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# THE INTERCONNECTEDNESS BETWEEN INSTITUTIONAL QUALITY, CIVIL WAR AND INSTITUTIONAL REFORM: A CASE STUDY OF NEPALESE MAOIST CIVIL WAR

Saroj Kumar Aryal

Faculty of Political Science and International Studies, University of Warsaw, Krakowskie Przedmieście 26/28, 00-972, Warsaw, Poland, ORCID: 0000-0001-5094-3590  
e-mail: sk.aryal@uw.edu.pl

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## Abstract

Various factors trigger civil war, depending on the society and stages of political development. But analyzing it through the quality of an institution or some provisions of institutions may lead to a possible cause of a civil war. Thus, the primary objective of this article is to investigate institutional quality and its role in triggering a civil war. This paper argues that there is interconnectedness between institutional quality, civil war, and institutional reforms, which occurs as a series of events. Although the article provides many examples, in the second section, the case study of Nepalese decade-long civil war and post-civil war institutional reform has been presented to back the argument made in the paper. By discussing various dynamics of historical institutionalism, the paper mainly analyzes the primary and secondary sources.

## Key words

Civil War, Institutional Reform, Institutional Design, Institutionalism, Nepalese Civil War.

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## 1. Introduction

Since World War II, civil wars have become the dominant mode of violence around the world, resulting in approximately 20 million deaths. Civil wars are the most violent type of domestic conflict and have devastating economic, political, and social implications; therefore, factors that increase their possibility must be understood. Yet, on a cross-national basis, the consensus remains minimal on the causes of civil wars (Sambanis, 2003). Although there are various trigger factors, a recent study suggests that greed,

opportunity, and grievance are a common spark of civil war. S. Murshed (2002) wrote that underdevelopment is the main cause of civil war. The author made a claim based on many civil wars in Africa. However, there are examples of Ireland, Sri Lanka, or Colombia where civil war reflects the quality of institutions or the governance system adopted by the institution rather than under-development. Providing the case study of the Revolutionary Armed Forces of Colombia (FARC), A. Arjona (2016) made the argument that people fighting civil wars aim to establish a different institution in the territory where they

operate. Thus, it is necessary to shift the focus a little on the quality of an institution rather than directly connecting it to underdevelopment, greed, and opportunity in general.

Reform of state institutions after an armed conflict is considered by a growing number of studies today to be of paramount importance for fostering sustainable peace and democracy (Ansorg, Kurtenbach, 2017; Paris, Sisk, 2009; Wolff, 2011). If violence arises because identity groups revolt aggressively to counter their political or economic exclusion, changing state structures so that the post-conflict politics becomes more inclusive or democratic may have a pacifying effect. Consequently, changes to facilitate nonviolent, institutional conflict management can include the redesign of state territorial structures (Brancati, 2006), the reform of electoral or party processes (Boogards, 2013; Reilly, 2006), or the engineering of state security institutions (Bryden, Hänggi, 2004). All available literature related to post-civil war institutional reforms indicates that rebellions tend to focus on changing the electoral system, federalism, and security institution. However, the interest of a civil war may lie in changing the whole institutional system or a small portion of it. For example, the rebellion of the Sri Lankan civil war demanded an independent homeland within Sri Lanka for Hindu Tamil populations (Mapping Military Organizations, 2018). They wanted to separate themselves from the centralized governance system so that they could establish a new Tamil-Hindu friendly state. But, in contrast, the civil war in Nepal demanded the social and economic transformation of the entire nation (Crisis Group, 2005a). Although it sounds vague, social and economic dynamics are the major pillar of the governance system.

The Maoist insurgency officially began on 13 February 1996 with an attack on a police post in Rolpa, a district in western Nepal, by members of the Communist Party of Nepal (CPN)-Maoist. The CPN-Maoist had taken part in the first democratic elections in 1991, but by 1994 they had chosen to take a different path to their goal. Having a basic understanding that the absolute monarchy of Nepal has institutionally exploited the deprived, ethnically marginalized, and socially excluded group, the key goals were to create a republic of the people and to establish a constituent assembly to draft a new constitution (Do, Iyer, 2010). About 17,000 civilians were killed in battle. Around 1,530 people went missing and more than 8,000 were injured or physically disabled (Adhikari, 2019). Despite the extreme economic and human loss, the pro-democracy movement initiated jointly by the Seven Party Alliance (SPA) and the Communist Party of Nepal (Maoist) saw a change

