainly do not contradict with the modern values. One cannot also deny the fact that Nepali civilisation and culture certainly has its roots in such values and its deep effects can be noticed in society till today. Such values might have been misinterpreted with the passage of time and there are provisions to correct them rather than dismantling in wholesome.

More importantly, post-conflict context also requires feeling and emotional bond of unity among the people which can create social capital for development. Nepal's historic experience and

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37 The eastern concept of development is guided by the philosophy of the web of life.

search for knowledge and truth suggest that mere promotion of reason and science in opposition to faith and religion cannot sustain the changes. In a society where people are metaphysical, the science and development alone cannot provide the answer which is the case of Nepal as well. No society is free from conflict but in the case of Nepal the societal conflict has been exaggerated out of proportion. One can experience kinship and complementarities everywhere (where ever one travels). The international community/donors should engage in constructive work, job creation, infrastructure development rather than merely engaging in advocacy work.

Conclusion

Although Nepal has been seen from various lens – failed, failure, and the weak – based on the extant state of affairs but if we look at the dynamisms and the vibrancy that exist beyond the formal state structures are – the community level the assumption may be proved untrue. Many factors have contributed towards sustainability and one of them certainly is dharma which has formed the basis of community resiliency.

The discussion in this paper explains that none of the "isms" have benefitted poor people and the state. It's only the golden means of spirituality that is holding Nepali society together. This also raises a question as how would Nepal's politics be oriented when 'isms' have failed and 'faith' is sidelined. The answer perhaps could be found on the Eastern philosophy which is largely value-based where social orders are guided by *Dharma*. Communitarian values based on *Dharma* has made Nepali society resilient. Under such a state of affairs mere adoption of universal values inconsistent with *Dharma* carries potential dangers of undigested coupling of the universal and the particular. Likewise, the self-producing nature of communities has equally contributed towards this end. Nepal's case suggests that external initiatives do not necessarily improve the societal ills unless they are adequately indigenous in nature. In many cases it gives birth to fundamentalism.

Finally, there is a need to revive the normative and integrative values of society and revitalise the social energy. This does not necessarily mean that we have to defend the ossified ideas as the focus should be on the values of justice – ecological, social, gender, and inter-generational – which are also keys to the sustainable peace and statebuilding. In the same vein, one should not go against the faith of the people but the irrationality of blind faith has to be reformed as they are inimical to the democratic political culture. The harmonious state-society relations can only be constructed through enlightened moderation. This is what Nepal is lacking.

Note: This paper was presented in a seminar organised by FES and FriEnt in Germany on 8th April, 2014.

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Commentary on the dynamics of Foreign Assistance in Post-disaster Reconstruction of Nepal

Sharada Jnawali

Background

Nepal is prone to range of natural disasters like earthquake, flooding, landslide, snow avalanche, heat or cold waves, including lake outbursts. As a consequence of flood and landslides in 2014, Nepal faced one of the biggest changes in the economic growth causing fluctuating unemployment rates of about 40 percent and record breaking low production. In addition, since April 25, 2015, Nepal has been struggling to cope with its worst earthquake in 80 years. The magnitude 7.9 earthquake struck some 80km northwest of the capital Kathmandu killing 8,500 people and has affected eight million people in 31 districts with 14 districts declared "crises hit" in need of priority assistance[1]The powerful aftershocks weeks later on May 12, particularly in central and western districts, further damaged the already weakened infrastructure causing devastating landslides in numerous areas. In addition to deaths, over 22,000 people were injured, over 400,000 houses completely or partially destroyed, more than 400 school buildings collapsed and 135 birthing centers fully damaged. As a result, 67 percent of the classrooms in 11 districts are identified as unsafe and over 7,000 school blocks need to be rebuilt, according to the Department of Education.[2] Thousands of citizens were internally displaced to new areas. On the whole, according to an estimate by the US Geological Survey, the economic losses could be around$10bn.[3]

Overall challenges include not only infrastructure damage, but inadequate services for health, sanitation, education and livelihood –all of which affect peoples' quality of life. As indicated by the Ministry of Health and Population, the earthquake might seriously impact achievements already gained in basic health services, safe motherhood and school enrolment under the Millennium Development Goals (MDGs)[4]. Likewise, there has been an increasing concern about potential trafficking of women and children, especially from the districts with high risks.

