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Nepal's Peace Process: Prospects and Hurdles

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Background

Nepal has been in the news from the past couple of years for all the wrong reasons. A country renowned for being the birthplace of Lord Buddha, the Mt. Everest and honest Gurkha soldiers has turned into a boxing ring of fighting politicians. The Maoist insurgency costing more than 13,000 lives since 1996 took a heavy toll on the country's infrastructure, socio-political life, and economy. Physical infrastructure worth at least US\$250 million was destroyed. More than 400,000 rural families were internally displaced while thousands crossed over to India. Tourism and garment industries that have been a mainstay of the economy for decades are today in shambles. Unemployment rate has soared forcing youngsters to go abroad for work. Those that can't find foreign employment remain as potential recruits for the insurgency completing a vicious enclose of poverty, malgovernance and insurrection.

The triangular nature of the Nepali conflict involving the monarchy/army, the centrist political parties and the Communist Party of Nepal (Maoists) has shaken the very foundation of the Nepali state. With 15 Prime Ministers in 15 years, the people were exhausted with a revolving door charade of governments coming and going out without contributing anything tangible to the people and the nation at large. It forced the King on 1 February 2005 to try his own hand in resolving the problem but his direct rule was viewed largely as a power grab. In fact, his actions facilitated the coming together of the political parties and the Maoists to forge a united struggle in April 2006 which forced him to relinquish absolute rule in the Kingdom and a broad coalition of seven political parties under 84 year-old Girija Prasad Koirala formed a government. A ceasefire was announced and an agreement signed with the Maoists to end the decade-long insurgency. Election for a constituent assembly to draft a new constitution for the country would be held within April/May 2007. Both sides also agreed to invite the United Nations to oversee the management of arms of both the state and the Maoist guerrillas. The UN Security Council (UNSC) likewise backed a call by UN Secretary General Ban Ki-moon to set up a UN political mission in Nepal to monitor the peace accord between the government and Maoists.

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In a report to the Council in early January, Ban called for the UN Mission in Nepal to be established for a period of 12 months, covering the aftermath of elections for an assembly which is to decide the constitutional future of the country. Nepal's northern neighbour, China, a permanent member of the UNSC, however, insisted that the mission stay in Nepal only for six months. It will comprise up to 186 unarmed active and former military officers to monitor Maoist cantonments and Army barracks, together with deployment of a small team of monitors to review all technical aspects of the electoral process and a UN police advisory team to help ensure "critical" security during voter registration, campaigning and polling.

The ceasefire declared by both sides, agreement to end the people's war, the promulgation of the interim constitution, formation of the interim parliament and the current efforts towards bringing the Maoists in an interim government are all positive steps towards establishing lasting peace in the country. The Maoists have likewise selected a group of 83 individuals as members of the interim parliament representing their party which also demonstrates that they have finally given up the dream of capturing state power by violence. In addition, their parallel local governments and kangaroo courts set-up at various locations around the country have been ordered by Chairman Prachanda to be dissolved. During meetings with local industrialists, he along with Dr Baburam Bhattarai who is the second-in command have repeatedly acknowledged the fact that the Soviet Union or North Korea type of economic structure is not suitable for Nepal and they will not reverse the fiscal policies based under free market economy being pursued by the country from the last one decade. Despite these encouraging signs, there are other avenues of confrontation left out that needs urgent correction when there is still time.

Pitfalls of the Interim Arrangement

With the promulgation of the interim statute, the 1990 Constitution viewed by many as "one of the best Constitutions of the world" has been officially annulled. It must not be forgotten that Nepal has become almost a living laboratory for experimenting with one Constitution and another yet the people remain dissatisfied with the one they have nevertheless endeavor to draft a better one. Very few countries have had so many Constitutions in the last half a century.

Another paradox is that the Constitution of 1962 drafted by the legendary Late Rishikesh Shaha under the autocratic Panchayat system managed to survive for 30 years with several amendments but the Constitution of 1990 hailed as being democratic with all the essential tenets of multi-party system of governance, free and independent judiciary, freedom of speech, sovereignty vested on the people etc. could stay alive for altogether 16 years. No amendment was done to the Constitution before throwing it into the dustbin of history.

