

## **Bringing Armed Groups into Parliamentary Process by Nonviolent Means: Existing Challenges of Nepal**

Rajib Timalisina

*Department of Conflict, Peace and Development Studies*

*Tribhuvan University, Kathmandu, Nepal*

rajib.timalisina@gmail.com

### **Abstract**

From 1996 to 2006, Nepal encountered an armed conflict of Maoists against the government. The aim of the conflict was believed to end social exclusion and unequal laws. The conflict with the death of more than 13,000 people ended with an agreement in 2006 through intervention of Nepal's own political and civil society leaders. The nonviolent people's movement in 2006 was instrumental in accelerating the transition to peace. Maoist combatants were peacefully dissolved.

Despite the achievements towards peace, there are challenges too. One of the major problems is to achieve sustainable peace at the time when the country has just emerged from the armed conflict. In this context, this paper aims to argue the major processes of bringing armed group to parliamentary process with consideration to the success of the nonviolent movement. Further, the paper also tries to discuss the role played by different stakeholders, and the existing scenario of the country in the more than seven year long transition as the limitation after the success of the nonviolent struggle.

**Keywords:** Nepal's Brief History, Nonviolent Movement, Peace Process, Existing Challenges

## Introduction

Nepal is a country in constant political turmoil as well as "one of the most beautiful corners of the world" (Dukehart 2013). The unceasing conflict from 1996 to 2006, directly and indirectly, has violently and psychologically shaken the existing political-legal framework which was the outcome of the 1990's struggle. After the failure of two negotiations, the armed conflict was finally negotiated with the signing of the Comprehensive Peace Accord (CPA) in November 2006 which succeeded in bringing the armed group into democratic practice. The Peace Accord has made impressive promises such as ensuring democracy, sustainable peace, prosperity, progressive social and economic change by promising to address the issues of marginalized groups and maintaining the integrity and sovereignty of the country. The CPA also made promises for a progressive political system, restructuring of the state and social, economic and cultural transformation of the society through the new constitution.

During my study, a Nepali expert Dipak Gyawali mentioned an analogy of a happy family to reflect about the Nepali Peace Process by paraphrasing Leo Tolstoy's famous quote, "Happy families are all alike; each unhappy family is unhappy in its own way". This analogy is similar to Wallensteen's (2007). He states that for each party its conflict is unique. In this regard, Nepal's peace process is also unique in various ways. In Nepal, an armed group which practiced violence for more than a decade changed itself to peaceful politics with the declaration that violence was deficient in achieving their goal. The success of a nonviolent mass movement with the participation of a conflicting group gave a positive message that nonviolent practice is much more powerful. The Nepalese example shows that nonviolent practice could smack even the powerful regime in a short time while violence could not for more than decade.

In this regard, the basic premise of this paper is to examine what, if any, role nonviolent means (particularly the revolution of 2006) played; and to explain both the way and challenges of bringing armed groups to the parliamentary process. However, this paper has mainly focused on the process of the transition of the armed groups into political actors and, then, the existing challenges; the central argument is focused in justifying the crucial role played by the nonviolent movement in 2006 in the transformation of the Maoists. Though the nonviolent movement was successful, there are many challenges that emerged as obstacles in concluding the peace process. Thus, the paper has been organized to explain the development of the conflict itself at first, and then factors contributing to the development of the peace process, the role of negotiations in creating the circumstances for political peacemaking, the achievements after the success of the nonviolent movement and finally the existing challenges of the country.

## **Methodology**

“Interpretation is also influenced by other contrasts in perspective. These would be outside/alien versus inside/native and dominant versus marginal” as well as bottom-up versus top-down (Gurung 1997: 496). The author as an insider, this paper is an attempt to interpret the conditions which played significant roles in the outbreak of violence, and then, bringing back the violent group into peaceful and mainstream politics. The diverse interpretations should be considered in the given political context and as of its relevancy. The paper focuses to identify the basic conditions in which the armed group was transformed into a political party, challenges brought after the protracted transition of the country and some of the major lessons learned from the peace process of Nepal. On the existence of various dichotomies, the author has tried to include all the available perspectives of the both outsiders and insiders, dominant and marginal, and voices of below and top. By considering the key questions of the content analysis, selected arguments are extracted from the secondary sources where focus was given to "who says what, to whom, why, to what extent and with what effect (Lasswell 2008).”

Besides secondary sources, the arguments presented here are based on first hand in-depth and key informant interviews. The author conducted 147 interviews from 2010 to 2013. The list of interviewees ranges from top political leaders, officials involved in implementing various projects related to the Peace Process of Nepal, local political leaders, social workers, former combatants, and the general public. Most of the insights on the current issues are drawn by the author from his involvement in a study for monitoring and evaluation of the Nepal Peace Trust Fund (NPTF) projects under the Ministry of Peace and Reconstruction.

