The Politics of Post-conflict Democratization: Justice and Insurgency after the War

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Nepal is now entering its seventh year of transition from war to peace with few concrete signs of a redrawn and strengthened democratic society. Despite the recent Constituent Assembly elections that have aimed at relegitimizing the political process, post-conflict Nepal is increasingly looking like a permanent state of exception, to use Giorgio Agamben's terms. One reason for this impasse, I argue here, is the inability to theorize the democratic contestations to which both the preceding period of war (1996–2006) and the current transition to peace (2006 onward) belong. With an increasing pressure on an elitist state from the country's excluded ethnic and low-caste population, Nepali society is kept in a perpetual emergency mode, unable to address the systematic injustices at its very core.

Nepal's subterranean conflicts are never far away. It is 2009 in a sleepy village half a day's bus ride from Kathmandu. I meet Sharan, who is inspecting his half-built house. It is a treacherous construction. Only the basic frame of the two-story building is finished. Without floors, we balance precariously on the beams to the only piece of furniture in the unfinished domicile. Sharan has just come back to his natal village for Dashain (the longest annual festival in Nepal, marking the fall harvest) to celebrate the holiday season with his kin. His wife and infant son have joined him as he sits cross-legged on a bed in his new house, reflecting on life as a member of the Maoist army, the People's Liberation Army (PLA), for the past nine years. His village is poor, and the younger generations are forced to migrate to make a living and support their aging kin. Sharan, like thousands of other young people from the rural areas, has chosen instead to fight the government over their curbed life chances. Now, however, he is lingering in the cantonments that were set up as part of the transition to peace, waiting with the other twenty-thousand combatants for a resolution to the sudden termination of the armed struggle.

His homecoming is therefore a mirage. As PLA soldiers, both he and his wife have resisted the temptation to leave the cantonments, and they will soon have to return to the camp again. "I have spent my whole life being at war," he recounts. "If our demands are not managed well, my entire life will be ruined. And if it is ruined I will not sit by quietly. This is a complicated question." Indeed, for Sharan and his fellow combatants, peace has come at a high price. The formerly proud Maoist army has been decapitated and its leaders have moved to the capital, Kathmandu, to—as Sharan explains —"conduct politics and become embedded in power." This is a euphemism for corruption, a recurrent criticism by the lower ranks against the Maoist leadership. There is no easy relief from this betrayal of the horrible fighting that Sharan explains was a "compulsion" to "pressurize the government." The materiality of his unfinished domicile may therefore be an apt metaphor to describe the complexity of the post-conflict space: erected on seemingly solid ground, the thick wooden structure is nonetheless punctuated by all the connecting parts that might have turned the building into a home. For Sharan and his family, the transition is indeed an uninhabitable place.

Based on a clandestine, inter-party negotiation in India in 2005, the Comprehensive Peace Agreement (CPA) that formally institutionalized the post-conflict space in late 2006 was never meant to address Sharan and his comrades' claims for justice. Lacking a concrete roadmap for devolving political power and restructuring an unproductive economy, the CPA was first of all a framework to stop the fighting. It was ineffective, if not toothless, when it came to alleviating the everyday low-intensity violence that keeps a young, primarily rural, generation locked in cycles of migration and debt.

The slow death of the PLA, finally dissolved in late 2012, epitomizes this shift towards a post-conflict platform bereft of the changes that might persuade Sharan to stop fighting. While formally treated on equal terms as its main adversary, the Nepali Army, the Maoist army gradually lost its claim to integrate its forces with those of its former enemy. In the end, nearly all the encamped soldiers ended up accepting the "reintegration" package forced upon them by an eager coalition of national and international actors, including the Maoist leadership itself. The successful demobilization of the PLA did not just deny the contribution of the skills and labor of the rural poor to the potentiality of a "New Nepal"; it also delegitimized the stimulating effect of the war in empowering excluded political subjects, thus rendering the activism of an entire generation irrelevant for Nepal's political present and future.

Today, a new generation is picking up the pieces that Sharan and the PLA left behind. The Young Communist League emerged in the post-conflict space as the urban and unarmed, though not demilitarized, successor to the Maoist army. Sharan's nephew Ajay is among the thousands of underprivileged Nepalis who are using their youth to challenge their continued exclusion, explaining, "Rich are getting richer and poor people are just getting poorer. It is my duty to fight to change this."

Sharan and Ajay epitomize two different moments in Maoist politics and the historical continuities and breaks that the shift to a parliamentary platform has afforded. But they are at the same time optics for interrogating the politics of post-conflict democratization as a particular space rife with new conflicts and claims by variegated actors. The rise of the poor classes, to which both Sharan and Ajay belong, complicates the notion that politics should remain conflict free and have challenged aspirations to creating a nonviolent, peaceful, democratic transition. In fact, the very idea that the transition should be peaceful is based on the privileged position of elites who do not need to fight for inclusion the way Ajay and his village must. Sharan and Ajay

speak to the shifting positionality of insurgent politics at the margins of hegemonic efforts that are steering the Nepali political sphere into a non-crisis mode that can bring peace before justice. This is a formidable task, or, as Sharan explained—weighing whether to fight or not to fight—a "complicated question."

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