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1 http://reliefweb.int/report/nepal/nepal-earthquake-2015-post-disaster-needs-assessment-executive-summary

2 http://reliefweb.int/report/nepal/education-nepal-earthquake-cluster-brief-july-2015

3 http://royalmt.com.np/news/economy-of-nepal-after-earthquake/

4 http://umeshg.com.np/earthquake-could-jeopardise-mdg-mohp/

Dynamics of Foreign Assistance in Post-disaster Reconstruction

The government of Nepal has estimated $6.7 billion will be needed for rebuilding and reconstruction of the infrastructure destroyed by the 2015 earthquake. A government led donor conference was organised, with over 300 representatives from 56 countries participating in June 25, 2015. Although the individual development partners' commitments with respect to specific sectoral areas are based on bilateral priorities and comparative advantages, the major considerations for all, generally, remain similar in terms of managing the foreign assistance. The specific consideration can be described as below:

Pre-requisites

a. **Policy, programs and strategic plan:** A consultative and participatory framework, such as Post Disaster Need Assessment (PDNA) provides a good basis to guide a comprehensive recovery program. It also gives a clear picture of budgetary and other technical assistance requirements. The assessments such as PDNA are supposed to participatory or consultative so as to link the policy between relief, reconstruction, recovery and development for achieving a sustainable development. The reconstruction activities should be integrated with psychosocial counseling and revival of livelihood to achieve a holistic recovery, additionally, post disaster assistance should serve as a complementary support to the government's regular development efforts. It should also be laid as a multi-year commitment, engaging civil society and the private sector in the process. A dynamic strategic plan with a shared mission and both short and long term needs should be in place in streamlining of foreign assistance. Having clearly fleshed out and well-understood roles and responsibilities for all levels of government and their non-governmental partners including security forces is critical for coordinating implementation of the responsibilities of the various parties involved.

b. **Institutional arrangement, mandate and capacity**: Rehabilitation and reconstruction programs should be led by a robust and mandated government institution, so that the implementation responds to ongoing development needs of the country. In addition, the institution should be led by a credible and skillful leader, selected independently. Setting up of a special purposed and autonomous institution helps in facilitating swift decision making in budget processes, implementation and partner coordination. It goes without saying that credible and strong leadership and a clearly defined mandate are important for the success of the new agency. This will, in turn, aid in laying foundation for a more resilient state and toward building institutions that can respond effectively to future disasters. In doing this, the institution should be capacitated with principles of good governance and fiduciary risk management systems in the reconstruction process. Following the strategic plan, the development assistance should consist of appropriate interventions and capacity development initiatives for building skills and expertise for the future needs. Foreign assistance to post

disaster responses is an opportunity to channel funds directly to households while also a prospect to accelerate existing development projects that provides larger impacts (e.g. hydro power). A capacitated institution takes swift decision- making in resource planning, mobilises right staff and volunteers, makes arrangement for technical assistance, makes provision for equipments and hardware support and sets an implementation plan and coordination mechanisms.

Implementation Approaches

a. **Human rights and humanitarian perspective:** The first and foremost principle of the post disaster relief and recovery should include lifesaving humanitarian assistance. People affected by crises should be at the heart of humanitarian action. The human rights perspective builds hope for a collective action of partners to strengthen peoples' resilience to crises. In achieving this, a robust investment in disaster preparedness, management skill in mitigating risks and finding solutions to protracted internal displacement should be the foci. A concerted effort of multiple actors is needed in terms of providing comprehensive assistance with shelter, water, sanitation, food, nutrition, health and medical supplies for affected communities. With a clear prediction of increased internal displacement, a basic arrangement in support of the displaced population is necessary for their dignified resettlement and promotion of human rights of all people compelled to move. Such assistance is crucial for winning the hearts and minds of the affected people. A human rights perspective guarantees social protection of children, women and elderly populations; provides livelihoods opportunities for active population; and involves youths in humanitarian preparedness and response. Funding and programming should enable women and girls to realise their rights to services and protection from gender-based violence including trafficking in person. The leaders should also be responsible for addressing crisis and recovery through humanity, neutrality, impartiality and independence, which in turn helps build trust between the assistance recipients and the providers.