## **Political Discourse and Historical Context**

Modern Nepal has long history from its emergence by the unification of small principalities in the mid-eighteenth century. An absolute monarchy perennially paralyzed by court intrigues and power struggles, the Rana family in 1846 took control of Nepal under the hereditary aristocratic rule. The Rana prime ministers took over the monarch’s political powers and cooperated closely with the British colonial rulers of India for around the hundred years that they ruled the country with an iron fist (Upadhyya 2010: 39). The first democratic movement for democratic change against the Rana regime erupted in 1951 which was backed by Royal palace. Newly independent India’s Prime Minister Jawaharlal Nehru mediated the ‘Delhi Settlement’ between the king, the Ranas and the Nepali Congress which restored the monarchy’s powers and sought to widen the people’s participation in governance. After the success of the movement, the then King Tribhuvan promised to convene a constituent assembly with the motive of drawing up a new constitution

by the assembly of people's representatives (Ibid 2010: 40). The following years of instability led to a multiparty parliamentary election in 1959 under a constitution that retained most political powers with the monarch. Thus, the political change which occurred in Nepal under the diplomatic midwifery of the Indian government was unable to ensure a total political change (Joshi and Rose 1966).

After the emergence of Nepal as a nation-state in the last quarter of the eighteenth century, the primary goal of the Nepali political system became the maintenance of the status quo, which meant the continuation of the delicate balance of power among various elite families. The traditional political system continued more or less intact until 1951. Political parties due to their inefficiencies always had fears of a return to authoritarianism. The royal takeover of 1960 and its aftermath provide a valid historical context. Playing up fears of foreign interference is a favorite political past-time. Upadhya (2010: 40) writes that amid growing conflicts between the palace and the elected government, on 16 December 1960, King Mahendra dissolved parliament, banned political parties and formed a council of ministers led by himself with the introduction of Party-less Panchayat system. A pro-democracy movement was organized in 1990. Nepali Congress and the United Front of Communist Parties agreed to protest against the Panchayat regime. The nonviolent movement finally forced the then King Birendra to lift the ban on political parties, dissolve the Panchayat System, and promulgate a constitution that substantially reduced the monarch's powers and established parliamentary democracy (Ibid 2010: 40).

A commission formed by the king drafted the constitution and the constitution was adopted after the approval of the King in 1990. A few communist parties from the United Front were dissatisfied with the provision of the constitutions and they also opposed the process of promulgation. Factionalism was rampant among communist parties. The single communist party of the 1940s was already divided into more than a dozen political parties. The political context and the socio-economic situation of general people were two major topics of the hot discussions among those political parties. Meanwhile, the Communist Party of Nepal - Maoist (CPN-M) had waged a 'people's war' to establish a communist republic in place of the extant constitutional monarchy in 1996. The conflict spread steadily to engulf large parts of mid-hill Nepal. They attacked police stations and army garrisons, set off explosions, implemented 'people's action' against those seen as 'class enemies', informers, and spies and made 'collections' from business establishments complete with receipt books (Thapa 2010: 77). For brief history and political discourse of Nepal, see Table 1.1 in the appendix.

## Causes of the Armed Conflict

Many articles and reports have identified different causes of the armed conflict of Nepal. It is very difficult task to trace explicit causes of the armed conflict which had been waged from 1996 by the CPN-Maoist. Most of the readings refer those root causes which are exclusively within specific features of Nepal's history, polity, economy and culture. The focus has been on poverty, economic inequality, spatial and social inequality and oppression, "frustrated expectations" during the post-1990 democratic period, corruption among political officials, inept governance, and rivalries between and within political parties (Mishra 2007: 1-10). Thomas (2012: 249) argues that "those in chronic poverty lead wholly insecure lives, routinely lack voice, basic needs, work and opportunity, often living in fear, subject to physical abuse, forced eviction and so forth". In 1990, there were several situational causes were identified as responsible factors for the conflict after the restoration of the democracy in Nepal. Frequently troubled negotiations with the king during political transition and the making of the constitutions had indicated that the monarchy had not fully reconciled itself to a constitutionally limited role. On the other side, many communist leaders were dissatisfied about new constitutional provisions and role of the monarchy whereas they had accepted the constitution with reservations. The dissatisfaction led to factionalism in the communist party and helped to express their faith in Maoist programs. Experts and readings related to armed conflict of Nepal referred to 40 point demands as the point of departure to understand the starting of the Maoist armed conflict. The rebel force submitted 40 point demands ranging from social to political issues in front of the Nepali Congress-led government in 1996 before initiating armed violence. The rebels claimed that those 40 demands were aiming to address social-economic issues existing in the country with the major concern to eliminate social and economic inequality as well as regional imbalance of development. Monarchy was always the target of the rebellion group because they believed monarchy was the symbol of feudalism and exploitation in Nepal. As stated by Deepak Thapa (2010: 81-82), it is possible that, demands or no demands, the Maoists would have begun the uprising since they had already opted for the use of violence for political ends because they wanted to destroy feudalism and that was not possible under the reign of a monarch.