in Nepal's political environment, putting an end to the decade-old Maoist uprising as King Gyanendra stepped down on 24 April 2006 (Mohammad, 2008). The civil war drastically reformed the institutions of Nepal from absolute monarchy to republic, from the Hindu nation to a secular state, and from a centralized governance system to a provincial/federal system. Similarly, the conflict succeeded in providing oppressed communities with broader political space to express their grievances, especially 'Dalits' (the so-called untouchables), women, landless and ethnic and indigenous people (Sunam, Goutam 2013). The process was carried out through a series of negotiations and the first Constituent Assembly (CA) election. The election of the Constituent Assembly (CA) was an important part of the peace process aimed at turning the conflict into peace. Nepal carried out two CA elections in a short period. On 10 April 2008, the first CA election took place, but the first CA failed to enact the constitution and was dissolved on 28 May 2012 (Adhikari, 2017). It took Nepal almost 8 years to promulgate the 'Constitution of Nepal 2015', but it secured all the institutional reform agendas set during the civil war by the rebellion force.

In trying to categorize the literature that addresses causes and effects of a civil war, the information is scattered. Some considered underdevelopment to be the major cause, and some considered greed and opportunity as the other cause. This paper analyzes the quality of the institution as the major factor that triggers a civil war and later reforms of institutions. Firstly, this research will discuss the approaches to attempts to analyze institutional reforms; secondly, it will present institutional connection between the quality of the institution and a civil war; thirdly, it will present the case study of Nepal's civil war that explains the interconnection between institutional quality, civil war and institutional reforms.

## 2. Theoretical and Methodological Approach

### 2.1. Historical Institutionalism (HI)

Instead of giving the theoretical framework, historical institutionalism simply provides an approach to studying politics and social changes. This approach differs from other social science approaches in its attention to historical orientation, empirical problems in the real world, and the organization's structure, forms of actions, and performance. Historical institutionalism draws attention to how dependent national designs form the desires of the domestic community and, therefore, how governments are accepted in foreign positions (Fioretos, 2011). Historical institutionalism is a subfield of American

and comparative politics where, alongside rational choice institutionalism, it attributes practical and theoretical debates and defines the form of processes that constitute international relations, including the legacy of key moments that define long-term power relations (Fioretos, 2011).

When P.A. Hall and R.C.R. Taylor (1996) conducted thought-provoking research on three new institutionalisms and provided an opportunity to re-evaluate the strengths and weaknesses of the existing institutionalism, they emphasized the necessity of interaction between rational choice, sociology, and historical institutionalism. Institutionalists have reached consensus in that they all see institutions as laws that structure behavior. Their interpretation of the essence of subjects whose acts or behavior are structured is where they vary. The school of rational choice claims that human beings are rational individualists who, in the decisions they face, weigh the costs and benefits. Institutionalists of rational choice think that institutions are relevant simply because they frame the strategic actions of the individual. They think people obey rules because they are strategic actors who want to optimize their individual or personal gain. Furthermore, sociological institutionalists perceive human beings as inherently social beings. In this view, people are not as self-interested or as 'rational' as scholarship for rational choice would have it (March, Olsen, 1989).

Time is the main component of HI, E. Voeten (2019) and H. Farrell and A.L. Newman (2010) explain that HI emphasizes how organizations are influenced by timing, sequence, and path dependency, and how social, political, economic actions, and change are formed. Our preferences are dictated by the rules produced by early agents, and history affects our preferences; according to 'Path Dependence' which is one of the pillars of HI, it is not preferable to modify institutional rules, structure, etc. Nevertheless, occasionally, there are extraordinary moments when everyone is open to fundamental change. Revolutions and critical crises, which are either potential or pose danger of changing the law, are the key determinants/factors in this sense called 'Critical Junctures.' In an institutional study, critical junctures are characterized by a situation in which the systemic forces on political action are substantially relaxed for a short duration (Giovanni, Kelemen, 2007). Likewise, HI also can do a micro-analysis of minor events that ultimately can cause a bigger event. Additionally, in a historical and comparative context, the best way to clarify historical institutionalism (HI) is to situate this approach, demonstrating where the approach originated and how it varies from other social science approaches (Steinmo, 2008).

Two major intellectual agendas have emerged within institutionalist scholarship in recent years. The first one is an effort to better understand the processes of institutional change; the second one is an attempt to understand the role of ideas in history and politics. In the context of our research, we will focus on the process and components of institutional change.

