

# Nepal's Transition: Democracy to Sustainable Peace

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## 1. Context

With the historic 12-point understanding reached between the Seven Party Alliance and the Communist Party of Nepal (Maoist) in November 2005, a new era has dawned in Nepal, one of peace, stability, democracy and prosperity. Establishment of *Loktantra* in April 2006 was the moment that led the peace process with significant passage. A Comprehensive Peace Accord (CPA) concluded between the Government of Nepal and the Maoists in November 2006 has formally ended the decade-long armed conflict in Nepal.

The commitments include many of the Government of Nepal's obligations under international law to respect, promote and ensure human rights of all persons within Nepal without discrimination. The Accord has visualized a new Nepal and revived the hopes and confidence of all sectors of the country. The entire nation is rejoicing as the Peace Accord is a victory of the people. Nepalese people have achieved remarkable political change which now has to be consolidated into lasting peace, social justice and democracy. The nation was badly bruised by the decade-long armed insurgency, which took the lives of more than 13,000 people, disabled tens of thousands and displaced many more. In Nepal, thousands of people are displaced from their villages as a result of the conflict, thereby, depriving them from enjoying their civil and political as well as economic and social rights.

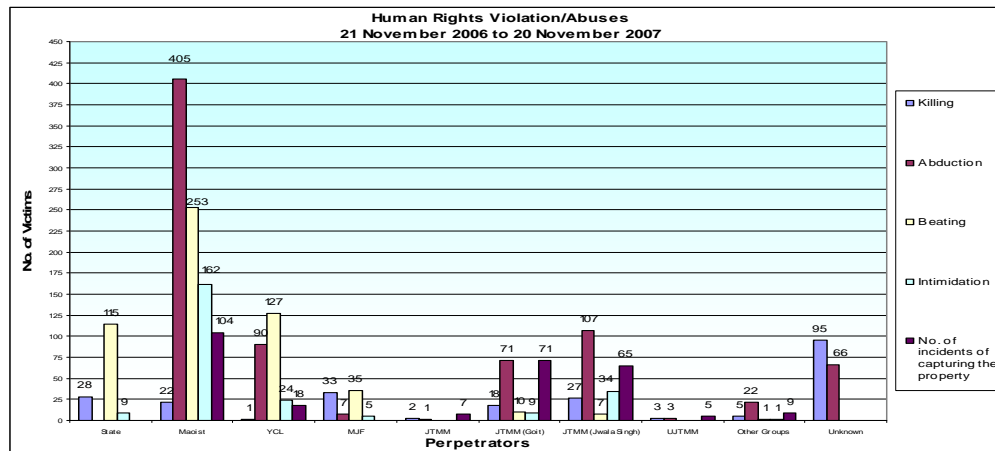
An Interim Constitution was officially enforced in January 2007. There are Interim Legislature-Parliament and the Interim Government joined by the Maoists in place. The election once again was cancelled because of several demands put forth by different political parties. After prolonged discussions and 23-point understanding on December 23, 2007 among major seven political parties, a consensus was reached to hold CA polls for April 10, 2008. However, the security situation specially in 20 Terai districts is deteriorating day by day yet, the political parties are optimistic in holding election this time around. Even the people of Nepal want to end this conflict and transform it into a new peace and prosperous state by election in a free and fair manner.

## 2. Background

In the context of internal armed conflict that was waged in Nepal from February 13, 1996 resulting in suffering of thousands of Nepali people, the end of armed conflict was declared after the 12-point agreement between the then rebel CPN (Maoist) and the then Seven Political Alliance (SPA). The culmination of the CPA was also founded on the aspiration of the 19 day-long 'people's movement'. It is obvious that the CPA raised expectation among people towards peaceful political transition with forward-looking strategies and restructuring of the state while duly honoring the sacrifice of thousands Nepalese people and embracing the voices of the victims. Since the blueprint itself was not a guarantee of the attainment of lasting peace, the effective and honest implementation of the peace accord in both letter and spirit is highly desirable for meaningful change.

Unfortunately, soon after the CPA was signed, series of incidences of non-compliance occurred. It could be seen that the non-compliance of the CPA was not formally monitored by the concerned parties and the incidences of violation which were supposed to be made public by the concerned agencies to make the people aware about the violations were not carried out. In this context, while the public media constantly reported on the series of incidences of non-compliance, monitoring from civil society perspective was felt extremely vital to audit the

implementation of the peace accord and unveil the wrongdoing to the public with a view to make the violators accountable. Nepal's progress toward lasting peace is seriously but not yet irreparably faltering. A further postponement of CA elections reflected the weak implementation of the November 2006 CPA and lack of will to follow the agreed process.