All above mentioned causes are significant but inadequate to explain the rise of the Maoist armed conflict in 1996. Besides those causes, some basic conditions are responsible to the outbreak of the violence. The first among them was "Ideological Correction Campaign" (Ibid 2010: 85-87). Right after the succession of the first people's movement in 1990, the polarization among communists led to more than a dozen communist parties in Nepal. Each party sought to differentiate itself from others by claiming their ideology and practice was

correct as per world communist movement standard. The condition required to show a unique identity for communist parties led to intense intra-party struggle. Most of the fractions tried their best to be different from each other. One stronger fraction transformed itself into the Communist Party of Nepal – Maoist by merging a few other fractions and which started the violent conflict in 1996. Thus, it can be said that Nepal remained as a semi-feudal and semi-colonial country for a long time. Structural causes such as poverty, unemployment, and the process of underdevelopment played leading roles in creating fertile ground for the Maoist struggle which grew out of fractious communist politics. In such a context the newly formed party tried to grasp nationalist feelings within its violent movement and gradually got the popular sentiments from rural people.

### **A Glance at the Conflicting Period**

The newly organized unity center parties engaged in intense and powerful political debate during 1990-94. They also participated in local and national elections as a tactic. According to Mishra (2007: 4-7), the party sought to develop a political program which was “faithful to the tenets of Marxism-Leninism-Maoism ideology and to the specific political, economic and cultural conditions in Nepal”. Following one year of underground programmatic and organizational preparations for the initiation of armed conflict, the members of unity center declared the formation of the CPN (Maoist) in 1995. The armed conflict began in earnest in February 1996.

From 1996 to 2006, more than 17,828 people were killed by the rebel force and the state security forces (Jha 2013). Jha (2013) claims that this directly affected the lives of 450,000 family members, 5,800 people were disabled, 25,000 children orphaned, 9,000 women widowed and 14,852 people disappeared. The social life of the people during the conflict period was most disturbed on account of frequent strikes, security checks, blockades, shutdowns, beatings, threatening, humiliation, forced unethical acts, social isolation, rape and sexual harassments. Extra-judicial killings, extortions and abductions were rampant. The rebels drew popular support from a section of society by doing some reformist activities. Upadhyaya (2010: 43-53) indicates some popular activities of the Maoist which included conducting summary trials of ‘exploiters’, prohibiting the sale of alcohol, and organizing other social- reform programs. At the same time, the rapid erosion of credibility among mainstream politicians gave the Maoists much more space than they needed. Since the government bodies were almost paralyzed, parallel bodies of the rebel forces were created and they levied taxes as well as extorted money from state officials and other job holders including confiscations of private properties. Jha (2013) provides supportive evidence which has clearly shown that the Gross Domestic Product (GDP) of the country declined from 4.8

percent to 2.8 percent in between 2001 and 2005. Between 1996 and 2004, the private sector investment declined from 15.4 to 12.6 percent. The government expenditure in the same year was limited to 6 percent of the GDP from 9 percent. The expenditure of the state on security sector almost doubled from 1.6 percent of GDP to 3 percent in between 2001 and 2004 (Ibid 2013).

## **Negotiations as a Road to the Parliamentary Process**

Negotiation as an element of nonviolence means to solve the conflict. There are many rounds of negotiations between different actors in order to create political circumstances of peacemaking. Hopes were raised to bring peace in July 2001, when the government as well as the Maoists declared a ceasefire and began the first negotiation with the government. Several rounds of negotiations were held from August to November of 2001; and from March to August of 2003. The talks broke down after the killing of 18 Maoist Cadres and 2 civilians by the military in Ramechhap district (eastern part of the country) on 19<sup>th</sup> August 2003. Then the Maoists resumed hostilities (Mishra 2009: 16). After the failure of peace negotiations, the intensity of the violence increased dramatically. The government could not ensure minimum security throughout the country. Both the Maoists and the state security forces had been at each other's throat across the country (Upadhya, 2010: 49). The majority of those who had been killed, severely injured and displaced in between 2001 to 2004 were innocent civilians.

Because of the conflict, the government was unable to hold regular general elections during that time. In the meantime, then King took over power on the 1<sup>st</sup> February 2005. The King declared established political parties as failures in practicing the democracy and holding elections. He chaired the council of ministers by himself which increased the turmoil in the country. The relation of the King with the established political parties was worsened. Political parties were dissatisfied with the new role of the king. Several rounds of informal discussion between political parties and the king failed without tangible solutions. Then, political parties started protests against the authoritarian rule of the King. A more than 10 month long protest was unable to attract the participation of general public and pressure the government.

Two negotiations including more than 7 rounds of talks between the King-led government and the rebels in the past broke down without any tangible solutions (Shrestha 2004: 354-358). The third attempt negotiated between the rebel force and the alliance of seven major political parties of Nepal was successful to end the violent activities of the Maoists and initiate nonviolent struggle against the government together. A twelve-point agreement was signed on 2005 November 22 in the capital city of India. India played an important role in bringing political parties together and creating the environment of the negotiations. There is strong voice in Nepal that India had manipulated party politics many times for their own advantage (KC 1976: 27-31). But this role

of India was considered positive because the outcome was significant to end the decade long violent conflict. The new alliance gave new life to the protest against the government.

### **Success of the Nonviolent Movement: A Road to Peace**

Chenoweth and Maria (2011) have given the fact that from 1900 to 2006, struggles involving nonviolent resistance were “more than twice as effective as their violent counterparts in achieving their stated goals. By attracting impressive support from citizens, whose activism takes the form of protests, boycotts, civil disobedience, and other forms of nonviolent noncooperation, these efforts help separate regimes from their main sources of power and produce remarkable results”. The example includes the movements in Iran, Burma, the Philippines, and the Palestinian Territories.