## 2.2. Institutional Change

Structures and rules that regulate relationships focus on structural improvement. According to C. Hay (2002), because of multiple influences, the characteristics of change are dynamic, unpredictable, and invariable. By comparison, institutions are conceptualized as frameworks external to actors, according to V. Schmidt and J. Monnet (2008), constraining them through historical paths that form their behavior. These players, rather than agents, are formalized as corporate actors such as unions, bureaucracy, companies, politicians, and so on. M. Coccia (2018) divided the institutional design approach into three-part. The first one is based on institutional design, and in this approach, structural reform is a process of centralized and collective choice in which the laws of a collective political body, such as the society or the state, are specifically defined, and individuals and organizations participate in collective action, confrontation, and bargaining. G.D. Libecap (1989) also argues that institutional reform is a path-dependent process: institutions can be a result of current technology, but also previous institutions and technologies. The second one is the evolutionary theory of institutional change, and the main argument of this approach is that institutional change is an evolutionary process (Kingstong, Caballero, 2009). Theories of evolutionary institutional change indicate that human behavior, such as learning, imitation, etc., is responsible for institutional change. The role of the selection process in deciding which laws arise and are adapted in socioeconomic environments is the difference between evolutionary theories and design-based theories. The third one is the theory of the equilibrium view of the institution, and this perspective tries to deal with structured and informal rules in a cohesive setting by moving the emphasis from behavioral rules to the behavior itself (Greif, Laitin, 2004; Myerson, 2004). The institutional perspective considers the vital role of both formal and informal rules as instruments that enable players to cooperate on one of these many balances by enabling them to achieve a common set of beliefs about each other's actions both on and off the path of play.

### 2.3. Methodology

The available literature on institutionalism supports the argument that a minor flaw in the institutional system can cause a disastrous civil war. Within 'new institutionalism', historical institutionalism allows conducting an in-depth analysis of past events that can trigger a big event in the present or future. Therefore, to understand the flaws in the Nepal government institutions that caused the civil war, research has to use HI as the main theoretical approach. Using the same theoretical ground, the next section presents a categorical analysis of the causes of civil wars. Furthermore, Nepal had a very unstable governance system in the past seven decades, so to understand the institutional change, the research has particularly used the 'evolutionary theory of institutional change'.

The qualitative case study is a research methodology that encourages investigation of a phenomenon using a variety of data sources within its context. This means that the problem is not explored through one lens, but rather through several lenses that make it possible to expose and appreciate various dimensions of the phenomenon. Within the qualitative framework, this research aims to use the 'case study' as the main methodological approach. According to R.K. Yin (2003), the design of a case study should be taken into account when: (a) the study aims to address the "how" and "why" questions; (b) the actions of those involved in the study cannot be manipulated; (c) contextual conditions are to be covered because they are considered important to the phenomenon under study; and (d) the boundaries between phenomena and meaning are not explicit. The research intends to establish the understanding of the quality of the institution that triggers the civil war, as the quality of an institution is ultimately responsible for unequal distribution of economy or the opportunities, institutional exploitation of minorities or the people from certain ethnic groups. The civil war that ends in a peaceful process targets to fix the loopholes in the institutions. Thus, this research presents the events and timeline associated with the case study that fits the proposed argument.

### 3. What causes a civil war?

A collection of necessary and adequate conditions which can be applied mechanically cannot be given by any abstract concept of civil war. The process of classifying the countries that have undergone civil wars is tough, even with a good abstract concept of civil war. The understanding that we have are

completely based on the close reading of the historical narratives of countries experiencing large-scale conflict as all cases are distinct. In the concept of civil war, not all countries can share every aspect (Gersovitz, Kriger, 2013). Likewise, while talking about the cause of a civil war, the answer rather comes back as skater information. Many studies have been conducted on the subject of causes of civil wars. Based on the causes of a civil war, their categorical study can be conducted.

Referring to the economic deprivation of the United Nations Millennium Development Goals: 'Poor and hungry societies are much more likely than high-income societies to fall into conflict over scarce vital resources, such as watering holes and arable land. Poverty increases the risks of conflict through multiple paths' (UN MDGs, 2006). Two key studies provide this argument with some empirical evidence. P. Collier and A. Hoeffler (2004) notice that revenue variables have a tremendous explanatory capacity, which may be responsible for certain complaints, but are perhaps more relevant to the feasibility of rebellion. It was also noticed by J. Fearon and D. Laitin (2003) that lower income per capita raises the risk of a civil war. They argue that income per capita is a proxy for the total economic, administrative, police, and military capabilities of the state. Similarly, scholars like G. Ostby (2008), M. Humphreys and J.M. Weinstein (2008), Z. Taydas and D. Peksen (2012) argued and presented poverty as the main factor of civil wars. Considering which socio-economic indicators help avoid social conflict, Taydas and Peksen show that redistributive social policies can have a strong pacifying effect while also improving economic equality, particularly for public goods such as health and education. Similarly, the paper by Ostby shows that differences between identity groups are more likely to lead to conflict than individualized inequalities within the society. She offers a significant data-driven reaction to previous studies that have found no connection or inequality between conflict and ethnic/religious diversity.

