Conflict resolution and governance in nepal assignment

Art & Culture

CONFLICT RESOLUTION AND GOVERNANCE IN NEPAL Nepal Foundation for Advance Studies (NEFAS) In cooperation with Fredrich-Ebert-Stiftung, Nepal Conflict Resolution and Governance in Nepal TABLE OF CONTENTS Foreword1 Preface2 Part -1 Conflict Resolution in Nepal 1. Conflict Resolution : A Note on Some Contending Approaches3 Author: Dev Raj Dahal Comments 2. Towards Conflict Transformation in Nepal—Recent Trends in Government Maoist Dialogue4 Author: Meena Acharya Comments 3. Sociological Perspectives on Internal Conflict

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Political instability and weak governance have bred and given continuity to economic and social inequality, urban/rural disparity and marginalisation of

minority politics making it a huge challenge for the political sector to handle. The seven year Maoist People's War has been brought to a ceasefire providing an opportunity to resolve these conflicts in a peaceful manner. The Maoist peace overture needs to be capitalized by all the political actors so that democratic consolidation can go ahead on its normal course.

At the same time, the political sector needs to commit itself not to let a politics of confrontation take over everyday governance tasks. In other words, these conflicts need to be identified on their own merit and resolution strategies adopted. Peace is the overriding need of the day. New approaches to governance lay increasing emphasis on ordered transformation rather than chaos, management of competition and distributional conflicts rather than coercion and enforced consensus and the delivery of public goods to the general public rather than deliberate exhortations of exclusionary impulses.

The importance of governance for many developing countries like Nepal is, therefore, already enormous, because irresolution of the problems of poverty, inequality and alienation offer conditions for combative politics. Nepal needs a successful development, a development that is both just and sustainable. It needs sturdy democratic institutions and a vibrant civil society to articulate the sovereign power of the public. Is it possible without the market, civil society and political parties cooperating with the state for collective action?

The Nepali state should be enabled to fulfill at least its minimum basic state functions such as security, law and order and well-being of the people. The

promotion of peace, democracy and good governance becomes easy if there is a legitimate bulwark of security founded on a unitary legal order. Once the institutional capacity for conflict resolution is achieved, governance will have the political will and capacity for building a modern Nepal, which promises a shared future for its citizens. I hope, many papers included in this book will be able to address the complexity of problems faced by Nepal.

I thank the editors and authors of this volume " Conflict Resolution and Governance in Nepal" for bringing out this timely publication. Dev Raj Dahal Friedrich-Ebert-Stiftung Nepal PREFACE AND ACKNOWLEDGEMENTS The volume which you hold in your hands is the result of two separate seminars entitled Achieving Accountable Governance in Nepal (2001 ?) prior to the October 4, step taken by the King and Conflict Resolution in Nepal (March 2OO3 ?) which Nepal Foundation for advanced Studies (NEFAS) held with the cooperation of Friedrich Ebert Stiftung (FES).

The reason for publishing the proceedings of both seminars in a single volume is to provide an insight into the years of multi party rule in Nepal following the 1990 mass movement for the restoration of democracy; the failure of the new leadership to provide accountable governance; the sheer frustration of the people as a result; the Maoist insurgency as one of its direct outcomes; and an attempt at conflict resolution between the government and the Maoists vis-a-vis the peace talks being initiated at present.

There is no doubt a basic commitment to democracy in Nepal. A framework of institutions and laws as well as a democratic constitution are in place.

However, a weak democratic culture and an environment of extreme polarization within and between institutions -especially political parties- pose difficulties in consolidating democracy. In short, democracy, as interpreted and implemented in Nepal, has failed to impress the poor and those on the political periphery and contrary to expectations, unleashed power politics in its rawest form.

As a result, accountable-governance for Nepal remains the proverbial moth's cry for the moon. As of now, the country is going through one of the most trying periods in its history and a constitutional crisis of sorts. Meanwhile, coming to the present times, the ceasefire by the government and the Maoists and attempts at conflict resolution has provided the country and the people with some breathing space. The two sides this time -hopefully without outside intervention- will reach a negotiated settlement and put the country back on track.

The hope stems from the fact that Nepal being a highly conflict prone society because of the ethnic, cultural, linguistic and religious differences existing since ages, still remained one of the most peaceful countries on earth until it adopted openness in the form of democracy in the 1950s. In other words, Nepal had handled internal conflicts well in the past while it adhered to traditional and indigenous means.

Though this may have weakened with modernization taking root, there is no reason why the warring parties and the facilitators should not resort to those indigenous practices of conflict management techniques, translate them on to a wider setting and in the process, resolve the national level conflict at

hand. Besides, unearthing these modest but effective conflict management techniques should provide a wealth of information for the various sectors of Nepalese public life, mired in conflicts as it is. In conclusion, NEFAS offers special thanks to Mr. Manfred Haack, FES Resident Representative, Nepal and India, and to Mr.

Dev Raj Dahal for the cooperation extended to us in making both the above-mentioned seminars possible and publishing the proceedings in book form. Thanks also goes to the paper writers, Chairpersons, commentators and participants for bringing the seminars to a fruitful close. Last but not the least thanks also goes to Mr. Hari Uprety, Mr. Shiv Raj Dahal, Program Officer (NEFAS), Mr. Bharat Pokhrel and Mr. Ved Raj Acharya for their help at different stages. Ananda P Srestha Executive Director NEFAS PART: ONE CONFLICT RESOLUTION IN NEPAL Conflict Resolution A Note on Some Contending Approaches Dev Raj Dahal Introduction

Conflicts, like all human interactions, can be perceived as a state of opposition and the projection of contesting viewpoints between individuals, groups and institutions. Conflict occurs within human relationships. It is a manifestation of human nature representing combative expressions. Individuals, organizations, groups, nations or international organizations may pursue it. Contradictions and conflicts are essential aspects of social and political life. Human beings reflect both diversity and complexity and are closely linked with the political system's fundamental structures and norms in which their relationships are embedded.

But, protracted conflict is deadly to the political system because it destroys the web of human relationships rooted in the system of networks. Similarly, resolution of conflict in the absolute interest of one side cannot achieve durable peace. This notion assumes that managing a political system requires capturing the optimal values for the system's constituent elements, the nature of which is often transforming. If a sub-system monopolizes its role in the common political space instead of optimizing it, this will certainly disintegrate and destroy the equilibrium of the system as a whole.

