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## **Editorial**

APF Command and Staff College is established to enhance the professionalism of mid-level officers of Armed Police Force, Nepal. The college is imparting empirical knowledge blending it with the practical aspects, so that officers will be able to cope with the emerging non-traditional security paradigms and other security concerns. Apart from its designed syllabus, College is also conducting seminars, conferences and workshops as part and parcel in cooperation and collaboration to Tribhuvan University and other academic institutions.

College has published this noble journal to reflect its conceptual, theoretical and empirical research. The research has been confined to ethos of security, development and peace spectrum. It encompasses articles from scholars, researchers and practitioners aligning it with contemporary issues and security related dynamics of modern era. Professors, academics, researchers, policy makers and students may seize learning opportunity and will highly be benefited from the articles included in the journal. The editorial board reserves the right to edit, moderate or reject the article submitted.

The articles included in this journal are mostly research based. Views expressed in the articles are purely personal and academic opinion of the authors and are not necessarily endorsed by APF Command and Staff College and editorial board.

# **Journal of APF Command and Staff College**

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## MESSAGE



I am very much delighted on the publication of Armed Police Force Command and Staff College: Journal on the glorious occasion of third anniversary of Armed Police Force Command and Staff College. I believe, this academic journey will certainly pave the path for its brighter future for the days to come.

Armed Police Force, Nepal has shown the quest to project it more professional, competent and sound enough through blending of empirical learning and practicality on security, development and peace spectrum.

I hope, academia and practitioners will eagerly access this journal for the larger understanding on changing dynamics of security paradigms.

Finally, wishing every success in future endeavour, I would like to congratulate Armed Police Force Command and Staff College for this maiden Journal.

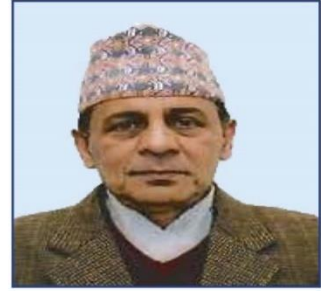
(Ram Bahadur Thapa)

Minister,

Ministry of Home Affairs



## MESSAGE



It's immense pleasure to extend my best wishes to Armed Police Force Command and Staff College on its 3rd anniversary and graduation ceremony of 2nd Command and Staff Course. I am happy to know it has published a Journal as an academic treasure replicating the institution as a whole.

Publishing an academic journal by APF Command and Staff College is not only the success of Armed Police Force, Nepal but also a great achievement of their academic exercises. Ministry of Home Affairs always appreciate intellectual and creative practice of APF as an oversight ministry. I believe, the contents within the journal have widely represented the real picture of functional mechanism of organization. For this, my sincere thank goes to the authors and editors for their outstanding and enlightening effort they have rendered to come up with this maiden journal.

I am sure it has covered multifaceted issues of security paradigms relating it with society, peace and development and it will help to enhance the capacity of all security personnel.

I congratulate Armed Police Force Command and Staff College for this noble and meaningful beginning. All the best. Thank you.

(Mohan Krishna Sapkota)

Secretary,

Ministry of Home Affairs





## MESSAGE



I am pleased to know that Armed Police Force Command and Staff College is publishing its pioneer journal on the auspicious occasion of its 3rd anniversary.

Establishment of Armed Police Force Command and Staff College is a milestone to develop the career of the mid-level officers. The efforts to publish academic journals, like Armed Police Force Command and Staff College Journal, reflects its endeavor to produce the professional officers for future leadership. This effort will definitely pave the way to establish the college as a center of excellence for professional courses.

Understanding the different dimensions of security, undoubtedly, helps to set the goals in the field. The academic mindset and the professional skills are the most important factors to establish peaceful society which ultimately leads the prosperous and developed nation in the long run.

Finally, I wish for the successful publication of this special edition of the journal and hope it will be a good resource for the academicians and practitioners.

(Singha Bahadur Shrestha)  
Inspector General,  
Armed Police Force, Nepal



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# The Rule of Law and Its Development: A Bird Eye View

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## Abstract

*The paper highlights the origin of rule of law and its development around the world in the context of present liberal democratic framework. The paper discusses rule of law from its international to national perspectives with special emphasis on supremacy of law. Rule of law has not been analyzed from Anglo-American purview in the article, but this article also discusses on German and Japanese perspectives. It takes notes on latest constitutional development of Nepal as well.*

**Key Words:** Rule of law, rechtsstaat, thin approach, substantive approach, morality of law

## Introduction

Rule of law is the umbrella term in 21<sup>st</sup> century democracy. It is connected to every aspect of public policy, governance and law. It is also closely tied up with human freedoms, equality and justice. Economic prosperity to maintaining human dignity is the issue of rule of law. As the rule of people is called democracy the rule of law can be termed as nomocracy (from the Greek *nomos* (law) and *kratos* (power or rule)).

Although the concept was originated in the ancient Hindu Philosophy the modern specific deliberation on the topic is occidental. Even in the west, the concept was discussed in the yore by various political thinkers. Aristotle wrote “Law should govern”. Rule of law implies that every citizen is subject to the law. It stands in contrast to the idea that the ruler is above the law” (jusprudentia.com). Likewise in ancient Rome Cicero advocated the higher position of law by saying “We are all servants of the laws in order that we may be free” (Tamanaha, 2004). In England, It was the Bracton who wrote “that the King ought not to be under any man but under God and the law” (*quod Rex non debetesse sub homine, sed sub Deo et lege*). It was nothing but rule of law in modern parlance. Samuel Rutherford was the first modern authors to give the principle theoretical foundations. He reversed the traditional concept of “king is the law” to “the law is the king” in 1644 (Martin, 2014). Likewise, famous political thinker John Locke also discussed the concept of rule of law in his Second Treatise of Civil Government in 1689. John Locke emphasized the importance of governance through “established standing Laws, promulgated and known to the People”. Locke distinguished the rule of settled standing laws from arbitrary decrees. The principle was also deliberated by notable scholar Montesquieu in The Spirit of the Laws in 1748. Montesquieu’s work on the Rule of Law is best known in connection with his theory of separation of powers—particularly the separation of judicial power from executive and legislative authority. The judiciary has to be able to do its work as the mouthpiece of the laws without being distracted from fresh decisions made in the course of its considerations by legislators and policy-makers. For the first time the phrase “rule of law” was included in Samuel Johnson’s Dictionary in the year 1755.

In the American context, Thomas Paine, in his famous pamphlet “Common Sense” wrote that “in America, the law is king. He emphasized that ‘in a free country the law ought to be king; and there ought to be no other.’ From the constitutional documents point of view we can cite the Massachusetts Constitution 1780 which clearly stipulated “a government of laws and not of men.” It

was John Adams who drafted these words. All these concepts were the foundational concept of rule of law.

## Systematic Development

As we traced the concept of the rule of law was very old. Its systematic development is gradually taking place. Its main focus is on supremacy of regular constitutional and legal power as opposed to arbitrary power. Albert Venn **Dicey**, (A.V. Dicey) was a first British Law Professor and constitutional theorist who popularized the phrase “**rule of law**”, although its use goes back to the 17th century (Meyerson, 2004). For Dicey rule of law means at least the following three things:

- **Supremacy of Law:** Under this concept law alone is supreme to determine right and wrong and to settle any dispute. It can only check arbitrary power or wide discretionary power. It also includes that a man can be punished by rule of law, and by nothing else. Similarly it focuses on that every government is a subject of the Rule of Law, rather than the law being a subject of the Government.
- **Equality before Law:** It means everyone is equal before the law or equal subjection of all classes to the ordinary law. All citizens are subject to one and the same law. Protection of law is equally important to this perspective. There should not be extraordinary tribunals or special courts to deal with cases of Government and its.
- **Constitution is the consequence not source:** It means rights such as right to personal liberty, speech, assembly etc.) are the result of judicial decisions in England. The rights are a result of court judgments rather than from being protected in the Constitution. The Constitution is a consequence and not the source of the liberties of the individuals. Thus, Courts are the guarantors of the rights. Rights would be secured more adequately if they were enforceable in courts rather than just being written in the Constitutional text. Only incorporation in a written constitution is of no use in the absence of effective enforcement of these rights.

Lon L. Fuller, in his book *The Morality of Law* (1964) articulated eight principles of what he called “the inner morality of law”—principles requiring that laws be general, public, prospective, coherent, clear, stable, and practicable—and he argued that these were indispensable to law-making. This concept is very clearly connected to the quality and process of making law. He termed it as inner morality of law (Jeremy, 2016). In recent years ‘Rule of Law’ is seen more as a concept of rights of citizens. It is a fundamental component of liberal political tradition. By observing all past literature of rule of law the Secretary General of UN has defined rule of law as follows: (un.org)

“A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to the laws that are publicly promulgated, equally enforced and independently adjudicated, which are consistent with the international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.” This definition touches upon the vast scope of the rule of law. World Justice Project has identified the following four principles as regards to rule of law (worldjusticeproject.org):

- The government and its officials are accountable under law.
- The laws are clear, publicized, stable and fair, and protect fundamental rights, including the security of persons and property.

- The process by which the laws are enacted, administered and enforced is accessible, fair, and efficient.
- Access to justice is provided by competent, independent, and ethical adjudicators, attorneys or representative, and judicial officers who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

Most legal theorists believe that the rule of law has purely formal characteristics, meaning that the law must be publicly declared, with prospective application, and possess the characteristics of generality, equality, and certainty, but there are no requirements with regard to the content of the law. Others, including a few legal theorists, believe that the rule of law necessarily entails protection of individual rights (Current Legal Problems, Vol 55). Among modern legal theorists, most views on this subject fall into three general categories (Tommasoli, 2012)

- the formal (or “thin”) approach,
- the substantive (or “thick”) approach, and
- the functional approach.

Formalist definitions do not make a judgment about the “justness” of law itself, but it defines specific procedural attributes that a legal framework must have in order to be in compliance with the rule of law. Under this approach properly made law is supposed to be just. No institution or individual should question its justness. Substantive conceptions go beyond this and include certain substantive rights that are said to be based on, or derived from, the rule of law. It supports basic rights of individuals should be protected by law. This conception is searching legitimacy of enacted law. Under this conception rule of law seeks rule of just law.

The third conception is functional concept that says, a society in which government officers have a great deal of discretion has a low degree of “rule of law”, whereas a society in which government officers have little discretion has a high degree of “rule of law”. It tries to limit the discretionary power or authority of public servant. There is also a distinction between rule of law and rule by law. According to Professor Li Shuguang: “The difference is that, under the rule of law, the law is preeminent and can be serve as a check against the abuse of power. Under rule by law, the law is a mere tool for a government that suppresses in a legalistic fashion” (nnamdiebo.com ).

### **Rule of law and German *Rechtsstaat***

There are some differences between the rule of law as developed to common law based countries and legal state as practiced by many civil aw based countries. The former focuses on the role of court whereas the later emphasizes scholar developed notion of legal state. Rule of Law corresponds to the German *Rechtsstaat*, which meansall modern legal systems in which public powers have a legal source and form are “legal states” in a merely formal meaning of the “rule of law”. In a legal state the following matters are important (escapistmagazine.com):

- Transparency of state acts and the requirement of providing a reasoning for all state acts
- Review of state decisions and state acts by independent organs, including an appeal process
- Hierarchy of laws, requirement of clarity and definiteness
- Reliability of state actions, protection of past dispositions made in good faith against later state actions, prohibition of retroactivity
- Principle of the proportionality of state action

German concept of *Rechtsstaat* is different with British concept of rule of law. Despite a superficial resemblance to the English Rule of Law, with its emphasis on the notion of administration by law, the *Rechtsstaat* is very different. The *Rechtsstaat*, when combined with the legal positivism that regards the law as an order of the ruling authority, represents no more than the self-restraint of the state power (Bono, n.d. , Vol 72.229).

The major distinction between the Rule of Law underlying traditional western constitutionalism and the *Rechtsstaat* or legal state of German and Japanese origin can be analyzed from its focus. The Western- Rule of Law holds that powers and rights vest naturally in individuals, and that government is limited in its power to infringe upon these rights. On the contrary, the *Rechtsstaat*, a more hierarchical tradition, holds that all powers and rights naturally vest in government, which then allocates rights and powers to its citizens. *Rechtsstaat* does not recognize any individual rights as fundamental; government and not nature is the source of individual rights. This distinction is generally discussed in the Japanese academic world of jurisprudence. This is because the Meiji Constitution of 1889 surely stood on the German concept of the *Rechtsstaat* (Urabe, n.d.).

## Conclusion

In Nepal the Constitution of 2015 clearly mandates the concept of rule of law through its perambulatory provisions and other provisions regarding fundamental rights. We are now following British pattern of rule of law despite our written and supreme law of the land. We do have power of judicial review that rejects the idea of ordinary law. The Constitution is higher law of the land. Our constitution is not the result of court judgment as Dicey saw it in England. We are very close to US model rule of law concept from constitutional point of view.

Despite all legal and constitutional arrangements of rule of law there are some challenges to the implementation of the concept in Nepal that can be summarized as follows:

- The foremost challenge is a widespread impunity that is impeding law enforcement, fueling a breakdown in law and order, and enabling crime and violence to proliferate.
- A second major challenge is limited access to justice, especially for vulnerable and marginalized populations, and the historic exclusion of many from representation in justice institutions and the legal profession on grounds of gender, ethnicity, and caste.
- The third challenge is the need for independence and professionalism to enable the justice system to serve as a check on abuse and a protector of rights and constitutional norms.

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# **Gorkha Earthquake 2015 and Post Disaster Reconstruction in Nepal: Challenges and Prospects**

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## **Abstract**

*The Gorkha earthquake of moment magnitude 7.6 hit the central region of Nepal on April 25, 2015; with the epicenter about 77 km northwest of Kathmandu Valley. This paper aims to explore the challenges and opportunities of reconstruction in earthquake punched areas of Nepal. The Gorkha earthquake on April 25, 2015, has significantly affected the livelihood of people and overall economy in Nepal, causing severe damage and destruction in central Nepal including nation's capital. A larger part of the earthquake affected area is difficult to access with rough terrain and scattered settlements, which posed unique challenges and efforts on a massive scale reconstruction and rehabilitation. Challenge of reconstruction of thousands houses is tough for Nepal in the background of its uproar political scenario and weak governance. With significant actors involved in the reconstruction process, no appreciable relief has reached to the ground, which is reflected over the frustration of affected people. Although the earthquake negatively influenced the country's economy, it opened the opportunity to create sustainable economic developments through proper disaster mainstreaming like construction of earthquake resilience infrastructures, new education and training, media-based mass awareness, and coordinated actions in different parts of the society. Disaster is also an opportunity for development. Hence, if we start thinking for the opportunities after the disaster in a constructive way, still there is a flourishing future of development. This paper is prepared by analyzing few literatures and the personal experiences of the author being as a part of rescue and relief operation in Gorkha during the critical flash of earthquake.*

**Key Words:** Gorkha earthquake, disaster, Response, reconstruction

## **Introduction**

Nepal is exposed to a variety of natural hazards and human induced disasters. More than 80 percent of the total population of Nepal is at risk of natural hazards; such as floods, landslides, windstorms, hailstorms, fires, earthquakes and Glacial Lake Outburst Floods (GLOFs). The country is among the 20 most disaster-prone countries in the world. In part, this is because Nepal is in a seismically active zone with a high probability for a massive earthquake. Globally, Nepal ranks 4th and 11th in terms of its relative vulnerability to climate change and earthquakes, respectively. Out of 21 cities around the world that lie in similar seismic hazard zones, Kathmandu city is at the highest risk in terms of impact on people.

Nepal suffered a massive loss of lives and property on Saturday 25 April 2015, when the devastating earthquake 7.6 magnitude struck Nepal. Subsequent aftershocks, including one of magnitude 7.3 near the Chinese border on 12 May, produced additional losses of life and property. The earthquake triggered avalanches on Mount Everest and in the Langtang valley. Villages were flattened and people were made homeless across 31 districts, with 14 districts (Gorkha, Dhading, Rasuwa, Nuwakot, Kathmandu, Lalitpur, Bhaktapur, Kavrepalanchowk, Sindhupalchowk, Dolakha, Sindhuli, Makawanpur, Ramechhap and Okhaldhunga) suffering the highest impact. Infrastructure was



damaged throughout the earthquake zone. Historic neighborhoods and heritage sites were destroyed in the Kathmandu Valley.

As a result of the earthquake, 8,896 people died and more than 22,302 people were injured. Assessments showed that affected families 8, 86,456, Displaced Families 6,49,815, Houses Damaged (Fully) 6,04,930, Houses Damaged (Partially) 2,88,856, Total Material and Loss NPRs.706 billion US\$ 7 billion (MoHA, Nepal Disaster report 2015).

The Gorkha Earthquake 2015 will have a long-term effect on Nepal's economy and development efforts for several years. The agriculture, industry, tourism and service sectors have been badly affected. This is a major set-back to Nepal's socio-economic condition. It will take many years to revive.

## **Response Made**

Nepal's National Disaster Response Framework (NDRF) served as a key tool for coordination of earthquake response, facilitating decisions and instructions from the central to districts. The first meeting of the Central Natural Disaster Relief Committee (CNDRC) was held immediately after the earthquake, with the National Emergency Operation Centre (NEOC) providing an initial report to the CNDRC, recommending a focus on Search and Rescue (SAR), and lifesaving actions. Financial resources from the Prime Minister's Disaster Relief Fund were immediately allocated, and the government's cluster mechanism, comprising 11 clusters, was instantly activated.

Government of Nepal immediately made an official request for international assistance within hours of the earthquake. Several meetings with donor communities were convened to seek international assistance for search and rescue and immediate relief operations. With the limited trained human resource and available equipments, Nepal Army (NA), Nepal Police (NP) and Armed Police Force (APF) carried out effective SAR operations. They were backstopped by dozens of international military Search and Rescue (SAR) teams under the Multi-National Military Coordination Centre. The network of NGOs and INGOs based in Nepal swiftly rallied to support community relief efforts. Several national and international volunteer groups (especially of youth and professionals like doctors and engineers) were voluntarily mobilized in treatment of injured, setting up temporary shelters, and supplying foods and non-food items.

A number of volunteer groups, local people, youths, civil societies, media and political parties provided significant assistance to the affected people during the response. Several International and local NGOs, Red Cross and Red Crescent Societies and United Nations Organizations supported from the beginning of the response. There has also been a considerable amount of aid distributed by various social organizations, private and corporate. This includes skilled technical personnel such as doctors, nurses, engineers as well as unskilled personnel and in-kind contributions. Despite the lack of sufficient search and rescue equipment and resources, security forces played a significant role in search and rescue and relief works.

## **Reconstruction and Recovery**

The total value of disaster effects (damages and losses) earthquakes is estimated to be about NRs. 706 billion (US\$ 7 billion) that is equivalent to about one third of the Gross Domestic Product (GDP). Out of the total value, the share of destroyed physical assets accounts for NRs. 517 billion (76% of the total effects). The Post-Disaster Needs Assessment (PDNA) report reveals that the share of the disaster effects across sectors was estimated as: social sector (58%), productive sector (25%), infrastructure sector (10%) and cross-cutting issues (7%). Similarly, the earthquake had negative

impact on production, trade, agriculture, tourism, thereby weakening the national economy. The average economic growth was about 3% in fiscal year 2014/15, a negative growth rate of -0.77 and recovered to 0.01 in 2015/16 and has picked up slowly and the World Bank has said that Nepal's economic growth has rebounded strongly and has reached 7.5 percent in the fiscal year 2017.

Post-Disaster Needs Assessment (PDNA) report estimated reconstruction and recovery needs of about NRs. 700 billion would be required to reconstruct the damaged property and infrastructure. However, with government commitment to provide NRs. 3,00,000 instead of NRs 2, 00,000 to each household affected by earthquake increased the reconstruction and recovery needs to about NRs. 900 billion.

National Reconstruction Authority (NRA) has been established in 25 December 2015 (2072) for five years to lead and manage the reconstruction and recovery of the earthquake. The NRA's overall goal is to promptly complete the reconstruction works damage by the earthquake, to promote national Build Back Better interest. NRA has formulated a Post Disaster Recovery Framework (PDRF) (2016-2020) on the basis of PDNA. The government has sufficiently allocated the budget for reconstruction and recovery initiatives. Similarly, almost all of the affected families have received the first installment of the grant and recovery activities have been further expedited.

An international conference on Nepal's reconstruction held in 2015 was able to seek aid of NRs. 400 billion of which about 50% was grant and 50% loan. The Prime Minister's Disaster Relief Fund (PMDRF) was created for rescue, treatment, relief, rehabilitation of victims and restoration of physical infrastructure damaged by natural disaster. Money received from other national and international sources was solely aimed at providing relief to the affected people. Nothing worked as planned due to obstacles from multiple factors. In the beginning of local level election 2017, political power struggle, a lack of accountability, poor management of funds, absence of local bodies and regional tensions have all hampered efforts to rebuild. Local level election was held in three phases in 2017. It was thought that the reconstruction bid would be fruitful only after the people's representatives are elected. But, the plight of the people in the quake-ravaged Nepal's reconstruction remains the same.

Obviously, reconstruction is indispensable for revitalizing the national economy. Various research studies findings show that the primary issue is that cash is the most frequently cited priority need. Similarly, it was found that, villages with good road access, higher wealth and family member sending remittance were generally rebuilding faster. Secondly, people have started borrowing mainly from informal sources with increased risk of debt traps. The government, being the top aid provider, could not effectively address the need of the people. If the government could arrange the financial assistance at a reasonable interest rate it would accelerate the reconstruction and recovery process.

### **Policy, Legal and Institutional Frameworks**

Nepal enacted Natural Calamity (Relief) Act, the first act of this kind, in 1982 and established a network of "disaster relief committees" at various levels (Central, Regional, District and Local Disaster Relief Committee) from central to local levels for effective disaster management focusing primarily on response. Now, considering the importance of disaster risk reduction, the Constitution of Nepal has clearly spelled out disaster management functions to be operated in three levels of government structure. Moreover, disaster risk reduction began to receive more attention from Government side since the 10th Five Year development Plan (2002-2007) and the subsequent periodic plans. Furthermore, in alignment with Nepal's commitment to the Hyogo Framework for

Action (HFA), the Government of Nepal approved the National Strategy for Disaster Risk Management in 2009. This Strategy outlines 29 priority activities for risk reduction and mitigation.

Government of Nepal has also developed new and comprehensive DM Act for an effective DRM effort which would prioritize DRM across government sectors and levels, with a proposed Disaster Management Council chaired by the Prime Minister. Under it, there will be a National Disaster Management Centre as a dedicated institution. After the endorsement of the Disaster Management Bill, it is hoped that, a National Council for Disaster Management chaired by the Prime Minister will be fully functional.

Furthermore, there is a high level Climate Change Council under the chairmanship of the Prime Minister already in place. The establishment and institutionalization of an authentic and open DRM System, GIS based Disaster Information Management System will be strengthened. Collected information through this system will inform decision-making for risk reduction and preparedness in a more effective manner.

Finally, in order to strengthen cross-sectoral planning and coordination in the field of DRR, DRR and CRM focal points have been established in key agencies. These focal points work in a harmonized manner to ensure that Disaster and climate change risk reduction mainstreamed within respective ministries. Existing legal and policy framework on DRM:

- Constitution of Nepal
- Natural Calamity (Relief ) Act, 1982
- National Strategy on Disaster Risk Management, 2009
- National Disaster Response Framework, 2013
- Guidance Note on Disaster Preparedness and Response Planning, 2011
- National Strategic Action Plan for Search and Rescue, 2014
- District Disaster Preparedness and Response Plans

## Challenges

More than two and half years after the devastating earthquakes that struck Nepal, the country is struggling to bounce back. Nearly 70% of the affected people still live in temporary shelters, and it is common to see damaged houses, temples without roofs, and earthquake debris lying around, even in the capital Kathmandu. The recovery is painfully slow, and many families who lost their loved ones continue to live in traumatic conditions. In the quakes' immediate aftermath, relief and rescue work began swiftly, with local volunteers working with the security forces and international aid workers. However, over the past two and half years the recovery effort has slowed to a crawl. Political bickering, a lack of accountability and poor management of funds have all hampered efforts to rebuild.