b. **Equity formula:** Disaster assistance should be based on equity. That is, prioritising response to the individual or group needs of the hardest hit areas and populations. The reconstruction efforts should also take into consideration inclusiveness by addressing the needs of the poorest, rural populations, women, children and vulnerable groups, who have suffered most from the disaster. Agriculture is considered the most desirable sector for investment in order to revive livelihoods for affected populations. Foreign assistance should deliver services addressing the specific needs of women and girls of different ages and backgrounds, and empowering women to be equal partners. Young people should be empowered through national and global networks to rally around humanitarian action to help those in dire need. Preventing from a politically partisan distribution of resources should be a primary aim of the post disaster response of foreign assistance.

c. **Accountability and transparency**: Efficiency, accountability and transparency should guide the process at all steps, beginning from identification of victims of disasters**.** A well-framed accountability mechanism ensures that resources are distributed appropriately for valid purposes. Following any natural disaster, service providers do face challenges between the demand for rapid response for the victims and quality supply of desirable assistance. One of the key strategies to this mechanism includes involvement of people affected by disaster empowering them to suggest solutions, ask for information and share risks associated with the service delivery (e.g. grievances). Such engagement is not only helpful in providing immediate services, but also aids in building local capacity in disaster preparedness and management of resources. Community voice in addressing their own concerns and needs enables them to rebuild their own lives and to lead that process; thus, gaining confidence and skills to demand transparency and accountability from both government and from other NGOs and the private sector. The accountability measure should also be useful for mitigation of associated risks to service delivery.

d. **Quality matters:** Post disaster reconstruction should follow a more resilient standard than the regular development, (building back better), which in turn will guide building of a democratic society. Quality also means timeliness in delivery of services. The quality standard of actions should lead sustainability, both in terms of creating long- and short-term jobs and contributing to revenue generation. Affected communities and their organisations should be recognised as the primary agents of preparedness, response and recovery. First responders should be better supported, and all service providers, both national and international, should complement and promote local coping and protection strategies wherever possible. People affected by crises should be enabled to exercise greater voice and choice in humanitarian action through two-way communication and feedback mechanisms. Such practice also helps enhance national unity. The increased use of cash-based assistance, where feasible, and concrete measures to increase accountability to affected people promotes resilience. In each post disaster situation, a mechanism is necessary to verify and improve the quality and credibility of needs assessments, track progress in service delivery, communicate with affected people, share outcomes and problems with stakeholders and set up a grievance handling system. Such practice and learning help open new opportunities and enhance innovations to improve the service delivery mechanism in long run. In addition, documentation of lessons learnt and experiences aids in sharing good practices for scaling up of the mechanisms.

e. **Safety**: Keeping people, including aid workers, safe from hazards by putting protection at the centre is a priority concern to the foreign assistance in any humanitarian actions or operations. Close monitoring for violations of the humanitarian law and prevention of potential conflict in distribution of resources is desirable. Obligated by the humanitarian law, victims of disaster should identify what affected people already do to protect themselves, what the

biggest threats to them are, and how each actor can contribute to their own safety. This requires building trust with multiple groups (e.g. traditional leaders, government, business community and other local stakeholders). An effective communication strategy that adheres to the humanitarian principles for humanitarian action and safety and security of aid workers under international law should be in place. The institutional security management systems should assess the local level of threat or security dynamics, and the staff should be sensitised and trained in security management accordingly. Such training contents should also include risk identification technique, rescue and search operation, first aid and other relevant aspects of safety.

f. **Partnership and coordination**: Responding to the post disaster operations and humanitarian crises is a collective endeavor, involving multiple actors in the process. More importantly, there should be realisation that, no state or organisation can respond to these challenges alone. A change in how we prepare and respond to crises is needed to leverage the strengths and abilities of affected people and their communities. An effective coordination among relevant stakeholders inclusive of state, private sector, civil society and other groups should be in place. Since all these parties rely on each other to meet the recovery and reconstruction targets, an effective coordination mechanism helps in sustaining the partnering relationship. Such mechanism should be led by the government so that the international community works in a harmonised manner to implement the reconstruction plan. The state owned coordination system also helps manage efforts and resources through a single window, preventing duplications. The coordination strategy should be established not only between national institutions, but also the regional players and international partners. Such perspective helps in strengthening local capacity and identify additional skills or/and technology in disaster response. A harmonised and coordinated approach also contributes to reduction of the transaction costs in implementation of the reconstruction works. The coordination plan should include a wider perspective focusing on South-South cooperation, [5]with extended partnership with the global community to access diversified skills, expertise and technology.