The sources of power made available through these groups provide the government with the ability to rule. Any regime will rely on some pillars of support more than on others. Some of the primary pillars of support include police, military, civil servants, media, the business community, youth, workers, religious organizations, and non-governmental organization (Helvey 2004: 9-20). The support and power merely rely on the obedience by the elements of the pillars. So, the resisters have to weaken those pillars of the support for the nonviolent movement to succeed.

While talking about the practice applied in the nonviolent movement of 2006 in Nepal, people used many methods as means of struggle. Bringing the G. Sharp's framework of 198 methods of nonviolent conflict, three general types of behavior can be identified in that struggle. First, participants had engaged in symbolic protests, such as marches, distributing leaflets, or wearing of black ribbons in their hands to communicate their support for nonviolent protest and opposition for the rule of the king. Even the student unions held mock elections in campuses and schools which showed the results in favor of the protestors. Second, the resisters have refused to continue existing cooperation. The media, civil servants, business people, NGO workers, workers, and youths from different sectors had practiced noncooperation. This has taken social, economic, and political forms (Sharp 2003: 7). For example, the resisters refused to participate in programs organized by the government bodies, to attend meetings, discontinued economic cooperation by refusing to supply goods and services, delaying the payment of the taxes, labor strikes, symbolic work stoppage, a single factory strike, supporting and participating in a massive general strike called by the seven major political parties which resulted in total economic shut-down of the country. And third, active intervention and disruption of the normal operation of the system has been applied in various psychological, social, economic, physical, and political forms. In this stage, the resisters occupied public offices, sit-downs on the streets,



hunger strikes, changed the sign boards and names of the government offices in favor of resisters, seeking imprisonment by the political leaders as well as professionals and civil society leaders.

CPN-Maoist showed commitment for democracy and peace by promising to end the violent conflict. They declared the nonviolent movement was more powerful than violence. After the success of the 19 days long people's movement, the king restored the parliament and formed the new government led by G.P. Koirala, President of the Nepali Congress. The success of the nonviolent movement opened the way to fulfill the demands of rebels which was impossible earlier. Ceasefire from the both sides, the government and the CPN-Maoist, was declared. Then, the government removed the terrorist tag from the Maoists. The government changed some legal frameworks to paralyze the monarchy and centralize all the executive power to the prime minister.

Regarding the involvement of international community, Wallensteen (2007) mentions that internal conflicts are left to the domains of the states themselves and internal affairs may only become the affairs of the international community if the legitimate authority in the country - that is its government - asks for such an intervention. After the success of the movement, both the newly formed government and Maoists invited the United Nations for monitoring and supervising the Peace Process of Nepal. Thus, the United Nations sent a United Nations Mission in Nepal (UNMIN) with limited mandate to observe the peace process and facilitate it. From the verification process, UNMIN verified 19,602 combatants out of approximately 30,000 combatants. After the seven months of the success of the movement, the Comprehensive Peace Accord (CPA) was signed by the G.P. Koirala, Prime Minister of Nepal from the side of government and the Puspha Kamal Dahal (Prachanda), Chairperson and military commander of CPN-Maoist from the side of rebel force in the month of November 2006. So, the conflict with the death of more than 13,000 people was ended with an agreement which was negotiated between the Maoists and an alliance of established political parties in 2006 through intervention of Nepal's own political and civil society leaders.

One of the central committee members of the Maoist party shared the fact during an interview that most of them had already accepted the fact that peaceful protests and negotiations were much more powerful to solve the problems than their use of violence in the previous time period. But still there are few Maoist leaders who saw the role of violent conflict as more significant to transform the country than the nonviolent civil movement. That's why they had the feeling that the contribution of armed struggle would be undermined if the success of nonviolent movement was praised.

## **Factors of the Transformation of the Maoists**

At this point, if someone wants to know what helped to transform an armed group into a mainstream political party, the answer could comprise few failures and some successful events of the country. The failure of several rounds of peace negotiations between the government and rebels without a tangible solution; failure of the several rounds of discussions with political parties of the government after the king's direct rule; and the unsuccessful 10 month long protest of established political parties played a significant role to bring the rebel group and seven major political parties into one place. The facilitation role of India was also significant in reaching the 12 point understanding among them. Then, the success of signing the agreement between CPN-M and established political parties on 2005 November 22 with the international support created a new alliance in the country which gave life to the protest against the king-led government and hopes were raised. All sectors of the society supported the coalition movement. The significant contribution was played by the success of 19 day long Nonviolent People's Movement which was decentralized as well as the Maoists showed their faith in nonviolence. Following the momentous success of the nonviolent movement, the successful negotiations between the Maoists and the political parties were important because the discussions led to the consensus among them and reaching to formulate the Comprehensive Peace Accord, Interim Constitution, Interim Parliament with 73 nominated Maoist leaders as members of parliament and finally towards the successful completion of the first constitutional assembly election.

