Section 1

Peace process

This section traces the evolution of Nepal from a country mired in armed conflict to one where the absence of violence has more or less become the norm. It examines the gradual process by which a common understanding of the causes of the Maoist ‘People’s War’ was reached and of how these issues could be addressed. The challenges facing the peace process are dealt with in some detail, in particular the management of the Maoists’ army.

The peace process in Nepal began the day the Communist Party of Nepal–Maoist declared a ceasefire in the immediate aftermath of the success of the second People’s Movement in April 2006. Peace has generally held, despite occasional stumbles and the emergence of new forms of violence provoked both by the end of the war and by explicit or implicit promises made during the political transition. And even though disaffection runs deep in parts of the country, another round of sustained armed conflict is unlikely.

Political actors from both inside and outside government have negotiated inclusive change in Nepal through a succession of different types of agreement over many years – before, during and after the war. Deepak Thapa explains how such deals have responded to pressure from organised dissent and mobilisation, violent and non-violent, including the Maoist conflict. Guarantees agreed on paper have not always been upheld in practice and conspicuous gaps and persistent blockages remain, for example in terms of full proportionality of representation in state institutions. But collectively and incrementally they have contributed to building a more equitable state and society, and overall the inclusion ‘balance sheet’ shows positive progress.

The role of civil society in ushering in the 2006 People’s Movement cannot be overstated. Apart from helping to rehabilitate the reputation of political parties and to moderate the Maoists and the royal government, civil leaders provided the moral force in the fight for peace. In an interview with Accord, civil society leader Devendra Raj Panday describes how Nepal’s civil society movement helped expedite the end of the war, connecting the political process to the people while mediating between the Maoists and the political parties and their respective agendas. Expanding common ground between the two sides also coincided with civil society’s own ambitions for change, which included restructuring the state and, to some extent, republicanism.

Another civil society leader, Daman Nath Dhungana, Chair of the Nepal Transition to Peace Institute, also spoke with Accord in an interview, giving his unique insights into the war, the political transition, the transformation of the state and the role of the political leadership. He warns that the narrow political basis of the new constitution implies future instability, and Nepalis might have to prepare for another phase of transition.

The transition from war to peace has involved the creation of a number of support structures, the impact of which has been mixed. A Peace Secretariat was established to reinforce peace talks between the Maoists and the Nepali state. After the end of the war, the peace architecture was expanded. According to Bishnu Sapkota, the elevation of the secretariat to a ministry was meant to increase its authority and traction, but as a result also opened it up to politicisation. The peace apparatus in place has since struggled to balance influence against impartiality.
India has been by far the most influential international actor in Nepal’s peace process. New Delhi has had to calibrate its preference for political stability in Nepal with moderating the Maoists’ more radical agenda and upholding the interests of the Madhesi community, not always successfully. Other international actors have generally been supportive of greater inclusion, but, as Aditya Adhikari points out, that approach has come up against increasingly strong and effective resistance from conservative elites in Nepal’s establishment. Although denied a more political role, the UN performed the important function of promoting human rights and overseeing demobilisation of the Maoist fighters. Adhikari maintains that international influence in general has waned as the transition has progressed.

Mandira Sharma takes up the unfinished business of transitional justice. Political leaders seized on a distorted interpretation of the South African model, particularly in relation to amnesty, and tensions between amnesty and accountability have since dominated. The commissions for truth and reconciliation and for the disappeared took many years to establish. Victims of violence have made some gains in other forums such as the Supreme Court, but the neglect of the justice agenda has had a profound, negative effect on the quality of Nepal’s peace. Sharma argues that the perpetuation of the environment of impunity contributes to the further exclusion of already marginalised groups in society.

A major concern within Nepal and internationally has always been how the Maoists would transition from a revolutionary force to one committed to a system that recognises democratic pluralism. Complicating the Maoists’ transition was the fact that they had a battle-tested guerrilla army that had fought the Nepali Army to a stalemate.

The party leadership has had to undertake a delicate balancing act, and Jhalak Subedi describes how the Maoists’ have sought assimilation into Nepal’s democratic political mainstream while also defending their principles. He notes that these somewhat contradictory agendas have brought inevitable trade-offs, including internal splits and bargaining over power sharing. Inclusion has been an important gauge of the Maoists’ ideological integrity and achievement, and they have been criticised for apparently abandoning their revolutionary roots in the new constitution. But the Maoists insist they are skilfully playing a longer political game that offsets upholding their agenda with attaining the power to push it through.

Sudheer Sharma discusses how Nepal’s security forces have navigated the post-war political transition – in particular the Nepali Army. The army has largely tried to resist the post-2006 reforms relating to civilian control, democratisation and inclusion, as well as the integration of the Maoist army. It has supported some progressive changes, such as the move to a republic, and acceded to others, such as adopting the quota system for recruitment. But after the failure of their efforts to press for more fundamental restructuring of the military, even the Maoists appear to have given up, leaving the army powerful and largely autonomous.

The post-war fate of the People’s Liberation Army (PLA) has echoed the limits of the Maoists’ capacity to effect deeper political change in Nepal. The demobilisation process took five years, with disagreements centring around the integration of the PLA into the Nepali Army, the handover of Maoist armaments, and the mode of the ex-combatants’ demobilisation. Chiranjibi Bhandari describes how PLA members were given the choice of integration, rehabilitation or retirement with a cash package, with the vast majority opting for the latter. But many former fighters feel abandoned by the party and still face the very discrimination they had fought to eradicate.

In an interview with Accord, former PLA Division Commander Suk Bahadur Roka ‘Sarad’ talks about how many fighters saw no future in the political process and left the cantonments over the many years of the demobilisation process. Today, much of the core of the party that fought during the ‘People’s War’ has become disheartened, as the cadres who were ready to give up their lives on the front lines have found themselves sidelined in the ‘New Nepal’. Others, including later entrants, now form the face of the party.

The post-war experiences of women PLA ex-fighters have been even more disappointing. Former PLA Brigade Vice-Commander Lila Sharma ‘Asmita’ points out to Accord in another interview that not a single woman was included in the negotiating teams, and repeated promises of greater women’s participation in party decision-making have not materialised. An organisation she has set up with other colleagues aims to provide counselling, training and other support to their former comrades-in-arms.

Looking back at the past 10 years, Deepak Thapa asserts that there have been undoubted achievements in the implementation of the CPA, from avoiding a relapse into war to successive peaceful transfers of power, including to and from the Maoists. But there are significant omissions, too, the most conspicuous and tragic of which relates to the transitional justice agenda and the failure to uphold commitments to the victims of violence.