It is the shared interest of divergent actors that can establish a condition for conflict prevention and peace. Political system, like social system, must have the adaptive capacity to changing situations. In the rapidly changing global market space and an increasing demand for openness of the national polity towards international norms, values and institutions, one can notice a growing incoherence between society's pluralistic cultural identities struggling for power and resources and the traditional sovereignty of nation-state built on the legitimate monopoly of power over society.

The persistence of such struggle continues to weaken the capacity of the nation-state to maintain hierarchic control and apply sanctions and incentives to rectify the deviant behavior of societal forces. The new conflict is not between states, but mostly against states. In a relatively open system, a polity needs the capacity to sustain " stability and change, order and freedom, tradition and innovation. Rather than by rigid decisions, these unavoidable conflicts are much better resolved by establishing a dynamic balance" (Capra, 1997: 294).

The requirement of this balance establishes the relevance of conflict resolution as a high policy concern. Conflict is defined by a situation in which individuals or groups pursue disharmonious goals, values and interests. It is characterized by " common patterns of behavior on the part of the parties, their attitudes toward each other, their fears, their interpretation of events" (Burton, 1974: 338). This definition pushes conflict toward the zero-sum game. Not all interests and goals of conflicting parties are disharmonious.

For example, human interaction can be put on a scale of routinized cooperation, game-like competition to attain control over opportunities that are also favored by others and agreed on method of free collective bargaining. " Conflict is about life," Johan Galtung argues, " pointing straight to contradictions as life-creative and life-destructive. " Conflict, therefore, is not always undesirable and destructive. For example, democratic competition of political parties under agreed rules of the game is a constructive conflict as it offers positive-sum outcomes for societal choice and helps to improve the performance of the system.

The conflict approach views " societies, organizations and other social systems as arenas for personal and group contests" (Kriesberg, 1996: 122) where they develop strategies to maximize gains and minimize losses. In the sixties, social scientists began to realize the two faces of societies–one face symbolizes consensus, reciprocity and consent while the other mirrors proliferating political, economic and social conflicts. Not all conflicts lead to positive changes in the society and in many instances attempts are on to

create conflicts designed to meet the selfish needs of particular groups in a society.

Randall Collins views " coercion" as a means of violence and social control by which power elites monopolize the resource of the society at the cost of the powerless and design institutions, laws and norms of society to sustain their power, privilege and status provoking powerful resentment. Repressive conflict management does not deal with the root causes of conflict and, therefore, does not satisfy the needs and interests of parties. Conflict may be of a violent or non-violent type.

It may be a catalyst for social change or aligned to the interests of the status quo. Similarly, strategies and technology used in conflict generate their own dynamics (escalation or de-escalation). And, uncontrolled domestic conflicts have a clear potential to spill over across geopolitical boundaries of the nation-state and pull the weight of external powers by reason of their security concern. The Great Game played historically to control Afghanistan illustrates this point. The spiraling Bosnian conflict until recently exhibited another case.

It erupted locally, but as conflict intensified, three major religions of the world became participants in the conflict. The Islamic states backed Bosnian Muslims, the Orthodox countries backed Serbs, and the Western governments backed Croats making Bosnia-Herzegovina a cockpit of great power rivalries. In divided societies, the link of national forces to regional and global power constellations sets a geo-strategic context in which behavior of

external powers can easily affect the loyalty patterns of their citizens and influence inter-group as well as inter-state conflicts and cooperation.

The triangular fight among the mainstream political parties, the government and the CPN-Maoist in Nepal holds the potential to bring international conflict dynamics into play due to the nation's sensitive strategic geography. If not managed properly, it can easily threaten the safety and well-being of Nepali citizens and engulf them into a protracted cycle of violence and counter-violence. Often, the non-territorial existence of many small bands of radical forces makes it difficult for the state authorities to identify and control them within the existing national institutional structures.

This paper intends to describe the fundamental sources of conflict, major conflict types, various approaches to conflict management and then draw a brief conclusion. Sources of Conflict The modern world system is in structural crisis and confronted by an " age of transition" sustained by anti-systemic movements (Wallerstein, 2002, 37). David Apter calls this movement an " inversionary discourse," an inversion of a model of society based on " order" in favor of a society based on " will" and " choice" due to a lack of responsiveness of the former.

The traditional state-centric order marked a " democratic deficit," owing to the widening distance between the requisite organization and regulation of heterogeneous yet interdependent societies affected by it. The operating principles of the inversionary discourse are: access, participation, accountability and equality (1993: 38). This discourse assumes that the state

is both a part of the site of power being contested and a rival in the struggle for power.

Political economists argue that " unequal exchange" between economic actors driven solely by self-interest generates unequal development in society, sharpens class differentiation and eventually leads to conflicts. Janet T. Landa presents a case of how the success of Chinese merchants has generated envy and hatred in indigenous populations in Southeast Asia providing a basis for inter-ethnic conflict and violence (1999: 270-284). To understand economic conflict, one must understand the role economic groups play in nourishing, mobilizing, structuring, and managing the grievances.

Further, one must also understand how business leaders use divisive strategies to mobilize political support. Karl Marx and his followers lay stress on " class struggle" as a way to alter property relations in society and effect social change. Both the contesting rich and poor classes legitimize their activities by professing to represent actions aimed at alleviating political grievances of the people. Marx reduces conflict to division of labor, consciousness about power differentials between classes, conflicting class interest and their interaction.

While Marx's ideas mainly focus on the economic sphere, later sociologists such as Georg Simmel expanded the frontier of conflict theory. Simmel believes that conflict is an integral part of any society, from marriage to interstate war. It emerges out of hostile instincts rooted in the innate biological makeup of human beings. He thinks that conflict can also be

functional, in that it promotes group solidarity. While working on the various types and consequences of conflicts he concludes that conflict serves as a source of integration and disintegration of society–integration within the group and disintegration outside the group.

A high level of social integration among revolutionary actors provides ground for collective behavior and collective action. All conflict theories lay stress on the intrinsic incompatibilities between people. Each person or group has his/her own motives, sources of wealth and power and mindsets that lead to conflicting behavior. Conflict theory attempts to explain changes in society (such as the industrial revolution) as a result of these differences. Through the creation and resolution of both violent and non-violent conflict, a society adjusts itself to the changing needs of its members.