- One of the major challenges faced in the reconstruction process of Nepal is the absence of elected local government. Lack of government in local level was reflected in the major pre-disaster and post-disaster event, where it took months to reach the affected region and still no acceptable data is settled. In addition, the absence of an elected local government, top-down approach of governance has its own accountability deficit.
- Nepal's weak institutional framework for disaster management has been clearly proven to be ineffective and inefficient during and after the earthquake. In 2009, National Strategy for Disaster Risk Management (NSDRM) has been approved by MoHA, which basically stratifies the level of institutions into a central level, sub-national, district level and local

level. Though these different levels have been identified in the strategy paper, no significant implementation has been observed for pre-disaster preparedness

- Reconstruction is a very specialized work, needs a large number of technical manpower and expert. No I/NGOs in Nepal have or can manage such number of technical manpower as most of these I/NGOs have been working on awareness and social issues.
- Nepal is suffering from weak governance and corruption because of a decade-long political transition. Political instability, nepotism, clientelism, and lack of accountability prevail in the society and corruption is perceived to be a major concern.
- Existing social problems such as poverty, inequality, and unemployment before earthquake have increased the vulnerability of people and hindered people's interest to accelerate the reconstruction, especially to build a seismic resistant residential building.
- Lack of public awareness is another subcategory causing problems for people at disaster time and even during reconstruction. Lack of advanced knowledge and skills to respond and recover from a disaster and current level of education of public made them unable to play an active role in the process.
- In some cases, it takes over 1 day by road to travel from one end of the affected district to the other. The terrain makes transporting construction materials an impossible task in most of the area.
- The construction workforce, in general, lacked knowledge of earthquake-resistant technology because it has never been considered as an integral part of general engineering education in Nepal. The building construction mechanism is mostly vernacular, non-formal, incremental in nature, and dictated by the local availability of construction materials.
- Nepal has a long record of struggling to meet government expenditure targets even without the additional post-disaster pressures, for instance; it managed to spend only one-quarters of the capital expenditure budget for roads, dams and other infrastructures in 2015/16. The NRA has spent about 21 billion rupees for reconstruction so far against the budgetary allocation of 91 billion rupees for the 2015-2016 fiscal year.
- The most crucial factor in reducing a community's risk from an earthquake is the adoption and enforcement of up-to-date building codes and land use planning. The government of Nepal has decided to implement the Nepal building code in Kathmandu Valley in 2002. However, nearly 90 percent of homes in Kathmandu have not received the "construction conclusion" certificate, only because their homes do not meet building codes of Nepal.
- Land use planning after a mega earthquake can be an instrumental to reduce future seismic risk. It should be a significant part of the reconstruction. Reconstruction in large scale without land use planning will not be sustainable and long-lasting.
- NRA rules on grant distribution for landless peoples are delaying the rehabilitation and need to be more inclusive. Solving country's landlessness situation beforehand will obviate such issues.
- Resettlement of villages found critical by NRA surveys needed immediate NRA attention.

## Prospects

Under the Government of Nepal, Nepal Reconstruction Authority (NRA) is responsible for leading and managing earthquake recovery and reconstruction initiative in Nepal. NRA provides the strategic guidance to identify and address the priorities for recovery and reconstruction, taking into accounts both urgent needs as well as long term plans.

Although the earthquake negatively influenced the country's economy, it opened the opportunity to create sustainable economic developments through proper education and training, media-based mass awareness, and coordinated actions in different parts of the society (including social workers, engineers, psychologists and educationists). Some opportunities can be listed as follows:

- The strong social bond among Nepalese citizens, irrespective of any sort of diversities, and that between international volunteers and Nepalese populations helped a lot for the rescue and recovery actions. The warm relation among the people is the treasure of the country and needs promotion to overcome the existing ethnical crisis.
- The proper channelization of the rescue and relief operations was made difficult due to limitations such as lack of infrastructure, like roads or airports, and experience.
- The proper channelization of the rescue and relief operations was made difficult due to limitations such as lack of infrastructure, like roads or airports, and experience. This can be put in consideration to manage any sort of disaster in future.
- There is a chance to change the crisis situation into an opportunity—to construct more sustainable infrastructures, using more local resources and traditional technologies and giving a more sustainable framework to the country's economic growth.
- Proper education, training and awareness are important elements. Proper training for all involved in the building process to erect safer buildings, in particular for masons, is a prime necessity to resist the future disaster.
- Strong political will and good governance are key issues to be considered, in order to tackle the disaster situation and to rebuild economy in sustainable way.
- Only good governance can help ensuring societal harmony and peace during situations of crisis

## Conclusion

The Gorkha earthquake on April 25, 2015 has significantly affected the livelihood of people and overall economy in Nepal. The period of political transition, different institutions and systems are not in order of good performance in for seven decades and more. The key challenges of the reconstruction after 2015 earthquake are basically the inaccessibility, weak governance and corruption, knowledge gap, poverty and inequality, unemployment, large number of technical man power as construction workforce in general, lacked knowledge of earthquake-resistant technology, land use planning, resettlement of villages and so on. These challenges of reconstruction transpired after the 2015 earthquake has been holding back the pace of reconstruction. Short term and long term strategies are required for 'build back better' as opportunities of disaster. After a disaster, reconstruction often fails to adequately support community and economic development. The reconstruction process should be turn into alternative, more participatory approaches, such as people centered reconstruction. Too see this disaster as prospect for better development it is necessary to promote a decentralized and participatory approach to reconstruction, best use of local skills, institutions and resources, Include disaster risk assessments and decentralized disaster risk reduction into reconstruction processes to lessen vulnerability to future risks, promote the recovery of market systems that will build back local livelihoods and enable a more cost-effective and sustainable recovery.

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# Personnel Management System in Armed Police Force, Nepal

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## Abstract

*This paper analyze the Armed personnel management system in Armed Police Force (APF), Nepal drawing information from secondary sources especially from APF headquarter including interview with key persons retired from APF. The study reveals that APF has moderately success to manage APF personnel to achieve its goal to maintain peace and security and safeguard national sovereignty. Because of its professional manpower produced by APF, almost all people appreciate its role played during natural disaster in the country. Despite of these activities performed by APF, there are vital issues revealed from the study that there needs proper human resource planning to promote effectiveness and efficiency in APF, Nepal. Recruitment of Armed personnel through open competition is delayed because of government's delayed decisions. Likewise, promotion process especially in higher position is more often impacted due to government delayed decisions. Trainings in APF have been conducting for promotion purpose without assessing training need. The trainings are also constrained due to inadequate resource allocation. APF personnel are also not satisfied with the existing salary system of the country. The study concludes that there are a lot of rooms to improve personnel management system in APF, Nepal for its betterment.*

**Key Words:** Armed personnel management, human resource planning, human resource development, Armed Police Force, Nepal

## Background

Since establishment of the Armed Police Force (APF) in 2058, approximately 45 thousands APF personnel including both retired and incumbents are recruited in APF. Such huge force is solely responsible for maintaining peace and security in the country, safeguarding sovereignty and national integrity, contributing to settle internal conflicts and rendering assistance to the relief of natural calamities, maintaining security in border area of Nepal and providing industrial security etc. To carry out these functions, Government of Nepal (GON) has been managing APF through Armed Police Force Act, 2058 and its regulation 2072. The Armed Police Force Regulation, 2060 was frequently amended more than six times before endorsement of regulation 2072. Despite of these legal instruments and frequent amendment of the legal tools, academic discussion of Personnel Management System in APF, Nepal is limited or virtually not explored academically. It is noteworthy to discuss how the aspects of Personnel Management in APF, Nepal for example recruitment, selection, promotion, training etc. have been executing in APF. What are the problems faced by APF, Nepal while managing its Personnel? Specifically, this paper examines the recruitment and the selection process of its Personnel. Also, the promotion system adopted by the APF, Nepal and its relations to whole structure of the APF, Nepal are interest of this paper. Besides, it highlights the human resource development and training management of APF, Nepal.



## Human Resource Management (HRM): Brief Theoretical Note

The concept of human resource management was procreated since from industrial revolution which contributed to enact labour law and collective bargaining for dispute resolution in 18<sup>th</sup> century. In 19<sup>th</sup> century, F.W. Taylor contributed how work could be performed efficiently and economically (Beach, 1985). This contributed to setting performance indicators, selecting best workers and providing incentives to the workers. Likewise, theory of bureaucracy propounded by Max Weber emphasized on a system of hierarchy, work specialization, rule of law and written documents to manage human resource in order to gain economy and efficiency in an organization. Similarly, Henry Fayola, Elton Mayo and other scholars contributed to generate knowledge of human resource management (Beach, 1985). Industrial psychology developed testing tools for the best human resource selection and provided framework for the analysis of mental and emotional requirement for job (Dunlop, 1993). Behavior theoreticians argue that if we understand the need of employee and accordingly we can motivate them so that higher productivity of an organization can be achieved. Transformationist argues that the human resource is critical for achieving organization goal. They opine the more investment on human resource, the more productivity is likely to achieve.

The history causes to development human resource management in the present form. Conceptually, human resource management covers all aspects related to recruitment to retirement(R to R), pre-recruitment to post-retirement (Pre R to Post R). It is generally referred to personnel administration/management.

According to Wendell French (1994), human resource management is the systematic planning, development and control of a network of interrelated processes affecting and involving all members of an organization. In a word of De Cenzo and Robbins (2005) human resource management is a process consisting of four functions- acquisition, development, motivation and maintenance of human resource. The first, acquisition covers areas like human resource planning, job analysis, selection and socialization. Secondly, training need assessment and career development are under development aspect of human resource management. Third, maintenance includes areas like compensation, welfare employee discipline, grievance handling etc. The fourth aspects motivation

### Background history of Armed Police Force Nepal

December 15, 1999:	Policy decisions for the raising of APF with 25000 trained manpower
January 31, 2000:	Formation of task force commission in raising APF under the convenership of then Home Secretary Mr.Khem Raj Regmi
April 21, 2000:	Submission of the Taskforce Report to the GoN
January 21, 2001:	First APF Ordinance issued
February 1, 2001:	Promotion and transfer of Late Krishna Mohan Shrestha as the first Inspector General of APF
February 5, 2001:	APF headquarter established at Nepal National Police Academy, Maharajganj
February 23, 2001:	Cabinet approved the strength of 25000 to APF
April 12, 2001:	The second APF ordinance issued and passed on the same day with amendment
August 22, 2001:	Then king granted the Royal Assent
April 11, 2002:	Formation of APF Service Commission
May 26, 2003:	Cabinet approved APF regulation with first amendment.

Source: Armed Police Force Headquarter (2073) *APF Special Publication*, 2073, Kathmandu: APF

deals about need satisfaction of employees, job design, performance appraisal and reward management. Thus human resource management is a part of managerial function which focuses on human resource employed in an organization to maximize mutual interest of both employees and employers in the changing context.

## Personnel Management in APF

Due to volatile situation caused by internal conflict in the country, HMG/GoN decided to form paramilitary natured force in order to restore peace and stability in the country on the recommendation of the report prepared by task force commission headed by Khem Raj Regmi, ex-secretary of HMG/GoN. In 1999, government took decision of forming APF having strength of 25000 trained manpower as total initial human resource. To materialize government decision into practice, HMG/GoN formed Task Force Recommendation Commission in raising APF under the convenorship of Mr. Khem Raj Regmi. On the basis of the report submitted by Regmi on April 21, 2000, the first APF ordinance was issued on January 21, 2001. Immediately Late Krishna Mohan Shrestha was appointed as the first Inspector General of APF. Cabinet approved 25000 manpower, the strength of the APF. Similarly, APF Service Commission was formed to recruit more human resource on April 2002. On May 26, 2003, cabinet approved APF regulation with first amendment. Thus, it became easy to manage human resource in the APF (Armed Police Force Headquarters, 2073). HMG/GoN set plan to transfer security personnel both from Nepal Army and Nepal Police to form APF initially. Those who came from Nepal Army and Nepal Police, APF granted one level promotion as well. Despite of these motivational incentives, 9814 from Nepal Police and 120 security personnel from Nepal Army joined in APF, Nepal. The total initial security personnel were 9934 which was very less number of security personnel as expected. Immediately, the APF service commission started to recruit fresh security personnel through open and internal competition to make-up the gap between existed strength of APF, Nepal and expected strength.

**Table 1: APF Personnel 2073**

S.N.	Post	Male	%	Female	%	Total	%	Male: Female
1	Senior Officers	1402	4	42	2	1444	4	97:03
2	Junior Officers	2795	9	51	3	2846	8	98:02
3	Other ranks	28602	87	1913	95	30515	88	94:06
	Total	32799	100	2006	100	34805	100	94:06

Source: APF Headquarter, 2073

The real strength of APF at present moment is about 37500 thousand including all ranks. While analyzing the armed personnel being based on data retrieved from APF headquarters in 2073 FY, there are four percent in senior officers, 8 percent in junior officers and 88 percent in other ranks. There are only 6 percent female participation in APF whereas 94 percent male. The male and female ratio becomes wider when higher ranks increase. In the other ranks, the ratio of male and female security personnel is as equivalent as the total security personnel. In the junior officers, there are 98 percent male APF personnel and only 2 percent female. In the senior officers, male security personnel cover 97 percent and 3 percent by female seniors.

## Methodology of the Study

To study the Armed Personnel Management System in Nepal, we depended upon both primary and secondary sources. In order to gather primary data, key informants interview was conducted on the

thematic issues related to recruitment, selection, promotion, training management, and code of conducts etc. for the sake of in-depth analysis. Secondary sources were retrieved from recruitment section of APF, headquarters. Rules and regulations related to APF such as Armed Police Force Act, 2058 and Armed Police Force Regulation, 2072, training manuals, standards of operation procedures were thoroughly reviewed to find out the provisions related to human resource management in APF. Likewise, the news published in both online news portal and broad sheet were also taken into consideration to understand the gravity of human resource management in APF.

## Findings

### Human Resource Planning

Human resource planning (HRP) is a basic function of HRM. HRP is a process of finding out the gap between projected of human resource required in APF and existing employed human resources. Thus calculated gaps hint either surplus or shortage of human resources in APF. Accordingly, organization sets plan to manage human resource. In APF, there is practice of conducting O & M survey. The HRP should be linked to determine the required Armed personnel in APF. To forecast and find out existing human resource, job analysis is basic step which is not carried out in APF. Simply, macro-duties and responsibilities are fixed in Act, regulation and directives. APF needs to translate these duties and responsibilities up to unit level and individual level eventually. Without the details of job description, it becomes difficult to calculate required human resource.

The projection of required human resource can be done through the retirement trend of APF, Nepal personnel. It suggests how many APF personnel are retiring and when. This technique could be supportive to find out the existing APF personnel. Simply, APF, Nepal collected the vacant seats and proceed ahead to fulfill the vacant positions either through promotion or open competition.

Another step for HRP, it requires up to date human resource inventory system to locate right man for the right job. It also supports to set succession plan in an organization. APF, Nepal brought some software to maintain human resource inventory. These are:

- Personal Information Management System(Manual Software): To record and manage overall records of APF personnel
- Kaaj Management System: Kaaj and Posting
- Training information management software: Training record
- Galaxy software: UN participation
- Unit inform system: Personal details information, planning, list of leave, ongoing training, circulars, grievances, posting, prize and punishment, commendable works, and many other information.

Even though these human resource inventory systems are maintained in APF, Nepal, these are not analyzed in an integrated way in order to develop human resource planning and development activities. These are simply used for retirement and promotion purpose rather HRP. This inventory system could be supportive one to find the successor after retiring existing APF personnel. In the absence of precise of HRP, academia argues that it would have profound effect on its promotion, recruitment and selection process, performance evaluation, reward and punishment and deployment of armed personnel.

## Recruitment, Selection and Promotion

Recruitment is a process of inviting the best candidate for specified positions and keeping them in a pool. Selection is a process to identify best of the best candidates who are in pool. It also involves choosing from among a pool of candidate, the person (or persons) who best match the qualification criteria for the job involved.

Armed Police Service Commission under chairperson of Public Service Commission (PSC) or a member of PSC designated by him/her is constituted to be filled up APF personnel by open competition. As per new constitution 2015, the written examination of APF is conducted by PSC which was materialized by APF since its inception. As per Armed Police Force Regulation, 2015, it states that 100 Percent Followers or equivalent will be recruited through open competition in general category. Likewise, Armed Police Constable also recruited through open competition. Hundred percent Assistant Constable, Constable and Senior Constable of APF are recruited through promotion. In case of Assistant sub inspector and Inspector of APF, 60 percent of them are recruited through open competition and rest of them are promoted internally. 100 percent Sub-inspector and Senior Sub-inspectors are promoted internally. Rests of positions above than Inspectors are recruited through promotion. We find different ratios in different positions of APF in legal, account and technical group (See, APF regulation for details). APF, Nepal also introduced inclusive policy in its regulation. As per its provision, 45 percent of the total seats of open competition are allocated for inclusive category. Assuming 45 percent seat as 100 percent, women get 20 percent share, 32 percent for ethnic group, 28 percent for Madhesi, 15 percent for Dalits and 5 percent for backward areas.

**Table 2 Recruitment in APF**

<b>Fiscal Year</b>	<b>Inspector</b>	<b>SI/A SI</b>	<b>Constabl e</b>	<b>Followers</b>	<b>Total</b>
059/060	213	166	7041	823	8243
060/061	117	536	3347	489	4489
061/062	101	260	5758	817	6936
062/063	111	17	1247	196	1571
063/064	138	204	4811	531	5684
064/065	0	0	2175	248	2423
065/066	3	0	0	0	3
066/067	21	78	5497	516	6112
067/068	91	14	0	0	105
068/069	9	19	1529	0	1557
069/070	0	0	2600	323	2923
070/071	33	76	2999	212	3320
071/072	15	91	0	0	106
072/073	23	75	1219	79	1396
073/074	0	17	0	0	17
074/075	64	0	0	0	64
<b>Total</b>	<b>939</b>	<b>1553</b>	<b>38223</b>	<b>4234</b>	<b>44949</b>

Source: Recruitment Section APF HQ, 074

While analyzing data related to selected Armed Personnel since 2059/060 FY to till date, there was no systematic recruitment of required personnel. The above table showed that there was no recruitment in some direct entry post in some fiscal years, for example FY 64/65, 069/070 and

073/074. In such military natured organization, if there is no systematic recruitment of required personnel, it hampers promotion and chain of command automatically.

APF Public Service Commission applies specific prescribed methods in the selection process which includes preliminary physical examination, tolerance and hurdle crossing, health check-up, practical examination, written examination and interview. However, in an interview with Key Informants, they argued that the delayed advertisement of APF, Nepal did not get the best candidates required for APF and abundant number of applicants. The delayed result system of Tribhuvan University in Graduate level is affecting the recruitment of APF, Nepal because the best candidate who passed graduate level had already crossed minimum age of candidacy specified in APF regulation. There is also mismatched between the written examination passed and advertised positions. We have found candidates who passed written test but physically unfit for the APF. Thus, APF, Nepal is compelled to select less number of Armed Personnel that required which has great impact on its organogram.

Another Key Informant question on the advertisement system of APF, Nepal, it needs to motivate young people contacting in colleges and university so that abundant applicants can be found. Simply giving notice in a broad sheet newspaper, required and appropriate candidate may not be found easily. The advertisement system for new recruitment should be rethought for the days to come.

To get promotion in higher position, APF rules and regulation prescribe evaluation criteria allocated for 40 percent working capacity, 20 percent seniority, 8 percent working in various regions of Nepal, 7 percent academic qualification, 13 percent training, 5 percent accomplishment of challenging job, 2 percent medal and 5 percent for promotion committee. Despite of promotion committees and specific evaluation criteria, there are also critical issues associated with promotion in higher positions. In the initial days of APF, Nepal, APF personnel got promotion opportunity very fast. In latest, APF personnel are not promoted despite of 12-15 years work experience in the same post. The total 20 marks of seniority is satisfied after 13.33 years of work experiences in a same post. If these kinds of trend are continued, there won't be appropriate personnel in the senior most positions. It is argued that there must be at least three promotions during service period (Mamoria, 1992). It might have severe impacts on its chain of command because of 30 years of service period.

### **Human Resource Development and Training**

It is saying that military personnel are either in field or in training. They are always busy. Human resource development (HRD) refers to form human capital, to learn required skills, knowledge and attitude, to explore human potentiality through employing various training methods. APF acts and regulation sets basic training for those who recruit through open competition. The basic training ranges APF personnel basic training, APF sub-inspector basic training, APF inspector short-term basic training, APF inspector basic training and APF technical basic training. The basic training is not enough to carry out all assigned function for APF personnel. To fulfill these training requirements, there is provision of professional training which includes in-service internal and foreign training. These are grouped into six.

- Group A: Professional training (Billadar basic, PatiPati training, Se Mu Pati training, Gulmapati training, Command and staff college, Ganapati training and Senior command or war college)
- Group B: Service related training (Arms raining, tactice, Map reading, co-existence, logistic, combat engineering etc.)
- Group C: Physical training (Physical exercise, Drill, Karate, Judo, Gymanstic, Boxing etc.)

- Group D: Administration related (Financial and assistant administration, record and administration, management and planning, natural calamity management etc.)
- Group E: Relating to security (VIP, Airport, Border, Enterprise, Counter terrorism etc.)
- Group F: Crime Investigation and control (Tracking, Dog handler, Sport expert, Collection of crime information, Crime investigation and control etc.)

To bring these training activities, APF, Nepal prepared Standard of Operation (SOP) for each training modules. These activities are fragmented into specific one. Even though such paper works are clearly spelled out, key informants outline both strength and weakness aspects of human resource activities carried out by APF, Nepal. In strength side, human resource development activities of APF, Nepal improve professionalism, endurance, mental alertness, team spirit, morale and self-confidence. Such activities are also supportive to form positive attitude and team oriented leadership. In the weakness side, it reveals that the infrastructure are found insufficient to carry out these many activities listed in APF act and regulation in the many parts of the country where APF, Nepal offices are located. Financial resource is also lacking to conduct human resource developmental activities. Very often, experts related to each activity are also insufficient. Obviously, such factors hamper to develop required human resource in APF, Nepal.

### **Salary and Benefits**

APF is following the barrack system where various types of benefits are provided to APF personnel. These are both economic and non-economic benefits. Economic benefits include salary, allowance, provident funds, Dashain expense, daily travel allowance, gratuity, pension, medical allowance, family pension, disability allowances etc. Likewise, non-economic benefits include hospital service, casual and festival leave, home leave, maternity leave, obsequies leave, replacement leave, ration and study leave. Despite of these benefits, their volume of benefits is too low so that it becomes difficult to run livelihood of APF personnel. The basic issues raised by key informant as like other public sector, the salary of APF, Nepal is also insufficient for the better livelihood. Such low salary could have impacted to pay more dedication and commitment by APF personnel. It causes less morale and motivation while in the job. It is found that APF personnel are in dilemma either to quit job or to continue. If they quit the job, they do not get the job in market as equivalent as APF, Nepal. Due to this reason, they are retaining in the job. If we analyze the resignation trend in APF, this is clearly support the statement. Those who have capacity to sell their skills in the market, some of them have been quitting the job prematurely.