g. **Financing:** There should be an ensured source of funding to support the immediate and longer term local needs. Reconstruction works should be adequately funded so that the respectful resettlement of the disaster affected population is managed properly. A diverse source of funding should be guaranteed by coordinating with existing and new development partners, combining both local and international actors. The financing should be predictable and multi-year to meet the reconstruction needs. In order to avoid the work load for multiple reporting requirements, a common and simple reporting format should be managed in the disaster assistance funding. A robust communication strategy should be developed and implemented

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5 A broad framework for collaboration among countries of the South involving two or more developing countries through provision of funding, training, management and technical systems

in order to facilitate flow of internal financing. An operating guideline should be developed and implemented to avoid the dispersal of funds to entities outside for the specific needs of disaster relief and infrastructure development. This includes preventing funds being used to support armed groups or political interest groups.

Conclusion

Building operating environment by setting up of a robust institution, identifying potential resources, mapping out immediate and longer term needs and developing implementation module are the basic pre-requisites for addressing the post disaster reconstruction under foreign assistance. Preparing a coordination mechanism by engaging multiple partners, establishing a well planned communication strategy and a monitoring framework should enable to respond the accountability aspect of the implementation approach. Taking into consideration the post disaster situation an opportunity to rebuild the broken fabric of the society, a dynamic and comprehensive plan inclusive of infrastructure and social healing will produce a desirable value for money from foreign assistance.

Taking Economic, Social and Cultural Rights Seriously in International Criminal Law, Evelyne Schmid, Cambridge University Press, 2015, Page 359.

Roshan Pokharel

Taking Economic, Social and Cultural Rights Seriously in International Criminal Law, Evelyne Schmid highlights major rights that are mostly used in international legal framework. The writer here also offers some suggestions as how to fill the gap to realise these rights by the concerned parties in the international prosecution process. Most of the cases that are being dealt through the truth commissions are also being explained in the book. Schmid explicitly analyses the role of economic, social and cultural rights within international criminal law and also their impact on the conduct of prosecutions. He argues that our collective vision of the responsibilities of the International Criminal Court should not be underestimated. Schmid's book is worth reading as it provides a comprehensive analysis and challenges that exist in the implementation of ESC Rights in International Criminal law. The book also offers interesting and practical guidelnes thereby redefining the current discourse.

In this book, Schmid has listed various case laws from national and international sources listed as; Permanent Court of International Justice, International Criminal Courts, International Criminal Tribunal for the Former Yugoslavia, International Criminal Tribunal for Rwanda, International Military Tribunal at Nuremberg, and Communication before United Nations Treaty Bodies. It also provides various examples of international cases such as International Tribunals (Bosnia War Crime Chamber, Special Court for Sierra Leone, Special Panels for Serious Crime, Timor Leste, Extraordinary Chamber Courts of Cambodia, Special Tribunal for Lebanon, Subsequent Nuremberg Proceeding under Control Council Law Number 10 (American Zone, British Zone, French Zone) Case before Organs of Regional Organisations (ACHPR, CoE, ECHR, ECoSR) (OAS IAHR and various regional cases before national tribunals (Argentina, Australia, Belgium, Canada, Chile, Colombia, Croatia, France, Germany, India, Ireland, Israel, Italy, Kenya, the Netherlands, Norwy, Poland, Rwanda, South Africa, Spain, Switzerland, the United Kingdom, and the USA.

Schmid has also highlighted different international instruments; instruments which includes from United Nations Regional treaties, ICC-Assembly of state parties and other instruments.

In this book Schmid has raised the question of legal aspect on violation of ESCR and their need to be addressed. This is particularly important for the fair dealing of international crimes. This book is divided in total nine chapters. The first chapter sets the overall framework of the book. It also comes up with some of the challenges associated with the cases related to ESCR and their full implementation. Chapter two deals with the cases relating to International Crimes to ESCR violation. Author also talks about 'Structural Violence'. Thus, to address the ESCR violation is to address the issues rooted in structures, institutions and practices, where in Civil and Political Rights can be addressed independently. In this chapter author also deals with that international criminal laws (p.32).