On the other hand, many studies have been made under the impression that a civil war starts as a result of 'Grievance' and later transforms into 'Greed' or vice versa. A well-written and seemingly convincing study on 'greed and grievance' has been developed by A. Hoeffler and P. Collier (2011), seen in several published texts, which unambiguously concludes that greed, not grievance, is the primary cause of conflict. Seeing it from the theory of collective action, both authors have defined the cause of a civil war. The principle of collective action implies that participants should earn private incentives to solve the issue of free riding. Thus, greed in the

organization of rebellion can be an important factor. Since rebellion involves private benefits, even if it is focused on popular grievances, both factors should be considered by civil war theories. However, the author seems conflicted in terms of drawing a clear demarcation between the greed and grievance factor of the civil war. Likewise, criticism of the work by P. Collier and A. Hoeffler (2002) was widespread. One such critique centered on the fact that the generalization of civil wars that they attempted in their work is difficult to enforce. Civil wars are triggered by highly complex social processes, which are highly dependent on the historical and regional context. A different economic model of rebellion was developed by P. Collier (2000), where rebels aim not to conquer the state, but rather to continually plunder natural resources. This is similar to H. Grossman's (1991) and J. Hirshleifer's (2001) models of "rebellion as crime". However, Collier points out that rebellion has different causes from other forms of crime, particularly because much stronger military organization is needed. Meanwhile, D. Keen (2012) disagreed with the argument made by Collier. While economic agendas are a significant factor in shaping civil wars, there are many issues with prominent theories focusing on rebel 'greed,' especially those put forward by Paul Collier. Among these are: the way proxies have been used for 'greed' and 'grievance'; the lack of attention to the relations between 'greed' and 'grievance'; and the lack of attention to 'greed' among counter-insurgency related elements.

Nevertheless, all the above arguments have a commonality that is related to the quality of the institution. Unequal economic distribution, a non-inclusive societal system or institutional exploitation of a certain group or ethnicity mostly trigger a civil war and are directly connected to the quality of the institution. The quality of institutions is an important factor in long-term growth. The World Bank report argues that to avoid recurrent cycles of abuse, structures for security, justice, and jobs should first be integrated.

#### 4. Civil war and institutional reform

We have established the above understanding that institutional discrimination toward a specific ethnic group or a class of people is among the major causes of civil wars. If violence arises because identity groups revolt aggressively to counter their political or economic exclusion, changing the state structures so that those post-conflict politics becomes more inclusive or democratic can have a pacifying effect. Reforms to encourage nonviolent, systemic

conflict management may also entail redesigning the structures of the territorial state (Brancati, 2006), an electoral or party structure reform (Boogards, 2013; Reilly, 2006) or the engineering of the state security agencies (Bryden, Hänggi, 2004). The existing literature divides the institutional reform into three sectors.

Firstly, the reform of the administrative division of the country. One of the major causes related to grievance amongst the rebels is that the centralized administration cannot reach the bottom, and ultimately it officially marginalizes a certain population. For example, the Asian Development Bank started 'The Provincial Performance Improvement Initiative (PPII) in 2005, considering the unequal distribution of governance in each corner of the country. The initiative aims to deliver effective health, education, infrastructure, and law & order services to the people (Saldanha, 2008). Following the Marxist-Leninist ideology, the Revolutionary Army Force of Colombia (FARC) started the guerrilla war in 1964 against the government of Colombia. The objective causes of the Colombian civil war are poverty and exclusion, a lack of infrastructure, systemic instability of the secular state, a lack of industrialization, alienation of regions, and slow assimilation of modernity (Lopez, 2016). Thus, during the civil war, FARC militia seized much agricultural land and established some basic administrative provision in those areas. When FARC signed the historical peace deal in 2016, the agreement addressed the causes of the war that had started 50 years earlier. More specifically, in terms of decentralization of the administration, the peace agreement included 'Comprehensive Rural Development'. The detailed chapter on the rural reform of the peace agreements contains the economic inclusion of the poor rural communities of Colombia by land titling, the land fund, and the extension of state services to the countryside. Furthermore, it also draws attention to the role of the government in standardizing basic facilities such as water, electricity, health, and education in rural Colombia (Apont, 2019). Furthermore, the civil war that has been going on in the Philippines since 1969 with a demand for an autonomous Muslim region in the southern Philippines reached the final negotiation in 2014. A 'Comprehensive Agreement (2014) on Bangsamoro' was signed between the Philippine government and the Moro National Liberation Front (MNLF) in Malaysia that guarantees that the government would establish autonomous Bangsamoro. Power-sharing was at the heart of the redesign of autonomy.