### **Conclusion**

In APF, Armed personnel have been managing through Armed Police Force Act, 2058 and its Regulation 2072 since its establishment in 2058 to safeguard national interest and sovereignty and to maintain national integrity. The assumption in this article is that such organizational goals cannot be achieved without managing armed personnel effectively. As per Act and Regulation, about 45 thousand Armed Personnel were recruited through transferring from Nepal Police and Nepal Army in its establishment time and then after through open competition. Similarly, many of them were promoted in higher positions, got trained in both basic training and advance training, transferred from one office to other and retired from APF service. Because of its specific nature and professionalism, APF, Nepal has been achieving its goal. For example, almost all have been appreciating its role in maintaining peace and security in the country in general and particularly its role played during natural disaster such as earthquake, flood, land slide etc. Despite of such positive function, APF personnel management system has vital issues related to HRP, promotion, recruitment

and selection of armed personnel. It might have impact on finding out right man in right job in right place in right time. All of these functions have been carrying out provisionally. APF, Nepal has also provision to maintain its human resource inventory. There is urgent need to link it with recruitment, transfer and promotion system adopted by APF, Nepal. The recruitment process of APF is also affected by country's environment. The delayed decision making process of government affected its promotion system especially in higher position. Gradually, its impacts go in lower position as well. The delayed result published by Universities is also affected in the recruitment of Inspector because appropriate graduates may not apply applications to join in APF, Nepal due to age bar.

Similarly, APF has been conducting both basic training and internal and foreign training. The trainings have been conducting for promotion purposes rather need based in APF, Nepal. These trainings have been conducting without assessing the need of training in APF, Nepal. When assessing training need properly, its impacts can be observed in human resource development, human resource planning, and collectively in its goal achievement. The training need assessment gives conceptual framework how to conduct training; why to conduct training; what methods should apply; what objectives need to achieve; and who would be resource persons to train APF personnel. Resource constraints are also major part responsible for less effective training. Like in other public sector, the salary system especially is not adequate for better livelihood of APF personnel. Because of low salary, trained man powers have been prematurely retired from jobs of APF, Nepal. Because of these issues collectively suggest that Armed personnel management is not so effective that we envisaged its effective management in preamble of Armed Police Force Act 2058.

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# Post Disaster Reconstruction in Sindhupalchok after Earthquake 2015: Problem and Prospects

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## Abstract

*This research has been carried out amidst of delay accomplishment of Post Disaster Reconstruction (PDR) to find out the problem and prospect of PDR in Sindhupalchowk. All data has been collected from primary and secondary source. Data from secondary source, National Reconstruction Authority, field visit and FGD has been incorporated as per requirement. Qualitative and quantitative data analysis was the main instrument for this study. The frequency, intensity, severity and ramification of disaster are increasing day by day. The number of dead, injured, displaced and damage is also increasing. Disaster is becoming a great threat for human, social, economic and environmental sustainability and for development. PDR is a program of recovery and rehabilitation phase of disaster management where actions taken to restore and improve pre-disaster living condition of affected communities. PDR is usually slow, expensive, complex and controversial issue which gives positive result only if it is carried out in well managed, transparent and participatory approach. Build back better and linking reconstruction with development and economic activities are the fundamental and essential element of successful reconstruction. Socioeconomic condition of people can be enhanced by adopting appropriate measure in PDR.*

*After earthquake 2015, NRA has been established and is working all over the affected area of Nepal. Sindhupalchok is one of the most affected districts by earthquake 2015, where NRA has launched its reconstruction program which is in progress but is not as successful as expected before. Political instability, bureaucratic inefficiency, lack of sufficient finance, trained human resource and construction material, poverty and noncompliance of people are major reason behind the delay accomplishment of PDR. Government has to execute its policy strictly and people also have to be cooperative towards the government policy and should reconstruct their house according to the guidelines of NRA within given timeframe.*

**Keyword:** Disaster, earthquake 2015, PDR, NRA, build back better

## Introduction

The term disaster is originated from the French word “Des-astre” which is a combination of two words ‘des’ meaning bad and ‘aster’ meaning star. Thus the term refers to ‘Bad or Evil star’. According to the Natural Disaster Relief Act 1982, natural disaster means earthquake, fire, flood, landslide, heavy rain, drought, famine, epidemic and other similar natural disaster. It includes the industrial accident or accident caused by the explosions or poisoning and any other kinds of disaster. According to UNISDR Terminology on DRR (2009), the serious disruption of the functioning of society, causing widespread human, material or environmental losses, which exceed the ability of the affected people to cope up by using their own resources, is known as disaster.

Disaster Management means a continuous and integrated process of planning, organising, coordinating and implementing measures which are necessary for prevention of danger or threat of any disaster. Frequency, severity and intensity of disasters are increasing day by day and

in consequences the death, injury, displacement and damage is also increasing, in this context disaster risk reduction is most essential tool to cope up the disaster and its effects.

There are mainly four steps in disaster management cycle which can be divided into two groups one is pre disaster activities and another is post disaster activities. Mitigation and preparedness is pre disaster activities and response and recovery are post disaster activities. Prevention is better than cure so, emphasis should be given to preventive activities. More focus should be given to prevention, preparedness and mitigation to avoid, minimize the effect and can operate response, relief and recovery activities easily and effectively.

## **Nepal Earthquake 2015**

Earthquake of 2015 was severe earthquake that struck mountain and Himalayan region of central Nepal on April 25, 2015. The earthquake was felt throughout central and eastern Nepal, much of the Ganges River plain in northern India and north-western Bangladesh, as well as in the southern parts of the Plateau of Tibet and western Bhutan.

The initial shock, which registered a magnitude of 7.8, struck shortly before noon local time. Its epicentre was about 34 KM east-southeast of Lamjung and 77 KM northwest of Kathmandu and its hypocenter was about 15 km underground. Two large aftershocks, with magnitudes 6.6 and 6.7, shook the region within one hour of the main quake and several dozen smaller aftershocks occurred in the region during the succeeding days. About 9,000 people were killed, many thousands were injured and more than 700,000 structures in Kathmandu and other nearby towns were either damaged or destroyed (Rafferty, 2017).

## **National Reconstruction Authority and Post Disaster Reconstruction**

After earthquake 2015 Government of Nepal has established National Reconstruction Authority (NRA) to work solely in the field of reconstruction. It has responsibility to collect the assistance from different international community, make an appropriate policy for reconstruction and work for an effective implementation for reconstruction of affected area of Nepal. It is working since establishment but in a slow pace with many hurdle and criticism. The desired output has not been materialized in the field. People are still living in temporary house in difficult situation. They are suffering from lack of all kinds of public service and they are waiting for support. Apart from NRA, NGOs, INGOs and other agencies are also working for the same cause but reconstruction work is not happening in smooth and effective manner.

NRA has been established to reconstruct the public and private building and to resettle the displaced victims. It has been established on 10th Paush 2072. Its main task is to prepare policy and program for reconstruction and implementation of that policy. It provides leadership for completing reconstruction and works for coordinating national and international stakeholder. It works together with multiple partners in central and local level to accelerate the reconstruction program in effective manner. The reconstruction is the process of building or creating something again that has been damaged or destroyed. Reconstruction is sometime defined as the process of making a country normal again after a war or mega disaster by making the economy stronger and by replacing buildings that have been damaged. Post Disaster Reconstruction is not merely a housing solution, but a complex and multidimensional process. Post Disaster Reconstruction can be utilised as opportunity for build back better and for enhancing socio-economic condition of people.

According to Roosli, Vebry, Mydin and Ismail (2012) reconstruction is assessed, planned and implemented in gradual stages. He suggested that Post Disaster Reconstruction (PDR) require

existing tools or new tools to be adapted that if not well planned and implemented, can create further vulnerabilities in a disaster-affected community. Post-disaster reconstruction often deals with uncertainties and complexity which is one of the most challenging tasks to deal with after disaster. Post-disaster reconstruction and rehabilitation is a complex issue with several dimensions. PDR is very costly, complex, comprehensive and time consuming effort (Bang, 2012).

The PDR initiative is part of a sequence of four identifiable post disaster periods: emergency, restoration, reconstruction and betterment construction (Ye & Okada, 2002). Poor plan and implementation of PDR can create further vulnerabilities in a disaster-affected community. Planning for reconstruction from a disaster must be realistic and reflective. Without a plan, it is impossible to predict or expect a successful recovery. The post-disaster context is characterized by a lack of access, logistical issues and inadequate human resources. Reconstruction efforts may be additionally hampered through institutional bureaucracy, corruption, inadequate coordination, inexperience of construction management and pressures from government and humanitarian agencies for quick project completion. In terms of the implementation of housing reconstruction, issues of community participation, communication, resettlement and the cultural appropriateness of recovery measures have been a recurring challenge and continue to cause housing reconstruction projects to fail. All of these challenges must be adequately managed in order to have a successful reconstruction program (Iuchi, 2010).

There are two distinct concepts used for post-disaster housing reconstruction, namely, the donor-driven and owner-driven approaches. It has been revealed that beneficiary satisfaction is higher on owner-driven approach compared to the donor-driven approach. Non-availability of suitable land and capacity constraints of the construction industry are identified as critical factors affecting the success of donor-driven housing programme. It was assumed that the quickest and most effective way to rebuild houses after a disaster is to employ the “donor-driven” approach, where the government or an external funding agency leads the reconstruction process with the help of consultants and contractors procured for the project (Karunasena & Rameezdeen, 2010).

## **Post Disaster Reconstruction in Nepal**

Nepal is practicing the Post Disaster Reconstruction program after earthquake 2015. Powerful and separate NRA has been established for the purpose but it is under criticism because it is not functioning in a successful manner to overcome the sorrow of affected people in expected time. With significant actors involved in the reconstruction process, no appreciable relief has reached to the ground, which is reflected over the frustration of affected people. Inaccessibility, absence of local government, weak governance, weak infrastructures, lack of preparedness, knowledge gap and manpower shortage etc. are the key challenges of the reconstruction after 2015 earthquake in Nepal (Sharma & KC, 2017).

The lack of funding, construction materials, labors and experienced human resources hinder the smooth progress of reconstruction. Similarly, reconstruction projects can take place only when the affected people are also involved in the design and planning process as well as in the implementation phase of the project, ensuring the best utilization of local knowledge and resources as much as possible. The strong coordination among various stakeholders can act as the key to an effective reconstruction in the context of Nepal (Dhungana, Dahal, Shrestha, Thapa & Neupane, 2017).

NRA is mainly engaging in policy making, coordination, fund raising, recording, monitoring and evaluation of reconstruction and resettlement program of affected district. NRA has policy of providing Rs 300000 cash in three instalments, more Rs 300000 debts without interest, Rs 200000

cash for those who does not have land for safe building and free technical assistance. Recently government has made announcement to provide additional Rs 100000 to each beneficiary.

Even after two and half year of earthquake only around 5 percentage of beneficiaries has been provided third phase of grant. The gap between the beneficiaries who received first phase and second phase of grant is also very high. Only around 12 percentage of damaged house has been reconstructed and more 36 percentage houses are in the process of reconstruction so far. It shows initial phase of reconstruction was very slow whereas latest progress shows that the speed is increasing gradually.

Besides private housing construction, NRA is engaged in construction of other public infrastructure also. Public services like school, health post, water system etc. are constructing by different agency in coordination with NRA. Public service infrastructures are more crucial to be constructed in time but the completion rate of public service infrastructure is not satisfactory. Although it is faster than the construction rate of private house, only around 60-70 percentage of infrastructure has been completed. I/NGO and Urban Development and Building Construction Office are engaged for public service infrastructure reconstruction.

### **Effect of Earthquake 2015 in Sindhupalchok**

Sindhupalchok is mountainous district with high vulnerability of natural disaster like landslide, earthquake, avalanche etc. Uneven geography, high slope, unsafe settlement pattern, illiteracy, poverty, negligence etc are some of the factor due to which Sindhupalchok can be considered as highly disaster prone district of Nepal.

Sindhupalchok is one of the worst affected districts as a result of the earthquake that took place on the 25th April 2015. While the initial epicenter of the earthquake was in Gorkha district, the highest magnitude (6.7) aftershock took place in Sindupalchok. The district has most number of deaths and injuries. Among fourteen most effected districts, Sindhupalchok is in number one position in regards to death toll. Kathmandu, Nuwakot, Dhading and Gorkha are other next most affected districts of Nepal. Number of injured and displaced is also very high in Sindhupalchok.

Among 9,000 deaths, 3,532 people had been killed only in Sindhupalchok which was highest fatality among other district. Thousands of houses, public and private school buildings, government office buildings, historical, cultural and archaeological heritages had been seriously damaged and many people rendered homeless. As far as number of infrastructure destruction is concern, Sindhupalchok comes again in number one position. Dhading, Nuwakot, Dolakha and Gorkha are other districts faced heavy devastation by earthquake 2015.

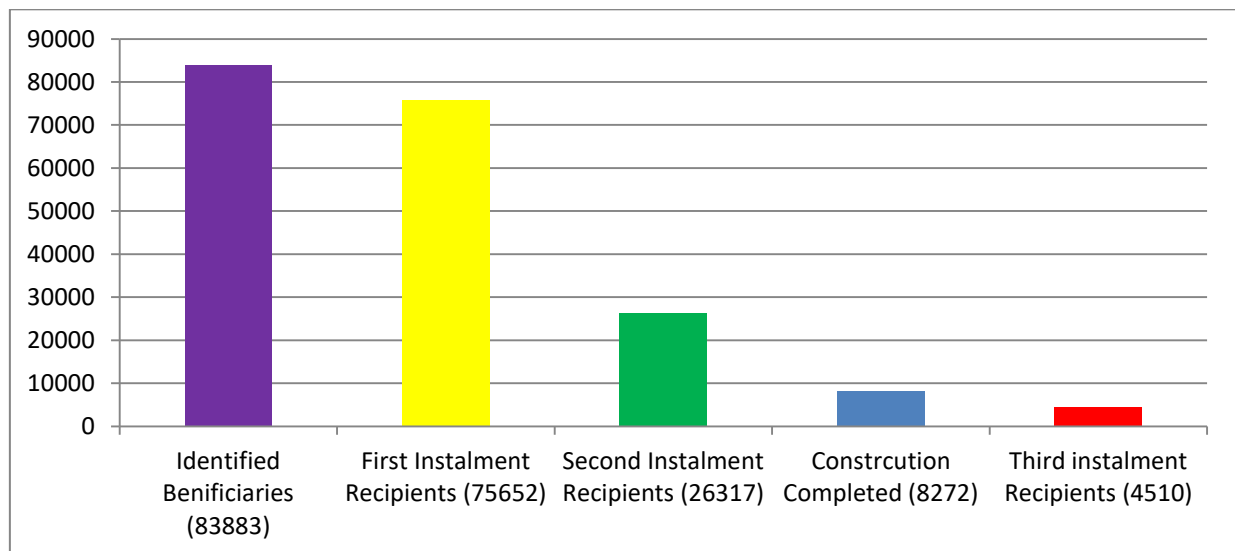
### **Post Disaster Reconstruction in Sindhupalchok after Earthquake 2015**

PDR is entering in the third year of reconstruction; many of the same problems continue to hinder the efforts to extend helping hands to thousands of survivors. NRA Office is there in Sindhupalchok and is devoted to contribute in reconstruction since its inception. The overall reconstruction result is same as other district of Nepal. Problem, issue and hindrances for unsatisfactory reconstruction are similar all over Nepal.

The amount provided by government is less than half to build the house because most of the beneficiaries have been invested more than seven lakhs for reconstruction of their house. Most of the beneficiaries pointed out the insufficiency of grant, the major challenges for PDR. They are expecting the adjustment of PDR and increments of grant.

The present situation of PDR in Sindhupalchok is very slow and only around 12 percentage of houses have been reconstructed, about 38 percentage of houses have been in progress of reconstruction and remaining are still in initial phase of reconstruction. The gap between first phase grant recipients and third phase grant recipients is very high which is similar as national average.

**Figure 1: Present Situation of PDR in Sindhupalchok (2018, Jan 5)**



Source: <http://nra.gov.np/mapdistrict/datavisualization>

### **Problem of PDR Program in Sindhupalchok**

Post-disaster reconstruction (PDR) projects often deal with uncertainties and complexity, consider one of the most challenging tasks to be dealt with those involved in reconstruction of disaster-affected areas. Reconstruction program of Nepal is carrying out with very slow pace. Top down approach to design and implement post-disaster reconstruction are often influenced by non-cooperation and noncompliance of people and failure to recognise socio-economic and cultural sensitivities.

There are many challenges in ground which are creating the hindrances for smooth functioning of PDR program. Peoples and governments of Nepal itself are not fully satisfied with the speed of PDR. The major challenges of PDR in Sindhupalchok are: institutional and policy weakness, process oriented bureaucracy, lack of coordination, lack of human resource, lack of construction material, insufficient financial assistance and price hike of construction material.

### **Impact of PDR in Socio-Economic Condition**

Reconstruction and resettlement is really imperative task of government and international community. It needs extensive preparation, collaboration with multiple stakeholders and participation of people. It is multidimensional, expensive and time consuming task. A more coherent and flexible framework for planning and managing reconstruction, supporting and making the best uses of local efforts and resources and targeted external inputs could achieve both speed and effectiveness.

Post Disaster Reconstruction is an opportunity for Build Back Better and for planned development. It can help for socio-economic improvement of beneficiaries and can change life standard of people if it carried out in effective manner. It has been revealed that socio-economic indicator like skill infrastructure development, flooring and roofing of house, sanitation, employment, earning, banking activities, development activities, education, health and living standards has been improved so far.

## Conclusion

Disaster is becoming a great threat for human, social, economic and environmental sustainability and for development. The frequency, intensity, severity and ramification of disaster are increasing day by day. The number of dead, injured, displaced and damage is also increasing, so it needs international or collective effort to cope up with.

PDR is a program of recovery and rehabilitation phase of disaster management where actions taken to restore and if possible improve pre-disaster living condition of affected communities. PDR is usually slow, expensive, complex, controversial and multidimensional issue which gives positive result only if it is carried out in well managed and synchronized, transparent and participatory approach. Build back better and linking reconstruction with development and economic activities are the fundamental and essential element of successful reconstruction. Socioeconomic condition of people can be enhanced by adopting appropriate measure in PDR.

After earthquake 2015, National Reconstruction Authority has been established and is working all over the affected area of Nepal. Sindhupalchok is one of the most affected districts by earthquake 2015, where NRA has launched its reconstruction program which is in progress but is not as successful as expected before. Majority of people has received only first phase of grant and it still takes around one year to complete reconstruction. Bureaucratic hurdles, lack of finance, trained human resource and construction material, poverty and negligence of people are major reason behind the delay of accomplishment of PDR.

Government has to execute its policy strictly and people also have to be cooperative towards the government policy and should reconstruct their house according to the policy of NRA within given timeframe. Bureaucratic efficiency, availability of trained human resource and availability of material with reasonable prize are other area where government has to take care.

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# **Border Disputes and Its Impact on Bilateral Relation: A Case of Nepal-India International Border Management**

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## **Abstract**

*This paper examines the historical events of Nepal-India international boundary. How the delineation and demarcation of international boundary was carried out, is strategically explained. Border water issues are raised. Encroachments and disputes due to river boundary are also discussed. Disputes on both Physical and artificial boundary and their impacts on bilateral relation is analyzed. Both positive and negative impact of an open border system between Nepal and India is discussed. Border problems are identified clearly. Initiatives taken how to resolve the border management issues are categorically presented. Strip mapping of boundary area was carried out using GPS and GIS technology and the maps of whole Nepal-India boundary, except Kalapani and Susta, are prepared jointly and signed by the joint technical committee assigned by the respective government.*

**Key Words:** Boundary, encroachment, strip map, bilateral, dispute, demarcation

## **Introduction**

Boundaries are manifestations of national identity. Delimitation of a boundary in a treaty is a crucial first step in boundary-making, but on its own delimitation is of limited value. For borderland populations, boundaries rarely have much meaning until they are identifiable on the ground - and it is arguable that it is only when a boundary has been physically demarcated that it can begin to function effectively. Many of the world's international boundaries have never been made visible on the ground, and many of those that have been demarcated have subsequently become invisible due to inefficient maintenance regimes.

Most countries' archives contain a wealth of material relating to international boundaries, much of which can be crucial to the understanding of boundary and territorial disputes. However, the size and complexity of many archives means that finding relevant material and compiling an accurate picture of the key issues is rarely a straightforward task.

## **Evolution of International Boundary of Nepal with India and China**

Nepal has been regarded as an independent and sovereign country, from the ancient time to date. For thousands of years, the boundary of Nepal is surrounded by India to the three sides- south, east, and west and by China to the north. It is recorded that, at some period of history, the boundary of Nepal was extended to Tista River in the east and to Kangada fort in the west. Similarly, Nepal was extended to the confluence of the Ganga/Jamuan Rivers in the south and to the Himalayan range of Singatse and Tasilhunpo monastery in the north. In the course of time, the international boundary of Nepal happened to be limited to Satalej in the west, to the middle part of the Ganga River in the south and to the present Bangladesh in the east. Then, there held war between Nepal and the East India Company- the then ruler of British-India. After then, being compelled, they signed on Sugauli treaty in 1873BS (4 March 1816 AD). Due to the Sugauli treaty, Nepal lost the land from the Mechi to Tista in the east and from the Mahakali to Satalej in the west and from Chure range to plain Tarai



in the south. Probably, being dissatisfied with the treaty, it was not signed by the then king and Prime minister from Nepal; a representative of Nepal signed it. In 1872, BS Paush 7 (December 11, 1816) the East India Company returned some snatched land from the Sugauli treaty of eastern Terai to Nepal. Similarly, when Junga Bahadur Rana helped to British people in soldiers revolution, then, in turn the British-India ruler, being happy, returned the western Terai (known as Naya Muluk- the districts are Banke, Bardiya, Kailali and Kanchapur) to Nepal in 1917 BS, Kartik 3 (November 1, 1860 AD) as a supplementary boundary treaty. After this treaty, the present border has been retained. This article mainly discusses two aspects of border management that Nepal and India have broad issues: Boundary Demarcation and Border Management.

### **The Delineation and Demarcation of Nepal-India Boundary**

The Treaty of Sugauli of 4 March 1816, Supplementary Treaty of 11 December 1816 and Boundary Treaty of 1 November 1860 delineate the boundary of Nepal with India. The treaty of Sugauli was not signed by the King or Prime Minister/Maharaja but by only the courtiers Gajaraj Mishra and Chandra Shekhar Upadhaya. Nepal-India boundary has a comparatively recent origin and its present boundary delimitation and demarcation took place after the Anglo-Nepal War of 1814-16.

After the restoration of low land, southern borderline of Nepal with India runs through fertile plains, jungles, rivers and settlements as well. On the east there is the Mechi River and the watershed of Singhalila Range with hills and hillocks stand as the border. On the west, the Mahakali River runs all the way as the border line between Nepal and India.

The border demarcation work between Nepal and India was started with the spirit of the Treaty of Sugauli (ratified on 4 March 1816). Surveying and demarcation of border with the erection of pillars had been started just after monsoon season of 1816. The boundary line between two countries was surveyed and demarcated from 1816 to 1860/1882/1885/1906/1930-31/1940-41 dividing it into nine different sectors with the erection of masonry boundary pillars.

### **Boundary Dispute and Encroachment**

The straight line between the two BP was drawn for the demarcation of the border in the forest areas, while demarcation in the cultivation land was made on the basis of village boundaries on the principles of mutual give and take and fluid boundary was honoured in river and rivulet segments immediately after the treaty of Sugauli 1816 A.D.

Absence of land marks on the topographical maps on the Indian side across the Nepal-India border has been the major reason behind the encroachments of Nepalese territory across the border. Since the Nepal-India boundary after the Sugauli treaty, there had been tremendous changes in the landscapes on either side of the border as compared to the natural landscapes. So there have been attempts to update the boundary treaty maps since 1981 by constituting joint technical level boundary committee by both Nepalese and Indian governments.