## **Achievements after 2007 AD**

Following the signing of the CPA, the Interim Constitution of Nepal was promulgated by the restored parliament with the provision of an interim parliament until the new general election which was supposed to be held for the constitutional assembly. After several rounds of talks, the established political parties agreed to accept CPN-Maoist as the third largest political party in the interim parliament by consensus and at the same time 73 Maoist leaders were nominated as Members of the Interim Parliament. In this way, Maoist leaders entered into the Parliamentary process in Mid-January 2007 leaving their violent conflict far behind. After months of instability, the government was able to hold an election for a constitution assembly in April 2008 which had to play a dual role of regular parliament as well as of the constitutional assembly. The election results made the rebellion group as the main political party by securing the largest seats in the assembly. Nepal was declared a federal republic by overthrowing the monarchy. The consensus principle was at the heart of all the decisions which was being followed since the "Twelve Point Delhi Agreement" between the alliance of seven political parties and the CPN-Maoist in November 2005.

The new parliament could not form the government by consensus which was the spirit of the interim constitution. The consensus principal was broken and the CPN-Maoist chairperson Pushpa Kamal Dahal (Prachanda) was elected as the prime minister of Nepal by the majority of the votes in the parliament. Some major political parties were left out of the government. People had high expectation from the new government which was supposed to be act as an agent of change, but it could not perform in such a way. Other political parties, which were in the opposition, regularly blamed then the CPN-Maoist for violating political culture. The following years were undergone through instability and many issues of the peace process remained unsolved. The Comprehensive Peace Accord (CPA) has promised to complete the peace process within 6 months of its signing. The issue of the Maoist combatants, which was one of the major components of the peace process, was peacefully dissolved only after the six years of the CPA. Once this process was underway and after the discharge of United Nations Mission in Nepal (UNMIN), the 7 main and 21 satellite cantonments have subsequently come under the control of the government of Nepal in April 2012. During the dissolution process, the Maoist combatants were provided three options: reintegration into the Nepal Army after going through the selection process under the standard set by the special committee, voluntary retirement of the combatants with golden handshake packages that entailed a generous cash payment at the time of retirement, and rehabilitation option with skill related training and seed money for them. A majority of Maoist combatants, 15,624, opted for voluntary retirement, while 1,422 opted to be integrated into the Nepal Army and only 6 opted for the rehabilitation option. The voluntarily retired former combatants were discharged from the cantonments in 2012 with the “golden handshake” package. The 1,422 who opted to be integrated into Nepal Army have been integrated into Nepal Army after the completion of army training (70 for officer rank and 1,352 for rank-and-file positions) finally in August 2013. Then, the Maoists became the party without its army. During the in-depth interviews, most of the leaders from different political parties seemed quite satisfied with the role played by rebellion group in the peace process. Still they showed their suspicion and risk of the use of violence. Nepal achieved many changes after the success of the nonviolent movement of 2006.

While pointing out the successes, the interim constitution of Nepal recognizes the existence of several languages as national languages and places Nepali as an official language. At the same time, the constitution has ensured primary education in mother tongue. Freedom of religion is guaranteed in the constitution which was not a new issue but the Nepal is declared as a secular country which is an historic decision. The constitution also gives recognition to the religious education system such as Muslim schools and the Buddhist education system. Positive discrimination by practicing affirmative action was introduced for the first time in Nepal in order to address social and economic issues. To ensure the access to administration as well as state security force, the recruitment quota was fixed and the inclusive system was introduced.

A 45 % quota has been allocated for the marginalized groups, regions and women. Based on the interviews conducted with Nepali and foreign experts, interventions in many social and political sectors were introduced as the solutions for various issues.

There are few other issues which are partially achieved but are still to be decided. While talking about the legal system or the constitution, there is consensus to make a new legal framework from the people's representatives. For that purpose, the constitution assembly was formed in 2008. The first constitutional assembly failed to adopt the new legal framework. Thus, second election was held in the third week of November 2013 after so many ups and downs. The new constitutional assembly has started its work towards the formation of a new constitution in the coming year. To solve the issue of the access to natural resources, all the political parties already have agreed to put a provision of local administration in the new constitution. There is consensus among major political parties to follow the local administration control in natural resources but still there is huge debate going on the issue of what sort of control is to be given to which unit of government from the centre level to the local. Another major issue of debate is related with human rights and transitional justice. All stakeholders already agreed to guarantee human rights for all. And they also made consensus to deal all the violation of human rights during the armed conflict period by forming a Truth and Reconciliation Commission. Still there is no consensus on the modality and legal framework of the Truth and Reconciliation Commission and provision for transitional justice. There is consensus over the form of so many issues but the modality and contents of implementation are still major points of debate among political actors.

Even after the completion of the integration process of the ex-combatants, many Nepali experts denied the claim that the issue of combatants was solved. They believed it is partially completed because only 1422 ex-combatants were integrated into the state security force and others were left in the society. Their belief is that the group of rebel combatants was disorganized without addressing them properly. They see the unfulfilled issues of former Maoist combatants as a major threat for the country in coming days.