Chapter three of this book talks about international crimes to ESCR violations and has a clear description on what a human rights lawyer should see on State Responsibility for international wrongful acts and how an international criminal lawyer sees individual criminal responsibility. It also provides detail indicators of ESCR violations. In this chapter author has put the definition of ESCR and violation of International crimes[1].

Chapter four deals on crime against humanity and raised many question on cases of Zimbabwe, Myanmar, and North Korea. It also discussed about technical details on Crime against Humanity, separating threshold elements from the elements of underlying; deportation[2], forcible transfer of population.[3]; expulsion or coercive acts from the area where present, lawfully present, without grounds permitted under international law, human rights law, international human rights law, enslavement, persecution, apartheid, murder, extermination, torture and other inhuman acts.

Chapter five specially focuses on four groups of war crimes such as war crimes against persons[4], war crimes against property[5], war crime consistency in the use of prohibited means of warfare[6] and war crimes consisting in the use of prohibited means of warfare (p. 168). Chapter six broadly

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1   According to Bassiouni's scholarship, an instrument pertains to international criminal law if any of the following criteria is met;1) explicitly recognises proscribed conduct as constituting an international crime, 2) criminalises the proscribed conduct, 3) establishes a duty to prosecute, 4) establishes a duty to punish, 5) establishes a duty to extradite, 6) establish a duty to cooperate in prosecution and / or punishment, 7) establishes a criminal jurisdictional basis, 9) eliminates the defense of superior orders(pp65).

2   Forced displacement of person across international borders (p. 99).

3   The forcible transfer refers to displacement within the state.

4   Willful killings (p. 175), unlawful deportation or transfer (p. 179), collective punishment (p. 182), other war crime against persons (p. 184).

5   Pillage (p. 189), destruction and appropriation of property (p. 199), Artillery cultural property (p. 197).

6   Prohibited attacks (p. 199), Starvation (p. 200).

deals with the cases related with genocide[7]. The writer here explains that the psychological, technical details on it; means *rea*[8] *of genocide*, *Actus reus*[9]. Chapter seven focuses on torture slavery and other crimes (apartheid, aggression, terrorist offence, unlawful and other crimes) which overlapped with the ESCR violations under international law. Chapter eight highlights the legal corollaries of qualifying ESCR violations as international crimes (p. 272). It also highlights Jurisdiction of national courts and state obligation to take action against international crimes[10]. This chapter also describes amnesties, limitations, immunities as well as legal corollaries of truth commissions, national human rights institutions and institutional vetting process (p. 304), liability of non-state actors, sanction, liability, and responsibility to protect (p. 307).

At last, Chapter nine reviews overlaps between the violation of ESC rights on International Criminal Law in the time of armed conflict. This chapter also highlights on the research, its objectives and main findings (p. 311). Argued concern and reflecting on the contribution of the research findings, limits of main findings (p. 326). In the meanwhile, author asks scholars and practiceneers whether international criminal law should be revised for further research. By and large, this book is an organised inquiry into the relevance of ESCR and their *modus operandi*. The challenged faced by the conflict victims during the conflict period and how to make justice praxis? Overall it is a great contribution in the area of Economic, Social and Cultural Rights in International Criminal Law. Scholars, Lawmakers, International Tribunal Judges, Truth Commissioners could benefit alot from the work.

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7   Raphael Lemkin a Polish lawyer who have coined the word genocide.

8   The *means rea* of underlying genocidal acts (p. 212),the special intent of the *chapeau* and its elements (p. 214), in whole or in part (p. 225), protected groups and the significance of the exclusion of economic groupsc (p. 226), the contextual elements in the Rome statue (p. 228).

9   Killing (p. 229),causing seriously bodily or mental harm (p. 230),deliberately inflicting on the group conditions of life calculated to bring about its physical destruction (p. 231),imposing measures intended to prevent births (p. 234) and forcibly transferring children (p. 236).

10 Jurisdictional territoriality, active personality, passive personality and the protective principal and universal jurisdiction.