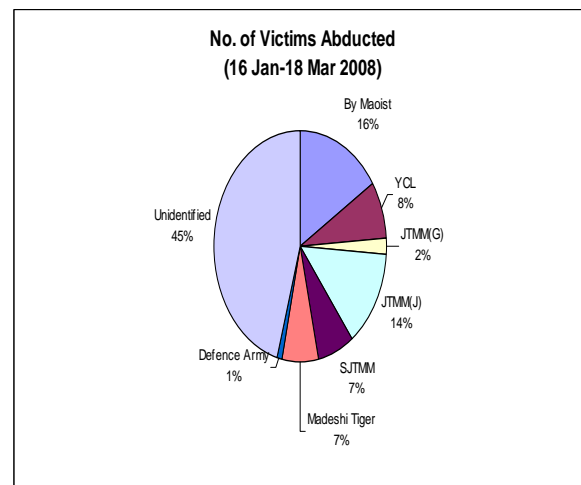
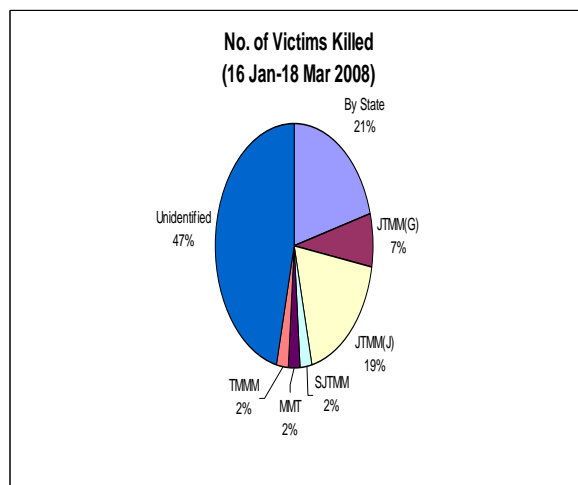


Source : INSEC

According to INSEC records, in this period both the government and the Maoists undermined the agreement by not disclosing the whereabouts of people disappeared at their hands and also both the sides failed to maintain peace and order. Maoists did not show their slight respect towards the rule of law while the government, instead of encouraging them to follow the rule of law, even motivated them by exempting perpetrators of many incidents.

Though the CPA mentioned about the rehabilitation and creation of environment for the return of displaced persons; Maoists could not present themselves in responsible manner to resolve the problem. The government has failed to maintain peace and security while the Maoists are continuing their illegal activities. YCL, the sister wing of CPN (Maoist), has been alleged of operating a parallel administration. It seems like YCL, which is involved in beatings, capturing of property, abduction and killings, is replicating the Maoist's character during war situation.

Both sides did not show willingness to establish the Disappeared Investigation Commission, National Peace and Rehabilitation Commission, Truth Finding and Reconciliation Commission, State Reconstruction Commission as stated in the Interim Constitution.



Source : INSEC

The situation of peace and security is getting worse day by day in Terai districts. The government failed to curb the criminal activities carried out in the name of politics. Though around two dozens of groups in Terai were involved in different incidents including killing, abduction,

capturing of property; the government was reluctant to take them under control. The government did not show any concern towards the displacement problem initiated by the fear of armed groups. The above mentioned statistics documented by INSEC clearly depicts that this one year could not be satisfactory for the Nepalese people as a result of increasing impunity, rise in criminal activities, and deteriorating condition of peace and security.

### **3. Pre- election situation**

Electoral violence is very possible in many parts of the Terai and some other parts of the country. In the Terai, the violence seems to be the work of various armed groups. Elsewhere in the country, the activities of the Maoist YCL have clearly shown that the road to the polls is going to be a violent one. The incidents in Ramechhap, Darchula, Kaski, Sindhupalchok, Dhankuta and some other districts are a few of the examples of pre-CA violence instigated by the YCL. The seven political parties and the government are yet to respond in a formal and systematic manner. Their inaction has added to the chances of the exacerbation of the situation.

The 8-point agreement between the United Democratic Madhesi Front (UDMF) and the government was supposed to create an environment conducive for the election in the Terai. Expectations were high that the agreement would exert moral pressure on the armed groups at least not to disrupt the CA polls. The violence is unlikely to end, and people do not feel any kind of change in terms of their safety and security when we look at the individual threats. The armed bands have raised questions over the recent agreement and the CA process.

### **4. Post CA Election situation**

The politics, economy, social relations and overall attitudes of the key stakeholders can be more challenging after the CA poll. There are many traditional, religious and cultural practices, which promote discrimination and inequality. The feudal mindset and practices rooted in the political parties and state agencies—including the bureaucracy and security agencies—are the major obstacles. They have to be transformed and democratized, otherwise it will be almost impossible to address the longstanding issues of discrimination based on caste, ethnicity, gender, class and religion besides resolving the crisis of deprivation and exploitation that the landless, poor and marginalized people have been suffering.

The issue of land and agriculture is central to the prevalent discrimination and marginalization, which needs to be dealt fairly. Including marginalized and disadvantaged people in the state apparatus and socio-economic relationship is another major concern. State restructuring, inclusiveness, democratization of the security agencies, bureaucracy and other productive sectors, justice to all (particularly to those victimized), an end to violence and assurance of peace and security are a few of the areas that need such a commitment. A rights-based approach to development and democratization and human rights-governed thinking only can successfully deal with these challenges.