## **Existing Challenges**

Even though the nonviolent movement of 2006 seemed to have played an important role to transition from armed struggle to competitive politics, it does not seem to have ensured a fully productive political process and transitional justice afterwards. The movement of 2006 in Nepal can be an example of nonviolent struggle waged against oppressive regimes for worthy goals--- 'those of ending tyranny and bringing peace with justice to people' (Helvey 2004: x-xi). From this perspective, the nonviolent struggle of Nepal had two strong goals: one ending

the authoritarian rule of King Gyanendra and bringing peace with social justice to oppressed, marginalized and poor people who have had a sense of inequality and oppression for long time period. Some of the existing research suggests that nonviolent resistance movements are more likely to produce democratic outcomes. The post-conflict situation of Nepal, where the historic civil resistance movement of 2006 was successful in ending the authoritarian rule and promising democratic norms, is still facing several challenges to institutionalize the democracy for more than seven years of the success of the movement. While talking about the challenges, it has been more than a half decade after the peace accord was signed; still there are a lot of issues unsolved. The peace process was gradually being completed and at the same time new issues are emerging as challenge for the ongoing process. The country is in constant turmoil and instability by facing one after another challenge. The major challenges of Nepal at the moment are failure in making a new constitution; mistrust, suspicion and hidden agendas of political parties; unaddressed issues of the past conflict; proliferation of Small Arms and Lethal Weapons (SALW); and criminalization. So, talking about these issues could show a limitation of nonviolent civil resistance where the example shows that the success of the movement itself cannot ensure the establishment of democratic processes in the country.

Since the signing of the Comprehensive Peace Accord (CPA) in November 2006, there have been considerable challenges to bringing Nepal's peace process to its logical end. The establishment of the Ministry of Peace and Reconstruction (MoPR) and the setting up of the Nepal Peace Trust Fund (NPTF) in January 2007 were significant milestones in overcoming some of these challenges. Geographically, Nepal is small and our actors are in such position where all the actors easily can identify each other's position. The fluctuations among the relations between different actors can be observed and which are directly affecting the nation's politics. Though the significant number of ex-combatants have reaffirmed several times for supporting the peace process and not returning back to violence, very few leaders and former combatants are found during the field interview with the expression of threatening the mainstream political leaders to address their demands otherwise they would again initiate violent conflict.

The previous constitutional assembly failed to adopt a constitution and the country has been ruled by an interim constitution for more than seven years. All major parties have agreed to adopt federalism and the three main parties are still unable to agree on founding principles for establishing federal provinces (Bergman 2011). And they could not come up with the tangible solution as there is constant debate on the name, borders, rights, structure and other so many issues regarding the formation of federal units. Another challenge is mistrust, suspicion and hidden agendas of political parties. Many people believe that the consensus among political parties could not be met because of factionalism, intra-party squabbling, and tyranny of the minority inside the parties themselves are three major challenges (Upadhya 2010: 53-54). Saubhagya Shah

(2010) states that it remains Nepal's singular misfortune that the political forces are always engrossed with changing the regime, but never with altering the substance of governance. As a consequence, the country is made to live from one 'revolution' to the next with the intervening periods muddled through with ad hoc solutions.

There is no doubt that a lot of issues are unaddressed from past conflicts. The great achievement of the peace process was that the cooperation of former combatants in keeping the combatants inside the cantonments during an uncertain and protracted peace process for more than six years. The secretariat in supervising, monitoring, integrating and rehabilitating was successful in managing, controlling and re-integrating the ex-combatants. But the process also left a large number of former combatants with the unintended consequences of creating dissatisfaction. Large numbers of former combatants opted for the voluntary retirement. The amount they received during their retirement is running out with no foreseeable means of future income and most of the combatants during in-depth interviews shared their feelings that they feel bitterly disillusioned by their leaders' failed or broken promises (IDA 2013: 55). During the field visit where the former combatants are living, the researcher found most of them have been settled down in nearby cantonments and the major towns of the east-west highway. The majority of the former combatants have not returned to their original places and the members of former combatant groups have strong bonding with each other as a community. Many experts in interviews scared that this dissatisfaction could be tapped by various forces to cause political disturbances in the days ahead.

On the side of other shortcomings, many important things promised in the peace accord have not been done or done imperfectly or left incomplete. The Truth and Reconciliation Commission and the Commission on Disappearances have not been formed yet. Issues related to Conflict Affected People have not been solved yet. The emergence of small armed groups and criminals stand as another challenge. The open border between Nepal and India has fueled the situation even more in case of the proliferation of small arms and criminalization. Since 2006, the crime rates and the number of abductions have increased as compared to the conflicting period. Making this post-conflict transition successful and achieving stability and peace after a long period of armed conflict is a very sensitive and demanding task. Several other emerging smaller conflicts and the lack of consensus on the mode of federalism make this task complicated (Upreti and Ghimire 2012). This seems to be a major challenge at the moment among all the matters discussed earlier.

## Lesson Learnt

By observing the peace process of Nepal until the end of the year 2013, several lessons can be drawn. At first, the armed conflict of Nepal was ended by means of negotiations. Many countries such as Rwanda, Iraq and Afghanistan either made a military victory over the warring party or an outside intervention was used as the most fundamental power to bring peace. Unlike theirs, the peace process in Nepal is basically home-grown. It was neither initiated out of a clear military victory of one warring party over the other nor by a direct external military intervention (Upreti and Ghimire 2012). The peace process was led by the national leaders and also driven by their decisions with the support from the international community. The process proved that communication and negotiations are important to solve armed conflict in a cost-effective way. Secondly, the success of the nonviolent movement of 2006 with the involvement of the rebel force in cooperation with established political parties has given a message that nonviolent means are more powerful.