Not all is well with the provisional arrangements and risks of another political deadlock are extraordinary. The interim constitution and the formation of the interim government and interim parliament has been criticized mainly for its non-inclusiveness of even the recognized political parties (such as the RPP, Janshakti party and the Nepal Sadbhavana Party-Mandal) that were getting sizeable seats in the previous parliament (s).

Furthermore, a rare joint sitting of Supreme Court judges sent a memorandum to the Prime Minister for a review of several provisions that may curb the erstwhile independent judiciary of the country but even their voice was unheard. "Independent judiciary is one of the pre-requisites of any democratic system of the world. We want to see independent and competent

judiciary not a committed judiciary,” said advocate Kumar Regmi. Similarly, Article 38 of the interim Statute states that the Prime Minister will be chosen under the “political understanding of eight political parties”. Ironically, there is no provision to remove the Prime Minister even by a two-third majority vote. Another article explicitly says eight parties will include Nepali Congress, CPN-UML, Nepali Congress (Democratic), United People’s Front, Nepal Sadvabana Party (Anandadevi), Nepal Workers and Peasant Party, United Left Front and CPN-Maoist. In essence, it makes all other political parties and individuals not associated with either of these groupings naturally disqualified from decision-making processes of the state. Voicing his objection on the way the Constitution was promulgated, the President of RPP, Pashupati Shumsher Rana, said, “We were proud when the parliament restored after the people's movement was declared sovereign. But it appears we are no more than respected rubber stamps. We did not have any status even to thoroughly discuss the Interim Constitution,” Rana said, “All tradition, norms and values of parliamentary system have been violated by the manner in which this Interim Constitution is being promulgated.”

At least the 1990 Constitution was drafted by an all-inclusive committee comprising of the Nepali Congress, Left Front and the palace nominees which characterized the entirety of the then Nepal. It is apparent that the mind-set prevailing among the current eight-party alliance is to exclude people that were against the April 2006 People’s Movement. Therefore, one side of the conflict (the monarchy and the 90,000-strong Nepal Army) will be deliberately barred from all the important decisions taken to enter into a “new Nepal”.

After turning the country into a secular state from the world’s only “Hindu monarchy”, the eight political parties are also talking of deciding the fate of monarchy through a simple majority vote on the first session of the Constituent Assembly. This has prospects of taking Nepal into further rounds of instability, uncertainty and chaos. It was under the guardianship of the 300 year old institution of monarchy that the Nepali state willy-nilly survived as a sovereign country during the British *raj* in the Indian sub-continent. And even till today, it enjoys respect especially in the rural areas of the country where the dominant religion is Hinduism. The late nineteenth century experiments in Iran and Afghanistan where monarchy was abolished with the hope of establishing secular democracy miserably failed to meet the desired expectations. There are fears that Nepal could turn into a hotbed of extremism and radical communism once and if the monarchy is done away with.

In this context, the example of Iraq is also relevant where the former Bathists were excluded and purposely disqualified from the CA elections, the government, administration and getting into the state security forces which has resulted almost in an unending battle involving the lives of countless Iraqis and U.S. troops. Excluding a group naturally creates a dissident bloc and then paves the way for that particular group to cash in from the mistakes and unpopularity of those in power.

As a corollary effect, ‘*Jantantrik Terai Mukti Morcha*’ (JTMM) has now emerged as one additional rebellious armed group demanding the separation of the Terai region by calling incessant strikes and *bandhs*. Nearly a dozen people have been killed by the JTMM within two months and its leaders are already calling for the newly promulgated interim constitution to be scrapped. For the first time in history, there was a communal riot on 26 December 2006 in Nepalgunj, a western town in the terai that shares border with India leaving one dead and injuring at least 18.

Similar outfits such as the JTMM demanding autonomy or total separation along caste or ethnic lines have sprung up across in a country which has 52 different ethnic groups. Likewise, Kathmandu is witnessing scuffles between various groups and factions having affiliation with one political party or another on a daily basis. There was a two-day general strike called by the Nepal Transport Entrepreneurs' Federation on 21 January 2007 that forced Kathmandu and other major cities to come a standstill.