Before the independence of India, there existed a system of regular survey and supervision of Nepal-India boundary jointly conducted by officials of both the countries every year to oversee and find out encroachment, if any, on the boundary, ill-defined boundary, missing and damaged BPs, as well as misplaced BPs with objective to fix and place them in original position. After the independence of India and Nepal, no joint boundary survey has been conducted until the formation of Joint technical level boundary commission in 1981. Delay in the formation of JTBC resulted in several boundary disputes which remain unresolved up to 1981.

## Nepal India Joint Technical Level Boundary Committee

Government of Nepal realized that condition of its southern territory and portion of eastern and western segment, are in miserable condition that may create problem in future. Considering all these facts, Nepal moved and talked diplomatically with India to formulate Nepal-India Joint Border Inspection Mechanism to keep the boundary clear and intact. Exchanging the diplomatic note, took almost a decade. After a long consultation/conversation and series of joint meetings, it was finally agreed on 25 February 1981 to work jointly to clear and maintain the boundary line between two countries intact. As a result, Nepal-India Joint Technical Level Boundary Committee (JTBC) was constituted in November 1981 and it worked for 26 years before it was dissolved in January 2008. The JTBC was mandated for the maintenance of the boundary pillars along the Nepal-India boundary line as follows:

- Re-establish and reconstruct the boundary pillars that are found lost.
- Recording of encroachment along the boundary- Dasgaja and ask to manage and keep the boundary clean.
- Prepare the modality for periodic inspection to keep the boundary intact.

The JTBC used boundary maps prepared in different period in accordance with Sugauli Treaty that were accepted by both side. Nepal-India boundary is found 1880 km long of which 1240 km is land boundary and 640 km is river and rivulet boundary (fluid boundary). We have counted 60 boundary-river and rivulets along Nepal-India boundary. About 200 km. long is Mahakali River that is our western boundary and about 80 km Mechiriver that is our eastern boundary. 20km long Nepal-India boundary is along Gandakriver (Narsahi-Susta). The other 57 river and rivulets, counts to 340 km. along Nepal-India boundary.

Government of Nepal and India decided to implement fixed boundary principle on 2045 B.S and JTBC started working accordingly on riverine segments, preparing strip maps and delineating boundary line on that strip map as per boundary base maps accepted by both side. Again in 1992 A.D, JTBC was mandated more additional works as follows:

- Prepare boundary strip map of 1:15000 scale covering 500 metres either side from boundary line and mark boundary line on that strip map.
- Show physical boundary line on the ground on the basis of boundary base map and transfer it on strip map thus prepared.
- Additional boundary pillars will be constructed so that they are inter-visible from one to another and straight line between the pillars.
- Additional boundary pillars will be constructed in riverine segments according to the fixed boundary principle.
- All boundary pillars will be numbered in sequence and same coordinate system will be established.

JTBC resolved all minor disputes during the field work and prepared strip maps of Nepal-India boundary and transferred the boundary line on the basis of boundary base map prepared after Sugauli Treaty. Major disputes of NarsahiSusta and Kalapani segment remain unresolved even after many intensive attempts made by JTBC. Various minor issues have been resolved and erected subsidiary/additional pillars and prepared strip-maps of the resolved areas. But the joint committee could not settle major issues of disputed portions of Susta and Kalapani. In fact, the Joint Technical Committee (JTBC) worked for 26 years and completed 98 percent of the boundary work. This unresolved portion of border consists of Kalapani-Limpiyadhura encroachment 17 km and Narsahi-

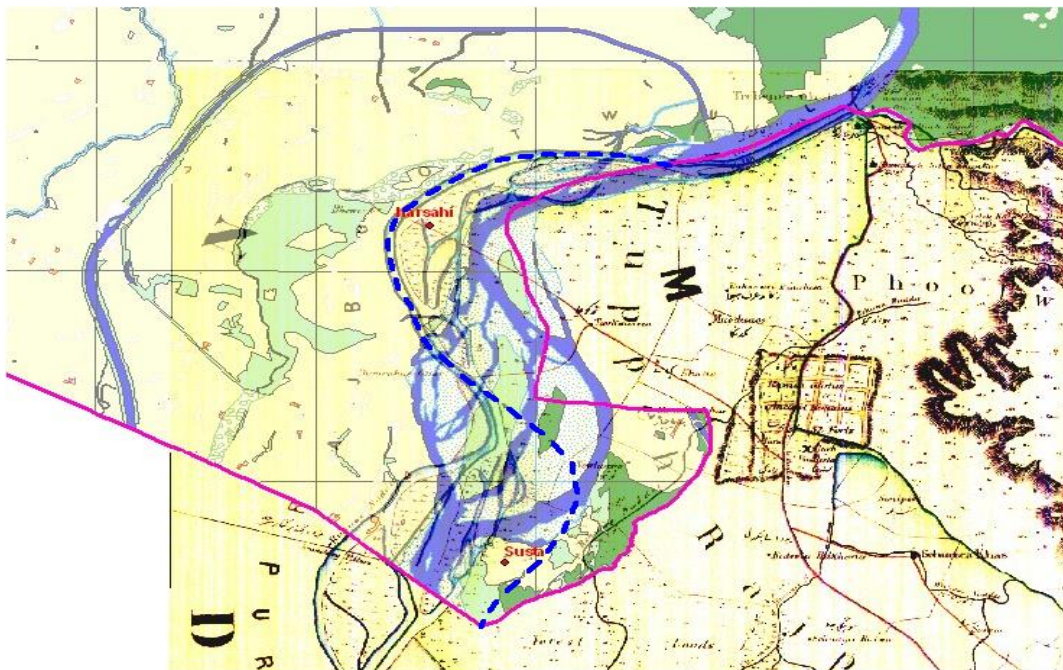
Susta 20 km (2% of the total length). There are cross-occupations, which need to be identified and look for amicable solution from both countries.

### Narsahi-Susta Dispute

In Narsahi-Susta, the Narayaniriver forms the India-Nepal boundary. But several large floods have re-shaped the river, causing Indian encroachment into Nepal. Question of quantifying the disputed area precisely, is not possible until both side agree on a single boundary line. However there exists Indian encroachment. There were flood hazards during the monsoon period of 1845, 1954, 1972, 1980 and 1989, and the River Narayani changed its course in each and every heavy flood, leaving the Nepalese land on the east of the river.

So far as the Susta disputed area is concerned, it must be followed the original course of the River Narayani flown during the time of Sugauli Treaty, 1816-17. The original river course must be delineated and demarcated accordingly. This is the dispute of 20 km of the river course, as there are no *Boundary Pillars* on either side of the river.

**Map of Susta Disputed Area**



Narasahi-Susta: Blue dotted line is Indian claim, Green solid line is Nepalese claim

It is to be understood that Nepal and India have jointly adopted the 'Fixed Boundary Principle' on the river courses. Now the joint mechanism (Foreign Secretary Level) is working on these issues of Susta and Kalapani and let us hope the said joint mechanism will produce amicable solution that will resolve these issues. India and Nepal, both government agreed to implement fixed boundary principle on river boundary area already in 2045 B.S. that will guide the way to resolve the issue (delineating the original river course of the time of Sugauli Treaty).

### Kalapani Dispute

The Kalapani disputed area is located in the Greater Himalayas along the border of India, China and Nepal. It is located near the headwaters of the main Kali river. Nepal claims that the river to the west of Kalapani is the main Kali, hence the area belongs to Nepal. But India claims that a small River named Pankhagad, to the south of Kalapani, and the ridgeline on the east side of the Kalapani area is

the true border, hence the Kalapani area belongs to India. This dispute has remained unresolved from at least 1962 until the present. JTBC worked hard but, could not ascertain the spot of headwaters of main Kali river, due to various versions of the boundary maps and documents of different period. The Sugauli Treaty signed by Nepal and British India on 4 March 1816 locates the Kali River as Nepal's western boundary with India. Subsequent maps drawn by British surveyors show the source of the boundary river at different places. This discrepancy in locating the source of the river led to boundary disputes between India and Nepal, with each country producing maps supporting their own claims.

### **The Joint Signature on Boundary Strip Map**

Nepal-India Joint Technical Level Boundary Committee worked from 1981 to 2007 A.D. JTBC relocated the missing boundary pillars, reconstruction of the damaged and dilapidated boundary pillars, establishing additional boundary pillars where ever necessary to make it inter-visible, clear ten-yard+ ten-yard width no-man's land and preparation of strip-maps of both the sides of boundary line covering 500 meter either side. But it has not resolved the issues, such as Kalapani-Limpiyadhura, identification of the source of river Kali and Narsahi-Susta dispute. These are the major issues and problems of demarcations of border between two nations. JTBC worked on the basis of institutional responsibility from the initial stage 1981 to the final stage (signing of the 182 strip maps of the Nepal-India boundary). Preparation of strip maps and delineating boundary line on those strip maps as per boundary base maps (boundary maps) prepared after Sugauli treaty and agreed by both side, were used during the phase of boundary map updating. We need to understand this is not a new boundary demarcation and just an updating process. No strip maps were prepared on Narsahi-Susta and Kalapani-Limpiyadhara segments as JTBC couldn't reach any agreement on those two segments of Nepal-India boundary. There exist cross-border occupations because of shifting of river boundary and subsequently implementation of fixed boundary principle, which need to be identified and look for amicable solution from both countries.

### **Border Management**

Border management is a mechanism to ensure the security of national borders and to regulate legitimate movements of goods and people on borders to meet various needs of the nation by cultural-social-economical interactions which are performed through the borders. Nepal-India border management consists of domestic and joint institutional mechanism, border area development programmes, implementation of integrated check post in customs, joint border working group, joint mechanism of reconciliation of border disputes and mobilisation of security forces and etc. Proper border management ensure the security of border areas, welfare of the border population and integrating them in the national mainstream, prompt resolution of border related problems and maintaining cordial relations with neighbouring countries and this will require a certain amount of diplomatic acumen on the part of border guarding force commanders and a clear-cut mutually acceptable framework for solving issues.

### **Impact of Border Disputes on Bilateral Relations**

Like most boundary dispute, those of India with its neighbours are symptomatic of wider bilateral relations. Boundaries are manifestations of national identity. They can be trip-wires of war. Recent developments in South Asia suggest that peaceful resolution of these disputes is receding from reach.

An open border system between Nepal and India has been in the best interest of the border inhabitants of the two countries, which is a model for other countries of the world. But there is no such reciprocity among the border inhabitants along the two sides of the Nepal-China border. In view of the fact that both India and China happen to be the fastest growing economies of the world, Nepal should take maximum benefit from them. Towards this end, Nepal should attract its two neighbours to maximize its efforts in Nepal's development activities. There is nothing wrong with the Indian or Chinese aided projects in so far as they support the Nepalese economy. But what is intriguing is that one of the neighbours is aggressive in increasing its area of influence in Nepal, while the other does not want to lose its traditional foothold in the country in view of its social, cultural and economic ties. It is feared if it could intensify the rivalry between the two countries, which might ultimately undermine Nepal's fragile democracy if not handled properly.

In the democratic peace literature, conflict and trade are mutually exclusive. Conflict disrupts trade, and, therefore, states would like to avoid any loss of trade benefits. Therefore, they pursue a peaceful path to solve their disagreements rather than resorting to a military solution (Doyle 1999). States that trade with one another are less likely to be involved in a conflict. This established strong evidence that trade is lower between territorial claims. This leaves us unable to determine whether former territorial claimants were able to increase their trade after settling the claim. Bilateral trade between states should increase substantially after they settle their territorial issues through peaceful means, although there should be little impact after a territorial claim is resolved violently. Even if there exists border disputes between Nepal and India, both government are aware of not to hijack their interests on political and trade business.

India's strategic interests in Nepal follows from its desire to maintain a peaceful international environment create friendly relations with all the states and especially with neighbours, prevent any attempt towards the formation of anti-India blocs and finally develop new markets, investment opportunities and resources to stimulate its economic growth. To achieve all these objectives, it is necessary for India to have friendly relations with Nepal, despite the inherited bilateral issues. On the other hand, India's own focus on the internal development encourages it to cultivate positive relations with Nepal. However, the attitude within India towards forging cordial relations with Nepal remains mixed to some extent due to the historical legacy of Nepal-India relations.

Nepal and India with similar culture, society, share a number of interests especially in the areas of domestic developments, economic reform. India is experiencing a rapid economic growth while Nepal is facing extreme trade deficit with India. Some of the major bilateral issues are: cross-border terrorism, illegal imports of arms and ammunitions, cross-border crime, infiltration of refugees, peace and security, construction of dams and embankment submerging the international border line.

There are factors within and outside between Nepal and India which still impacts their relations, for instance, border disputes and political issues are more prominent and recently, the water issue has also surfaced in the bilateral relations between Nepal and India. These bilateral issues will not only effect on their present relations but have a negative impact on their future relations as well.

### **Water Issues between Nepal and India**

In all the times, water is regarded as a precious commodity and is essential for human existence. That is why, its possession bestows power. The preciousness and possession in geopolitical mechanics makes water a strategic commodity and its role as a strategic asset or vulnerability cannot be over-estimated. Thus, seen in this context, water can become a source of both contention and cooperation in the context of contemporary world.

In case of Nepal and India, water issues are becoming major area of concern between two nations. In fact, many strategic thinkers are arguing that disputes relating to water will be major source of conflict between the two countries in the future. India's plan of constructing big dams and diverting the water of rivers to its own advantage has discontented in Nepal. As there are many rivers that flow from Nepal to India, the two countries must have a better understanding relating to water sharing and other attending benefits out of these rivers. However, Nepal's strategic advantage over these rivers makes it possible for her to counter-balance India on many other issues. A deep analysis of the water issues between the two countries is quite relevant here.

### **Ways of Solving Problems**

India and Nepal have to collaborate and coordinate their efforts to improve the situation along their border by setting up joint task forces to investigate cross-border crimes, sharing real time intelligence, conducting coordinated patrolling, re-installing missing border pillars and repairing the damaged ones and jointly developing infrastructure along the border.

Nepal and India has a long and traditional relation. It has naturally promoted social and cultural relationship among the general people of both the nations, through matrimonial relation as well. So the border demarcation issues and the problem of border management can be solved through from the level of the general people to the levels of surveyors, intellectuals, diplomats and politicians, if they make lively interactions with each other. They can highlight the issues, make convince to others by discussions. It can be made good understanding to solve the problem and issues, segment by segment grasping the difficulties of other side.

The Boundary Working Group also may pave the way to settle disputed lands once and for all. It will provide technical support when diplomatic-level talks happen. But the disputed areas would require more than just the surveyors from the two countries. The renewed border talks are a start. The surveyors from Nepal and India are working in the border for inspecting the current border and clearing the 10-yard+10-yard "no-man's land," onto which shops and farmers have encroached from both sides. They are also developing a system to address cross-border occupation and local land disputes. As a result of the updated border, people living along the frontier may soon find their land has changed countries. Families who find their land has switched nationalities will be given options to accept compensation for their land and move, or switch nationalities.

The most important thing is the dedication and willingness to resolve the issues, since border business is a matter of equal participation from both the parties. Nothing can be happened if only one country is willing, eager and hurried. It needs the equal spirit from both sides. So if, Nepal and India both have willingness to resolve the issues of Susta and Kalapani based on treaties, agreements made earlier, it wouldn't take longer than a few hours of dialogues. However, the dialogue will be in between the executive powers of both the countries. My knowledge and experience say, India could ask Nepal for leasing Kalapani area for may be 100 years, if India thinks it is a strategic point for India and in return Nepal could ask to India for leasing a corridor from Kakarbhitta, Nepal to Bangalabandha, Bangladesh for trade and transit facilitation. It is about an hour drive for heavy containers and that's the most efficient and effective route for trade facilitation for Nepal.

### **Conclusion**

This discrepancy in locating the source of the Kali river and the main channel of the then Gandak River during the Sugauli Treaty period, led to boundary dispute between Nepal and India, with each

country producing maps supporting their own claims. Major disputes and problems arose in the case of river boundary due to erratic changes in the river courses in Terai region.

Various minor issues have been resolved and erected subsidiary/additional boundary pillars, maintenance of existing BPs, relocation of missing BPs and prepared strip-maps of the resolved areas. In fact, the Joint Technical Boundary Committee (JTBC) worked for 26 years and completed 98 percent of the boundary work. The remaining 2 percent of the border business or 37 km in Narsahi-Susta and Kalapani segment of the total span of Nepal-India border was not resolved by JTBC, because of divergence of opinion and basic materials. This unsettled portion of border consists of Kalapani-Limpiyadhura encroachment 17 km, Susta 20 km. There are encroachments in Susta and Kalapani segment and cross-border occupation along the Nepal-India border in riverine sectors. The prominent areas have been identified as Kalapani-Limpiyadhura and Narsahi-Susta area after the Joint technical boundary committee resolved all other issues excluding Kalapani and Susta. The main reason and issues of the boundary business with India is the border encroachments and disputes on mostly cross-border occupations, divergence of opinion on basic materials.

So far as the border management is concerned, open border system has created so many problems and it has affected in social and economic aspects for both Nepal and India. The most sensitive issues these days are the free movement of the terrorists and transportation of illegal arms and ammunitions across the open border. This is quite harmful for both the countries. An uncontrolled, unrestricted and opened border constitutes the breeding ground for terrorism, criminal, illegal and anti-social activities. Keeping in view the welfare and development of general people of both the nations, there is an urgent need to manage and regulate the free movement of people. The time has been changed much from peacefulness to disturbing and troublesome. General people of both the countries are feeling panicky and fearfulness due to current circumstances in the South Asian region. It has to be made joint efforts to review the impact of open border system through dialogues and negotiations. It must come to the conclusion jointly to make the border restricted for the terrorist, controlled for smugglers, checked for the criminals, stopped for narcotic holders but managed for the genuine passengers and regulated for legal export and import.

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# **Election and Development in Federal Nepal: Perspective of APF in Election Security**

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## **Abstract**

*Free and fair elections are the elements that contribute in strengthening the democracy. They are more important for the fragile democracies like Nepal. The new constitution promulgated in 2015 by Constituent Assembly led the country to federal state. Elections of all three tiers of government were to be held within two years from the date of promulgation. The constitution granted a number of tasks to be performed by local bodies for the development of the country. Elections and development are interrelated and connected. Elections elect candidates and those candidates are the vehicle of development. But the first year passed by without doing much and later government had to execute the task within the period of eight months. Local elections were planned and held in three phases due to security reason, whereas, provincial and federal elections were completed in two phases. All security forces mobilized in duty performed their duty well and elections went on peacefully except some petty incident in some parts of the country.*

*This article is centered on the security provision of election and a long-term security plan. It needs to be prioritized by the government, as the security situation deteriorates further each day. Anti-election elements, agitating groups attempting to achieve their rights, lack of law and order, and banditry are just some of the security challenges Nepal is currently facing, and affects the ability to hold free and fair elections. Consequently, security is integral and inseparable part of an election and electoral process. The study concluded that the security agencies were proactive, capable of providing security to the political leaders, candidates and voters perform their functions effectively and peacefully during legislative elections 2017.*

**Key Words:** Democracy, election security, local body, development, security management

## **Introduction**

Nepal's political parties are the drivers of the change. They are capable to resolve grievances related to class, caste, and gender, as well as to other political, economic, social and cultural challenges faced by Nepal (Dahal, 2014). In reality, the political parties are entangled in their own interests and demands instead of the peace process and peace building for the nation and its people.

Successful "peace building" in war-torn countries like Nepal is said to involve a triple transition: a security transition from war to peace; a political transition from authoritarianism (or totalitarianism) to a more participatory form of government; and a socio-economic transition, including the rebuilding of economic capacities (Thapa, 2008; Zeeuw, 2001). Peace is not just the absence of war, but also economic prosperity, social harmony, unity and solidarity among the multi-ethnic Nepali people. There should be a purposeful development to create democratic institutions for more open, participatory and successful society (Thapa, 2008). In the aftermath of the 2007 People's Movement

- II, the 240 years of monarchy was abolished by 5<sup>th</sup> Amendment of the Interim Constitution of Nepal, 2063. The Amendment was first document to mention Nepal officially as the Federal Democratic Republic of Nepal. It envisioned federalism as a prominent feature for a new Nepal.

As per the new constitution, 2072 BS, elections in all three level of governance were supposed to be held within the next two years (Ethirajan, 2017). The first election, local level assembly, began in Baisakh - the first month of the year, 2074. It was however held in three phases in Baisakh, Asar and Asoj, led to a foundation for the election to the House of Representatives and the Provincial Assemblies, which were held in the month of Mangsir. So in a way, all three elections were held in a span of eight months. The local level elections had already been held in the country but the local election of this time is different in nature whereas the provincial and federal level elections have been held for the first time in Nepal.

Local level election is the democratic course of action for decentralization and has become an increasingly widespread and significant dimension of political and administrative reform in many developing countries since the late 1980s. This process is supported by a various actors like; international development agencies to national governments to non-governmental and grassroots organizations. Decentralization is presumed to have a number of benefits, including positive outcomes in both democratic and developmental terms. It is assumed that democracy will be deepened by the extension of political representation to the local level, with democratic processes strengthened through enhanced political participation by local civil society actors. It is assumed that benefits in socio-economic development will mount up through local government being more responsive and more accountable to citizens' needs and desires. Representativeness and participatory are two benefits of local- level government. These two benefits are interlinked which lead to effective development planning processes and the delivery of public services that are relevant to the local context.

The constitution of Nepal 2072 has introduced a three-tier governance system; national, provincials and local levels. A Local Body Restructuring Commission was established as required by the constitution under the chairmanship of Balananda Paudel. The commission proposed 719 local structures which were revised to 753 by the government. But the new local levels were formed by changing the existing cities and village development council and came into existence on 10 March 2017. The electoral system has provisioned that Local levels will have a Mayor/ Chairman and a Deputy Mayor/ chairman. Local levels are further subdivided into wards which will have a ward chairman and 4 additional members. Out of the 4 members two must be female. All are elected for fixed term of five years. The election is First Past The Post (FPTP), direct in nature, and with the one getting the most ballots is declared the winner. There are four types of local governance; Metropolitan City, Sub Metropolitan City, Municipality and Rural Municipality. Total Mayor/ Chairperson 753, Deputy Mayor/ chairperson 753, ward chairperson 6,742 and ward member 26,790 are elected from local body election (Kathmandupost, 2017).

Regarding the election security threats; unhealthy competition among the political parties, anti-election elements, underground armed groups, separatist organizations, ethnic groups, regional groups, secessionist groups, gangsters and small arms and explosion carriers are the major challenges of election security. The first phase of election was largely peaceful but there were random instances of violence. A CPN-UML activist was killed in Gaurisankar Village Development Committee (VDC), Dolakha on the eve of election. Another person was killed in Namobuddha municipality; Kavre on the day of election, the incident is still under investigation. One person died after security personnel opened fire during a clash between the cadres of Nepali Congress and CPN-UML in

Melung VDC of Dolakha district on Election Day. A candidate from RastriyaPrajantantra Party died in Naraharinath VDC, Kalikot after police opened fire when cadres of NetraBikram Chand led CPN tried to capture the ballot boxes. A reelection took place in one ward of Bharatpur Metropolitan after a CPN-Maoist Centre vote count representative tore 90 ballot papers when the count was in progress. In the second phase, an UML cadre died after being hit by a stone in his testicles during a clash with Nepali Congress cadres at Chededaha Village council Bajura. A cadre of NetraBikram Chand-led CPN Maoist died in Dhangadi, Kailali after a bomb carried by him exploded prematurely on June 26, 2017 (APF, 2017).

The rampant issues bulging out as a handicap to the election process are; Dominance of money power and Muscle power, Criminalization of politics, Financing of election exceeding the legal limit, Booth capturing, Intimidation of voters, Buying Voters, Tampered electoral rolls, Large-scale rigging of elections, Abuse of religion and caste in the enlistment of voters, etc.