In a post-modernizing world, the emergence of a post-class society has generated a new social stratification and fault-lines grounded on the struggle for natural resources, personality structure, gender, race, region, religion, ethnicity, nation and exclusionary policies of the state. Conflict of interest between these units springs from the competition for scarce goods and resources, symbols and identity. Rafael Reuveny and John W. Maxwell confirm these assumptions when they say, " Natural resource scarcities in less developed countries lead to conflict, and predict more conflict in the future. This means conflict resolution must occur across a number of classes or groups. John Burton believes that one of the problems of the past is that polities did not have any mechanism for steering peaceful change. Therefore, " conflict resolution processes and conflict prevention policies

could be the means for peaceful change" (1993: 63). Edward Azar and John Burton reveal that protracted social conflict springs from the lack of basic needs to the people. Their need-based theory holds that deep-rooted conflicts are caused by the denial of one or more basic human needs, such as security, identity and recognition.

Ralf Dahrendorf proves that it is not the property relations, but the differential distribution of authority that underlies social and political conflicts. He says, " The structural origins of such conflicts must be sought in the arrangement of social roles endowed with expectations of domination or subjection" (1959: 165). Resistance to domination by subordinate groups transforms latent quasi groups into manifest conflict groups and sets the condition for social change with the potential to alter the power balance.

Lewis A. Coser does not view conflict as necessarily disruptive. To him, conflict increases the flexibility of a system's structure, beefs up its capacity to cope with future conflicts and helps to build the system's adaptable capacity. Psychologists parade the thesis " Severe frustration leads to violent aggression. " A spiral of mutually clashing stereotypes also makes individuals, groups and nations difficult for cooperative action. Adam Curle adds another element–alienation for violent behavior.

He says that owing to technological and social change many contemporary conflicts stem from the alienation of people from society and their common humanity and concludes that political processes alone cannot end such conflicts. Modernization theorists view that " unequal rates of social change" breed societal conflict between traditional and modern forces. " Elite conflict

occurs when an elite attempts to undermine another elite's capacity to extract revenue from non-elites" (Lachmann, 1990: 403).

Political science theories ferret out other factors: such as dysfunctional impact of adversarial politics, political mal-administration, corrupt leadership, excessive centralization of power, systematic deprivation of people from participatory opportunities, marginalization, injustice, high inequality, discrimination, excessive exploitation, domination and suppression. Resistance against these factors constitutes a major source of political tensions and conflicts. " When the political system gives votes to the many, and the economic system gives bread to the few, civic strife is almost inevitable" (Nyerere, 1997).

In Somalia and Nepal, the destruction of state institutions, personal rule of incumbent party leadership and patronage-based politics helped fuel conflicts. The political system and the decision structure, even the style of decision-making, affect the nature of conflict. When political leaders deliberately instrumentalize the cultural differences of the society through a policy of divide and rule, political conflict becomes inevitable. Feminist theories argue that " socialization" of gender roles generates aggressiveness in the behavior of males and develops a culture of domination and violence.

Michael E. Brown examines four main groups of factors for the growth of conflicts: structural factors, political factors, economicsocial factors, and culturalperceptual factors. Among structural factors he identifies three major components: weak states; intra-state security concerns, and ethnic geography. To him, a weak state lacks political legitimacy, politically sensible

borders, and strong political institutions capable of exercising control over its territory. The weakening of the state structures often leads to the eruption of violent political conflicts.

In a weak state devoid of adequate tax revenue to undertake a self-sufficient state-building project, social groups develop pre-national political solidarity and tend to be more able to assert themselves politically by claiming more autonomy or even independence. Similarly, some powerful business and political groups develop an interest in the " economy of violence" through arms deals, perpetuation of illegitimate power circles or other strategies that fend off efforts towards reconciliation and peace processes.

A weak state cannot ensure the security of particular individual groups, and these groups must then seek their own security. One problem political groups often encounter is that while trying to self-defend, through the mobilization of security agencies, they threaten the security of others (Wimmer and Schetter, 2002). This, of course, is the situation in Afghanistan, where central authority has collapsed and groups emerging from an old state have to provide for their own defense or rely on the cooperation of the international community.

Conflicts tend to break out when the state and its regulatory institution breaks down and several groups struggle for political power, resource and identity. To avoid such a situation, group security concerns, or agencies, must give way to national security imperatives. Politicization of national security imperatives to fulfill partisan goals only furthers the soft-state or weak state syndrome. Countries with disparities in regional development and

resource distribution are likely to experience different kinds of internal problems. The break-up of East Pakistan can partly be attributed to this cause.

The insurgency in Peru sets another example. Among the political factors which can determine conflicts, center-periphery gaps, discriminatory political institutions, tendencies to maintain exclusive identity by some groups, denial of rights to other groups of people, vicious struggle for rights by sub-groups, pre-national or primordial affiliation of political groups, exclusionary political and national ideologies, distrust among inter-group political leaders and elite-centric politics are considered to be the most important ones responsible for conflict escalation.

The nature of a state's political system also determines the scope and intensity of political conflicts. Authoritarian political systems are more likely to provoke dissent among the marginalized and discriminated groups than a democratic system, especially when some political groups have inadequate representation in the structure of political power. If a state employs the policy of oppression and violence towards minorities, then conflicts will almost inevitably occur. The same is true for the nature of the national ideology.

Countries where citizenship is based on ethnic, caste, creed, gender or race distinctions, rather than on the democratic equality of all people, are equally vulnerable to political conflicts. But walking the thin citizenship line is tricky, as states cannot provide citizenship to everyone, especially those that are already overpopulated and competition for state resources is already

intense. Equality of access to citizenship can equally mean demographic invasion by another overpopulated country.

The prospect for political conflict is also great in countries where the ruling class projects unattainable objectives, holds a strong sense of sectoral identity and pursues confrontational strategies. A discriminatory political system with unequal social and economic opportunities and unequal access to power and resources for different members of the society can breed discontent and aggravate political conflicts. In divided societies, a system of proportional power sharing can resolve underlying root causes of violence and forestall the risk factors animating violent conflicts.