Secondly, post-civil war reforms tend to modify the electoral or party system. Historically, on a fragmented case-by-case basis, the electoral system

design process has tended to occur, which led to the unavoidable and persistent reinvention of the wheel due to minimal comparative knowledge. According to A. Reynolds, B. Reilly and A. Ellis (2008), while dividing the appropriateness of the electoral system, three variables become important: 1) awareness of the essence of social division (for instance, the nature of the identity of a group, 2) the nature of the political system (for instance, the strength or nature of the conflict, and the geographical distribution of conflict groups), and 3) the essence of the political system (i.e. the existence of the state, the system of parties, and the constitutional process as a whole); or the mechanism that led to the adoption of the electoral system (i.e., the system was inherited from a colonial power, designed knowingly, imposed externally, or arose through a process of evolution and unintended consequences). As all three represent the triggering factor to the civil war, they equally have the potential to resolve or reform the postwar institutions. In terms of electoral reforms, historical evidence presents systems transferred from singular to multiple sharing systems. In September 1980, five major leftist revolutionary organizations merged into the Farabundo Mart National Liberation Front in El Salvador. The FMLN launched a guerrilla army to oppose the government and the right-wing paramilitary forces. On 16 January 1992, the signing of the United Nations-brokered peace agreements of Chapultepec in Mexico City ended 20 months of negotiations. As part of the settlement, the Salvadoran government and the FMLN agreed to set up a UN-appointed Truth Commission to investigate abuses committed during the war. Still, it took more than 10 years for FMLN to win the number of seats to govern. In 2009, the FMLN won the presidential election (The Center for Justice-El Salvador).

Thirdly, the reform after the civil war also concentrates on reforming the internal security sector. Police forces may also be a cause of abuse, persecution, and 'ethnic cleansing' during wars and conflicts. They did not represent the monopoly of the state's legitimate use of force: run against minorities by governments, against other ethnic groups and political rivals by secessionists, not being legitimate, not having a monopoly on the use of force, they were subordinate (Bieber, 2010). As an example of one of the most politicized police forces in the country, the police in Serbia were directly commanded by President Slobodan Milosevic until his fall in 2000 and acted as his preemptive guard against domestic opposition and played a key role in ethnic cleansing during the wars in Croatia, Bosnia, and Kosovo (Babovic, 2003). Considering their central position during the reform of conflict security was understood to

be a cornerstone of post-conflict reconstruction. Former Yugoslavia, Northern Ireland, and Sudan are some of the examples where the security reform was the main agenda in post-civil war reform.

## 5. Civil war and institutional changes in Nepal

In the name of a people's war, Nepal witnessed a decade-long Maoist conflict that began in February 1996. More than 13,000 people were killed and 200,000 people displaced, with millions of dollars worth of property destroyed. The decade-long civil war of Nepal perfectly fits the argument that has been made above.

### 5.1. Causes of the civil war

Few major causes triggered the civil war in Nepal, but all causes can be connected to the quality of the institution or the provision of the institution. Taking into account the geographical landscape of Nepal, the presence of governance was subjectified as to whether governance was available in urban areas or only to the elite group (higher cast) of rural areas.

Before the beginning of the armed struggle in Nepal, the Communist force had tried to take the democratic path by contesting the election. However, on 25 November 1991, the Communist Party of Nepal (United Centre) held its first congress and adopted the line of 'protracted armed struggle on the path to a new democratic revolution' (Shrestha, Adhikari, 2005; Lawoti, Pahari, 2010) and agreed that the party would remain an underground party. Later, the Communist Party of Nepal (United Center) CPN(UC)/(United People's Front of Nepal) UPFN was split into two factions on 22 May 1994. The revolutionary group changed its name to the Communist Party of Nepal (Maoist), or CPN-M. The government powers, mainstream political parties, and the monarchy were identified as feudal forces by this group. This sums up that the ultimate struggle was against the institutional monarchy.

