

An Assessment of Peace Initiatives in Nepal

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Nepal experienced a decade long armed conflict. It was one of the painful times in Nepalese history; it took thirteen thousand lives, displaced nearly half million people and destroyed billion dollars worth property and infrastructures. It also causes a lot of pains and sufferings in Nepalese society. The human cost of the conflict is extremely high and it is one of the worst human tragedies in Nepalese history. The decade long conflict impoverished the nation and halted the process of economic growth. But there is some positive outcome of the conflict as well. It also initiated and brought the great debates and transformation in the Nepalese society and polity. The debate of inclusive and broad based democracy is a direct outcome of it.

The twelve point agreement was signed by Nepal Communist Party (Maoist) and mainstream parliamentary parties. This agreement paved the way for conflict transformation in Nepal. The Maoist joined the democratic mainstream and accepted the multiparty system and plural democratic order. The people's movement was launched in Nepal to establish democratic political order. The Maoist also participated in the historic mass movement, popularly known as Janaandolan two. The people's peaceful and unarmed movement brought a historic political change in Nepal. The king stepped down before the organized people power and the force of the historic mass movement. It was huge victory for people's power and non-violent peaceful mass movement. The dissolved house of parliament was restored. In order to materialize the people's democratic will, aspiration and mandate of the movement restored parliament and curtailed all the power and privileged of the king. The institution of monarchy became the most discredited institution in Nepal.

The historic comprehensive peace agreement was signed between the government of Nepal and Nepal Communist Party (Maoist) on November 21, 2006. The comprehensive peace agreement provides a detailed framework and comprehensive road map for the sustainable peace in Nepal; it also promised the election for Constituent Assembly (CA) which will be empower to write a new constitution for Nepal. The election for CA was postponed twice, which created an atmosphere of political confusion and uncertainty. Eventually the election of CA which supposed to draft a new constitution for the nation was conducted amidst political uncertainty and confusion. The Mahesh based political parties also made huge agitation to incorporate their demand in the interim constitution. The political deal was made between madhesh based political parties and government of Nepal, which cleared the way for the election of CA. The election of CA itself was the landmark event in Nepalese history. The first time the Nepalese people had got the opportunity to write their own constitution. The CA

election brought the unexpected and surprising result. The Maoist emerged as a largest political entity in the CA election.

Many post conflict societies opted for writing a new constitution in order to build lasting and sustainable peace. The constitution making process is the part of the peace process in Nepal. The constitution can be a tool for conflict transformation in Nepal, because it can address the structural cause of conflict. The structural cause of conflict need to be addressed, only patch work would not work. The root cause of conflict is embedded in the polity, governance, economy, society and culture of Nepal. The structural cause of the conflict is the unjust socio-economic and cultural order that need to be altering and restructured. The peace building process means the process of building a democratic institutions and strengthening a rule of law process. The genuine and sustainable peace requires human rights, rule of law and vibrant democratic institutions. The peace does not mean only absence of war or armed conflict. The peace cannot exist in vacuum. Nepal needs a holistic approach to build and sustain peace. The peace building is a dynamic and multidimensional process. Nepal's conflict is a byproduct of lack of democracy, accountability and over centralized governance and polity. The constitution making process is the defining moment in the history of any nation. It is the process of searching a new identity for the nation. Now Nepal has created a new identity for itself. Now it has been declared as federal, democratic republic. It is an epoch-making change and watershed event. Nepal needs to institutionalize these changes under new constitution. The new constitution shall be the transformative document; it needs to produce a massive socio-economic transformation in the Nepalese society, polity and governance structure. Nepal needs democratic peace, the peace which provides a framework for empowerment of people. The constitution is the document of the empowerment of the people. It is the people's charter of rights and democracy.

The Nepalese people were alienated from the polity and governance structure. The vast majority were the disempowered lot. They have no any meaningful say and participation in the decision making and governance structure of the nation. They were the voiceless and faceless peoples excluded and alienated from the process of governance and political decision making. The state works only for the fortunate few, rest are the marginalized and disempowered lot. There was no genuine autonomy for any level of governance. There is a democratic deficit and people are denied an access over resources. The right to development can't be ensured without genuine and functioning autonomy and access over local resources. Nepal needs a broad

based, inclusive and genuine democratic order and not only a procedural one. The procedural democracy ensures only a right to vote in periodical elections which does not provide a room for genuine participation of people in political decision making of the nation. Nepal needs a more participatory governance structure at this juncture. The participation is the key to empowerment. That's why it is imperative that upcoming constitution shall totally restructure the institution of polity and governance of the nation.

State and Challenge:

No doubt Nepal took a big step towards establishment of sustainable and democratic peace. The completion of CA election was itself a landmark achievement in this regards. The CA emerged as an inclusive body. The diversity of the nation has been in a large extent reflected in the institution of the CA. This is a first inclusive political institution in the Nepalese history. The post conflict constitution needs to be a peace charter. The new constitution would be the road map of new and democratic Nepal. The new constitution must be able to address the democratic aspirations of the people. It needs to be the people's charter for justice, equality and genuine peace. The genuine peace requires a just socio-political and economic order. The just socio-political order is the basis for the just and democratic peace. The just peace requires a restructuring of socio-economic and political order. The broad based inclusive and participatory constitution making process would be the efficient and authentic way to address the conflict, and it could also be a tool for the conflict transformation. But still Nepal has a long way to go to establish a genuine and sustainable peace. The justice, human rights and democratic and genuine participation is the basic element of peace. Nepal is facing a difficult and painful transition. Now it is extremely vulnerable and fragile in Nepal. Below are the basic issues and challenges.