People were euphoric when the Maoists joined the parliament and reached a peace deal with the government but the recent incidents of violence in eastern and mid terai have disheartened the people. Innumerable incidents of killing, extortion, abduction and vandalism in terai have terrorized the Madhesi population and caught the SPA-M alliance by surprise. The local administration was forced to impose curfew in Siraha district on 20 January after Maoist cadres shot dead a member of the JTMM. Three innocent people lost their lives and more than four dozen were injured when police opened fire on a crowd of protestors the following day in Lahan. Reports quoted police officials as saying that they had to open fire in self defense as the protesting crowd led by a little known Madhesi People's Rights Forum (TPRF) tried to bring down the local Police Post. Prime Minister G. P. Koirala had to hurriedly call for an emergency meeting of the senior leaders of eight-party alliance to sort out a common plan of action to deal with the JTMM and the TPRF. Koirala negotiated successfully with the Maoists but within a month, the JTMM and the TPRF of Jwala Singh, Jay Krishna Goit and Krishna Singh that are splinter off-springs of the Maoist party itself are becoming equally powerful.

If the present situation continues, it will jeopardize the constituent assembly elections enabling the politics of gun to terrorize Nepal for a long time to come. Therefore, while the government must be stern in dealing with these criminal activities and simultaneously opening channels of communications with the JTMM and the TPRF, the Maoists too need to demonstrate by action that they are truly committed to multi-party system of governance. For instance, violating the code of conduct, they carried out a series of protest programs demanding annulling of the decision to appoint 14 ambassadors to various capitals. Their demand was that they should be "consulted" before any important decision is made by the current coalition government. In reality, it would be like handing over the power to the Maoists and the centrist parties were in no mood to do so especially before the Constituent Assembly elections which can be influenced by whosoever runs the caretaker administration in between these turbulent few months. But the Maoists are avowed to rule by proxy. They are still not allowing the government to set-up police posts at various places in the rural areas to run the election in a free and fair manner. U.S. Ambassador James F. Moriarty has even said that they are purchasing various types of "crummy weapons from Bihar" to be handed over to the United Nations monitoring team and keeping back the modern armaments for future usage. Businessmen are still complaining of having to pay regular levy to the Maoists despite Chairman Prachanda's promise of stopping it.

Conclusion

Situated between India and China, a chaotic and a messy Nepal unable to govern itself could have dangerous repercussions for both the neighbors as it has possibilities of extra-regional powers taking unnecessary interest in the internal affairs of Nepal. Both are already wary of the UN peacekeeping mission having to stay in Nepal for a prolonged period. Furthermore, the adjoining areas of India and China bordering Nepal are the most backward regions of these two emerging Asian giants. A country that could have been a transit state and facilitated

cross-border trade and economic links between heartlands of Uttar Pradesh, Bihar and West Bengal with Tibet has instead chosen to be a spoilsport and a headache for both the countries.

Much depends therefore on how the current political dynamics will be played out between the major political actors and what role India will play in the whole affair especially in lieu of the Naxalite movement gaining strength in Bihar, Chhattisgarh, Andra and parts of Madhya Pradesh. Chairman Prachanda insists that the Nepali Maoists do not have any working alliance with their Indian counterparts.

Indian Home secretary V. K. Duggal also said in the last week of December that there are no reports of Nepali Maoists assisting the Indian Naxalites in carrying out disruptive activities. It seems that the Government of India desires to see the Nepali Maoists joining political mainstream that would have an inspirational effect on the Indian Naxalites as well. But a representative of the Communist Party of Nepal (Maoist) told a meeting of seven Maoist parties of the South Asia region held at an undisclosed location recently that it is “very close to seizing state power” in Nepal.

A statement issued by the party said it told the meeting of the Maoist parties, which are members of the London-based Revolutionary International Movement that the CPN (M)-led revolution has *now* entered into the phase of “decision-making”. It is these confusing signals coming out from the Maoists and the almost daily incidences of violence across the country that may delay the constituent assembly polls and thereby jeopardize the entire peace process.

It is all the more imperative therefore to include all the stakeholders of the Nepali polity and society before such a high-risk venture of the CA is implemented. Otherwise, the chances of Nepal settling down even in the post-Constituent Assembly phase look grim. Betrayed by almost every government that comes to power and hapless to do anything, frustration has now sneaked in deeply into the psyche’ of a common Nepali. It was first the rural areas that were in control of anarchy but now even the cities have become unsafe. The need of the hour is for all the three power centers of the country to rise above partisan politics and rescue the country from an eventuality of total devastation.