Nepal is viewed by Maoists as a 'semi-feudal and semi-colonial republic' because almost 90% of the population are engaged in backward agriculture, and the country is confined by various unequal semi-colonial treaties with foreign powers, especially India (The worker, 1997). Furthermore, they claim that along with 'bureaucratic capitalists' and a 'comprador bourgeoisie', the king and large landowners rule the country. According to the Maoists, these last two classes are only in a privileged position because they act as imperialist agents. It is thus claimed, in other words, that the semi-feudal and semi-colonial systems of Nepal are the product of an

alliance between feudalism and imperialism. Over time, as 'bureaucratic capitalism' grew steadily within the wombs of feudalism, the 'external form' of the state has undergone many changes (Gobyn, 2009). As Marx's four stages in the development of the society – feudalism, bourgeois hegemony, socialism, and communism – Nepal's Maoists adapted Mao's idealism that believes it is possible to abolish three stages: feudalism, bourgeois hegemony, and socialism by initiating 'New Democratic Revolution'. Thus, the main intention of the civil war of Nepal was to remove the monarchy and its institution that promotes feudalism and bourgeois hegemony.

The Maoist conflict in Nepal started at a time when the economy was recovering with the successful implementation of economic reform initiatives. However, the growth was not a quality growth because it was not pro-poor. Due to the lack of protection, freedom from desire, it could not be maintained for a longer time. This culminated in violent confrontation and lack of personal security, leading to resentment and pessimism. This indicated that economic growth was not going to count until it proportionally addressed the economic need of people living under the poverty line. V. Koubi and T. Böhmelt (2014) also argue that worsening inequality can heighten social tension and provoke violence. There was a substantial increase in poverty in Nepal in the 20 years between 1976 and 1996: the proportion of the population living in poverty increased from 33% to 42%, mainly because of the impoverishment of the agricultural sector, particularly in mountain areas, where poverty increased from 44% to 62% (Sakellariopoulos, 2011). The latter's share of generated wealth grew from 23% to 52%, with the corresponding share falling to 11% for the poorest 40% and from 54% to 37% for the median 50%. The conclusion is that the substantial economic growth witnessed by Nepal brought an immense redistribution of wealth to the capitalist class, while the middle classes and poorer layers saw a vertiginous widening of the divide separating them from the wealthiest layers (Bajracharya, 2004). Later, the economic deprivation stands out as one of the moving factors for people to join the war that gives Maoist revolutionaries a strategic upper hand against the government.

The Shahs (1768–1846, 1960–1990) and Ranas (1846–1950) dynasties that ruled Nepal attempted to unify and maintain central control over the kingdom. His government institutionalized two divisive social structures when Prithvi Narayan Shah invaded the Kathmandu Valley in 1768 and united the territory: the feudal bureaucracy and the Hindu caste system (Adhikari, 2013). A variety of administrative

and economic schemes were also introduced by the dynasty, such as monetary exaction in the form of gifts, forced labor, free treasury allowances, and *Birta* (rent-free land grants) to favored officials (Joshi, Rose, 1966). Political influence, land and wealth were concentrated by this model in the hands of a few high castes who had close links to the royal family. Much of the development activities were restricted geographically to the capital of Kathmandu. In 1990, Nepal promulgated the constitution which institutionalized discrimination by declaring Nepal a Hindu nation that favors Hindus. And within Hinduism, the lower castes are not permitted in the same manner as other castes to observe Hindu practices, norms, and values (Shrestha, 2002). Additionally, not only did minority marginalization continue after the 1990 people's movement, but it grew much stronger, as the statistics for the *Lok Sewa* (Public Service Commission) indicate: while the *Bahun Chhetri* (upper caste) held 69% of its posts in 1985, the trend rose to 98% in 2001 (Cailmail, 2008). Utilizing the ethnic, religious, and institutional discrepancies, the CPN (Maoist) inserted provisions in their political programs in favor of the latter to demonstrate their loyalty to minorities. Three points were devoted to the ethnic question when they released their '40 points demand' in February 1996. Furthermore, the 'Unified Revolutionary People's Council Collective Minimum Strategy and Party's Program of the Party dedicated two of its 11 sections to indigenous nationalities and the cast.

(Based on a historic leaflet distributed throughout the country on February 13, 1996: CPN (M): 'March along the path of People's War to Smash the reactionary state and Establish a new democratic state!'

## 5.2. The tactic of the civil war

In the mid-western hill zone, the Maoists began with a small base of soldiers, embracing a combination of Communist and Republican philosophies for their recruiting efforts and tactical decision-making. They successfully integrated Mao's guerrilla warfare tactics, learned lessons from other revolutions, and tailored a strategy to exploit local grievances for their benefit in rural areas of Nepal. They echoed Mao's violence justification that it was appropriate to bring about a brief reign of terror in any rural region and that it is necessary to exceed the proper limit to correct a wrong, and the wrong cannot be corrected with the proper limit exceeded (Mao Zedong, 1927). Pushpa Kamal Dahal 'Prachanda', the supreme of the CPN-Maoist, redefined the expression of Mao by stating; 'without waging violent battles, people have not made even the least of gains.