### **5. Role of Civil Society**

Renovation of key democratic institutions such as political parties, judiciary, law enforcement agencies as well as civil society organizations is the key to lead towards an inclusive democratic state. How to establish an inclusive democratic state also depends upon in which level the political actors follow their commitments and agreements of the past that have been leading towards peace and forward to the CA. Ending impunity, compensation to the victims of human rights and humanitarian laws violation, ensuring transparency at all level, poverty alleviation and employment, guaranteeing all human rights for all, addressing root causes of the conflict and structural violence, ending all forms of discrimination and exploitation and conducting free and fair elections to the CA can be an answer to process.

There are some key areas in which civil society organizations in Nepal and outside should focus on to respond the challenges. Following strategies could lead towards sustainable and just peace with inclusive democratic process:

- Top-most priority to human rights agenda – civil and political as well as economic, social and cultural rights
- Awareness raising, capacity building and empowerment of the conflict victims as well as the people at the grass-roots level
- Sensitization and lobby/advocacy with other stakeholders at the national as well as international level
- Facilitating political parties to strengthen their performance for peace, democracy and development
- Increasing media intervention through people's access to media
- Coordination among civil society/human rights organizations to push forward the human rights agenda at all decision making processes
- Coordination among inter-governmental, governmental and non-governmental organizations and donor agencies for better rehabilitation and reconstruction efforts
- People's mobilization for development activities
- Facilitating people to strengthen local efforts of establishing peace through various means they deem necessary in their area, and encouraging other stakeholders to support these initiatives.

## **6. Conclusion and Recommendations**

A collective national sobriety is a must to lift the nation from its cesspool of conflict governed by insecurity and divided by violence. Peace building process provides a keyhole for an analysis of the root causes of the conflict and for an examination of the transformation of the troublesome links between structural injustice and cycle of violence and counter violence setting a downward spiral of democratic and development process. The nation needs to address security, governance, development and reconciliation issues to achieve sustainable peace building with the consent and participation of all those affected by it.

Failing to respond to pressure for inclusive transformation in the long-run can damage the working relationship among the drivers, actors and stakeholders of peace. The responsibilities of the civil societies groups are growing in the changed context. The international communities have also realized the importance of support for election or governance as a part of democratization process.

The role of the government, human rights community and the UN, and other international agencies working in Nepal is also vital in addressing the pre and post CA elections challenges. In times of violence and conflict, the role of such agencies in making the people and concerned stakeholders aware of factual information is vital. There is a need for more confident diplomacy, straightforward dealing and professional engagement of these actors to end impunity and promote human rights.

The seven parties (government and Maoists) should:

- preserve unity through a combination of immediate confidence-building measures, jointly reaffirming to the CPA's shared vision, developing consensual decision-making procedures and transparently negotiating a durable power-sharing;
- demonstrate commitment through behavior – with the Maoists halting parallel activities and other abuses of the CPA, and other parties setting an example by fulfilling their own commitments;

- engage with other parties represented in the legislature or registered for the elections and with civil society to build broader support for the electoral and peace process;
- review progress on implementing the CPA and subsequent agreements, establish mandated committees and fill the gaps in earlier negotiations by initiating discussions on such issues as security sector reform;
- focus on the constitutional process, developing mechanisms to bring in the public in order to ensure it is meaningful and convince Nepalese that elections are serious;
- develop a viable public security plan to rebuild confidence in the police, uphold the rule of law and end impunity whether of state or non-state actors; and
- increase the focus on political inclusiveness, starting by implementing agreements on representation of women, janajatis, Madhesi, Dalits and other groups.

International actors should:

- help on building a sustainable democratic peace with a future based on the principles of a civilian, accountable and democratic government as the necessary foundation on which to build a viable economy and climate for recovery and reform;
- agree on a common message pressing for a realistic roadmap to CA elections, offering support and reminding all that international recognition is conditional upon demonstrated commitment to peace and democracy;
- UN Mission in Nepal (UNMIN) should continue to clarify its role, improving communication with the public to counter criticism about lack of transparency;
- donors should only support projects with all-party approval and demonstrably in line with peace process goals, including strengthening local governance to contribute to confidence-building and service-delivery to local communities;
- support Government to maintain law and order throughout the peace process, in particular in the run up to the elections but also long-term reform of the judicial system; and
- support Government's holding of the CA election process through funding for UN and other international observation of the elections.

Note: MJF-Madhesi Janadhikar Forum, JTMM-Jantantrik Terai Mukti Morcha, JTMM(G)-Jantantrik Terai Mukti Morcha (Goit), JTMM (J)- Jantantrik Terai Mukti Morcha (Jwala Singh) and UJTMM- Unified Jantantrik Terai Mukti Morcha



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