Thirdly, a lesson is drawn that the feeling of more ownership can be found in a home-led peace process and there will be even more responsible feeling if the process is led by national leaders, driven by negotiations and supported generously by the international community. The IDA's report (2013) claimed on the positive side that the Nepal government and the main political parties that have led the peace process since its start, together with the international community that have generously supported them, have brought the ten year Maoist insurgency to some kind of a closure. Based on the protracted peace process and the IDA (2013) report, it can be claimed that "peace-making is a 'constantly perfecting, never achieving perfection' dynamic process." And this peace process of Nepal is one that more or less has stopped the mass killings and brought the group of people from violent conflict into the fold of open politics.

As a fifth point, despite of potential challenges, the discharge of the Maoist ex-combatants has managed to contribute significantly to the conclusion of the peace process within a very difficult environment characterized by growing distrust among political parties and the unraveling of consensus among them regarding the common future political pathway. The Nepali experts believe it is the unique process which followed the Supervision, Integration, Voluntarily Retirement and Rehabilitation (SIVR) process. In this process, first the Maoist combatants were kept in 28 different cantonments under supervision. First UNMIN and then the Special Committee on the Supervision, Integration and Rehabilitation of Maoist Army Combatants (SCSIR) had been given roles of supervision and re-verification of the combatants. The majority of donors opposed the idea of voluntary retirement of combatants with the "golden handshake" package. They saw a danger of having cash with the trained ex-rebel force and refused to support financially that package. The Government of Nepal managed the amount from the national treasury.

The voluntary retirement option has been found successful. For the sixth point, the issue of identity has become vocal in various protests after the succession of the People's movement of 2006. Various identity based groups emerged and demanded to include their issues in the constitution. Pfaff-Czarnecka and Toffin (2011) state that the notion of belonging is relevant to both: to collectives considered traditional such as kinship units and also to modern types of sociability such as nations. Identity construction and the issue of belonging have become high or vocal. Many experts see fear of ethnic conflict and instability in the name of identity politics in long run. The identity issue has opened the way for both sides. It would be constructive if the demands would have been addressed properly and the situation may worsen if the leaders fail to address the reasonable demands.

In regard to the seventh point, the use of violence ended after the signing of the peace accord. Still there are lots of issues unaddressed to achieve sustainable peace and to bring the peace process to its logical end. Nepal failed to create mutual respect and maintain the consensus principle. When a country has recently come out of armed conflict, the practice of competition as a democratic norm would not be suitable. The rush to practice democratic values may lead to reoccurrence of violence or protracted instability. Finally, experts from this field agreed that different forms of negotiated settlements — i.e., ceasefires and peace agreements — have different risks of failure. According to Uppsala Conflict Data Project, peace agreements, unlike ceasefires, include concrete steps to resolve the issues over which the conflict is being fought. As might be expected, the peace agreement failure rate is lower than that of ceasefires. Between 1950 and 2004, 32 percent of peace agreements were followed by recurring violence, compared with 38 percent of ceasefires. In the case of Nepal, the peace accord includes various measures to be resolved, but the language used in the document was vague. Earlier, the CPA was expected to be implemented by six months, but many provisions are still unaddressed. More commitment and honesty is required from all sides to bring the peace process to its logical end.

## **Conclusion**

Based on all the experiences and lessons of the protracted peace process of Nepal, the major achievement of the last decade is that the violent conflicting party was converted into one of the major political parties of Nepal through the negotiations among the political leaders. In conclusion, it was true that violent conflict threatened the every sectors of the Nepali state. During the conflicting period, the existence of the state mechanisms was limited to a few urban areas. The Maoists could not achieve their goal even after a decade long violent conflict. Then, the rebel force decided to quit the violence and make alliance with established political



parties for nonviolent struggle. After, the 12 point agreement was the point of departure from violence to peace. And the success of the nonviolent movement which made Nepal a federal democratic republic gave a message to the world that nonviolence is much stronger than any other means. The rebel force entered into peaceful politics by accepting the parliamentary system through the home-grown process.

Though the Maoists followed the mainstream politics by taking part in the constitution assembly election, there is an alliance of a few small political parties led by the dissatisfied faction of Maoists which boycotted the second constitution assembly election. And also the possible failure of the major political parties in reaching the common solution to ongoing debate and adopting new constitution had the danger that it might produce an even more fractious polity incapable of delivering closure to the peace process. All these processes and dissatisfaction level among people show that the peace process at final closure at one side and at another side, there is potentiality of fresh conflict.