## **Developmental Issues**

Development as a concept is a victim of definitional pluralism. It is a difficult word to define. Development is usually taken to involve not only economic growth, but also some notion of equitable distribution, provision of health care, education, housing and other essential services all with a view to improving the individual and collective quality of life in a sustainable way so that today's consumption does not imperil the future. It is a process of societal advancement, where improvement in the wellbeing of people is generated through strong partnerships between all sectors, corporate bodies and other groups in the society. It is reasonable to know that development is not only an economic exercise, but also involves both socio-economic and political issues and pervades all aspects of societal life. National development can be described as the overall development or a collective socio-economic, political as well as religious advancement of a country or nation. This is best achieved through development planning, which can be described as the country's collection of strategies mapped out by the government.

The challenges of national development of Nepal are mixed of incompatible development strategies and unfaithful implementations. Inadequate resources, lack of good governance, lack of visionary and national leadership, political and socioeconomic instability, lack of investment security, corruption and indiscipline, complex geography, high degree of dependency, small diplomacy, laxness national character, lack of knowledge and skills in people, lack of people's participation in decision-making, lack of ownership in people and deficiency of being competent culture are considered as the major challenges of development process. There is some instance of praising development and well beings of people in the world; the visionary leadership has changed the country.

The prospect of national development is initiated, as a bottom- up model, with the local level election and formed up the local body. Recently, people have elected around thirty five thousands representatives for local body who will be directly participating in decision-making process. People's participation in decision-making may play significant role on local development through political stability, creation of investment environment and rationale in using available resources. Local level is foundation of democratic society which kicks off the social mobilization for progress, good governance and the prospects of national development.

Local body is the foundation of democracy, people's participation in decision- making procedures, ownership in state matters and sustainable development. Elections are a procedural or institutional demonstration of democratic values and practice. It is also the means of political stability, social

mobilization, justice, change, public service improvement, security, rule of law, development and democratic policy towards the appearance of freedom of choice and freedom of political thought. When national identity, development and justice issues are part of electoral platforms and debated in seriousness, elections come to serve three purposes. They provide an opportunity for learning from multiple perspectives. It is commonly recognized today that elections are not a source of insecurity, challenges and conflict. On the contrary, when they are well managed, they are expected to help prevent conflicts, prospect of sustainable development, arbitrate between the various concepts of managing state affairs and can even serve as a safety valve for any representative democracy worth the name. As we know that local level is the base of democracy, similarly it is also the backbone of sustainable development and wellbeing of people.

Concept of federalism is old in the context of world but it is new in Nepal. This has been adopted as democratic norms to develop the country more. Nepal is in practice of federal system and just completed Local level, Federal and Provincial election. Legislative elections were held in two phases on 26 November and 7 December 2017. The election in first phase was held for 37 constituencies of the House of Representatives and 74 constituencies of the provincial assemblies in the provinces. The second phase took place on December 7 in 45 districts of the Tarai and Hills. A total of 128 seats for the House of Representatives and 256 of the provincial assembly candidates were elected in the second phase by FPTP. Another 110 members in House of Representatives and 220 members in Provincial Assemblies were also elected by Proportional Representations (PR) (Clarke, 2017).

The nation's 32 mountainous regions were among the first to cast their votes. Approximately three million eligible voters were expected to participate in the first round of elections; however, the actual turnout was just over 65 percent. Except for some minor complaints from a few places, polling in all areas went smooth and peaceful.

## **Security Challenges**

The political parties were expected to exercise professional conduct and ethics. It was equally important that security forces did not use excessive forces while tackling with political cadres. The anti-election groups had prepared since long time targeting the elections with highly equipped explosives. Nepal Communist Party (NCP) took responsibility for some of the explosion incidents whereas few were not identified. Bombs were detonated targeting even candidates. There had been over a hundred minor and major explosions in the run of the elections targeting electoral assemblies and leader. A temporary police was killed in Dang from an explosion at an event attended by the Prime Minister. Nepali Congress candidate Narayan Karki was injured in an targeted explosion to his vehicle in Udayapur while 11 people including former Health Minister GaganThapa were injured from an explosion in Kathmandu (Rastriya Samachar Samiti, 2017).

During the silence period, IEDs were found and defused in several places. The series of explosion took place throughout the country and the government was criticized for lack of proper security management and a poor security system. Violence during the campaign is usually aimed at changing electoral outcomes, often by targeting candidates and supporters. The causes of electoral violence were seen as a sub-set of political violence with a coercive and deliberate strategy used by groups or political parties to advance their interest in the face of an uncertain election outcome.

## **Security Management**

More than 90 percent security personnel have been deployed for the security of candidates, voters, polling officers and polling centers. Security agencies assured that there was no any confusion on

security threat and well prepared to cope with the situation, so that, voters could exercise their franchise in free and fearless manner.

A central security command had been formed to mobilize security forces at the regional and local level. Around 65,000 Nepal Police, 28668 Armed Police Force, 98,000 temporary cops and 34,000 Nepal Army personnel were mobilized to provide security for the second phase of polls. Besides, officials from the National Investigation Department were also on the ground (Gautam, 2017). The integrated security arrangement of the government specified the role and responsibilities of security apparatus. Nepal Police was tasked to secure polling stations and centers while the APF was tasked for second layer security whereas outer layer security responsibility was given to Nepal Army. Apart from this, mobile vans of Nepal Police and the APF constantly patrolled polling centers and stations.

Ministry of Home Affairs (MoHA) had assured security responses within 10 to 30 minutes in case of any threat to polling centers or voters during the first phase parliamentary and provincial assembly elections. The government had arranged three layers of security comprising a joint force of Nepal Police and temporary police personnel, Armed Police Force and the Nepal Army. There was an arrangement of air and land patrolling for quick security response, in view of the geography of the country. The government had hired helicopters from private companies to cover the remote areas. The Home Ministry had also arranged enough reserve forces in addition to the three-layer security (Karki, 2017).

### **Mobilization of APF and Challenges**

Armed Police Force was mobilized in election security as per overall election security plan and was mandated to perform its duties being in the second layer. Numbers of APF personnel mobilized in elections were deployed as per the severity of security situation of election centers. The election centers were categorized as most sensitive, sensitive and normal. In the first round of election a total of 14682 APF personnel were deployed in 32 mountainous districts of the country. In second round of elections 28668 APF personnel were mobilized for election security. Altogether the number was 43350 (APF, Operation Department, 2017).

Although the number of APF deployed seems big but given the open international border, political and security situation and the political culture it is not so big. Besides, APF was also mandated to provide security to candidates, political rallies, election offices and security of voters. Geographical condition, condition of roads and vehicles were the main challenges in providing security. A total of 88 parties were granted ballot access under the proportional system and having 49 parties submitted list of proportional candidates. The number of candidates was so big and each of them demanding security in their political campaign was another challenge. Inability to provide security to them would result in questioning the capacity of security apparatus.

The role of APF was even more challenging because Nepal Police, an organization having more than 73000 personnel was only limited in securing the election booths. Nepal army was for security of outer ring and was not involved in day- to- day problems and only monitored the situation. Last 3 days prior to election, also called the silence period, are considered as most sensible period and security of that period is very crucial to security organizations. Many incidents of confrontation and unethical behavior happened during that period and APF had to respond all these incidents without having food and sleep in time.

## Way Forward

Silence periods have remained crucial throughout election as it results in the formation of new government and many more in our context. All the parties and cadres give more priority and apply their full effort to win election. Use of power, money and muscle are considered as vital elements to win. Porous border, criminal activities, prevalent political culture and mentality of candidates are also influential. We need a system in place to monitor, prevent, mitigate and manage electoral violence throughout the electoral cycle. The government should critically analyze the current security systems, while political parties should critically analyze on their conducts and reform themselves accordingly. The government must protect the candidates, and the rights of citizens to participate in the electoral process without fear of violence.

So, country like Nepal should be able to provide sufficient security during election and that is only possible by having the adequate size of security forces that can act independently; and equipping them adequately. Politicians also have to change the mentality of not providing anything during peace and general situation and looking for security for everyone during election period. Policy makers should understand that security forces cannot be prepared within a week or months. It takes a long period, investment and preparation to have effective security force and it is time to think and prepare for next election.

## Conclusion

Nepal needs to achieve sound economic status to address the requirement of post conflict scenario. There is a long way to maintain positive peace even the conflict has ended. Despite of successful completion of peace process, the nation's political system has failed to build sustainable peace due to lack of political culture. The numerous political parties urge a constant struggle for power to fulfil their own wishes and interests. The political parties are the driving force in Nepal for political and economic stability so they could and should solve the economic and social problem and build prosperous Nepal. Federal, provincial and local level elections are conducted successfully and peacefully. People had already given the consent and mandate to practice the new political journey for the peace, development and prosperity.

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# Challenges in Controlling Proliferation of Small Arms in Nepal

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## Abstract

*The paper aims to study and present the status of proliferation of small arms in Nepal. Nepal has been facing the problems of illicit weapons and this needs proper response from the government so that long-lasting solution can be probed. There is risk of misusing those weapons against anyone. A program to destroy the illegal arms should immediately be launched.*

**Key Words:** Small arms, security, conflict, criminal activities

## Introduction

Like many post-conflict societies, Nepal continues to be afflicted by crime and insecurity, fuelled in part by proliferation of small arms (Poudel, 2014). However, it is not clear what kind of firearms are in Nepal or where they are concentrated. Until sometime ago, even minor quarrels resulted in the use of small arms, due to their availability, leading to their abuse even in disputes between family members and acquaintances (Hazen, 2011).

It is often argued that the legacy of the conflict, poor coordination between security agencies of Nepal and India along the open border, low cost of firearms, emergence of armed groups and perennial political instability are the reasons behind the proliferation of the use of small arms (Bogati, 2014). Reports by the Nepal Police and Armed Police Force suggest certain trends in small arms and criminal activities. Small arms are used in a wide range of crimes, including: homicide, attempted homicide, dacoity, kidnapping, theft, robbery, rape and extortion (Nepal Police, 2018).

It is not only criminals or armed groups, but even student leaders affiliated to political parties who seem to be arming themselves with firearms. Poverty, the need for protection, anger, and sentiments of revenge might lead people to feel the need to arm them, or in some cases, they take up small arms for a sense of respect and power. These arms continue to find their way into irresponsible hands.

The porous border between Nepal and India has also fuelled cross-border criminality, particularly the illegal trafficking of small arms and the unchecked movement of criminals between the two countries. The criminal environment is further strengthened by the politicization of crime and criminalization of politics. Criminal and political groups appear to be proliferating, as do the links between the two, and offering protection to each other. However, the use of violence by political parties to intimidate opponents, influence elections and capture public contracts was already 'politics as usual' during the 1990s (Rupantaran, 2012).

The decade long Maoist insurgency in Nepal resulted in more than 17,000 deaths, mainly due to the use of small arms. . A whole cohort of Nepalese adolescents, teens and youth, witnessed extreme violence. This has left a longer – term psychosocial effect on Nepal's younger generation. The multiplication of armed groups and proliferation of small arms in the Terai region caused people to flee their homes while others had to live under the constant threat of weapons.

Nonetheless, the overall security situation has improved in recent years. The reasoning behind the decrease in levels of criminality is threefold: 1) Police have increased their presence throughout Nepal since the end of the conflict; 2) Police are less beholden to and affected by external pressure



from political groups; 3) as a result of negotiations with the government, many armed groups have become inactive or dormant, and have handed over their weapons.

It is also because the conflict concluded with a disarmament and reintegration programme for Maoist combatants. A total of 1,462 combatants were selected for integration into the Nepal Army. Furthermore, in 2007 the Maoists surrendered 3,475 weapons to the United Nations. The small arms arsenal of the UCPN-M has remained the most politically sensitive small arms issue in Nepal. The size and types of weapons in the Maoist People's Liberation Army (PLA)'s total arsenal, including weapons presumed to exist but not surrendered, remains uncertain. Whether the Maoists acquired additional weapons after 2006 is a matter of speculation.

## **How Many Guns?**

Globally, some 300,000 to half a million people are killed by small arms each year. This means every minute, someone is killed by a gun. The growing availability of small arms has been deemed a major factor in hindering rebuilding and development. Studies worldwide have shown that illicit small arms not only fuel insecurity but also undermine peace initiatives and hamper development activities. They are also a significant factor in fostering a culture of violence.

Maoists insurgency relied on small arms – particularly handguns, 303 rifles captured from the state forces, and a small number of AK-47s; crude weapons such as bladed weapons, stones, sticks, axes; and homemade explosives as tools of warfare. Violent and criminal activities have continued to involve the same means used during the insurgency. These indicate that weapons used in violent incidents and crimes in post-conflict Nepal are not particularly sophisticated.

The magnitude of threats posed by illegal small arms possession in Nepal has not received a thorough accounting. Neither the Nepal Police nor the Ministry of Home Affairs has exact data on the number of illegal small arms brought into the country or those manufactured in makeshift factories on a daily basis. As government institutions are poorly equipped, they do not have mechanisms for the accurate tracking of legally-owned weapons, let alone illegal ones.

Existing data from the Ministry of Home Affairs suggests that 34,314 people hold licensed firearms in Nepal – mostly in Kathmandu Valley and the Tarai districts (Bogati, 2014). However, Small Arms Survey in 2013 stated that there were around 440,000 private firearms in Nepal, of which 330,000 were unregistered craft weapons (Karp, 2013). Only one-eighth of the total firearms, or 55,000, are believed to be legally registered.

As the overall level of weapons possession is low by global standards, it is often argued that Nepal's post-conflict violence involving small arms is less serious and relatively easier to resolve than those of many countries in Africa and Central America. The reason for such a 'low figure' could be due to the lack of funds to procure 'hardware' for the Maoist armed conflict – there are no natural resources in Nepal that could have been exploited and the conflict was not driven by ethnic grievance and so not supported by a 'wealthy' diaspora.

## **Cost of Illicit Small Arms**

The Kathmandu Valley and other urban hubs as well as a number of Tarai districts are key destinations for illegal arms from black markets in Bihar and Uttar Pradesh in neighbouring India (Racovita, Murray and Sharma, 2013). After the end of conflict, small arms trafficking from the Indian states of Bihar and Uttar Pradesh persisted, with firearms originating in the towns of Banbasa, Gourifanta, Jogbani, Lucknow, Mujjafarpur, Raxaul and Sunouli. There are also concerns about

small arms moving from China, through Nepal, into India, although little is known of their circulation and use.

The cost is directly affected by their availability and the distance to production sites. It also varies depending on the model and the quality from 2,000 NRs—the cost of an old rudimentary hand-crafted pistol—to approximately 60,000 NRs, the cost of a factory or counterfeit weapon. The cost of ammunition varies from 60 to 200 NRs (Nepal Peace building Initiative, 2014).

Brokers operate between India and Nepal, and prices fluctuate depending on how far a weapon has travelled and through the number of middle-men. Ultimately, the cost of illegal small arms and ammunition depends largely on demand factors, and whether conditions necessitate the purchase of an illegal firearm.

Acquiring a firearm legally and obtaining a license can be time consuming and costly. As a result, users may opt to bypass the legal process of procuring a firearm. Furthermore, the cost of factory made weapons—both legal and illegal—is significantly high. Given their cost and difficulty of registration, there appears to be a widespread demand for the cheaper craft handguns or *katuwas* and improved rifles.

## Users of Illicit Small Arms

Though the main users of the illegal small arms and ammunition are young people, aged 16-30, there are three types of users: criminals; armed groups; and licence-holders whose licenses had expired.

### Criminals

Criminals make up the largest group of users of illicit weapons. Economic reasons and or political rivalries motivate most of the crime-related activities. Criminals use weapons for economically motivated crimes like abduction, victimisation, threat and extortion. They commit these crimes to fulfil their aspirations for the “3 - M” – Money, Machine (Motorcycles, Mobile phones) and *Masti* (fun). Wildlife crime such as poaching is also a problem in some jungle areas in the Tarai region.

Criminal or criminal gangs are believed to be the largest users of illicit small arms, and are in all kinds of criminal activities, ranging from theft to extortion and contract killings. Before the conflict these groups used traditional weapons like bladed weapons (*khukuri*), but as firearms became more available in the post-CPA period, they started to use them instead to maintain dominance and control the territory.

### Armed Groups

There is much debate about the number of armed groups active and about their organisations and objectives; in particular whether they are primarily criminal or political in nature (Bogati, Carapic and Muggah, 2013). However, what we know is that armed groups do not have sophisticated weapons at their disposal. Since the end of the conflict, the police have strengthened their presence and armed groups appear to have chosen improvised explosive devices (IEDs), which are often detonated in public areas to create fear and insecurity.

During the peace talks, dozens of armed groups surrendered their arms and ammunition to the District Administrative Office (DAO) or to the Nepal Police. The types of weapons surrendered confirms the fact that they do not have access to modern weapons and operate mainly with traditional knives, guns (*katuwas*), pistols and bladed weapons. Nevertheless, it is widely believed that many armed groups have not surrendered all of their weapons, and likely hold on to their more sophisticated firearms should they decide to become active once again.

The least common type of user was license-holders whose licenses had expired. Some license holders formally surrendered their weapons during the MoHA-led nationwide collection programme. MoHA data states that around 35,000 individuals hold licensed firearms in Nepal – mostly in the Kathmandu Valley and districts in the Tarai. However, authorities have failed to maintain records of such firearms. Furthermore, in many of the districts where these records existed, they were lost during the Maoist insurgency.

According to the 1962 Arms and Ammunition Act, a license-holder is required to renew his/her license annually, and failure to do so results in the firearm becoming illegal. The Act also states that carrying illegal small arms and/or ammunition is considered a punishable offence with imprisonment from “three years to five years or with fine from sixty thousands rupees up to one hundred thousand rupees, or both”. License-holders can renew their licenses from the DAO across the country.

Since the end of 2012, the MoHA has started recording data of licensed firearms use in a more systematic way. Political parties and civil society organisations argued that small arms, including licensed ones, were used for threats and violence in the 2008 Constituent Assembly. As a result, and with a view toward conducting the elections peacefully, the MoHA issued a public notice requesting the public to temporarily hand over licensed weapons to the DAO before elections in 2013. Following elections, the MoHA continued calling for people with illegal arms to return them voluntarily.

## **Government Response**

The government has initiated various policies and strategies to curtail the illicit use of firearms in Nepal (although poorly enforced). The Arms and Ammunition Act of 1962 regulates small arms in Nepal. The Act was amended in 2007 delegating more power to the Chief District Officer.

The government of Nepal took a two-pronged strategy in dealing with armed groups. First, in 2009, MoHA implemented a Special Security Plan to curtail the criminal activities of the more than 109 armed groups in the country (Ministry of Home Affairs, 2009). Simultaneously, Ministry of Peace and Reconstruction focused on engaging with politically-motivated groups through a series of peace talks. Despite frequent changes in government coalitions and ministerial representation, the government continued to pursue peace talks with the armed groups.

Further, in 2011, the MoHA started a Small Arms Management Work Plan, with a view to ban the production, transportation, sale, and distribution of small arms in the country. However, the plan has not been made public and its impact is unclear. Similarly, in 2013, the government issued a notice calling for people with illegal arms to return them voluntarily, resulting in the collection of 6,745 firearms. The Nepal Police and the Armed Police Force continue joint operations in the Tarai to limit the transmission of illicit small arms.

The lack of youth employment opportunities is the major driver for their involvement in armed/criminal activities. Studies have shown a proportional relation between unemployed youth and crime. With Nepal Government statistics revealing youth unemployment to be as high as 40 percent, the political instability, weakened institutions and slow economic growth, potentially increases the prospects for youth to be more involved in, and affected by, armed violence. The government has launched relevant plans and policies to encourage the engagement of youth to promote peace and development. For example, the Youth and Small Enterprise Self Employment Fund was launched by

the Ministry of Finance in 2009. In May 2012, the fund was re-launched and revised with monies channelled through central cooperatives and government – owned banks.

Against a backdrop of political instability, weak institutions and poorly enforced legislation and arms control norms, the Home Ministry and relevant agencies must come up with more creative ways to effectively reduce the danger posed by small arms. Alongside control and reduction measures, underlying causes of the demand for small arms must be investigated. This is because the presence of arms is an indicator, not only of uncontrolled proliferation, but also of perceived need.

Alongside these government-led initiatives are numerous government and non-governmental activities designed to promote peace and reconciliation in areas affected by armed violence. It is expected that the incentive to resort to armed force will diminish if underlying grievances and structural causes of insecurity are addressed. At the forefront of these efforts is the Ministry of Peace and Reconstruction, which has supported the establishment of so-called Local Peace Committees (Ministry of Peace and Reconstruction, 2009).

## **Conclusion**

The Nepal Police or the government of Nepal should organise a weapons destruction programme to destroy all the illegal weapons collected in the country and currently under the custody of the Nepal Police. At the moment, illicit small arms and ammunition in storage with the Nepal Police are at risk of being looted due to the insecure ways in which they are being stored. Organising a weapons destruction programme would immediately rectify this security risk. Such an initiative would have important symbolic value as a way to demonstrate to the local population and the international community that Nepal has moved beyond conflict, and is now in a period of peace. A weapons destruction programme would also reinforce the local population's trust in security force, and would undermine the morale of criminals and armed groups still operating in the country.

The majority of illicit weapons enter Nepal through the porous southern border with India. The Nepal and Indian Police forces, as well as personnel from the Nepal Army and the Armed Police Force, are currently patrolling the border. Collaboration between Nepalese and Indian authorities and Police is carried out on a case-by-case basis, mainly informally. The Nepal and Indian Police ought to formalise their collaboration along the Tarai border. Enhancing cross-border cooperation between the Nepal and Indian Police would enable both forces to better identify and address the issue of illicit arms flows within and across Indian and Nepalese territory.

Despite positive gains, little remains understood regarding the threat posed by illegal small arms. Neither the Nepal Police nor the MoHA have comprehensive data on illegal arms brought into the country or manufactured in makeshift factories. There is little information available on the different types of firearms currently circulating in Nepal or on the locations and regions they are concentrated. Due to the Nepal Police's limited capacity, it does not have mechanisms to track illegal weapons. The Nepal Police ought to, therefore, enhance, develop, and strengthen its institutional and administrative capacity to deal with illegal small arms and ammunition. One immediate step that can be taken is to organize a Police training programme to enhance the Nepal Police's capacity to document, identify and trace weapons and ammunition.

The precise number of firearms in civilian ownership remains disputed, though figures suggest a severe discrepancy between the number of registered firearms and the number of firearms in use, underlining the need for better registration practices. Tracking illegal arms trafficking without harming the local population remains a delicate matter, as does the collection of illegal firearms currently in civilian possession.

Former license-holders whose licence expired were one of the main categories of illegal small arms and ammunition users. This finding suggests that local citizens might not be aware of Nepal's various laws governing weapons possession and use. This is particularly the case in some of the Terai districts, where the local population speaks languages other than Nepali. Security forces should, therefore, organise a sensitisation programme on firearms legislation and weapons collection. In addition, such a programme should include small arms risk education.