1. The Nepalese peace process is heavily top down. It is conducted from the top. There is no effective and meaningful civic engagement in this process. The civil society groups and organizations, which played a significant role in the democratic movement, are largely excluded from the process. They are not consulted or engaged in the process. There is a growing gulf between civil society organizations and political actors. It is not run and owned by the people. The people are not encouraged to actively participate in the process. So instead of actively engaged in the process, people have just become silent spectator.

2. The respect for the rule of law is a basic ingredient of any peace initiative and it is a hallmark of civilized society. But in contrast there is a state of lawlessness and anarchy in Nepal. The law enforcement agencies and institutions became weak, fragile and inefficient. Nepal is suffering from the soft state syndrome, state which is unable and inefficient to properly implement its own laws.
3. There is serious and growing political disagreement over key political issues among major political actors. The widening gap might derail the entire peace process and constitution making process. The unreasonable delay in constitution making would also disrupt the process.
4. The successful peace process needs an effective monitoring mechanism. All the actors must be held accountable for their actions. There must be an inbuilt mechanism for accountability. The unmonitored peace process cannot reach its logical ends. The peace process is a sensitive one. Any tiny and small mistake might derail the entire process. There is no effective monitoring mechanism in place.
5. The human rights are the central theme for any peace building effort. There can be no genuine peace without full guarantee of basic human rights fundamental freedom. There is widespread violation of national and international human rights law in Nepal. Nation lacks an effective mechanism to enforce national and international human rights norms and standards. The national institutions to enforce and monitor human rights are largely ineffective and weak.
6. The peace building and conflict transformation is a gigantic task. It is directly associated with nation building process. To deal with post conflict society Nepal needs a set of institutional mechanism to deal with past abuse and create a basis for peace and justice. No such mechanism is at place yet. Such as- truth and reconciliation commission, peace commission, commission on state restructuring etc.
7. The culture of impunity is the biggest enemy of any peace initiative; it can destroy the very fabric of the society. Nepal is deeply suffering from the culture of impunity and state lawlessness. No one is brought to the justice for the wrongdoing or the serious crimes committed in the past. There is politicization of crimes. The justice delivery mechanism has also become weak and fragile. Nepal needs an effective and credible mechanism for transitional justice.

8. The effective participation of women and people from marginalized communities is must in any peace building effort. But in contrast no such effort has been made to include women or any marginalized communities in peace building effort in Nepal.

9. The writing a new and fully democratic constitution for Nepal is a part of the peace process. The constitution which will be based on justice, peace, genuine equality and democracy would be the basis for a sustainable peace in Nepal. The new constitution is supposed to create a new socio-political structure or order in Nepal. To write a new constitution for Nepal requires a political consensus among the various political parties. But politics of consensus have been replaced by a politics of confrontation in Nepal. There is a growing gulf among the political parties. The constitution needs to be promulgated within given timeframe, if constitution would not promulgate within a given timeframe than it would be disastrous for the peace process. The people are now skeptical that the constitution will be written in given time frame.

Recommendation/what's needs to be done

1. The peace process needs to be democratized. The ownership of the people in the peace process is must for the successful conflict transformation. The effective civic engagement would provide real strength to entire effort. The process which is far away from the people and where the people at large are alienated from it cannot go very far and would not produce any meaningful result. The civic participation in the peace building effort must not be cosmetic only. The civic engagement in the peace process must be genuine and meaningful.

2. The structural cause of conflict needs to be addressed. The exploitation and marginalization of the population such as dalit, women, indigenous and madhesi must be addressed in systematic order. Their equal participation, dignity, respect and basic human rights must be ensured and effectively protected.

3. The rule of law institution needs to be strengthened and no one should be treated as above the law. The lawbreakers and criminal must be brought to the justice. The political will needs to be mustered in order to ensure the effective functioning of rule of law. Nepal is facing a complete breakdown of rule of law and phenomenon of criminalization of politics and politicization of crime. The lawlessness is the biggest enemy of the peace process.

4. The comprehensive peace agreement is not fully respected by all the concerning parties. In fact it is not only disrespected but it became a kind of forgotten document now. Since it provides a comprehensive roadmap for peace process in Nepal, so all the parties must be fully abide by it. Otherwise the peace process would be derailed.

5. The constitution making process is the basic component of the peace process in Nepal. The constitution making requires a politics of consensus, and constitution should be also made in stipulated timeframe, prescribe by interim constitution. Therefore total energy and concentration must be directed toward a writing a new constitution. The political parties need to sort out their differences quickly or instantly for the larger interest of nation and people. The parties need to build a democratic culture to live and work together. The political parties should build an all party mechanism to sort out their differences, because constitution making process is also a consensus building process. It is self evident that without consensus and cooperation among the major political parties the constitution cannot be made.

6. The undemocratic behavior of the political parties is the chief obstacle for the peace process. The parties are the key vehicle for democratic politics. The political parties which are not democratic in their inside structure cannot behave democratically. The Nepalese political parties are undemocratically organized. There is lack of inner party democracy in Nepal. The political parties needs to be democratized and should be made an inclusive and broad based political institution. The political parties are the basic tools available to the people to participation in the democratic politics. The vast majority of marginalized lot of people is not allowed to participate in the political process of the nation. The diversities of the nation must reflect in their organizational structures.

7. The Security Council resolution 1325 which underlined the women's role in peace building process must be taken into account. The women are the one who suffered the massive abuse, violation of rights and difficulties during an armed conflict. So special attention need to pay to their plight.

8. The decade long conflict produced the vast number of internally displaced peoples. So special attention should be paid and government should follow UN guidelines to deal with the IDP.