Major Conflict Types Conflict is an intrinsic element in human relationships. A conflict may be described as low-intensity or high-intensity and violent or non-violent depending on the use of tools. For example, a low-intensity conflict can be characterized by sabotage, terrorism, guerrilla insurgencies, planting of bombs, intimidation, kidnapping, blocking of passage, etc. In low-intensity conflicts, nation-states normally resort to– clandestine maneuvers, coercive diplomacy and the use of proxy forces to achieve their objectives.

Depending on the availability of resources, a low intensity conflict can also transform itself into a high-intensity conflict (CPN-Maoist conflict), civil war (Tamil-Sinhala conflict in Sri Lanka) or geopolitical contest (Kashmir). A conflict may be described as constructive if it yields better payoffs and improves an understanding between rival parties. It may be destructive if it escalates violence, fear and animosity among the conflicting parties and increases the cost of peace.

Conflict analysis and conflict mapping are important tools to understand the complexity of conflict dynamics and to suggest proper solutions. Conflict analysis involves key actors, stakeholders, issues and relationship of actors, options available to conflicting parties, potential peace coalitions that can bring change in the behavior of conflicting parties, role of international cooperation, monitoring of conflict for early warning, conflict prevention and impact assessment. There are four basic types of conflicts in society.

Structural Conflicts: " Structural conflicts arise from situations in which there is a fundamental incompatibility of goals, interests or values, with the result that if A gets what it wants, B cannot get what it wants" (Lopez and Stohl, 1989: 429). The struggle for imperial domination versus national self-determination can be called structural conflict. High stakes distributional questions and denial of basic needs such as food, water, shelter, land, education, health facilities etc are the common sources of structural conflict.

Basic needs are non-negotiable issues. Mutually competitive claims by the parties based on " objective" factors, such as race, ethnicity, religion, language, ideology, etc constitute structural conflicts. The real structural conflicts are rooted in the very structure of the system of polity, economy and society and tend to provoke direct structural violence. The severity of conflicts in Rwanda, Guatemala and Cambodia can be considered structural conflicts involving a win-lose result.

The anti-apartheid struggle in South Africa caused by the institutionalized separation of races and the monopoly of power in the hands of the white community illustrates another version of structural conflict. The government-

Maoist conflict in Nepal until recently assumed structural features. One, however, also notices a structural shift in the Maoist and government attitudes after both noticed the costs of geopolitical implications of a protracted conflict. Perceptual Conflicts: " Perceptual conflicts arise when A believes that B is an actual or potential source of harm to one or more of A's vital interests or primary values.

The most common sources of perceptual conflict are " misunderstandings" that arise out of ideological, historical, religious, nationalist, racial or ethnic differences" (Lopez and Stohl, 1989: 430) between the contesting parties. Perception or misperception can be analyzed in terms of an actor's self-image and the perception of the character, intentions, power and capabilities of his/her opponents. When gaps exist between perception and reality, the task of political accommodation becomes difficult.

Rivalry among the fractious political parties in Bangladesh, India and Nepal springs more from misgivings and distrust among political leadership than by any ideological consideration. Cot asserts that " difficulties of communication, caused by faulty perception and information, accumulate and throw the parties into opposition" (1974: 342) and escalate tension and conflict. Manifest Conflicts: " Manifest conflicts are those that have produced clear behavioral evidence–violent acts, threats, or demands–of the existence of the conflict" (Lopez and Stohl, 1989: 431).

Civil war can be called a high-intensity manifest conflict where opposition forces fight with the government for political power. In Brazil, Colombia and Bosnia, death squads are linked with government branches and official local

leaders. Manifest conflicts are evident in those societies where opposing views, concerns and organizations are deliberately ignored, isolated or even suppressed, no matter how legitimate they are. The open articulation of the " Joint People's Movement" by five political parties in Nepal clearly represents a manifest conflict with state power.

Latent Conflicts: " Latent conflict is one in which an objective conflict can be identified, although there may not yet be clear behavioral evidence of that conflict" (Lopez and Stohl, 1989: 431). In a latent conflict, the subordinate groups of society hold enormous grievances against the establishment but their corresponding action is not manifest in the public sphere. The persistence of acute poverty, for example, embitters the competition for scarce resources, feeds communication of grievances through political means and threatens the development of civil society.

The case of Uzbekistan can be cited as latent or suppressed type of conflict because of the prevalence of strong authoritarianism, censored media, pervasiveness of the security apparatus, absence of intra-party cooperation, lack of a proper mechanism of interest articulation, increasing social disparity, simmering discontent on the performance of governance, etc. In South Asia, the plight among Dalits has released a pent-up rage in the form of political grievances. Approaches to Conflict Management Conflict resolution is a process of seeking a solution to the Hobbesian state of nature where legitimate public order becomes problematic.

Since human nature manifests in several forms, any imaginative understanding to conflict resolution requires systematic, inclusive, inter-

subjective and multi-level approach. Philosophers trace the origin of conflict and conflict management to the writings of Buddha, Thucydides, Machiavelli, Hobbes, Gandhi, etc. To protect a stable civic life each society has devised its own means of containing, controlling and managing conflicts through judicial systems, coercion of bellicose parties into an agreement or imposition of settlement by a third party.

Since each conflict holds the propensity to manifest uniquely, mechanical formulae or quick fixes offered by consultants with pecuniary interests in the perpetuation of conflict management projects simply do not work. Social learning about the root causes of conflict is necessary to link the scientific researchers and politicians to the conflict resolution process. Political realists like Hans J. Morganthau and Henry Kessinger prefer the primacy of order to justice and legitimize the state's monopoly on power to crush any conflict that challenges existing structures, institutions, laws and policies.

Ho-Won Jeong offers a state-centric deterrence model of conflict management. To him, a deterrence model suggests a hierarchical way of controlling anti-social behavior of people through domestic enforcement of law and international strategic policies. " The goal of society is to maintain order and to punish those who do not conform to its values" (1999: 392). The United Nations (UN) from its very inception has articulated a provision for the pacific settlement of disputes.

It says, " The parties to any dispute, the continuation of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation,

arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. ” It has also introduced preventive diplomacy as an approach to prevent deadly conflicts. The key components of this approach are: problem assessment, identification of tools for preventing action and description of the role of the state, non-state and international actors.