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# Nationalism: Issues and Concerns

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## Abstract

*Most Scholars contend that issue of nationalism is being challenged because of the rising globalization. Since most studies related to nationalism have focused on the contemporary issues in nationalism, this article examines the different verities, issues and concerns of nationalism. By employing document review, this article assesses the ethnic nationalism, civic nationalism, expansionist nationalism, romantic nationalism, cultural nationalism, post-colonial nationalism, liberation nationalism, liberal nationalism, religious nationalism and diaspora nationalism. The study finds that participation in international organizations as well as regional integration erodes nationalist ideology and because of the more interdependent world, not only economically, but politically and culturally as well leads the declining of nationalism. Finally, the article concludes with the concept that in homogeneous and uniformly global world, the ultra-nationalism may lead to further crisis and radicalization of Nationalism is not appreciated in the present world.*

**Keywords:** Nationalism, ultra-nationalism, radicalization, classical nationalism, diaspora nationalism

## Introduction

Etymologically 'Nationalism' means patriotic feeling, principles, or efforts or an extreme form of patriotism marked by a feeling of superiority over other countries. According to Scottish nationalism, it is the advocacy of political independence for a particular country. The Merriam Webster Dictionary defines nationalism as "the loyalty and devotion to a nation; especially, a sense of national consciousness exalting one nation above all others placing primary emphasis on promotion of its culture and interests as opposed to those of other. Nationalism is used to refer to political movements seeking or exercising state power and justifying such actions with nationalist arguments of an explicit and peculiar character, the interest and values of nation take priority over all other interests and values and the nation must be as independent as possible. For this the state requires at least the attainment of political sovereignty. Nationalism is a political, social, and economic system characterized by promoting the interests of a particular nation, particularly with the aim of gaining and maintaining self-governance, or full sovereignty, over the group's homeland. The political ideology therefore holds that a nation should govern itself, free from unwanted outside interference, and is linked to the concept of self-determination.

Nationalism is the ideology based on the premise that the individual's loyalty and devotion to the nation-state surpass other individual or group interests. Nationalism is a modern movement. Throughout history people have been attached to their native soil, to the traditions of their parents, and to established territorial authorities; but it was not until the end of the 18th century that nationalism began to be a generally recognized sentiment molding public and private life and one of the great, if not the greatest, single determining factors of modern history. Because of its dynamic vitality and its all-pervading character, nationalism is often thought to be very old; sometimes it is mistakenly regarded as a permanent factor in political behavior. Actually, the American and French revolutions may be regarded as its first powerful manifestations. After

penetrating the new countries of Latin America, it spread in the early 19th century to central Europe and from there, toward the middle of the century, to eastern and southeastern Europe. At the beginning of the 20th century nationalism flowered in the ancient lands of Asia and Africa. Thus the 19th century has been called the age of nationalism in Europe, while the 20th century has witnessed the rise and struggle of powerful national movements throughout Asia and Africa (Kohn, 1955).

### **Verities of Nationalism**

Human beings are divided by different means: geographically, ethnically, on the basis of race, etc. and geographic division of people is one of the major concerns that separate residents of one country from another. The feeling of being a resident of a particular country is geographical division of people and because of such division the feeling of nationalism can be found on the part of country dwellers who reside in particular country with the identity of being the citizen of that country. Many countries in the world are being separated from one another because of such feelings and one of the most significant examples can be taken from North and South Korea.

Analyzing the evolution of human beings, an interesting fact exists that all people used to stay at the same place before beginning human civilization but because of scarcity of food, water resources and tendency of being secure from wild animals, people started migrating from one place to another and later on those places have been demarcated as a particular country. Even at present at the age of globalization and digital world people have been divided into different nationalities as we frequently hear someone saying that a person is Nepalese while another one is Japanese and so forth.

Some of the verities of nationalism are enlisted as Classical nationalism and Nationalism in wider sense. Classical Nationalism is the political program that sees the creation and maintenance of a fully sovereign state owned by a given ethno-national group as a primary duty of each member of the group. Starting from the assumption that the appropriate unit of culture is an ethno-nation, it claims that a primary duty of each member is to abide by one's recognizably ethno-national culture in all cultural matters. Nationalism in a wider sense is any complex of attitudes, claims and directives for action ascribing a fundamental political, moral and cultural value to nation and nationality and deriving obligations.

### **Issues of Nationalism**

The issues of nationalism have been advocated by different scholars and political theorists that there are different schools and types in accordance to the way they are manifested. Nationalism may manifest itself as part of official state ideology or as a popular non-state movement and may be expressed on civic, ethnic, cultural, religious or ideological lines that nationalism is simply the desire of a nation to self-determine. Ethnic nationalism, civic nationalism, expansionist nationalism, romantic nationalism, cultural nationalism, post-colonial nationalism, liberation nationalism, left-wing nationalism, liberal nationalism, religious nationalism, Diaspora nationalism are some of the nationalisms that are dealt and often practiced. If the nationalisms are practiced in the good faith then that would be more conducive and work worth for the sake of the nation otherwise that may lead to conflict and struggle.

Ethnic nationalism defines the nation in terms of ethnicity, which always includes some element of descent from previous generations. It also includes ideas of a culture shared between members of the group and with their ancestors, and usually a shared language. Membership in the nation is hereditary. The state derives political legitimacy from its status as homeland of the ethnic group, and from its duty to protect of the partly national group and facilitate its family and social life, as a

group (Chan, 2013). Civic nationalism (or civil nationalism) is the form of nationalism in which the state derives political legitimacy from the active participation of its citizenry, from the degree to which it represents the “will of the people” (Shulman, 2002). For instance, Rwanda from Nation-building and modern tribalism between Hutus and Tutsi leads to Genocide, Yugoslavia from modern nationalism to disembodied violence.

Civic nationalism underlies the ideology of the nation as a community of equal, rights-bearing citizens. It gives sovereignty to all regardless of race, gender, language or ethnicity. State nationalism is a variant of civic nationalism, often combined with ethnic nationalism. It implies that the nation is a community of those who contribute to the maintenance and strength of the state, and that the individual exists to contribute to this goal. Italian fascism is the best example, epitomized in this slogan of Benito Mussolini: “Everything in the State, nothing outside the State, nothing against the State”. However, the term “state nationalism” is often used in conflicts between nationalisms, and may lead to secessionist movement and confronts an established “nation state.”

Expansionist nationalism is a radical form of imperialism that incorporates autonomous, patriotic sentiments with a belief in expansionism and in superiority or dominance. Nations are thus not thought to be equal to their right to self-determination; rather some nations are believed to possess characteristics or qualities that make them superior to others. Expansionist nationalism therefore asserts the state’s right to increase its borders at the expense of its neighbors. Cultural nationalism defines the nation by shared culture. Membership (the state of being members) in the nation is neither entirely voluntary (you cannot instantly acquire a culture), nor hereditary (children of members may be considered foreigners if they grew up in another culture). Yet, a traditional culture can be more easily incorporated into an individual’s life, especially if the individual is allowed to acquire its skills at an early stage of his/her own life (Conversi, 2008).

Post-Colonial nationalism existed since the process of decolonization that occurred after World War II, there has been a rise of third World nationalisms. Third world nationalisms occur in those nations that have been colonized and exploited. Religious nationalism is a particular religious belief or affiliation. This relationship can be broken down into two aspects; the politicization of religion and the converse influence of religion on politics (Chatterjee, 1986).

According to Liberation Nationalism many nationalist movements in the world are dedicated to national liberation, in the view that their nations are being persecuted by other nations and thus need to exercise self-determination by liberating themselves from the accused persecutors. Anti-revisionist Marxist–Leninism is closely tied with this ideology, which declares that nationalism can be used in an internationalist context i.e. fighting for national liberation without racial or religious divisions. Left-wing nationalism (also occasionally known as “socialist nationalism”) refers to any political movement that combines left-wing politics with nationalism. (ibid)

Religious nationalism is the relationship of nationalism to a particular religious belief, church, or affiliation. This relationship can be broken down into two aspects; the politicization of religion and the converse influence of religion on politics. In the former aspect, a shared religion can be seen to contribute to a sense of national unity, a common bond among the citizens of the nation. Another political aspect of religion is the support of a national identity, similar to a shared ethnicity, language or culture (ibid).

Diaspora nationalism refers to nationalist feeling among a diaspora such as the Irish in the United States, Jews around the world after the expulsion from Jerusalem. These days’ different communities in different parts of the world have their own nationalistic feelings and started to be united in the one



network. Traditionally 'Diaspora' refers to a dispersal of a people from a (real or imagined) 'homeland' due to a cataclysmic disruption, such as war, famine, etc. New networks - new 'roots' - form along the 'routes' travelled by diasporic people, who are connected by a shared desire to return 'home'. In reality, the desire to return may be eschatological or may not occur in any foreseeable future, but the longing for the lost homeland and the sense of difference from circumambient cultures in which Diasporic people live becomes an identity unto itself (Humphrey, 2004). The recent developed concept regarding nationalism is Post-nationalism or non-nationalism in the post-modern existential society of globalization. Economic, political, and cultural elements contribute much to it (Hackenberg & Alvarez, 2001).

Increasing globalization of economic factors; the expansion of international trade with raw materials, manufactured goods, and services, and the importance of multinational corporations and internationalization of financial markets have shifted emphasis from national economies to global ones such as Multinational corporations (World Bank, IMF, and WTO), the United Nations, the European Union, the North American Free Trade Agreement (NAFTA), and NATO. In addition, media and entertainment industries are becoming increasingly global. Migration of individuals or groups between countries contributes to the formation of post-national identities and beliefs, even though attachment to citizenship and national identities often remains important. So, it is also regarded as the Internationalism in the age of Nationalism (Hackenberg & Alvarez, 2001).

Sometimes an economic blockade imposed by the neighbouring countries can also be one of variables for national integration and nationalism. At the time of Economic blockade in the country, people didn't scold the government even if their life was heavily paralyzed but they tolerated it. Here it can be assumed that because of foreign interference on an issue, the people of the nation can be very united (Bharadwaj et al., 2007). More especially the people of North Korea can be taken as an example in this concern since they expressed their view that even if we are ready to eat grass but we do not insist our government to give up experiment of atomic energy

### **Concern of Nationalism**

The most important concern of nationalism is to make all nationalists being united in a place like a garland can be made by compiling different flowers under the same thread (Gellner, 1996). Different nations in the world have different concerns about nationalism since people and the government has different aspirations in being the citizen of a particular nation but regarding the case of Nepal, the new transformation of political system the rising issues of ethnicity, regionalism, multiculturalism and plural societies the values of the nationalism is being threatened. The promulgation of the new constitution has created the structural conditions for consolidation of national unity among diverse cultural, linguistic and geographical entities. The principle of unity in diversity was a formulation which has remained the only valid principle to concretize national integration in the context of a vast diversity.

Dual Citizenship, Pseudo-nationalists, Religious extremists and Terrorism are the major threatening factors for the Nationalism (Snell, 2009). One of the major concerns of nationalism is of dual citizenship as a person that got a permanent residence permit or citizen other than the country she/he belongs to, has a less love and affection towards the nation where s/he was born. It is so because whenever s/he faces an extreme difficult situation, s/he prefers to go to his/her new destination (PR country) which is one of the factors for weakening the nationalism.

Pseudo-nationalists are the group of people who have been living in the borders between two countries and most of the European nations have been facing its severe problems like there are

sequels of bombings and other attacks in one country and such people flee to other nations. Some of the Asian, Middle Eastern, European and American have been facing the problem of religious extremists which has direct impact of it that such groups are responsible for weakening the concern of nationalism.

Terrorism is also another concern of more than nationalism and it the most significant factor for either strengthening or weakening the feeling of nationalism. It is very important for strengthening nationalism in the sense that it makes people able to adore and respect their nation if the country is being attacked by terrorists and it can be proved by the Americans as was attacked by terrorists led to destruction of Twin Tower and hundreds of people's lives. After that attack, now each and every American loves their nation as though it is their own mother or family deity. On the other hand, if a group of people are in minority and whenever there is terrorist attack in the country and if they are blamed, the nation has low self-esteem to those people in one hand and the nation itself is vulnerable to further such attacks. Patriotism and nationalism is also one of the concerns on the nationalism that Patriotism contributes to nationalism. Nationalism is the most powerful ideology, which wins always against liberalism in their clashes.

## Conclusion

There are a lot of existing threats that globalization poses towards nationalism. Participation in international organizations and the loss of parts of a state's sovereignty over its own territory, as well as regional integration erode nationalist ideology. The world is becoming more and more interdependent, not only economically, but politically and culturally as well. Because of the rise of formal international associations as of NATO, the European Union, the World Court, the United Nations, the World Trade Organization, and security blocs for every continent leads to the sovereignty in risk that the trend of declining of nationalism is being started. Now international bodies loom large in the domestic affairs of the world's countries. In the Homogeneous, uniformly global world sometimes the ultra-nationalism may lead to the further crisis like in Rwanda and Yugoslavia. More Radicalization of Nationalism is not good in the present context so nationalism in cosmopolitanism of modern intellectual life can flourish side by side with national differences in the intellectual reception of ideas, including ideas about nationalism.

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# Challenges to Create a Global Cohesive Society in Post-Conflict Situations and Its Impact in Federal Democratic Republic Of Nepal

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## Abstract

*After Cold War, "Clashes of Civilizations" could be paramount in the coming centuries. Naturally, they will be supported by the detrimental effects of technology like the Artificial Intelligence (AI) further advanced in the 21st century in the process of the evolution of a global cohesive society. Even the space will be a playground of the mundane strategic order. Countries like Federal Democratic Republic of Nepal can play a crucial role reviving her glory of the dawn of civilization on earth as a soft-power resulted from the geo-political and strategic values utilizing modalities recommended by the author.*

**Key Words:** Global cohesive society, Himalayan world order, Post-conflict situations, new world order, Federal Democratic Republic of Nepal

## Introduction

Even though the Himalayan Mountain System is recognized as the youngest-mountain-system of the world, but it propounded Two Great Civilizations on the planet-earth. The Two Great Civilizations are the Hinduism and the Buddhism (Thapa, 2010). They stand not only as religions, but also as philosophies guided by their visions and thoughts for a better way of life to the contemporary world tending but failed to make a cohesive society at large. The evolution of Sanskrit language and its literature like Vedas (Rig-Veda, Sama Veda, Yajur Veda and Atharva Veda), Puranas (18), Upanishads, Smriti Granthas, Shrimad Bhagawat Gita (Adhikari, 2057), Mahabharata (Vedvyas), Ramayana (Balmikiya Ramayana), Ratnawali (Nagarjunra Unko Shunnyaawaad), Nepal Mahatmya, Swasthani (Subedi, 2063), etc. are unmatched creations of that age. For instance, the origin of the German language is Sanskrit, and it is known as Indo-Germanic. Due to Indian scholars of that time it has been Indo-Germanic but it should be Sanskrito-Germanic in reality. In fact, no book has been possible so far like epic Mahabharata with 100000 stanzas. This author ponders: is this not a "World Order" for a cohesive society?

Pertinent question stands: is there no need of the "Third Term" or "Pole" besides what today's School of Thought of International Relations until post-Modern Theories, for instance, by Francis Fukuyama at "The End of the History and the Last Man" and Samuel P. Huntington's "The Clash of Civilizations", and others later, categorically stand on only at "Hard Power" and "Soft Power" and "uni-multi-polar world" for a cohesive society? Here is the challenge of omission of the "Power of Enlightenment" for a cohesive society.

The great researcher of Nepal of our times, Yogi Narahari Nath in his book "Aitihāsik Shikharini Yaatraa" quotes from his naraharisangrahat (Nath, 2049) as *astyuttarasyaamdishidevataatmaahimaalayonaamanaagaadhiraajah.*- meaning-to the north of Bharatbarsha, as abode of Gods and the earth's majestic Himalayas (maanadandah), full of resources including water -the Kingdom of the Himalayas exists. As a matter of fact, in terms of modern "Soft Power" also, Nepal is a "Water Power" of the world. In 2013, UNESCO, from Nepal, on Ayurveda,

preserved two oldest scripts on earth written in Sanskrit/Pali languages. Basically, the rich resources of Nepal Himalayas like bhaassyantiratnaanimahaushadhischa (Ibid) -for instance- Laxmana Sanjivani (Ibid) are well recognized in Ramayana. It helped crucially for a sound and healthy cohesive society in a multi-dimensional perspective.

One book in two forms “Himalaya Kah Rahaa Hai” (Adwait, 2013), Part I and II, give the details of the wonders of the Nepal Himalayas containing resources and creations from the caves. Some of the settlements and caves are recently explored by UNESCO (UNESCO, 2013) and other archaeological institutes from Japan, UK, USA and Germany in Lumbini and Mustang. The existence of thousands of places in the names of Ashrams of the Maharshis like Vedvyas, Balmiki, Biswamitra, Parasara, Parshuram and many more *rishis* gives proofs that the great “Sanskrit Literature” was written in the present-day Nepal Himalayas. This can claim-the recorded -the “First World Order of Civilization” on earth for a cohesive society. Pity that western world recognized part of it in the name of “Indus Valley Civilization”. Take the case of Samuel P. Huntington’s “Political Order in Changing Society” (Huntington, 2006) and its prescription today. All political scientists know that this is limited and not a complete prescription.

In this light, great oriental thinker and practitioner of our time KapilAdwait says, “Time is bound to motion.” (Adwait, 2013). Similarly, perhaps the greatest physicist today, after Einstein from 20th Century, Stephen Hawking in his book “A Brief History of Time” speaks closer to Kapil but this author did not find that he accounted time measured by the “Himalayan Civilization”. From Vedic Era to -until today, some 4.2m years have been passed (not only 250 years), and it contained four Yugas: Satya, Tretaa, Dwaapar and Kali with their ages. The name of this part of the Himalayas, Nepal, used to be called as Satyawati (Aryal, 2069) in Satya Yuga. In Treta Yuga, Nepal’s name was Tapobhumi (Ibid) and in Dwaapar Yuga, Nepal was known as Muktiswapaan and in Kali Yuga (Panta, 2069) it came to be known as Nepal. The very time Nepal used to be also known as Himwatkhandha (Panta S. D., 2069). And the system of governance, that time, only monarchical system prevailed on this part of the globe as a cohesive society.

To come to the point of today’s “Hard Power”, it is said in Sanskrit, buddhirasyabalamtasyanirbuddhestukutobalam, pasyasyimhamadonmattasasakenanipaata (Niti S.) = Knowledge is power. It is imparted from five elements of life- earth, water, air, energy and sky (panchamahaabhuta). On the glory of the Nepal Himalayas for a cohesive society, this author recalls three great thinkers, them, but not as religious persons, and they are: Maharshi Mahesh Yogi, Shivapuri Baba and Khpatad Baba. The latter two spent their later part of lives in Nepal and the former in 1975, while in Nepal, publicly said, “Nepal Led Earlier and is to Lead the World in Future”. Albert Einstein mentioned about Shivapuri Baba and all four believed in science, but the latter as a Man of the 20<sup>th</sup> Century, shifted the ancient World Order for a cohesive society of vision and practice of the East to the West, because, Kapil regards, “Science is an imparting knowledge.” (Ibid), and “does not belong to any single community only.” As a matter of fact, science, without laboratory, is incomplete as likely suffered by Nepalese society even today. It has to be accepted that today’s evolution of science and technology is the result of the huge lab invented by the popularly known western world.

The shift of World Order for a cohesive society started from here. In Albert Einstein’s words, “What I see in nature is a magnificent structure that we can comprehend only very imperfectly, and that must fill a thinking person with a feeling of ‘humility’. This is a genuinely religious feeling that has nothing to do with mysticism.” (www.twitter.com.einsteinBot, n.d.) In Sama Veda, it is said, uduyamjaatavedasamdevambahantiketawah, drishewisyayasyuryam (Ganapati, 1992) -means that all

knowledge takes its rise to the upward direction, and consciousness moves, perceives all and bestows on the home. Perceiving this way, it compels us to realize that a vision without practice remains a vision only. Precisely speaking, that is how America became on the top of the World Order list in the modern world. But the challenge is: is this a complete cohesive society?

### **Pre-War-Conflict-Position of the New World Order for a Cohesive Society**

The WW I had the slogan- “The War to End All Wars”. The Treaty of Versailles 1919 ended WW I and established the League of Nations for world peace. The then American President Woodrow Wilson, through his popular Fourteen Points, was able to convince the “world leadership” to establish the League of Nations for a cohesive society but failed to convince his own people. The American Senate did not permit America to join the League. It later proved to be important ground of the failure of the international body.

The “Peace and Disarmament Commission” of 1925 did not oblige America practically for stopping the development of nuclear arms. Perhaps Hitler did not like that Albert Einstein migrated to the US leaving Europe. Incidentally, Germany withdrew its membership from the League the same year of 1933 -the year Einstein migrated to USA. Italy and Japan joined Hitler to withdraw from the League of Nations in 1936. It is remarkable that Albert Einstein wrote a letter to the President of the USA in 1939 appealing to take the lead of the “Strategic World Order” by developing nuclear arms. Again the very significant year relating to Einstein 1939, Hitler started WW II to establish the “Nazi World Order” contrary to a cohesive society. Perhaps if the Allied Power had not developed the superior technology in comparison to the Axis Power, the latter might have destroyed the world civilization further. The first nuclear devastation in the history of the human civilization of Hiroshima on August 6, 1945 and Nagasaki on August 9, 1945 was a landmark lead of the USA to maintain “Strategic New World Order” leaving the dominant colonial powers like UK and others far behind. It compelled Emperor Hirohito of Japan to surrender to Allied Powers/America on August 15, 1945 ending WW II. It stood both as a hope and despair for a cohesive society indeed.

Passing through such evolution of the world history in the name of a cohesive society ultimately, America again took the lead to establish the United Nations through Bretton Woods System for peace, security and prosperity of the world. The opening of the Pandora’s Box was started by the Major Allied Powers of WW II. In other words, they were then Strategic Hard Powers- America, Soviet Union, UK and France wanted their largest share in the UNO in the name of Veto Power. The Veto Power meant -above all powers in fact. That’s how the democracy was curtailed in the name of democracy in the World Body. This later pretended to pass Universal Declaration of Human Rights in 1948 for a cohesive society shedding the crocodile’s tears.

### **The Cold War Dilemma for New World Order and Cohesive Society**

The Soviet Union had lost 26.5m people, slightly less than present-day Nepal’s population. The figure really was the largest among countries they took part in war. It was a communist country. Stalin agreed to divide Germany and Korea including the City of Berlin. This city in turmoil in 1949 gave birth to the terminology of *Cold War*. The post- War major events were: decolonization of India and many countries in Asia and Africa together with separation of Pakistan in 1947, birth of State of Israel in 1948, Birth of *Warsaw Pact* and *COMECON* and being of Soviet Union a 2<sup>nd</sup>-nuclear power and establishment of PRC in 1949, Korean War of 1950-53, NAM 1961, Sino-Indian War of 1962, Vietnam War, Birth of Bangladesh in 1971, Merge of Sikkim into India in 1975, Falling of Berlin Wall in 1989 and Collapse of Soviet World Order challenging America in 1991. The so called uni-polar world was supposed to lead to a cohesive world order indeed.

At this juncture, the UN not only failed to create a cohesive society to prevent wars but also became a “paper tiger” dominated by P-5 led by America and the Soviet Union followed by China after joining the UN in 1971 as a new entrant to the Security Council. This era also drew a red line of New World Order for a cohesive society. It prescribed, “Any period of history evidencing a dramatic change in world political thought and balance of power system -with the ideological ‘global governance’ only in the sense of new collective efforts to identify, understand or address worldwide problems that go beyond the capacity of individual nation state to solve.” (Wikipedia, 2018)

During post-War period, in terms of New World Order and global cohesive society, three leaders dominated the world -Mao, Gorbachev and George Bush. Mao remained idealistic, Mikhail Gorbachev was bound to internal strife of the Soviet Union and Bush dominated all and linked it to Gulf War and now has been extended to Afghanistan too. Erik A. Miller and Steve A. Yetiv found September 11, 1990 Nine-Point-Speech of President Bush as good as comparative to Woodrow Wilson from WW I and Franklin D. Roosevelt’s from WW II. (Miller & Yetiv, 2001). As a resultant stimulation, in 2001, American policy for New World Order for a global cohesive society was declared as follows:

- Checking the offensive use of force
- Promoting Collective Security
- Using Great Power cooperation. (Ibid)

Before declaring this American policy in 2001, Henry Kissinger in 1994 had observed, “The New World Order cannot happen without U.S. participation, as we are the most significant single component. Yes, there will be a New World Order, and it will force the United States to change its perceptions.” (Ibid). Was Henry Kissinger correct in his assessment for a cohesive society? The chapters ahead, with data analysis, will give the answer.