Today, under the current political structure, Nepalese society has reached a point of crisis that there is no solution on the part of the people other than to smash it'. Since the start of their armed campaign in 1996, the Maoists have employed force for political ends. They have used torture, execution, and other forms of abuse, including fear and extortion. But they have also been more restrained than many militant groups: they have restricted civilian casualties and have resisted indiscriminate attacks in general. The Maoists are a political group at heart. They have developed military capabilities, but political power is secondary to them (Crisis Group, 2005b).

Thousands of people were displaced from their homes for just over a year as police raided villages and detained, tortured, and killed hundreds of alleged Maoists. The high-handedness of the authorities against the peasantry eventually only enabled the rebellion to spread (Karki, Seddon, 2003). Eventually, two factors turn out to be the strategies that give Maoists the upper hand in guerrilla warfare with the government. First, the geographical condition of Nepal where the mountains and jungle make it easy to disappear and second, the nice use of the institutional discrimination against the government.

### 5.3. Maoist 'Jana Sarkar'

During the first five years of the insurgency, having made rapid military gains, the Maoist rebels began to form their *Jana sarkars* (the people's governments) in areas under their control to fill the political void created by the withdrawal of the Nepalese state troops from the indefensible hinterland. It is this political growth that, with its associated consents and refusals, brought local cultural worlds into direct and sustained ties with an alien ideological practice to create new forms of governance (Shah, 2008). In general, there is mixed evidence on how Nepalese Maoists should be viewed. On the one hand, CPN-M has professed its absolute adherence to the philosophy of Marxism-Leninism-Maoism. Even in practice, CPN-M has implemented communism-related policies, such as People's Courts institutions, and the introduction of collective farms and communal living in 'model villages' of Maoists in the far-western regions of Nepal, such as the Jajarkot district (Lecomte-Tilouine, 2010). On the other hand, Nepalese Maoists have based their propaganda more on subsuming public grievances than on promoting ideological covenants and publicizing initiatives they plan to introduce in communist Nepal (Davis et al., 2012). CPN-M attempted to create its Maoist regime, parallel to the official state, as part of its overall strategy. Secondly, the Maoists targeted the central government leaders, such as the police force and officials of the

government. Once such staff left, in areas marked by the absence of the official state, the Maoists formed their own 'people' governments. The Maoist 'people' governments took over much of the local government's roles, including administrative, economic, social, cultural, and educational matters (Thapa, Sijapati, 2007). Similarly, CPN-Maoist has divided Nepal into 13 provinces based on the majority of ethnic representation of the region. During the civil war, CPN-Maoist has tried to fill the gap that was in the institutional system of the Royal Nepal government, through their '*Jana Sarkar*'. When the peace deal was signed and a new constitution was promulgated, they made sure to include many provisions that had been adopted by *Jana Sarkar*.

### 5.4. Peace deal and the institutional reform

Nepal's government and the Communist Party of Nepal-Maoist (CPN-M) concluded a comprehensive peace agreement (CPA) on 21 November 2006. The agreement was heralded in Nepal and around the world as a positive step forward for the Nepalese peace process after more than a decade of violent conflict during which approximately 15,000 people were killed, more than 1,400 disappeared, and various other human rights abuses were committed (Bhandari, 2015). In April 2006, Maoists announced a unilateral truce against seven political parties (SPA) in the Parliament that opposed the direct rule of the King. This encouraged the non-violent opposition movement to join them. Peace talks followed, and the government and Maoists reached an agreement on the 25-point Code of Conduct on Ceasefire on May 26, 2006. CPN-M resolved to renounce violence, to observe the rule of law, and to respect the principles of universal human rights and democratic norms and values. In addition, under the control of the United Nations Mission to Nepal (UNMIN), they decided to place their armed fighters in 28 separate cantonments and store weapons in containers. UNMIN carried out the mission of weapons and army verification (Nepal Peace Process, 2013). Since the 12-point agreement between the CPN-Maoist and 7 parties alliance, 25 various agreements were signed, and the peace process officially ended on 12 April 2013 when the 'Integration and rehabilitation process' ended. However, Nepal has not made meaningful progress in the issues of justice, facts, and reparation problems for victims of serious human rights violations and abuses that occurred during the civil war.