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## Appendix I

**Table 1.1 Critical Junctures in the Peace Process of Nepal**

Date	Event
May 1994	Communist Party of Nepal- Maoist boycott general election
February 4, 1996	40 point demands forwarded to the government related to 'nationalism, democracy and livelihood'
February 13, 1996	The Armed conflict starts: Communist Party of Nepal-Maoist attacked police posts of different parts of the country
August 1997	Government declared Maoists' activities as terrorist activities
June-August 1998	Police Operation (Kilo Sierra-2) which killed a large number of civilians in the western region
August 30, 2001	First Peace Talk between Government and the Maoists started in Kathmandu
November 2001	Maoist unilaterally boycott the Peace talk; Emergency declared by the government and Nepal Army was deployed
January 30, 2003	Second Peace Talk between Government and the Maoists started
October 2003	Nepali Congress led Government requested the King to postpone the general election to another date due to security reasons; the King discharged the Nepali Congress led government and formed another government led by a leader from a pro-royalist political party

February 2005	Royal Takeover of the government; King himself led the council of the ministers as chairperson
November 22, 2005	Twelve Point Agreement negotiated between the then Seven-party Alliance and the Communist Party of Nepal-Maoist in New Delhi
April 2006	19 day historic nonviolent people's movement led by the Seven Political Party Alliance and supported by the Communist Party of Nepal-Maoist
April 24, 2006	Restoration of the Parliament by the Proclamation of then King Gyanendra
May 18, 2006	Proclamation of the House of the Representatives; Monarchy paralyzed; power was given to the Prime Minister with few legal changes; the official name 'His Majesty's Government' was changed into 'Nepal Government'
May 26, 2006	Code-of-conduct Agreement on cease fire agreed between the Nepal Government and the Communist Party of Nepal-Maoist
June 15, 2006	Formation of the Monitoring Committee to monitor the implementation of code of conduct for the cease fire
June 16, 2006	Formation of the interim constitution drafting committee
June 31, 2006	Decisions on establishing Local Peace Committee at local level
August 9, 2006	Letters sent to request the cooperation of the United Nations by both the Nepal Government and the Communist Party of Nepal-Maoist
August 25, 2006	Ian Martin appointed as UNSG's personal representative to Nepal
November 8, 2006	Decisions of the meeting of then Seven Party Alliance and Communist Party of Nepal-Maoist on the management of arms, combatants, cantonment sites, monitoring, Nepal Army, Interim Constitution, Interim Parliament, and other state structures in the transitional phase
November 21, 2006	Comprehensive Peace Agreement (CPA) signed between the Nepal Government and the Communist Party of Nepal-Maoist ; commitment to transform cease fire to sustainable peace
November 30, 2006	Dissolution of Cease Fire monitoring committee
December 8, 2006	Agreement on Monitoring of the Management of Arms and Armies
January 15, 2007	Interim constitution passed; Communist Party of Nepal-Maoist representation to parliament; 73 members were nominated for the Parliament
February 2007	Nepal Peace Trust Fund (NPTF) established to facilitate Peace Process of Nepal; 8 International donors and Nepal Government agreed to provide funds
March 7, 2007	United Nations Mission in Nepal (UNMIN) completes registering and storing the weapons of Maoist combatants

April 1, 2007	Government dissolved established Ministry of Peace and Reconstruction
April 12, 2007	UNMIN completes registering and storing the weapons of the Nepal Army
Spring 2007	Madhesi Uprising in Terai
August 30, 2007	Agreement between the government and Madhesi Janadhikar Forum, Nepal; Declared Nepal as a federal state
August 2007	Draft for Local Peace Committee adopted by the government:
April 10, 2008	Constitution Assembly (CA) election held
May 28, 2008	4th amendment to interim constitution passed by 1 <sup>st</sup> meeting of CA: abolition of Monarchy determining Nepal to be a Federal, Democratic, Secular Republic
July 8, 2008	Govt writes to UN seeking six-month extension of UNMIN
July 23, 2008	UNMIN term extended by six months
October 21, 2008	Parties agree to form Special Committee for Supervision, Integration and Rehabilitation of Maoist combatants
January 29, 2009	Karin Landgren was appointed as new UNMIN chief
March 2, 2009	Maoist also announced vacancies to recruit 3000 personnel in cantonments
March 10, 2009	Maoist army suspend recruitment following Supreme Court order
May 4, 2009	Prachanda resigned as PM over the Chief of Army Staff episode
December 16, 2009	Govt and Maoist party agree to release verified minor and late recruit combatants
January 7, 2010	3000 former Maoist combatants began to be discharged
May 28, 2010	Period of Constitutional Assembly extended until May 2011
January 15, 2011	UNMIN withdraws
November 1, 2011	Parties sign seven-point agreement. Agree to integrate 6500 combatants in the Nepal Army-led directorate
March 30, 2012	Decision of the Special Committee to hand over the control of cantonments to APF and Nepal Army on 12 <sup>th</sup> April 2012
April 10, 2012	Govt handed Cantonments under the control of the Nepal Army and Armed Police Force two days earlier; Mohan Vaidhya Fraction dissatisfied with the decision
May 27, 2012	CA dissolved without promulgating a new constitution
June 18, 2012	Partisan of the Maoist party, Mohan Vaidhya led new fraction
December 4, 2012	Decided to close Cantonment Coordination and Management Offices effective from mid-January

March, 2013	New Election Government formed; led by the Chief Justice of the Supreme Court as Chairperson of the Council of the Ministers
August 26, 2013	Integration of 70 ex-combatants (Officer Level) into the Nepal Army

Source: Compiled by the author