### **Hard Power Status of the Strategic Order Hampering a Cohesive Society in Countries like Nepal and More**

This chapter deals with the available data on the capacity of the World Nuclear Forces 2014. Like in WWII, any wars or say WW III, in Hard Power terms, not for “water” but nuclear or chemical wars will be decisive. Tables below show the status and arms spending as enemy to a cohesive society.

**Table 1: World Nuclear Forces 2014**

S. N.	Country	Deployed Warheads	Other Warheads	Total Inventory
1.	USA	2100	5200	7300
2.	Russia	1600	6400	8000
3.	UK	160	65	225
4.	France	290	10	300
5.	China	-	250	250
6.	India	-	90 -100	90-100
7.	Pakistan	-	100 -120	100-120
8.	Israel	-	80	80
9.	DPRK	-	6-8	6-8
Total	9	4150	12 200	16350

Source: SIPRI Year Book as of January 2014

Among P-5 in the UN Security Council; USA, Russia, UK and France have the Nuclear Warheads deployment. The data does not show rumored Iran and South Africa in the list. The DPRK provocation also does not seem very high in comparison to other 8 nuke-powers but latest ICBM Tests up to 2017 might lead Pyongyang to a nuclear nation despite US threat. These states have not signed CTBT also. Since 1945 to 2013, the 8-States USA, then Soviet Union, UK, France, China, India, Pakistan and North Korea had 2055 known explosions. The range of the size varied 5-16 Kilotons (Stockholm International Peace Research Institute, 2014). The nuclear powers are the greatest threats to the cohesive societies ultimately.

**Table 2: World Military Expenditure 2013**

S. N.	Different Regions	Spending in US \$ in billion	Percentage Change
1.	Africa	44.96	8.3
2.	Americas	736	-6.8
3.	Asia & Oceania	407	3.6
4.	Europe	410	-0.7
5.	Middle East	150	4.0
Total	World	1747	-1.3

Source: SIPRI Year Book 2014

If separated from the main region to the specific, North America typically spends US \$659bn, Asia and Oceania spends US \$407bn and the West and Central Europe alone spends US \$312bn. Percentage change denote in comparison to 2012 range. The sum-up comes that the World Military Expenditure for 2013 with special significance stood US \$ 1714bn (Ibid). To relate to the Shifting World Order for a global cohesive society Impact in Nepal, it is relevant to compare The ADB Report 2014 on Nepal (Domènech, et al. 2013), which mentioned that Nepal needs US \$18-20bn but now it is estimated to be \$30-35bn to graduate from LDC to a Developing Country Category. The NPC estimation of US \$100bn, in this regard, seems without research (National Planning Commission Nepal, 2017). Thus, the reader can automatically assess the trend of the Shift of the World Order for a cohesive society in this regard.

**Table 3: Power Underwater: The Flagship Vessels of Nations with n-Missiles Hampering Cohesive Society with Detrimental Effects to Nepal**

Country/ Class: Hard Powers	Length in feet	Crew	Number/Missiles	Range
USA/OHIO : 1 <sup>st</sup> in 1981	561	155	24/Trident	7000
Russia/DELTA-IV 1 <sup>st</sup> in 1985	548	130	16/Seneva	7100
UK/VANGUARD 1 <sup>st</sup> in 1993	492	135	16/Trident	7000
France/TRIOMPHANT: 1997	453	111	16/M-51	5000
China/094JIN: 1 <sup>st</sup> in 2010	443	120	12/JL-2	4600
India/ARIHANT:2015(expect)	367	95	12/ Sagarika	435

Source: The Wall Street Journal, November 3, 2014

The ranges are marked in miles. India's vessels were targeted to be completed in 2015 and succeeded. Among 9 n-powers, the countries able to have vessels with n-missiles are only five. Pakistan, North Korea and Israel have not been able to deploy it effectively so far.



On the basis of the above data as Hard Powers, Russia is slightly higher than the USA in Underwater Power category. Also as per Table-I, Russia's n-Warheads count 8000 but USA possesses 7300 only. Here, Kissinger's statement that USA as Number One Strategic Power is not proved. It's good news for a cohesive society even for Nepal.

### **Latest Shift in the Technology Transfer with a Counter Balance to Develop a Cohesive Society also in Nepal at a Regional Perspective**

It is very significant that in the 1<sup>st</sup> week of November, 2014, China brought out the news that she has been able to develop *Laser Cannons* to shoot down the drones within a 1.2 miles radius target designed by 'China Academy of Engineering Physics'. It can shoot down the drones with 112mph anywhere below 16000.00 feet in 5 seconds. It is significant development in relation to human security for a cohesive society, because, US already relies heavily on drones (unmanned military) that fire rockets at people in Yemen, Pakistan and the Islamic State. Also that US Navy has plans in place for swarms of drone boats. Recently, the "China in the News" adds that China's Submarines add n-strikes capability (Pagliery, 2014).

### **The Soft Power Perspective for a Cohesive Society Useful for Nepal**

China's standing as the world's 2<sup>nd</sup> largest economy today is a great shift in *Soft Power World Order* helping to create an economically sound cohesive society. The PRC has easily surpassed the long ruling another Asian Giant –Japan, standing as 2<sup>nd</sup> largest economy of the world for many decades. China grew her economy in such a way that she graciously had to play a great role to save the Great EU Recession in 2012-2013 ([www.europeanrecession.com](http://www.europeanrecession.com)). And support at EQ2015 and promise of \$8.3bn for the Him Rail and \$8bn for the infrastructure development. The pace of development in developing countries was a great paradigm shift for rapid economic growths in countries like China and India. Nepal's big neighbors, China and India, two largest populations of the world today, stand as the fastest growing economies of the world too and which is exemplary for Nepal's new Federal Structures with ethnic conflicts for diminishing the challenges in creating a cohesive society.

**Table 4: Countries Having Super-Rapid Growth Episodes Exemplary to Nepal's Cohesive Society**

<b>Rapid Growth Countries By Name</b>	<b>Duration of Exemplary Growth</b>	<b>Percentage</b>
Japan	1960-1970	9
Singapore	1967-1980	8
China	1990-2010	8.8
Angola	2001-2010	9.2
Greece	1960-1973	6.8
Taiwan	1973-1975	7
Korea	1962-1983	6.5
Chile	1986-1997	6.1
Columbia	1996-2010	6.1
Sierra Leone	1999-2010	6

Source: Summers and Prichett 2014

Larry Summers ([twitter.com](https://twitter.com)) explains in detail on why the world is too optimistic about China's ([xinhuanews.com](http://xinhuanews.com)) economic future. India's new regime of BJP led by Modi had also targeted 7+ percent growth in the 2014-2015 fiscal and achieved in 2016 but 2017 stranded at nearly 6.5% only.

Jake Spring (*reuters.com*) writes in Reuters on 29 October 2014 that World Bank urges for, and forecasted, on China's growth rate to make/be 7% in 2015 but China satisfied in 6.9% in 2017. China had targeted her growth rate to be 7.5% for 2014. But the IMF appealed also went to China to target 6.5% to 7% for the year 2015. In response to the proposals from the world bodies, the Chinese President Xi Jinping had politely replied -not to worry for the Chinese economy, because, China is able to maintain her economy well (*chinainnews.com*). The regional economic stability can be supportive to Nepal's economy which directly leads to a cohesive society.

### **The “Tug of War” Between USA and China to Maintain Economic World Order Resulting to Security and Cohesive Society in Smaller Countries like Nepal**

The detrimental effects of the uni-and multi-polar-world at post-Cold War Era are still the hangovers of pre-1991 period of socialism vs. capitalism. This author recalls the interview with James Rosenau of George Washington University in late 1990's that whether this post-1991 world runs as per national interest or ideology, he had told, “The world still runs as per ideology (Nepal, 2003). After EU embargo to Russian Federation, Putin started to supply meat to China after signing the historic energy pact of US \$70bn with Xi Jinping in Beijing and he also started to prepare Russia to defend the EU and G8 pressure over Ukraine. One interesting news coverage appeared at “China in the News” (*chinainthenews.com*) entitled, “Putin Tiger Crosses into China”-promoting diplomatic rush for meat and energy!

Mark Gongloff in The Huffington Post wrote, “China Now Has the World's Biggest Economy” (*thehuffingtonpost.com*). The calculations were based on the GDP. The data for then China's GDP was given as US \$17.6 trillion. It has adjusted for China's relatively low cost of living compared with then US \$17.4 trillion. The IMF estimated as part of its latest World Economic Outlook as of 2018, China's is estimated to of US \$25 trillion and USA of 21 trillion. The GDP calculation is based on the popular methodology of PPP- Purchasing Power Parity.

China's Global Share of the Global Economy is now slightly bigger than America's. The US holds 16.3% share of the Global Economy whereas China holds it as 16.5%- a neck to neck competition. The per capita income on the basis of purchasing power is regarded as base of ranking. But China seems still dwarf if calculated the per capita income as per present US market basis. For instance, the GDP breaks down to US \$55 000.00 per capita per year in the US compared with less than US \$8000.00 per person in China. It is estimated that USA will hold US \$65 000.00 and China US \$10 000.00 per person by 2018 (*www.chinainthenews.com*).

The economists argue that if the GDP is calculated in the current prices, the GDP in terms of sheer size, however, meaning not adjusted for the costs of living, the Chinese economy still dwarfs the US of \$17.4 trillion to US \$10.4 trillion. Dr. Rosita Dellious also gives justifications on “The Rise of China as a Global Soft Power (Dellious, 2004). *The Guardian* has brought out scholarly article accepting that the “Soft Power” is a key asset in the new international order (*softpower.com*).

In one hand, Xi Jinping demanded agreement with Barrack Obama for more US FDI in China, and on the other, the latest situation dealing with Donald Trump is that the Chinese investment patterns are shifted from China to outside due to slow growth suggested by World Bank for 7% growth to a member country of WTO in 2001. Sameil Andelini, in Financial Times, writes that looking at doing business in China, “the Chinese are now the biggest purchasers of expensive properties in London, New York and Sydney and the Chinese investors are buying everything from the Italian utility co's to the Waldorf Astoria Hotel in New York City (*reports/@ftreports.com*). That is an effort pertaining to a cohesive society.

Alibaba's US \$25bn share sale made Jack Ma, the richest man of China. It is exemplary in the capitalism from a socialist market economy that Alibaba shares ended their first trading day up nearly 40% and the company was valued at more than Facebook, Amazon, JPMorgan or Procter and Gamble. Since the growth rate is supposed to be controlled in China, many Chinese Co's are looking abroad to make investments, enter foreign markets and acquire valuable technology and brands until today ([reports/@ftreports.com](http://reports/@ftreports.com)).

It is natural that two Economic Super Powers are in the "tug of war" to sustain the Economic World Order which ultimately tends to a global cohesive society. On 24 October 2014, on the 69th Birthday of the UN, China signed agreement to establish International Development Bank known as "Asian Infrastructure Investment Bank" with total capacity of US \$50.00bn (now \$100bn+) proposed in 2013 to begin. It has been signed by important economic powers of the region including Nepal. But USA, World Bank, Asian Development Bank have/had different view. They had registered the opinion that it would undercut the role of the World Bank. That is why it is not hidden that USA indirectly tried to block its allies to participate in AIIB to be as the founder signatories. As a result, the countries working under the American Umbrella like Japan, South Korea, Australia and Indonesia did not participate in the Beijing International Development Bank signing meeting on October 24, 2014 ([www.chinainthenews.com](http://www.chinainthenews.com)). But now they had to change their viewpoints in conformity for a cohesive society.

Then Chinese Finance Minister Low Jiwei had clarified that World Bank and ADB are for poverty reduction but AIIB is for infrastructure development. But World Bank President Takehiko Nakao was in contrary to the view of the Chinese Finance Minister. Similarly at the beginning, ADB also was not happy with the AIIB and had strongly put the view that ADB already in 2009 had estimation of US \$8 trillion for the infrastructure development of the region ([ChinaInTheNews.com](http://ChinaInTheNews.com)). It is open secret that the establishment of BRICS ([brics.com](http://brics.com)) as well is not welcome to World Bank, IMF, ADB, EU and NATO -all in US virtual command having negative impact for a cohesive society.

On 3 November 2014, Bob Davis admits in *The Wall Street Journal*, "US Blocks China Efforts to Promote Asia Trade Pact at Free Trade Zone at Asia Pacific (Davis, 2014). Here is the ground why important countries like South Korea, Japan, Indonesia, etc. at the beginning, hesitated to join the signing ceremony of the 20-countries pact of establishing International Development Bank in Beijing.

Naturally, Japan also finds China overtaking its 2<sup>nd</sup> position. But power cannot be avoided, because, "Chinese Smart Phones Lift Japan's Electronic Business". To cite the upstart Chinese phone makers like XiaomiInc, Lenovo Group Ltd. and Huawei Technologies Co. etc. are increasingly undercutting smart phone giants like Apple Inc, and Samsung -Electronic Co. with and other problems! Similarly, "Him Rail Network", connecting India and China via Nepal, due to their bilateral security paradigms, is the best option of land route creating cohesive societies through stable economy (Nepal, 2014). Otherwise the option is open to appeal EU, Japan- the 3<sup>rd</sup> largest economy (Nepal, 2004), and ASEAN for the necessary FDI. Certainly both, the investors and the receivers, will benefit from the strategic location and potentials of Nepal and SAARC for a cohesive society.

## Conclusion

On domestic fronts, Nepal can imply 4T-HEI Model (Nepal, 2004) for economic development, PCDRS Model (Nepal, 2003) for conflict resolutions, 4S Model (Nepal, 2013) for state restructuring and finally forward Regional Navigation Paradigms of Foreign Policy as passed by Nepal Parliament in 2068 VS to mitigate the detrimental effects of restructuring the state for a cohesive society.

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# National and Ecological Security Contextualized in Nepal's “Development” Pathways

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## **Abstract**

*The study purports to analysis the environmental security issues in Nepal and its relation with the sustainable national planning. The concerns of ecological security need visible attention at all level from the policy to local. The paper is focused on the need of conceptualizing that there is need of resilience at the level of infrastructural development and maintenance and social capital enhancement and enrichment for a community to be able to withstand a particular event or disaster. Creating a resilient community helps to ensure the kind of development the world is looking for today.*

**Key Words:** Ecological security, socio-ecological resilience, environmental security

## **Introduction**

The general absence of basic security for survival and maintaining life such as food, water, place to live and natural resources needed to survive that can create instabilities. These issues are directly and indirectly connected to national security strategies globally as well as in Nepal. Although not understood from the point of view of ecological security, Nepal's security agencies are predominately involved in managing disasters that affect humanity historically. Hence, although such convergence in ecological and national security is not a new phenomenon, it requires new thinking and offer understanding of past role in new emerging context in a systemic ways for ecological safeguard and policy development so that roles of security agencies are maximized. The mind-set on national security is often related to conflict at human scale in a defense strategy level. Although, it is important context from geopolitical aspect, natural disaster and security agencies' pre-occupation often derails vigilance in more traditional level of national security at the outset.

The increasing number of countries is realizing delayed responses of change on the ecological front such as changes in water level, land degradation due to urbanization and even climate change. Such factor influence and trigger security concerns at multiple levels and can have domino effect. Nepal's position seismically is an example of such negative impacts in connection with level of governance (Transparency International Report 2017). Additionally, the strategic development context with potential of hydropower development can be impacted by climate change from sporadic flooding in the short term and increasing dry spells. One of the prime concerns could be infrastructural development leading to chaotic road building activities as an example in all ecological zones of Nepal.

The present paper highlights chaotic development practice can be a major source of ecological threat multiplier (Figure 1 and 2). Hence, the environmental disaster interacts not only in natural resources level but also from agricultural, social and political systems. It is therefore pertinent to appropriate planning and policy development to form national security context. Additionally, these practices can enhance our own boarder management and security effectively.

Because of receding water in our villages' dry out springs at the local level and growing demand for water in increasing urbanization and free market based society deplete and pollute groundwater. The receding Himalayas glaciers regionally and increasing population are quite a stress into natural resources system, hence these concern are important to the national security agencies which has cross boarder environmental ramification in terms of air, water and soil pollutions. All of these add to and affected by the kind of "development" country is undergoing contemporaneously.



**Figure 1. Sand-gravel mining as multiplier effect** (source: Author)



**Figure 2. Bad road-cut prace as a threat multiplier** (source: Author)

For security agencies all of the above issues have emerged with challenges. In context of absence of much relevant and needed data, meaningful interventions are very limited. And the resultant effect will put large population in an uneventful environment due to impacts such as flooding, road disaster where security agencies' role increases as in the time of "Gorkha" Earthquake of 2015 in Nepal. The earthquake killed more than 9000 people, displaced hundreds of thousands and devastated infrastructure and affected overall livelihood of people. It is therefore key to effective qualitative judgments to manage appropriate intervention taking into consideration of ecological factors that contribute to political, economic, and social forces to effective national security agencies' roles and

strategic goals of the country. In addition, diverse alternative energy sources that do not degrade national interest and resources are key elements of ecological security leading to effective national security. The security agencies' effectiveness through meta-disciplinary approaches can draw expertise from environmental, political and economic and behavioral sciences including traditional national security perspectives.

Although national security agencies are becoming aware of issues in crosscutting themes, the understanding and intervention should be empirical, heuristic and systemic. Heuristic approaches can be effective and speed up decision making. The systemic intervention is holistic which takes multiple issues in consideration and brings underlying factors of the events for effective intervention for lasting impact. And with the inclusion of human resources diversity culturally, security agencies have and increased multiple perspective to problem solving and intervention. Although, these efforts are encouraging it should truly benefit agencies' "modus operandi" not just through the lenses of "political correctness" but enhanced effective perspectives to be ingrained systemically. Like in more developed countries security agencies have been the fore-runner of innovation such as the Internet. Some of these issues enhance or support "deliberative democracy" not just the "traditional democracy". According to James Fishkin and Robert Luskin (2005), deliberative democracy have the characteristics of being "Informed (and thus informative)- arguments should be supported by appropriate and reasonably accurate factual claims, balanced-arguments should be met by contrary arguments, conscientious- participants should be willing to talk and listen, with civility and respect, substantive-arguments should be considered sincerely on their merits, not on how they are made or by who is making them, and comprehensive-a points of view held by significant portions of the population should receive attention." Hence, promoting the role of the security agencies does not only claim "political correctness" but also enhance societal value in recognition of communities' knowledge and resilience in the time of disaster during earthquake.

### **Socio-Ecological Resilience**

Besides many example of socio-ecological resilience in Nepal, foundationally, the role played by the security agencies (Figure 3) in "Gorkha" Earthquake. In many ways, the whole of society illustrated the resilience inherent in social capital as rural and urban community networks coming together. As we are in the time of natural disaster events bringing wider range of human and natural resource consequences, as a human society preparing to protect future generation is evident. These evidence is are testimonials of the APF engaged in protecting borders mandated with disaster management need to evolve because the natural disaster will be increased largely because of practices in use and abuse of natural resources and timidity to understand holistically on issues of "economic development" in context of socio-ecological slide. The above issues are not independent of it, but have to be contextualized with Nepal's development pathways.





**Figure 3: Security agencies involved in April 29, 2015 Earthquake in Nepal**

Source: [www.theatlantic.com/photo/2015/04/rescue-and-recovery-in-nepal/391967](http://www.theatlantic.com/photo/2015/04/rescue-and-recovery-in-nepal/391967)

### **Nepal's Development**

Similar to the disaster and the role of the APF, security agencies requires recognizing local and regional development issues as being important for local and regional governments since 1960 (Pike et al. 2006). Such contexts are influenced by global and international transformations which have multiple spatio-temporal and organisational dimensions (Held, 1999; Held and McGrew, 2007). Nepal's long bilateral relation with India and China are tied to culture, religion, trade and politics. It perhaps could be of importance to understand these development phenomena under the intellectual traditions of 'economistic fallacy' and 'self-regulating market' through Polanyi (1944) who called for 'significant interpretive' social science (Block & Somers, 2014 p. 7). Nepal's history of foreign assistance began in the 1950s and set of these assistance can be broadly categorised under bilateral, multilateral and NGOs. One of the earliest bilateral assistance from OECD countries included the United States Assistance to International Development (USAID) dating from the 1950s (Skerry et al. , 1991). Since 1950s there is increase in bilateral aid to Nepal The development planning phase in Nepal started in 1956 influenced by multilateral and bilateral agencies. Since the 1970s, multilateral assistance programs accounted for more than seventy per cent of funding for development planning in Nepal (DCD-DAC, 2010; MoF, 2014). After 1991, assistance was received in the form of program aid (services of experts to advise the government in training local personnel to perform research in technological fields, particularly the agricultural and health sectors), commodity aid (fertilizers, improved seeds, and construction materials), technical assistance and project aid (irrigation, hydroelectricity and roads projects (Ministry of Finance (MoF) ; Bista, 2006). The OECD record shows after 1990 Nepal's receipt of aid increased markedly (DCD-DAC 2010). Also, International Development Association (IDA) of the WBG and the ADB has been involved in various developmental activities in Nepal. Besides multilateral and bilateral aid agencies, NGOs are also involved in developmental activities (SWC 1992) owing to the sorrow of Nepal by "unveiling" the image of civil society (Bhatta, 2012). Aid as resource dependency, can have a number of unintended consequences such as inability to implement productive reform, poor retention of skilled government officials (Dutch Disease), poor control of budgetary oversights and discouraged competition over patronage leading to severe conflict (Bräutigam & Knack, 2004).

The heart of development discourse lies in the international and regional development concept where the theory of development aid is situated. Such a framework of understanding has been expounded by Higgins et al. (2009) and Pike et al. (2006). Development is a highly contested concept (McMichael, 2008). Chambers (2004) expands on the meaning of this and the sense of what 'development' is linguistically and develops a meaning that is attached to the professionals who are committed to development. He laments upon the following with regards to the concept of development.

"Development has thus often been equated with economic development, and economic development in turn with economic growth, often abbreviated simply to grow. But the meanings given to development have also evolved, not least through the concept of human development in the Human Development Reports of UNDP (United Nations Development Program). So the underlying meaning of development has been good changes" (Chambers, 2004, p. 2).

The heart of "security" is also tied to development aid where a number of multilateral and bilateral development agencies have been involved for more than half a century. The different ideological premises of developmental aid systems also characterise the scene of development concept and practices (Durosomo 1994). Durosomo (1994) investigates and brings to the fore the inadequacies of a framework of dominant development theories guided either by orthodox capitalist or Marxist ideology. Assuring such as food security and addressing poverty increasingly is attained through economic policies. However, Schanbacher (2010) cites critics who identify that the above mechanisms inherent in neo-colonial power have failed to form a desirable system for overall quality of life. In a similar vein, (Scherr et al., 2011) also highlight that even though half of the total world's population depends on smallholder farmers for food, large international agribusiness dominate the food agenda. The causal relationship between food security for developing nations and the growing reliance on international aid thus forms the core concern of security. When mismatches, the whole development prospects lead to characteristically different outcome with less impactful results.

Criticism of aid dependencies framed as the 'curse of aid' have become more frequent within the economic development literature, in which, the 'resource curse' is transplanted by the phenomenon of aid (Harford and Klein, 2005). Research by Knack (2004) and Djankov et al. (2008) suggests a weakening of institutions within countries that receive a high proportion of aid and this may subsequently have ramifications for a nation's food security.