Similarly, in 1992, it introduced an “ Agenda for Peace. ” Some of these processes are applicable to domestic conflicts as well. The interest-based problem-solving approach defines conflicts in terms of interests and works to reconcile the interests of rival parties to seek a mutually acceptable solution. Clements vouches for “ an interest-based approach, a rights-based approach and a power-based approach, with each corresponding roughly to the organs of the United Nations–good offices of the Secretary-General and his envoys representing the organizations’ interest based approach; the judicial functions of the World Court representing the ights based approach; and the Security Council representing the power based approach’ (1997: 10). Noted peace expert Johan Galtung offers an approach to peace by peaceful means akin to Buddhist and Gandhian conception of end-means compatibility. He argues that direct violence can be ended by changing conflict behaviors, structural violence by removing structural injustices and cultural violence by changing attitudes. High fidelity channels of communication help defuse perceptual conflicts.

To him, the search for positive peace becomes possible with the development of human empathy, solidarity and community and transforming

the structures of imperialism, colonialism, oppression and exploitation. Offering a critique on " conservative conflict resolution," accompanied by an avoidance of issues of necessary social and economic change, Kevin Clements provides an alternative approach to conflict transformation by means of strengthening the spontaneous peace-building processes at work within the civil society and the state structures at the local level.

It would be wiser to prevent conflict in society than to deal with its effects for they involve costs and costs are not without trade-offs. Charles Osgood offers Graduated Reciprocation in Tension Reduction Strategy (GRIT). It is a process in which one side makes unilateral minor concession in the hope that the other side reciprocates. Then begin balanced concessions, de-escalation and disarmament processes. He argues that " fractionating" of issues is important for a successful peaceful conflict resolution.

John Burton and Edward Azar apply the fundamental needs satisfaction approach arguing that subordinate groups' fundamental human needs must be met by restructuring the society and providing a sense of justice to all the people. They also developed the idea of Alternative Dispute Resolution (ADR) which works closely with the judiciary system but provides an alternative to adjudication. Advocates of ADR believe that institutionalization of the problem-solving approach requires a change in the judicial process.

To them, the courts should undertake not only negotiable issues but also non-negotiable issues of human needs satisfaction. The ADR relies on the mediation of grievances through a procedure for determining rights, arrangement of procedures from low to high cost sequences, a collaborative

design process and a culture of compromise that balances the interests of contesting parties. Specializing in Israel-Palestinian conflict, Herbert C. Kelman developed the problem-solving approach to conflict resolution.

He views that conflict can be solved by the mutual involvement of conflicting parties, rather than completely crushing the opponent. He and his colleagues organized a series of " para-negotiation" and " post-negotiation" workshops with socially influential persons including academics and transferred the conclusion of lessons into political arena to achieve a win-win outcome. To him, an effective conflict resolution must involve an opportunity for the parties involved " to penetrate each other's perspective and to engage in joint problem-solving designed to produce ideas for mutually satisfactory agreement between them" (1992: 84).

Its steps are: analysis of parties and issues; bringing the conflicting parties at the negotiation table to discuss their relationships; establishing an agreement about the nature of problems; assessing the costs of human rights violation and an examination of possible options. Adam Curle's approach to conflict resolution is based on human development. After studying the conflicts in Pakistan, Nigeria and Croatia, he concluded that conflicts are the processes of social change. He found the utility of Track II diplomacy by non-official citizens in conflict mediation.

His assumptions are based on four factors: a) building, maintaining and improving communications between conflicting parties; b) providing information to them; c) befriending the conflicting parties; and d) encouraging active mediation so that a willingness to engage in cooperative

negotiation emerges. It is for parties in conflict to have primary ownership of the problem so that they commit themselves to non-violent solutions. Ownership means their participation in the decisions and actions (social change, social responsibility, healing, building relationships, monitoring, warning and social learning).

Ralf Dahrendorf provides a social justice-based approach to conflict resolution. He observes, " For effective conflict regulation to be possible, both parties to a conflict have to recognize the necessity and reality of the conflict situation and, in this sense, the fundamental justice of the cause of the opponent" (1959: 225). Elise Boulding invented the idea of imagining the future so as to stimulate local people, especially women, children and indigenous groups, and involve them in peace education and research and enlist their cooperation in the conflict resolution process.

The Macedonian conflict resolution represents a " cooperative multi-track" approach where the US government applied Track-I diplomacy and clinched the agreement between Greece and Macedonia while an NGO, Search for Common Ground, applied the Track-III approach and developed a long-term program aiming to meet the common needs of conflicting parties (Miall, 2001: 21). Similarly, Deter Senghass has developed an the concept of " civilization hexagon" as a means to transform conflicts.

Based on the European experience, he identifies what he calls six cornerstones–legitimate monopoly of force by the state, rule of law, affect control through diverse social roles leading to the fragmentation of conflicts, democratic participation, social justice and constructive conflict

management– for the non-violent resolution of conflicts (2001: 5-6). Sustainable resolution of conflicts, however, requires wider participation of all the parties??? those that are left out, potential and actual stakeholders– and their interest mediation, rather than just those of conflicting parties.

Nepalese negotiators must learn from the mistakes of the power equation approach to conflict settlement that was applied to terminate the 1990 movement for the restoration of democracy. Peace cannot be created if the outcome of negotiation creates its own enemies. Below is an analysis of various modes of conflict management. Conflict Settlement: " Conflict settlement shall refer to all outcome-oriented strategies for achieving sustainable win-win solutions and/or putting an end to " direct violence" without necessarily addressing the underlying conflict causes" (Reimann, 2001: 10).

Conflict settlement thus does not necessarily deal with the structural conditions of society that breed the sources of conflict. Its immediate purpose is to prevent the escalation of conflict or to reduce its destructive nature. Parties involved in a conflict can reach a settlement by achieving mutually satisfying outcome. If adversaries can find a variety of " post-conflict economic and social opportunities, this will generate reassurance and confidence and a willingness to accommodate the interests of the other in relation to the specifics of terminating the violence" (Clements, 1997: 10) and seeking some long-term settlement.