But, on the other hand, drastic institutional reforms have been made since then. The first major step taken after King Gyanendra reinstated the parliament was that until the arms management

program would have been completed, elections should be held, and the permanent constitution should be drawn up to replace the 1990 text, while the interim constitution that transferred all executive authority to the prime minister was to remain in force. Secondly, Maoists, who in 2009 changed their party name to the United Communist Party of Nepal (Maoist) or UCPN(M), won the most seats, and on May 28, 2008, when the new assembly voted to declare Nepal a democratic republic, more than two centuries of royal rule came to an end. In July 2008, Ram Baran Yadav became Nepal's first president. One month later, there was an election in the parliament for the prime minister. Pushpa Kamal Dahal, the Maoist leader, popularly known as Prachanda, won by a wide margin and established a coalition government. Although it has gone through several unstable governments and two 'Constitutional Assembly Election', Nepal finally managed to promulgate the 'Constitution of Nepal 2015' which secures all the major demands that the CPN-Maoists had during the civil war. The following are the major institutional changes that happened in post-conflict Nepal:

*Remodeling of power:* Power has been consistently allocated in Nepal by class, religion, ethnicity, and gender. The end of the war brought further change. New factors also gained access to the political parties' post-conflict scenario. During the first phase, there were two distinct periods of power sharing: formal agreements during the 18 months between the peace agreement and the elections and a more informal collection of negotiated principles for the completion of unfinished post-election reforms. Later, the Federal Constitution was promulgated in 2015, which envisaged new forms of competition, developed new public management approaches, and generated new codes for governing central-local relations (Acharya, 2018). The Constitution requires three levels of government to promote the transition of power to the local government system (LGS) and other state organizations: federal, provincial, and local, and to specify local governments as the unit closest to the grassroots. The institutional transformation of Nepal from centrally-based governance to federal government assured smooth decentralization of power adoption of the top-to-bottom approach.

*Inclusion:* Although inclusion had emerged in Nepal in the 1990s as a political issue, the terms of the 1990 Constitution and the socio-political structure of the political system were not amenable to inclusive reforms. Maoists were the first large group that raised the issue of inclusion. Various Janajati (*minorities and institutionally excluded*) groups were home

to the Maoist heartland in the mid-west and other mid-hill regions, in which the party exercised a high degree of influence during the conflict that ultimately became the backbone to drive guerrilla warfare in rural and semi-urban areas in Nepal. During the civil war, the Maoist provincial division was also based on ethnicity. Thus, the government legally attempted to institutionalize federalism and to establish an inclusive constitution in Nepal. Firstly, based on population, wealth, competence, and identity, the state was restructured into seven provinces. Furthermore, the 2015 Constitution officially declared Nepal a 'secular' nation from a 'Hindu' nation. Article 4 of the new constitution identifies the state of Nepal as a secular state but defines it as meaning 'religious and cultural freedom, along with protection of religion and customs practiced from ancient times' (Constitution of Nepal, 2015).

In addition to the two big changes mentioned above, there are other small but significant reforms, such as the establishment of the 'Human Rights Commission', the integration of the 'security forces' and press freedom. There is still a big question about the sustainability of all the institutional changes that have been made through the peaceful process. For instance, the Hindu nationalists demand revival of the Hindu nation, where some are protesting the provincial government by stating that it only increased the administrative budget of the government of Nepal. However, the Nepal peace agreement is one of the ideal models that represent how civil war is the silver lining between the 'quality of institution' and the 'institutional reform'.

## 6. Conclusion

Unlike the above-presented arguments and evidence, various factors can lead a nation to a civil war. For example, the civil war of Afghanistan was due to the ethnic inferiority faced by certain communities within the country. However, we can all agree that when the civil war starts, the cause always has something to do with the quality of provision that institution has.

The presented case study is one of the ideal cases. But there are many other examples when the peace deal is signed under a very different scenario and where implementing reforms will take a longer time. For instance, the Colombian peace deal has certainly led to drawing a plan to eradicate the gap between social security that the government provides in urban and rural areas, but it is going to take approximately over two decades to do so. Likewise, there is an example of the civil war in Sri Lanka which

ended in May 2009, but still the Tamil population in the country is waiting for the constitution to be reformed and ultimately secure the right of minorities. Additionally, there are some cases of civil wars in Africa that started as 'Grievance' and now transferred to 'Greed'. Consequently, there is very little chance to achieve peace in these scenarios.

However, there are also some simple cases, such as small riots and protests, which also have a capacity to pressure the government to reform an institution, but this happens in politically developed societies. Thus, the argument made in this paper has a very ideal scenario in which an institution formally exploits a certain ethnic or geographical population under a very undemocratic regime that shows extreme reluctance to evolve. As a result, a certain group decides to choose a path of civil war and prepare, educate and capacitate a certain population for the upcoming institutional reform. Finally, through many rounds of negotiation and assurance to reform the institutions/governance peace is achieved.

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