The modalities of aid have been critiqued by many for several years. Sanchez (2009) recommends that the traditional approaches of food aid are not a better or viable option; rather helping farmers by providing training, market and farm inputs are 'smarter ways to combat hunger' and are more cost effective. However, an empirical study done in Sub-Saharan Africa by Durosomo (Durosomo, 1994) shows that the Official Development Assistance (ODA) generally influences development through ideology and practices that lead to either sustainable or unsustainable development. These are driven by technical and economic ideals which ignore social, institutional and environmental values operationalised in their funded projects. Moyo (2009) details the story of why aid to Africa is not working and offers different pathways for development than are currently in operation. Such arguments are not new: a similar position has also been maintained by Bauer (1979) and also by Easterly and Easterly (2006). The CATO (2010) states that Bauer, in his publications from the 1970s to the 2000 refuted 'conventional wisdom' and indicated that interventionism, statism, and social engineering are part of the problem. Higgins et al. (1995) show the intricate relationship between foreign aid and regional development, where bilateral and multilateral donors are engaged in LDCs national development planning as well as providing the capital necessary to carry out the task and implement the changes. In addition to this, multilateral aid agencies like the World Bank are also

used as a tool to extend the foreign policy agenda by their major shareholders (Dreher et al., 2009). Thus the failures of a traditional approach have also led to a rethinking of the situation by practitioners and academics of local and regional development (Pike et al., 2006).

### **Economics, Development and Cultural Transformation**

Societies around the world have grappled with issues of economic, developmental and cultural change currently as well as historically. Ancient cultures especially those of China, India and Greece evolved within these contexts in their state affairs. Chinese philosophical roots had a complex formation of thousands of years of history which extends beyond the Confucius (551–479 BCE) and Dao (3rd or 4th Century BCE) eras. Similarly, in India, Kautilya was a thinker, an academic and the Royal advisor from 300 to 400 BCE and produced two major treatises: Arthashastra and Nitishastra (Ramaswamy 1962; Boesche 2003). These documents are written in a form of poetry similar to other Sanskrit literary works. These treatises cover areas of concerns in politics, military warfare, law, accounting systems, taxation, fiscal policies, civil rules, internal and external trade and agricultural management such as irrigation, protection of crops, harvesting and storing the produce (Boesche, 2002). This philosophical and natural treatise has subsequently been very influential and even today, these treatise are discussed in South Asia.

Greek civilisation succumbed with the succession of the Roman Empire during the 2nd Century BCE and Greek ideologies. Greek philosophy (4<sup>th</sup> Century BCE) attributed to Plato also immersed in philosophy, economics, maths, science and culture. Appealing to this civilisation became part of Roman civilisation and this too eroded over time. Even though these civilisations were characteristically different based on their practices and thoughts, the cultivation of thought and practices were grounded in the needs and desires of the people and the environment they lived in. Well-developed systems of thought in many areas of human aspects and natural laws were evident. Although such societies had wide influence, smaller societies were also advanced with their unique worldview (Inglehart and Welzel, 2005, Tinker, 1990). For example, Nepali civilization evolved its own characteristic roots where a greater Indic civilisation called Mahabharata owes its primal to abode of ice called the Himabatkhand of present day Nepal. Nepal civilization evolved through thousands of years before the time of Gautam Buddha (Shrestha and Singh, 1972). Similarly, after the persecution of the rulers of the principalities by the Mughal Emperor of India, many fled to Nepal in 900 CE and successively settled in different hill communities of Nepal (Shah 1989). Therefore, there has been a collective carving out by people of their living strategy in different historical, territorial and regional contexts. Thus prior to the modern evolution of economics taking place over the past two hundred years ago as introduced from Europe, stand some iconic figures who were able to relay seminal thoughts during their times on social scientific understanding. An example is that of Muqaddimah was written four hundred years prior to the birth of 'modern economics'. This is a book written by Ibn Khaldun, a 14th century North African scholar of natural and social sciences (Gates, 1967; Khaldûn, 1969), which focused on human affairs. This exposition emphasises the importance of environment and humanity together when creating livelihood that inherently requires cooperation for continuity as Khaldûn (Khaldûn 1969) suggests:

[that] our mothers' wombs and houses are our abode. Sustenance and food keep us alive. Time wears out. Our lives' final terms, the dates of which have been fixed for us in the Book (Destiny), claim us. He lasts and endures us. He is the living one who does not die (Khaldûn, 1969, p. 3).

The progression of economic thoughts during the time of Francis Quesnay's (1694-1774 AD) *Tableau économique* in 1758 of Physiocratic School and Adam Smith's (1723-1790) *An Inquiry into the Nature and Causes of the Wealth of Nations* in 1776 is now approximately two and a half of

centuries old. The Physiocratic School particularly upheld the notion that ‘the economic process could be understood by focusing on a single physical factor: the productivity of agriculture’ (Cleveland, 1999). This idea emanates at different scales and times of civilisation. Modern economic thought grounded in the Age of Enlightenment is thus only an extension of prior understandings of livelihood, as are commonly expressed when modern economic writing accredits it to the Greek οἰκονόμος. Theories proposed by Thomas Malthus (Malthus 1798) had a different stance towards the market and the economy during his time, opposed to the classical economists and saying

the principal cause of error, and of the differences which prevail at present among the scientific writers on political economy, appears to me to be a precipitate attempt to simplify and generalise (Hodgson, 2004).

The *Capital in the Twenty-First Century* by Thomas Piketty published in 2014, is a book on wealth and income inequality that highlights fundamental drawbacks of capitalism. The centrality of concentration of wealth for the last 250 years is the feature of capitalism that helps to produce inequality and can be addressed by progressive global tax on wealth because concentration of wealth does not self-correct for the majority of society (Piketty 2014). Although Piketty’s critics can apply to invalidate the expansion of ‘neoliberalism’ in peripheral societies to reduce ‘poverty’, other richer definitions of capital by Costanza and Daly (1992), Hawken et al. (2013) and Porritt (2007) can offer alternative insights. Capital therefore, is complex and more detailed than an economic one which is defined as ‘a stock that yields a flow of useful goods or services into the future’ (Daly 1996 p. 80). This certainly leads to the idea of social and cultural capital as important to serve a sustainable future. There are alternative sustainability approaches such as ‘triple bottom lines’ (Elkington, 1997), and in *Natural Capitalism* (Hawken et al., 2013) they are seemingly simplistic. The triple bottom line primarily focuses on economy and environmental problems as the externalities (Milne, 2005), and a newer set of understanding for sustainable outcome is through focusing on ecology, economics, politics and culture (Magee et al., 2013)

Many bureaucrats of aid-receiving countries are trained under aid packages (Ramalingam, 2013). Policy makers are influenced by donors (Bourguignon and Sundberg 2007) and foreign advisors offer key capacity building trainings and education (Cohen, 1992). The areas where training was received related to development theories (Larain 1989) such as economy, politics, ethnography, law and agricultural sciences. In a similar fashion, scholars are still supported to improve upon those ideas and practices and also in overall governance of society through new theories in market development, social sciences, and the latter includes gender and ethnic studies, human rights, conflict, and democracy. This is illustrated in the development paradigm of modernisation, liberalisation, marketisation and MDG focus starting from 1950’s to date. In this way, these societies are burdened with a prescribed learning. The classic example is why a nation as ancient and small as Nepal grapples with such tenuous ideologies as capitalism and Marxism, both of which are not the product of the country, nor of the continent as large as Asia (Heywood, 2012). The literature and narratives brought out by many social and natural scientist in Nepal and elsewhere is the product of the time. One example is given in a development book *Fatalism* (Bista, 1991) that is written about Nepal’s earlier development. It is the rejection of culture and comes as a replacement of Bista’s theory of ‘modernisation theories work’.

## Conclusion and Recommendation

The Environmental Security issues need to fit into our national planning because it is the most important issues to Nepal and regionally within South Asia. It therefore needs attention at all levels of government to mainstream national security because of increasing disasters we face related to

environments detriment. As we accept climate change, energy, water and food security as quintessential to not only survival but prosperity of the future, we are also challenged with the developmental activities specially of infrastructure such as road buildings, hydropower and any other building project requires cumulative understanding of our economic, social and environmental wellbeing. These contexts are also relevant to resilience at different levels from policy to implementation of activities for creating resilient community. This requires resilience at the level of infrastructural development and maintenance and social capital enhancement and enrichment for a community to be able to withstand a particular event or disaster. Heuristically, advances in behavioral and social sciences that integrate with the physical sciences allow for a more sophisticated understanding of those dynamics to help solve our today's and tomorrow's problem.

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# Recent Trends in Nepal's Foreign Policy, and Role and Functions of Our Diplomats: A Personal Viewpoint

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## Abstract

*In today's world, diplomacy is considered as a basic principle in guiding the states. Since the historical era, the meaningful pursuit of diplomacy has been through the in-depth knowledge on the national determinants that signifies national goal and objectives. Actually, the foreign policy does not exist in vacuity, so the course of action to achieve the national goals of any state is only possible through diplomats having vibrant character. In Nepal, due to political instability, slow deployment process and selection of non-diplomatic persons has created diplomatic isolation. This paper identifies the modern Nepali trends in selection of competent diplomats due to the cause of political saps. This is the genuine concern to be corrected by the authority in order to enhance the essence to deploy an ideal diplomat who offers in-depth knowledge and idea about the modern diplomacy. Only, those efforts are represented through diplomats who are the image of the state. This research paper is based on descriptive study applying secondary sources of literatures as regards to modern diplomacy, international relations and foreign policy in context of Nepal and these components are analyzed to provide a clear picture of recent trends of Nepali foreign policy and functional skills of diplomats in diplomatic mission.*

**Key Words:** Diplomacy, diplomat, foreign policy,

## Introduction

*"This country is a yam between two boulders. Maintain good relations with the Emperor of the North. Maintain good relations with the Emperor of the South staying overseas but he is very shrewd keeping Hindustan under his tutelage"-Prithvi Narayan Shah, architect of modern Nepal*

*"In archaeology, you uncover the unknown. In diplomacy, you cover the known" [Thomas Pickering Quotes. (n.d.) ]. Thomas Pickering (1931-), US Under-Secretary of State/ambassador to UN, India, Russia, Israel, Jordan and El Salvador].*

*"Study history, study history. In history lies all the secrets of statecraft" (Woolcock, Szreter&Rao, 2009). Sir Winston Churchill (1874-1965), Prime Minister and scholar of United Kingdom*

*"If we open a quarrel between past and present, we shall find that we have lost the future". Sir Winston Churchill*

*"Foreign Service is the United States' first line of defense". Dean Acheson (1893-1971), US Secretary of State*

*"An ambassador bears no blame". Chinese Proverb*

*"Diplomacy: the business of handling a porcupine without disturbing the quills". Unknown*

*"...We have no eternal enemies, and we have no perpetual enemies. Our interests are eternal and perpetual and those interests it is our duty to follow..." Lord Palmerston (1784-1865), two times British Prime Minister and a long-time Foreign Secretary serving three terms*



*“...the Foreign Minister is a vehement champion of his own national interests. Indeed, his basic function is to get as much as possible for his country while giving as little as possible in return. He is more obliged than any of his colleagues to perceive his limitations of national positions and to seek legitimacy for national policies in terms of a broader ideal. Public opinions and his own colleagues are liable to make the Foreign Minister the scapegoat for the nation’s inability to get its own way”.* Abba Eban, Statesman, diplomat, writer, scholar and Foreign Minister of Israel

*“Whatever policy you may lay down, the main feature of the foreign policy of any country has to be to find out what is most advantageous to her. We may talk about international goodwill and may mean what we talk. We may talk about peace and freedom and earnestly mean what we say. But in the ultimate analysis a government functions for the good of the country it governs and no government dare do anything which in the short or long run is manifestly to the disadvantage of that country. Therefore, whether a country is imperialistic or Socialist or Communist, its Foreign Minister thinks primarily of the interests of that country. And no doubt so”.* Pandit Jawaharlal Nehru (1889-1964), Prime Minister/External Affairs Minister of India 1947-64 and noted scholar

*“Prime Ministership is not my profession and I would have resigned but for one thing, and that is my interest in the foreign affairs portfolio. In the field I came to know much more than anybody else in the country. And it is because I feel that by running the External Affairs Ministry I do something good and useful for the country that I have not resigned my office”.* Pandit Jawaharlal Nehru

The above quotations are clear and call for professional handling of foreign policy by trained people so that they can not only be conscious of their national interests but also pursue a policy taking into account international norms and practices.

Diplomacy is the art of management that uses the mechanisms of coercion and consent among the various actors of international politics (Aksoy, 2018). Diplomacy and diplomats existed long before the advent of professional. Then, the question arises as such who is diplomat? Diplomat is a person who carries out the art using his professional knowledge in international forum for the best interest of the nation. Foreign Service that was the terminology used by British diplomatist Alexander Cunningham only in the early 18th century and long before the practice of the formal institutions of foreign ministry or foreign minister came into vogue. The peace of Westphalia, the Vienna and Aix-la-Chapelle congresses, two devastating world wars, the invention of nuclear weapons, the inauguration of international regimes, the disintegration of the Soviet Unions and the end of Cold War, the technological revolution and the emergence of global terrorism are just a few examples of numerous noteworthy developments evolving the phenomenon of diplomacy, and urging thinkers to make new interpretations of the concept (Aksoy, 2018). Traditional diplomats were not professionals trained in the art and culture of diplomacy but encompassed a wide variety of people. This included a whole range of dispersed, scattered, variegated and amorphous entities over the long period of years and essentially consisted of princes and family members of rulers, courtiers, soldiers, clergymen, businessmen and political people, both desired and undesired. The latter class generally meant glorious exile of some senior people who were virtually unwanted in the sending country or in a way not palatable to the ruling circles.

Clearly, for the diplomat of the 21st century, success hinges on being proficient in a multitude of areas and familiar with a variety of tools (Lindstrom, 2002, p. 18). These have now been completely replaced by professional diplomats practically all over the world. Today’s more dynamic global environment means that diplomacy must pay attention to a broad range of constituencies within nations, from minor political parties to powerful corporations to the press to public interest groups

(Kaden, 1999, p. 24; Lindstrom, 2002, p. 9). But in context of Nepal, we perhaps tend to believe more in tradition and convention in forms and semantics if not in actual substance, Nepal has continued to rely more on this rather archaic and obsolete brand of diplomacy in the form of non-diplomatic diplomats and non-professionals. It is a pity that despite claims of radical transformation in governance and even systemic changes, Nepal doles out plum and major diplomatic postings to amateurs and neophytes playing no role nor commanding any respect in the community. This has produced a powerful but disorganised vested constituency at home jockeying for positions in diplomatic postings with no apparent result or even contributing to opposite and counterproductive impact in the conduct of diplomacy.

In the world of practising diplomacy, diplomats have far greater role not only in shaping the destiny of bilateral or multilateral relations but also portraying true picture of the country they represent. As the world gets complicated and complex with changing complexions of various kinds, the roles and functions of diplomats have seen marked changes even though as a subject matter, diplomacy is quite resistant to change and diplomats are asked to perform so many traditional functions apart from imbibing changing contours of modern diplomacy. Another visible revolution is taking place in the business and finance sector where a variety of indicators point to greater international activity (Lindstrom, 2002, p. 10). Even in this aspect whether in the garb of economic diplomacy, political message, remittance flow, climate change and environment, terrorism and security, strategic and military diplomacy or even inclusion, non-diplomats have been able to carve out a special niche in Nepalese diplomatic appointments with little concrete results for the country. On the other hand, entrusting non-diplomats with diplomatic jobs has led to political and diplomatic embarrassments and faux pas on many counts.

Foreign policy is truly an extension of domestic policy and can't essentially be divorced from the internal political dynamics. Though forces of continuity and change characterise foreign policy, nations have often preferred continuity and even status quo defying urge for changes that may be one answer why we hear disappointment with our foreign policy courses and decisions from internal actors. However, there can be no excuse for resorting to non-diplomatic methodology in the selection and practice of diplomats and diplomacy as if this is only typical to Nepal.

Frequent changes in the position of executive heads and foreign ministers like in Nepal have denied the much required stability in terms of formulating and executing foreign policy. Diplomatic isolation seems to be the trend in our case as political instability saps the very essence of our diplomatic efforts to enhance the image of the country not to speak of long-term engagements.

For many years, the portfolio of foreign affairs was also taken as a part-time job not necessitating a full-fledged Foreign Minister or clubbed with the post of Prime Minister as we probably thought it prudent to take cue from Pandit Jawaharlal Nehru who was his own External Affairs Minister throughout his tenure from 1947 to 1964 including his almost one year stint in the Provisional Government or Zhou Enlai who did not appoint a full-fledged Foreign Minister for almost a decade as he might have thought it more appropriate to handle the job directly.

With successful completion of elections to three tiers of government under the federal democratic order as espoused by the Constitution of Nepal 2015 and formation of a Left Alliance government under the leadership of Prime Minister K.P. Sharma Oli that took power on February 15, 2018, it is expected that Nepalese diplomacy will see a new status in terms of stability and firm footing to further national interest and promote rapid socio-economic transformation of the country.

The major problem in Nepal is that there are too many changes in the position of the Foreign Minister as they accompany unstable formation of governments and their changes. A cursory view of the post of Foreign Minister after its creation exactly 67 years ago shows that there have been 91 changes in the portfolio including the recent induction of the new government when Prime Minister K.P. Sharma Oli has for the time being assumed the post of Foreign Minister. The post of Foreign Secretary of Nepal is, however, both an island of stability in over-all sense except some rare exceptions. As numero uno of the Foreign Service, the post has a vital and central role in formulating and executing foreign policy. It is, however, unfortunate that the authority of the post of Foreign Secretary already not in line with that of other SAARC countries has gradually denuded with the passage of time. So far, there have been only 25 changes with 23 people assuming the role of the top official of the Ministry of Foreign Affairs (MOFA).

That there is virtual disconnect between MOFA and missions abroad is more than proved by continuing arbitrariness in the selection and posting of top and senior diplomats. It seems we have failed to draw right lessons from our own experience and that of our neighbours not to speak of general international trends. It seems we are likely to continue this course for many years to come as there is a mistaken impression in the psyche of Nepalese political class that political appointment of such posts serves its purpose better.

On the other hand, Consular positions though taken as the kernel of modern diplomacy in all countries have virtually been outsourced to other departments and ministries in Nepal as if the Ministry of Foreign Affairs (MOFA) is either incapable of handling them or relishes in relinquishment of these services. In recent years, MOFA has turned into a virtual post office, orphanage or simply a damage control switch box as one wishes to put it. In addition, the emphasis these days seems to be more on quantitative rather than qualitative growth weakening our foreign policy. No attempt has been made to utilize experience and expertise of people who have accomplished these virtues during their stints in the service. A simple example is the blunder committed by successive governments to constitute committees with majority of non-diplomats and people with vested interests to look after and suggest improvements in the service, a job primarily given to professional diplomats in other countries. It seems in many cases, such appointments have been made as a preparatory or rehearsal exercise to inducting such people for major diplomatic assignments.

## **Review of Foreign Policy in 2014-2017**

2014 saw two major visits at bilateral levels, Prime Minister Sushil Koirala's attendance of the swearing-in of Prime Minister Narendra Modi following the resounding success achieved by the National Democratic Alliance led by the Bharatiya Janata Party under the stewardship of Mr. Modi in May 2014. The other visit of the year was the much-publicised official visit paid by Prime Minister Modi to Nepal. It was the second bilateral visit by the new Prime Minister of India to any foreign country after his taking over as the chief executive of the country. His speech in Nepalese parliament and his personal diplomacy emphasizing four Cs, cooperation, connectivity, culture and constitution, along with signing of ten agreements won the hearts and minds of the people and he became an instant celebrity in Nepal. This was also the first bilateral visit by Indian Prime Minister after a long gap of seventeen years.

Mr. Modi's visit to Nepal was preceded by the Third Meeting of the Joint Economic Commission at the level of Foreign Ministers that was pending for a very long time in July and the two sides

expressed their determination to speed up bilateral projects and enhance mutual cooperation in several areas.

The last part of the year (November 2014) saw Nepal's hosting of the 18th SAARC Summit in Kathmandu that saw the participation of all leaders from South Asia. Prime Minister Modi again had the opportunity to visit Nepal for the second time.

The year 2015 was important in the sense that Nepal suffered colossal human and material losses as a result of mega-earthquake that hit Nepal on April 25, 2015. The international community pledged substantial aid to Nepal in the task of reconstruction during the international conference held in Kathmandu after two months of the deadly earthquake. However, it is a matter of serious self-introspection as we have badly failed in our efforts for undertaking reconstruction and rehabilitation measures despite almost three years of dreadful tremors.

Compared to the experience of 1934 earthquake when the country had serious problems of both human and material resources including infrastructures and transport connectivity, it is unfortunate that we have not been able even to replicate what we had achieved more than eight decades ago. It may be recalled that Nepal had been able to fully reconstruct and rehabilitate the country within four and half years of the killer quake of 1934 without any outside support.

The year 2016 marked the state visit of Prime Minister K.P. Oli to India and this was followed by his official visit to China. While the visit to India was taken as a serious attempt on the part of Nepal to repair the damage inflicted on bilateral ties caused largely by disruption of supplies of essential commodities from India earlier, the visit to China proved historical in the sense that some major agreements including a transit agreement were signed during the visit. Two more visits at the level of the Prime Minister from Nepal (Pushpa Kamal Dahal 'Prachanda' and Sher Bahadur Deuba) to India also took place during the subsequent period.

Major landmarks in Nepal-India relations during 2016-17 were the exchange of state visits between the two countries. Then President Pranab Kumar Mukherji paid a State Visit to Nepal in November 2016. This was reciprocated by the State Visit undertaken by President Bidya Devi Bhandari in April 2017.

The Eminent Persons' Group composed of the representatives of the two countries constituted for the purpose of making suggestions for enhancing bilateral relations has already held seven meetings so far and the Group is expected to submit its recommendations later this year. Even in composition of the groups from the two countries, it seems Nepal has missed the opportunity with the impression that the MOFA has apparently outsourced the job unlike the case of India.

The major problem in case of Nepal's foreign policy along with other domestic functions is lack of sustained homework and failure to keep momentum on various matters that have crucial role in augmenting and reinforcing bilateral ties. A major decision in the way of expediting bilaterally agreed projects was the constitution of an oversight mechanism consisting of the Foreign Secretary of Nepal and Ambassador of India to Nepal with provision for regular monthly meetings.

That Nepal has given adequate importance to the portfolio of foreign affairs is amply proved by the fact the rank of at least one-third of deputy prime ministers in the context of a plethora of such positions in Nepal in the recent past, is allotted to those holding the position of foreign ministers. So far, at least eight people, Kirtinidhi Bista, Madhav Kumar Nepal, K.P. Sharma Oli, Kamal Thapa, Ishwar Pokhrel, Narayan Kaji Shrestha 'Prakash', Krishna Bahadur Bohara and Upendra Yadav, have held the portfolio of foreign affairs along with their senior ranks of deputy prime ministers.

In the first half of February 2018, a high-level task force has submitted its report on ways and means of streamlining Nepalese foreign policy. Though the report is yet to be made public, it is apparent that the task force headed by the Foreign Minister seems to have once again missed a big opportunity by not taking inputs from professionals in the foreign office as it was dominated by non-diplomats. As already said earlier, in similar situations, such reports are written by career diplomats in other countries including India and other countries in our neighbourhood.

To conclude, let us be optimistic that the new government would rise to the occasion and pave way for a professional and more pragmatic handling of Nepal's foreign affairs. It is incumbent on the MOFA to take a lead in this matter and impress on the authorities that Nepal can't remain in isolation in terms of making our foreign policy and MOFA more professional and action-oriented as there are no grounds for amateurism in foreign policy.

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This college trains its selected officers in the administrative, operational, staff and policy aspects of the organization. Besides, participating officers get an opportunity to have Masters in Security, Development and Peace Studies hand in hand with professional studies of Command and Staff Course.

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