Conflict Transformation: " Conflict transformation refers to outcome, process and structure-oriented long-term peace building efforts which aim to truly

overcome revealed forms of direct, cultural and structural violence"
(Reimann, 2001: 13). It refers to an improvement in the nature of a conflict
due to de-escalation, the altered nature of relationships between the parties
involved and reconciliation between rival parties of the conflict. This means
conflict transformation tries to seek an attitudinal change of those forces
locked into seemingly old intractable conflicts into a new productive
relationship.

It does not aim to eliminate conflict but tries to utilize it for non-violent
change. The process of political change can be facilitated by the legal
process, social reforms in a normal way or by an intermediary. Raimo
Vayrynen argues that the problem-solving strategy requires an
understanding of conflicts and its elements such as parties, issues and
interests. Due to the changing nature of political reality, however, conflict
and its components are constantly transforming. This transformation process
can bring resolution to intractable conflicts of values and interests. To him,
transformation can happen in four realms: ?

Actor transformation means changes within the parties or the emergence of
new players. ? Issue transformation means finding common ground, which
might require fundamental political changes within the parties. ? Rule
transformation changes the norms of the parties' interactions. ? Structural
transformation is the most significant way of changing the nature of the
conflict. Conflict Resolution: Conflict management (settlement) and conflict
resolution are not synonymous terms. " Conflict resolution refers to all

process-oriented activities that aim to address the underlying causes of direct, cultural and structural violence" (Reimann, 2001: 12).

It involves a deeper process than conflict management or settlement. Louis Kriesberg defines conflict resolution as the " process of concluding a dispute or conflict in which the adversary parties, with or without the assistance of mediators, negotiate or otherwise strive toward a mutually acceptable agreement or understanding, taking into account each other's concerns" (1999: 413). In a tribal society, the mode of conflict resolution involves: consensus, arbitration, decisions by authority and compromise through the use of superior social authority.

In a modern society, according to Jurgen Habermas, conflict resolution involves at least three assumptions: ? members must assume they mean the same thing by the same words and expressions; ? they must consider themselves as rationally accountable; and ? they must suppose that, when they do arrive at a mutually acceptable resolution, the supporting arguments sufficiently justify a (defensible) confidence that any claims to truth, justice and so forth that underlie their consensus will not subsequently prove false or mistaken" (Rehg, 1996: xv).

Galtung says, " A conflict resolution can be defined as a new formation that is acceptable to all actors and sustainable by all actors" (1996: 89). But, the sustainability of solution has to be " endogenous," being rooted in the formation of conflict itself. If outside parties, sometimes called mediators, use carrots and sticks, paying the parties for accepting and punishing them for not, then there is not acceptability or sustainability, unless one assumes

that the ' mediators' are parts of the conflict formation, not outside, and certainly not ' above' (Galtung, 1996: 89).

Fixing agendas, setting goals and designing legitimate actions–are usually involved in the problem solving (Simon, 1986: 1) approach to conflict resolution. Conclusion There is no single best way of resolving conflict. Most of conflict resolution techniques try to eliminate the causes of conflicts by satisfying the needs, concerns and interests of not only the conflicting parties but also all those affected by it.

Conflict resolution, according to Jurgen Habermas, " refers to the stabilization of behavioral expectations in the case of disagreement, collective will-formation to the choice and effective realization of consensual goals" (1997: 139) through action coordination based on a code of conduct. A new distribution of power in the state and increased interdependence among hostile parties can induce substantial changes in the pattern of relationships among them. Interdependence, in conjunction with the parties' interests, might create different patterns of conflict development.

For example, a high level of interdependence, but with opposite interests, is a sign of political instability. Transformation of interests can be pursued as a way of improving the pattern of conflict structure. This can be done by means of increasing convergence of interests in the context of nurturing the parties' interdependence. Conflict transformation aimed towards peace can be a deliberative process which aims to devise mutually shared constitutional rules of the game and conduct activities within that framework.

According to John Burton's problem solving approach, the solution is not the final end-product. Every solution generates its own problems. This means sustainable solution requires " a new synthesis of knowledge or techniques and a change in theoretical structure" (Reimann, 2001: 25). And this process contributes to effective restoration of peace (peacemaking), ending violence and preservation of peace (peacekeeping) and undertaking peace building projects–relief, construction and development for the consolidation of peace.

Every post-violence transition requires addressing the question of reconciliation upon which the state moves from the divided past to a shared future and becomes capable of creating a just order as well as performs its basic state functions. References Apter, David E. (1993). Democracy, Violence and Emancipatory Movements: Notes for a Theory of Inversionary Discourse. Discussion Paper, No. 44, May. Bloomfield, David et al. (eds.). (2003). Reconciliation After Violent Conflict: A Handbook. Stockholm: International IDEA. Brown, Michael E. (ed.). (1996). The International Dimensions of Internal Conflict.

Cambridge: The MIT Press. Brown, Seyom. (1992). International Relations in a Changing Global System. Boulder: Westview Press. Burton, John W. (1993). Conflict Resolution as a Political Philosophy Conflict Resolution Theory and Practice: Integration and Application (eds.). Dennis J. D. Sandole and Hugo van der Merwe. New York: Manchester University Press. Burton, John. (1974). Resolution of Conflict: The Theory and Practice of International Relation. (eds.). David McLellan et al. , New Delhi: Prentice Hall of India. Capra, Fritjof. (1997). The Web of Life. London: Harper Collins.

Cavalcanti, H. B. (2000). Conflict Theory: International Encyclopedia of Sociology. (ed.). Frank N. Magill, New Delhi: S. Chand and Company. Clements, Kevin. (1997).. " Peace Building and Conflict Transformation". Peace and Conflict Studies. Vol. 4 No. 1. July. Colletta, Nat J. and Michelle L. Cullen. (2000). Violent Conflict and the Transformation of Social Capital: Lessons from Cambodia, Guatemala and Somalia. Washington, D. C: The World Bank. Cot, Jean-Pierre. (1974). " Critical Remarks on John Burton's Paper on Resolution of Conflict with Special Reference to the Cyprus Conflict".

The Theory and Practice of International Relations. David McLellan et al eds. , New Delhi: Prentice Hall of India. Curle, Adam (1995). Another Way: Positive Response to Contemporary Violence. Oxford: Jon Carpenter Publishing. Dahrendorf, Ralf. (1959). Class and Class Conflict in Industrial Society. Stanford: Stanford University Press. Galtung, Johan. (1996). Peace by Peaceful Means. Oslo: PRIO. Habermas, Jurgen. (1997). Between Facts and Norms. Cambridge: Polity Press. Harbottle, Michael. (1997). " The Peace Building Role of United Nations' Operations". Peace and Conflict Studies.

Vol. 4, No. 1, July. Jeong, Ho-Won, (1999). " Conflict Management and Resolution". Encyclopedia of Violence, Peace and Conflict . London: Academic Press. Kelman, Herbert C. (1992). " Mediation in International Relations, Informal Mediation by the Scholar/Practitioner. Encyclopedia of Violence, Peace and Conflict. (eds.). Jacob Bercovitch and Jeffery Rubin, New York: St. Martin Press. Kriesberg, Louis. (1996). " Conflict; Social. " The

Social Science Encyclopedia. (eds.). Kuper, Adam and Kuper, Jessica . London: Routledge. Kriesberg, Louis. (1999). " Conflict Transformation".

Encyclopedia of Violence, Peace and Conflict. London: Academic Press. Lachmann, Richard. (1990). , " Class Formation Without Class Struggle: An Elite Conflict Theory of the Transition to Capitalism". American Sociological Review. Vol. 55, NO. 3, June. Landa, Janet. T. (1999). " An Elite Conflict Theory of the Transition to Capitalism, The Law and Bioeconomics of Ethnic Cooperation and Conflict in Plural Societies of Southeast Asia: A theory of Chinese Merchant Success" Journal of Bioeconomics, Vol. 1. Lopez, George A. and Michael S. Stohl (eds.). (1989). International Relations, USA: CO Press.

Miall, Hugh. (2001). " Conflict Transformation: A Multi-Dimensional Task". Berghof Handbook for Conflict Transformation. April. Nyerere, Julius K. (1997). " No Peace Without Justice, Which is More than Democracy". International Herald Tribune. January 15. Rehg, William. (1996). " Translator's Introduction, Jurgen Haberma". Between Facts and Norms. Cambridge: Polity Press. Reimann, Cordula. (2001). " Towards Conflict Transformation: Assessing the State-of-the-Art in Conflict Management-Reflections from a Theoretical Perspective". Berghof Handbook for Conflict Transformation. Berlin.

Reuveny, Rafael & John W. Maxwell. (2000). The Dynamics of Continuing Conflict. Ropers, Norbert. (1995). Structures, Processes and Strategies for the Constructive Regulation of Ethno-Political Conflicts. Berlin: Berghof Research Center for Constructive Conflict management. Senghaas, Dieter (2001). " Civilizing Conflict: Constructive Pacifism as a Guiding Notion for

Conflict Transformation". Berghof Handbook for Conflict Transformation. Berlin. Simon, Herbert. (1996). " Decision-Making and Problem Solving". Research Briefing. Washington, DC: National Academy Press. Vayrynen, Raimo, (1991). (ed.).

New Directions in Conflict Theory: Conflict Resolution and Conflict Transformation. London: Sage Publications. Wallerstein, Immanuel. (2002). " New Revolts Against the System". New Left Review. 18, November-December. Wimmer, Andreas and Conrad Schetter. (2002). State Formation First Recommendations for Reconstruction and Peace-Making in Afghanistan, No 45. Bonn, April. Comments Dev Raj Dahal's presentation brought together 15 commentators to discuss the issues raised by him. The session was chaired by Ananda Aditya. Excerpts: Gunanidhi Sharma: Whenever there are conflicts of interests, contradictions arise.

There are many such contradictions in Nepal because the develSopment process has always been involved in aggravating conflicts rather than resolving them. Income disparities, wealth gaps, poverty and other basic issues have always remained unsolved. Unemployment has already reached about 15% and poverty is rampant. Measured according to World Bank index of 5, 000 rupees per annum, 82% of the people fall under the poverty line. Similarly the Ginni coefficient has increased with time. All these show us that most conflicts have been externally induced.

The 1950 treaty ties major polices with India's policies– the price policy, investment and fiscal policies have always remained tied. The smaller economy has had to be dragged along the way. In addition, proven conflict

prone policies espoused by the World Bank have been used by Nepal pushing the country into further crisis. Our policies are making governance publicly irresponsible. Conflicts have also been the result of the failure of the state to resolve national issues like the border, trade, refugees etc. The paper would have done better by highlighting conflicts that have been externally induced.

Instability has been created by others, not by us. Ananda Aditya: Constants, hazards and threats need to be probed for the resolution of conflicts. Capacity needs to be built to cope with crisis. The UN should be more assertive in its role as globalisation is promoting trans-state forces like the UN. For a meaningful resolution to the Maoist crisis, we need not be apprehensive of foreign forces. Srish Rana: The paper could have dealt more with sources of conflict. For example, what is the relation between organisation and sources of conflict. Are organisations a source of conflict, e. g.

Al- Quaeda? To be more specific, what is the relation between political organisation and conflict? Lal Babu Yadav: Is ' peace through peaceful means' meant only for weaker nations? Superpowers have been vouching for peaceful resolution of conflicts everywhere, but when it involves themselves they come in with arms, like happened in Iraq. How do we settle conflicts arising from regional power hegemony? How do we resolve those arising from international regimes? Keshav Raj Jha: At the moment only the establishment and the Maoists are talking and the other actors are completely sidelined.

How do you anticipate a resolution of the Nepalese crisis in such a situation? Krishna Pd. Poudel: The Maoists say that they have shifted their policy and have been centering on the constituent assembly but it is little likely that the regressive forces will bow to their demands. What is the acceptable point of compromise here? Khagendra Prasai: If indeed conflict is inherent in human nature, how can we avoid it in the society? Mohan Lohani: Parties to conflict must leave behind their mistrust and since they share the same destiny they must come to an understanding sooner or later. A peace dialogue has begun in our country.

The focus of negotiations should be on convergence in the beginning, not divergence. If this happens failure of talks is less likely. Bharat Pokhrel: Galtung's book, Conflict Management by Peaceful Means, has not been quoted by the author here. Generally, facilitators appear to be too interested in their own interests and aggravating the conflict rather than in resolving them. I would have liked the author to conclude on his own rather than depending on foreign experts to do so. Durga Poudel: The Maoists generally point at the resource distribution inequalities, injustices and corruption.

Most of the demands also appear to be along the same lines. Are these voices within the purview of the term ' conflict'. Padma Nath Tiwari: Conflict in Nepal is basically about unequal resource distribution. The Constitution says that people are sovereign. So, is the demand for a Constituent Assembly genuine? Will the present negotiation lead us towards a resolution? The 1990 negotiation does not appear to have paid off. Som

Bahadur Thapa: The paper should have been more centered on the Nepalese case. For example, confusion is being created at the moment.

Two ministers have been making conflicting remarks. Will this not obstruct a resolution? Transparency and accountability should also be applied to the negotiators. Ashok Kumar Pathak: What is the type of state necessary for ' peace by peaceful means'? Our history has shown that that has not always been possible. There was no internal democracy in Nepal after 1990. We have been forgetting our traditions and have not been able to adopt new ones properly, leaving a vacuum there. We have only been pointing at problems but have not produced any solution. Karna Bdr.

Thapa: There has not been enough background study of the handling of the conflict before sitting down for negotiation. The Maoists had closed all doors before the Dang attack, which is a rare case in any conflict. Usually a door is open as an exit strategy. But in our case, both the political and military doors were closed. Why? The parties should be making their stance clear, if we are looking for a proper solution. We need a political force that can cleanse the system of the problematic people who have been in power. Without such a political force there is no hope for conflict to be resolved well.

Maheswar Man Shrestha: The paper should have been more specific on the ongoing efforts towards solving the crisis, not just a theoretical exhortation, as this is the need of the day. Dev Raj Dahal's reply There are a lot of conflicts being induced from outside throughout the world, not just here. When conflicts are not solved internally, they get outside attention. When some elites form state policies, they heirarchize or sectorize power which is

not a democratic way of doing things. The gaps thus arising lead to conflicts. How can we take care of the internal issues when we are getting increasingly dependent on outside?

The post modernist society is destroying the old and the traditional. We cannot resist it but can at least adopt it by harmonizing the two. Small states have greater survivability than larger states. Therefore, ' peace by peaceful means' should be a necessity for states of every size. All outside ideas are not bad. We should accommodate good ideas. I have dealt with the theoretical aspect as there appears to be confusion in the society about the term ' conflict'. And, there are layered conflicts afflicting the society. The current attempts in Nepal are aimed towards conflict management, not resolution.

I raised the Nepalese context only where I felt necessary for explanation. This is basically a theoretical paper. Chairman's remarks (Anand Aditya) The east is more communitarian, the west more individualistic. We have also borrowed a lot of nonesense from the west, like the system of majoritarian rule. It is not going to solve their problem, let alone ours. May be, in Han China where 95 per cent are Han, it could be useful, but not in Nepal where 65 ethnic groups live. We have to think about the traditional political system that we have borrowed intact from India, which itself borrowed from the British.

Towards Conflict Transformation in Nepal—Recent Trends in Government – Maoist Dialogue Meena Acharya I. Introduction Conflict transformation may be defined as a process encompassing " structure-oriented long-term peace

building efforts, which aim to truly overcome revealed forms of direct, cultural and structural violence" with outcomes acceptable to the parties in conflict. It conveys much broader sense than the concepts of conflict settlement and conflict resolution. Conflict settlement refers to putting an end to direct violence without necessarily addressing the underlying causes of conflict.

Conflict resolution, on the other hand, refers to all process- oriented activities that aim to address the underlying causes of direct, cultural and structural violence. Structural violence is defined to include a conflict situation resulting from the social, political and economic structures perpetuating a situation of unequal power, domination and dependency. Cultural violence refers to social and cultural legitimization of direct structural violence. Conflict transformation would envelop both the processes of conflict settlement and conflict resolution. Conflict management may encompass all of them or either of these concepts (Reimann, 001). Similarly conflicts may also be perceived in various ways as follows: ? A problem of political order/status quo ? A catalyst for social change ? A non-violent struggle for social justice As to which approach one takes to the management of conflict depends on what approach one takes to the conflict. Conflict settlement deals with the problem of manifest conflict, as an immediate problem of political order. It does not deal with the causes of conflict. It is a status quo-oriented and conservative approach to management of conflict. It can only solve the problems on a temporary basis.

Nevertheless, conflict settlement must be viewed as a first step to long-term solution of the problems latent in oppressive cultural and structural relationships. Other two approaches to conflict as a catalyst for social change would imply a more fundamental treatment to the causes underlying dysfunctional relationships fostering the oppressive and unequal social conditions. But the two approaches differ in how to manage the process of transformation. One view advances radical and violent means for transformation of the oppressive relationships without any consideration to social order and continuity.

This approach to conflict transformation invites unimagined harm to the masses and some times anarchy leading to counter-revolutions. The other view advances the idea of a non-violent struggle for the transformation of such oppressive structures and relationships. Whether, this process will succeed will depend on the willingness of those in power to implement the necessary changes so as to build an equitable and just society, taking needs and aspirations of all social groups into account. Viewed in this framework, Nepal is undergoing through a conflict settlement process.

Four months have passed since the ceasefire between the Maoist insurgents and the government. The progress in dialogue has been slow. Since then only two formal meetings have taken place between the Government and the Maoists. Informal meetings, however, seem to be going on. Although the Insurgents constituted their negotiating team speedily, the government took ……months to announce its team. Agreement on Code of Conduct during the negotiation period took …. months. By now the facilitators and a team of

observers for monitoring the Code of Conduct by the conflicting parties have also been appointed.

A code of conduct for the facilitators themselves and terms of reference for the Team of Observers has also been agreed upon. The Human Rights Commission is to act as the Convener for this team. The Observer team is to form district observer teams, agree upon a unified interpretation of the Code of Conduct and monitor the Code of Conduct. The process, however, has been disrupted for quite some time because while the Maoists say that, the government had agreed to limit policing activities of the Army to five kilometers of the barrack and release the Maoist leaders in prison, the government has disowned the first part of this agreement.

This whole process, however, is only a step towards conflict settlement. For a real move towards conflict transformation, it is necessary to build a permanent mechanism for peaceful conflict transformation